

**PACKET**

**FEB 26**

**2018**



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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

**BOARD OF SELECTMEN**  
**Monday, February 26, 2018**  
**6:00 p.m.**  
**Wayland Town Building**  
**Selectmen's Meeting Room**  
**41 Cochituate Road Wayland**

## **Proposed Agenda**

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

- |         |     |  |
|---------|-----|--|
| 6:00 pm | 1.) | Call to order by Chair <ul style="list-style-type: none"><li>• Review agenda for the public</li></ul>  |
| 6:02 pm | 2.) | Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions, including grievance hearings, or contract negotiations with nonunion personnel; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to <i>Stephen Cass v. Town of Wayland, et al, USDC D. Mass., CA No. 1:17-CV-11441</i> |
| 7:00 pm | 3.) | Announcements and public comment   |
| 7:15 pm | 4.) | 2018 Borrowing and Debt Refunding: Vote to authorize refunding of bonds, approval of bond sale, award of bonds and the execution of documents by the Board of Selectmen and Treasurer; Discuss future debt decisions with Town financial advisor   |
| 7:30 pm | 5.) | Appointment: Interview and potential vote to appoint Pamela Roman to the Council on Aging – Community Center Advisory Committee  |
| 7:40 pm | 6.) | Town Administrator Search: Discuss RFP process for executive search firm   |
| 7:55 pm | 7.) | Wayland Housing Authority: Accept payment in lieu of taxes for the Bent Park and Cochituate Village apartments   |
| 8:00 pm | 8.) | Annual Town Meeting Petitioners' Article <ol style="list-style-type: none"><li>1. Duane Galbi, Lead Petitioner – Article 38: Property Tax Credit for Charitable Contributions to the Wayland School District</li></ol>   |
| 8:30 pm | 9.) | Loker Field Project: Meet with representatives of Recreation Commission  |

**BOARD OF SELECTMEN**  
**Monday, February 26, 2018**  
**6:00 p.m.**  
**Wayland Town Building**  
**Selectmen's Meeting Room**  
**41 Cochituate Road, Wayland**

**Proposed Agenda Page Two**

- 8:45 pm 10.) Annual Town Meeting Articles: Discuss and vote positions, possible withdrawals, and possible re-ordering of articles, including but not limited to
- 11: Lease in Excess of Three Years for Information Technology Network / Middle School Networking Capital Project
  - 20: Accept Gifts of Land
  - 21: Community Center at Town Center: Design, Construction and Bid Documents
  - 33: Zoning By-Law Amendment – Limited Site Plan Review
  - 34: Zoning By-Law Amendment - Off Street Parking
- 9:15 pm 11.) Town Administrator's Report
1. Correspondence
  2. Moody's Bond Rating
  3. Comcast: Ascertainment
- 9:30 pm 12.) Minutes: Vote to approve and release minutes of February 5, 2018 and February 12, 2018
- 9:35 pm 13.) Consent Calendar: Review and vote to approve
- 9:40 pm 14.) Correspondence: Review
- 9:45 pm 15.) Selectmen's reports and concerns
- 9:50 pm 16.) Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any
- 9:55 pm 17.) Adjourn





**Town of Wayland**  
Treasurer/Collector's Office  
41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778  
www.wayland.ma.us TEL. 508-358-3633

Date: February 22, 2018

TO: Nan Balmer-Town Administrator

FROM: Zoe Pierce, Treasurer/Collector

RE: Board of Selectmen Meeting-February 26, 2018

**BOND ISSUANCE**

**REQUESTED ACTIONS:**

Vote to award the bonds to the Underwriter offering the lowest True Interest Cost (TIC) to the town. The process is as follows:

- 1) The bond sale is set for 11:30am on Monday, February 26, 2018. At that time, after the verification process, the Treasurer will make a verbal award, and the bonds will be awarded. The Treasurer will sign a Certificate of Award.
- 2) Bond Counsel will provide the Town with the appropriate vote for the Board of Selectmen.
- 3) ***On Monday evening, the actual vote document will be provided to the Board,*** the Board will take that vote, and it will be signed by the Clerk of the Board. The funds will be available March 8, 2018.
- 4) By mid- week, the Treasurer will have all of the borrowing documents. It would be helpful if the BOS members stopped by during business hours on Thursday or Friday to sign, but signatures could be deferred to the meeting scheduled for March 6, 2018.

**BACKGROUND:**

These documents to be signed represent the standard forms required for any borrowing. After being signed, the Town Clerk will place the Town seal on the appropriate documents.

**(Pages 4 & 5 of the Offering Statement are attached, detailing authorization and use of the bond proceeds.)**

**SUMMATION OF BOND ISSUANCE-FEBRUARY 26, 2018**

1) Capital Project Bonds	\$ 3,635,000
2) Refunding Bonds	\$ 2,745,000
Total Bond Issuance	\$ 6,380,000



Principal and interest payments on securities deposited with DTC will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the issuer of such securities or its paying agent, on the payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC (nor its nominee), the issuer of such securities or its paying agent, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal and interest to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the issuer of such securities or its paying agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to securities held by it at any time by giving reasonable notice to the issuer of such securities or its paying agent. Under such circumstances, in the event that a successor depository is not obtained, physical certificates are required to be printed and delivered.

The Town may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository). In that event, physical certificates will be printed and delivered to Beneficial Owners.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the Town believes to be reliable, but the Town takes no responsibility for the accuracy thereof.

## **DTC PRACTICES**

The Town can make no assurances that DTC, Direct Participants, Indirect Participants or other nominees of the Beneficial Owners of the Bonds will act in a manner described in this Official Statement. DTC is required to act according to rules and procedures established by DTC and its participants which are on file with the Securities and Exchange Commission.

## **AUTHORIZATION AND USE OF PROCEEDS**

The Bonds are authorized for the following purposes:

**\$2,745,000\*** of the Bonds is authorized pursuant to Massachusetts General Laws, Chapter 44, Section 21A, and a vote of the Board of Selectmen expected to be taken on February 26, 2018 (the "Refunding Bonds"), in order to current refund and redeem on April 12, 2018, \$3,000,000 outstanding principal amount of the Town's \$8,525,000 General Obligation Bonds, dated February 12, 2008, and maturing on February 1 in the years 2019 through 2028, inclusive (the "Refunded Bonds"), at the par amount being redeemed and to pay interest accrued to the date of redemption and to pay the related costs of issuance.

*\* Preliminary, subject to change.*

The Refunded Bonds are as follows:

<b><u>Principal</u></b>	<b><u>Maturity</u></b>	<b><u>Coupon</u></b>	<b><u>CUSIP</u></b>
\$ 300,000	February 1, 2019	3.50%	944216UV0
300,000	February 1, 2020	3.50	944216UW8
300,000	February 1, 2021	3.75	944216UX6
600,000	February 1, 2023**	3.70	944216UZ1
600,000	February 1, 2025**	3.80	944216VB3
900,000	February 1, 2028**	4.00	944216VE7
<b><u>\$3,000,000</u></b>			

*\*\* Term bonds.*

**\$3,635,000\*** of the Bonds is authorized for the following capital purposes (the “Capital Project” Bonds):

- \$1,625,000 of the Bonds is authorized pursuant to Massachusetts General Laws, Chapter 44, Section 7(1), as amended, and a vote of the Town on April 3, 2017 (Article 22), to reconstruct the access road to the Town transfer station.
- \$ 720,000 of the Bonds is authorized pursuant to Massachusetts General Laws, Chapter 44, Section 7(1), as amended, and a vote of the Town on April 7, 2016 (Article 8), for the purpose of replacing the doors and windows at the Loker School.
- \$ 700,000 of the Bonds is authorized pursuant to Massachusetts General Laws, Chapter 44, Section 8(5), as amended, and a vote of the Town on April 2, 2017 (Article 6), for the purpose of replacing water mains in the Town. Debt service for this purpose is expected to be paid, in the first instance, from water system revenues.
- \$ 300,000 of the Bonds is authorized pursuant to Massachusetts General Laws, Chapter 44, Section 7(1), as amended, and a vote of the Town on April 2, 2017 (Article 6), for the purpose of Town wide road construction.
- \$ 190,000 of the Bonds is authorized pursuant to Massachusetts General Laws, Chapter 44, Section 7(1), as amended, and a vote of the Town on April 2, 2017 (Article 6), for the purpose of purchasing a new tractor for the Department of Public Works.
- \$ 100,000 of the Bonds is authorized pursuant to Massachusetts General Laws, Chapter 44, Section 7(1), as amended, and a vote of the Town on April 2, 2017 (Article 6), for the purpose of replacing a culvert in the Town.

### **SOURCES AND USES OF FUNDS**

The following table summarizes the estimated sources and uses of funds.

#### **Sources of Funds**

Par amount of the Refunding Bonds	\$2,745,000.00*
Par amount of the Capital Project Bonds	3,635,000.00*
Original Bond premium (discount)	.00
Transfers from Prior Issue Debt Service Funds	.00
<b>Total Sources of Funds</b>	<b>\$ .00</b>

#### **Uses of Funds**

Deposit to the Refunding Escrow	\$3,022,335.42
Deposit to the Capital Project account	3,635,000.00
Underwriter's discount	.00
Cost of Issuance	.00
Deposit to the Debt Service Fund	.00
<b>Total Uses of Funds</b>	<b>\$ .00</b>

*\* Preliminary, subject to change.*

### **OPTIONAL REDEMPTION**

Bonds maturing in the years 2019 through 2026, inclusive, are not subject to redemption prior to their stated dates of maturity. Bonds maturing on and after February 1, 2027, are subject to redemption prior to maturity, at the option of the Town, on and after February 1, 2026, either in whole or in part at any time, and if in part, by lot within a maturity, at par plus accrued interest to the date set for redemption.

**DATE:** February 26, 2018  
**TO:** BOARD OF SELECTMEN  
**FROM:** David Porter, Executive Assistant to the Town Administrator & Board of Selectmen  
**RE:** Appointment to the Council on Aging – Community Center Advisory Committee

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**VOTE: TO APPOINT PAMELA ROMAN TO THE COUNCIL ON AGING – COMMUNITY CENTER ADVISORY COMMITTEE, EFFECTIVE IMMEDIATELY, FOR A TERM TO EXPIRE ON JUNE 30, 2018.**

Pamela Roman has expressed interest in serving on the Council on Aging – Community Center Advisory Committee. Ms. Roman has lived in Wayland for 13 years. She has been active in the community, serving as a Girl Scout leader, coaching two soccer teams, and organizing Junior Warrior swim meets.

An experienced financial professional, Ms. Roman is the Director of Credit and Research at CYS Investments, where she manages counterparty credit risks. Her analytical skills and a demonstrated commitment to making Wayland a better place make her a strong candidate to serve on the COA-CC Advisory Committee.



Pamela B Roman  
44 Griscom Rd  
Wayland, MA  
[REDACTED]

February 16, 2018

Board of Selectmen  
Wayland, MA

Dear members of the Board of Selectmen,

I am writing to express my interest in applying for an open position on the Council on Aging / Community Center Advisory Committee.

My husband and I have been residents of Wayland since January 2005. We have two daughters aged 12 and 8 who attend the Wayland Middle School and Claypit Hill School, respectively. Like many who have found their way to Wayland, we were attracted to the town by its smaller/local size and feel, excellent schools, and its active, well-informed base of residents. We have not been disappointed. We love Wayland and have happily put down roots here as our daughters have grown and blossomed in the schools and we have made many friends and met interesting, hard-working people who care about the town and its people. Over the years, I've been a Girl Scout leader for 2 troops, I've coached youth soccer and have helped out at a number of Junior Warrior swim meets. I've truly enjoyed guiding and getting to know the kids and also working with a great group of interested, caring and dedicated parents. Like they say, 'you get what you give.' And really, I believe, you get *when* you give!

I originally hail from the small town of Redding in southwestern Connecticut (that also employs the town meeting form of government!) I attended and graduated from Boston College (BS, business management; concentration in finance & economics) and the University of Chicago (MBA, concentrations in finance and strategy). I spent my early years after college as an investment banker and then a sell-side equity research associate (making stock recommendations on some familiar names like Tribune, P&G and Colgate) in New York City. After about six years in the Big Apple, I was ready for a change and moved to Chicago to attend business school. Afterwards, I was looking for more work-life balance and headed to Fidelity Investments to be a credit analyst in the Fixed Income division based in Merrimack, New Hampshire. I covered US banks and made recommendations to money market and bond portfolio managers who managed over \$250Bn in assets. I met some great people during my three years at Fidelity including my husband Seth as well as my current boss.

For the last eleven years, I've worked at CYS Investments, a publicly traded mortgage REIT, as Director of Credit and Research. I received a call in 2006 from a former Fido portfolio manager who'd started his own business and I was the sixth 'hire' at the firm. My charge is to manage counterparty credit risk, or how much trading and funding exposure we have to the banks and broker dealers we face in our daily operations. I also oversee general research duties and report and make recommendations to our investment team on economic and regulatory developments that could affect our investments. I make periodic presentations to our board or directors and to investors and sell-side research analysts. I like my job and I love being connected to the dynamics of financial markets.

I'd like to build on my 'investment' in Wayland through community service. I think that my keen interest in making Wayland a better place along with my analytical skills and ability to break down problems and find a path forward would make me an asset to the CoA/CCAC committee. I've had the pleasure of attending the last couple of meetings and getting to know the committee members. They are a talented, dedicated and very capable group whom I'd like to help to make a community center in Wayland a reality. Having managed Scout groups and having many conversations with parents, I believe there is a real need and desire to have this sort of space available to residents for a number of uses. Please consider me for the committee.

Sincerely,

*Pam Roman*

Pam Roman

## **ARTICLE 38: PROPERTY TAX CREDIT FOR CHARITABLE CONTRIBUTIONS TO THE WAYLAND SCHOOL DISTRICT**

*Proposed by: Petitioners*

*Estimated Cost: Revenue neutral*

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation pursuant to Article 89 of the amendments to the Massachusetts Constitution in substantially the following form, provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition:

### **AN ACT RELATIVE TO THE PAYMENT OF CHARITABLE CONTRIBUTIONS IN LIEU OF TAXES IN THE TOWN OF WAYLAND**

Section 1. Notwithstanding any general or special law to the contrary, the Town of Wayland shall be permitted to accept charitable contributions to the Wayland School District general fund from a taxable entity and to grant said entity a property tax credit up to the total amount of said charitable contribution, provided the maximum tax credit granted to any such entity will not exceed the taxable entity's current year Wayland tax bill multiplied by the fraction of the Town of Wayland tax revenues which are appropriated to the Wayland School District.

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

#### **FINANCE COMMITTEE COMMENTS:**

This article is asking the Town to petition the General Court to pass a special act permitting the Town to set up a mechanism whereby the Town would grant a property tax credit in return for a charitable contribution given to the Wayland School District. The Town's Counsel has opined that, under Massachusetts State Law, the Town does not have the authority to give a property tax credit in return for a charitable contribution to the schools. Therefore, to make this happen, the Town would be required to obtain special legislation. The motivation for this request is basically to circumvent the newly enacted federal tax legislation that limits the deductibility of state and local taxes.

The recently enacted Tax Cuts and Jobs Act (TCJA) limited the deduction for state and local taxes, the so-called SALT deduction, to \$10,000 which hurts high income tax payers living in jurisdictions with high state and local taxes. So lawmakers from some of these high tax states are considering responses to the new tax law with proposals similar to the one being proposed by the petitioners of this article.

The petitioners of this article are proposing a mechanism that might work as follows:



1. The taxpayer makes a charitable contribution to the Wayland Public Schools (WPS). The School Committee has the mechanism in place for accepting and processing such cash contributions.
2. The Town gives a matching property tax credit to the tax payer that made the contribution. The property tax credit would be limited by a matching percentage (MP), which could be less than or equal to 100%. The amount of the tax credit is further limited to the fraction of total Town taxes that are allocable to the Schools. Thus, if the Schools were 50% of the total Town budget, and if the taxpayer's total property tax bill were \$10,000, then a \$5,000 contribution to the WPS would result in property tax credit equal to \$5000 times MP. Contributions higher than \$5,000 would max out at that amount. Contributions lower than \$5,000 would result in a property tax credit equal to the contribution times MP.
3. Charitable contributions to the WPS continue to be fully deductible under TCJA. The tax payer then deducts that contribution from their Federal tax return.
4. The tax payer has thus transformed a non-deductible expense into a deductible expense,

The problem with this proposal is that it may not work. Treasury Secretary Steven Mnuchin has called such ideas "ridiculous". Some reasons why the idea might not work are:

1. Taxpayers typically can't get a deduction from the IRS for a donation when they get something of value in return
2. The "substance over form" argument suggests that this is impermissible because the intent is to increase the itemized deduction, not to make a charitable contribution. Hence it's not a bona fide charitable contribution.
3. The Treasury is unlikely to let these schemes go unchallenged because they involve too great a potential loss in revenue. Such challenges could take the form of unfavorable guidance or the threat of disallowance pursuant to an audit.

On the other hand, it's not totally clear that the concept won't work. For example, in Massachusetts, a tax credit is allowed for qualified donations of certified land to a public or private conservation agency. This is the so-called "Conservation Land Tax Credit". The credit is equal to 50% of the fair market value of the qualified donation not to exceed \$75,000. A central federal income tax question raised by these donations is whether the donor must reduce the amount of the charitable contribution deduction claimed on her federal income tax return by the value of state tax benefits generated by the gift. According to judicial and administrative pronouncements issued over several decades, state tax credits like the above are treated as a reduction of the credit recipient's state tax liability rather than as a receipt of money or other item of gross income. Under such an interpretation, the tax payer could deduct the gross contribution to the conservation agency.

The petitioner is basically asking the General Court to permit the Town to grant a property tax credit in return for a contribution to the WPS. And the petitioner would seek to apply a similar logic as that which applies to the Conservation Credit, namely that such municipal tax credits be treated as a reduction of the credit recipient's municipal tax liability rather than as a receipt of money, property, contribution to capital, or other item of gross income.

**ARGUMENTS IN FAVOR:** If the concept works, it becomes a valuable tax mitigation strategy.

The tax courts have supported similar programs under the Full Deduction Rule which could be applied in this case.

If the Town votes to endorse such a program, then the Wayland vote sends a message to the State Legislature to adopt such a mechanism on a state wide basis. However, there is no assurance that the state legislature will take up the program.

If this concept works, then by a judicious selection for the value of MP, the Town could get additional revenue.

**ARGUMENTS OPPOSED:** It is more likely than not that such a strategy will be challenged by US Treasury Department and subject the taxpayer to defend the deduction taken. Hence any effort expended to effect this program, such as passing a special act is not likely to be a productive use of time, money and resources.

There would be some work involved to put this program into effect such as requiring a small amount of initial legal work and setting up a separate charitable trust to receive these funds in order to segregate them from other donations to the WPS.

The budgeting process would have to be modified. Budgets are set in the beginning of the fiscal year. How do you transfer money donated to the schools, which increase their general fund, back to the Town or reduce the school funding from the Town for the amount contributed. What happens to the Town's cash flow for timing differences between the date of the contribution and the date the taxes are due?

Governors in California and New York have indicated they are investigating various strategies to address the SALT limitation. It might be a better to wait until they have established a strategy and then determine a course of action.

Some would argue that it would be preferable if such a strategy were undertaken at the state level rather than the local level.

Taxpayers are unlikely to make such a donation until the efficacy of this strategy is tested in the tax courts. Hence there will likely be a low initial demand for this transaction. Moreover, a taxpayer who does actually employ this strategy will be exposed to penalties and interest if the deduction is disallowed.

Do we risk cannibalizing the flow of conventional charitable contributions currently being made to WPS?

If the Town were to set up such a program, some taxpayers might conclude that the Town was endorsing this unproven program, and so set itself up for subsequent lawsuits if the deductibility of those charitable contributions is subsequently disallowed. The Petitioners have pointed out that such a risk could be mitigated by a signed waiver acknowledging that possibility.

**RECOMMENDATION:** The Finance Committee does not recommend approval. Vote 0-6-0

**Quantum of Vote:** Majority.



**ARTICLE 29: CONSTRUCTION OF SYNTHETIC TURF ATHLETIC FIELD AT  
LOKER CONSERVATION & RECREATION AREA**

*Proposed by: Recreation Commission*

*Estimated Cost: \$2,000,000*

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 the permitting, design, engineering, and construction of a multi-purpose synthetic turf athletic playing field at the Loker Conservation & Recreation Area including playing surfaces, lighting, drainage, landscaping, access and parking and any and all other costs incidental or related thereto;
- 2) determine whether said appropriation should be provided by taxation, transfer from unappropriated funds, transfer from available funds appropriated for other purposes, by borrowing, or otherwise;
- 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; and

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.

**FINANCE COMMITTEE COMMENTS:**

The purpose of this article is to fund a multi-purpose synthetic turf athletic field at the Loker Recreation Area, described in the Sponsor's Comments, above. According to Wayland's Recreation Commission, the major reasons that they are promoting this project are the following:

- 1) To provide appropriate fields to meet the current demand of Wayland users.
- 2) To alleviate the overuse of existing recreation facilities in Wayland.
- 3) The addition of a turf field, with lighting, would allow more evening hours on the field; which will become increasingly important if Wayland Public Schools follow the national trend to shift school start times to later in the day.
- 4) To allow for the rehabilitation of existing recreation fields that need repair. Existing conditions are deteriorating and deficient. Rehabilitation would ensure safer playing venues for all Town residents.
- 5) To provide continuity of programming for practice and competition within the Town during the period the High School athletic facilities and fields may be under construction (see Articles Y and NN in this Warrant).



- 6) To allow the Recreation Department to enhance and expand current program offerings for preschool, adult and senior groups.

At Special Town Meeting in November 2017, residents approved an article for the allocation of \$154,000 of Recreation Stabilization Funds to design a synthetic turf athletic playing field at Loker Conservation & Recreation Site. The design work is anticipated to be 75% complete by April 2018. The Recreation Commission recommends construction of a synthetic turf multi-purpose athletic field on the recreation portion of the Loker Site including lighting, drainage, landscaping, access and parking.

The Town acquired this 28.20 acre site from the Dow Chemical Company in 2000. Most of the proposed area for construction of the new field is a vacant lot of flat open land that is deeded for recreational use. At Annual Town Meeting in 2004, 8.37 acres of this property was delineated for recreational use. All of the premises are conveyed with the limitation that the premises be used only for recreation and conservation uses. The parcels contain a restriction that they 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.

The Town has contracted with Weston & Sampson for the design of this project. The OpM (Owner's Project Manager) is LeftField, LLC who is working with Weston & Sampson to oversee this project. Construction documents will include detailed plan drawings and technical specifications from which bids can be obtained and the project can be constructed. All required permits will be obtained through this process. This will include conservation permits for land disturbance and wetlands and water protection, which are typical permits for similar types of developments. A traffic study will be conducted to measure traffic and pedestrian flow. Site Plan Approval will include considerations for lighting, drainage, bathroom facilities, traffic, noise, access, signage, and parking. At the time the Finance Committee discussed this Article, in mid-February, there were concerns that the project may not be far enough along in its design process by Town Meeting to provide voters with enough information to understand various cost and design issues discussed herein.

Residents have expressed concerns regarding this project for the following reasons: i) health concerns raised by many across the United States with regard to the potential that materials in the synthetic turf, and particularly crumb rubber, may be carcinogens; ii) health concerns caused by synthetic fields becoming too hot in summer months; iii) environmental concerns from the runoff of water from the turf fields; and iv) the impact upon residents who live near the facility who could be impacted by traffic, noise and lights.

This project was initially scheduled as part of the Finance Committee's capital plan for Fiscal Year 2021. It is proposed to be accelerated, in part, due to the possibility that in conjunction with the construction for new playing fields at Wayland High School (see Articles Y and NN of this Warrant), it could offset costs of bussing students to other communities to use their athletic fields, thereby saving on transportation costs and field rental costs. It is not clear at this time the extent to which the fields at the Loker Recreation Area would offset some of those costs, as is it not clear that this area could provide a full size football field or enough size for other official athletic events at the high school level.

Subsequent to the date this Article went to print, the Town's engineering consultant, Weston & Sampson, is scheduled to hold a forum in Wayland to discuss the concerns raised with regard to the various materials that might be used as infill for a synthetic turf field (this meeting had to be postponed due to a personal issue impacting the presenter). In addition, a report from the EPA, or affiliated with that agency, had been expected by the end of 2017, and that report is now expected to be made public in 2018. While no scientific evidence has been presented demonstrating that crumb rubber is a carcinogen or other health hazard, some have raised concerns, based upon anecdotal reports, that the material could be a health hazard; and therefore, the Town should wait for this report to be published before taking a vote on a field that could be constructed using this material.

Both the Recreation Commission and the Schools have indicated that the number of residents requesting field usage in Wayland has been increasing. While the cost of developing a synthetic turf field is estimated to be two to two and one-half times the cost of a grass field, this additional upfront cost is more than offset by: i) a combination of the benefits of lower annual maintenance costs; ii) the need for fewer synthetic turf fields than grass fields; and iii) the ability to attain significantly greater playing time on synthetic turf fields than on grass fields. The level of overall cost savings varies, depending upon assumptions such as the number of additional hours for which synthetic turf can be played upon compared to grass fields and the actual annual maintenance cost for each; however, such arguments suggest that the cost savings is by a factor of 1.5 to 3.0 times for synthetic turf over grass, over an estimated 10-year life of a synthetic turf field (see the information in the Weston and Sampson report provided as an Exhibit to Article J of the November 2017 Special Town Meeting Warrant).

Maintenance of natural areas, trash and recycling, restroom facilities 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.

The Board of Selectman have assigned this Project to be managed by the Permanent Municipal Building Committee ("PMBC") in conjunction with two phases of the Wayland High School Athletic fields renovation; Articles Y and Article NN.

An exhibit with the design schematics for this project can be found in Appendix X of this warrant. ---SLIDE 1

This is Assessor's Parcel 49-064B; it is a vacant parcel of land and is accessible from Route 30, just east of the intersection of Route 30 and Rice Road.

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

The Recreation Commission recommends approval. (Vote 4-0-0)  
The Board of Selectmen recommends approval. (Vote – x-y-z)

### **ARGUMENTS IN FAVOR:**

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.)

The addition of a synthetic turf field will greatly enhance the availability of playing fields in Wayland, as described in the Finance Committee comments, above.

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 of current fields.

Data from the Recreation Commission demonstrates that the demand for playing fields has increased significantly in recent years, putting a strain on existing facilities and not allowing for additional programming that is of interest to residents.

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, and is likely to save on transportation costs of transporting high school athletes to fields in other communities.

Constructing this project now, in conjunction with the proposed High School field renovations (Articles Y and NN), will maximize financial efficiencies;

### **ARGUMENTS OPPOSED:**

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 2018. Some would argue that we should await the results of that study.

Synthetic turf fields can become too hot for safe usage when temperatures are high, which could be a safety factor.

Some have raised concerns about synthetic turf fields' potential leaching of infill material that could impact nearby wetland resources.

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.

Neighbors have raised concerns about the negative impact of increasing traffic, noise, security and lighting.

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.

**RECOMMENDATION:** The Finance Committee recommends against. (Vote 0-5-2)



**Quantum of Vote:** Majority – see Massachusetts General Laws Chapter 44, Section 53 and Chapter 44, Section 33B. Two-thirds vote if borrowing see Massachusetts General Laws Chapter 44, Sections 2, 7, and 8.

**ARTICLE 11: AUTHORITY TO ENTER INTO CONTRACT FOR IT NETWORK**

*Proposed by: Board of Selectmen*

*Estimated Cost: \$242,000*

To determine whether the Town will vote to authorize the Board of Selectmen 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 and determine whether said appropriation should be provided by borrowing, taxation, transfer from unappropriated funds, transfer from available funds already appropriated for other purposes or otherwise.

**Quantum of Vote:** Majority – see Massachusetts General Laws Chapter 30B, Section 12 and Chapter 40, Section 5.

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## ARTICLE 20: ACCEPT GIFTS OF LAND

*Proposed by: Board of Selectmen*

To determine whether the Town authorizes the Board of Selectmen, with approval by Town Counsel as to form, to acquire by gift, purchase, eminent domain or otherwise, for municipal purposes, on such terms and conditions as the Board of Selectmen deems appropriate, land including the fee or any lesser interest in all or any part of the parcels of land and the buildings and other structures identified as Lot 3-1, shown on a plan prepared by the Town Surveyor entitled "Plan of Land Wayland, Massachusetts Showing Proposed Municipal Parcels" dated July 21, 2015 and recorded with the Middlesex South Registry of Deeds as Plan 616 of 2015, and Parcel 14, shown on a plan prepared by Hancock Associates entitled "Plan of Land in Wayland, MA" dated January 20, 2012, recorded with the Middlesex South Registry of Deeds as Plan 305 (1 of 2) of 2012 on file with the Town Clerk, and further to authorize the Board of Selectmen to execute any and all documents as may be necessary or convenient in relation thereto or take any action relative thereto.

**FINANCE COMMITTEE COMMENTS:** This article allows the Board of Selectmen, on behalf of the Town, to accept two parcels of land, approximately 7.75 acres, as gifts from Twenty Wayland LLC for municipal purposes. The two parcels being considered are shown on the map in Appendix XX and described as:

"Informal Town Green"	Parcel 3-1 (also known as Map 23, Lot 052I), approximately 1.75 acres. Assessed value of \$35,600.
"Northern Fields"	Parcel 14 (also known as Map 23, Lot 052O), pproximately 6 acres. Assessed value of \$47,900; large portion of which is wetlands.

Passage of this article and ultimately closing on the parcels accepted in this article and on those authorized for acceptance in the November 2015 Special Town Meeting (STM) vote will give the Town ownership of land including the "Municipal Parcel" and nearby areas.

The "Informal Town Green" (Lot 3-1) is the area in Town Center known as the town green and is maintained by the retail owner as required by a recorded document. This legal arrangement will continue if the parcel is accepted as a gift. Currently, while the retail portion of Town Center is owned by Zurich Asset Management, the town green is still owned by Twenty Wayland LLC. Twenty Wayland LLC has not allowed community events on the town green for the past two summers. However, the Planning Board's Master Special Permit calls for this area to "be open to public use." It is the Board of Selectmen's intent to have this be public space again.

The "Northern Fields" (Parcel 14) area provides linkage from Town Center to Cow Commons conservation land. While most of the parcel is wetlands, there are some upland areas. The Board of Selectmen has not discussed potential uses for this parcel and further research is required to determine legal restrictions on usage other than as open space.



Each of these two parcels considered by this article is part of the RTNs (Release Tracking Number) assigned to Raytheon Company and covering the entire ±83 acre property, which Raytheon occupied as of 1995. The “Northern Fields” currently has existing groundwater monitoring wells as part of an ongoing monitoring program. Raytheon is responsible for these wells, but its primary environmental consultant, ERM, is conducting the maintenance and ultimate decommissioning.

It may be helpful to understand the background of why Town Meeting is being asked to consider accepting the gift of these two parcels. The Town entered a Development Agreement with Twenty Wayland LLC in March 2006 and amended it in October 2009. In 2015, Twenty Wayland LLC sold the retail portion of Town Center to Zurich Asset Management retaining ownership of eight other parcels in this area. The Town’s relationship with Twenty Wayland LLC continued after the sale to Zurich as terms of the Development Agreement and other Town reviews (notably the Conservation Commissions’ Order of Conditions) are still open. The Board of Selectmen entered settlement discussions with Twenty Wayland and delayed acquiring the parcels as approved at November 2015 STM and any plans for repurposing the building on the Municipal Parcel until a settlement agreement was signed.

The Board of Selectmen has now finalized negotiations with Twenty Wayland LLC resulting in a settlement to bring to closure the terms of the 2006 development agreement. One aspect of the agreement gifts the Town eight parcels for municipal and conservation purposes, totaling over 24 acres with approximately half for conservation purposes. Under the agreement, the Town reserves the right to complete title and environmental review prior to the closing date of June 30, 2018.

These eight parcels to be gifted are shown in a map in Appendix XX and described below. Only the first two are under discussion at this Annual Town Meeting (ATM); the other information is provided to facilitate Town Meeting’s understanding of the larger relationship.

<u>Date</u>	<u>Action Required</u>		<u>Known As</u>	<u>Assessor's Map</u>		<u>Acres</u>
ATM Apr 2018	Accept Gift of Land	1	Northern Fields	23, Lot 052O	Parcel 14	6.00
		2	Informal Town Green	23, Lot 052I	Lot 3-1	1.75
ConCom 2018	Accept Gift of Land	3	Meadow Management Conserv.	23, Lot 052P	Parcel 15	2.00
		4	Restriction	23, Lot 052Q	Parcel 16	10.27
STM Nov 2015	Approved	5	Formal Town Green	23, Lot 052K	Lot 8-1	0.43
		6	Municipal Parcel	23, Lot 052L	Lot 4-1	1.96
		7	Off Andrew	23, Lot	Parcel R-	1.48

	Avenue	052S	20-1	
		23, Lot		
8	Green Area	052M	Lot 9-1B	<u>0.32</u>
				24.21

Land gifted for conservation purposes does not require a town meeting vote to be accepted. On August 24, 2017, the Conservation Commission voted 5-0 in favor of the following:

The Wayland Conservation Commission accepts the gift of Parcel 15 (Map 23, Lot 52P) and Parcel 16 (Map 23, Lot 52Q) shown on a plan prepared by Hancock Associates entitled "Plan of Land in Wayland, Ma" dated January 20, 2012, recorded with the Middlesex South Registry of Deeds as Plan 305 (1 of 2) of 2012 contingent upon the Grantor assigning any and all environmental indemnification agreements to its benefit relative to any environmental contamination.

**ARGUMENTS IN FAVOR:** Accepting this potential gift of land brings the Town almost eight acres of land in the Town Center providing land for both municipal and public use, including the potential for Town facilities and access to existing conservation land.

Allowing the Town to own the "Informal Town Green" area will allow it to be used for public events, which has not been allowed by the present owner. This will allow the Town to have a presence in Town Center.

Accepting the gifts of land under this Article will give a path to complete Wayland's relationship with Twenty Wayland LLC after more than 12 years.

Passage of this article and accepting the land (together with the parcels being gifted to Conservation) will create a connection between Town Center, the Rail Trail/bike path and Cow Commons, thereby making a usable connection between various recreational properties. Town ownership and usage of this land might actually add value and therefore tax revenue to the town.

**ARGUMENTS OPPOSED:** Some would argue that we should not remove this land from the tax rolls. The total value of these two parcels is \$83,500 (estimated at \$1,500 in tax revenue annually.)

Some may be uncomfortable accepting a gift of land when environmental groundwater monitoring is still ongoing even though the Town is not the responsible party.

There are usage limitations on some of the parcels due to deed restrictions and wetlands.

**RECOMMENDATION:** The Finance Committee recommends approval. (Vote 7-0-0)  
The Board of Selectmen recommends approval. (Vote 5-0)

**Quantum of Vote:** Majority – see Massachusetts General Laws Chapter 40, Section 14. If appropriation required, two-thirds – see Massachusetts General Laws Chapter 40, Section 14.

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## **ARTICLE 21: COMMUNITY CENTER AT TOWN CENTER: DESIGN, CONSTRUCTION AND BID DOCUMENTS**

*Proposed by: Board of Selectmen*

*Estimated Cost:\$470,000*

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, Lot 8-1 and Lot 9-1B shown on a plan prepared by the Town Surveyor entitled "Plan of Land Wayland, Massachusetts Showing Proposed Municipal Parcels" dated July 21, 2015 and recorded at the Middlesex South Registry of Deeds as Plan 616 of 2015," 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) 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.

**FINANCE COMMITTEE COMMENTS:** Passage of this article will appropriate \$470,000 to be used to prepare construction and bid documents for a multi-use Community Center to be built at Town Center. The proposal is to use the existing approximately 10,250 sq. ft. building on the "municipal parcel". The motion contains a contingency that no funds will be expended until the Town acquires control of the three named parcels and achieves satisfactory environmental testing. Special Town Meeting (STM) in November 2015 has already authorized the Board of Selectmen to acquire these three parcels shown in a map in Appendix XX.

At Annual Town Meeting (ATM) in April 2015, Article 26 appropriated \$150,000 for conducting due diligence and feasibility design for a proposed Council on Aging/Community Center. During discussion on town meeting floor, residents also asked that additional environmental testing be completed regarding levels of PCBs.

A similar request for project funding has been in front of town meeting before. At April 2016 ATM, Article 21 also considered funding design, construction and bid documents for expanding the existing building to 21,000 sq. ft. on the "municipal parcel" at Town Center. While the motion received a majority vote (165-115), it did not meet the threshold of a 2/3 majority needed for borrowing and the motion failed to pass.

In November 2017, the Board of Selectmen re-formed the Council on Aging/Community Center Advisory Committee (CoA/CCC) and referred this project to the Permanent Municipal Building Committee (PMBC).

The requested appropriation of \$470,000 is estimated to be spent in the following manner under the guidance of the Public Buildings Director and PMBC:

Design Funding through the Bid Phase (80% of design fee)	\$311,500
Design Contingency	\$25,000
Printing cost	\$38,500
Kitchen Design	\$10,000
Owner's Project Manager (Design/Bid Stage)	\$45,000
ConCom Engineering	<u>\$40,000</u>
Total	\$470,000

The CoA/CCC has worked on this proposed project since May 2015, and several of these residents, along with others, have been looking at this for many years. Since 2006, the plan for the Town Center development has included this benefit of a municipal building pad gift. The Board of Selectmen has entered a settlement agreement in February 2018 that gives a path to acquiring this land by gift by June 2018. This proposed use of the land and building is consistent with the goals set forth by the Town in planning for a municipal use at the Town Center property, which was to create a mixed-use project that would be a gathering place and attract residents of Wayland for a multitude of purposes, including residences, shopping, dining and gathering for recreational and other activities, all in walking distance to one another.

The proposed Community Center will be designed as flexible space that will serve citizens of all ages by managing program schedules. The Recreation Department and Council on Aging (CoA) staff can work together to coordinate the use of shared space and resources so that the facility is used to its full potential and services can be streamlined by the Recreation and CoA staff through joint planning.

Additionally, the Community Center will serve unmet needs of the CoA and Recreation Departments as well as other organized community groups that compete for meeting space. Both departments currently operate in below-standard facilities. Of the twelve peer towns recognized by the Finance Committee, all have separate CoA facilities, and ten have community centers. One of the two that does not yet have a community center, Lincoln, is in the process of planning a combined CoA/Community Center, similar to the project that is proposed in this article. Wayland will be the only one of our twelve peer towns that does not have a facility of this type.

The need for space for the CoA is acute and growing. Wayland's senior population is expected to continue to grow until 2030. Already more than twenty-five percent of Wayland residents are



60+ years old and eligible for local, state, and federal programs and services. Residents also use the CoA to understand and seek services for their aging parents. State guidelines recommend provision of 5 to 6 sq. ft. per senior, while Wayland's underserved seniors are squeezed into 2800 sq. ft. in the Town Building plus a patchwork of other spaces. Our peer towns provide an average of 2 sq. ft. per senior resident in their facilities; Wayland provides 0.66 sq. ft. per senior resident.

In addition to the lack of space for general activities, the CoA is currently unable to provide sufficient private meeting and record storage space for services requiring confidentiality, such as Medicare enrollment, fuel assistance, etc. In some cases, Wayland residents are sent to other communities for these services or hold confidential meetings in unheated closets.

The Town also needs more space for organized group activities. Participation in organized activities continues to rise, especially among younger residents and children, and the Town has little space for these groups to meet. Wayland's 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. Some examples are the Girl and Boy Scouts, Wayland Dads and Wayland Children and Parents Association (WCPA).

The Community Center would also dedicate space to assist Veterans and their families in obtaining benefits and services for which they are entitled. Currently, The Wayland Veterans agent meets weekly in a conference room and Wayland has no other space dedicated for veteran services.

Locating the senior/community center at the municipal pad increases its visibility and 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.

The Wayland Real Asset Planning Committee (WRAP) opined on the municipal parcel in its June 2017 report. They reported that the property is centrally located to the privately-owned Town Center development, zoning is in place for municipal use, utilities are stubbed to the property line, and wastewater capacity of 3000 gpd is available. Items to consider include that parking needs to be constructed, the property is within a Zone II protection area, there are wetland and riverfront areas to consider, and the Town needs to obtain ownership of the parcels/building.

Some residents have raised concerns about past environmental concerns at this site. Previous environmental studies determined that there were PCB levels at a portion of the site that were above reportable levels set forth by the Department of Environmental Protection (DEP). More recent testing in 2015 determined that PCB levels were below DEP reportable levels. Some residents still expressed concern that the testing was not as extensive as it should have been. Therefore, additional testing was completed in December 2017 (paid for with the 2015 appropriation) and the results are available here:

[https://www.wayland.ma.us/sites/waylandma/files/uploads/soil\\_sampling\\_report.pdf](https://www.wayland.ma.us/sites/waylandma/files/uploads/soil_sampling_report.pdf).



The summary states:

“These statistical calculations demonstrate that the average EPC for total PCBs in surficial Site soils is less than 1 mg/Kg, which is DEP’s Method 1 risk characterization standard for category S-1 (unrestricted use) soil. This means that as far as PCBs in soil are concerned, any future use of the Site would meet the DEP requirement of No Significant Risk of harm to health, safety, public welfare or the environment. “

Some residents have expressed concern with the proximity of the building to the Sudbury River. Any development will first need to be approved by a future Town Meeting (for appropriation of funds) and then go through standard permitting with Town boards. The CoA/CCAC will work with the Conservation Commission to ensure that future improvements to the property are in compliance with wetlands and riverfront setback requirements.

**ARGUMENTS IN FAVOR:** The proposal represents a unique opportunity for the Town to take advantage of an existing building at Town Center that studies have shown is in relatively good condition and can be renovated at a cost that is significantly less than the cost of constructing a new building.

The Council on Aging has requested additional space for its services for many years. The space currently available to them is one-tenth the size recommended by the State and significantly less than other towns of comparable size to Wayland.

The existing building at the municipal pad at the Town Center represents an optimal, well-located, cost-effective way to meet this essential need. It is readily adaptable, and can be finished for a new use at a lower cost than the construction of a new facility. Residents of all ages in Wayland have actively pursued a Community Center in Wayland for multi-generational programs and recreational activities.

This project is appropriately sized and designed for multi-users to respect the fiscal constraints on the Town. For instance, the proposed project will reuse the existing 10,000 sq. ft. building on the “municipal parcel” rather than expanding the building to 21,000 sq. ft. as was turned down by Town Meeting two years ago in April 2016.

Since 2006, the plan for the Town Center mixed use development has included a municipal building on the municipal pad. The BoS has completed negotiations with the owner and has a path to acquire the land by gift by June 2018. The timing is right to move forward with specific planning for community uses on the site.

This use would be consistent with the goals of the Town in acquiring the Town Center municipal parcel.

The CoA provides elder services recommended by the Older American Act. The current space fails to provide minimum accommodations 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.

The Finance Committee is recommending that the design and document phase be funded with free cash; therefore, passage of this article does not directly impact taxes or the tax rate.

**ARGUMENTS OPPOSED:** Some may feel that the Town cannot afford to spend money on a significantly 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 and indoor recreation and gathering facilities is not a priority at this time.

Some fear that the site selected may have unresolved 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.

**RECOMMENDATION:** The Finance Committee recommends approval. (Vote 7-0-0)

The Board of Selectmen recommends approval. (Vote 5-0-0)

The Council on Aging Board recommends approval. (Vote 7-0-0)

The Recreation Commission recommends approval. (Vote 5-0-0)

The Permanent Municipal Building Committee stated that the project scope and budget appear to be appropriate and ready to go forward as defined in the CoA/CCAC drawings and specifications.

**Quantum of Vote:** Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B. For borrowing, two-thirds vote– see Massachusetts General Laws Chapter 44, Sections 2, 7 and 8.

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## **ARTICLE 33: LIMITED SITE PLAN REVIEW – ZONING AMENDMENT**

*Proposed by: Planning Board*

To see whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

### **I. SECTION ONE**

Strike Section 603.3 and replace it with the following:

#### **603.3**

Notwithstanding Section 601.2, *supra*, any proposed nonprofit educational, agricultural, religious, or child care uses of land protected under G.L. c. 40A, §3 ("Section 3 Uses") shall be subject to site plan review under Article 6, which shall be consistent with those statutory provisions. The purpose of this Section is to ensure that all such uses and facilities are reasonably regulated in regards to bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage.

#### **603.3.1**

In reviewing the site plan submittal for a Section 3 Use, the following issues shall be considered:

(a) the bulk and height of any proposed structures and accessory structures, adequacy of open spaces, the building coverage on the site, yard sizes (setbacks) and lot areas.

(b) the physical layout of the structures, driveways, parking areas, utilities and other infrastructure; and

(c) the adequacy of the arrangement of parking and loading areas in relation to the proposed use of the site.

#### **603.3.2**

Site plan review of a Section 3 Use shall be by the Planning Board ("Board"). Subject to the limitations of G.L. c. 40A, §3, the Board shall impose any such conditions, limitations, and safeguards as it deems appropriate to protect the interests of, and consistent with, the planning objectives for the underlying zoning district.

### **II. SECTION TWO**

In Section 802, Table of Permitted Uses, amend footnote "1" to read as follows: "Site plan review shall be limited as set forth under Section 198-603.3 of this Zoning Bylaw."

### **III. SECTION THREE**

In Section 606.3, first sentence, replace the term "Building Inspector" with "Planning Board."



#### IV. SECTION FOUR

In Section 802, Table of Permitted Uses, row 16, under the column "Site Plan Review," change the designation from "NR" to "R<sup>1</sup>."

**ARGUMENTS IN FAVOR:** This zoning amendment fills a regulatory gap in our existing Zoning Bylaw by requiring educational, agricultural, religious, and day care land use development projects to undergo a site plan review process managed by the Planning Board, which members are Wayland residents who are elected rather than appointed. The Planning Board will have the authority to impose reasonable conditions and restrictions to protect the planning goals and objectives embodied by the Zoning Bylaw. Without this amendment, such uses could be expanded, without appropriate scrutiny or oversight, to include ancillary or incidental components that may create undesirable impacts on the town or the immediate residential neighborhood, such as illuminated athletic fields and musical entertainment facilities, commercial or retail buildings, or large parking lots. The current Bylaw leaves the review of these facilities to the appointed Building Commissioner, without a public hearing or an enforceable zoning decision.

**ARGUMENTS IN OPPOSITION:** Some may argue that the Building Commissioner's review is sufficient, and that creating a Planning Board review process will add delay to construction of otherwise worthy projects. Further, the Carroll School experience was favorable without the need for this level of review.

Vote of the Planning Board: 4-0

**Quantum of Vote:** Two-thirds - see Massachusetts General Laws Chapter 40A, Section 5.

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## **ARTICLE 34: OFF STREET PARKING – ZONING AMENDMENT**

*Proposed by: Planning Board*

To see whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

### **I. SECTION ONE**

Add a new Section 506.1.11 as follows:

The Site Plan Approval Granting Authority (SPAGA) may, through a site plan review decision under Article 6 of the Zoning Bylaw, permit any or all of the off-street parking spaces required under this Section 506.1 to be: (a) identified on a site plan and reserved to be encumbered permanently from any inconsistent uses but not constructed until the actual need or demand for such spaces is determined by the SPAGA, and/or (b) provided on a different parcel of land than the underlying principle use, provided that the SPAGA finds that the location of the parking spaces is sufficiently proximate to the underlying principle use so as to be safe and convenient to the general public. In making a decision under this Section 506.1.11, the SPAGA shall consider the following factors: the need to minimize congestion on public and private ways, the need to provide sufficient parking to satisfy parking demands, and the interest in minimizing impervious surfaces and providing appropriate natural buffer areas and open space.

### **FINANCE COMMITTEE COMMENTS:**

This zoning amendment provides flexibility in the creation of parking spaces serving commercial and other large-scale development projects in Wayland. Wayland's default requirement of one parking space per 140 square feet for general retail and commercial establishments is more onerous than most of our peer communities, resulting in the creation of larger parking lots than what is really necessary. For the new CVS pharmacy project at 150 Main Street in Cochrane Village, the Planning Board required the Applicant to not construct the parking spaces shown on the site plan along Main and West Plain Streets, and instead install a vegetated landscaping buffer. The Board "banked" these parking spaces for future construction, if demand necessitated them. The Building Inspector questioned the Board's authority to land bank parking spaces.

This Bylaw Amendment codifies the sensible approach of reserving area on a project site for parking until the demand for the spaces is justified based on actual traffic conditions. This approach preserves open spaces, trees and natural vegetation, minimizes the creation of unnecessary impervious surfaces, and affords opportunities to screen commercial development from neighboring residential areas.

Any decision by the Planning Board with regard to this article would be incorporated as part of the recorded deed for the Property.

The Planning Board recommends approval. (Vote 4-0-0)

Board of Selectmen recommends approval. (Vote x-y-z)

**ARGUMENTS IN FAVOR:**

This zoning change would provide flexibility for the Planning Board to provide for more open space and landscaped areas, providing for more attractive developments with less hardscape.

Wayland's bylaws provide for a greater parking requirement than zoning requirements in many other cities and towns across the United States, and this zoning change would make Wayland more consistent with other communities.

There is a trend in many cities and towns to reduce parking requirements, as there is a move towards less parking as more people use alternative forms of transportation, such as Uber, for their transportation needs; thereby reducing the need for parking.

**ARGUMENTS OPPOSED:**

Some have argued that by reducing the requirement for parking spaces, the Planning Board would be creating an environment in which it would be easier for developers to build larger structures on sites than would have been possible if more of the site were required to be developed as parking.

Some have argued that this zoning change should not allow some of the banked parking spaces to be located on alternative parcels of land, whether owned or leased by the applicant.

**RECOMMENDATION:** The Finance Committee recommends approval. (Vote 4-0-1)

**Quantum of Vote:** Two-thirds - see Massachusetts General Laws Chapter 40A, Section 5.



**TOWN ADMINISTRATOR'S REPORT  
WEEK ENDING FEBRUARY 23, 2018**

**1. CORRESPONDENCE**

No comments.

**2. MOODY'S RATING**

The Town retained its triple A bond rating with a negative outlook. The report is posted on the website and is in correspondence. The report notes the Town's effort over recent budget cycles to implement sound financial policy, including eliminating the use of free cash in support of the operating budget in FY 19.

**3. COMCAST: RENEWAL PROCESS**

Comcast submitted a letter to the Board of Selectmen dated February 16, 2018 commencing the formal contract renewal process. The formal process requires:

- By August 16, 2018, the Town will conduct an "ascertainment" process to identify future cable –related needs and evaluate Comcast's performance under the current agreement.
- Comcast will submit a renewal proposal;
- Within four months of the receipt of the Comcast proposal, the public is provided an adequate period for review and comment followed by the Town's renewal of the Agreement or preliminary denial. If there is a denial by the Board, a new process begins.

The formal renewal process runs in parallel with an informal renewal process. My suggested next steps for the Board are: 1) Vote to reconstitute the Cable Advisory Committee and advertise for members so that committee interviews can be conducted in late April and, 2) Review Cable Committee charge and membership criteria. Other steps include an informal meeting (I suggest that this meeting be with a member of the Board and a member of staff) in the next few weeks with the Gregory Franks, Comcast's Government Affairs representative to the Town, appointment of legal counsel for this purpose, and planning and conducting the ascertainment process and contract review.



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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

### DRAFT

Board of Selectmen

Meeting Minutes

February 5, 2018

7:00pm

Selectmen's Meeting Room

41 Cochituate Road, Wayland

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

**Also Present:** Town Administrator Nan Balmer, Executive Assistant David Porter

**A1. Call to Order by Chair** Chair L. Anderson called the meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

M. Antes announced the Civics Bee will be held 4 weeks from yesterday. There is also a forum on the Library project Wednesday at 7pm in the Large Hearing Room.

**A2. Public Comment** Judy Ling, 274 Concord Rd., expressed her concerns about the reporting of a survey question in the Library grant application. She submitted a public information request and found that no documents outlining that analysis other than the Donahue Report was produced. She asked that the particular sentence be excluded from the application.

**A3. Major Capital Projects: Meet with project sponsors** L. Anderson distributed proposed discussion questions and a worksheet for taking notes during presentation of the major capital projects.

- 1. New Library** Chair of the Library Board of Trustees Aida Gennis came before the Board. She explained the Board of Trustees feel the article is ready and all concerns have been addressed. They believe there is another community use for 5 Concord Rd. She briefly described the schedule for the project and reminded the Board of the necessity of voting on the Article now because of the timing of the State grant money. Once the grant was awarded, if the Town doesn't approve it, there is no opportunity to resubmit. A. Gennis said they have talked to neighbors since the redesign. She went over some the issues at 5 Concord Rd that were found in the prior studies, like parking limitations, environmental issues and space for programs.
- 2. School Athletic Facilities** School Committee Vice Chair Jeanne Downs came before the Board to discuss the two sports facilities projects at High School. She said the School Committee feels the projects are ready for Town Meeting. The Owner's Project Manager (OPM) and design firm have been hired. She noted there is an outstanding Order of Conditions for the current turf field, but the DEP has said that by doing the project that will close out the existing Order of Conditions. J. Downs discussed the project schedule. Permitting will start when they have final designs. It will likely go out to bid at end of May. The SC believes there is a compelling need to consider these projects at this spring's Annual Town Meeting. She noted the town's needs for athletic facilities. They will use the track and turf field until they fail, but then will have to rent space for athletics at about \$20,000 per season plus transportation. The SC has held three public forums, with another one scheduled next week and another one later in the spring. They plan to reach out to abutters.



3. **Loker Field** Chair of Recreation Asa Foster came before the Board. He stated the article will be ready for ATM and went over the project's schedule. He said if the project doesn't go forward he would come back next year. He went over the timeframe for the field to be usable by the fall, and the Board asked about the reality of it being ready for students while the other fields are closed for phase 1 and phase 2 projects.
4. **Community Center** Bill Sterling, co-chair of the Council on Aging/Community Center Advisory Committee, came before the Board and stated that this article is ready. He clarified that this article requests funds to prepare design and bid documents for approval at a future town meeting. COA Director Julie Secord expressed the great need for space for the COA. She said the proposed building will be multi-generational and multi-use and can serve many uses for the Town in the future. There has been community outreach.
5. **Town Building** Public Buildings Director Ben Keefe came before the Board to discuss the proposed Town Building renovations. He reviewed the expected schedule and explained there is a compelling need to get this done as soon as possible. L. Anderson asked about putting it off for a year. B. Keefe stated that renovations will have to be done eventually and repairs could increase in cost with delays, especially with the HVAC system. Also, this project has been on hold since he started with Wayland.
6. **Fire Station #2** Fire Chief Dave Houghton and Public Buildings Director Ben Keefe came before the Board to discuss the renovations at Fire Station #2. B. Keefe said they could get started on this project by August/September. Chief Houghton went over the compelling need for the renovations.

L. Anderson asked if the Town can handle the procurement for all these projects. N. Balmer said the large projects have OPM's and they handle all of that (procurement included).

**A4. Major Capital Projects: Discuss scenarios for potential debt exclusion questions and potential vote on articles for major capital projects** The Board members discussed the potential scenarios for debt exclusion questions. C. Karlson stated that the high school, Loker and library will likely have land permitting issues. L. Anderson brought up the Finance Committee memo that discussed concern about the timing of all the expenditures. C. Karlson stated her push to get to the Collins Center report sooner rather than later is so the Finance Committee's time can be freed up to concentrate on capital planning. She feels it is financially irresponsible putting all of these out there in one year. C. Karlson said she would like to have a follow up conversation through N. Balmer with the Finance Committee Chair about confirming the funding sources for the Town Building (interior renovations, window design) and the Community Center projects within the Capital Budget. All of the Board members agreed to insert the major capital project Articles.

C. Karlson moved, seconded by D. Levine, to vote to insert the following Articles into the Warrant: Article X, *Appropriate Funds to Construct New Library Building*, Articles Y and NN, *High School Stadium Complex Renovations/High School Tennis Court/Softball Field Reconstruction*, Article Z, *Construction of synthetic turf athletic field at Loker Conservation & Recreation Area*, Article P, *Community Center at Town Center: Design, Construction and Bid Documents*, Article Q *Appropriate Funds for Wayland Town Building Renovations*, Article R *Wayland Fire Station #2 repairs*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

N. Balmer said all the text for all the articles came back from Town Counsel today, and she needs time to review the language. She stated feedback from the Board regarding the format of the debt exclusion questions would help her. L. Jurist said he doesn't think a project as big as the Library should be bundled with all the rest. C. Karlson brought up bundling the projects into two categories: new projects and existing projects. L. Anderson said they could bundle the field projects and bundle the Town Building projects. The Board narrowed it down to three choices: one question (bundle all 5 projects), two questions (Library question and a bundle of the other projects), or three questions (Library questions, building projects as one questions and field projects as one question). N. Balmer will work with counsel to develop language for vote next week.



**A5. ATM Article T: Meet with Energy Committee to discuss proposed resolution on energy and carbon savings in municipal building construction** Co-Chair Ellen Tohn came before the Board and explained this is a non-binding resolution and has no cost. The Committee wrote an aspirational policy to reduce carbon energy use with all new town construction. She stated they want to push architects to consider this when developing town buildings, and this is also an opportunity to educate people at Town Meeting. The Board stated that the Finance Committee has asked about the cost benefit. E. Tohn stated it doesn't force inclusion of reduced energy use components, but instead encourages it.

C. Karlson moved, seconded by M. Antes to insert and support Article T *Resolution: Energy and Carbon Savings in Municipal Building Construction*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A6. Petitioners' Articles: Meet with lead sponsors**

- **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** J. Ling, 274 Concord Road, came before the Board to discuss her Petitioners' Article. Petitioners are asking for \$175,000 to study what can be done with the existing Library at 5 Concord Road without a defined amount of expansion area. She mentioned the current program overflow at the library and suggested it could go to the Town Center Community Center. Similarly, she suggested that additional parking could be found at the Public Safety Building. Petitioners want the Town to spend money on renovations and upgrades of the existing building, noting that even if the building were used for something else, the repairs would still need to be done. C. Karlson suggested the article be more solid before going forward.

**A7. Special Town Meeting: Discussion and potential vote to open Special Town Meeting within Annual Town Meeting** N. Balmer discussed the scenario before the Board. The dilemma is getting the Town Meeting vote on the Library article certified within the state's response deadline. A. Gennis discussed the situation and what the Board of Trustee's grant liaison said. C. Karlson noted that opening a Special Town Meeting warrant allows for submission of more articles. L. Anderson stated they would have to go through the whole warrant process again. C. Karlson suggested that A. Gennis go back and ask the state about the timing for submitting the certified vote. D. Levine asked what the importance is of the 48 hours to certify the form in the Town Clerk's office. He stated if it is within 48 hours to certify then the Clerk can do it as soon as possible. N. Balmer said the Board should decide tonight on holding an STM, so she left the room to clarify the question with the Town Clerk or Town Counsel.

**A10. Minutes: Vote to approve and release minutes of January 22, 2018** The Board could not find the minutes in the packet. The item was held for the next meeting.

**A11. Consent Calendar: Review and vote to approve (See Separate Sheet)** M. Antes moved, seconded by L. Jurist, to approve the Consent Calendar. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

**A14. Review Correspondence:** (See Separate Index Sheet) The Board noted the memo from the Health Director on wastewater and said it was a disturbing situation. They also noted there was a lot of action mentioned in the Police report. The Board will discuss the correspondence related to the FY19 budget when N. Balmer returns to the meeting.

**A.8 Annual Town Meeting Articles: Discussion and vote** The Board discussed the content and status of various articles for ATM resulting in the following votes.

C. Karlson moved, seconded by L. Jurist, to vote to insert and support Article S, *Approve Lease in Excess of Three Years for Information Technology Network*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

M. Antes moved, seconded by C. Karlson, that the Board vote to insert and support Article E, *Amend Revolving Fund By-Law to Add Community Garden Revolving Fund*. YEA: L. Anderson, M. Antes, C. Karlson, D, Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson moved, seconded by M. Antes, vote to insert and support Article B, *Pay Previous Fiscal Years Unpaid Bills*, and Article J, *Hear Reports*. YEA: L. Anderson, M. Antes, C. Karlson, D, Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

M. Antes moved, seconded by L. Jurist, to vote to insert and support Article AA, *Home Rule Petition to Exempt Small Construction Projects from Prevailing Wage Laws*. YEA: L. Anderson, M. Antes, C. Karlson, D, Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

N. Balmer returned to the meeting. She announced that IT Director J. Pazos has accepted another job closer to home and the Town has brought in a consultant to review the IT article and ongoing projects. She expects to have a better sense of whether to proceed next week. C. Karlson asked that N. Balmer/the consultant coordinate with the Schools on this project. The Board decided to keep the IT Article in for now, but can always pull it later.

M. Antes explained a correction that is needed to the FinCom comments on this article. M. Antes moved, seconded by C. Karlson, to vote to insert and support Article EE, *CPA: Set Asides and Transfers*. YEA: L. Anderson, M. Antes, C. Karlson, D, Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson moved, seconded by M. Antes, to vote to insert and approve Article FF *Initial Year Funding of Town Successor Collective Bargaining Agreements*. YEA: L. Anderson, M. Antes, C. Karlson, D, Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

M. Antes moved, seconded by D. Levine, to insert and support Article HH *Personnel Bylaws and Wage & Classification Plan*. YEA: L. Anderson, M. Antes, C. Karlson, D, Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board reviewed the list of remaining articles to discuss at the next meeting.

**A7. Special Town Meeting: Discussion and potential vote to open Special Town Meeting within Annual Town Meeting, continued** N. Balmer was unable to confirm the rules around certifying the vote of Town Meeting. The Board was not inclined to open a Special Town Meeting. N. Balmer received a call from the Town Clerk and left the meeting.

**A.8 Annual Town Meeting Articles: Discussion and vote, continued** C. Karlson reported on her work to order the articles. Monday night is focused on the budget, and the large projects are planned over Tuesday and Thursday nights and the final, fourth night has all other business. The Board will review a draft next week.

**A7. Special Town Meeting: Discussion and potential vote to open Special Town Meeting within Annual Town Meeting, continued** N. Balmer returned to the meeting and reported that Town Clerk B. Klein said she needs to certify the vote to DOR within 48 hours. The Board agreed there is no need for a STM regarding the Library project.

#### **A9. Town Administrator's Report**

1. **Correspondence** None.
2. **Update on school bus parking** N. Balmer said the School Committee has committed to the budget cut, but isn't ready yet for a statement of what they will happen with school bus parking at this time.



3. **Audit management letter** She said if any Board members have any questions on the information in the packet to let her know. The next step is to take it to the Finance team.
4. **Reserve Fund Transfer** This document was developed by the Finance Committee and will also go to the staff Finance team to be put in a format that fits with our policies.
5. **Status of Annual Town Report** The cover (Mainstone) is included in the packet.
6. **Town office organization** N. Balmer reported that two finalists for HR Director backed out at the last minute. N. Balmer and J. Senchyshyn agree it is time to advertise for an Asst. Town Manager/HR Director. The current HR Assistant will be moving on. D. Porter will fill that role, and we will advertise for an executive assistant. These changes present opportunities for staffing, and N. Balmer would like to have a broader discussion with the Board about that at the next meeting.
7. **FY19 Budget** N. Balmer went over a memo from the Finance Committee Chair addressed to the TA and the School Superintendent requesting they jointly find \$300,000 in budget cuts. N. Balmer went over the proposed reductions to answer the FinCom questions and will put it on the agenda to talk about next week.
8. **Town Meeting costs** N. Balmer reported that B. Keefe and J. Senchyshyn came to her late in the day with a new estimate for Annual Town Meeting costs. For two venues it will be over \$200,000. The first estimate given last meeting didn't include the two way audio. L. Anderson said she thinks it is crazy to spend the money. C. Karlson said there are bylaws about what happens if town meeting attendance exceeds the building's capacity. L. Jurist suggested reordering the articles so the fields and library are not on the same night. The Board decided not to go with two venues and two way audio for Annual Town Meeting due to the expense.

**A15. Selectmen's Reports and Concerns** None.

**A16. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any**  
None.

**A17. 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** At 10:09pm L. Anderson moved, seconded by M. Antes to 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 to review and consider for approval and potential release of the Executive Session minutes of January 16, 2018. The Chair declares that a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. Roll Call Vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine NAY: none. ABSENT: none ABSTAIN: none. Adopted 5-0. The Chair invites attendance by: Nan Balmer, Town Administrator. The Board will reconvene in open session in approximately 15 minutes to approve and potentially release with redactions the minutes of January 16th. No additional public business will be discussed in open session tonight.

The Board returned to regular session at 10:24pm

**A18. Executive Session Minutes: Vote to approve and potentially release with redactions the Executive Session minutes of January 16, 2018** L. Jurist moved, seconded by M. Antes to approve and release with redactions the executive session minutes of January 16, 2018. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.



**A19. Adjourn** There being no further business, L. Jurist moved, seconded by C. Karlson, to adjourn the meeting at 10:26pm. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of February 5, 2018.**

1. Email from Linda Segal, received February 5, 2018, re: Finance Memo re articles Y and Z
2. Capital Projects Discussion outline, prepared by L. Anderson, Chair of the Board of Selectmen
3. Capital Projects worksheet, prepared by L. Anderson, Chair of the Board of Selectmen
4. Article List for 2018 Annual Town Meeting, dated February 2, 2018 (from packet), with articles for discussion in bold
5. Article EE: Community Preservation Fund General Budget – Set Asides and Transfers (current as of February 2, 2018)
6. Email from David Watkins, Chair of the Finance Committee, dated February 4, 2018, re: Good Afternoon (response to budget adjustment memos from Town Administrator and School Superintendent)
7. Memorandum from Nan Balmer to David Watkins, dated February 5, 2018, re: Finance Committee's Questions (response to 2/4 email) with attached Parks and Recreation FY19 budget detail
8. Excerpt from Article X: Appropriate Funds to Construct New Library Building, with highlighted language making an allegedly false claim regarding a 2015 town-wide survey
9. Letter from David Porter, Records Access Officer, to Judy Ling, dated January 23, 2018, acknowledging receipt of public records request
10. Memorandum from T. Fay, Chair of the Library Planning Committee, to Judy Ling, dated February 1, 2018, re: response to public records request
11. Presentation by the UMass Donahue Institute to Wayland Free Public Library Trustees, dated June 17, 2015
12. Items Included as Part of Agenda Packet for Discussion During the January 29, 2018 Board of Selectmen's Meeting

**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



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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

**DRAFT**  
**Board of Selectmen**  
**Meeting Minutes**  
**February 12, 2018**  
**7:00pm**  
**Selectmen's Meeting Room**  
**41 Cochituate Road, Wayland**

**Attendance:** Lea T. Anderson, Cherry C. Karlson, Mary M. Antes, Louis M. Jurist, Douglas A. Levine  
(7:03pm)

**Also Present:** Town Administrator Nan Balmer

**A1. Call to Order by Chair** Chair L. Anderson called the meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

L. Anderson said the School Committee will hold a budget hearing tomorrow night. There will be an FY20 Omnibus Budget presentation by the Finance Committee on Feb. 15 at 6:30pm. Sen. Edward Markey will hold a town hall meeting in Framingham on Feb 18.

L. Anderson read aloud the Board's official statement regarding the Twenty Wayland settlement. The statement and settlement documents will be posted online.

**A2. Public Comment** M. Lowery, Lakeshore Dr., distributed a document regarding his concerns that the Library project is not ready for Town Meeting. He listed all of his reasons.

J. Ling, 274 Concord Rd., wrote a letter for the Board that she said better explains the Petitioners' Article related to 5 Concord Road.

S. Klitgord, 274 Concord Rd., said he's surprised the town is going to spend such a large amount of money without more details of the Library project being known.

**A3. Swearing-in of Ryan Cheney as a Firefighter-EMT** Ryan Cheney was sworn in as a Wayland Firefighter-EMT by Town Clerk B. Klein. The Board congratulated him.

**A4. Town Meeting Costs and Building Repairs: Meet with Ben Keefe** B. Keefe said he is still working on costs for town meeting, so all numbers are estimates. The current estimated cost is \$145,300, which is for the two venues and two-way audio communications. For one venue it would be \$130,320. There's a \$15,000 difference going from one venue to two venues. This is a significant cost reduction from previous estimates. The Board decided to plan for two venues, but strive to use one.

B. Keefe discussed the Town Building floor repair and said it was rescheduled for April vacation. MHA expects repairs to take a week or less. For Town Meeting articles, B. Keefe noted there have been questions of the readiness of projects for Town Meeting, and he thinks they are ready to go. In response to a concern raised during Public Comment, he said there is a detailed budget for the Library plan and he believes its on



the Library's website. C. Karlson said she's concerned when the warrant goes to print that residents won't have all the information on the field projects, and she is also concerned about some of the siting issues.

**A5. Petitioners' Articles: Meet with lead sponsors**

1. **Charles D'Ambrosio – Article OO: Limit the Size of Oxbow Meadows Athletic Field; and Article PP: Construct Access Road to Oxbow Meadows Athletic Field**

This item was tabled until another meeting.

**A6. FY19 Budget Discussion and Direction to Town Administrator** In response to the Finance Committee's memo to the Board asking to find additional FY19 budget reductions, N. Balmer said she has found some possible reductions. Some of the items include further reductions in health insurance projections and the reduction of seasonal and contractor expenses in Conservation since the Finance Committee agreed to fund the tractor. The Board agreed with these reductions.

**A8. Annual Town Meeting Articles: Discussion and vote** The Board was joined by Beth Doucette, Financial Analyst, Arthur Unobsky, School Superintendent, and Leisha Simon, School IT Director to discuss Article S on IT. With the departure of the IT Director, N. Balmer asked a consultant to look at the IT Article project. E. Doucette said she talked to the consultant and the School IT Director and has come up with a plan and approach to allow the town to maintain the integrity of the project, keep other projects going and contain costs while meeting any time critical needs. N. Balmer said E. Doucette will be involved more than usual. L. Simon from the School will oversee the Middle School cabling project, which needs to be completed prior to installation of the Middle School phone system. This would allow flexibility in scheduling and procurement and allow the new IT Director time to review the effort. N. Balmer said there was a good staff effort stepping up and taking on this project.

**A7. Debt Exclusion: Vote form of Proposition 2 ½ debt exclusion questions and placement on March 27, 2018 election ballot and submit written notice to the Town Clerk** The Board discussed the capital projects suggested for debt exclusion. L. Anderson said the forum for the Library was very informative. Some of the Selectmen stated they participated in a tour of Fire Station #2. The Board discussed the articles regarding the fields. C. Karlson said her concern is that there isn't enough information to put in the Warrant. She said she would like the High School athletic facilities and the Loker field to be further along and have a map in the Warrant so residents can see where the projects will actually be sited. L. Jurist said the High School field articles are different from other new field projects that have been delayed because the site is already being used by the Town for recreation. Jeanne Downs, vice chair of the School Committee, said the School Committee knows they will fit but there hasn't been a final word regarding if the turf field will fit outside the riverfront and wetlands.

L. Anderson said she feels there are still questions and that the Town is racing through the process. She asked if another 6 months of waiting would help to better inform people. She said she's supportive of the projects. J. Downs said Weston and Sampson are aiming to have all the details before Town Meeting, but she will check with them. C. Karlson said she doesn't think Loker is ready to go forward right now and outlined her concerns. She asked if the board can put something on the debt exclusion but not vote for it at this Town Meeting? L. Anderson said that may be possible based on counsel's feedback, but the DOR gets the final decision. L. Jurist said it would greatly affect the Town's athletics if there wasn't a turf field at Loker. It would cost around \$20,000 for field rental per season not including transportation.

N. Balmer reminded the Board that it takes a 2/3 majority to place a question on the ballot. L. Jurist is against Option A which bundles all the debt questions. C. Karlson agreed. D. Levine said he was leaning towards Option C in formatting the debt exclusion question. L. Anderson said she is for option C. M. Antes said she leans towards the B option, but would be comfortable with C. L. Jurist said he likes option B, but would be fine with option C. C. Karlson said she is leaning towards option C.



M. Antes moved, seconded by D. Levine, to approve three debt exclusion questions as presented in Option C in the February 12, 2018 memorandum from Nan Balmer, Town Administrator, to the Board of Selectmen – Question 1 to exclude debt for a new Library, Question 2 for renovations to the Town Building and Fire Station No. 2, and Question 3 for athletic fields at Wayland High School and the Loker Conservation and Recreation Area – subject to the approval of Bond Counsel as to final form. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A8. Annual Town Meeting Articles: Discussion and vote, continued** The Board continued its discussion of articles for Town Meeting. Using the Article List in the packet, the Board reviewed each article and took the following votes.

C. Karlson moved, seconded by M. Antes, that the Board of Selectmen insert and recommend for approval Articles A Recognize Citizens, C Current Year Transfers, D OPEB, I Accept Gifts of Land at Town Center, and K Choose Town Officers. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson moved, seconded by D. Levine, that the Board of Selectmen withdraw Article L Sell/Trade Vehicles from consideration. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson moved, seconded by M. Antes, that the Board of Selectmen insert Article G FY2019 Omnibus Budget. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson moved, seconded by D. Levine, that the Board of Selectmen insert and vote to support Articles M Revolving Fund Limits, N Close Beach Revolving Fund, and U Water Meters. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson moved, seconded by D. Levine, that the Board of Selectmen insert Articles V Limited Site Plan Review and W Off Street Parking. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson moved, seconded by M. Antes, that the Board of Selectmen recommend approval of Articles P Community Center, Q Town Building Renovations, and R Fire Station 2 Renovations. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson moved, seconded by D. Levine, that the Board of Selectmen insert and recommend approval for Articles BB CPA Historic Preservation, CC CPA Uncommitted WHS, and DD CPA Uncommitted Recreation Projects. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson moved, seconded by D. Levine, that the Board of Selectmen withdraw Article GG Accept Land at Plain Road. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

D. Levine moved, seconded by M. Antes, that the Board of Selectmen vote to support Article X Library. In discussion each Board members discussed his/her position on the Library project. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

L. Jurist moved, seconded by D. Levine, that the Board of Selectmen vote to support and approve Articles Y HS Stadium and NN HS Tennis/Softball, as revised. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: C. Karlson. Adopted 4-0-1.

C. Karlson moved, seconded by L. Jurist, that the Board of Selectmen insert Article II Saturday Treated as Holiday. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none ABSTAIN: none. Adopted 5-0.

L. Jurist moved, seconded by D. Levine, that the Board of Selectmen insert and support Article JJ Resolution on Electronic Voting. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none ABSTAIN: none. Adopted 5-0.

C. Karlson moved, seconded by D. Levine, that the Board of Selectmen support Article LL Renovation of 5 Concord Road. YEA: None NAY: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist ABSENT: none ABSTAIN: none. Motion fails: 0-5.

The Board noted that all articles had been inserted into the Warrant and that it can take a position on the remaining articles at a later date.

**A9. Ordering of Annual Town Meeting Articles: Discussion and vote** The Board discussed the various scenarios that could happen over multiple nights of a well attended town meeting with potentially lengthy article discussions.

C. Karlson moved, seconded by M. Antes, that the Board of Selectmen approve the order of articles as presented in the packet with the understanding that two of them have been pulled. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: D. Levine ABSENT: none ABSTAIN: none. Adopted 4-1.

**A10. Town Office Organization: Discuss Town Administrator's recommendations** N. Balmer announced that she will not seek an extension of her contract beyond September 8th. She views this as an opportunity given the organization structural changes being discussed with the Collins Center and the other staffing changes within the office. She mentioned some firms that could assist in the search for a new Town Administrator, and noted that the meeting with Collins Center's Michael Ward on March 6 is a good opportunity to start the process. She reminded the Board that the search for an HR Director was unsuccessful and we are now advertising for an Assistant Town Administrator with a HR component. This position will be on a higher level and serve as Deputy Town Administrator. N. Balmer suggested going forward appointing E. Doucette as Acting Asst. Town Administrator/Procurement Officer and said that role could evolve to Chief Administrative Officer in the future. The town is also advertising for the Executive Assistant position and IT Director. She stated that D. Porter is interested in HR work and will help in that area. N. Balmer asked if the Board is interested in issuing an RFP to hire a search firm now. The Board agreed. N. Balmer mentioned that the Board may want to make use of an Interim TA while it works towards organizational changes.

#### **A11. Town Administrator's Report**

- 1 Correspondence** Eversource pole hearings are coming up and will be scheduled based on advertising requirements.
- 2 Department Heads' Roundtable: Recommend Selectmen's Priorities** N. Balmer asked Dept. Heads what they would like to tell the Board of Selectmen. It was a good brainstorming session with some suggestions including listening to the Collins Center Report, current budgeting and capital planning does not work well, hire an implementation manager for automating the permitting process, complete the document management project, decentralize the procurement process, update the external phone message system and purchase new chairs for the Board of Selectmen's meeting room.
- 3 School Bus parking** Alternatives for school bus parking are now available with more information available later.

**A10. Minutes: Vote to approve minutes of January 22, 2018 and January 29, 2018** M. Antes moved, seconded by C. Karlson, to approve the minutes of January 22, 2018 and January 29, 2018, as amended. YEA:



L. Anderson, M. Antes, C. Karlson, D, Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A13. Consent Calendar: Review and vote to approve (See Separate Sheet)** M. Antes moved, seconded by C. Karlson, to approve the Consent Calendar. YEA: L. Anderson, M. Antes, C. Karlson, D, Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A14. Review Correspondence:** (See Separate Index Sheet) C. Karlson noted item 8, R. Turner's generous contribution in memory of Woody Baston. There were many emails on the bundling of debt exclusion questions.

**A15. Selectmen's Reports and Concerns** M. Antes said the Housing Trust would like to meet with the Board of Selectmen and Planning Board to talk about and get approval for future construction of housing units on Hammond Road. C. Karlson said the Board of Selectmen needs to focus on capital planning for the next meeting with the Collins Center.

**A16. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any** None.

**A17. Adjourn** L. Jurist moved, seconded by C. Karlson, to adjourn the meeting at 10:25pm. YEA: L. Anderson, M. Antes, C. Karlson, D, Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of February 12, 2018.**

1. Memorandum from David Porter, dated February 12, re: MetroWest Town Hall hosted by Senator Edward Markey
2. Email from Margarita Cardenas, received February 9, re: March 27 ballot
3. Email from Marlowe Miller, received February 9, re: Unbundle the debt exclusion, please
4. Email from Mike Lowery, received February 10, re: Unbundling of ballot questions
5. Public Comment submitted by Mike Lowery on February 12, re: Is the Library Project "Ready for Town Meeting?" with attached warrant article from the Town of Weston November 28, 2017 Special Town Meeting
6. Email from Jenifer Apazidis, received February 11, re: Upcoming ballot
7. Memorandum from Judy Ling, petitioner, dated February 12, re: Warrant Article – Appropriate \$175k to Design Renovations of the Existing Library Building at 5 Concord Road for Continued Library Use Instead of Building a New Library
8. Memorandum from Nan Balmer, dated February 12, re: FY19 Budget: Recommended Adjustments
9. Memorandum from Nan Balmer, dated February 12, re: 2018 Debt Exclusion Questions
10. Draft Town Meeting Warrant Articles – C: Current Year Transfers, D: OPEB Funding, I: Accept Gifts of Land at Town Center
11. Board of Selectmen Meeting Calendar through Annual Town Meeting

**Items Included as Part of Agenda Packet for Discussion During the February 12, 2018 Board of Selectmen's Meeting**

1. Article OO: Limit the Size of Oxbow Meadows Athletic Field (as submitted 1/16/18)
2. Article PP: Construct Access Road to Oxbow Meadows Athletic Field (as submitted 1/16/18)
3. Memorandum from Nan Balmer, dated February 12, re: 2/12/18 Meeting Notes
4. Article List for 2018 Annual Town Meeting (current as of 2/9/18) with attached articles: A, C, L, M, N, BB, CC, and II
5. Email from Cherry Karlson, dated February 8, re: ATM article order – for packet with attached charts of Proposed Article Order and Timing
6. Town Administrator's Report for the Week Ending February 9, 2018



7. Email from Dave Watkins, Chair of the Finance Committee, dated February 7, re: Note from the Wayland Finance Committee
8. Memorandum from Elizabeth Doucette, Finance Administrator, dated February 12, re: School Bus Parking Lease Status
9. Draft Minutes of the Board of Selectmen Meetings for January 22, 2018 and January 29, 2018

## **BOARD OF SELECTMEN**

**Monday, February 26, 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 Deutsch Williams, dated February 12, 2018, Invoice No. 197, for legal services rendered through January 29, 2018: \$220.00
3. Vote the question of approving the Fourth Amendment to the River's Edge Land Disposition Agreement
4. Vote to appoint Nan Balmer to serve as the Town's representative to the West Suburban Health Group
5. Vote to approve the Request for Exemption as required by MGL 268A Section 20(b) for Muriel Sypek to work as a Special Instructor (Non-Union/Seasonal) with the Recreation Department
6. Vote to reconstitute the Cable Advisory Committee and advertise for members
7. Vote the question of approving the placement of four temporary sandwich board signs from March 14 through March 21, 2018, at Route 20 at the Weston Town Line, Route 20 at the Intersection of Route 27, the Intersection of Old Connecticut Path and Routes 126 and 27, and the Cochituate Fire Station at the Corner of East Plain Street, advertising a talk about raising children in the digital age with Digital Learning Specialist Kerry Gallagher at the Wayland High School on March 21, hosted by the Wayland Children and Parents Association

DEUTSCH WILLIAMS BROOKS  
DeRENSIS & HOLLAND, P.C.  
ONE DESIGN CENTER PLACE, SUITE 600  
BOSTON, MASSACHUSETTS 02210-2327  
(617) 951-2300  
Fax (617) 951-2323

\*\*\*\*\*  
INVOICE FOR LEGAL SERVICES  
\*\*\*\*\*

Town of Wayland  
Town Building  
41 Cochituate Rd.  
Wayland MA 01778

Attn: Town Administrator

Labor

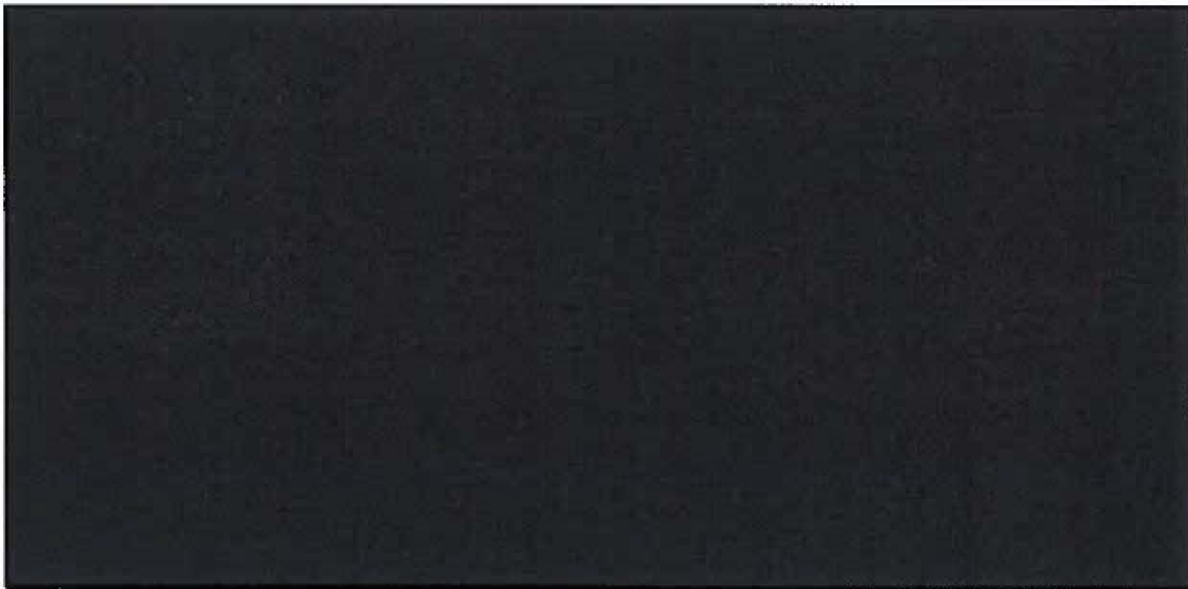
RECEIVED

FEB 14 2018

Board of Selectmen  
Town of Wayland

Page 1  
02/12/2018  
Account No. 5673-01M  
Invoice No. 197

HOURS



FOR CURRENT SERVICES RENDERED 1.10 220.00

Recapitulation			
<u>Timekeeper</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
Elizabeth B. Valerio (EBV)	1.10	\$200.00	\$220.00

TOTAL CURRENT INVOICE 220.00

BALANCE DUE \$220.00





**DEPARTMENT OF PUBLIC WORKS  
TOWN OF WAYLAND**

*Entrusted To  
Manage The  
Public  
Infrastructure*

**Thomas M. Holder**  
*Director*

**Joseph Doucette**  
*Superintendent*

**Don Millette**  
*Superintendent*

**Paul Brinkman**  
*Town Engineer*

To: Board of Selectmen  
From: Paul Brinkman, Town Engineer  
Date: February 22, 2018  
Subject: Rivers Edge Project Update

Currently another amendment to the Land Development Agreement is set to expire on February 28, 2018. The proposed amendment (#4) will extend the date by three months to May 31, 2018. A three month extension was decided primarily due to the lengthy process of obtaining Massachusetts Department of Environmental Protection (MassDEP) approval to complete the asbestos clean-up process.

A longer period will reduce the likelihood of a future interim amendment for the Due Diligence and provide adequate time for the Town to undertake the clean-up. It will not provide a Due Diligence period longer than allowed under the original LDA as there is nearly 90 days remaining on the original schedule.

Some of the events that have taken place since the last written update to the Board of Selectmen include:

1. Revision of the Non-Traditional Asbestos Work Plan based upon verbal comments received by the MassDEP.
2. Clean-up work requires a permit from the Air Quality division. Attempted to acquire a permit to conduct the work.
3. Air Quality requested another modification to the clean-up plan. These changes were made.
4. The revised plan was submitted two weeks ago.
5. Contact with the Air Quality group has indicated that they will require additional time to approve the plan.

One over-arching part of this project has been the need to manage the Town's costs to ensure that the \$75,000 provided is not exceeded. Each revision to the plan and delay has impacted the project budget. The current strategy may cost the Town less than originally estimated; however, any added requirements by the MassDEP will increase project costs. Continued efforts have been made to try and expedite the clean-up without causing unnecessary costs to the Town.

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

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



## **FOURTH AMENDMENT TO LAND DISPOSITION AGREEMENT**

This Fourth Amendment to Land Disposition Agreement (this "Amendment") is made and entered into by and between the **TOWN OF WAYLAND**, acting by and through its Board of Selectmen (hereinafter "Seller"), a Massachusetts municipal corporation, and **WP EAST ACQUISITIONS, L.L.C.**, a Georgia limited liability company (hereinafter "Buyer").

### **Recitals:**

A. Seller and Buyer previously entered into that certain Land Disposition Agreement with an effective date of June 28, 2017, as amended by that certain First Amendment to Land Disposition Agreement dated as of October 24, 2017, as further amended by that certain Second Amendment to Land Disposition Agreement dated as of October 31, 2017, and as further amended by that certain Third Amendment to Land Disposition Agreement dated as of December 18, 2017 (as amended, the "Contract") for the purchase and sale of that certain parcel of land located 484-490 Boston Post Road, Wayland, Massachusetts (the "Property"), as is more fully described in the Contract.

B. The current Due Diligence Period under the Contract expires on February 28, 2018 (the "Inspection Date").

C. The parties wish to extend the current Inspection Date while (i) the Seller completes ACM abatement, (ii) the parties await MassDEP's approval of the NTAWP, and (iii) the parties work to finalize the terms of a more detailed amendment to the Contract to, among other things, address the parties respective rights and obligations as it relates to Addressing the Reportable Condition and payment of costs related to same.

### **Terms and Conditions:**

In consideration of the mutual covenants, agreements, and undertakings set forth in the Contract and in this Amendment, the sufficiency of which is hereby acknowledged, and intending to be legally bound, Seller and Buyer agree as follows:

1. Capitalized Terms; Recitals. All capitalized terms used herein (including those in the Recitals) but undefined shall have the meaning as defined in the Contract. The foregoing Recitals are hereby incorporated as agreements of the parties hereto.

2. Extension of Due Diligence Period. The parties hereby agree that the current Inspection Date of February 28, 2018 shall be extended until May 29, 2018, so that the expiration of the Due Diligence Period for all purposes under the Contract shall be 5:00 p.m. Boston, Massachusetts time on May 29, 2018.

3. Ratification. Except as expressly amended by this Amendment, the Contract remains in full force and effect and is hereby expressly ratified and confirmed in its entirety by the parties hereto.

4. Multiple Counterparts. An executed facsimile or "PDF" of this Amendment is an acceptable form of acceptance of this Amendment and the parties may execute this Amendment in counterparts. This Amendment shall from this date forward be considered a part of the Contract.

*[Signature Page to Follow]*



IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed under seal by persons duly empowered to bind the parties to perform their respective obligations under this Amendment to be effective on the last date set forth below.

BUYER:

WP EAST ACQUISITIONS, L.L.C.,  
a Georgia limited liability company

By: 

Name: James Lambert

Title: Vice President

Date: February 22, 2018

SELLER:

TOWN OF WAYLAND

By: \_\_\_\_\_

Name: Nan Balmer

Title: Town Administrator

Date: February \_\_, 2018



## RECREATION DEPARTMENT

TOWN OF WAYLAND

CONSENT

41 COCHITUATE ROAD, Wayland, Massachusetts 01778  
(508) 358-3664

### MEMO

February 12, 2018

RECEIVED

FEB 13 2018

Board of Selectmen  
Town of Wayland

To: Nan Balmer, Town Administrator  
CC: David Porter  
From: Katherine Brenna, Director, Recreation Dept.

Re: Ethics Exemption - MGL 268A Section 20(b) – Municipal Employees Working for a Recreation Department

Dear Nan,

This memo is to request that the Board of Selectmen Review and vote on Request for Exemption as required by MGL 268A Section 20 (b) for Muriel Sypek to work as a Special Instructor for the Recreation Department. Town Counsel has previously advised that the vote of this exemption is required for employees working for two Town departments, in this case working for the Recreation department and Youth and Family Services.

VOTE: To approve the Request for Exemption as required by MGL 268A Section 20 (b) for Muriel Sypek to work as a Special Instructor (Non-Union/seasonal) with the Recreation Department.

Please let me know if you have any questions regarding this request.

Thank you,

Katherine Brenna  
Director, Recreation Dept.

#### Attachments:

- Language from the Ethics Laws that applies to this exemption
- 20b Exemption form from applicable employee

Below are additional details for each employee, as well as the outline of how they will meet the requirements for the exemption:

- **Muriel Sypek** will work part-time @5 hours per week for the Recreation Department for a total of approximately 120 hours annually.

This municipal employee working for the Recreation Department will meet the requirements of the exemption by:

- For these services, employee will not be compensated for more than 500 hours during the calendar year
- The services will be provided outside normal working hours as a municipal employee
- These services are not required as part of regular duties as a municipal employee
- That the Board of Selectmen approve the exemption



**DISCLOSURE BY MUNICIPAL EMPLOYEE  
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT  
AS REQUIRED BY G. L. c. 268A, § 20(b)**

	<b>MUNICIPAL EMPLOYEE INFORMATION</b>
Name of municipal employee:	Muriel Sypek
Title/ Position	Preschool Gym/Art Instructor "Special instructor"
Fill in this box if it applies to you.	If you are a municipal employee because a municipal agency has contracted with your company or organization, please provide the name and address of the company or organization.
Agency/ Department	Recreation Department
Agency Address	41 Cochichewick Rd. Wayland MA 01778
Office phone:	508 358-3660
Office e-mail:	
	Check one: <input type="checkbox"/> Elected or <input checked="" type="checkbox"/> Non-elected
Starting date as a municipal employee.	1/18/18
<b>BOX # 1</b>	<b>ELECTED MUNICIPAL EMPLOYEE</b>
Select either STATEMENT #1 or STATEMENT #2.	I am an elected municipal employee.
Write an X beside your financial interest.	<p><input type="checkbox"/> <b>STATEMENT #1:</b> I had one of the following financial interests in a contract made by a municipal agency before I was elected to my municipal employee position. I will continue to have this financial interest in a municipal contract. OR</p> <p><input type="checkbox"/> <b>STATEMENT #2:</b> I will have a new financial interest in a contract made by a municipal agency.</p> <p><b>My financial interest in a municipal contract is:</b></p> <p><input checked="" type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
<b>BOX # 2</b>	<b>NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE</b>
Select either STATEMENT #1 or STATEMENT #2.	I am a non-elected municipal employee.
	<p><input type="checkbox"/> <b>STATEMENT #1:</b> I had one of the following financial interests in a contract made by a municipal agency before I took a position as a non-elected municipal employee. I will continue to have this financial interest in a municipal contract.</p>

<p><b>Write an X beside your financial interest.</b></p>	<p><b>My financial interest in a municipal contract is:</b></p> <p><input type="checkbox"/> A municipal agency has a contract with me, but not an employment contract.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p>-- OR --</p> <p><input checked="" type="checkbox"/> <b>STATEMENT # 2:</b> I will have a new financial interest in a contract made by a municipal agency.</p> <p><b>My financial interest in a municipal contract is:</b></p> <p><input checked="" type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
<p><b>FINANCIAL INTEREST IN A MUNICIPAL CONTRACT</b></p>	
<p>Name and address of municipal agency that made the contract</p>	
<p><b>Please put in an X to confirm these facts.</b></p>	<p><b>"My Municipal Agency"</b> is the municipal agency that I serve as a municipal employee.</p> <p>The <b>"contracting agency"</b> is the municipal agency that made the contract.</p> <p><input checked="" type="checkbox"/> My Municipal Agency is not the contracting agency.</p> <p><input checked="" type="checkbox"/> My Municipal Agency does not regulate the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> In my work for my Municipal Agency, I do not participate in or have official responsibility for any of the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> The contract was made after public notice or through competitive bidding.</p>
<p><b>FILL IN THIS BOX OR THE BOX BELOW</b></p>	<p><b>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND YOU.</b></p> <p>- Please explain what the contract is for.</p> <p><i>creative movement classes for toddlers &amp; sensory exploration classes for toddlers</i></p>
<p><b>FILL IN THIS BOX OR THE BOX ABOVE</b></p>	<p><b>ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND ANOTHER PERSON OR ENTITY.</b></p> <p>- Please identify the person or entity that has the contract with the municipal agency.</p> <p>- What is your relationship to the person or entity?</p> <p>- What is the contract for?</p>

What is your financial interest in the municipal contract?	- Please explain the financial interest and include the dollar amount if you know it.  <i>Determined by enrollment \$35 per hour</i>
Date when you acquired a financial interest	<i>1/18/18</i>
What is the financial interest of your immediate family?	- Please explain the financial interest and include the dollar amount if you know it.  <i>none</i>
Date when your immediate family acquired a financial interest	
Write an X to confirm each statement.	<p><b>FOR A CONTRACT FOR PERSONAL SERVICES –</b></p> <p><b>Answer the questions in this box ONLY if you will have a contract for personal services with a municipal agency (i.e., you will do work directly for the contracting agency).</b></p> <p>I will have a contract with a municipal agency to provide personal services.</p> <p><input checked="" type="checkbox"/> The services will be provided outside my normal working hours as a municipal employee.</p> <p><input checked="" type="checkbox"/> The services are not required as part of my regular duties as a municipal employee.</p> <p><input checked="" type="checkbox"/> For these services, I will be compensated for not more than 500 hours during a calendar year.</p>
Employee signature:	<i>Munellpek</i>
Date:	<i>12/20/17</i>

Attach additional pages if necessary.

**NOT A PERSONAL SERVICES CONTRACT – File disclosure with the city or town clerk.**

**SEE CERTIFICATION AND APPROVAL REQUIRED FOR PERSONAL SERVICES CONTRACTS, BELOW.**



**FOR CONTRACTS FOR PERSONAL SERVICES ONLY:**

If you are disclosing a financial interest in a contract for personal services with a municipal agency, you must file the Certification below signed by the head of the contracting agency, and you must get approval of the exemption from the city council, board of aldermen, board of selectmen or town council.

**CERTIFICATION BY HEAD OF CONTRACTING AGENCY**

	<b>INFORMATION ABOUT HEAD OF CONTRACTING AGENCY</b>
Name:	
Title/ Position	
Municipal Agency:	
Agency Address:	
Office Phone:	
	<b>CERTIFICATION</b>
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to my municipal agency, identified above. I certify that no employee of my agency is available to perform the services described above as part of his or her regular duties.
Signature:	
Date:	

**APPROVAL BY CITY COUNCIL, BOARD OF ALDERMEN,  
BOARD OF SELECTMEN OR TOWN COUNCIL**

	<b>INFORMATION ABOUT APPROVING BODY</b>
Name:	
Title/ Position	
Agency Address:	
Office Phone:	
	<b>APPROVAL</b>
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to a municipal agency, identified above. The exemption under § 20(b) is approved.
Signature:	On behalf of the Council or Board, I sign this approval.
Date:	

Attach additional pages if necessary.  
File disclosure, Certification and Approval with the city or town clerk.

**MGL 268 A Section 20.** (a) A municipal employee who has a financial interest, directly or indirectly, in a contract made by a municipal agency of the same city or town, in which the city or town is an interested party of which financial interest he has knowledge or has reason to know, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

This section shall not apply if such financial interest consists of the ownership of less than one per cent of the stock of a corporation.

This section shall not apply (a) to a municipal employee who in good faith and within thirty days after he learns of an actual or prospective violation of this section makes full disclosure of his financial interest to the contracting agency and terminates or disposes of the interest, or **(b) to a municipal employee who is not employed by the contracting agency or an agency which regulates the activities of the contracting agency and who does not participate in or have official responsibility for any of the activities of the contracting agency, if the contract is made after public notice or where applicable, through competitive bidding, and if the municipal employee files with the clerk of the city or town a statement making full disclosure of his interest and the interest of his immediate family, and if in the case of a contract for personal services (1) the services will be provided outside the normal working hours of the municipal employee, (2) the services are not required as part of the municipal employee's regular duties, the employee is compensated for not more than five hundred hours during a calendar year, (3) the head of the contracting agency makes and files with the clerk of the city or town a written certification**

**that no employee of that agency is available to perform those services as part of their regular duties, and (4) the city council, board of selectmen or board of aldermen approve the exemption of his interest from this section,** or (c) to a special municipal employee who does not participate in or have official responsibility for any of the activities of the contracting agency and who files with the clerk of the city or town a statement making full disclosure of his interest and the interests of his immediate family in the contract, or (d) to a special municipal employee who files with the clerk of the city, town or district a statement making full disclosure of his interest and the interests of his immediate family in the contract, if the city council or board of aldermen, if there is no city council, board of selectmen or the district prudential committee, approve the exemption of his interest from this section, or (e) to a municipal employee who receives benefits from programs funded by the United States or any other source in connection with the rental, improvement, or rehabilitation of his residence to the extent permitted by the funding agency, or (f) to a municipal employee if the contract is for personal services in a part time, call or volunteer capacity with the police, fire, rescue or ambulance department of a fire district, town or any city with a population of less than thirty-five thousand inhabitants; provided, however, that the head of the contracting agency makes and files with the clerk of the city, district or town a written certification that no employee of said agency is available to perform such services as part of his regular duties, and the city council, board of selectmen, board of aldermen or district prudential committee approve the exemption of his interest from this section or (g) to a municipal employee who has applied in the usual course and is otherwise eligible for a housing subsidy program administered by a local housing authority, unless the employee is employed by the local housing authority in a capacity in which he has responsibility for the administration of such subsidy programs



or (h) to a municipal employee who is the owner of residential rental property and rents such property to a tenant receiving a rental subsidy administered by a local housing authority, unless such employee is employed by such local housing authority in a capacity in which he has responsibility for the administration of such subsidy programs.

This section shall not prohibit an employee or an official of a town from holding the position of selectman in such town nor in any way prohibit such employee from performing the duties of or receiving the compensation provided for such office; provided, however, that such selectman shall not, except as hereinafter provided, receive compensation for more than one office or position held in a town, but shall have the right to choose which compensation he shall receive; provided, further, that no such selectman may vote or act on any matter which is within the purview of the agency by which he is employed or over which he has official responsibility; and, provided further, that no such selectman shall be eligible for appointment to any such additional position while he is still a member of the board of selectmen or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by any municipal agency in any matter shall be grounds for avoiding, rescinding or cancelling the action on such terms as the interest of the municipality and innocent third parties may require.

This section shall not prohibit any elected official in a town, whether compensated or uncompensated for such elected position, from holding one or more additional elected positions, in such town, whether such additional elected positions are compensated or uncompensated.

This section shall not prohibit an employee of a municipality with a city or town council form of government from holding the elected office of councillor in such municipality,

nor in any way prohibit such an employee from performing the duties of or receiving the compensation provided for such office; provided, however, that no such councillor may vote or act on any matter which is within the purview of the agency by which he is employed or over which he has official responsibility; and provided, further, that no councillor shall be eligible for appointment to such additional position while a member of said council or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by a municipal agency in any matter shall be grounds for avoiding, rescinding or cancelling such action on such terms as the interest of the municipality and innocent third parties require. No such elected councillor shall receive compensation for more than one office or position held in a municipality, but shall have the right to choose which compensation he shall receive.

This section shall not prohibit an employee of a housing authority in a municipality from holding any elective office, other than the office of mayor, in such municipality nor in any way prohibit such employee from performing the duties of or receiving the compensation provided for such office; provided, however, that such elected officer shall not, except as otherwise expressly provided, receive compensation for more than one office or position held in a municipality, but shall have the right to choose which compensation he shall receive; provided further that no such elected official may vote or act on any matter which is within the purview of the housing authority by which he is employed; and provided further that no such elected official shall be eligible for appointment to any such additional position while he is still serving in such elective office or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by the housing authority in any

matter shall be grounds for avoiding, rescinding, or cancelling the action on such terms as the interest of the municipality and innocent third parties may require.

This section shall not prohibit an employee in a town having a population of less than three thousand five hundred persons from holding more than one appointed position with said town, provided that the board of selectmen approves the exemption of his interest from this section.





February 19, 2018

Via Email ([dporter@wayland.ma.us](mailto:dporter@wayland.ma.us))

Mr. David Porter  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778

**Re: Signboard Request**

Dear Mr. David Porter:

The Wayland Children and Parents Association is hosting a talk with Digital Learning Specialist Kerry Gallagher about raising children in the digital age. The event will take place at the Wayland High School on Wednesday, March 21st.

We are requesting permission to post our sandwich boards to promote this event starting ~~January 9th~~ <sup>March 14</sup>, 2018 at the following locations:

- "Five Corners" of Rt. 126 and Route 27
- Cochituate Fire Station
- Corner of Route 20 and Route 27
- Coach Grill

Thank you for your consideration and we look forward to hearing from the Selectmen regarding our request.

Sincerely,  
Tiffany Barchard  
WCPA Community Marketing

**PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMEN FROM  
FEBRUARY 10, 2018, THROUGH AND INCLUDING FEBRUARY 23, 2018,  
OTHERWISE NOT LISTED AND INCLUDED IN THE CORRESPONDENCE  
PACKET FOR FEBRUARY 26, 2018**

**Items distributed to the Board of Selectmen – February 10, 2018-February 23, 2018**

1. None

**Items distributed for information and use by the Board of Selectmen at the  
Meeting of February 12, 2018**

1. Memorandum from David Porter, dated February 12, re: MetroWest Town Hall hosted by Senator Edward Markey
2. Email from Margarita Cardenas, received February 9, re: March 27 ballot
3. Email from Marlowe Miller, received February 9, re: Unbundle the debt exclusion, please
4. Email from Mike Lowery, received February 10, re: Unbundling of ballot questions
5. Public Comment submitted by Mike Lowery on February 12, re: Is the Library Project "Ready for Town Meeting?" with attached warrant article from the Town of Weston November 28, 2017 Special Town Meeting
6. Email from Jenifer Apazidis, received February 11, re: Upcoming ballot
7. Memorandum from Judy Ling, petitioner, dated February 12, re: Warrant Article – Appropriate \$175k to Design Renovations of the Existing Library Building at 5 Concord Road for Continued Library Use Instead of Building a New Library
8. Memorandum from Nan Balmer, dated February 12, re: FY19 Budget: Recommended Adjustments
9. Memorandum from Nan Balmer, dated February 12, re: 2018 Debt Exclusion Questions
10. Draft Town Meeting Warrant Articles – C: Current Year Transfers, D: OPEB Funding, I: Accept Gifts of Land at Town Center
11. Board of Selectmen Meeting Calendar through Annual Town Meeting

**Items included as part of Agenda Packet for discussion during the February 26, 2018  
Board of Selectmen's Meeting**

1. Memorandum from Zoe Pierce, Treasurer, to Nan Balmer, dated February 22, re: Bond issuance
2. Memorandum from David Porter, Executive Assistant, to the Board, dated February 26, re: Appointment to the COA-CC Advisory Committee
3. Letter from Pamela Roman to the Board, dated February 16, re: Interest in serving on the Council on Aging – Community Center Advisory Committee
4. Article 38: Property Tax Credit for Charitable Contributions to the Wayland School District
5. Article 29: Construction of Synthetic Turf Athletic Field at Loker Conservation and Recreation Area
6. Article 11: Authority to Enter into Contract for IT Network
7. Article 20: Accept Gifts of Land
8. Article 21: Community Center at Town Center: Design, Construction and Bid Documents
9. Article 33: Limited Site Plan Review Zoning Amendment
10. Article 34: Off Street Parking Zoning Amendment
11. Town Administrator's Report for the week ending February 23, 2018
12. Draft minutes for the Board of Selectmen meeting on February 5 and February 12, 2018



**BOARD OF SELECTMEN**  
**Monday, February 26, 2018**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

**CORRESPONDENCE**

**Selectmen**

1. Memorandum from Tom Fay, Chair of the Library Planning Committee, dated February 11, re: Why an Expansion of 5 Concord Road Cannot Work Legally or Financially
2. Memorandum from Judy Ling, dated February 12, re: Warrant Article – Appropriate \$175k to Design Renovations of the Existing Library Building at 5 Concord Road for Continued Library Use Instead of Building a New Library
3. Letter from Nan Balmer to Beth Klein, Town Clerk, dated February 14, re: Request to place three questions on the March 27, 2018 ballot
4. Letter from Timothy Murnane, VP of Government and Regulatory Affairs at Comcast, dated February 16, re: Commencement of Renewal Process
5. Memorandum from ProtectWayland.org to the Zoning Board of Appeals, dated February 20, re: Presentation at the Cascade 40B hearing on 27 February

**Regional**

6. Letter from Laurie Elliott, Treasurer of the Minuteman Regional Vocational Technical School, dated February 7, 2018, re: Preliminary assessments
7. Letter from Geoff Beckwith, MMA Executive Director, dated February 16, re: MMA's Legislative Breakfast Meetings will be on March 2, March 9, and March 16



✓

**MEMORANDUM**

**RECEIVED**

**FEB 12 2018**

Board of Selectmen  
Town of Wayland

**TO:** Wayland Board of Selectmen and Wayland Finance Committee

**FROM:** Tom Fay, Chair, Wayland Library Planning Committee ("LPC")

**RE:** Why an Expansion of 5 Concord Road Cannot Work Legally or Financially

**Date:** February 11, 2018

*The information below is the result of studies and input from paid and unpaid professionals who have been intimately involved in the Library Project for years. Also, a list of pertinent studies and reports related to 5 Concord Road are listed at the bottom of this memo.*

**Question: Can We Expand the Footprint of 5 Concord Road With the Use of a State Grant?**

**Answer: No**

**Why?**

1. The library sits within the Aquifer Protection District, according to a Wayland by-law ("Aquifer by-law"; see, [www.ecode360.com/12361415](http://www.ecode360.com/12361415)). The primary purpose of this by-law is to preserve and protect the public drinking water supply.
  - a. The Aquifer by-law states that no more than 15% of the TOTAL lot area may be impervious, (i.e. water will not soak through it) without the granting of a site plan approval. Further, the maximum allowed coverage of impervious surface is 30% of the UPLAND portion of the lot (dry land that stays dry) for which there are no exceptions.
  - b. The 5 Concord Road site is 44,431 SF, according to the Wayland GIS survey. The total impervious area (existing building + library parking) is 16,514 SF, according to a Tappe Architects' CAD file. The current impervious coverage of the 5 Concord Rd site is 37%, thus preventing expanding the footprint since the current condition already exceeds the maximum allowable coverage.
  - c. The LPC explored combining the 1 Concord Road lot (next to 5 Concord Road, and upon which the Freight House sits) with the 5 Concord Road site to further analyze options for increasing the available impervious coverage. The 5 Concord and 1 Concord lots are 83,887 SF, plus or minus, the town surveyor informed us, and the UPLAND area is 70,774 SF; this equates to 84.4% of the total area. Our by-law does not have a requirement for the UPLAND area; it deals with impervious areas; so, 27,450 SF is impervious (this is the combined total of the existing library building and all parking

areas), and equates to 38.8% of UPLAND area – thus preventing expanding the footprint since the current condition already exceeds the maximum allowable coverage. The Aquifer by-law was enacted in 2010, AFTER the 1988 library addition.

- d. The land behind the library, to the east, is wetland, not UPLAND; we cannot expand over it or on it.
2. Removing the current underground septic system to allow expanding the footprint to the north does not increase the impermeable area on the top of the ground.
3. Even if the Aquifer by-law did not exist, in order to expand to meet the 33,000 square foot space requirement, as set forth by the Library Program, and validated by the state, an expansion would have to extend over the current lower parking lot, in front of the rotunda, a much loved key feature of the existing library, destroying the architectural beauty of the building's south side.
4. Further, approximately 70% of the current library building is located inside the 100' wetlands buffer zone. This poses additional regulatory challenges to expanding the building since any expansion on the south, and east, and a portion of the north, is inside the buffer zone.
5. In addition to the roadblock the Aquifer by-law presents, the Town's building setback by-laws also prevent logical expansion since most of the existing structure is less than 10' from the setback line.
6. The drive entrance or exit cannot be relocated to improve vehicle access towards Millbrook Road due to wetland restrictions, nor can it be shifted north on Concord Road since there is insufficient depth between the west face of the building and the Concord Road edge to provide adequate vehicle turning radius. The proximity of the drive access to the traffic light is extremely problematic and there are limited options to improve this condition under any renovation scenario.
7. Even if we could expand the current library (bypassing all of the above regulatory limits) to 33,000 sq. ft., parking challenges would increase, not decrease.

**Question: If we rejected a state grant, could we expand the current library solely using tax monies paid by residents?**

**Answer: Yes, if we violate the town's Aquifer Protection by-law, but it will cost Wayland residents more money for much less space.**

**Why?**

**IDEA A: add on a 14,000 SF addition**

1. If the Town chose to violate its own Aquifer by-law, and add an additional 14,000 SF to the current library, the cost to do so would be about \$18M, according to Tappe Architects. This figure would include a renovation of the current building, which is also about 14,000 SF.
2. The state would likely not give any grant monies to Wayland for this addition given the Town's decision to act in violation of its own by-law, which would likely be successfully legally challenged, the inability to certify that the location is not prone to flood, and the lack of sufficient parking spaces to meet the needs of the increased number of library users.
3. Further, this addition would likely be unpopular since, as mentioned above, it would include an addition at the library's south side, in front of the large reading room, over the current parking lot, thus blocking the view of this iconic building.

**IDEA B: add on 5000 sq. ft. to the north side of the current library.**

1. Again, such an addition would also violate the Aquifer by-law, and any such pursuit would likely be successfully legally challenged.
2. However, if the Town pursued this idea, the costs would be about \$13.9M, according to Tappe Architects. This figure is comprised of \$2.7M for the renovation of the current building, \$4.9M for construction costs, and \$6.25M for other fees and scope, including site work, FFE (furniture, fixtures and equipment), temporary location costs, among other costs.
3. This \$13.9M figure for 5000 SF of new library space compares to the \$18M cost to residents for a new 33,000 sq. ft. library at the middle school. It is worth noting that the expected cost to Wayland residents for a new library will be closer to \$14M, not \$18M, given the advice of the Energy and Climate Committee relative to the solar and geothermal energy expense being contracted out, and the conservative, but prudent, contingency and escalation costs required by the Town's Permanent Municipal Building Committee ("PMBC").
4. This high cost for an addition, (not legal due to the Town's Aquifer by-law), is attributable, in part, to the existing structure, and the seismic upgrade required if a substantial renovation is undertaken. The majority of the current library is 118 years old, and the Town will need to abide by the current building code.
5. It is worth noting that Tappe Architects designed the 1988 library addition.

**Conclusion: any plan to expand the current library would be in violation of Wayland's by-laws and would be financially irresponsible.**



### Partial List of Wayland Free Public Library Studies

Library Planning & Design Study 2015- current: Tappe Architects, Design Techniques OPM; PMBC and LPC oversight.

Library Feasibility Study Final Report 2005, Lerner | Ladds + Bartels; reported to the Town on April 28, 2005.

Library Building Program, December 2014 – Tom Jewell, library consultant; 2003 Louise Brown; L|L+B updated 2004; Tappé Architects updated 2010 for CoA joint project study.

Joint Senior Center/Library Feasibility Studies at Town Center Municipal Pad; GMI Architects, December 2010; Kang Associates, June, 2012.

Comprehensive Building/Program Audit for Town of Wayland, May 10, 2013, Drummey Rosane Anderson, Inc.

Library Planning Committee, 2001-2002; Final Report, April 12, 2002.

Long Range Plan 2018-2020, Chuck Flaherty, library consultant; Long Range Plan 2013-2017, Sandra Vandermark, library consultant.

*These reports and other documentation can be found at [waylandlibrary.org](http://waylandlibrary.org). More information on the new building project can be found on [facebook.com/Wayland Library Moving Forward](https://facebook.com/WaylandLibraryMovingForward).*

RECEIVED

FEB 12 2018

Board of Selectmen  
Town of Wayland

**To:** Members, Board of Selectmen, Town of Wayland  
Members, Finance Committee, Town of Wayland  
**From:** Judy Ling  
**Date:** 02/12/2018  
**Subject:** Warrant Article – Appropriate \$175K to Design Renovations of the Existing Library Building at 5 Concord Road for Continued Library Use Instead of Building a New Library

Dear Selectmen and Finance Committee Members,

I understand there are some questions such as from what sources the \$175K and \$9.5 million cap in my petition originated; why this information is not already available in the 2005 and 2017 Library Building Program documents; and how APD and wetland issues may be resolved.

I am submitting following additional information for your consideration –

**The \$175K for design, engineering and related construction documents**

I asked the opinion of 2 separate architectural firms to ascertain whether \$175,000 would be adequate funding to undertake this work. Both are experienced architects who routinely work on municipal buildings and are familiar with the required documentation. They both agreed that the \$175k seemed reasonable.

Wayland's Public Building Director, Mr. Keefe, has also reviewed the petition and agrees the \$175K is a reasonable amount for the tasks involved.

**The \$9.5 million cap**

The petition requests that the design be budget conscious and caps the upper limit at \$9.5 million. Given this is what the \$175K is meant to design, what I can clarify now are the information sources that I used to base the \$9.5 million cap.

Letter from Mr. Thomas J. Fay, dated 12/11/2017

In this letter, Mr. Fay indicated that renovating the 14,025 sf library building would cost @\$350/sf. Additions would cost @\$535/sf and Site Costs are @\$1.5 million

Using the numbers above –

	14,025 * \$350 =	\$4,908,750
A 4,000-sf addition =	4,000 * \$535 =	\$2,140,000
	Site Costs	<u>\$1,500,000</u>
	Estimate \$\$	\$8,548,750

It is not clear what makes up the \$1.5 million site costs. However, in the 5-Year Capital Budget, there is \$275K budgeted for connecting the Library's wastewater to the town's sewage treatment facility. It would be reasonable that this cost would be part of site preparation.

I also looked at the 2005 Library Building Program document. In the 2005 study, Option B was \$15 million for a 41.9K sf. building. That is \$355/sf. Increasing that 2005 number to 2017 using

PPI for new school construction, the figure is \$447/sf. Using \$447/sf times 4,000 equals to \$1.8 million, so the total becomes \$8.2 million.

Given the major components above add up to between \$8.2 to \$8.5 million, another \$1 million was considered adequate to cover project management and other costs. This information was vetted with one of the two aforementioned architects and was considered reasonable.

Please read the next section on why 4,000 sf was chosen as the potential expansion.

#### **4,000 sf Expansion at 5 Concord Road**

At the 2016 Annual Town Meeting, \$56K was appropriated to "Fund Payment In Lieu of Sewage Betterment Assessment for Sewer Capacity for Town Library or Other Town Building", Article 19. In layman's terms, \$56K was appropriated to assess connecting Library building septic to the Town's sewage treatment facility.

The Article was approved, and it was noted in Library Planning Committee minutes, 3/16/2016 (I added highlights) –

Article 19 concerns connecting the current building at 5 Concord Road to the town-owned wastewater (sewage) treatment plant. This is needed to have available land upon which the library at 5 Concord Road can be expanded. If the library connects to the wastewater plant, the current aging septic system can be excavated and that land could then be used to enlarge the footprint of the library. Even if the library is not expanded, it is anticipated a new septic will soon be required as the current one is 29 years old.

The septic field area is approximately 2,000 sf. Assuming two floors can be added, that would be 4,000 sf.

#### **Concerns about Aquifer Protection and Wetlands**

The APD by-laws, meant to protect Wayland's drinking water, state that no more than 30% of a site should be covered by impermeable land. It has been noted that the library is already at 45% and therefore cannot support an addition.

There are 2 potential solutions:

1. Combining the Library land (1.02 acres) with the municipal owned Freight House land parcel (0.91 acres) just about doubles the total acres. The Freight House is mostly permeable land. The percentage of permeable land becomes ~25%, safely under the 30% required by APD.
2. Connecting the library building septic to the Town's sewage treatment facility, an action already approved by Town Meeting, greatly reduces the concerns of waste water contaminating the aquifer.

The design could explore both options, and others, to satisfy APD by-laws.

Because we are looking at a modest expansion, we do not anticipate that we would need to encroach into wetlands.



### **Didn't we already evaluate expanding at 5 Concord Road and decided it was not possible?**

Both the 2005 and 2017 feasibility studies asked if a 41.9K or 33.5K sf building could be built at 5 Concord Road. Neither study produced designs for what can be expanded at 5 Concord Road without demanding doubling the building size.

My article asks the two questions neither of the above answered. Presuming the town wishes to keep the library at 5 Concord Road and the total cost at \$9.5 million:

1. How much will it cost to renovate the existing building, connect the building to the town sewer system, correct drainage and expand parking around the freight house possibly using permeable material?
2. Assuming the current septic field is now available as a footprint for a modest addition, what would this modest addition cost & how could it be designed to mitigate current space deficiencies?

### **Results of the Donahue Survey and potentially saving million in tax dollars**

The 2015 town-wide Donahue Survey had 875 respondents, much higher than the 358 needed for 95% confidence level. Despite some criticism of the survey's questions that never connected a price tag to obtain some of the improvements, it does show overwhelming support for the existing facility while indicating areas they would like to see improved.

Page 38 – Satisfied to Very Satisfied: 63% - 84%

Page 39 - Households with and without children, satisfaction levels regarding Children's Space: 65% for those with children and 80% for those without

Page 46 –

*Q13. How likely would you be to support a bond issue you fund a library project in Wayland that expands/modernizes the current building?*

73% said Likely & Very Likely, 19% Unlikely to Very Unlikely to support

*Q14. If it is not possible to expand/modernize the current building, how likely would you be to support a bond issue to fund construction of a new facility on a different site?*

50%\* said Likely & Very Likely, 38% Unlikely to Very Unlikely to support

\*Note that this fell well short of the two-thirds vote required to pass a capital project.

On page 51 - 80% of those with children prefer to stay and renovate at 5 Concord Road

Repeatedly, Wayland respondents overwhelmingly choose 5 Concord Road over a new building in a new location.

No matter what happens next, the library building remains a municipal building. Even if we can revoke a charitable trust and use it for other functions, we will need to renovate and maintain the building. In neighboring Weston, their library sat vacant for 23 years. The renovation for their old library will cost \$4,800,000.

We should listen to what the Donahue survey tells us – Wayland residents love our library and prefer to stay. We can choose to renovate and modestly expand, coordinate larger functions in already paid for town buildings, and potentially save tax payers millions of dollars.

Respectfully,

Judy Ling  
274 Concord Road  
Wayland, Mass 01778


Wayland Free Public Library

Needs Assessment for Programming and Planning

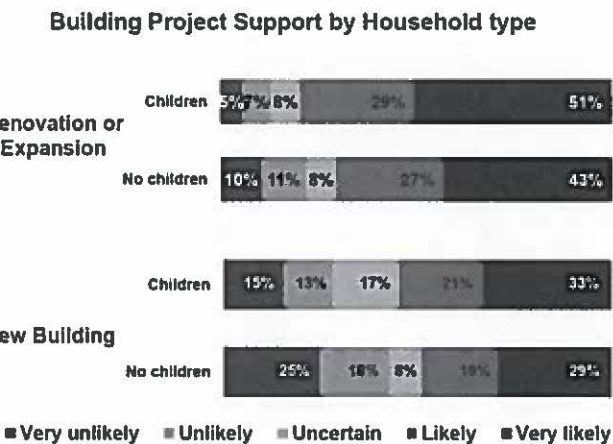
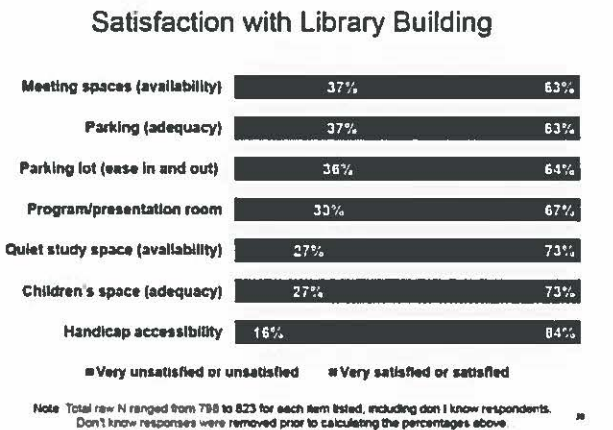
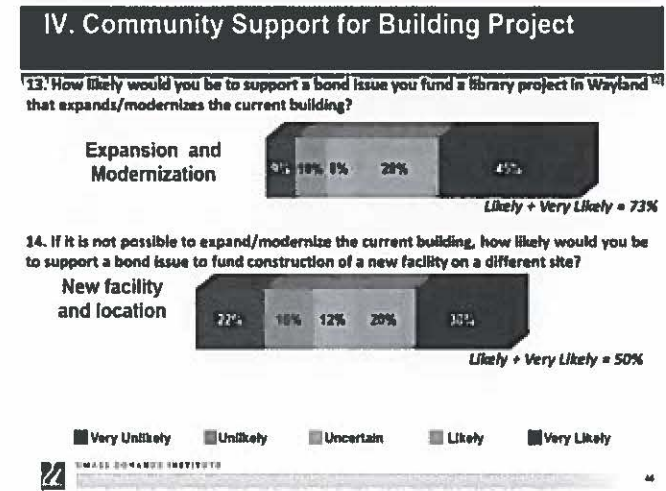
Highlights of a Survey of Wayland Households

Presentation to WFPL Trustees

June 17, 2015



UMASS DONAHUE INSTITUTE





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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

February 14, 2018

Ms. Beth Klein, Town Clerk  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778

RECEIVED  
TOWN OF WAYLAND  
TOWN CLERK  
2018 FEB 20 AM 8:27

Dear Ms. Klein,

On Monday, February 12, 2018, the Wayland Board of Selectmen voted to approve three ballot questions as stated below and requests that the Town Clerk place these questions on the March 27, 2018 Election Ballot. These questions were also reviewed and approved by Wayland Town Counsel and by Bond Counsel.

### **BALLOT QUESTION 1:**

Shall the Town of Wayland be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to pay costs for the design, engineering, construction, equipping, and furnishing of a new Wayland Free Public Library to be located at 195 Main Street, Wayland, MA 01778, including any and all incidental and related costs?

Yes \_\_\_\_\_  
No \_\_\_\_\_

### **BALLOT QUESTION 2:**

Shall the Town of Wayland be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to pay costs for the design, engineering, construction, and installation of mechanical and electrical system improvements for the Wayland Town Building located at 41 Cochituate Road, Wayland, MA 01778, including any and all other costs incidental or related thereto, and to pay costs for the design, engineering and construction of renovations and improvements at Wayland Fire Station Number Two located at 145 Main Street, Wayland, MA 01778, including any and all other costs incidental or related thereto?

Yes \_\_\_\_\_  
No \_\_\_\_\_



**BALLOT QUESTION 3:**

Shall the Town of Wayland be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to pay costs for the design, engineering, and construction of the Wayland High School Stadium Complex located at 264 Old Connecticut Path, Wayland, MA 01778 and for the design, engineering, and construction of new tennis courts, softball fields, outdoor basketball, and volleyball courts, including any and all other costs incidental or related thereto; and pay costs for the permitting, design, engineering, and construction of a multi-purpose synthetic turf athletic playing field, associated parking, access pathways, lighting, drainage, and landscaping at the Loker Conservation & Recreation Area located at 412 Commonwealth Road, Wayland, MA 01778, including any and all other costs incidental or related thereto?

Yes \_\_\_\_\_

No \_\_\_\_\_

Thank you for your assistance.

Sincerely,



Nan Balmer  
Town Administrator

Enc: Certified Vote of the Board of Selectmen

CC: Board of Selectmen  
Chair, Library Board of Trustees  
Chair, School Committee  
Chair, Recreation Commission



Comcast  
676 Island Pond Road  
Manchester, NH 03109  
Phone: 603-695-1400  
Facsimile: 603-628-3303  
www.comcast.com  
www.comcastcorporation.com

February 16, 2018

***Via Overnight Delivery***

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

**RECEIVED**

**FEB 20 2018**

***Re: Commencement of Renewal Process***

Board of Selectmen  
Town of Wayland

Dear Chair and Members of the Select Board:

Over the years, we at Comcast have appreciated the opportunity to serve the citizens of the Town of Wayland (the "Town"). We have done our best to provide the high quality cable television service the Town and its residents demand, and we anticipate being able to provide that service to our subscribers in the Town for many years to come. Therefore, we are taking this step to ensure the renewal of our agreement with you.

The Cable Communications Policy Act of 1984 encourages issuing authorities and cable companies to reach agreement on a renewal agreement at any time through an informal process of discussion. However, Section 626 of the Act also provides for a contemporaneous alternative formal renewal procedure with specific substantive and procedural requirements. If either the issuing authority or the cable company does not initiate the formal process within a certain time frame, the protections of that process may be lost. To that end, Comcast hereby notifies the Town that the renewal period for our agreement under Section 626 is now open, and we request the start of renewal proceedings pursuant to the Section 626(a)(1).

This letter is not intended to preclude informal negotiations, but instead is intended only to preserve the rights of Comcast under the formal renewal process. Comcast has every reason to believe that the Town and Comcast will reach a mutually agreeable renewal of the cable television agreement through good-faith negotiations, thus making many of the Act's formal procedures unnecessary. The relevant provision of Section 626 on the informal process is brief and reads as follows:

"(h) . . . [A] cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after formal proceedings pursuant to this section have commenced) . . ."

The "formal" process generally includes the following steps:

1. Within six (6) months of the submission of this letter, the Town conducts an ascertainment proceeding which affords residents an opportunity to a) identify the future cable-related needs, and b) review Comcast's performance under the current agreement.
2. At your request or on our own, Comcast submits a renewal proposal with a draft cable television agreement.
3. Within four (4) months of the Town's receipt of Comcast's proposal, the public is afforded "adequate notice and opportunity to comment on the renewal proposal" and the Town must choose to renew the agreement or issue a preliminary denial, which triggers a further formal process.

I am attaching a copy of Section 626 of the Cable Act for your review. Gregory Franks will be in contact with you soon to arrange a meeting with the Town to discuss informally negotiating a renewal agreement. Please feel free to contact Greg at 508-647-1418 at any time. Comcast looks forward to meeting with the Town in the near future and continuing the long relationship that, we believe, has benefited both the community and the residents of the Town of Wayland.

Sincerely,



Timothy Murnane  
Vice President, Government and Regulatory Affairs

TM/cam  
Attachment



cc: Cable Advisory Committee  
Town Manager  
Gregory Franks – Comcast Government & Regulatory Affairs



**The Communications Act of 1934, as amended**  
**(47 USC Sec. 546-Renewal)**

---

**Section 626. Renewal**

**(a) Commencement of proceedings; public notice and participation -**

- (1) A franchising authority may, on its own initiative during the 6-month period which begins with the 36th month before the franchise expiration, commence a proceeding which affords the public in the franchise area appropriate notice and participation for the purpose of (A) identifying the future cable-related community needs and interests, and (B) reviewing the performance of the cable operator under the franchise during the then current franchise term. If the cable operator submits, during such 6-month period, a written renewal notice requesting the commencement of such a proceeding, the franchising authority shall commence such a proceeding not later than 6 months after the date such notice is submitted.
- (2) The cable operator may not invoke the renewal procedures set forth in subsections (b) through (g) of this section unless -
  - (A) such a proceeding is requested by the cable operator by timely submission of such notice; or
  - (B) such a proceeding is commenced by the franchising authority on its own initiative.

**(b) Submission of renewal proposals; contents; time -**

- (1) Upon completion of a proceeding under subsection (a) of this section, a cable operator seeking renewal of a franchise may, on its own initiative or at the request of a franchising authority, submit a proposal for renewal.
- (2) Subject to section 544 of this title, any such proposal shall contain such material as the franchising authority may require, including proposals for an upgrade of the cable system.
- (3) The franchising authority may establish a date by which such proposal shall be submitted.

**(c) Notice of proposal; renewal; preliminary assessment of nonrenewal; administrative review; issues; notice and opportunity for hearing; transcript; written decision -**

- (1) Upon submittal by a cable operator of a proposal to the franchising authority for the renewal of a franchise pursuant to subsection (b) of this section, the franchising authority shall provide prompt public notice of such proposal and, during the 4-month period which begins on the date of the submission of the cable operator's proposal pursuant to subsection (b) of this section, renew the franchise or, issue a preliminary assessment that the franchise should not be renewed and, at the request of the operator or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceeding, in accordance with paragraph (2) to consider whether -
  - (A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;
  - (B) the quality of the operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix or quality of cable services or other services provided over the system, has been reasonable in light of community needs;
  - (C) the operator has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the operator's proposal; and
  - (D) the operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.
- (2) In any proceeding under paragraph (1), the cable operator shall be afforded adequate notice and the cable operator and the franchise authority, or its designee, shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under subsection (a) of this section), to require the production of evidence, and to question witnesses. A transcript shall be made of any such proceeding.
- (3) At the completion of a proceeding under this subsection, the franchising authority shall issue a written decision granting or denying the proposal for renewal based upon the record of such proceeding, and transmit a copy of such decision to the cable operator. Such decision shall state the reasons therefor.

**(d) Basis for denial -**

Any denial of a proposal for renewal that has been submitted in compliance with subsection (b) of this section shall be based on one or more adverse findings made with respect to the factors described in subparagraphs (A) through (D) of subsection (c)(1) of this section, pursuant to the record of the proceeding under subsection (c) of this section. A franchising authority may not base a denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)(A) of this section or on events considered under subsection (c)(1)(B) of this section in any case in which a violation of the franchise or the events considered under subsection (c)(1)(B) of this section occur after the effective date of this subchapter unless the franchising authority has provided the operator with notice and the opportunity to cure, or in any case in which it is documented that the franchising authority has waived its right to object, or the cable operator gives written notice of a failure or inability to cure and the franchising authority fails to object within a reasonable time after receipt of such notice.

**(e) Judicial review; grounds for relief**

- (1) Any cable operator whose proposal for renewal has been denied by a final decision of a franchising authority made pursuant to this section, or has been adversely affected by a failure of the franchising authority to act in accordance with the procedural requirements of this section, may appeal such final decision or failure pursuant to the provisions of section 555 of this title.
- (2) The court shall grant appropriate relief if the court finds that -
  - (A) any action of the franchising authority, other than harmless error, is not in compliance with the procedural requirements of this section; or
  - (B) in the event of a final decision of the franchising authority denying the renewal proposal, the operator has demonstrated that the adverse finding of the franchising authority with respect to each of the factors described in subparagraphs (A) through (D) of subsection (c)(1) of this section on which the denial is based is not supported by a preponderance of the evidence, based on the record of the proceeding conducted under subsection (c) of this section.

**(f) Finality of administrative decision -**

Any decision of a franchising authority on a proposal for renewal shall not be considered final unless all administrative review by the State has occurred or the opportunity therefor has lapsed.

**(g) "Franchise expiration" defined -**

For purposes of this section, the term "franchise expiration" means the date of the expiration of the term of the franchise, as provided under the franchise, as it was in effect on October 30, 1984.

**(h) Alternative renewal procedures -**

Notwithstanding the provisions of subsections (a) through (g) of this section, a cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings pursuant to this section have commenced). The provisions of subsections (a) through (g) of this section shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsections (a) through (g) of this section.

**(i) Effect of renewal procedures upon action to revoke franchise for cause -**

Notwithstanding the provisions of subsections (a) through (h) of this section, any lawful action to revoke a cable operator's franchise for cause shall not be negated by the subsequent initiation of renewal proceedings by the cable operator under this section.



**To: Wayland Zoning Board of Appeals**

41 Cochituate Road

Wayland, MA 01778

Phone: 508.358.3600

Email: ZBA@Wayland.ma.us

**RECEIVED**

**FEB 20 2018**

Board of Selectmen  
Town of Wayland

**From: ProtectWayland.org**

**RE: Presentation at the Cascade 40B hearing on 27 February**

**Date: 20 February, 2018**

**To the members of the Wayland Zoning Board of Appeals:**

ProtectWayland.org would appreciate the opportunity to present our findings on Mr. Zieff's "Cascade Version 2" plan at the upcoming ZBA hearing on 27 February. This presentation will focus on environmental, regulatory and public safety problems that would be created by the aggressive Cascade V2 proposal.

Our presentation and reports will be based on Cascade V2 information that we have had adequate time to review – and restricted by information that Mr. Zieff has delayed or not delivered. Delivery of our reports will not be possible a week prior to the hearing on 27 February, due to these delays.

As discussed at the last Cascade 40B hearing in January, the 40B schedule must be extended by a minimum of 90 days to give members of the ZBA, Wayland Town departments, peer reviewers, ProtectWayland, our experts and Wayland citizens adequate and reasonable time to review all of the information on Mr. Zieff's new "Version 2" plan. The hydrogeo study will be particularly complex and tied to key risks, e.g. the large septic leach fields and pollution of Pine Brook. This review cannot be rushed. As Ms. Segal noted, Town staff are also busy preparing for Wayland's Annual Town Meeting, so additional time may be required beyond 90 days.

If Mr. Zieff refuses to extend the 40B hearing schedule by at least 90 days, the ZBA should deny Mr. Zieff's 40B Comprehensive Permit based on his refusal – given repeated failures to deliver information prior to public hearings, the sudden switch to "Version 2" which requires new rounds of review, misrepresentations regarding FEMA flood zone data that have never been clarified, and commitments to deliver essential information that were repeatedly broken, e.g. the hydrogeo study. Throughout these hearings, the ZBA has been forced to deal with the lack of key information and adequate time to review it.

**ProtectWayland.org**

## ProtectWayland.org

Kerry-Ann & Brent Kendall  
Stewart Smith & Kim Woods  
Tom Nuspl  
Kevin & Kristen FitzPatrick  
Marie Winter  
Rita & Richard Tse  
Mark & Nadine Hays  
Peter & Sue Keller  
Tonya & Rich Peck  
Michelle Leinbach & Rob Travis  
Jasmine & Jim Newland  
Janet Kutner  
Malcolm Astley  
Ron & Pami Terren  
Marisol Tabares & Jorge Alzate  
Jane Shulman-Griffin  
Lisa & Stephen Breit  
Amelie Gubbels  
Ray & Lucille Nava  
Nancy Boyle  
Kathy Heckscher  
Tejal & Avi Shetty  
Laura Wung & Erik Thoen  
Matt & Alexandra Gill  
Joy & Dr. Alfred Viola  
Sheila Rosalyn Deitchman  
Howard & Ann Cohen  
Jennifer Phoenix  
William Rothschild, M.D.  
Susan Pope  
Bettina & Douglas Siegel  
Markey & Tom Burke  
Marty McCullough  
Edward Henry  
David & Emily Weinshel  
Tom & Lee Raymond  
Christopher & Katie Riffle  
John & Susan Kadzis  
Joseph & Laura Schwendt  
Garrett Larivee  
Aina Lagor  
Colin & Ginny Steel  
Angela & Leon Zachery  
Susan and Emory Ford  
Deborah Stubeda & Whitney Wolff  
Ransom & Carlotta Shaw  
Dr. Larry Weisman  
Bridget & Ted Bridgman  
Sara Sun  
Kevin Whittemore  
Klaus & Linda Shigley  
Jen & Jeff Manning  
Clayton Jones  
Sid Sclar  
Debs Van Ranst  
Steven Kandrac

Richard Shapiro & Penelope Wayne-Shapiro  
Rabbi Katy Z. Allen & Gabi Mezger  
Janot Mendler de Suarez  
Cindy Leonard  
Richard & Barbara Stanley  
Alison Zetterquist  
Elizabeth Gifford  
Mai-Lan & Hendrik Broekman  
Robert & Michelle Shields  
Catherine & Todd Burns  
Joanne Tarlin  
Matt & Amanda Kosko  
Chris Palsho  
Karen & Ken Krowne  
Adam & Gret West  
Scot & Bethany Furlong  
Samantha & Justin Huddleson  
Stephen Dirrane  
Paul Matto  
Sarah Ryu  
Annabella Jucius  
Chris Farrell  
Patricia Starfield  
Stacia Boyajian  
Lynn M. Connelly  
Adam & Nicolette Mascari  
Larina Mehta  
Marie Schaff  
Kaushal & Kamine Mehta  
Adam Janoff  
Chris & Katie Demo  
Katherine Bassick  
Reagan Beck & Emad Tinawi  
Don & Michele Apruzzese  
Lana Carlsson-Irwin  
Gina & Drew Dallin  
Donald Hindley  
Peter Bochner  
Margaret Ingolia & John Gunshenan  
Devon & Haleigh Regan  
Gordon Wilkie  
Bob & Miranda Jones  
Ellen Raja  
Dan Ferrick & Patricia Birgeneau-Ferrick  
Marty & Bill McCullough  
Amanda Ciacchio  
Gretchen Schoenfield & Ian Zickler  
Habib Rahman  
Bill & Arlene Petri  
Chris & Joan Lynch  
Ginny Redpath  
Colin & Diane Bailey  
Scott Sweeney  
Sharon Botwinik  
Linda & Jim Condil  
Cynthia Wisniewski & Michael Sakowich  
George & Nancy Doran





**MINUTEMAN**  
ASPIRE ACCELERATE ACHIEVE

RECEIVED

FEB 12 2018

Board of Selectmen  
Town of Wayland

February 7, 2018

cc: Finance Dir  
Elz Doveille

Ms. Zoe Pierce  
Town Treasurer  
41 Cochituate Road  
Wayland, MA 01778

Dear Ms. Pierce,

The Minuteman Regional Vocational Technical School District School Committee approved preliminary assessments based on the 2019 Governor's Budget House 2 at its meeting on February 6th, 2018. Assessments have been calculated based on the minimum contributions included in the 2019 State budget. The Minuteman School Committee will review the final budget and assessment figures based on the final approved state budget. We will send notice of revised figures, if any, after that meeting.

Listed below is the total assessment due pursuant to the Minuteman School District Regional Agreement, Section IX-Withdrawal.

On or before August 1 <sup>st</sup> , 2018	\$ 10,284	100%
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The FY19 budget book and assessments are posted on our website at [www.minuteman.org](http://www.minuteman.org).

Please consider this letter as request for payment according to the above schedule. If you have any questions about the assessment, Please contact Kevin F. Mahoney Assistant Superintendent of Finance at [kmahoney@minuteman.org](mailto:kmahoney@minuteman.org) or 781-861-6500 Ext 220.

Sincerely,

Laurie Elliott  
Treasurer

cc: Chairman, Finance Committee  
Chairman, Board of Selectmen



**MASSACHUSETTS  
MUNICIPAL  
ASSOCIATION**

ONE WINTHROP SQUARE, BOSTON, MA 02110  
617-426-7272 • 800-882-1498 • fax 617-695-1314 • [www.mma.org](http://www.mma.org)

**MMA's Legislative Breakfast Meetings will be on  
March 2, March 9 and March 16**

***Please Register Today to Meet with Your Legislators!***

**RECEIVED**

**FEB 22 2018**

Board of Selectmen  
Town of Wayland

February 16, 2018

Dear Local Official,

The **MMA's Annual Spring Legislative Breakfast** series will start early next month as work starts in earnest at the State House to craft a fiscal 2019 revenue and spending plan, make spending adjustments in the fiscal 2018 budget, and consider a wide range of legislation as the end of this two-year session approaches.

**These regional meetings will take place on three successive Friday mornings (March 2, March 9, and March 16)** in six cities and towns across the Commonwealth. We hope you can join us at the meeting nearest you to talk with area legislators, municipal colleagues from the region, and MMA staff about key issues. As always, we expect a lively discussion!

These meetings will take place as the Legislature starts to look at the fiscal 2019 state budget recommendation filed by Gov. Baker, and begins to draft their own House and Senate budget bills. In particular, we expect that these legislative breakfasts will provide an excellent opportunity for you to tell your legislators what you need to balance your budgets – especially in accounts such as unrestricted municipal aid, Chapter 70, charter school reimbursements, special education reimbursements, and more.

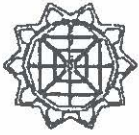
Spring 2018 will also mark the start of the sprint to finish the legislative session, with many important bills in the works that affect local government, including the zoning and housing production legislation filed by the Governor and now headed to the House, and the big clean energy bill in the Senate. These six breakfast meetings will also provide an excellent chance to talk with your legislators about a wide range of issues and how they would affect cities and towns, such as funding for Chapter 90 and other local capital programs, and the local impact of new statutes and regulations such as the commercial marijuana law. Spring 2018 is going to be incredibly busy and exciting!

**PLEASE SIGN UP TODAY!** You can register through [www.mma.org](http://www.mma.org) or by contacting Alandra Champion at [achampion@mma.org](mailto:achampion@mma.org) or 617-426-7272. **Thank you very much!**

Sincerely,

Geoff Beckwith  
Executive Director & CEO

Enclosure



## **2018 Spring Legislative Breakfast Meetings**

### **Please Register Now!**

Please register online at [www.mma.org](http://www.mma.org), or complete this registration form and mail it to: Alandra Champion, Massachusetts Municipal Association, One Winthrop Square, Boston, MA 02110, or by fax to: 617-695-1314, or by e-mail to: [achampion@mma.org](mailto:achampion@mma.org)

Registrant's Name: \_\_\_\_\_

Municipality: \_\_\_\_\_

Job Title: \_\_\_\_\_

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

Email Address: \_\_\_\_\_

Breakfast Location (Please check the meeting you will attend):

#### **March 2<sup>nd</sup>**

- ☐ Fairhaven, Town Hall, 40 Center Street
- ☐ Palmer, Town Hall Council Meeting Room, 4417 Main Street

#### **March 9<sup>th</sup>**

- ☐ Hudson, Town Hall Auditorium, 78 Main Street
- ☐ Newburyport, City Hall Auditorium, 60 Pleasant Street

#### **March 16<sup>th</sup>**

- ☐ Gardner, Levi Heywood Memorial Library, 55 West Lynde Street
- ☐ Pittsfield, City Hall Council Chambers, 70 Allen Street

While the meetings are free, attendees are asked to pre-register so the planners can have an accurate count. All legislative breakfast meetings will begin at 8:00 a.m. and end by 10:00 a.m.

**THANK YOU FOR REGISTERING – WE LOOK FORWARD TO SEEING YOU THERE!**