

PACKET

DECEMBER 3

2018



LOUISE L. E. MILLER
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, December 3, 2018

7:00 p.m.

Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road, Wayland, MA

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.

RECEIVED
TOWN OF WAYLAND
TOWN CLERK
2018 NOV 29 PM 2:58

- 7:00 pm 1. Call to order by Chair
- Review of agenda for the public
- 7:05 pm 2. Announcements and public comment
- 7:10 pm 3. Licensing:
- Vote to approve renewal of liquor licenses, common victualler licenses, entertainment licenses, used car dealer licenses, and sale of second hand articles licenses.
 - Vote to amend the current annual town licensing fees for five specific classifications of licenses when approved by the ABCC in the months of November or December.
 - Vote to approve Testa's Restaurant Group, LLC, d/b/a Giacomo's Restaurant Wayland, to pay a pro-rated fee of \$500 for their 2018 Alcoholic Beverage/Common Victualler certificate.
- 7:15 pm 4. Public Hearing on Tax Classification and Tax Recapitulation and votes to adopt FY19 tax rate policy
- 7:55 pm 5. Stormwater Funding Options for FY 20 Budget Update
- 8:05 pm 6. Vote to open warrants for 2019 Annual Town Meeting and Town Election

BOARD OF SELECTMEN
Monday, December 3, 2018
7:00 p.m.
Selectmen's Meeting Room
41 Cochituate Road, Wayland, MA

Proposed Agenda – Page Two

- 8:10 pm 7. Town Administrator's Report
1. Correspondence
 2. Green Community Annual Report
 3. Wayland Rod and Gun Club Property and Verizon cell tower update
 4. Financial Policy Update:
 - Finance Committee: Letter to Board of Selectmen dated November 26, 2018 re: Recommendations to Amend the OPEB Trust Document
 - Collins Draft Financial Management Policies
 5. Annual Town Meeting Schedule
 6. Mass DOT Update: Route 20 property as potential use for school buses
 7. Open Meeting Law Response to George Harris complaint of November 13, 2018
- 8:20 pm 8. Minutes: Review and vote to approve regular session minutes of November 5, 2018, November 13, 2018 and November 19, 2018.
- 8:25 pm 9. Consent Calendar: Review and vote to approve (see separate sheet)
- 8:30 pm 10. Correspondence Review
- 8:35 pm 11. Selectmen's reports and concerns
- 8:40 pm 12. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any
- 8:45 pm 13. Adjourn



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

TOWN BUILDING
41 COCHITUATE ROAD
TEL. (508) 358-7701
www.wayland.ma.us

DATE: December 3, 2018
TO: Board of Selectmen
FROM: Teri Hegarty, Executive Assistant
RE: **Liquor License Renewal for 2018 for Testa's Restaurant Group, LLC d/b/a Giacomo's Restaurant Wayland**

In your agenda packets you will find a copy of an Alcoholic Beverage Control Commission (ABCC) decision to approve an annual, all-alcoholic, on-premises consumption restaurant license for Testa's Restaurant Group, LLC d/b/a Giacomo's Restaurant Wayland dated November 23, 2018. This approval is for the calendar year 2018 and expires on December 31, 2018. (The Alcoholic Beverage/Common Victualler certificate for 2018 will be distributed for your signatures.) The annual liquor license fee associated with this classification is \$2,000 + \$50 for the common victualler fee. (An Annual License Fee Matrix is attached for your reference along with the town's information on the Provision and Consumption of Alcoholic Beverages.)

In addition, all license renewals for 2019 were due before the end of November 2018 and therefore, will require Giacomo's to pay another annual license fee of \$2,000 + \$50 for the common victualler fee. (The Alcoholic Beverage/Common Victualler certificate for 2019 for Giacomo's will be distributed for your signatures as well.)

There are no administrative costs associated with these local licensing fees.

For 2018, Giacomo's is due to be charged \$2,000 for a six-week liquor license. They will be also be charged \$2,000 for the 2019 Alcoholic Beverage/Common Victualler certificate. (Please note: Giacomo's has already paid \$50 for their 2018 common victualler fee and \$50 for their 2019 common victualler fee).

For the Board of Selectmen's consideration, I would like to propose two actions related to these local licensing fees:

1. Amend the current Annual Licensing Fee matrix for the following five classifications of license (see table, below) to allow pro-rating of town fees when any of these licenses are **approved in the month of November or December by the ABCC**. This would allow the licensee to be charged for a $\frac{1}{4}$ of the year. The new proposed pro-rated fees are noted below.

Class of License	Fee	Proposed Pro-rated Fee
Common Victualler, All Kinds of Alcoholic Beverages	\$2,000	\$500
Common Victualler, Wine & Malt Beverages	\$750	\$187.50
Club, All Kinds of Alcoholic Beverages	\$1,000	\$250
Retail Package Goods Store, All Kinds of Alcoholic Beverages	\$2,000	\$500
Retail Package Goods Store, Wine and Malt Beverages	\$1,500	\$375

2. Vote to approve Testa's Restaurant Group, LLC, d/b/a Giacomo's Restaurant Wayland to pay a pro-rated fee of \$500 for their 2018 Alcoholic Beverage/Common Victualler certificate. (They will remain responsible for the full \$2,000 fee for their 2019 renewal and for all subsequent years.)

Thank you for your time and your consideration of these requests.

Respectfully submitted,



Teri Hegarty
Executive Assistant

Attachments



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

Application Summary Review

Municipality: WAYLAND

ABCC Commission Decision

APPROVED

Date of Commission Decision: 11/23/2018

License Information:

Applicant Name/DBA:	Testa Restaurant Group, LLC / Giacomo's Restaurant Wayland	Date Filed:	11/20/2018
Premises Address:	14 Elissa Avenue Wayland MA 01778	License Number (if applicable):	04508-RS-1340
Manager Name:	John E. Testa	Record Number:	2018-000856-RT-APP
Class:	Annual	Granted Under Special Legislation?	Yes <input type="radio"/> No <input checked="" type="radio"/>
Category:	All Alcoholic Beverages	Chapter:	Year:
On / Off Premises:	On-Premises Consumption		
Type:	Restaurant		

Application Contact:

Name:	Adam C. Ponte	Title:		Phone:	6173362280	Email:	aponte@fletcherilton.com
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Transaction Type:

New/Transfer License: New

Financial Information:

Total Cost of Transaction:	225000	Seeking a Pledge:	Yes <input type="radio"/> No <input checked="" type="radio"/>
Application Contribution:	150000	Pledging to:	
Lender Contribution:	150000	Amount of Loan:	

Ownership Interests:

Contact Type	Name	Type of Interest	% of int	Email
Manager	John Testa	LLC Manager, LLC Member, Other	100	

ANNUAL LICENSE FEES

Town of Wayland

Effective July 1, 2003

Class of License	Fee
Common Victualler, All Kinds of Alcoholic Beverages	\$2,000
Common Victualler, Wine & Malt Beverages	\$750
Club, All Kinds of Alcoholic Beverages	\$1,000
Retail Package Goods Store, All Kinds of Alcoholic Beverages	\$2,000
Retail Package Goods Store, Wine and Malt Beverages	\$1,500
Common Victuallers	\$50
Auto Dealers (Class I and Class II)	\$75
Sale of Second Hand Goods	\$100
Entertainment License	\$50
One Day Liquor License	\$25.00 per event

PROVISION AND CONSUMPTION OF ALCOHOLIC BEVERAGES

These rules supplement the General Laws of the Commonwealth of Massachusetts and the Code and other Rules and Regulations of the Town of Wayland, Massachusetts.

I. COMMERCIAL ESTABLISHMENT LICENSES

The Board of Selectmen has the authority to grant licenses to owners of establishments that sell alcoholic beverages for consumption on or off the premises of the establishment (see Wayland Code §72-4 regarding authority to deny, revoke, or suspend license for failure to pay taxes).

- A. The Police Chief and the officers within his/her command shall be the liquor agent for the Board of Selectmen.
- B. Licensees shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. Violations of any laws, rules, or regulations may result in suspension or revocation of the license after a hearing conducted by the licensing authority.
- C. Holders of off-premises liquor licenses (package stores selling all alcoholic beverages, or convenience or grocery stores selling wine and malt beverages) may be open on Sundays, subject to the following conditions:
 - a. No sales shall be made prior to 12:00 noon, except as noted in Section D below;
 - b. No sales shall be made after 9:00 p.m.;
 - c. The employee compensation and work schedule provisions of Section 31 of Chapter 141 of the Acts of 2003 shall be complied with; and
 - d. No sales by such licensees may be permitted on any of the following days:
 - Memorial Day (usually last Monday in May);
 - Thanksgiving Day;
 - Christmas Day;
 - Monday following Christmas Day if Christmas Day falls on a Sunday.
- D. On March 16, 2015, the Board of Selectmen voted to accept the provisions of Massachusetts General Laws Chapter 138, Section 33B, which are to allow the sales of alcoholic beverages by on-premise licensees, licensed by the Board of Selectmen, on Sundays and certain legal holidays, between 10:00 a.m. and 12:00 p.m. (noon). Application for the allowance of such sales must be submitted to the Board of Selectmen for approval.
- E. It shall be the responsibility of each licensee of an establishment granted a license to sell alcoholic beverages on premises to assure that, prior to his/her initial shift, each manager or assistant manager of the licensee meets with the Police Chief or his/her designee to discuss expectations and responsibilities of managing such establishments. A list of all managers or assistant managers shall be posted in public view in the establishment.

A designated manager or assistant manager will be on-site at all times the establishment is open. The on-site manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages

and the town's rules and regulations for the provision and consumption of alcoholic beverages. The on-site manager shall be certified in intervention procedures by servers of alcohol in accordance with Section F of these rules. The on-site manager will also be responsible for maintaining the building occupancy limits, as listed on the liquor license, and will be the point of contact for police, fire, or building officials that may inspect the premise at any time. The designated manager shall have full authority to make decisions concerning the operation of the establishment.

- F. Applications for extension of hours on New Year's Eve until 2:00 a.m. must be made in writing to the Town Administrator. No alcoholic beverages shall be served after 1:30 a.m. All patrons shall be off the premises by 2:00 a.m.
- G. All commercial establishments shall participate in a program designed to train employees who engage in either package sales or pouring, in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors.
 - 1. Listed below are programs currently available which meet the requirements of this regulation:
 - a. Techniques of Alcohol Management (T.A.M.) sponsored by the Massachusetts Package Store Association,
 - b. Training for Intervention Procedures by Servers of Alcohol (T.I.P.S.), offered by Health Communication,
 - c. Alcohol Intervention Methods (A.I.M.) offered by Campbell/Trent, or
 - d. Any Insurance Industry approved and qualified program offered by a certified trainer and approved by the Board of Selectmen.
 - 2. All establishments must maintain a roster or certificate of trained personnel in an accessible place during operating hours. An updated roster shall be submitted with the annual application for renewal of the license. The roster shall include:
 - a. Employee Name
 - b. Employee Date of Birth
 - c. Employee Social Security Number
 - d. Position
 - e. Type of Training (Name of Trainer and/or Company)
 - f. Date Valid
 - g. Date of Expiration (no more than three (3) years)
 - h. Date of Hire
 - 3. All personnel shall be required to be recertified once every three (3) years by an approved program, as noted above.
 - 4. All newly hired employees that sell or serve alcohol shall complete a training program within sixty (60) days of their hiring, or show proof of training certification at a course approved by the Board of Selectmen within the past three (3) years. Proof of certification must be submitted to the Board of Selectmen.
 - 5. Failure to comply with this policy may result in revocation of the license. Fines may also be levied against the license holder should any violation of this policy occur.

II. NON-COMMERCIAL LICENSES

The Board of Selectmen is authorized to grant permission to serve wine and malt beverages as outlined in the following Section A, and is authorized to issue a One-Day Special Event License to serve wine and malt beverages and/or all alcoholic beverages as outlined in the following Section B. Copies of all such permissions and licenses shall be forwarded to the Police Chief.

A. Town Property

1. No alcoholic beverage of any kind may be sold or purchased in Town buildings or on Town property.
2. Non-profit and public service organizations that are eligible to use Town buildings or property may provide wine and malt beverages only under the following conditions:
 - Permission is requested in writing at least two weeks before the event and the Board of Selectmen issues a license.
 - Beverages are served without charge.
 - Consumption is by the glass on the premises.
 - The request is supported and approved by the Town board responsible for oversight of the property.

B. Property Open to the Public But Not Governed by the Board of Selectmen

The Board will review requests for One-Day Special Event Licenses in accordance with Massachusetts General Laws Chapter 138, Section 14, after receipt of a completed application. A public hearing is not required for the issuance of a One-Day Special Event License.

1. Requests for the sale of alcohol under a One-Day Special Event License are limited to between the hours of 11:00 a.m. and 12:00 a.m. (midnight) on Monday through Saturday, and 12:00 p.m. (noon) and 12:00 a.m. (midnight) on Sundays.
2. One-Day Special Event Licenses for the sale of wine and malt beverages may be issued to the responsible manager of any indoor or outdoor activity or enterprise. However, One-Day Special Event Licenses for the sale of all alcoholic beverages may ONLY be issued to the responsible manager of non-profit organizations. Proof of non-profit status must be provided.
3. Organizations may be granted a One-Day Special Event License under the following conditions:
 - Permission is requested in writing at least two (2) weeks before the event and the Board of Selectmen issues a license.
 - A fee of \$25.00, paid in advance and made payable to the Town of Wayland, is required for each 24 hour period, not to exceed 72 consecutive hours. No person may be granted a one-day license for more than a total of thirty (30) days per calendar year.
 - Written confirmation by the owner of property where the event is being held must

accompany the application. The letter must state that approval is given for sale/service of alcohol and specify the occupancy number for the location. Proof of insurance must be provided.

- The One-Day Special Event Manager shall provide for the orderly and safe conduct of the event, shall be responsible for the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, and shall be physically present during the duration of the entire event. The One-Day Special Event Manager shall display such One-Day Special Event License where the sale of alcoholic beverages is taking place.
- A floor plan or diagram (8-1/2 x 11 sketch is acceptable) showing the exact location within the event area where alcoholic beverages will be dispensed.
- Alcohol must be dispensed at the event by someone who is server trained and/or familiar with the laws regarding the service of alcohol.
- The area where the alcoholic beverages are being sold and consumed must be controlled and supervised. Individuals may not carry their alcoholic beverages outside the area approved for consumption.
- A police detail will be required if 150 or more people will be attending the event. It is the applicant's responsibility to contact the Police Department to arrange for these details. The Board reserves the right to require additional police details if the event seems to warrant this.

C. A One-Day Special Event License is NOT necessary for:

- A function at a private dwelling where there is no direct or indirect sale of alcohol (i.e., a caterer providing alcohol at a cost)
- An event in a facility or establishment that already has a valid liquor license

III. COMMERCIAL ESTABLISHMENTS WITHOUT LICENSE TO SELL ALCOHOLIC BEVERAGES

1. Patrons of an establishment granted a common victualler's license for the sale of food to be consumed on the premises which have not been granted a license for the sale of alcoholic beverages may not consume alcoholic beverages on the premises (prohibits practice commonly referred to as "BYOB").
2. The Board of Selectmen will reconsider this policy at such time all available licenses for the sale of alcoholic beverages in restaurants are granted.

History:

Section I, Commercial (adopted 12/11/88, revised 1996).

Section II, Non-Commercial (adopted 12/1/88, revised 1996).

Section III, Establishments without license to sell alcoholic beverages (added 7/8/10).

Section I., C., Sunday sales and holiday restrictions (added 1/26/04, revised 2/9/04).

Section I., D., Duties and responsibilities of managers of on-premise establishments (added 7/8/10); list of managers publicly posted (added 10/13/10).

Section I., E., Extending hours (adopted 12/3/90, revised 1996).

Section I., F., Training of employees to serve alcoholic beverages (adopted 6/5/06).

Revised and restated on October 13, 2010. Revised on October 5, 2015.



Town of Wayland Massachusetts

Finance Committee

Carol Martin (Chair)
Steven Correia (Vice Chair)
Jen Gorke
Kelly Lappin
Klaus Shigley
George Uveges
Dave Watkins

Date: 11/26/2018

The Board of Selectmen
330 Cochituate Road
Wayland, MA 01778

Re: Recommendation to Amend the OPEB Trust Document

In order to address forecasted budget issues arising from the funding of OPEB liabilities, the Finance Committee, at its meeting on Nov. 19, 2018 voted to recommend certain amendments to the OPEB Trust.

Background:

As of December 31, 2016, the Town has an actuarial accrued liability of \$40.6 million and plan assets of \$13.8 million. The assets are held in a Wayland OPEB Trust fund established through a special legislative act that the OPEB Advisory Committee (in their final report dated Sept. 15, 2015) notes is not a bona fide trust, does not comply with all of the GASB 45 requirements, and does not clarify investment management responsibility.

The Town's OPEB Trust is up and running and receiving OPEB contributions, which are then invested by PRIT. This arrangement reflects current best practices and the Town officers who made this happen should be commended.

At present, the Town's OPEB process is to make all retiree benefit payments from current taxation, and make additional contributions to the Trust based on an amount approved via a warrant article at the Town's Annual Meeting. No benefits are currently being paid from the OPEB trust fund. Based on the current actuarial valuations the current funding levels are projected to result in past service costs being fully funded by approximately 2039.

Thereafter, once the plan is fully funded, it is expected that retiree benefit payments will be made from the trust, and new contributions will consist solely of the annual normal cost, i.e. the OPEB expense will go down significantly because benefit payments will come from the fund rather than annual taxation.

The disadvantage of the current approach is that total funding costs, PAYGO plus scheduled contributions to the fund, have a very steep growth rate. Based on the previous actuarial valuation the total cost for OPEB would jump from \$2.4 million in FY 2019 to \$4.0 million in FY 2029. The biggest component of that jump is the PAYGO portion, which goes from \$1.9 million in FY 2019 to \$3.3 million in FY 2029.

Recommendations:

- The laws governing such a Trust are codified in MGL Chapter 32B. Section 20 (OPEB Liability Trust Fund) of Chapter 32B as amended effective November 7, 2016. The Finance Committee recommends that the BOS review the current trust and investment documents and determine the changes that are required to create a true trust for the OPEB assets, provide the ability to pay benefits from the trust when deemed appropriate, comply with the new GASB requirements and the MGL sections referenced above, and provide an independent investment board to oversee the investment decisions.
- The Finance Committee recommends that the document clearly define a methodology for making benefit payments and provide for the flexibility to begin paying benefits from the trust when deemed appropriate.
- One way to mitigate the forecasted steep rise in OPEB payments in the future is to increase near term contributions into the trust and begin to fund a portion of future obligations from the trust.

Summary:

The OPEB obligation represents a significant annual and future funding requirement of the Town that needs to be properly managed and controlled. The OPEB Advisory committee recommended a number of actions that still need to be addressed. The Finance Committee believes that the above actions are appropriate and recommends that the Board of Selectmen and the Town Administrator take steps to understand where we are and what action is required.

Respectfully submitted,

The Finance Committee

cc: Louise Miller, Town Administrator
Brian Keveny, Finance Director

**Town of Wayland Financial Policies
(DRAFT JUNE 1, 2018)**

Adopted by the Board of Selectmen on -----

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DRAFT

A. GENERAL BUDGET POLICIES

A-1 Structurally Balanced Budget

Background:

All Massachusetts municipalities are required by state law to prepare balanced annual budgets. In fact, a balanced budget is a prerequisite to State approval of the Town's annual tax rate and the issuance of actual tax bills for the fiscal year.

The Government Finance Officers Association (GFOA) notes a true structurally balanced budget is one that supports financial sustainability for multiple years into the future. A structurally balanced budget is achieved when recurring operating expenses can be financed with recurring revenues sources that equal or exceed annual operating costs.

Policy:

The Board of Selectmen and the Finance Committee shall recommend and Town Meeting shall adopt balanced budgets in which current revenues (non-one-time) equal or exceed current expenditures. Expenditures shall be realistically budgeted and estimated revenues shall be conservatively budgeted to allow for unanticipated events. The Town shall present said estimates and assumptions behind revenue estimates along with the balanced budget.

The Town will not balance the budget by using one time or other nonrecurring revenues (e.g., free cash or overlay surplus) to fund ongoing expenditures. The Town will not use budgetary procedures that balance the budget at the expense of future years, such as postponing or deferring payment of expenses already incurred, accruing future year revenues, or rolling over short-term debt to avoid making principal payments.

The Town budget shall also support a financially sound operating position by maintaining reserves for emergencies and providing sufficient liquidity to pay bills on time and avoid revenue anticipation borrowing.

References:

M.G.L. c.44, §31

Achieving a Structurally Balanced Budget, Government Finance Officers Association Best Practice, February 2012

A-2 Submission of Budget and Budget Message

Background:

Two important principles of public budgeting are clarity and transparency. The Government Finance Officers Association considers these principles essential parts of the legislative discussion, explaining key

issues in the development of the Town's annual budget and long range financial plans. State statute and Chapters 19 and 60 of the Wayland Town Code provide the legal basis for the budgetary authority and responsibilities of the Board of Selectmen as Chief Executive Officer, the Town Administrator as Chief Administrator, the Finance Director, and the Finance Committee.

Policy:

The Board of Selectmen as the Town's Chief Executive acting through the Town Administrator and Finance Director shall fulfill its budgetary and finance responsibilities under state statute and the town by-laws. The Finance Committee shall fulfill its responsibilities under Chapter 19 of the Town Code. Specific authorities and responsibilities are inherent in the Board of Selectmen's authority and responsibilities as the Chief Executive of the Town all are delineated for the Town Administrator and Finance Committee delineated in Town by-laws.

The Town shall work toward the implementation of a budget document that meets the high standards of the Government Finance Officers Association "Distinguished Budget Presentation Award Program."

A-3 Revenue and Expenditure Forecast

Background:

A critical step in maintaining a sound financial plan is the preparation of a multi-year revenue/expenditure forecast. Long term financial planning, including prudent assumptions about future revenues and expenditures, is one of the local government financial practices that credit rating agencies evaluate when assessing municipalities for credit quality.

The Massachusetts Division of Local Services (DLS) states that a financial forecast, or multi-year revenue and expenditure forecast, allows a municipality to evaluate the impact of various government decisions over time. For example, a forecast allows a municipality to evaluate the fiscal impact of multi-year collective bargaining agreements, the potential impact of issuing long-term debt or other contractual agreements that span a multi-year period.

A forecast will provide decision-makers with an indication of the long-term fiscal impact of current policies and budget decisions, and will allow management to test various "what-if" scenarios and examine the fiscal impact on future budgets.

Policy:

Each year the Finance Director shall prepare and maintain a five-year Financial Forecast for General Fund and Enterprise Fund operations based on current service levels and current funding sources and including the five year Capital Improvement Program.

The forecast shall be used as an ongoing management tool to enable Town officials to review operating needs, identify fiscal challenges and opportunities, and develop long-term budgeting policies as part of an overall strategic plan. The forecast shall be designed to provide an outlook on the implications of changes in revenues and expenditures and allow for analyzing multiple scenarios. The forecast will: 1) provide insight into whether the current mix and level of resources in the General Fund are likely to

continue to be sufficient to cover current service levels and capital projects; and, 2) allow Town management time to plan for any budgetary adjustments necessary to increase revenues and/or reduce expenditures; and 3) identify the resources needed to maintain required enterprise fund operations.

Procedure:

The Finance Director, in cooperation with the Town Administrator and finance officers, will review the forecast assumptions every year when it updates the forecast and will use information that is timely and accurate in preparation of the forecast. The forecast and underlying assumptions shall be made available to the Board of Selectmen, Finance Committee, School Committee and the public at the beginning of the budget process prior to issuing budget guidelines and requesting budget submissions.

References:

Revenue and Expenditure Forecasting, MA DOR Division of Local Services Best Practice.
Financial Forecasting in the Budget Preparation Process, Government Finance Officers Association Best Practice, February 2014.
Financial Management Assessment, Standard and Poor's, June 2006.

A-4 Position Control/Vacancies

Background:

The largest segment of a town's budget is personnel costs. Failure to accurately monitor the approved personnel budget can lead to errors in budgeting, over or under staffing, incorrect grading, and excessive personnel costs.

Policy:

The Town Administrator with the support of human resources staff under the authority of the Board of Selectmen as Chief Executive and the Personnel Board as described in Chapter 43 of the Town Code, are responsible for the personnel system for all non-school departments. The personnel system will accurately track all authorized, filled and unfilled positions by funding source. Annual budgets shall be prepared that account for all costs necessary to cover all positions the Town intends to fill during the fiscal year.

B. POLICIES REGARDING ESTABLISHMENT OF FEES

B-1 Fees and Charges

Background:

The Government Finance Officers Association recommends that when certain services provided especially benefit a particular group, governments should consider charges and fees on the service recipients. Well-designed charges and fees not only reduce the need for additional revenue sources, but promote service efficiency. Regular and consistent review of all fees is necessary to ensure the costs associated with the delivery of specific services have been appropriately identified and that a municipality is collecting reasonable charges.

The Division of Local Services recommends communities adopt written policies for setting charges and fees. A policy should identify what factors are to be taken into account when pricing services. It should also state whether the community intends to recover the full cost of providing the service or benefit and under what circumstances a charge or fee is set at less than full recovery (e.g., debt exclusion or other subsidy). Such a policy and the fee structure should be reviewed periodically to ensure they remain current, and both should be communicated with the public clearly and openly.

Policy:

Town fees and charges shall be reviewed periodically in relation to the cost of providing the service. The Town will compare rates with nearby communities to determine if the fees established are competitive. The Town may decide against full cost recovery where greater public benefit is demonstrated. Exceptions to full recovery costs include cases where: the fee maximums are established by the General Laws of Massachusetts (MGL) or where a policy decision has been made otherwise.

References:

M.G.L. c.140

Emerson College v. Boston, 391 Mass. 415 (1984).

Costing Municipal Services: Workbook and Case Study, MA DOR Division of Local Services' workbook.

Establishing Government Charges and Fees, Government Finance Officers Association Best Practice, February 2014

Division of Local Services, *A Guide to Financial Management for Town Officials*, p. 20-21.

C. RESERVE FUNDS/FUND BALANCE POLICIES

Background:

Formal written policies that establish guidelines for funding and maintaining reserves can help a community sustain operations during difficult economic periods. Reserves can be used to finance unforeseen or emergency needs, to hold money for specific future purposes, or in limited instances, to serve as a revenue source for the annual budget. Reserve balances and policies are also an important component of a community's credit rating and as a consequence, the long-term cost to fund major projects. The discussion of reserves, and the attention of credit rating agencies, is generally focused on free cash, stabilization funds, and, sometimes, overlay surplus.

C-1 Free Cash

Background:

The Division of Local Services' *Municipal Finance Glossary (May 2008)* defines Free Cash as follows:

Free Cash (Also Budgetary Fund Balance) – Remaining, unrestricted funds from operations of the previous fiscal year including unexpended free cash from the prior year, actual receipts in excess of revenue estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the balance sheet as of June 30, which is submitted by the community's auditor, accountant, or comptroller. Important: free cash is not available for appropriation until certified by the Director of Accounts.

Free Cash provides a financial cushion against events such as a sudden loss of a revenue source, an economic downturn, an emergency, or other unanticipated expenditure. Free cash can serve as a source for funding non-recurring capital expenditures, replenishing other operating or capital reserves or simply serve as liquid funds for cash flow purposes.

GFOA notes it is essential that governments maintain adequate levels of fund balance to mitigate current and future risks (e.g., revenue shortfalls and unanticipated expenditures). At a minimum, GFOA recommends a fund balance level of at least two months of regular general fund revenues or expenditures (about 16.7 percent).

DLS recommends that a municipality strive to generate a minimum free cash amount equal to 3-to-5% of its annual budget. This measure, however, is based largely on historical state average free cash levels and, in part, is meant to be a minimum potential target for communities with negative or very weak free cash levels. In contrast, bond rating agencies generally measure fund balance levels based on GAAP financial statements where the measurement of fund balance is based on Generally Accepted Accounting Practices (GAAP). The GFOA uses a similar GAAP based measurement. Under the broader definition of fund balance under GAAP, the bond rating agencies expect communities with strong credit ratings to have overall committed, assigned and unreserved fund balance levels well in excess of 15-20

percent each year. This measure of fund balance includes fund balance (free cash) appropriated for the upcoming year for capital, operating and the OPEB trust. These balances also include stabilization fund balances (regular and special purpose) as well as encumbrances from the fiscal year.

Policy:

Wayland will eliminate its dependence on free cash to fund the operating budget by no later than FY2019. (The Town has decreased the amount of free cash used to fund operating budgets as follows: \$4.35 million in FY2016, \$1.5 million in FY2017, to \$500,000 in FY2018, with the intent to eliminate this practice by FY2019). The Town will endeavor to maintain a target range of free cash between 5 and 10 percent of prior year net revenue. The minimum balance of free cash shall be 5 percent of prior year net revenue. Amounts in excess of this minimum 5 percent balance will be available for appropriation to a stabilization fund, capital outlay or other one-time expenses, while the target amount will be left unspent from year to year. Until the balance in the general stabilization fund reaches its target level of 6 percent of prior year net revenues, at least 25 percent of the excess free cash shall be appropriated into this stabilization fund. Net prior year revenue is defined as prior year gross revenues, less debt exclusions, enterprise fund revenues, Community Preservation Fund revenues and amounts appropriated from free cash, stabilization and overlay surplus.

Conservative revenue projections and departmental appropriations shall be managed to produce excess income and departmental budget turn backs. In the event that it is necessary to draw down free cash below the 5 percent level, the Town Administrator, Finance Director and Finance Committee will develop a plan to replenish free cash levels with one to two years. Once target levels of stabilization funds are reached and fund balance levels stabilize, the free cash target should be revisited.

References:

Free Cash, MA DOR Division of Local Services Best Practice.

Appropriate Level of Unrestricted Fund Balance in the General Fund, Government Finance Officers Association Best Practice, September 2015.

Reserve Policies, MA DOR Division of Local Services Best Practice.

Free Cash as Percent of PY Net Revenue				
	2015	2016	2017	2018
Net PY Revenue	60,328,597	65,975,554	65,629,448	71,466,839
Free Cash	6,384,312	6,479,195	4,641,973	7,299,693
% of Net Rev.	10.58%	9.82%	7.07%	10.21%
Min. @ 5%	3,016,430	3,298,778	3,281,472	3,573,342
25% to Stab.				931,588
Capital/Other				2,794,763

C-2 Stabilization Funds

Background:

Under Massachusetts General Law Chapter 40, Section 5B, a municipality may establish one or more stabilization funds for different purposes and may appropriate into them in any year (See change in MGL c. 40, Sec.5B effective Nov. 2016). Generally, a two-thirds vote of town meeting is required to establish, amend the purpose of, or appropriate money out of a stabilization fund, and a majority vote is required to appropriate money into a stabilization fund. Any interest generated by a fund must be added to and become a part of the fund.

Wayland has a general stabilization fund which may be spent for any lawful purpose, as well as two special purpose stabilization funds for non-insurance and recreational purposes. The current general stabilization fund balance is \$1.9 million, with another \$1.2 million in the non-insurance stabilization and \$342,000 in the recreation stabilization fund. Special purpose stabilization funds help a municipality think long-term, be prepared to address needs in a timely manner, and manage debt. For example, a capital stabilization fund can be used to accumulate cash over time and pay outright for a moderate-range capital expenditure, and helps preserve debt capacity for major, high-dollar purchases or projects. An approach that balances capital debt with pay-as-you-go practices, and protects against unforeseen costs is viewed in a positive light by credit rating agencies.

C-2a General Stabilization Policy:

The Town shall maintain a General Stabilization Fund of not less than 6% of the prior year's net revenue for the purpose of maintaining a reserve for extraordinary or unforeseen expenditures. The Town will endeavor to leave this balance unspent, except in the event of an emergency, extraordinary or unforeseen occurrence. If it is necessary to draw down from the General Stabilization Fund, the Town will ensure that it is restored within one to two years of the appropriation, depending on the size of the appropriation.

Stabilization as Percent of PY Net Revenues				
	2015	2016	2017	2018
PY Net Revenue	60,328,597	65,975,554	65,629,448	71,466,839
Gen. Stabilization bal.	1,651,269	1,826,752	1,936,231	1,925,439
% PY Net Rev.	2.74%	2.77%	2.95%	2.69%
Target Stab. @ 6%	3,619,716	3,958,533	3,937,767	4,288,010

C-2b Capital Stabilization Policy:

The Town shall maintain a special purpose Capital Stabilization Fund that shall serve as a funding source for the Town's capital improvement plan, including any associated debt service. The Town may establish annual amounts to be appropriated into the account by Town Meeting acceptance of the fourth paragraph of MGL c.40, Section 5B, and through a two-thirds vote of Town Meeting, designate all, or a percentage not less than 25 percent, of a particular fee, charge or other receipt to a stabilization fund.

Alternatively, the Town may approve a Proposition 2 ½ override to fund a stabilization account. The override is similar to a regular override in that the amount of the override is specified in the vote. The difference is that in subsequent years, the Selectmen must decide whether or not to levy the additional dollars to be directed to the special fund. The amount compounds by 2.5 percent each year, so if \$100,000 was initial amount approved by voters then \$102,500 can be levied in the second year provided it's approved by two-thirds vote of the Selectmen.

The town's special purpose stabilization fund for "non-insurance" purposes appears to have some ambiguity regarding the purposes for which the fund may be spent. It may make sense to re-define the purpose of this fund to a special purpose capital stabilization. Changing the spending purposes of this fund requires a two-thirds vote of Town Meeting.

References:

M.G.L. c. 40 §5B

Stabilization Funds, MA DOR Division of Local Services, Informational Guideline Release No. 17-20

Special Purpose Stabilization Funds, MA DOR Division of Local Services Best Practice.

C-3 Overlay Reserve

Background:

State law requires that municipalities establish an overlay reserve account to fund statutory and local option property tax exemptions and abatements resulting from adjustments in valuation. Based on recent legislation, overlay is now considered a single account to fund abatements and exemptions of committed real and personal property taxes for any fiscal year. The overlay amount is determined by the board of assessors (assessors) and may be raised in the tax rate without appropriation. The assessors must analyze the balance in the overlay account and determine whether it is adequate to fund anticipated property tax abatements, exemptions and receivables during the upcoming fiscal year in addition to existing abatement, exemption and receivable exposure for all previous fiscal years. If the account balance is not adequate, the assessors may raise any additional amount required in the tax rate for the year without appropriation. G.L. c. 59, § 25. Excess overlay is determined, certified and transferred by vote of the assessors to a Fund Balance Reserved for Overlay Released by the Assessors for Expenditures (overlay surplus). Overlay surplus may then be appropriated by the legislative body for

any lawful purpose until the end of the fiscal year, i.e., June 30. Overlay surplus not appropriated by year-end is closed to the general fund undesignated fund balance (G.L. c. 59, §§ 23 and 25).

Policy:

The Town shall maintain an adequate overlay reserve account that shall be used to fund property tax exemptions and abatements resulting from adjustments in valuation. Prior to February 15th of each fiscal year, the Director of Assessing shall submit to the Finance Committee and Board of Selectmen an analysis of the necessary overlay balance and any potential surplus, including, but not limited to, the current available balance, amounts of potential abatements and receivables, including any potential and reasonable exposure to Appellate Tax Board (ATB) decisions, and the amount necessary to be raised on the tax rate in the upcoming fiscal year.

Any balance in the overlay account determined by the Assessors to be unnecessary can be transferred into the overlay surplus account or simply retained in the overlay account so that the amount raised in the subsequent year may be reduced. Amounts declared as overlay surplus may be appropriated for any lawful purpose if appropriated before the end of the fiscal year. If not appropriated by year-end, overlay surplus is "closed" to undesignated fund balance.

References:

M.G.L. c.59, §25

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D. CAPITAL IMPROVEMENT PLAN AND POLICIES

D-1 Capital Improvement Plan Budget

Policy:

There shall be an annual and a five year capital improvement plan presented by the Finance Committee to Town Meeting annually.

D-2 Authority for Capital Improvement Planning Process and Capital Plan Requirements

Policy D-2a:

Authority: The Board of Selectmen as the Town's Chief Executive acting through the Town Administrator and Finance Director shall fulfill their respective budgetary and finance responsibilities under state statute and the town by-laws. The Finance Committee shall fulfill its responsibilities under Chapter 19 of the Town Code.

Policy D-2b:

Capital Plan Requirements: The following are requirements for the capital budget process and plan:

- **REQUIREMENT FOR INCLUSION OF PROJECTS IN PLAN:** Except as required by an emergency, all approved capital projects defined as capital projects must be part of the annual adopted Capital Improvement Plan.
- **DEFINITION OF CAPITAL EXPENDITURE:** To qualify as a capital expenditure, a proposed purchase or project must have a useful life of five years or more, and must exceed \$20,000 in cost, be purchased or undertaken at intervals not less than 3 years, and have a useful life of at least three years. In general, the Town should not incur debt for any project less than \$100,000 in cost.
- **IDENTIFICATION OF FUNDING SOURCES;** The Capital Improvement Program shall identify the source of funding for every project or acquisition included in the program.
- **COMMENT REQUIRED FROM PMBC:** The Permanent Municipal Building Committee shall review all building projects over \$100,000 and provide comments that will be included in a Town Meeting Warrant at which the project will be considered.
- **LEASE PURCHASE:** For the purposes of these policies, lease-purchase agreements shall be considered debt and are subject to the requirements of the policies.
- **USE OF DEBT:** In general, it is the intent of the Town to fund with current revenues, Free Cash, or Stabilization Fund funds, and not from the issuance of debt, all capital projects and acquisitions of \$100,000 or less or with useful life of three years or less. Recurring annual expenses, that may otherwise be considered capital expenses such as police cars and town and school building maintenance projects shall be included in the operating budget.

- **ONGOING CAPITAL PROJECT COSTS:** Future operating costs associated with new capital improvement projects will be stated in all capital project requests and included in operating budget forecasts as appropriate.
- **USE OF GRANTS:** Federal, state, or private grants or loans shall be used to finance only those capital improvements that are consistent with the Town's capital improvement plan and priorities, and for which operating and maintenance costs have been included in operating budget forecasts.
- **MAINTENANCE OF ASSETS:** All assets shall be maintained at a level adequate to protect the Town's capital investment and to minimize future maintenance and replacement costs.
- **MAINTENANCE AND REPLACEMENT SCHEDULES:** Equipment replacement and building repair needs shall be projected for the next five years and will be updated each year. From this projection, a maintenance and replacement schedule will be developed and followed.
- **PRIORITIES BASED ON ESTABLISHED CRITERIA:** Capital projects shall be prioritized based upon criteria established and reviewed annually by the Board of Selectmen.
- **PROJECT COST ESTIMATES:** The estimated costs and potential funding sources for each proposed capital project shall be determined before it is submitted for inclusion in any Town Meeting warrant for appropriation.

D-3 Capital Improvement Financing

Background:

For the purpose of these policies, the following definitions shall apply:

- **Prior Year Net Revenue** - Gross revenues, less debt exclusions, Community Preservation Fund revenues, enterprise fund revenue and appropriations from free cash, stabilization and overlay surplus.
- **Net Capital Investment** - Gross costs from local debt, less Proposition 2 ½ debt exclusion amounts, plus the cost of capital leases, direct capital expenses (e.g., "pay-as-you-go capital) funded from free cash, the capital stabilization fund and the general fund, and other local amounts approved as part of the capital budget.
- **Capital Investment as a Percent of Prior Year Net Revenue** – The Net Capital Investment divided by the Prior Year Net Revenue. (For FY2017, Net Capital Investment is about 5.69 percent of the Town's Prior Year Net Revenues, with 4.78% from non-excluded general fund debt and .91% from pay-as-you go capital spending.)

Policy:

The Wayland capital improvement program shall be prepared and financed in accordance with the following policies:

- **Outside Funding** – State, federal, or private grant funding shall be pursued and used to finance the capital budget wherever possible.

Net Capital Investment as % of Prior Year Net Revenues – The annual Net Capital Investment target is 6 percent of Prior Year Net Revenue. The town will endeavor to limit its spending on non-excluded general fund debt to 4 percent of prior year net revenues (a decrease from FY2017 levels of 4.78%) by FY2020. It will also seek to increase pay-as-you go capital spending from .91% of prior year revenue in FY2017 to 2.0% by FY2021.

- **Local Funding** – The first source of pay-as-you go capital investment shall be from free cash, when the certified amount is greater than the target amount. Capital stabilization fund appropriations shall be the other significant source of funding for pay-as-you go capital investment.
- **Debt-Financing/Borrowing** -
 - The term of borrowing for a capital project shall not exceed its estimated useful life.
 - The Town will attempt to maintain a long-term debt schedule such that at least 50% of its outstanding principal will be paid within 10 years.
 - The impact of level debt service versus level principal/declining debt on total project cost and on the Town’s operating budget shall be analyzed before borrowing is authorized.

Capital Spending: Excluded, General Fund and Pay-Go				
	2015	2016	2017	2018
Excluded General Fund Debt	4,845,478	4,408,077	4,235,430	4,144,027
Percent PY Net Revenue	8.03%	6.68%	6.45%	5.80%
Other General Fund Debt	2,654,588	3,249,500	3,138,332	3,328,280
Percent PY Net Revenue	4.40%	4.93%	4.78%	4.66%
Pay-as-you go Capital spending	570,000	420,439	595,000	566,308
Percent PY Net Revenue	0.94%	0.64%	0.91%	0.79%
Total Capital Investment	8,070,066	8,078,016	7,968,762	8,038,615
	13.38%	12.24%	12.14%	11.25%
Net Capital Investment (net of excluded debt)	5.35%	5.56%	5.69%	5.45%

E. GRANTS MANAGEMENT POLICIES

Background:

The MA Division of Local Services recommends analyzing current and future impact of grants on the operating budget, capital improvement program, and debt. The Government Finance Officers Association recommends that governments establish processes to promote awareness throughout the government that grants normally come with significant requirements.

E-1 Grant Administration

Policy:

The Town shall consistently seek to maximize the benefits of grants while minimizing their risks. Prior to acceptance of a grant award, the Town shall consider any specialized requirement(s) that apply to the general operations of the grant, specific compliance rules, monitoring of other parties (e.g., sub-grantees) that may receive resources from the grant, specialized reporting requirements, and any long term commitments required by the grant, such as the requirement - either as a condition of the grant itself or politically - to financially maintain a program or asset after the expiration of the grant, among other considerations. The Town shall ensure that it appropriately administers grants after their acceptance, as inappropriate administration can result in the failure to meet all grant requirements, potentially resulting in the need to return some or all of the resources to the provider.

E-2 Impact on Operating Budget

Policy:

When positions are funded by grants, the current and future impact on the operating budget shall be analyzed. When allowable, the cost for providing benefits, such as health insurance, should be included in the grant budget to cover the Town's cost for providing that benefit.

In all cases where some costs are not covered (e.g., personnel-related benefit costs or indirect costs), those costs should be clearly disclosed prior to the determination to accept the grant. With such disclosure, a proposed plan to cover such unreimbursed costs shall be presented at the same time for concurrent approval.

E-3 Impact on Capital Improvement Program and Debt Management

Policy:

When grants are accepted for capital purposes, the Town shall include in its capital improvement program any share of costs associated with the grant and project the Town's share of debt service in its debt management plan. Any future increase or decrease in operating costs associated with the grant should be identified in the Town's revenue /expenditure forecast.

References:

Administering Grants Effectively, Government Finance Officers Association Best Practice, May 2013.

F. ENTERPRISE FUND POLICIES

F-1 Self Sufficiency and Rates

Background:

Enterprise Funds provide a separate accounting and financial reporting mechanism for municipal services for which a fee is charged in exchange for goods and services. Under enterprise accounting, the revenues and expenditures of the service are segregated into a separate fund with its own financial statements, rather than commingled with revenues and expenditures of all other government activities. Enterprise accounting allows a community to demonstrate to the public the total cost of providing a service. Enterprise Funds shall be charged indirect costs, including OPEB under a methodology approved by the Board of Selectmen.

Policy:

Enterprise Funds (e.g., Water/Sewer Funds, Ambulance Funds) shall be fully supported by the revenue from their rates, fees, and other revenue generating operations. The methodology for calculating indirect costs shall be explicitly documented and agreed upon by Town Finance and Enterprise Department heads and incorporated in the budget documents submitted for review and approval by the Town.

Rates and fees for enterprise services shall be set at a level to provide for self-supporting enterprise operations, including direct and indirect costs. Capital projects shall be financed from enterprise revenues and grants.

Each Enterprise Fund shall be reviewed annually by the responsible board, commission, or department head to project revenues and expenditures for the next fiscal year and generate estimates of the current fiscal year and the projections for future years in order to prevent the need for subsidy by the General Fund operating budget. Estimates of capital project costs, debt service, and other liabilities shall be included in this analysis in order to project future enterprise fund budgets and revenues necessary to maintain self-sufficiency.

Changes in the rates and/or rate structure shall be carefully analyzed prior to recommendation and implementation in order to ascertain the short and long term impact on rate payers. The Board of Selectmen may elect to recommend in writing a waiver of self-sufficiency and rate policies in order to provide a subsidy or loan from the General Fund to the Enterprise Fund in order to meet other policy goals of the Town.

References:

MGL, Chap 44, Sec 53F1/2

Enterprise Funds, MA DOR Division of Local Services Best Practice

G. USE OF ONE TIME REVENUE

G-1 Use of One Time Revenue

Background:

The Government Finance Officers Association recommends that communities develop guidance on the use of one-time revenues to minimize services disruptions due to the non-recurrence of these sources.

The Division of Local Services states that funding operations with one-time revenues, without identifying future available offsets, effectively postpones difficult decisions necessary to achieve a structurally sound, sustainable spending plan. One-time revenue is usually defined as nonrecurring revenue.

Policy:

Beginning in FY 2018, the Town shall reduce its use of one-time revenues and free cash each year until it ceases using one-time or highly volatile revenue sources for recurring costs in the annual Town operating budget. One-time and highly volatile revenues including excess free cash shall be appropriated to reserve funds, used to fund one-time budget or capital costs, and/or address unfunded liabilities.

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H. UNFUNDED LIABILITIES POLICIES

Background:

Defined as “the actuarial calculation of the value of future benefits payable less the net assets of the fund at a given balance date”, unfunded liabilities represent a significant financial obligation for all levels of government across the country. In Massachusetts municipalities, the two primary unfunded liabilities are for Pensions and Other Post-Employment Benefits (OPEB).

H-1 Pensions/Retirement

Background:

The Contributory Retirement System is a defined benefit program that is governed by Massachusetts General Laws, Ch.32 and is regulated by the Public Employee Retirement Administration Commission (PERAC), a state entity responsible for the oversight, guidance, monitoring, and regulation of Massachusetts' 105 public pension systems. Funding for this system covers the costs of employees who are part of the Town's retirement system, which does not include teachers, as their pensions are funded by the State. The Town of Wayland is a member of the Middlesex County Retirement System and pays an annual pension assessment to the County. Pursuant to current state law, the Middlesex County Retirement System has established, as of December 31, 2015, a funding schedule to fully-fund this liability by 2035.

Policy:

In accordance with state law, PERAC regulations and government accounting standards, the Town shall continue to fund this liability in the most fiscally prudent manner, recognizing the fact that the adoption of a funding schedule is, by law, the responsibility of the County retirement board.

References:

M.G.L. c.32

H-2 Other Post- Employment Benefits (OPEB)

Background:

OPEB consists primarily of the costs associated with providing health insurance for retirees and their spouses. The Government Accounting Standards Board (GASB) issued Statements No. 43 and No. 45 in 2004 to address the OPEB issue. GASB 43 required the accrual of liabilities of OPEB generally over the working career of plan members rather than the recognition of pay-as-you-go contributions, while GASB 45 required the accrual of the OPEB expense over the same period of time. The reporting requirements of GASB 43 and 45 include disclosures and schedules providing actuarially determined values related to the funded status of OPEB. This requires that the accrued liabilities be determined by a qualified actuary using acceptable actuarial methods.

Policy:

The Town Administrator and Finance Director acting as Trustees and the Treasurer acting as Custodian shall fulfill the requirements for investment and monitoring OPEB funds as required by the Town's Special Act on OPEB.

While there is currently no legal requirement to fund OPEB, the Town recognizes the importance and financial advantage of initiating early and regular funding for these long-term obligations. In order to determine the funding schedule, the Town shall continue its current practice of having an independent actuary prepare biennial valuations, which is in compliance with GASB's requirement. Careful consideration shall be given to identifying the investment vehicle that offers the best rate of return in the safest possible environment. The Town has a goal of reaching the ARC within 10 years (FY 2027).

It is the Town's general intent to request Town Meeting appropriate OPEB funding through the General fund, Enterprise Funds and Revolving Funds at an amount no less than the amount appropriated in the prior fiscal year until the Town reaches ARC.

References:

Statement No. 43, Reporting for Postemployment Benefit Plans Other Than Pension Plans, Governmental Accounting Standards Board, April 2004.

Statement No. 45, Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions, Governmental Accounting Standards Board, June 2004.

GASB Statements 43 and 45 on Other Postemployment Benefits, Governmental Accounting Standards Board.

Town of Wayland Special Act

I. RISK MANAGEMENT POLICIES

I-1 Risk Management Program

Background:

In recognition that during daily operations, a municipality is constantly exposed to potential impact of property loss, personal injury, and liability, the Government Financial Officers Association recommends that governments develop a comprehensive risk management program that identifies, reduces or minimizes risk to its property, interests, and employees. Costs and consequences of harmful or damaging incidents arising from those risks should be contained.

Policy:

The Town's insurance programs shall be aimed at covering the potential impact of the types of property loss, personal injury, and liability the Town is exposed to on a regular basis. If an Town board or commission wishes to add item(s) to the Town's insurance policy, said board or commission shall cover the costs to be incurred.

The Town shall develop and maintain a risk management program to protect the Town against the financial consequences of accidental loss of property, liability and personal injury to the extent possible through effective prevention and loss control policies and practices.

References:

Creating a Comprehensive Risk Management Program, Government Finance Officers Association Best Practice, March 2009.

J. ACCOUNTING/AUDITING/FINANCIAL REPORTING POLICIES

J-1 Annual Audit

Background:

The objective of an audit is to obtain independent assurance that a community's year-end financial statements are reliable, accurate, and complete. An audit also helps to ensure that financial checks and balances are in place to protect public assets. Consequently, it can be a powerful tool by which a community can build taxpayer confidence in government operations.

The Government Finance Officers Association (GFOA) recommends that communities engage the same auditor by entering into multiyear agreements, or a series of one-year contracts, for a term of at least five years. A multiyear agreement allows for greater continuity and enables a new auditor to spread initial start-up costs over multiple years, potentially reducing costs in the initial years.

However, after this term, the GFOA recommends a full, competitive selection process and a rotation of auditors after each multiyear agreement, provided there is adequate competition among qualified auditors. Contracting with a new audit firm not only brings a fresh perspective, but it also reflects good practice.

Where competition is limited, participation of the current auditors is acceptable, assuming their past performance has been satisfactory and conformed to industry standards. In the event the Town chooses to remain with an audit firm, it is advisable to rotate the audit manager on a regular basis.

Policy:

The Town shall have an independent outside audit performed by a certified public accountant each year. The Board of Selectmen shall provide for such an audit by an accountant or a firm of accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the Town government or of any of its officers or employees.

The Town will either re-advertise for auditing services every five to eight years or ensure that there is a regular rotation of audit managers within a particular firm if it elects to stay with a given audit firm. The Town will strive to have the annual audit completed by January 1st of the following year

References:

Annual Audits, MA DOR Division of Local Services Best Practice.

J-2 Comprehensive Annual Financial Report

Background:

A Comprehensive Annual Financial Report (CAFR) is a set of Government financial statements comprising the financial report of the municipal entity that complies with the accounting requirements promulgated by the General Accounting Standards Board (GASB). GASB provides standards for the content of a CAFR in its annual updated publication *Codification of Government Accounting and Financial Reporting Standards*. A CAFR is compiled by the municipal accounting staff and audited by an external Certified Public Accounting firm utilizing GASB requirements. It is comprised of three sections: Introductory, Financial, and Statistical. It combines the financial information of fund accounting and Enterprise Authorities accounting.

Policy:

The Town will continue to prepare a Comprehensive Annual Financial Report (CAFR) that meets the criteria established by the GFOA's Certificate of Achievement in Financial Reporting Program. This program encourages the preparation of a comprehensive report that goes beyond the annual audit report and presents information that enhances government transparency and disclosure.

J-3 Audit Committee

Background:

"An audit committee is a practical means for a governing body to provide much needed independent review and oversight of the government's financial reporting processes, internal controls, and independent auditors. An audit committee also provides a forum separate from management in which auditors and other interested parties can candidly discuss concerns. By effectively carrying out its functions and responsibilities, an audit committee helps to ensure that management properly develops and adheres to a sound system of internal controls, that procedures are in place to objectively assess management's practices, and that the independent auditors, through their own review, objectively assess the government's financial reporting practices." (Government Finance Officers Association)

Policy:

The Board of Selectmen will continue to appoint an Audit Committee under a charge approved by the Board of Selectmen. The Finance Director is assigned to work with the Committee. Responsibilities of the Audit Committee shall include, but not be limited to, making a recommendation regarding selection of the independent auditor/accounting firm, monitor independent audit, reviewing results of audit with independent auditor, discussing findings and recommendations monitoring implementation of any corrective actions or improvement, and, after acceptance of the final audit report, presenting the report to the Board of Selectmen and Finance Committee.

References:

Audit Committees, Government Finance Officers Association Best Practice, October 2008.
Town of Wayland: Charge of the Audit Committee

J-4 Long Range Forecasting and Performance Reporting

Background:

Long range financial forecasting provides a basis for preparing budgets and setting and timing capital projects and managing growth in operating expense. Monthly performance reporting helps a community to determine whether sufficient funds are available to cover current obligations, any surplus can be invested, or shortfall exists requiring temporary borrowing. The revenue and expenditure projections shall incorporate into the projections the funding requirements cited in the approved Capital Improvement Program.

Policy:

The Town Administrator and Finance Director shall annually prepare and present to the Board of Selectmen five-year revenue and expenditures projections, to be approved by the Board.

The Finance Director /Town Accountant shall produce and distribute monthly budget-to-actual reporting to evaluate the Town's financial position per Massachusetts state law. Variances from budgeted amounts shall be reviewed with the Town Administrator.

Investments shall be monitored at least quarterly by the Treasurer and shall be reviewed with the Town Administrator and Finance Director at least semi-annually and on an as-needed basis.

Reports shall also be submitted to the Board of Selectmen and Finance Committee. This will enable the Town to take prompt management action in the event that fiscal problems are indicated or adjust spending behavior to meet financial challenges.

References:

Cash Flow Forecast in Treasury Operations, Government Finance Officers Association Best Practice, February 2011.

J-5 Cash Collections

Background:

One of a government's functions is to collect taxes and other revenues. The process involves many actors including the Treasurer/Collector's office, accounting office, legal counsel, tax assessor, other departments or agencies, other governments at the state and/or local level, commercial banks, and private collection agencies.

Policy:

The Town shall collect all revenue using fair and consistent methods, exercising all powers provided to it under law.

On or before September 1st, the Town shall commence tax title proceedings against all properties that owe property taxes to the Town

The Treasurer/Collector shall establish and maintain reliable record keeping systems and enforce a timely collections process. All amounts committed must be supported with a warrant and a detailed listing of all amounts due. All monies received should be turned over to the Treasurer/Collector's office at least weekly so they may be deposited in the bank in a timely manner.

The Treasurer/Collector shall aggressively pursue the collection of delinquent accounts and with assistance from the Deputy Collector and other Town officials to pursue collection of outstanding real estate taxes, personal property taxes, excise taxes and fines. The execution of a systematic and deliberate program to collect taxes owed is intended not only to capture revenue, but also to establish a clear policy that tax delinquents will be aggressively pursued. The Treasurer/Collector shall execute in a timely manner collection remedies such as issuance of demands immediately after bills become past due and initiate tax taking shortly afterwards to increase the rate of collection of municipal monies, thereby assisting in the financial stability of the Town.

References:

Revenue Collection, Government Finance Officers Association Best Practice.

J-6 Reconciling Cash and Receivables

Background:

Two of the largest assets for a community are cash and receivables. Information pertaining to these is kept by the Treasurer/Collector, and the Accountant. A Treasurer is the custodian of the community's revenues, tax titles, and tax possessions, while a Collector keeps listings of outstanding receivables due to the community, and an Accountant is responsible for maintaining the accounting records. Prompt and frequent reconciliations between these offices are essential in order to maintain control and ensure checks and balances are in place.

Policy:

Within thirty days after the end of each month, the Treasurer/Collector shall internally reconcile the cashbook to all bank statements, and the Treasurer/Collector shall internally reconcile all receivable balances with the receivable control. The results of these activities shall be forwarded to the Accountant's office and compared to the general ledger records. If differences are determined, the Treasurer/Collector and Accountant shall reconcile the variances (e.g., missing information, errors, and timing differences). The Town Administrator shall ensure compliance with the timeliness and completion of this process.

The Town shall reconcile revenues and expenditures for each fiscal year within one to two months of the end of the fiscal year.

References:

Reconciling Cash and Receivables, MA DOR Division of Local Services Best Practice.

J-7 Cash Flow Forecasting and Budgeting

Background:

The purpose of cash flow forecasting is to determine whether sufficient funds are available to cover current obligations, any surplus can be invested, or if any cash shortfall exists which may require temporary borrowing.

The Division of Local Services recommends maintaining a cash flow budget to forecast investment opportunities or borrowing needs. Major revenue sources like property taxes and state aid are generally received in large, lump sums at specific points in the fiscal year and do not necessarily coincide with expense patterns, which often results in cash surpluses or shortfalls during certain periods of the year.

The Government Finance Officers Association also recommends cash flow forecasting as a best practice. When used as a cash management guide, it can lead to the optimized use of funds as well as insure sufficient liquidity.

Policy:

Beginning in FY 2020, the Accountant and Treasurer/Collector will develop a cash flow forecast for the upcoming fiscal year after approval of the annual budget and before July 1 each year.

References:

Cash Flow Forecast in Treasury Operations, Government Finance Officers Association Best Practice, February 2011.

K. PROCUREMENT AND PURCHASING POLICIES

K-1 Procurement and Purchasing Policy

Background:

The Commonwealth of Massachusetts establishes municipal purchasing regulations under M.G.L. Chapter 30B, and other rstate laws.. The State Inspector General's office and Attorney General has oversight of public purchasing. There is a published a comprehensive guide to Chapter 30B requirements.

Policy:

The Town shall follow the guidance contained in the Inspector General's "*The Chapter 30B Manual: Procuring Supplies, Services and Real Property*" in order to comply with the requirements of M.G.L. Ch. 30B. To supplement this guidance, the Town Coordinator, or future Town Administrator, will develop a concise directive on purchasing procedures for department heads or others involved in Town purchasing or procurement. This will be accomplished by _____.

[The Assistant Town Administrator will provide additional input to this section by the end of June.]

L. INVESTMENT POLICIES

L-1 Investment Policy

Background:

A local government's investment policy establishes guidelines and responsibilities in accordance with state law for managing and investing municipal funds. The investment policy shall be the incorporation of the allowed investments under the General Laws. The Governmental Accounting Standards Board recommends the disclosure of key policies affecting cash deposits and other long-term investments to ensure they are managed prudently or are not subject to extraordinary risks.

When assessing municipalities for credit quality, rating agencies look for investment management policies that address selection of financial institutions for services and transactions, risk assessment, investment objectives, investment maturities and volatility, portfolio diversification, safekeeping and custody, and investment performance reporting, benchmarking, and disclosure.

Policy:

The Treasurer/Collector is responsible for investing Town funds and will make all decisions regarding their management. The Treasurer/Collector shall invest Town funds in a manner that meets daily operating cash flow requirements and conforms to state statutes governing public funds, while adhering to generally accepted diversification, collateralization, and the prudent investment principles of safety, liquidity and yield. The Treasurer/Collector will also regularly monitor statutory changes governing investments and offer any policy amendments. The Treasurer / Collector will submit a report of investments on a regular basis to the Town Administrator.

The balance invested in any one financial institution shall not exceed \$10,000,000 without the approval of the Town Administrator, and such balance exceeding shall be fully collateralized or secured through the FDIC or DIF.

References:

M.G.L. c. 44, §54 M.G.L. c. 44, §55 M.G.L. c. 44, §55A M.G.L. c. 44, §55B

Deposit and Investment Risk Disclosures, Governmental Accounting Standards Board Statement No. 40, as amended by Statement No. 3, March 2003.

Creating an Investment Policy, Government Finance Officers Association Best Practice, October 2010.

Financial Management Assessment, Standard and Poor's, June 2006.

L-2 Post-Issuance Tax Compliance Procedure for Tax-Exempt Debt Obligations and Other Tax-Benefited Obligations

Background:

Post-issuance compliance procedures are designed to provide for the effective management of a municipality's post bond or note issuance compliance program for tax-exempt and other tax-benefited bonds in a manner consistent with state and federal laws applicable to such obligations.

Policy:

The Treasurer/Collector shall review post-issuance compliance procedures at least annually and implement revisions or updates as deemed appropriate, in consultation with bond counsel or Financial Advisor.

DRAFT

M. DEBT

M-1 Debt Amortization

General Fund debt (all debt not including excluded debt, CPA-funded debt and enterprise debt) is to be amortized with equal or declining annual payments of principal and is to be fifty percent retired within ten years.

Enterprise debt may be amortized using equal annual payments of principal and interest and may be amortized over a term reflecting the economic useful life of the asset funded.

Excluded debt may be amortized using equal annual payments of principal and interest and may be amortized to "fit" (or to be wrapped around) current outside-the-levy-limit debt service.

CPA-funded debt may be amortized using equal annual payments of principal and interest.

CPA funds intended to pay debt service shall not exceed seventy five percent of the amount allowed for debt service for the particular purpose proposed.

M-2 Debt Service

General Fund debt service (all debt service not including debt service for excluded debt, CPA-funded debt and enterprise debt) should not exceed ten percent of the Operating Budget.

General Fund debt service should not be less than two percent of the Operating Budget. If General Fund debt service does fall below two percent, that difference between the two percent target and the actual debt service shall be used for pay-as-you-go capital or shall be appropriated to the Stabilization Fund or to unfunded OPEB liability.

Enterprise debt service should be paid entirely from enterprise service revenues.

Total debt service, including all General Fund debt, excluded debt, enterprise debt and CPA funded debt, should not exceed ten percent of the Operating Budget.

N. RESERVES

Policy:

The Town intends to maintain funds in Free Cash and Stabilization Funds equal to at least 10 percent, but not more than 15 percent of the operating budget.

Free Cash and Stabilization Funds are to be used exclusively for one-time expenditures and pay-as-you-go capital projects and acquisitions. Special Stabilization Funds shall be established and used for funding specific capital projects and capital acquisitions as determined by the Board of Selectmen.

Enterprise Fund Retained Earnings are to be used primarily for one-time expenditures and pay-as-you-go capital projects and acquisitions. However, with the approval of the Board of Selectmen, Enterprise Fund Retaining Earnings can be used for rate stabilization purposes, as necessitated by a major capital project.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

7-) TA's Report.
- OML complaint
response letter
and attachments

LOUISE L. E. MILLER
TOWN ADMINISTRATOR
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www.wayland.ma.us

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

November 27, 2018

George Harris
8 Holiday Road
Wayland, MA 01778
Via Email: geoharris2@gmail.com

Dear George,

The Selectmen take very seriously any allegation that they violated the Open Meeting Law. As you know, the purpose of the Open Meeting Law is to eliminate secrecy in deliberations regarding public policy. At no point did the Board secretly deliberate regarding public policy. On behalf of the Board, we respond as follows to the specific violations set forth in your Open Meeting Law complaint dated November 13, 2018:

Items 1 and 3: Previous Board of Selectmen agendas referred to "Special Act" discussions or updates, without additional detail. Some examples include the agendas of June 25, 2018 and August 17, 2018. The Board of Selectmen were not notified at any time that the reference to "Special Act" was not sufficiently specific to notify members of the public of the issues that would be discussed. No requests for clarification concerning this agenda item were received by any member of the Board of Selectmen or the Town Administrator's office. The Board of Selectmen also note that it has discussed the "Special Act" at numerous meetings over the past year and that, while the references in the agendas and minutes have varied with respect to the "Special Act," there has been only one "Special Act" under consideration.

Item 2: The Board of Selectmen will consider revising the minutes of its meeting of October 15 to be more specific in its reference to the "Special Act." This will be discussed at the Board of Selectmen meeting of December 3, 2018.

Item 4: At each Board meeting, the Town Administrator updates the Selectmen with respect to ongoing matters that are or may come before the Board for a vote. The Board of Selectmen have previously discussed the "Letter to Raytheon," most recently at its March 9, 2018 meeting and its March 23, 2018 meeting. In both those agendas, the item was noticed as: "Municipal Parcel: Letter to Raytheon." The Board has only discussed one "Letter to Raytheon" in its deliberations over the last year. As with items 1 and 3, no requests for

clarification concerning this agenda item were received by any member of the Board of Selectmen or the Town Administrator's office. The Board has provided additional clarification in its notice of the November 19, 2018 meeting, listing all Wayland Town parcels to which the letter to Raytheon would apply.

Item 5: At the Board of Selectmen meeting of November 19, 2018, the Town Administrator informed the Board that she made an error in the reference in the agenda to exception 2 rather than exception 3 as a basis for executive session. The correct motion was provided at the meeting of the Board of Selectmen. The Town Administrator, however, stated that she failed to notice at the meeting that I did not read the language of the motion provided. This came to her attention in the draft minutes that were included with the Board of Selectmen meeting packet of November 19, 2018, which contained a reference to both exception 2 and exception 3. The Board voted to correct the minutes to reflect that I read the incorrect exception language when the Board moved to enter into executive session. With respect to the reference to specific bargaining units, the agenda states "all bargaining units" (emphasis added). The negotiations are with all collective bargaining units. With respect to the reference to the "PEC agreement." The Town Administrator had initially drafted the agenda item to refer to the "Public Employee Committee agreement." However, PEC is a term of art and so the agenda was accordingly edited. Future agenda items will refer to both terms. As far as release of the executive session minutes, the Board has not reviewed or approved the minutes at this time and will determine whether they should be released at its next meeting scheduled for December 3, 2018.

Sincerely,



Lea Anderson
Chair, Wayland Board of Selectmen

Attachment

cc: Board of Selectmen, Town of Wayland
Louise Miller, Wayland Town Administrator
Mira Netsky, Paralegal, Attorney General's Office Division of Open Government
Kevin Manganaro, Acting Director, Attorney General's Division of Open Government



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: George Last Name: Harris

Address: 8 Holiday Road

City: Wayland State: MA Zip Code: 01778

Phone Number: 5083582379 Ext. _____

Email: geoharris2@gmail.com

Organization or Media Affiliation (if any): None

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Wayland Board of Selectmen

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: Oct. 15 & 29, 2018

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Please see attached statement (with 3 exhibits) for a full explanation.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Please see attached statement.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 11/13/2018

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

OPEN MEETING LAW COMPLAINT

Wayland Board of Selectmen

This is a complaint that the Wayland Board of Selectmen (“Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. Recent meeting notices and minutes were not sufficiently detailed for comprehension by the public.

1. The notice for the Board’s October 15, 2018 meeting lacks “sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting” concerning topic 6, “Special Act Working Session.” 940 CMR 29.03(1)(b). See Exhibit 1 attached hereto. A reasonable member of the public would not comprehend the meaning of “Special Act” and would be dissuaded thereby from attending the meeting to hear and view discussion by the Board.
2. Furthermore, the minutes of the October 15, 2018 meeting pertaining to topic A6 (denoted topic 6 in the meeting notice) are also opaque as to the nature and substance of the Special Act. See Exhibit 2 attached hereto (topic A6 is mentioned in two places on page 3). Minutes should contain enough detail and accuracy that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred. See OML 2015-62; OML 2015-55; OML 2014-116. Here such a member of the public reading the minutes would not have any understanding of the subject Special Act.
3. The notice for the Board’s October 29, 2018 meeting (topic 6) also lacks sufficient specificity regarding use of the words “Special Act.” See Exhibit 3 attached hereto. A reasonable member of the public would not comprehend the meaning of “Special Act.”
4. The October 29, 2018 meeting notice refers to topic 8, “Town Administrator’s Report,” subtopic 2, “Letter to Raytheon.” See id. Without more detail, a reasonable member of the public would not understand the anticipated nature of the Board’s discussion.
5. The October 29, 2018 meeting notice refers to topic 14: “Executive Session: Enter into Executive Session. 1. Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (A) (2) to discuss negotiations with all bargaining units pursuant to the PEC agreement” (underline in original). The Board incorrectly cited Purpose 2 to justify its executive session.¹ Instead, the Board should have cited Purpose 3, to “discuss strategy with respect to collective bargaining.” G.L. c. 30A, § 21(a)(3). See OML 2016-64, an almost identical situation.

Also, a reasonable member of the public would not comprehend the meaning of “the PEC agreement.” Furthermore, the notice fails to identify the various bargaining units. See “Open Meeting Law Guide,” January 2018, page 12.

¹ Purpose 2 by its terms permits a public body in executive session to “conduct collective bargaining sessions.” However, the Board was not engaging in collective bargaining but rather discussing its strategy with respect to collective bargaining.

The motion to enter executive session, which was the same as the notice statement, was identically flawed. See www.waycam.tv/government-on-demand, select Board of Selectmen + October 29, 2018, at elapsed time 3:14:14.

Each of the above deficiencies constitutes a separate violation of the Open Meeting Law.

ACTIONS REQUESTED

1. The Board shall acknowledge the alleged violations of the Open Meeting Law.
2. The Board shall amend the meeting minutes so that they conform to the requirements of the Open Meeting Law.
3. The Board shall immediately release the minutes of the October 29, 2018 executive session because said session was not held in compliance with section 21.



LOUISE L. E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

BOARD OF SELECTMEN
Monday, October 15, 2018
7:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road

Proposed Agenda

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

- 7:00 pm 1. Call to order by Chair
- Review of agenda for the public
- 7:03 pm 2. Announcements and public comment
- 7:05 pm 3. Liquor License: Hearing for Testa Restaurant Group, LLC, d/b/a/ as Giacomo's Wayland regarding their request for an All-alcoholic Liquor License and an Entertainment License for their 14 Elissa Avenue premises
- 7:20 pm 4. FY 20 Budget Update
- Capital recommendations
- 7:35 pm 5. Special Town Meeting Articles:
- Discuss and vote to insert and/or take a position, if appropriate
 - Discuss and vote order of articles
- 7:50 pm 6. Special Act Working Session:
- Review feedback from boards and committees
 - Discuss next steps

BOARD OF SELECTMEN
Monday, October 15, 2018
7:00 p.m.
Selectmen's Meeting Room
41 Cochituate Road

Proposed Agenda – Page Two

- 8:50 pm 7. Town Administrator's Report
1. Correspondence
 2. Draft of letter to Raytheon
 3. Rivers Edge Update
 4. Marijuana Ballot Question
 5. Proposed Cell Tower Lease in Wayland, MA
- 8:55 pm 8. Minutes: (none)
- 9:00 pm 9. Consent Calendar: Review and vote to approve (see separate sheet)
- 9:05 pm 10. Correspondence Review
- 9:10 pm 11. Selectmen's reports and concerns
- 9:15 pm 12. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any
- 9:20 pm 13. Adjourn



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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

**Board of Selectmen
Meeting Minutes
October 15, 2018
7:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road, Wayland**

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Louis M. Jurist
Absent: Douglas A. Levine
Also Present: Town Administrator Louise Miller

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

A2. Announcement and Public Comment M. Antes informed the Board of the upcoming election, registration deadlines and early voting hours. All the information about voting is on the Town Clerk's website. The League of Women's Voters information session on Special Town Meeting articles is Nov. 1.

Mark Hughes, 26 Lake Road, Library Trustee, discussed his concerns about the Library's status under the proposed Town Manager Special Act. He asked that the Library be given the same legal status as the Schools.

A3. Liquor License: Hearing for Testa Restaurant Group, LLC, d/b/a as Giacomo's Wayland regarding their request for an All-alcoholic Liquor License and an Entertainment License for their 14 Elissa Avenue premises L. Anderson opened the Liquor License hearing at 7:05pm and read the legal notice. John Testa and Attorney Adam Ponte came before the Board. A. Ponte gave a brief background of Giacomo's and noted that J. Testa is an owner and will be responsible for the day-to-day operations. J. Testa comes to Giacomo's with almost 30 years of restaurant experience. A. Ponte said J. Testa met with the Police Dept. and understands the importance of TTP's training. A. Ponte discussed the property and said there will be no structural changes to the premise, mostly cosmetic.

L. Jurist returned from the School Committee meeting at 7:15pm.

C. Karlson noted J. Testa has been in front of the Board before as a representative for a Bertucci's violation in the past, but noted it wasn't under his authority. C. Karlson said she's thrilled to see a restaurant back at that property. J. Testa said he will be onsite full-time and the opening is scheduled for December 3. At this time there are no plans for entertainment, although they are considering it for a potential Sunday brunch in the future. C. Karlson noted that this is the last available full All Alcohol License in the Town.

At 7:21pm L. Anderson closed the hearing.

C. Karlson moved, seconded by M. Antes, to approve the application filed by Testa Restaurant Group, LLC, d/b/a as Giacomo's Wayland for a retail All Alcohol Liquor license to serve and sell such beverages on the premises of 14 Elissa Avenue, Wayland, MA 01778 and to vote to approve an Entertainment License for said premises. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

C. Karlson moved, seconded by L. Jurist, to recommend approval of Article M Loker Grass Field. YAY: none. NAY: L. Anderson, C. Karlson, M. Antes, L. Jurist. ABSENT: D. Levine. ABSTAIN: none. Motion failed to pass 0-4-0.

L. Miller reported that she met with B. Keveny and T. Holder to go over the finances for the Advanced Water Meter Reading Article. She stated that B. Keveny was concerned with the sustainability of the Water Enterprise Fund. He stated the real issue is the sustainability of the fund as a whole with all the capital requests over the next five years. In 2022 the fund will no longer be able to sustain itself if cash is used or, if borrowed, it will be 2023. A lengthy discussion ensued about the article and the financial aspects including the possibility of using excluded debt. L. Miller noted that they have just started internal discussions about funding mechanisms for capital projects. L. Anderson said if the Town seeks advice from the financial advisors it should listen to it. C. Karlson said they would have to do the research to see what the mechanism is for bringing it back in the spring. C. Karlson stated that the BoS gets to decide whether to insert the article and to recommend it, but the sponsor presents the article and funding source on town meeting floor. She said it would be ideal if everyone was on the same page about the financial aspects of the article. The FinCom vote was 4-2-0 to recommend approval of the article.

L. Jurist moved, seconded by M. Antes, to insert Article O Water Meters. The Board discussed its options and asked L. Miller her thoughts about it. YAY: L. Jurist. NAY: L. Anderson, C. Karlson, M. Antes. ABSENT: D. Levine. ABSTAIN: none. Motion failed to pass 1-3-0.

L. Anderson said it doesn't make sense to vote to approve the article since the insertion failed. She hopes this article comes back with more answers in the spring including better information on funding options including the possibility of a debt exclusion.

• **Discuss and vote order of articles**

C. Karlson distributed a draft order of articles. The Board discussed the changes given its earlier votes not to insert articles. It was decided to put Article G Marijuana District before Article F Prohibition of Marijuana.

C. Karlson moved, seconded by M. Antes, to order the article as follows: A, B, D, H, C, G, F, I, M, and N. YAY: L. Jurist, L. Anderson, C. Karlson, M. Antes. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0-0.

A6. Special Act Working Session: The majority of the discussion will be tabled to a future meeting, but the Board will briefly discuss the topic after the Town Administrator's Report tonight.

- **Review feedback from boards and committees**
- **Discuss next steps**

A7. Town Administrator's Report

1. **Correspondence** L. Miller noted number 5 in the correspondence regarding a proposed cell tower lease. She will get more information for the Board.
2. **Draft of letter to Raytheon** The Board discussed the draft letter to Raytheon requesting an LSP opinion on the proposed uses of the municipal parcel and surrounding land. Its purpose is to start discussion again on the property of the proposed Council on Aging/Community Center. C. Karlson reviewed the letter, discussed the history of the site and reported that Raytheon offered to review a draft letter to provide suggestions. The Board said it was an informative letter. L. Miller suggested C. Karlson be the point person with Raytheon.
3. **River's Edge Update** L. Miller stated the Town is ready to go out to bid this week on the asbestos mitigation. She stated she has talked to Wood Partners about the contract and work timeframe, and also reviewed for the Board the bid timeline.
4. **Marijuana Ballot questions** L. Miller met with the Town Clerk to review the ballot process and the Clerk's procedures related to ballot questions have been updated. The Town can go forward with both marijuana articles at Town Meeting. L. Miller is drafting a press release to explain the election error to residents and staff.

A6. Special Act Working Session: A more lengthy discussion was tabled to a future meeting.

- **Review feedback from boards and committees** Each Board member discussed the feedback and comments received from their assigned boards. It was noted that some boards haven't sent any feedback yet. L. Anderson said D. Levine is working with the Planning Board to get their feedback.

L. Anderson said some of the feedback they received is very detailed. For instance, the Library letter was excellent and discussed each section with which the Trustees are concerned. C. Karlson reported that the Board of Assessors had an issue with the tone, in particular the word "shall" and also its lack of interaction with the Collins Center staff. The Personnel Board was concerned with consistency between the Special Act and the TA contract. The Board discussed whether this article could go forward at Annual Town Meeting and recognized that it will take a considerable effort. C. Karlson suggested having a session to see if they can submit an article in two months.

- **Discuss next steps** Tabled to a future meeting with full attendance.

A8. Minutes: None available for review.

A9. Consent Calendar: Review and vote to approve (see separate sheet)

1. **Vote the question of approving and signing the weekly payroll and expense warrants**
2. **Vote the question of approving the invoice from KP Law, dated September 27, 2018, Invoice No. 117707, for professional service through August 31, 2018, in the amount \$525.49**
3. **Vote the question of approving the applications filed by Testa Restaurant Group, LLC, d/b/a/ Giacomo's Wayland for a retail All Alcoholic Liquor License to serve and sell such beverages on the premises at 14 Elissa Avenue, Wayland, MA, and for an Entertainment License at said premises**
4. **Vote the question of signing the Warrant for the 2018 State Election**
5. **Vote the question of authorizing the Town Administrator to amend the contract with The Vertex Companies in the amount of \$19,700**
6. **Vote the question of approving the placement of four temporary sandwich board signs from Saturday, October 20, 2018 through Saturday, October 27, 2018, to be placed at Fire Station Two in Cochrane, Old Connecticut Path and Cochrane Road (Five Paths), Route 20/Old Connecticut Path by the Coach Grill, and Town Center (corner of Routes 20 and 27), for a Trunk or Treat event being sponsored by the Wayland Children and Parents Association on October 27, 2018**
7. **Vote the question of approving the placement of four temporary sandwich board signs from Monday, November 5, 2018 through Monday, November 12, 2018, to be placed at Fire Station Two in Cochrane, Old Connecticut Path and Cochrane Road (Five Paths), Route 20/Old Connecticut Path by the Coach Grill, and Town Center (corner of Routes 20 and 27), for the Stacey Peasley Band Concert for kids being sponsored by the Wayland Children and Parents Association on November 12, 2018.**

The Board removed item 3 from the consent calendar since the Board has already approved it under agenda item 3. M. Antes moved, seconded by C. Karlson, to approve the Consent Calendar, as amended. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

A10. Correspondence Review The Board discussed the MAPC municipal elections item, and M. Antes said she can vote since she's the representative to the MAPC. L. Miller asked the Board to delegate to her the authority to sign a grant and anything related to the grant in item 2. It was noted the deadline to be signed is Nov. 30. L. Anderson said in her role L. Miller should be able to sign it without the Board's authorization.

A11. Selectmen's reports and concerns. The Board was invited to the 2018 Veterans Day Ceremony. L. Anderson said she will contact Public Ceremonies Committee Chair Richard Turner for more details. M. Antes noted that yesterday was the 50th Anniversary Celebration of the Wild and Scenic Rivers. She distributed the updated conservation plan. She said she went to the MMA's Legislative breakfast on Friday. C. Karlson said she heard a complaint from a resident about an ongoing issue with the gas station on Commonwealth Road. Previously they have committed to doing trash removal at reasonable hours and the resident reached out to say that is not happening.

A12. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:
None.

A13. Adjourn L. Jurist moved, seconded by C. Karlson, to adjourn the meeting at 9:34 p.m. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.



LOUISE L. E. MILLER
TOWN ADMINISTRATOR
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TOWN OF WAYLAND

41 COCHITUATE ROAD
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BOARD OF SELECTMEN

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

BOARD OF SELECTMEN
Monday, October 29, 2018
7:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road

Proposed Agenda

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

- 7:00 pm 1. Call to order by Chair
- Review of agenda for the public
- 7:05 pm 2. Announcements and public comment
- 7:10 pm 3. Private Plowing; Review of Appeals
- 7:50 pm 4. FY 20 Budget Update
- Capital
 - Operating
 - 5-Year Capital Improvement Plan
- 7:55 pm 5. Special Town Meeting Update and signing of warrant
- 8:05 pm 6. Special Act: Next Steps
- 8:10 pm 7. Tax Title Update and vote to authorize Town Administrator to negotiate sale of individual tax lien on 51 Claypit Hill Road
- 8:15 pm 8. Town Administrator's Report
1. Correspondence
 2. Letter to Raytheon
 3. River's Edge Update
 4. Annual Town Meeting

BOARD OF SELECTMEN
Monday, October 29, 2018
7:00 p.m.
Selectmen's Meeting Room
41 Cochituate Road

Proposed Agenda – Page Two

- 8:20 pm 9. Minutes: Review and vote to approve regular session minutes of October 1, 2018 and October 9, 2018
- 8:25 pm 10. Consent Calendar: Review and vote to approve (see separate sheet)
- 8:30 pm 11. Correspondence Review
- 8:35 pm 12. Selectmen's reports and concerns
- 8:40 pm 13. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any
- 8:45 pm 14. Executive Session: Enter into Executive Session
- I. Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (A) (2) to discuss negotiations with all bargaining units pursuant to the P.U.C. agreement
- 9:05 pm 15. Adjourn



TOWN OF WAYLAND

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

Board of Selectmen
Meeting Minutes
October 29, 2018
7:00 p.m.

Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road, Wayland

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Louis M. Jurist, Douglas A. Levine (entered at 7:03 p.m.)

Also Present: Town Administrator Louise Miller

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

A2. Announcements and Public Comment L. Anderson announced that a vigil for hope and peace is happening right now at Temple Shir Tikva, and she read aloud their public statement. The Warrant for STM was mailed over the weekend and should be in residents' mail today. Early voting is ongoing and Election Day is one week from tomorrow. The League of Women Voters will be holding a Town Meeting issues forum this Thursday night in the Senior Center from 7-9:00 p.m.

D. Levine entered the meeting at 7:03pm.

Susan Weinstein, Concord Road, chair of the Wayland Housing Authority, presented the Board with a payment in lieu of taxes (PILOT) payment in the amount of \$41,234.11 on behalf of the Wayland Housing Authority. L. Anderson thanked her on behalf of the Board.

George Harris, Holiday Road, discussed his concern over a possible bylaw violation (section 36.5c) in the warrant regarding Article 10. He believes that town counsel should be more specific and state how an article may be in violation of state law.

Heidi Heilman, 99 Concord Rd., asked the Board to consider reordering Articles 6 Marijuana Zoning and 7 Marijuana Ban in the Warrant. C. Karlson noted that the BoS are not authorized to reorder the articles now that the Warrant has been printed. This can only be done with a motion on Town Meeting floor.

John Zullo, 51 Claypit Hill Road, discussed agenda item 7 which involves his property. He was concerned the Board was making a legal decision tonight and that he had not been notified of the discussion. L. Miller explained that agenda item 7 is simply for the Board to authorize the Treasurer and the Town Administrator to negotiate on behalf of the Board. No specific action will be taken at this meeting and no legal decisions made with regard to the property.

A3. Private Plowing: Review of Appeals L. Anderson discussed the Board's process to review the appeals of each road. She also briefly discussed the history of the issue and policy that was adopted, which will start Nov. 1, 2018. She noted the difference between the terms "public access" and "public ownership."

D. Levine said the main goal during this process was to formulate a uniform policy. L. Anderson also noted the term "public use." C. Karlson reviewed the term and its use. A resident asked why the Town is doing this now and if it is a good use of the Town's time. L. Anderson explained that many residents in Town haven't had the benefit of having their roads plowed, so it isn't fair to provide the service to some and not others. It was clarified that the Board of Public Works brought this issue up to the Board.

A discussion ensued about the policy and using public funds to do snow plowing on private roads. A resident brought up the idea of the Town plowing all private roads. D. Levine said that was not a solution, but he would be interested to see what that looks like in terms of number of additional "roads".

The Board reviewed each appeal and gave residents a chance to participate:

Audubon Road: There are two houses on this road; one filed an appeal, but neither resident was in attendance. C. Karlson stated that based on the DPW findings she would recommend the Town maintain the current status. She stated it would seem appropriate as next steps for the residents to have a discussion with Conservation to make a formal access point to conservation lands or request DPW accept it as a public road. Mike Lowery, Board of Public Works, said that residents of Audubon Road have not applied for road acceptance as far as he knows. He said the Town plows all public roads. L. Anderson said a letter back to each applicant would be appropriate.

ROW off Boston Post Road 143 & 147: Both houses filed appeals and the residents were in attendance. Malcolm Astley, 147 Boston Post Road, emphasized that the authority is in the Board of Selectmen's hands to grandfather all of the roads that have appealed. He said the policy should be tilted towards approving roads not denying them and that the state's law gives the Town permission for plowing roads that the public uses. He also noted the public safety aspect of not plowing and wondered about tax abatements.

L. Anderson said Town Counsel was adamant that right of ways on privately owned lands are considered driveways and the Town may not plow a shared driveway.

Diane Burke, 143 Boston Post Road, said when she moved in, she was told it was an easement and maintained by the Town. Since submitting the appeal, she has seen 4 people access the Pine Brook Conservation area trailhead from their road. The Board noted that the DPW found no compelling evidence that the Town is responsible to plow.

M. Antes mentioned that a reduction in property tax (abatement) since a town service is being taken away is complicated, because many people have not ever had their private ways plowed by the Town.

M. Astley noted that the word on the street is that the towns of Wellesley, Weston and Wareham are plowing all of their roads. He asked if Towns are collaborating with this issue. D. Levine said it is a mixed bag with towns that they had sampled.

Off Concord Road 298 & 302: Both houses filed appeals and the residents were in attendance. Phyllis Kilpatrick, 302 Concord Road, said she has been in Town for over 50 years, and the road has always been plowed without any problems and incidents. She provided a letter from Norman Abend, 304 Concord Road, a former Road Commissioner, stating the road should be plowed. She thought she was grandfathered in and said she should continue to be plowed. D. Levine said when it comes to the elderly and public safety and being able to reach them in a timely matter, this becomes a difficult decision. The resident at 298 Concord Road noted the significant financial burden this puts on them. L. Jurist asked if the resident has to have additional plowing at her home driveway as well. She said yes, and she doesn't understand how her road is unsafe for the Town plows. C. Karlson read the DPW findings stating the record plan says the town shall have no responsibility for maintenance, so this road may be a different scenario than Audubon Rd.

Cormans Lane 9: There are two houses on this road (one appeal was filed on behalf of both houses) and both residents were in attendance. Nadia Guryanova, 11 Cormans Lane, said her neighbor filed her appeal. She discussed all the reasons the road should be plowed by the Town, noting the parking to access Snake Brook conservation area, financial difficulties and the unreliable private plow service that she has encountered. L. Anderson noted there is not a trail head on the road. Mary Mena, 9 Cormans Lane, brought up the high price of plowing. M. Antes noted that this is a situation where one homeowner holds all the rights, titles and interest in the Way. A discussion ensued about how hard it is to find reliable plow services.

L. Anderson said the DPW plows are always on alert for emergency services during inclement weather.

Highfields Lane 1, 2, 5, 6, 7, and 10: This road has never been plowed and wasn't on the original list in the spring. There are eight houses and driveways on the street; six appeals were filed, and some residents were in attendance. The residents have never appealed to the DPW to accept the road as a public road. C. Karlson said this is more of an issue of what the deed states and asked if there is a way to change the deed through applying to the Town to take the road. L. Jurist said this road seems to meet the criteria. A resident on Highfields Lane brought up the financial issue and how much the road pays in taxes to the Town. He said there should be enough in the budget to handle this street. D. Levine said the Board should table a decision on this road and talk to Town Counsel.

Mike Lowery, Board of Public Works, suggested residents contact DPW Director T. Holder since Town Counsel has given the Board of Public Works the authority of appeals, and M. Lowery will forward anyone the acceptance process by email if they contact him.

High Rock Road 37 & 33: There are three houses on this driveway; two appeals were filed, and both residents were in attendance. John Pulsifer, 37 High Rock Road, said he reviewed the policies and feels the set of conditions is unfair to residents and taxpayers, especially if it is not about funding. He discussed the primary purpose of roads, would like to advocate for plowing all private roads, and suggested the Board review the policy again.

Ken Chase, 33 High Rock Road, said he had a lot of trouble finding a plow company and the one person who agreed to plow charges a lot of money. He said he doesn't understand how the road is hazardous and he's never observed a Town plow have issues with safety on the road. L. Anderson said this road is more about it being a common driveway that serves three homes. L. Jurist said this process is ridiculous, and he won't vote on this without Town Counsel and DPW Director Tom Holder present.

M. Lowery said he will look into the details of each application to see what the comments were about the hazardous conditions. He noted that T. Holder was not in attendance due to a family health matter.

Jennison Road 12: M. Antes stated this is a situation where one property owner owns the road. She asked the Board what that means in terms of costs. For example, does the owner pay for the road to be plowed? C. Karlson said different neighborhoods have different arrangements. One appeal was filed, and the resident was not in attendance.

Quincy Road 7 & 9: There are three houses on this shared road; an appeal was filed on two addresses and one resident was in attendance. Cathy Balben, Quincy Road, brought up the public safety issues, noting the DPW is further from her house than the Fire Station is. She said that her road meets the criteria and there are driveways off the road. She said her lawyer stated she doesn't have to plow all the way down the road, and she has a letter from the Town dated in 1982 that states their road will be plowed. D. Levine said someone should come up with a quote on what it would cost for the Town to plow all private and public roads. She discussed the drainage issue that was fixed on her property by the DPW.

West Plain Street 201 & 203: Two houses are on this driveway and both filed appeals. Both residents were in attendance. Gil Wolin, 201 West Plain Street, read aloud a written statement that included several questions and observations. He brought up the financial damage to longstanding residents. The statement asked the BoS to grandfather all of the roads listed.

John Kelly, 203 West Plain Street, said this situation is very emotional and he doesn't know what benefit he gets from paying his taxes. He said the criteria have been set for what the Town wants, which is to cancel the plowing. He noted the BoS has the power to make this decision, and his preference would be to grandfather in the houses that were cut off in the 2015 decision.

Winthrop Place 4: There are two houses on this shared driveway; one appeal was filed, and the resident was in attendance. David Noble, 4 Winthrop Place, stated his main concern is about safety. He has watched plows on his road and they have not had any problems. He noted the importance of salting and sanding of the road as well as the number of children that live on the road.

The Board then discussed next steps. C. Karlson stated the Board only wanted to table a decision for Highfields Road. L. Anderson said she has some questions for T. Holder. C. Karlson said she does not see anything that conflicts with the policy piece except for Highfields Road. L. Jurist suggested tabling High Rock Road as well. D. Levine said the BoS needs the perspective of the DPW Director. M. Lowery urged residents to check with Town Counsel when it comes to who can change a policy. L. Anderson said time is an issue because residents need to plan for plowing. L. Jurist said this is a difficult situation and it seemed clearer in the spring. D. Levine said there are probably other examples of private roads that have not come forward, so that is why there needs to be a consistent policy. He would be intrigued about what it would look like if the Town decided to plow all private roads.

L. Anderson reviewed four questions to review with Town Counsel and the Director of the Department of Public Works:

- What are the specifications of a safe turnaround
- How many other shared driveways are there that have never been plowed by the Town
- What is the hazard noted by the DPW for each private road or shared driveway on the list being considered tonight
- What is the process for acceptance of roads by the Town

L. Jurist suggested adding High Rock Road with Highfields to the list to look into further. The Board decided there will be no change to the plowing status on any roads this year, but the Board has many questions for the DPW and Town Counsel and will revisit the issue and policy again.

A7. Tax Title Update and vote to authorize Town Administrator to negotiate sale of individual tax lien on 51 Claypit Hill Road Treasurer/Collector Zoe Pierce came before the Board to discuss the tax lien receivables that the Town currently holds. L. Miller discussed the Town's perspective when dealing with properties on which they have not collected taxes for various reasons. She summarized the various scenarios that the Town is in with the different properties and discussed strategy on some. She stated that with regard to 51 Claypit Hill Road, in particular, they would like to speak with the owner and the secondary lien holder on the property, because a substantial amount of taxes is owed.

C. Karlson moved, seconded by M. Antes, to authorize the Town Administrator to negotiate a sale of an individual tax lien on 51 Claypit Hill Road. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A4. FY20 Budget Update

- **Capital** L. Miller said each Board member should have a binder with FY20 capital requests. The FinCom had its meeting with the School Department. There will be additional meetings scheduled with Town Departments and the Finance Committee.
- **Operating** L. Miller reported she and Finance Director Brian Keveny are putting together a schedule of budget meetings with the department heads. They will invite the department's BoS liaison, FinCom liaison and will be asking the department managers as appropriate as well as the boards and commissions who might be interested in the meetings.
- **5-year Capital Improvement Plan** L. Miller said this is intended to really start the process of developing a 5-year capital improvement plan for the Town. FinCom has asked for an outline of a capital improvement plan for this spring. The departments have all submitted 5-year capital requests, based upon master plans and studies, consultant reports and long term needs. She stated she would like to hold a meeting in December to kick off the whole capital process, so the community, boards and committees will understand the goals and deadlines.

A12. Selectmen's reports and concerns C. Karlson reported she attended the BoPW meeting on October 23 for the agenda item on the structure of the Waste Water Management District Commission as well as the high school treatment plant. She said Cliff Lewis, BoPW, took the lead on the agenda topic, outlined some potential project points, and led the brainstorming session. C. Karlson said she will work to combine everyone's notes into a project plan for L. Miller to oversee with a working group.

A5. Special Town Meeting Update and signing of warrant The Board signed the Warrant and noted it will be posted officially tomorrow.

A6. Special Act (Town Manager): Next Steps L. Anderson said she put together a tentative schedule of things that still need to be worked on. L. Jurist is going to the BOH meeting Nov. 5. L. Anderson said she would like written notes from all meetings with boards and committees. When the Board can declare that all the input has been submitted, L. Anderson asked if she could meet with Town Counsel and L. Miller to consolidate the input and make an edited and updated version of the Special Act. She also suggested inviting back Mike Ward from the Collins Center. D. Levine said he would like to follow this approach. The Board agreed for L. Anderson to proceed with this plan.

A8. Town Administrator's Report

1. **Correspondence** No discussion.
2. **Draft of letter to Raytheon** C. Karlson said she is still waiting for Raytheon to get back to the Town with comments.
3. **River's Edge Update** An addendum was issued today for the bids as well as an extension of the bid date deadline to Nov. 5. C. Karlson noted the League of Women's Voters forum will discuss the River's Edge Article amongst others.
4. **Annual Town Meeting** L. Miller said she is working on a schedule for Annual Town Meeting.

L. Miller noted there is a new department assistant in the Building Department which brings them to full staffing, Bertucci's has returned their liquor license as requested, and the Town will receive additional Ch. 90 funding of approximately \$95,000.

A9. Minutes: Review and vote to approve regular session minutes of October 1, 2018 and October 9, 2018 D. Levine moved, seconded by M. Antes, to approve the regular session minutes of October 1, 2018 and October 9, 2018, as amended. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Consent Calendar: Review and vote to approve (see separate sheet)

1. **Vote the question of approving and signing the weekly payroll and expense warrants**
2. **Vote the question of approving Holiday Hours for the Town of Wayland Building, specifically: Closing at 12:00 pm (noon) on Wednesday, November 21, 2018; Monday, December 24, 2018; and Monday, December 31, 2018**
3. **Vote the question of approving the invoice from KP Law, dated September 27, 2018, Invoice No. 117827, for professional service through August 31, 2018, in the amount of \$21,106.39**
4. **Vote the question of approving the invoice from Valerio, Dominello & Hillman, LLC, dated October 2, 2018, Invoice No. 7, for general labor matters in the amount of \$10,091.00**
5. **Vote the question of approving a One-day Liquor License for an event (Ladies' Night Out - An Evening of Holiday Shopping, including live music, food & wine sampling from local restaurants and vendors from the Wayland Farmers' Market) at Russell's Garden Center, 397 Boston Post Road, Wayland, MA 01778 on Thursday, November 8, 2018 from 4:00 pm to 8:00 pm**
6. **Vote the question of approving the placement of two (2) temporary sandwich boards from Sunday, November 11, 2018 thru Sunday, November 18, 2018, to be placed at the Intersection of Old Connecticut Path and Cochituate Road; and Rte. 20/Old Connecticut Path by the Coach Grill Restaurant, for the Wayland High School Scholarship Committee**

M. Antes moved, seconded by D. Levine, to approve the Consent Calendar. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A11. Correspondence Review No discussion.

A12. Selectmen's reports and concerns, continued M. Antes said there is a MAPC meeting on Wednesday in Burlington. On Thursday, the MetroWest Regional Collaborative will meet. Last Saturday there was an anti-racism event that was held at Regis College. C. Karlson said she met with the Middle

School club that is interested in learning about Town Meeting and perhaps bringing an article forward. C. Karlson stated she wanted the Board to clearly communicate their goals for the new Town Administrator.

A13. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:
None.

A14. Executive Session: Enter into Executive Session: I. Pursuant to Massachusetts General Law Chapters 30A, Section 21 (A) (2) to discuss negotiations with all bargaining units pursuant to the PEC agreement At 10:15 p.m., L. Anderson moved, seconded by D. Levine, that the Board of Selectmen enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (2) to discuss negotiations with all bargaining units pursuant to the PEC agreement. 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: Louise Miller, Town Administrator, and Elizabeth Doucette, Assistant Town Administrator. The Board will reconvene in approximately 5 minutes solely for the purpose of adjourning.

The Board returned to open session at 10:23pm.

A15. Adjourn L. Jurist moved, seconded by C. Karlson, to adjourn the meeting at 10:24 p.m. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of October 29, 2018.

1. Residential Private Road Snow and Ice Policy, Town of Wayland, Massachusetts Spreadsheet of plow appeal findings by Wayland Department of Public Works
2. The Voice newsletter (to Lea Anderson)
3. Correspondence from Donna Glynn, President, American Nurses Association Massachusetts, to each Board of Selectmen, received October 25, 2018, re: study related to Ballot Question 1.
4. Correspondence from Louise Miller, Town Administrator, to Board of Selectmen, dated October 29, 2018, re: Status of Tax Lien Accounts, Tax Lien Policy Proposal, Request for Authorization to Sell Tax Lien on 51 Claypit Hill Road
5. FY 20 Capital Budget CIP Kick Off information
6. Parking pass for November 2018 Special Town Meeting
7. Correspondence to the Board of Selectmen from Wayland resident Norman Abend, dated October 29, 2018, re: Support of Kilpatrick's request that the Town continue to plow the road that serves their driveway

Items Included as Part of Agenda Packet for Discussion During the October 29, 2018 Board of Selectmen's Meeting

1. Private Plow Appeal material
2. FY20 Budget Update
3. Draft Board of Selectmen Minutes of October 1, 2018
4. Draft Board of Selectmen Minutes of October 9, 2018



TOWN OF WAYLAND

41 COCHITUATE ROAD
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BOARD OF SELECTMEN
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DOUGLAS A. LEVINE

DRAFT

Board of Selectmen
Meeting Minutes
November 5, 2018
7:00 p.m.
Wayland Town Building
Large Hearing Room
41 Cochituate Road, Wayland

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Louis M. Jurist, Douglas A. Levine
(entered at 7:08 p.m.)

Also Present: Town Administrator Louise Miller, Assistant Town Administrator Beth Doucette

1. Call to Order by Chair L. Anderson called the meeting of the Board of Selectmen to order at 7:01 p.m. in the Large Hearing Room in the Wayland Town Building when a quorum was present, noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM, and reviewed the agenda for the public.

2. Announcement and Public Comment Tomorrow is Election Day and the polls are open from 7am to 8pm. There will be a Veterans Day program on Sunday, November 11 at 11am at the Veterans Memorial at the Town Building. Water main work is being done on Rt. 20 west from Rt. 27 from 10pm-5am at night and the notice is on the Town website.

Mike Lowery, Lake Shore Drive, called attention to an article that was in the Town Crier published Nov. 1st and singled out a quote from the BoS Chair about the lack of BoS support for a Special Town Meeting article on water meters. He provided the Board with a copy of the article. He discussed his displeasure and hoped Chair L. Anderson would retract her statement. L. Anderson apologized and agreed that her statement was inappropriate.

D. Levine entered the meeting at 7:08pm.

7. Minutes: Review and vote to approve regular session minutes of October 15, 2018 M. Antes moved, seconded by C. Karlson, to approve the regular session minutes of October 15, 2018, as amended. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

8. Consent Calendar: Review and vote to approve (see separate sheet)

1. Vote the question of approving and signing the weekly payroll and expense warrants
2. Vote the question of authorizing Town Administrator, Louise Miller, to sign the A/P warrant on November 26, 2018.
3. Vote the question of approving the invoice from KP Law, dated October 24, 2018, Invoice No. 118256, for professional service through September 30, 2018, in the amount of \$13,943.35
4. Vote the question of approving the placement of four (4) temporary lawn signs from Saturday, November 10, 2018 thru Sunday, November 16, 2018, to be placed at Fire Station Two in Cochituate, Old Connecticut Path and Cochituate Road (Five Paths), Route 20 old Connecticut Path by the Coach Grill, and Town Center (corner of Routes 20 and 27), by the

Drama Department of the Wayland Public Schools for their upcoming musical, *You're a Good Man, Charlie Brown*.

- 5. Vote to approve disbursement of \$993-33 from the Rail Trail Gift Account to reimburse Larry Kiernan for expenses related to his work as Wayland's representative to the Massachusetts Rail Trail Committee.**
- 6. Vote the question of approving a One-day Liquor License for an event (Client Appreciation - Open House) at Moodz Salon and Day Spa, 19 Pelham Island Road, Wayland, MA 01778 on Thursday, November 16 from 6:00pm to 8:00pm**

M. Antes moved, seconded by C. Karlson, to approve the Consent Calendar. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

9. Correspondence Review L. Anderson noted the resignation letter from Robert Weiland who is stepping down from the Senior Tax Relief Committee. The Board thanked him for his service. There was a useful document from M. Lowery, chair of the BoPW, in response to some of the questions raised at the last meeting about plowing private roads.

3. Warrant Hearing At 7:15pm, L. Anderson opened the Special Town Meeting Warrant Hearing and the Board was joined by Town Moderator D. Berry, Town Counsel C. Murray, and the Finance Committee. She explained the purpose of the hearing and described it as an opportunity to identify corrections in and questions pertaining to information in the Warrant. Copies of the warrant and draft motions are available online and as handouts at the meeting. L. Anderson led a page by page walk through of the Warrant and asked for any questions or comments. The following questions/comments were made:

Article 5, Fund Asbestos Mitigation at River's Edge: Mike Lowery, Lake Shore Drive, asked if the borrowing will be by debt exclusion. C. Karlson said it will be funded with short term debt with a state program that allows intra year borrowing; the Board anticipates moving to the disposition of the land in a short time frame. The Board anticipates that at the closing, the River's Edge soil account will be an offset to pay back the loan.

Article 6 and 7, Zoning: Establish District for Marijuana Establishments and Medical Marijuana Treatment Centers and Zoning: Prohibit Recreational Marijuana Establishments: L. Anderson provided background information and explained the notification issue that nullified the October 2018 ballot vote. The Planning Board is putting forward two articles at the STM. The first, Article 6, is to set up a zone for medical marijuana and for recreational marijuana. The second, Article 7, is a vote to ban recreational marijuana establishments in Wayland. Passage of this article is the first of two required parts to complete the ban, a vote at Town Meeting and then a vote at the voting booth in April 2019. She explained the Board's thought in ordering the articles.

Heidi Heilman, 99 Concord Road., asked the Board to explain its decision of not putting the more restrictive article (7) first. She thinks Article 6 can be bypassed and she thinks a lot of people, in Town and at the state level, are confused about the need for zoning. D. Levine said the Town needs to vote on Medical Marijuana anyway. H. Heilman said there might be a possibility for Wayland to zone for medical marijuana and then the state determines medical is the same as recreational and now there would be a recreational facility allowed in Wayland. Town Counsel C. Murray said any host community agreement has to have an executed host agreement in order for them to apply for a state license. Article 6 would request that both medical and/or recreation should also have an executive host agreement with the BoS. There were two communities that banned medical marijuana, but the Attorney General then changed her opinion and said that medical marijuana establishments could not be banned.

Rebecca Yeng asked for the reasoning behind the order of the articles. L. Jurist said the Board can't change the order now; it has to be changed on Town Meeting floor. C. Karlson noted that if the election was valid, the Board might have done the ban first, then zoning. She briefly discussed the Board's reasoning for the order.

Article 8, Zoning: Use of Pre-Existing Nonconforming Land that Consists of More than Six Dwelling Units: L. Anderson noted the latest motion for Article 8. She said the motion would drop the last clause of the wording in the article on page 27 in the Warrant. The change will be reported on Town Meeting floor.

Article 9, Loker Grass Field: Lead petitioner John Sachs noted an erratum and suggested that the first line on page 30 should say the field size is 100 yards by 60 yards. D. Berry said the petitioner will present the motion as written and as Moderator, he will ask if there is any difference in the motion then what is printed in the Warrant. The petitioner also suggested to take the wording U12 out of the motion.

Article 10, Discharge of Weapons: On page 36, M. Lowery said the consistency with the law provision in the Warrant does not sufficiently meet the requirements of the Town's bylaw. Town bylaws require a statement about whether or not the bylaw is repugnant and in what manner. L. Anderson said they will be treating this as an erratum and will provide a sheet at Town Meeting. C. Murray explained the ways in which the originally submitted language could be in conflict with state law and this will be summarized for town meeting.

Moderator D. Berry stated that there have been no changes to the Moderator's rules.

L. Anderson closed the Warrant Hearing at 7:50pm.

4. Special Town Meeting Update L. Miller stated the Board needs to notice a meeting for Nov. 13 before Special Town Meeting. If article 5 passes regarding Rivers Edge asbestos remediation, there will be a need to vote to enter into a contract with the contractor. The Board decided to take the vote on Nov. 13 before STM contingent on passage of the article.

5. FY20 Budget Update

- **Operating Budget** L. Miller sent out budget meeting schedules to the BoS, FinCom and Dept. Managers. The budget reviews started today, and she plans to conclude reviews of the budget requests with each department by the end of the week. The FinCom and BoS liaisons are invited to attend these meetings as well. The Board discussed attendance at the meetings.
- **Meeting Schedule** L. Miller reported that FinCom will be holding meetings on the Capital Budget for the next three meetings.

6. Town Administrator's Report

1. **Correspondence** L. Miller reported that with the resignation, there are now two vacancies on the Senior Tax Relief Committee.
2. **TA Office Organization** L. Miller reviewed her thoughts on a reorganization of the Town Administrator's Office. There are two staffing vacancies now (HR Director and Financial Analyst), and she suggested the positions be changed to a Human Resources Manager and a Managerial Analyst. The Personnel Board was interested in seeing job descriptions, which she will provide with the Board's approval. She hopes the positions could be filled this winter. C. Karlson asked about the total cost and L. Miller reported that the total dollar amount of salaries would not change. L. Anderson said she thinks it is a good idea, and it is clear the office is understaffed. C. Karlson noted that the Board waited on a reorganization pending the new TA, so was expecting this type of change.
3. **Letter to Raytheon** The draft letter to Raytheon regarding the request for an LSP opinion on proposed uses of the municipal parcel was distributed in the packet. C. Karlson stated that the LSP John Drobinski did not have any specific comments or concerns for what the Town is proposing and, she suggested issuing the letter in final form. C. Karlson said the letter will be sent off for official consideration if the Board approves it tonight.

C. Karlson moved, seconded by D. Levine, to approve the letter to Raytheon requesting an LSP opinion for proposed uses at the Town Center municipal parcel area. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

4. **River's Edge Update** The bid opening for the proposed asbestos mitigation was today, and the bids came in close to what the Town anticipated. The Phase 1 apparent low bidder was \$417,120. C. Karlson noted that the Board was hoping the bid would come in a little less than the article request. L. Miller confirmed that the bids did provide funding for an additional 1000 cu yds of material removal. There was a total of eight bids. The bid documents included wording to handle a second mobilization if additional materials are found.
5. **Sudbury DOT Letter** L. Miller said a draft letter was sent to Herb Chambers, but she has not heard anything back yet. L. Miller has traded phone messages with the Sudbury Town Manager; she wants to explain the potential arrangement with the DOT and Herb Chambers.

L. Jurist left the meeting to attend the Board of Health meeting (discussion of the TM Special Act).

6. **Wastewater Update** The Board reviewed the draft project document (distributed). C. Karlson explained that the document is a result of a few emails and meetings with representatives from the BoPW and the Wastewater District Commission. It tried to recognize all of the issues that were

raised and to organize a project plan that can be overseen by the Town Administrator. C. Karlson reviewed the proposed plan of managing the project and the roles of the working group participants. L. Miller noted this is a study, and the Town will need to be flexible when it comes to who it brings in to participate at different stages. The structure might be that the TA oversees the project with a working group consisting of a Selectmen, a WWMD C commissioner and a BoPW member with staff and other board involvement as needed. C. Karlson said this is a broader community conversation about the future of wastewater in Wayland and not a project to be owned or driven by one board or committee. Once started, the project timeframe is about six months. L. Miller explained some of the topics to be covered by the project. M. Antes mentioned that there have been discussions of needing wastewater facilities in other areas of town or with housing developments. C. Karlson asked that the Board send any comments/suggestions to L. Miller.

7. **Annual Town Meeting** L. Miller reported that she is working on the draft schedule, and it should be done shortly. The meeting date is posted on the website.

10. Selectmen's reports and concerns D. Levine asked how the Town should recruit for the Cable Advisory Committee. L. Miller said her office will advertise the vacancies, and the Board will interview as needed. M. Antes mentioned putting an article in the paper and online. L. Anderson said she sat in for D. Levine at the LEPC meeting and found it very interesting. She briefly discussed the meeting and techniques used at the meeting to get the departments involved. C. Karlson noted the League of Women Voters forum last week.

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

12. Adjourn D. Levine moved, seconded by C. Karlson, to adjourn the meeting at 8:25 p.m. YEA: L. Anderson, M. Antes, C. Karlson, L. D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

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

1. Wayland 2018 Veterans Day Program
2. Copy of the November 13, 2018 Special Town Meeting Warrant and draft motions
3. Draft Wastewater project plan.
4. Correspondence from resident Tom Maglione to Lea Anderson, Board of Selectmen Chair, dated November 3, 2018, re: process used by the Recreation Commission to notify neighbors of the proposed athletic field at Loker Conservation and Recreation site
5. Susan Wagner and Ken Isaacson, "*Articles not coming to special Town Meeting*," Town Crier, Wayland, MA, November 1, 2018 page A3. Source: Mike Lowery.

Items Included as Part of Agenda Packet for Discussion During the November 5, 2018 Board of Selectmen's Meeting

1. Draft of letter to Jerry Cellucci, Senior Director, Corporate Real Estate, Raytheon Company, from Louise Miller, Town Administrator, dated November 5, 2018, re: redevelop an area of the former Raytheon Company property for a Council on Aging/ Community Center facility
2. Draft minutes of the October 15, 2018 Board of Selectmen meeting



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

LOUISE L. E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

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

DRAFT

Board of Selectmen
Meeting Minutes
November 13, 2018

6:15 p.m.

Wayland High School Field House
264 Old Connecticut Path, Wayland

Attendance: Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Douglas A. Levine (arrived at 6:20 p.m.)

Absent: Cherry C. Karlson

Also Present: Town Administrator Louise Miller

A1. Call to Order by Chair L. Anderson called the meeting of the Board of Selectmen to order at 6:15 p.m. in the Wayland High School Field House when a quorum was present.

A2. Announcements and Public Comment There were none.

D. Levine joined the meeting at 6:20 p.m.

A3a. Sign Collective Bargaining Agreement with Police Union L. Miller reviewed the Collective Bargaining Agreement with the Police Union and reported that the agreement incorporates three Memorandums of Understanding (MOU). The Board signed the agreement.

A3b. Receive Police Union President letter re: FLSA overtime The Board discussed the letter from Mark Wilkins, President NEPBA Local 176 regarding Federal Labor Standards Act (FLSA) overtime. L. Miller reminded the Board that the Town had inadvertently not followed FLSA requirements for overtime calculations and reached agreement with the Police Union on calculations for prior years. Article 3 of the Special Town Meeting includes funding for the two years of the current contract (FY18 and FY19). The calculation of retroactive overtime pay will be resolved for each individual officer in the near future. An article at Annual Town Meeting may be required to cover additional retroactive amounts due prior to FY18. Going forward starting with the next pay period, correct calculations will be used.

A4. River's Edge Contract: Review and sign L. Miller reported that the Town received eight bids for asbestos mitigation at the River's Edge site. She reported on the selection of W.L. French Excavating Corp., summarized elements of the proposed contract, and answered questions from the Board.

M. Antes moved, seconded by D. Levine to sign the contract with W.L. French Excavating Corp. for asbestos mitigation at the River's Edge site for \$424,620, contingent on passage of Article 5 at Special Town Meeting. YEA: L. Anderson, M. Antes, L. Jurist, D. Levine. NAY: none. ABSTAIN: none. ABSENT: C. Karlson. Adopted 4-0.

A5. Special Town Meeting Updates:

a. Zoning Amendment, Article 8: Discuss and finalize L. Miller reported that the motion under Article 8. (Zoning: Use of Pre-Existing Nonconforming Land that Consists of More than Six Dwelling Units) had been revised by the Planning Board to remove reference to prohibiting condominium development. The Board agreed to revote its position on the article with this change. D. Levine moved, seconded by M. Antes to support amended Zoning Article 8. YEA: L. Anderson, M. Antes, L. Jurist, D. Levine. NAY: none. ABSTAIN: none. ABSENT: C. Karlson. Adopted 4-0.

A6. Town Administrator's Report None presented.

A7. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:
None.

A8. Adjourn At 6:30 p.m. the Board of Selectmen suspended their meeting until the start of STM at 7:00 p.m.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of November 13, 2018.

1. Final contract for W.L. French Excavating Corp. for asbestos abatement at River's Edge dated Nov. 13, 2018
2. Correspondence from Michael Lowery, Chair, Wayland Board of Public Works, to Zoe Pierce, Town of Wayland Treasurer, dated November 7, 2018 re: Request for information regarding handling of interest income from the investment of water retained earnings

Items Included as Part of Agenda Packet for Discussion During the November 13, 2018 Board of Selectmen's Meeting

1. Draft contract for W.L. French Excavating Corp. for asbestos abatement at River's Edge
2. Memo from Mark Wilkins, President NEPBA Local 176 dated Nov. 5, 2018 Re: Support for FLSA proposals and movement on the FLSA issue going forward



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BOARD OF SELECTMEN
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CHERRY C. KARLSON
DOUGLAS A. LEVINE

DRAFT

Board of Selectmen
Meeting Minutes
November 19, 2018
7:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road, Wayland

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Louis M. Jurist, Douglas A. Levine
(entered at 7:15pm)

Also Present: Town Administrator Louise Miller

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

A2. Announcements and Public Comment L. Anderson noted that former Police Department Sergeant Robert Parker passed away on Nov. 9. He served the community for 29 years. The Tax Rate Classification hearing will be held during the next BoS meeting on Dec. 3.

There was no public comment.

A3. Special Town Meeting Recap: Next steps L. Miller stated the contract was signed at Town Meeting for the asbestos cleanup at Rivers Edge, and the kickoff meeting for the work is tomorrow morning. C. Karlson suggested a change to the process for lead petitioners so their article presentation at Town Meeting is similar to what is in the Warrant. M. Antes said she was happy with the STM and the large turnout. She noted that the Moderator's meeting is coming up.

A4. Open Meeting Law Complaint: Review complaint filed by George Harris dated November 13, 2018. L. Miller stated there was no real violation of an Open Meeting Law in this instance as the Board did not secretly deliberate regarding public policy. The complaint states that agenda items were not sufficiently described. She went through each of the items in the complaint and noted a consistency with how the agenda items were listed on past agendas (TM Special Act and Letter to Raytheon). L. Miller asked anyone with a question to please call or email the TA's office. No questions were received about any of these agenda items.

L. Miller also noted an error in the Executive Session motion; this resulted in the Chair reading a different exception. The minutes will be amended to correct the stated exception.

D. Levine entered the meeting at 7:15pm.

L. Miller explained two other items including listing bargaining units and the use of acronyms. Executive session minutes cannot be released until the Board approves that action. L. Anderson said these complaints do not rise to the level of an open meeting law violation. D. Levine asked if the written notice of complaint was the only means of communication. L. Miller said she will work with L. Anderson and town counsel to prepare a response to the complaint.

A5. FY20 Budget Update

- **Operating Budget: Summary of recommendations** L. Miller distributed two Excel spreadsheets showing (1) FY2020 operating budget requests from every department with an increase of 5.27% over FY2019 budgets and (2) level service for payroll expenses and totals for each departments as well as recommendations from the Town Administrator and Finance Director. These numbers will continue to be refined. L. Miller said budgets are tight this year, increases were not funded, and they looked for reasonable cuts. She outlined some of the suggested changes. One reduction was identified in the IT budget by delaying project timelines. It was suggested that the BOH budget should increase to bring the Public Health Nurse to a full-time position. They also thought it was prudent to hire a consultant to conduct a compensation and classification study for the Personnel Board. This can be funded with the reduction in IT. She also discussed working with the Finance Director on the snow and ice budget request and the one-time mitigation costs from the last healthcare changes. The small spreadsheet represents the recommended budget. Personnel requests (Town Clerk, Fire, TAs Office) are not included and she noted that stormwater expenses (MS4) will be a budget driver going forward. The Board discussed where to fund the stormwater budget. L. Miller was pleased with the group budget meetings with each department head, BoS rep and FinCom liaison. It provided a good overview for all involved. L. Miller will put a memo together for the FinCom explaining the recommended budget and related decisions. C. Karlson said it would be helpful to the Board to better understand the new unfunded operating budget requests. The Unclassified budget status was discussed as well as the increase of \$6,100 per student to cover the costs of new construction at the Minuteman Regional Vocational Technical School.

A6. Permitting for Land Use Building Projects: Draft report update; Next steps L. Miller said there are three parts to the report (distributed at meeting). The reports document the current permitting processes in each department, creates a workflow between departments and identifies the bottlenecks in each department in the permitting process. The town received a \$38,000 grant to look at permitting and ways to improve the permitting process; \$22,000 has been spent so far. Working with a consultant, they are ready to determine next steps. She proposes site visits with other towns that have MUNIS and also have permitting software, then developing an RFP for permitting software to streamline permitting both internally and externally. The remaining funds should get us through drafting an RFP and evaluating proposals. The project could be ready for a fall 2019 STM. The FY2019 capital appropriation to rework the land use space will be considered to improve workflow with a central intake area.

A7. Town Administrator's Report

1. **Correspondence** None was addressed.
2. **Plowing Appeal Update** Letters will be sent to each appeal applicant and will go out this week. Each letter will be tailored for each situation. L. Jurist suggested a PowerPoint presentation for each road that includes a picture, map, or diagram that shows potential hazards. C. Karlson noted that decisions have been made for this year. L. Miller suggested an earlier appeal date for next year.
3. **Letter to Raytheon re: LSP opinion for Lot 4-1, Lot 8-1, Lot 9-1B and Parcel R-20-1** C. Karlson briefly went over the purpose of the letter noting that the COA/CC plan was attached with as many planning and feasibility studies as possible. Raytheon previewed the draft letter and did not have any specific feedback. C. Karlson said she hasn't heard anything since. She clarified the letter is an ask to see if the town can do COA/CC type of activities, as spelled out in the feasibility study, on that land.
4. **River's Edge Update** This was discussed under item 3, Special Town Meeting recap.
5. **Department of Transportation (DOT) Letter re: need for property for school buses** L. Miller has not heard back but pointed out that MassDOT will have to go through its own process to dispose of or use this property first. The Town was told that DOT is currently in that process.
6. **Wastewater Update** L. Miller received responses from both Fred Knight (WWMDC) and Cliff Lewis (BoPW) and would like to set up a meeting with them to continue the discussion regarding the future of wastewater.
7. **Annual Town Meeting Schedule** L. Miller distributed the draft Annual Town Meeting schedule. She said some tasks are out of order from previous years. The Board and L. Miller discussed the schedule.

A8. Minutes: Review and vote to approve regular session minutes of October 29, 2018

M. Antes moved, seconded by C. Karlson, to approve the regular session minutes of October 29, 2018, as amended. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A9. Consent Calendar: Review and vote to approve (see separate sheet)

1. **Vote the question of approving and signing the weekly payroll and expense warrants**
2. **Vote the question of approving the placement of one (1) temporary sandwich board to be placed at Old Connecticut Path and Cochituate Road (Five Paths) from December 9, 2018 thru December 16, 2018 by Troop 1 Boy Scouts to promote their annual Christmas tree fundraising sale at the United Methodist Church**

M. Antes moved, seconded by C. Karlson, to approve the Consent Calendar. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Correspondence Review L. Anderson said she found the police report very interesting. M. Antes noted that item number two (ConCom letter to DPW re: unauthorized work) seems to happen frequently and L. Miller discussed what the town will do in the future to avoid this situation. The BOH report is very detailed. L. Anderson noted the email from Nora Rothschild and said she had a productive meeting with her discussing Welcoming Towns. L. Miller addressed item 5, a request from M. Lowery, chair of BoPW, to understand the interest income not credited to the Water Enterprise Fund. She reported that the total interest income on the General Fund balance of approximately \$38 million ranges from \$83,000 - \$110,000 in the past few years. The Water Fund balance is a small part of the General Fund balance and would be due a small part of the total interest earned.

A11. Selectmen's reports and concerns D. Levine said several individuals came up to him and asked if there is any action the Selectmen can take if a Petitioner's article has changed from what is in the Warrant. M. Antes mentioned the MMA's Annual Meeting in January and will send information about MetroWest demographics to the Board.

A12. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:
None.

A13. Executive Session: Enter into Executive Session I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss the strategy for litigation relative to Cochituate Commons, LLC, v. Town of Wayland. At 8:26pm, L. Anderson moved, seconded by D. Levine, that the Board of Selectmen enter into Executive Session Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss the strategy for litigation relative to Cochituate Commons, LLC v. Town of Wayland.

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, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Chair invites attendance by Louise Miller, Town Administrator. The Board will reconvene in approximately 15 minutes solely for the purpose of adjourning.

The Board returned to open session at 8:30 pm.

A14. Adjourn L. Jurist moved, seconded by D. Levine, to adjourn the meeting at 8:30 p.m. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of November 19, 2018.

1. Report on Permitting Processes for Land Use Building Projects in the Town of Wayland MA for RFP Project #18-1068 PERMITTING SYSTEM CONSULTING SERVICES from D.H. KEENE ASSOCIATES, INC., November 15, 2018, FINAL VERSION
2. Town of Wayland MA Permitting Processes Project – Interdepartmental Workflows, Version 7.0, September 6, 2018
3. Town of Wayland MA Permitting Processes Project -- Departmental Workflows, FINAL Version, November 15, 2018
4. Fiscal 2020 Proposed Town Budgets, two Excel spreadsheets

5. Draft 2019 Annual Town Meeting schedule

Items Included as Part of Agenda Packet for Discussion During the November 19, 2018 Board of Selectmen's Meeting

1. Open Meeting Law Complaint filed by George Harris, dated November 13, 2018
2. Correspondence to Mr. Jerry Cellucci, Senior Director, Corporate Real Estate, Raytheon Company from Louise Miller, Wayland Town Administrator, and Cherry Karlson, Wayland Selectman, dated November 7, 2018 re: LSP opinion for Lot 4-1, Lot 8-1, Lot 9-1B and Parcel R-20-1
3. Correspondence to Mr. Scott Bosworth, Chief Strategy Officer, Commonwealth of Massachusetts, from Louise Miller, Wayland Town Administrator, and Doug Levine, Wayland Selectman, dated November 8, 2018 re: Public-Private Partnership Utilizing Land at 105 Boston Post Road, Sudbury
4. Draft minutes of October 29, 2018 Board of Selectmen meeting

BOARD OF SELECTMEN
Monday, December 3, 2018
7:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road
Wayland, MA

CONSENT CALENDAR

1. Vote the question of approving and signing the weekly payroll and expense warrants
2. Vote the question of approving the invoice from KP Law, dated October 24, 2018, Invoice No. 118113, for professional service through September 30, 2018, in the amount of \$918.49

2.) KP Law Invoice
No. 118113

RECEIVED

OCT 29 2018

Board of Selectmen
Town of Wayland

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

INVOICE NO: 118113

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

IN REFERENCE TO: PROFESSIONAL SERVICE
THROUGH

September 30, 2018

October 24, 2018

TOTAL FEES:	\$777.00
TOTAL COSTS:	<u>\$141.49</u>
BALANCE DUE:	<u>\$918.49</u>

of KPW

**PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMEN FROM
NOVEMBER 15, 2018 THROUGH AND INCLUDING NOVEMBER 28, 2018,
OTHERWISE NOT LISTED AND INCLUDED IN THE CORRESPONDENCE
PACKET FOR DECEMBER 3, 2018**

Items distributed to the Board of Selectmen – November 15, 2018 – November 28, 2018

1. Correspondence from Teri Hegarty, Executive Assistant, to Board of Selectmen dated November 26, 2018 re: Upcoming Massachusetts Municipal Association

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of
November 13, 2018.**

Final contract for W.L. French Excavating Corp. for asbestos abatement at River's Edge dated Nov. 13, 2018

2. Correspondence from Michael Lowery, Chair, Wayland Board of Public Works, to Zoe Pierce, Town of Wayland Treasurer, dated November 7, 2018 re: Request for information regarding handling of interest income from the investment of water retained earnings

**Items distributed for information and use by the Board of Selectmen at the Meeting of
November 19, 2018**

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2. Town of Wayland MA Permitting Processes Project – Interdepartmental Workflows, Version 7.0, September 6, 2018
3. Town of Wayland MA Permitting Processes Project -- Departmental Workflows, FINAL Version, November 15, 2018
4. Fiscal 2020 Proposed Town Budgets

Items included as part of the Agenda Packet for discussion during the December 3, 2018

1. Correspondence from Teri Hegarty, Executive Assistant, to Board of Selectmen, dated December 3, 2018, re: Liquor License Renewal for 2018 for Testa's Restaurant Group, LLC d/b/a Giacomo's Restaurant Wayland
2. Correspondence to Wayland resident George Harris from Lea Anderson, Chair, Wayland Board of Selectmen, dated November 27, 2018, re: Open Meeting Law compliant
3. Open Meeting Law complaint filed by George Harris dated November 13, 2018
4. Board of Selectmen meeting minutes of October 29, 2018
2. Draft of Board of Selectmen minutes of November 5, 2018, November 13, 2018 and November 19, 2018
5. Correspondence from the Wayland Finance Committee to the Board of Selectmen dated November 26, 2018 re: Recommendations to Amend the OPEB Trust Document
6. Draft of Financial Management Policies

BOARD OF SELECTMEN
Monday, December 3, 2018
7:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road, Wayland, MA

CORRESPONDENCE

1. Correspondence to Wayland residents: Gail Shapiro; Daniel Bache; Malcolm Astley; Avital Rodel and Bruce Goode; John Pulsifer; Kenneth Chase; David Noble; Kara Harvey; Phyllis and John Kilpatrick; Diane and Dan Burke; John Kelly; Marie Larionne and Peter Murray; Mary and Paul Mena; Julia and Michael VanRooyen; Thomas and Yara Osler; Kenneth Herald; Stephen and Mary Edwards; Brian Morrison; Stephen Wohler; Russ and Rachel Haims; Catherine Balben from Louise Miller, Wayland Town Administrator, dated November 20, 2018 re: private road plowing appeal decision.
2. Correspondence from Alexander K. Bardow, P.E., State Bridge Engineer, Massachusetts Department of Transportation, to Tom Holder, Wayland DPW Director, dated November 27, 2018 re: National Bridge Inspection Standards (NBIS) Bridge Rating and Posting Wayland: Pelham Is. Road / Sudbury River