

**PACKET**

**March 15**

**2021**



LOUISE L. E. MILLER  
TOWN ADMINISTRATOR  
TEL. (508) 358-3620  
www.wayland.ma.us

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

LEA T. ANDERSON  
MARY M. ANTES  
THOMAS J. FAY  
CHERRY C. KARLSON  
DAVID V. WATKINS

**BOARD OF SELECTMEN**  
**Monday, March 15, 2021**  
**5:00 p.m.**  
**Wayland Town Building**  
**Council on Aging 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.*

\*In compliance with the revised Open Meeting Law requirements, we will live stream the meeting via Zoom as well as WayCAM. The Zoom meeting can be entered using the following link:

<https://zoom.us/j/95721725414?pwd=RVVKcG9qMXRVcXNlc1pMWVRXY1JLQT09>

Password: 346818

The meeting may be viewed live on the WayCam Government Channel (Comcast 9, Verizon 38). Public Comment will be received either through Zoom\*\* or by phone at 508-358-6812 for this meeting. The phone number will be active during the public comment portion of the meeting. Thank you in advance for your patience; we intend to address all calls that come in during the Public Comment period.

In addition to being live streamed, WayCam will record the meeting and this recording will be made available to the public as soon after the meeting as is practicable. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings.

\*\*To make a public comment via Zoom, perform a virtual "hand raise". The meeting moderator will contact you via a chat message to acknowledge your request and will inform the chair of your request to comment. Instructions for performing a virtual "hand raise" can be found at

<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-In-a-webinar>

- 5:00 pm 1. Call to Order, Review Agenda for Public
- 5:03 pm 2. Announcements and Public Comment
- 5:10 pm 3. Enter into Executive Session
- I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2) to conduct a strategy session in preparation for negotiations with non-union personnel (positions listed at the end of this agenda);
  - II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with
    - Local 690 Wayland-1 American Federation of State, County and Municipal Employees (AFSCME 690 Wayland -1)
    - Local 690 Wayland – 2 American Federation of State, County, and Municipal Employees (AFSCME 690 – 2);

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- Wayland DPW Association; Teamsters Local 170

- III. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6), to review and approve the executive session minutes of March 8, 2021.

Approve and Hold: Executive Session minutes of March 8, 2021

- IV. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and consider for potentially release the following executive session minutes: July 16, 2018, August 27, 2018, September 5, 2018, September 17, 2018, September 24, 2018, October 1, 2018, October 9, 2018, September 9, 2019, October 15, 2019, and March 9, 2020

Approve and potentially release with redactions the following executive session minutes: July 16, 2018, August 27, 2018, September 5, 2018, September 17, 2018, September 24, 2018, October 1, 2018, October 9, 2018, September 9, 2019, October 15, 2019, and March 9, 2020

- 6:00 pm 4. River's Edge Petition for Public Involvement Plan (PIP): Review and potentially provide feedback to the site-specific PIP Plan to address RTN 3-36013 prepared by The Vertex Companies, Inc.

- 6:15 pm 5. FY2022 budget update

- 6:30 pm 6. Town Administrator update

- |                                 |   |
|---------------------------------|---|
| a. COVID-19                     | h. FY2021 Legal Expenses                          |
| b. River's Edge                 | i. Selectmen Goal Setting Retreat                 |
| c. COA/CC RFP update            | j. Interim Clean Energy and Climate Plan for 2030 |
| d. Loker Field Permitting       | k. PFAS Update                                    |
| e. Rail Trail Art/History       | l. High School Field Plowing                      |
| f. School Bus Parking           |   |
| g. Town Building Reopening Plan |   |

- 7:15 pm 7. Town Administrator's Racial Justice Advisory Group: update on Human Rights Group activities; discuss proposed Human Rights, Diversity, Equity and Inclusion Committee

- 7:30 pm 8. 2021 Annual Town Meeting (ATM):
- a. Review, discuss and vote article order
  - b. 2021 ATM articles: review and discussion of articles including, but not limited to, the below articles; potential votes to insert in Warrant and vote Board position
    - D. OPEB Funding
    - F. Compensation for Town Clerk
    - G. Personnel Bylaws and Wage & Classification Plan to include Non-Union Personnel COLA

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**41 Cochrane Road, Wayland, MA**

- J. FY 2022 Omnibus Budget
  - M. Sell or Trade Vehicles and Equipment
  - O. Select Board/Town Manager Act
  - P. Purchase of Land Located at Town Center
  - Z. Implement School Elementary Space Utilization Study
  - c. 2021 CPA articles: review and discussion of below CPA articles; potential vote Board position
    - AA. CPA Historic Preservation: Rehab 70-74
  - d. 2021 ATM Petitioner's articles: review and discussion of below petitioner's articles; potential vote Board position
    - FF. Establish Wayland Human Rights Commission
    - HH. Recognize Law Enforcement Day
    - II. Finance Committee Appointing Board
    - JJ. Resolution to declare Climate Emergency
- 9:30 pm 9. Minutes –February 22, March 4 and March 8, 2021; review and vote to approve
- Executive Session Minutes – July 16, 2018, August 27, 2018, September 5, 2018, September 17, 2018, September 24, 2018, October 1, 2018, October 9, 2018, June 10, 2019, June 26, 2019, September 9, 2019, October 15, 2019, and March 9, 2020; review and potential vote to release with redactions
- 9:40pm 10. Consent: review and vote to approve
- 9:45pm 11. Correspondence
- 9:50pm 12. Selectmen's Reports and Concerns
- 9:55pm 13. Topics not Reasonably Anticipated 48 hours in advance, if any
- 10:00pm 14. Adjourn



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**Town of Wayland List of Non-Union Personnel Positions**

Secretary, Fire -- PT	Human Resources Manager
Sr. Clerk, Health -- PT	Network Administrator
Asst. Rec Program Coord. -- PT	Recreation Director
Administrative Asst. Y/S -- PT	Assistant Fire Chief
IT Technician	IT Senior Systems Administrator
Conservation Land Mgr. -- PT	Assistant Town Administrator/Procurement
Human Resources Assistant	Police Lieutenant
Outreach Coordinator - PT	Town Engineer
Project Coordinator - PT	Library Director
Recreation Program Asst. -- PT	Public Buildings Director
WWMDC Account Specialist - PT	DPW Director
Administrative Asst. -- Police	Finance Director/Town Accountant
Benefits Manager	Fire Chief
Exec Asst. to Town Administrator	Information Technology Director
Management Analyst	Police Chief
Facilities Business Manager	Town Administrator-per contract
Desktop Support Analyst (School Transfer)	Network Administrator (School Transfer)
Non-Union -- Building Inspectors	Non-Union Substitute Nurses
Traffic Supervisors	Traffic Supervisor Substitute
Special Police Matrons	Call Firefighters
Call Firefighter Coordinator	Paramedic
Police Custodian (PT)	Police Intern
Non-Union - On-Call Dispatchers	Non-Union - Hourly Library Clerks
Non-Union - Hourly Library Part-Time Weekend	Non-Union - Library Pages
Professionals	
Health Assistant	Substitute Health Clerk
Seasonal Laborer	Landfill Clerk
Beach / Aquatic Director	Assistant Beach / Aquatic Director
Water Safety Instructor I	Water Safety Instructor II
Swim Instructor	Swim Aide
Boating Instructor I (Pedal, SUP, Canoe)	Boating Instructor II (Sailing, Kayak)
Boating Instructor III	Head Lifeguard (Lifeguard II)
Lifeguard	Head Gate Guard (Gate Guard II)
Gate Guard / Cashiers	Snack Bar Manager
Snack Bar Staff	Snack Bar Cashier
Camp/Site Director	Assistant Camp/Site Director
Camp Specialist	Preschool Camp Director (EEC Dir II Cert)
Preschool Asst. Camp Director (EEC Dir I Cert)	Lead Camp Teacher
Senior Counselor	Counselor
Camp Nurse / Health Care Supervisor	Special Instructor / Referee
Coach	Ski Director
Beach Membership / Camp Registrar	Seasonal Office Admin
Park Ranger	Gym Monitor
Recreation Intern	



RECEIVED

MAR 08 2021

Board of Selectmen  
Town of Wayland

March 4, 2021

Ms. Louise Miller  
Town of Wayland  
41 Cochituate Road  
Wayland, Massachusetts 01778

**Re: Public Meeting - Draft Public Involvement Plan  
River's Edge  
484-490 Boston Post Road  
Wayland, Massachusetts 01778  
MassDEP Release Tracking Number (RTN) 3-36013**

Dear Ms. Miller:

This Notice is provided pursuant to 310 CMR 40.1400. A release of oil and/or hazardous materials (OHM) has been detected at the above-referenced location, which is considered a Disposal Site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000 et seq, and the Massachusetts Department of Environmental Protection (MassDEP) has assigned Release Tracking Number (RTN) 3-36013 to the condition.

On December 28, 2020, The Town of Wayland received a petition to make the property located at 484-490 Boston Post Road (River's Edge) a Public Involvement Plan (PIP) site. As a result, The Vertex Companies, Inc. (VERTEX) has drafted a site-specific PIP Plan to address RTN 3-36013. The draft PIP Plan will be presented during a virtual public meeting on **March 18, 2021 at 7:30PM** to solicit public comment. Copies of the draft PIP Plan will be made available at the meeting. Following the public meeting there will be a 20-day comment period where additional comments can be made prior to finalization of the PIP Plan.

If you are interested in joining the virtual public meeting to discuss the draft PIP Plan on **March 18, 2021 at 7:30PM**, please pre-register for the meeting at:

---

THE VERTEX COMPANIES, INC.  
100 NORTH WASHINGTON STREET, SUITE 302  
BOSTON, MA 02114

617.275.5407 | VERTEXENG.COM

<https://zoom.us/join/zoom/register/tJUqd-CrqTkiHdGUjY0s-ZNx8yyxqqPBzBst>


This link will also be posted on the Town of Wayland Website Calendar.

If you are interested in obtaining additional information prior to the meeting, or if you would like a copy of the link sent via email, please contact Mrs. Kristen Sarson at the Vertex Companies, Inc., 100 North Washington Street, Suite 302, Boston, Massachusetts, 02114, [ksarson@vertexeng.com](mailto:ksarson@vertexeng.com) or (617) 276-8407.

Please do not hesitate to contact me if you have any questions or concerns.

Thank you,

The Vertex Companies, Inc.



Kristen Sarson  
Project Manager  
731-917-5360 (mobile)



William J. Gibbons, PG, LSP  
Senior Project Manager  
617-830-1540 (mobile)

**VERTEX**

**Wayland Town Crier**



**Publication Name:**  
**Wayland Town Crier**

**Publication URL:**  
[www.wickedlocal.com/wayland](http://www.wickedlocal.com/wayland)

**Publication City and State:**  
**Wayland, MA**

**Publication County:**  
**Middlesex**

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**Notice Popular Keyword Category:**

**Notice Keyword:**

**Notice Authentication Number:**  
**202103041531023749755**  
**2907448916**

**Notice URL:**

**[Back](#)**

**Notice Publish Date:**  
**Thursday, March 04, 2021**

**Notice Content:**

484-490 BOSTON POST ROAD

LEGAL NOTICE

NOTICE OF INITIAL PUBLIC

INVOLVEMENT

PLAN SITE MEETING

RIVERS EDGE

484-490 BOSTON POST ROAD,

WAYLAND, MA 01778

RELEASE TRACKING NUMBER (RTN)

3-36013

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E § 14(a) and 310 CMR 6.00. As a result, a public meeting will be held virtually via the online platform ZOOM on MARCH 18, 2021 at 7:30PM to present the draft Public Involvement Plan, to solicit public comment on the draft Public Involvement Plan, and to provide information about disposal site conditions. The applicable ZOOM link will be available on the Town of Wayland's website at <https://www.wayland.ma.us/calendar/month>. Copies of the draft Public Involvement Plan will be made available at the meeting.

Any questions regarding this meeting or the draft Public Involvement Plan should be directed to Kristen Sarson, The Vertex Companies, Inc., 100 North Washington Street, Suite 302, Boston, MA, 02114 - 617.275.5407.

This disposal site file can be viewed at the MassDEP website using Release Tracking Number (RTN) 3-36013 at <https://eaorclinepds.state.ma.us/portal#/1/search/wastesite>.

AD#13944561

WC 3/4/21

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March 4, 2021

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**Middlesex**

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LEGAL NOTICE

NOTICE OF INITIAL PUBLIC

INVOLVEMENT

PLAN SITE MEETING

RIVERS EDGE

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AD#13944561

WC 3/4/21

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Documents Related to Petition for Public  
Involvement Plan (PIP) for River's Edge  
Located at 484-490 Boston Post Road, Wayland,  
Massachusetts

Click the link below for Documents related to PIP for River's Edge

<https://www.wayland.ma.us/board-selectmen/alta-rivers-edge-development-project/pages/6-environmental-documents-and-reports>



Release Abatement Measure (RAM) Plan for River's Edge  
Located at 484-490 Boston Post Road, Wayland, Massachusetts

Click the link below for complete plan

<https://eeaonline.eea.state.ma.us/EEA/fileviewer/Default.aspx?formdataid=0&documentid=581307>

**RELEASE ABATEMENT MEASURE PLAN**

JANUARY 8, 2021

**PREPARED FOR:**

Alta River's Edge, LLC  
c/o  
WP East Acquisitions LLC  
91 Hartwell Avenue  
Lexington, MA 02421

**SUBMITTED TO:**

Massachusetts Department of Environmental Protection  
Northeast Regional Office  
205B Lowell Street  
Wilmington, MA 01887

**PREPARED BY:**

The Vertex Companies, Inc.  
100 North Washington Street, Suite 302  
Boston, MA 02114  
PHONE: 617.275.5407

**VERTEX PROJECT NO:**

67404

**RELEASE TRACKING NUMBER (RTN):**

3-3601



## TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

### MEMORANDUM

To: Board of Selectmen  
Cc: Finance Committee  
School Superintendent  
School Committee  
Brian Keveny Finance Director  
From: Louise Miller, Town Administrator  
Date: March 10, 2021  
Re: Recommendation for FY2022 CIP and Operating Budget

---

#### **Finance Committee Draft Budget Recommendation March 4, 2021:**

On Thursday, March 4, 2021, the Finance Committee presented its draft budget recommendation for FY2022 CIP and Operating Budgets.

The Finance Committee presentation included three proposed budget cuts that were included in its memorandum of February 18<sup>th</sup>.

- The Town was asked to cut \$50,000 from the Town departmental or Unclassified budgets.
- The School Committee was asked to cut \$300,000 from the School Department budget request.
- Finally, the Finance Committee recommended that the Board of Selectmen reduce the tax levy funding for OPEB by \$250,000. The Finance Committee reallocated the \$250,000 tax levy revenue from OPEB to funding the FY2022 Operating Budget to bridge anticipated revenue shortfalls from other revenue sources.

#### **\$50,000 Cut From Town Departmental or Unclassified Budgets:**

I responded to the February 18<sup>th</sup> memo by stating that the Town could reduce its departmental budgets by \$50,000 by postponing replacement of a police cruiser from FY2022 to FY2023. This would mean that the Police Department budget would increase by \$50,000 for FY2023. Based on new information about Police Department expenditures for FY2021 and implementation of a spending frost, it may be possible to purchase the police cruiser at the end of FY2021. Purchasing the police cruiser in FY2021 would forego the increase that would otherwise be needed in FY2023.

#### **\$300,000 Cut From School Department Budget:**

On February 28<sup>th</sup>, the School Committee responded that it was unable to make \$300,000 of cuts as requested by the Finance Committee and that, after further review of its budget request, the School Committee was requesting an additional \$100,000 bringing the total budget shortfall for the School Department budget to \$400,000. In addition, the School Committee voted to reduce the Facilities and Maintenance budgets for schools by \$167,000 and \$60,000 respectively to provide funding for higher priority items.

#### **\$250,000 Cut From OPEB:**

On March 8, 2020, the Board of Selectmen discussed the Finance Committee's budget recommendation the funding level for OPEB be reduced from \$500,000 to \$250,000. The Board of Selectmen discussed their commitment to funding OPEB in accordance with the level funding set forth in the most recent actuarial

report. At the Board of Selectmen meeting, I reported that the Finance Director and I had reviewed the Health Insurance and Vocational Technical Regional budgets. We determined that we could reduce the Health Insurance budget by \$130,000 and the Vocational Technical Regional budget by \$30,000. The Board of Selectmen voted to reduce the tax levy funding for OPEB to \$410,000 (\$250,000 + \$130,000 + \$30,000).

New Information Since Finance Committee Recommendation of March 4:

The School Committee will receive the architect's report and cost estimate for short-term solutions to elementary school space needs due to COVID-19 safety requirements. During the CIP process, the School Department had requested an additional capital item for \$350,000 to address space needs, funded with Free Cash. At the time, the School Department planned on continuing the hybrid model of instruction through the end of the school year. Instead, the State has mandated in person instruction beginning in early April. The report recommends \$120,000 in expenditures. \$20,000 of the expenditures is a placeholder item for acoustic dampening in a room at one of the elementary schools that is not currently used as instructional space to allow broader use. The work would be a permanent enhancement. Because the cost estimate is unknown, I recommend that a firm proposal and cost estimate be produced in the next two to three weeks and that the work be performed as soon as possible to allow use of the space during this school year. This brings the total anticipated CIP expenditure to meet space needs at the elementary schools to \$100,000, allowing for a reduction in the CIP of \$250,000 in Free Cash.

**March 10, 2021 FY2022 Budget Proposal:**

Goals:

Maintain or reduce the tax levy as recommended by the Finance Committee  
Address the stated needs of the School Committee

Budget Proposals:

Option 1:

- Reduce the School Capital Budget for elementary modular units funded by Free Cash by \$250,000
- Fund OPEB at the Finance Committee recommended level of \$250,000 using Free Cash instead of tax levy revenue
- Fund the School Department Budget with the \$250,000 tax levy revenue from OPEB.
- Reduce Town Departmental or Unclassified Budgets by \$210,000 and reduce tax levy revenue requirement by \$210,000 (reduce tax levy revenue by \$160,000 relative to Finance Committee Budget Recommendation)
  - Reduce the Police Department budget by \$50,000
  - Reduce the Vocational Technical Regional budget by \$30,000
  - Reduce the Health Insurance Budget by \$130,000

Option 2:

- Reduce the School Capital Budget for elementary modular units funded by Free Cash by \$250,000
- Reduce Town Departmental or Unclassified Budgets by \$210,000 and reduce tax levy revenue requirement by \$210,000
  - Reduce the Police Department budget by \$50,000
  - Reduce the Vocational Technical Regional budget by \$30,000
  - Reduce the Health Insurance Budget by \$130,000
- Fund OPEB with \$250,000 Free Cash from capital savings and \$160,000 of reduced expenditures using tax levy revenue, bringing total OPEB funding to \$410,000.

- Fund the School Department Budget by reallocating the \$250,000 tax levy revenue previously earmarked for OPEB.

**Option 3:**

- Reduce the School Capital Budget for elementary modular units funded by Free Cash by \$250,000
- Fund OPEB at the Finance Committee recommended level of \$250,000 using Free Cash instead of tax levy revenue
- Fund the School Department Budget with the \$250,000 tax levy revenue from OPEB.
- Reduce Town Departmental or Unclassified Budgets by \$50,000
  - Reduce the Police Department budget by \$50,000
  - Reduce the Vocational Technical Regional budget by \$30,000
  - Reduce the Health Insurance Budget by \$130,000
  - Add a line item to the Facilities Department budget in the Town Departmental Budget section and fund with \$160,000 of reduced expenditures using tax levy revenue. This would restore some of the cuts made by the School Committee to Facilities and would transfer the line item to the Town budget in a separate line.

**Summary:**

- Reduce CIP Free Cash by \$250,000  
and
- Fund \$250,000 of OPEB using Free Cash  
and
- Reallocate \$250,000 of tax levy revenue earmarked for OPEB to School Department  
and
- Option 1: Reduce tax levy by \$160,000  
or
- Option 2: Reallocated \$160,000 of Town budget savings to OPEB  
or
- Option 3: Reallocate \$160,000 of Town budget savings to Facilities creating a new line item for schools in the Town budget

To: The Finance Committee  
From: The School Committee  
Date: March 11, 2021  
Re: FY22 Operating and Capital Budgets

---

At our meeting last night, the School Committee voted (3-1-1) to make the following additional adjustments to the School FY22 Operating and Capital Budgets:

Reduce Short-Term Space Needs Capital Item*	\$ 247,800
Reduce Circuit Breaker	\$ 50,000
Reduce Bus Expenditures by Permanently Increasing Bus Fee to \$400	\$ <u>102,200</u>
<b>Total Adjustments</b>	<b>\$ 400,000</b>

\*Please see Louise Miller's budget proposal memo of 3/10/21 for explanation of how the reduction of this capital item will affect the School Operating Budget.

We appreciate all the work between the town and schools to come up with a way we can move the budget forward together in a unified way. Please don't hesitate to contact us with any questions.

**FY2021 LEGAL BUDGET**

<b>Attorneys (Town-funded)</b>	<b>July</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>YTD Total</b>
KP Law	6,497	8,865	8,266	6,993	2,682	9,425	9,111						51,841
KP Law - Retainer credit once met													-
KP Law - Tax Title	30				131		160						320
Anderson Krieger			2,105	1,388	2,288		7,538						13,318
Law Offices of Jon A. Ciraulo P.C.						4,500							4,500
<b>TOTAL FY17</b>	<b>6,526</b>	<b>8,865</b>	<b>10,371</b>	<b>8,381</b>	<b>5,100</b>	<b>13,925</b>	<b>16,809</b>	-	-	-	-	-	<b>69,978</b>

<b>All Funding Sources</b>	<b>July</b>	<b>Aug.</b>	<b>Sept</b>	<b>Oct.</b>	<b>Nov.</b>	<b>Dec.</b>	<b>Jan.</b>	<b>Feb.</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>YTD Total</b>
Legal	6,497	8,865	10,371	8,381	4,970	13,925	16,649						69,659
Treasurer	30				131		160						320
School													-
AHT													-
<b>TOTAL FY17</b>	<b>6,526</b>	<b>8,865</b>	<b>10,371</b>	<b>8,381</b>	<b>5,100</b>	<b>13,925</b>	<b>16,809</b>	-	-	-	-	-	<b>69,978</b>

<b>Cases/Subjects (Town-funded)</b>	<b>July</b>	<b>Aug.</b>	<b>Sept.</b>	<b>Oct.</b>	<b>Nov.</b>	<b>Dec.</b>	<b>Jan.</b>	<b>Feb.</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>YTD Total</b>
Labor		247		399			893						1,539
Town Counsel General Services - KP Law	1,292	323	437	893	285	76	646						3,952
Annual Town Meeting Expenses		1,558	2,413										3,971
Disbursements	189	11	58	20	127	96	29						531
ATB cases (all)			76				114						190
Bernstein v. PB		76	57	1,045	276	2,432							3,886
Cable TV	266	931	418	1,159	304	247							3,325
Cascade 40B	190	190	418	228	57	418	665						2,166
Cass v Town						4,500							4,500
Contracts	665	114	152		57	285	57						1,330
COVID-19	228		665	114	304								1,311
Galbi V. Sachs, ET AL (ZBA)	57	190	342	475	152	190	532						1,938
Galbi V. Town						228	532						760
Licensing			209										209
Planning Board	380												380
Real Estate	76		57	513									646
Rivers Edge	1,596	2,793	4,290	3,535	2,763	5,168	12,117						32,261
Spencer Circle Acceptance		38											38
Tax Title Foreclosure	30				131		160						320
D Watkins Selectmen Elect Petition	380	2,394	760										3,534
Windsor Place 40B						285	1,064						1,349
Zoning	1,178		19		646								1,843
<b>TOTAL FY21</b>	<b>6,526</b>	<b>8,865</b>	<b>10,371</b>	<b>8,381</b>	<b>5,100</b>	<b>13,925</b>	<b>16,809</b>	-	-	-	-	-	<b>69,978</b>

<b>FY2021 Legal Budget</b>	<b>Budget</b>	<b>Expenses</b>	<b>Balance</b>
	<b>244,000</b>	<b>69,978</b>	<b>174,022</b>

**DRAFT JOINT COMMENTS: Please review and confirm interest by February 4, 2021**



[Insert seal from each community]

February 19, 2021

Kathleen Theoharides  
Secretary of Energy and Environmental Affairs  
Executive Office of Energy and Environmental Affairs  
100 Cambridge St., Suite 900  
Boston, MA 02114

RE: Joint Comments from MetroWest Communities regarding the Interim Clean Energy and Climate Plan for 2030

Dear Secretary Theoharides,

The Cities of [X, Y and Z] and the Towns of [X, Y and Z] (“Communities”) are pleased to respond to the Interim Clean Energy and Climate Plan for 2030 (“2030 CECP”).

Our Communities have grave concerns regarding the impact climate change will have on the Commonwealth, the United States, and the world, and we have each made strong commitments to reducing greenhouse gas emissions. We appreciate the thoughtful analysis the Executive Office of Energy and Environmental Affairs (EEA) has conducted to understand the complex scientific, technological and economic impact for various roadmaps.

As we work with you to advance our shared focus on climate mitigation, our Communities are struggling to answer the same question the EEA posed in the 2050 Decarbonization Roadmap Study:

***How can we achieve Net Zero while maintaining a healthy, equitable, and thriving economy?***

The release of the 2050 Decarbonization Roadmap Study and the 2030 CECP, which provides a rich and diverse collection of strategic state actions cities and towns can use to build local implementation plans, is an important first step, and we agree with the plan’s overall approach to reducing emissions. Specifically, we agree with the bold actions, such as pressing BBRS to quickly implement a 2050-compliant building code, establishing 2035 as the end of sales of fossil fuel vehicles and taking actions that would change the goals and priorities of Mass Save and the Department of Public Utilities so as to align with our climate goals.

To further enhance the Commonwealth’s plan, we provide the following specific requests from the viewpoint of municipalities who are endeavoring to do our part in achieving Massachusetts’ climate goals and to model leading municipal actions within the state and nationally:

**1. Establish a Municipal Version of the GWSA Implementation Advisory Committee**

The Interim CEC Plan states that, “It will take action at all levels of government...” and “...continued action by local government across the Commonwealth is required.” The Communities agree with this statement and encourage the Commonwealth to formerly engage municipalities in the Plan’s implementation. We recommend establishing a Municipal version of the GWSA Implementation Advisory Committee to provide an ongoing bridge for communications between state and local government. The Committee should be designed to reflect the diverse nature and needs of municipalities based on size, location and economic structure.

## 2. Increase Funding for Municipal Climate Action

The Communities encourage the Commonwealth to realize that, because work is needed at all levels of government, so too are new funds needed at all levels. Without this local support, which the 2030 CECP describes as “required”, local actions will be delayed, sporadic or in too many cases not available at all.

Local funding should be prioritized for regional collaboration which leads to greater efficiency and uniformity among neighboring municipalities. These resources are needed at two levels. First, the Commonwealth should provide support at the community level such as funding for Sustainability Coordinators for program administration and for community-wide coaching to guide an equitable transition to 2050-compliant technology for all stakeholders. Second, municipalities need resources who are experts in technologies, who should be available regionally to define and share best practices among cities and towns and ultimately to negotiate better deals with vendors.

## 3. Update the Existing Stretch Code – Do Not Require Municipalities to Opt-In to Adopt a New Code

The Interim CECP Plan states that the Department of Energy Resources will “present a new high-performance stretch energy code to the Board of Building Regulations and Standards in 2021 that allows for Green Communities to opt in starting in 2022 and that it will become mandatory and effective statewide no later than January 1, 2028.”

The Communities – all of which have been designated as Green Communities – support the development of a new high-performance stretch energy code, but we do not support asking municipalities to “opt in” to the new code. As required by current regulations for Green Community designation, every Green Community has already debated and voted to support the stretch energy code including **“any future editions, amendments or modifications thereto”** established through the BBRS update processes. The requirement to opt in creates a local legislative burden to pass a code that is already in-line with the goals of Green Communities.

Alternatively, the Communities ask the Commonwealth to make all existing Green Communities subject to the new high-performance stretch code starting in 2022; thereby requiring Green Communities to opt-out or rescind the use of the revised code for the years 2022–2028, when it becomes mandatory and effective statewide. This is an important nuance that we believe will result in a faster, more equitable rollout of a high-performance stretch energy code and will avoid locking in unnecessary emissions from new buildings.

If the opt-in approach is retained, another alternative is to create a pool of grant money available exclusively to communities who adopt the high performance stretch energy code prior to 2028. This would accelerate adoption of 2050-compliant technology statewide, and this incentive would provide motivation for the existing Green Communities to move more quickly toward the goal we share.

The Communities welcome partnering with the DOER to further discuss this request.

## 4. Align Funding for Public Buildings with Net Zero Goals

The 2030 CECP acknowledges the importance of “avoiding new infrastructure or construction that is based on fossil-fuels for heating which would not be 2050 compliant, as well as ensuring that new equipment and products within buildings are on the path towards 2050 compliance.” However, one of the largest funders of new public buildings, the Massachusetts School Building Authority (MSBA), does not currently require districts to seriously consider 2050 goals in the design and construction of new or renovated school buildings.

At present, the MSBA provides two additional reimbursement points to projects that exceed the Massachusetts Energy base code by 20%. While this is a step in the right direction, it does not go far enough. School districts across the state, including Acton-Boxborough, Arlington, Belmont, Brookline, Cambridge, Lexington, Watertown, Wellesley, and Westborough are demonstrating that fully electric, net zero ready schools – and other building types – are possible and that they do not present a significant



financial burden to taxpayers. Our Communities urge the EEA to require all new public buildings that are funded by the Commonwealth to be net zero starting in 2022.

**5. Provide Resources to Accelerate Electrification Locally**

While municipal governments have limited expertise in emerging technologies like electric vehicles and heat pumps, we have unique insight into our communities and the concerns of local property owners who will be making decisions on the adoption of carbon free technologies. As municipalities, we are eager to support early adopters and normalize these technologies, similar to the experience many of communities have had with the Massachusetts Clean Energy Center’s Solarize and HeatSmart programs.

As MassCEC transitions from supporting community-level technology campaigns, we ask the state to provide municipalities with training, engineering services, technical support, web-based resources, procurement tools, implementation services and more to educate and engage with our residents and business owners about electrification opportunities.

**6. Increase Access to Emissions Data**

Local data supports local decisions, and provides feedback on progress. At present, state agencies and public utilities capture data about emissions-related activities occurring in local communities, but do not maintain or share the data in a timely manner that allows communities to assess needs, affirm actions or allow for adjustments.

The Communities ask the Commonwealth for increased access to emissions-related data that impact our cities and towns. This includes the number of electric and battery electric vehicles registered in our communities, the number of kilowatt-hours generated by solar panels located in our communities, the number of heat pumps installed in our communities, the number of properties that have participated in MassSave and the types of energy efficiency improvements taken, and more.

A step in the right direction is the Metropolitan Area Planning Council’s (MAPC) new tool for measuring community-wide greenhouse gas emissions, which was funded by an EEA grant. This tool allows any Massachusetts community to estimate its community-wide emissions without the added cost of hiring a consultant. It is a tremendously valuable start, but even it is handicapped by stale data – most notably the 2014 Massachusetts vehicle census, which – more than five years later, remains the most recent valid vehicle census available from the state.

The Communities also believe the Massachusetts Legislature plays an essential role in conveying the voice of citizens as well as providing funding and legal mandate to the goals and path forward for the Commonwealth. There are many valuable elements of the climate legislation currently being considered in the Statehouse, and the Communities urge the Baker Administration to act quickly on this and to seek a compromise to ensure a climate bill is passed early in 2021, which will ensure the 2030 CECP has the full support of the state government.

We are proud to be part of Massachusetts’s effort to achieve net zero by 2050 and look forward to collaborating with you to realize our shared goal.

Thank you for your commitment to the climate.

Sincerely,

CITY OF X

TOWN OF NATICK

\_\_\_\_\_  
Name, Title

\_\_\_\_\_  
Name, Title

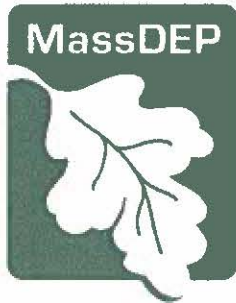
TOWN OF WESTBOROUGH

TOWN OF X, Y, Z

\_\_\_\_\_  
Name, Title

\_\_\_\_\_  
Name, Title





# Drinking Water Program Public Education Materials Template

## Template For PFAS6 above 20 ng/L

**Instructions:** (template on page 3)

A public water system (PWS) where PFAS6 (as the average of an initial and a confirmation sample) is above 20 ng/L and where such a PWS is not immediately in violation of the MCL as per 310 CMR 22.07G(10)(d) is required to provide Public Education (PE) materials to all consumers including those who do not receive water bills.

A PWS may also be required, upon a determination by MassDEP pursuant to MGL c.160, s. 111 and 310 CMR 22.03(8), to provide PE materials in accordance with 310 CMR 22.07G(7)(e) to all consumers including those who do not receive water bills.

PWSs must provide PE materials to customers as soon as practical but no later than 30 days after receipt of the confirmatory sample results from its laboratory. **PE materials must be approved by the regional MassDEP office.** PWSs should inform their local boards of health and local health professionals of the upcoming PE. Consumers may call their health care providers with questions and these materials should provide the information they need to respond appropriately.

PE materials must include:

- Results of both the initial PFAS6 detection and the confirmatory sample;
- The average PFAS6 concentration;
- The PFAS6 MCL (20 ng/L) and the definition of MCL from 310 CMR 22.02(1);
- An explanation of the health effects of PFAS6;
- Steps consumers can take to reduce exposure to PFAS in drinking water, and
- PWS contact information

Mandatory health effects language from 310 CMR 22.16 Table 7 or 310 CMR 22.16 A (27)(a) Table 1 must be included in the health effects information.

You must also include the following italicized language in all notices. Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify non-bill paying consumers such as public postings, web postings, etc.:

*Please share this information with other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses).*

**Although not required, it is recommended** that the PE materials include a brief description of any actions the PWS is taking to immediately reduce PFAS6 levels.

Examples include:

- Taking the contaminated source off-line
- Mixing the water with low-PFAS water from another source
- Buying water from another water system

**Your MassDEP Regional Office must approve the final language prior to delivery.**

Massachusetts Department of  
Environmental Protection  
One Winter Street  
Boston, MA 02108-4746

Commonwealth of  
Massachusetts  
Charles D. Baker, Governor  
Karyn Polito, Lt. Governor

Executive Office of  
Environmental Affairs  
Kathleen Theoharides, Secretary

Department of  
Environmental Protection  
Martin Suuberg, Commissioner

Produced by the  
Bureau of Water Resources,  
September 2020.  
Printed on recycled paper.

This information is available in  
alternate format by calling our  
ADA Coordinator at  
617-556-1057.

## Update or Replace All Highlighted Text

**Delivery** - PWSs must mail PE materials to consumers unless MassDEP approves an alternative delivery method. Examples of methods that could replace or supplement delivery by mail include:

- Social media/Web posting
- Hand or direct delivery
- Posting in conspicuous locations
- Phone calls/Reverse 911
- Email
- Radio
- Television
- Local newspaper

A PWS may need to use additional methods to ensure that PE is provided to all consumers, including those who do not receive water bills. (For example, a non-transient non-community water system may be permitted to post the materials in one or more conspicuous locations in the facility for a minimum number of 7 days.)

**Supplemental Language Requirement** - In any community where the PWS consumers include either 10% or more non-English speaking residents or more than 1000 non-English speaking residents who speak a common language, PE materials must contain **information in the language(s) appropriate for each such group of residents regarding the importance of the notice**. If 25% or more non-English speaking residents speak a common language, PE materials must contain **a statement in the appropriate language(s)**. See the Languages Translation Requirements at <https://www.mass.gov/info-details/requirements-for-language-translations>.

You should provide the Public Education materials to health professionals in the area. People might call their doctors with questions, and the doctors should have the information they need to respond appropriately.

**Repeat PE** - PE must be provided until all monitoring results are at or below the PFAS6 MCL or the contaminated source(s) is taken off-line.

If PE Delivery Was By	Then
Mail	Updated materials shall be re-mailed quarterly
Posted - the notice shall remain in place for as long as the violation or situation persists, but in no case for less than the minimum number of days determined by the MassDEP regional office, even if the violation or situation is resolved.	Updated materials shall be re-posted quarterly for the same minimum number of days
Publication in a local newspaper	Updated materials shall be re-published quarterly
Other MassDEP-approved methods	Updated materials shall be provided quarterly by the same methods

**The repeat PE** should include an explanation as to why this is an ongoing issue and describe actions the PWS is taking to alleviate the problem.

**Certification of PE** - PWS must send a copy of the PE materials and Certification Form to the MassDEP Regional Office and the local board of health confirming that it has met all the PE requirements for each initial and repeat PE.

**Note:** An electronic version of this PFAS PE instructions and template is available on the MassDEP website <https://www.mass.gov/lists/public-notification-forms-and-templates>.

**Note:** A PWS is encouraged to use the template provided by the Department which the Department has determined, once completed, meets the minimum regulatory requirements for public education materials as set forth in 310 CMR 22.07G(7)(e)6. necessary for its approval.



[PWS Name]'s

## DRINKING WATER PFAS6 PUBLIC EDUCATION

*This material contains important information about your drinking water.  
Please translate it, speak with someone who understands it or ask the contact listed below for a translation.*

[PWS name] has not violated the drinking water regulations. A PFAS6 MCL violation occurs when the average of all monthly samples collected over a quarter exceeds the MCL. If our system had violated the PFAS6 Maximum Contaminant Level (MCL) our system would have issued a PUBLIC NOTICE.

On October 2, 2020, the Massachusetts Department of Environmental Protection (MassDEP) promulgated a new drinking water regulation and maximum contaminant level (MCL) of 20 nanograms per liter (ng/L) for the sum of six per- and polyfluoroalkyl substances (called PFAS6). [PWS name] has confirmed elevated levels of PFAS6 in the drinking water during routine monitoring. Even though the level is above the MCL, a PFAS6 MCL violation has not occurred, as violations are usually based on three months of testing. Instead, we are required to provide you with these materials to make you aware of the elevated levels so you can make informed decisions about your drinking water while we continue to monitor the water supply.

PFAS6 Results for Well 1 (01G)					
Quarterly Compliance Period	Monitoring Period	Sample Collection Date	PFAS6 Result (ng/L)	Average (ng/L)	PFAS6 MCL (ng/L)
Quarter 2, 2021	Month 1	10/27/2020	70.8	77*	20
	Confirmation	---	84.1		
* Average = (Initial Result + Confirmation Result) divided by 2.					

[For Systems with multiple entry points - The location(s) where elevated levels PFAS6 were reported is one of  entrance points (or sources) that supplies drinking water to our system. PFAS6 levels were reported below the 20 ng/L MCL at these other locations.]

*Some people who drink water containing PFAS6 in excess of the MCL may experience certain adverse effects. These could include effects on the liver, blood, immune system, thyroid, and fetal development. These PFAS6 may also elevate the risk of certain cancers. For more information on PFAS, see the links below.*

### What is PFAS6?

PFAS6 includes perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), perfluorodecanoic acid (PFDA) and perfluoroheptanoic acid (PFHpA). PFAS are man-made chemicals that have been used in the manufacturing of certain fire-fighting foams, moisture and stain resistant products, and other industrial processes. For more information see the attached factsheet and weblinks listed below.

### What should I do?

## Update or Replace All Highlighted Text

### **For Consumers in a sensitive subgroup**

**(pregnant or nursing women, infants and people diagnosed by their health care provider to have a compromised immune system)**

- **Consumers in a sensitive subgroup (pregnant or nursing women, infants and people diagnosed by their health care provider to have a compromised immune system) are advised not to consume, drink, or cook with water when the level of PFAS6 is above 20 ng/L.**
- **Consumers in sensitive subgroups are advised to use bottled water for drinking and cooking of foods that absorb water (like pasta).**
- **For infant formula, use bottled water or use formula that does not require adding water.**
- **Bottled water should only be used if it has been tested.** A list of companies that voluntarily tested their water for PFAS and shared the results can be found on MassDEP's website at: <https://www.mass.gov/doc/bottled-water-tested-for-pfas>.

### **For all other consumers not in a sensitive subgroup**

- **If you are not in a sensitive subgroup, you may continue to consume the water because the 20 ng/L value is applicable to a lifetime consuming the water and shorter duration exposures present less risk.**
- **If you have specific health concerns regarding your past exposure, you should see the Centers for Disease Control and Prevention's link below and consult a health professional, such as your doctor.**

**Steps you can take to reduce your intake - Consider taking the following steps while actions are being implemented to address this issue:**

- **For older children and adults (not in a sensitive subgroup), the 20 ng/L value is applicable to a lifetime of consuming the water. For these groups, shorter duration exposures present less risk. However, if you are concerned about your exposure while steps are being taken to assess and lower the PFAS6 concentration in the drinking water, use of bottled water will reduce your exposure.**
- **Home water treatment systems that are certified to remove PFAS by an independent testing group such as NSF, UL, or the Water Quality Association may be effective in treating the water. These may include point of entry systems, which treat all the water entering a home, or point of use devices, which treat water where it is used, such as at a faucet. For information on selecting home treatment devices that are effective in treating the water for PFAS6 see attached MassDEP factsheet and weblinks below.**
- **In most situations, the water can be safely used for washing foods, brushing teeth, bathing, and showering.**

**Please note: Boiling the water will not destroy PFAS6 and will somewhat increase its level due to evaporation of some of the water.**

**Add information on why there are elevated levels of PFAS6 in the drinking water and what is being done to reduce the levels.**

### ***What is being done?***

**(PWS name) has taken the following proactive measures:**

**(Select the applicable options below)**

- **[Source name] has been taken out of service.**
- **Our sources have been blended to deliver water below 20 ng/L.**
- **We are purchasing water from [PWS Name] that does not have PFAS6 above 20 ng/L.**



## Update or Replace All Highlighted Text

- We are investigating treatment options to remove PFAS6.

Include if applicable for PWS: While actions are being implemented to lower the PFAS6 water concentration, bottled water is being made available for pickup by sensitive subgroups (pregnant or nursing women, infants and people diagnosed by their health care provider to have a compromised immune system) at [name location]. A list of companies that voluntarily tested their water for PFAS and shared the results can be found on MassDEP's website at <https://www.mass.gov/doc/bottled-water-tested-for-pfas>.

### *Where can I get more information?*

For more information, please contact [name ] at [phone] or [email address] or [USPS address]. See also the attached factsheet and weblinks listed below.

- [MassDEP Fact Sheet - Questions and Answers for Consumers](https://www.mass.gov/media/1854351)  
(<https://www.mass.gov/media/1854351>)
- [MassDEP Fact Sheet - Home Water Treatment Devices - Point of Entry and Point of Use Drinking Water Treatment](https://www.mass.gov/service-details/home-water-treatment-devices-point-of-entry-and-point-of-use-drinking-water) – (<https://www.mass.gov/service-details/home-water-treatment-devices-point-of-entry-and-point-of-use-drinking-water>)
- [CDC ATSDR Information on PFAS for consumers and health professionals](https://www.atsdr.cdc.gov/pfas/index.html)  
(<https://www.atsdr.cdc.gov/pfas/index.html>)
- [Massachusetts Department of Public Health information about PFAS in Drinking Water](https://www.mass.gov/service-details/per-and-polyfluoroalkyl-substances-pfas-in-drinking-water)  
- <https://www.mass.gov/service-details/per-and-polyfluoroalkyl-substances-pfas-in-drinking-water>

**Attached: MassDEP PFAS in Drinking Water Fact Sheet- Questions and Answers for Consumers**

This public education material is being sent to you by:  
[system]. PWS ID#: [xxxxxxx] Date distributed: [date]

**We will provide public notice updates every three months until the situation has been resolved.**

*Please share this information with other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses).*

**Proposed ATM 2021 Article Order**

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

#	Letter	Action	Name	Sponsor	Est Time	Hours	End Time
<b>SATURDAY, MAY 15</b>		<b>12:30pm start</b>					
1	A		Recognize Citizens	BoS	10		
2	B	*	Pay Previous Year Bills	BoS	5		
3	C	*	Current Year Transfer	BoS	5		
4	D	*	OPEB Funding	BoS	5		
5	U		Transfer Station Enterprise Fund	BoS	30		
6	E	*	FY 2022 Revolving Funds	BoS	5		
7	F	*	Compensation for Town Clerk	BoS	5		
8	G	*	Personnel Bylaws and Wage & Classification Plan	BoS	5		
9	I	*	SWQC Budget	BoS	5		
10	P		FY22 Budget	FinCom	90		
11	S	*	Capital Stabilization Fund	BoS	5		
12	EE	*	CPA: Set Asides	CPC	5		
13	W	*	Tax Work Off Language	BoS	5		
14	X	*	Accept Spencer Circle	BoS	5		
15	GG	*	Resolution: Continue Electronic Voting	Petitioners	5		
16	R		Remote Participation at ATM	BoS	45		
17	Q		Community Choice Aggregation	BoS	30		
18	T		Solar at Loker School	BoS	30		
19	JJ		Climate Emergency Resolution	Petitioners	30	5.4	5:50pm
<b>SUNDAY, MAY 16</b>		<b>12:30pm start</b>					
20	BB		CPA Historic Preservation: Cemetery Stones & Library Archival	CPC	10		
21	CC		CPA Open Space: Native & Pollinator Plants	CPC	5		
22	O		Select Board/Town Manager Act	BoS	45		
23	II		FinCom Appointing Board	Petitioners	45		
24	P		Purchase of Land Located at Town Center	BoS	45		
25	Y		Loker Turf Field	Rec	45		
26	FF		Establish Wayland Human Rights Commission	Petitioners	30		
27	HH		Recognize Law Enforcement Day	Petitioners	20		
28	AA		CPA Historic Preservation: Rehab 70-74 Main St	CPC	30		
29	DD		CPA Rec: Mill Pond Dam, Athletic Field design, Heard Farm Improvements	CPC	30		
30	K	*	Choose Town Officers	BoS	5		
31	L	*	Hear Reports	BoS	5		
32	M	*	Sell or Trade Vehicles and Equipment	BoS	5	5.1	5:40pm
<b>MONDAY, MAY 17</b>		<b>7:00PM START????</b>					
<b>Pulled</b> ( <i>italics - anticipated</i> )							
	H		Non-Union Personnel COLA	BoS			
	N		Accept Gifts of Land	BoS			
	V		BAN related to River's Edge	BoS			
	Z		<i>School Elementary Space Utilization Study</i>	SC			
	KK		Ombudsman Position	Petitioners			



## WORKING DOC ARTICLE LIST 2021 ANNUAL TOWN MEETING

\* indicates articles that may be proposed for abbreviated presentation procedure

Article	Article Name	Sponsor	Vote to insert	Status	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom	Date to discuss
A	Recognize Citizens & Employees for Particular Service to Town	Board of Selectmen	5-0-0	<ul style="list-style-type: none"> <li>COMPLETE</li> </ul>	Karlson	Lappin	5-0-0	6-0-0	Feb 1
B*	Pay Previous Fiscal Year Unpaid Bills	Board of Selectmen	5-0-0	<ul style="list-style-type: none"> <li>COMPLETE</li> </ul>	Karlson	Lappin	5-0-0	6-0-0	Feb 1
C	Current Year Transfers	Board of Selectmen	5-0-0	<ul style="list-style-type: none"> <li>Sent to FinCom, Awaiting final draft</li> </ul>	Karlson	Roberts	5-0-0		Mar 8 & 15
D*	OPEB Funding	Board of Selectmen	5-0-0	<ul style="list-style-type: none"> <li>Will be on Agenda</li> <li>TA &amp; FD to review and make recommendations (possible three charts: usual, what was done last year and actual)</li> </ul>	Watkins	Lappin	5-0-0		Feb 22 & Mar 15
E*	Fiscal Year 2022 Revolving Fund Expenditure Limits	Board of Selectmen	5-0-0	<ul style="list-style-type: none"> <li>Awaiting Final Draft from FinCom</li> <li>Town Counsel</li> </ul>	Karlson	Gutbezahl	5-0-0	7-0-0	Feb 8
F*	Compensation for Town Clerk	Board of Selectmen	5-0-0	<ul style="list-style-type: none"> <li>Personnel Board voted 3.9.21, draft to be in Selectmen packet</li> </ul>	Karlson	Steinberg	5-0-0		Feb 8
G*	Personnel Bylaws and Wage & Classification Plan	Board of Selectmen		<ul style="list-style-type: none"> <li>Personnel Board voted 3.9.21, draft to be in Selectmen packet</li> <li>Combined with non-union Personnel COLA</li> <li>Town Counsel</li> </ul>	Karlson	Martin			Mar 15
H	<del>Non-Union Personnel COLA</del>	<del>Board of Selectmen</del>	X	<ul style="list-style-type: none"> <li><del>TA will combine with article</del></li> </ul>	<del>Karlson</del>	<del>Martin</del>	X	X	Feb 4
I	Surface Water Quality Committee Budget	Board of Selectmen	5-0-0	<ul style="list-style-type: none"> <li>Draft to be finalized with TA Office</li> </ul>	Anderson	Roman	5-0-0	7-0-0	Feb 1
J	FY 2022 Omnibus Budget	Finance Committee		<ul style="list-style-type: none"> <li>TA &amp; FD with FinCom working on draft</li> </ul>	Karlson	Correia			Mar 15 & 22
K*	Choose Town Officers	Board of Selectmen	5-0-0	<ul style="list-style-type: none"> <li>COMPLETE</li> </ul>	Antes	Gutbezahl	5-0-0	7-0-0	Feb 22
L*	Hear Reports	Board of Selectmen	5-0-0	<ul style="list-style-type: none"> <li>COMPLETE</li> </ul>	Antes	Gutbezahl	5-0-0	7-0-0	Feb 22
M*	Sell or Trade Vehicles and Equipment	Board of Selectmen		<ul style="list-style-type: none"> <li>TA requests departments to identify vehicles/equipment for article</li> </ul>	Fay	Roman			March 15
N	<del>Accept Gifts of Land</del>	<del>Board of Selectmen</del>	X	<ul style="list-style-type: none"> <li><del>TA to work with BoS, if any</del></li> </ul>	<del>Fay</del>	<del>Roman</del>	X	X	March 8
O	Select Board/Town Manager Act	Board of Selectmen		<ul style="list-style-type: none"> <li>Possible discussion forums, red lined code, previous clips/videos to be republished</li> </ul>	Anderson	Steinberg		6-0-1	March 15
P	Purchase of Land Located at Town Center	Board of Selectmen		<ul style="list-style-type: none"> <li>TA to work with BoS; depends on RFP negotiations</li> </ul>	Fay	Gutbezahl			March 15

## WORKING DOC ARTICLE LIST 2021 ANNUAL TOWN MEETING

\* indicates articles that may be proposed for abbreviated presentation procedure

Article	Article Name	Sponsor	Vote to insert	Status	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom	Date to discuss
Q	Community Choice Aggregation for Electricity	Board of Selectmen	5-0-0	<ul style="list-style-type: none"> <li>Possible discussion forums</li> </ul>	Anderson	Gutbezahl	5-0-0	7-0-0	Feb 8
R	Remote Participation at ATM	Board of Selectmen	5-0-0	<ul style="list-style-type: none"> <li>Sent to Town Counsel</li> </ul>	Watkins	Roberts	5-0-0		March 8
S	Capital Stabilization Fund	Board of Selectmen	5-0-0	<ul style="list-style-type: none"> <li>TA &amp; FD to work with BoS &amp; FinCom to determine funding recommendation</li> </ul>	Watkins	Martin	5-0-0	6-0-0	Feb 22
T	Solar at Loker School	Board of Selectmen	5-0-0	<ul style="list-style-type: none"> <li>Send to Bond Counsel and Town Counsel for review</li> </ul>	Anderson	Martin	5-0-0	6-0-0	Feb 8
U	Transfer Station Enterprise Fund:	Board of Selectmen	4-1-0	<ul style="list-style-type: none"> <li>FD to create budget</li> <li>Draft sent to FinCom</li> </ul>	Fay	Roman	4-1-0		March 8
<del>V*</del>	<del>Appropriation to pay BAN related to River's Edge</del>	<del>Board of Selectmen</del>	<del>X</del>	<del>TA &amp; FD to determine amounts and source of funding</del>	<del>Karlson</del>	<del>Steinberg</del>	<del>X</del>	<del>X</del>	<del>Feb 22</del>
W*	Tax Work off Language	Board of Selectmen	5-0-0	<ul style="list-style-type: none"> <li>Draft sent to FinCom</li> </ul>	Antes	Roberts	5-0-0		Mar 8
X*	Accept Spencer Circle	Board of Selectmen	4-0-1	<ul style="list-style-type: none"> <li>TA, BoS, BoPW and Town Counsel to finish negotiations with easement language</li> <li>Draft sent to FinCom</li> </ul>	Fay	Roman	4-0-1		March 8
Y	Loker Turf Field	Recreation	5-0-0	<ul style="list-style-type: none"> <li>Awaiting final Draft from FinCom</li> </ul>	Watkins	Gutbezahl	5-0-0	6-1-0	Feb 8
Z	Implement School Elementary Space Utilization Study 2021-22	School Committee			Anderson	Roberts			March 15
AA	CPA Historic Preservation: Rehab 70-74 Main St	CPC	4-1-0	<ul style="list-style-type: none"> <li>At Town Counsel</li> </ul>	Antes	Martin	4-1-0		March 15
BB	CPA Historic Preservation: Cemetery Stones & Library Archival	CPC	5-0-0	<ul style="list-style-type: none"> <li>Department Managers (Library &amp; DPW) to work with FinCom as needed</li> </ul>	Antes	Martin	5-0-0	7-0-0	Mar 8
CC	CPA Open Space: Native & Pollinator Plants	CPC	5-0-0	<ul style="list-style-type: none"> <li>COMPLETE</li> </ul>	Antes	Martin	5-0-0	7-0-0	Mar 8
DD	CPA Rec: Mill Pond Dam, Athletic Field design, Heard Farm Improvements	CPC	5-0-0	<ul style="list-style-type: none"> <li>COMPLETE</li> </ul>	Antes	Martin	5-0-0	6-0-0	Mar 8

## WORKING DOC ARTICLE LIST 2021 ANNUAL TOWN MEETING

\* indicates articles that may be proposed for abbreviated presentation procedure

Article	Article Name	Sponsor	Vote to insert	Status	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom	Date to discuss
*EE	CPA: Set Asides	CPC	5-0-0	<ul style="list-style-type: none"> <li>COMPLETE</li> </ul>	Antes	Martin	5-0-0	6-0-0	Mar 8
FF	Establish Wayland Human Rights Commission	Petitioners	N/A	<ul style="list-style-type: none"> <li>TA to work with BoS &amp; Petitioners</li> </ul>	Fay	Roman			Mar 15
GG*	Resolution to Continue Electronic Voting Through FY2027	Petitioners	N/A	<ul style="list-style-type: none"> <li>Awaiting final draft from FinCom</li> </ul>	Watkins	Steinberg	5-0-0	6-0-0	Feb 22
HH	Recognize Law Enforcement Day	Petitioners	N/A		Watkins	Roberts			March 15
II	FinCom Appointing Board	Petitioners	N/A		Antes	Steinberg		1-4-1	March 15
JJ	Climate Emergency Resolution	Petitioners	N/A		Anderson	Roberts			March 15
<del>KK</del>	<del>Ombudsman Position</del>	<del>Petitioners</del>	<del>N/A</del>		<del>Karlson</del>	<del>Steinberg</del>	X	X	

## Article D. OPEB Funding

*Proposed by: Board of Selectmen*

*Estimated Cost: \$510,324*

To determine whether the Town will vote to:

- a) appropriate an aggregate amount of \$10,324 to be deposited in the Town's Other Post-Employment Benefits Trust Fund which amount shall be provided by transferring the following sums of money from the following enterprise and revolving funds:
  - 1) Food Service \$ 0
  - 2) BASE \$ 0
  - 3) Children's Way \$ 0
  - 4) Full Day Kindergarten \$ 0
  - 5) Water Enterprise \$ 7,806
  - 6) Transfer Station \$ 0
  - 7) Recreation \$ 1,679
  - 8) Wastewater Enterprise \$ 839; and
- b) appropriate \$500,000 to be deposited in the Town's Other Post-Employment Benefits Trust Fund; and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose or otherwise.

**FINANCE COMMITTEE COMMENTS:** This article funds an Other Post-Employment Benefit (OPEB) contribution from two sources: a) enterprise and revolving funds and b) taxation.

Like other towns in Massachusetts, Wayland provides health insurance for benefit eligible retirees. The Government Accounting Standards Board (GASB) requires the Town to perform periodic actuarial valuations, based on prescribed accounting standards that measure the obligations accruing under its OPEB plans. While GASB requires that this liability be included on the balance sheet, GASB does not require funding this liability. The funding decision is up to the Town.

The Town pays the cost of current retiree insurance premiums as they are incurred as part of its operating budget. The Town historically contributed an additional amount to the OPEB Fund for future premium payments from available funding sources, including the operating budget and Free Cash. Beginning in FY19, the amount contributed to the OPEB Fund as described in b) above has been appropriated entirely from taxation.

Total OPEB Liability is reported on a fiscal year basis. As of June 30, 2020, the Total OPEB Liability ("TOL"), as determined under GASB, was \$48.99 million. Plan assets were \$19.1 million. The Net OPEB Liability ("NOL"), which equals the TOL less assets, was \$29.8 million. A useful metric for gauging funding progress is the ratio of assets to total liabilities, or the funded ratio, which is 39.01% as of June 30, 2020, as compared to 38.5% as of June 30, 2019. Wayland continues to be a leader among municipalities in addressing this long-term liability, which has been viewed favorably by Moody's in assessing the Town's credit.

The Town requested that our actuary, Odyssey Advisors, update our actuarial liability funding tables as of June 30, 2020 to determine a level funding contribution to achieve full funding in 2040 based on current actuarial assumptions. They determined the level annual funding contribution through 2040 to be \$550,000 if all assumptions are realized. Actual results will vary due to differences between plan experience and assumptions. Key assumptions include, but are not limited to, a 7% discount rate and expected investment return, 5% pre-65 medical cost trend and 4.5% post-65 medical cost trend.

The amount in part b) is recommended at \$500,000 and this same amount is planned as a sustainable annual contribution to fund the OPEB liability as part of the Town's long-term financial planning. The methodology for calculating the amounts in part a) totaling \$10,324 is a per FTE expense at the same rates as in part b) in order to represent the fair share of the total amount to be paid from the enterprise and revolving funds. Due to the effects of COVID-19, various Town and School Revolving Funds were unable to make their respective planned contributions to the OPEB Fund and Indirect payments to the General Fund

The Board of Selectmen recommends approval. Vote: 0-0-0

**ARGUMENTS IN FAVOR:** OPEB liabilities are accrued over the service period of the employees earning these benefits because that recognizes the cost as it is earned. While there is no mandate to fund these obligations, proponents may argue it is prudent financial practice to fund towards benefits as they are earned rather than leave the obligation for future generations to pay.

Moody's 2019 Credit Report listed the Town's aggressive funding of OPEB liability as one of the Town's Credit strengths. Within the report it is stated that at the Town's current rate, the liability could be fully funded well ahead of most local governments.

Contributions to the OPEB Trust Fund represent the funding set aside to pay the contractually obligated future OPEB benefits. All contributions to the fund will accumulate at tax free rates and will result in lowering future operating expenses for the payment of OPEB benefits.

**ARGUMENTS OPPOSED:** Opponents may argue that our annual funding contributions should be larger because OPEB liabilities represent the projected value of benefit commitments made in the past which should have been fully funded as earned. Since they were not fully funded as earned, we should fund a larger amount to close the gap faster.

There is no legal mandate to fund these liabilities, and this generation of taxpayers is being asked to bear a cost for current retirees as well as contribute towards the annual accrual for active employees.

Therefore, opponents may argue a lower funding level is justified.

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

**QUANTUM OF VOTE:** Majority – see Massachusetts General Laws, Chapter 40, Section 5 and Chapter 44, Section 33B.

*For more information about this article, contact Town Administrator Louise Miller at 508-358-3620 or email [lmiller@wayland.ma.us](mailto:lmiller@wayland.ma.us).*

## ARTICLE F: COMPENSATION FOR TOWN CLERK

*Proposed by: Board of Selectmen*

*Estimated Cost: \$82,674*

To determine whether the town will vote to fix the salary for the Town Clerk, pursuant to Massachusetts General Laws Chapter 41, Section 108, to be effective July 1, 2021.

### SALARY SCHEDULE – TOWN CLERK

	<u>FY 2021</u>	<u>FY 2022</u>
Town Clerk	\$ 77,146	\$ 82,674

**FINANCE COMMITTEE COMMENTS:** This Article requests that Town Meeting approve a salary increase for the Town Clerk for Fiscal Year (FY) 2022. By law, annual wage adjustments for the Town Clerk are subject to Annual Town Meeting approval because it is an elected position. The Board of Selectmen and Town Clerk request an increase from Non-union Grade N-8 step 5 to step 6.

For the last few years, the Town Clerk's salary has been reviewed and set so that it is comparable to a Non-union Grade N-8 employee. The salary charts are shown in Appendix B. This gives some structure to Town Meeting's consideration of the salary request. For FY2022, the Town Clerk will be in her third year of service in her first three-year term.

In the normal course, well-performing employees advance to the next step each year, so the Town Clerk would be considered this year at rate comparable to Grade N-8 Step 6. Notably, there are no benefits included with compensation for an elected position.

The existing Town Clerk has considerable comparable job experience: over 30 years practicing law, prior work experience with Open Meeting, Public Records and Conflict of Interest laws, and has assisted the previous Town Clerk by working at the polls and town meetings. The job responsibilities were increased during this past year with unprecedented changes including voting by mail and record numbers of early and absentee voters during a pandemic.

This article is placed before the Budget Article because the Town Clerk's salary is embedded in the Town Clerk salary line item. There is no additional cost for voting to pass this article.

If the Select Board/Town Manager Special Act passes, the Town Clerk will become an appointed position at the end of her elected term in 2022. At that time, it is appropriate to conduct a classification study to confirm the job level assignment of Non-Union N-8 and placement within the range. Now, because this is an elected position, Town Meeting makes this determination, and this proposed wage would be set for this Town Clerk for FY2022.

The Board of Selectmen recommends approval. Vote:  
The Personnel Board recommends approval. Vote: 5-0-0.

**ARGUMENTS IN FAVOR:** This article sets the salary of the Town Clerk at an appropriate compensation level and provides a salary table structure for future annual increases.

The Town Clerk position requires a broad knowledge base, superior customer service, knowledge of election and other laws and demands long hours. A salary at this level is required to attract and retain good, qualified candidates.

**ARGUMENTS OPPOSED:** Opponents might say that employees are already sufficiently compensated.

**RECOMMENDATION:** The Finance Committee recommends. Vote: 0-0-0

**QUANTUM OF VOTE:** Majority vote. See Massachusetts General Laws Chapter 41, Section 10

*For more information about this article, contact Town Administrator Louise Miller at 508-358-3620 or [lmiller@wayland.ma.us](mailto:lmiller@wayland.ma.us).*

DRAFT

Draft Write up of  
Article J. Fiscal Year  
2022 Omnibus Budget  
will be forthcoming



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## **Article M. Sell or Trade Vehicles and Equipment**

*Proposed by: Board of Selectmen*

To determine whether the Town will vote to authorize the Board of Selectmen to sell or otherwise dispose of surplus vehicles, equipment, or other personal property in connection with the purchase of new vehicles, equipment, or other personal property.

<u>Department</u>	<u>Vehicle/Equipment</u>	<u>Year</u>
DPW	Street Sweeper	2010
DPW	Dump Truck	2007

**FINANCE COMMITTEE COMMENTS:** This standard article allows the Town to sell or trade-in used vehicles, equipment, or other personal property in compliance with the Town Code and Massachusetts General Laws.

The Board of Selectmen recommends approval. Vote: 0-0-0

**ARGUMENTS IN FAVOR:** The selling of used property contributes to the Town's General Fund

**ARGUMENTS OPPOSED:** The Finance Committee is not aware of any.

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

**QUANTUM OF VOTE:** Majority – see Massachusetts General Laws Chapter 30B, section 16, Wayland Town Code Chapter 62.

*For more information about this article, contact Town Administrator Louise Miller 508-358-3620 or email [lmiller@wayland.ma.us](mailto:lmiller@wayland.ma.us).*

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## **Article O. Select Board/Town Manager Act**

*Proposed by: Board of Selectmen*

To determine if the Town will authorize the Board of Selectmen to petition the General Court for an act of special legislation entitled “An Act to Create a Select Board/Town Manager Form of Government in the Town of Wayland,” the full text of which is printed as Appendix XX to this warrant, or take any other action relative thereto.

**PROPOSER’S COMMENTS:** The goal of the Select Board/Town Manager Act is to professionalize the structure of Wayland’s government; coordinate administrative, operational, and financial functions; provide a consistent approach for efficiency, effectiveness, and transparency across all departments and boards; use resources effectively; improve legal and regulatory compliance; and maintain volunteer opportunities. Under the Act, the Town Manager is given authority and responsibility for managing the Town in four areas: administration, finances, personnel, and facilities/property.

Wayland is a \$95 million diversified organization in a highly regulated and public service environment requiring a stronger centralized management structure. The Town Administrator has 20 direct reports resulting in an extremely flat organization. Some department heads report to elected boards, not to the Town Administrator. There is no flexibility to group departments, as virtually all of our peer communities do.

This is the third effort over the past thirty years to strengthen Wayland’s executive and financial management structure.

### **FINANCE COMMITTEE COMMENTS:**

The Board of Selectmen’s (BoS) proposition for the Town to adopt the Select Board/Town Manager Special Act is the third effort over the past thirty years to strengthen the Town’s executive and financial management structure. The Charter Commission (1989), the Maximus Group (2002), and the Collins Center for Public Management (2018) have all recommended strengthening the executive function so that all Town department heads (excluding Schools), report to a Town Manager. This article is proposing their recommendation regarding reporting structure, excepting Schools and Library Director. There was also a recommendation reducing the number of committees and boards; however, this article is proposing no changes to committees and boards. (For more information, please refer to this link <https://www.wayland.ma.us/board-selectmen/pages/select-boardtown-manager-act> on the Town website.)

The passing of the Special Act would mean that:

- All department heads, with the exception of the Superintendent of Schools and the Library Director, would report to the Town Manager, instead of elected boards. This would add five additional department heads reporting to the Town Manager (Health, Assessor, Planner, Youth and Family Services and an appointed Town Clerk);
- The Town Manager will have flexibility to begin grouping departments to reduce the number of direct reports;
- The Board of Selectmen would continue as Chief Executive Officer, with the Town Manager managing staff as Chief Administrative Officer and Chief Financial Officer;
- Boards and Committees would coordinate their responsibilities with Department Heads, as they do currently;
- The Board of Selectmen will be called the Select Board;
- The Town Administrator position changes to Town Manager; and

- The Town Clerk changes from an elected to an appointed position.

Wayland's organization was developed when times were simpler. Wayland was a small town with few professional staff and many volunteers who did much of the work. Wayland is now analogous to a \$95 million diversified company in a highly regulated and public service environment requiring a stronger centralized management structure.

Over the decades there have been changes in the complexity of municipal government with increased regulations, financial requirements, and public scrutiny. The level of volunteer work cannot and should not be sustained. Wayland has a reputation for being difficult to manage, which translates into difficulty in hiring people into management positions. Previous Town Administrators have reported that their position has all the responsibility, but not the necessary accountability for many departments.

The Charter Commission recommendation was not approved at a town-wide election in 1990. Two recommendations from the Maximus report were approved by Town Meeting: the 2004 Town Administrator Special Act and the 2008 Act Authorizing the Town of Wayland to Establish a Department of Public Works. Even with these steps forward, Collins stated in the Executive Summary of Wayland's Financial Management Structure Report (2018):

*At its core, the issue is that the financial management of the Town is severely fragmented in a way that reduces the Town's efficiency, effectiveness, and transparency.*

This fragmented structure is causing deficiencies through increased risk of non-compliance with IRS regulations, Massachusetts Department of Revenue regulations, and procurement law.

### **Reasons Why The Town Manager Act Is Appropriate In 2021**

Per the Collins Center report, and the reports from others, it is past time for the Town of Wayland to make structural changes that will allow it to operate far more efficiently as the world of municipal operations and finance become more complex.

With regard to the Town's ability to operate successfully over the years, the Collins report stated:

*The Town has managed to achieve these things through the efforts of dedicated current and prior elected officials, appointed volunteers, and professional staff. These accomplishments have come in spite of, not because of, the structure of Town Government, which appears increasingly anachronistic among Wayland's peer communities and increasingly unable to handle the accelerating changes Massachusetts municipalities must manage.*

Currently the Town Administrator has 20 direct reports and 6 department heads appointed by boards and managed by both boards and the Town Administrator. More than 40 boards and committees source ideas and projects and set priorities for staff. There is little coordination of functions, efforts, or priorities among boards and committees. Town efforts are fragmented rather than organized to work towards a common goal.

Based on the Finance Committee's current and former peer community list, Collins looked at statutory management structures and found that Wayland had the weakest structure. The language of a charter, by-law, or special act is what determines the strength of the management structure, not simply the method by which the language was enacted. Also, the title (Town Manager or Town Administrator) does not inherently define the strength of the position. Collins looked at the following towns:

- Hopkinton, Lynnfield, Marshfield, Medfield, North Andover, North Reading, Scituate, Westford, Westwood, all of which operate under a charter
- Carlisle, Hingham, Lincoln, Manchester-by-the-Sea, all of which operate under a by-law
- Cohasset, Concord, Sudbury, Weston, all of which operate under a Town Manager Act with strong language
- Wayland, which operates under a Town Administrator Act with weak language

The reporting structure (organization charts) of Wayland, Cohasset, Concord, Sudbury, and Weston are available on line at the web site: <https://www.wayland.ma.us/board-selectmen/pages/select-board-town-manager-act> (along with other exhibits, including those in Exhibit D to the Warrant). Wayland's organization is flat, while other towns have a variety of department groupings such as Finance, Planning and Land Management, Public Works (as Wayland enacted in 2008), Human Services, Culture and Leisure, Public Safety, Facilities, etc. No two towns have exactly the same structure. This proposed article allows flexibility for the Town Manager to group departments, with oversight by the Select Board, but does not propose a specific organization, due to union considerations for many employees including some department heads.

An organization that is managed under one executive, which in this case would be the Town Manager as the Chief Operating Officer (COO) brings a more consistent management and operational environment to Wayland's Town Government. Currently, each department and committee can have its own agenda. Such a structure is inefficient and does not provide for an environment in which all areas of town government are coordinated, with common goals and priorities.

#### **What are the Impacts of the Special Act, and What Remains The Same:**

The Special Act defines the Town Manager's authority and responsibility for administration, finances, personnel, and facilities/property.

The Special Act *maintains* administrative authority and responsibility for coordinating implementation of Town policy; ensuring compliance with policies, procedures, and law; coordinating setting priorities (policies, projects, staff); overseeing emergency situations; communicating activities and coordinating efforts; and responding to requests in a timely manner for public records, general information, Open Meeting Law and other complaints. The word *maintains* indicates that this responsibility already exists in the Town Administrator Special Act of 2004 under Chapter 60 of Town Code.

The Special Act *strengthens* financial authority and responsibility by establishing the Town Manager as the Chief Financial Officer; providing additional Town Manager oversight of Operating and Capital budget development; tasking the Town Manager with effective and compliant finances; affirming the role of Town Manager as Chief Procurement Officer ensuring compliance; and creating clear signing authority to execute and award grants and sign contracts. The word *strengthens* implies a change, but that change does not require any amendment to Chapter 19, which defines the Finance Committee's role.

The Special Act *strengthens* personnel authority and responsibility by centralizing employee services; standardizing consistent and compliant hiring practices; assigning responsibility for performance review standards to the Town Manager; assigning leadership of negotiations to the Town Manager rather than the Personnel Board; and establishing compliance with bargaining unit contracts. Again the word *strengthens* indicates a change from the current practice. In this case, Town Code Chapter 43 will need to be amended to give responsibility for negotiating to the Town Manager in lieu of the Personnel Board.

A personnel related change is that the Special Act changes the Town Clerk from an elected to an appointed position, which is consistent with keeping personnel issues under the auspices of the Town Manager.

The Special Act *maintains* facilities/property authority and responsibility of the Town Manager for construction, repair and maintenance of all Town buildings, real and personal property, and information technology and infrastructure. The Town Manager is still responsible for maintaining an inventory of all Town-owned real and personal property. The word *maintains* indicates that this responsibility already lies with the Town Administrator under current Town Code (Chapter 60).

The Special Act changes the name from Board of Selectmen to Select Board. It reaffirms the Select Board's role as an executive and policy-making body and restates current Chapter 58 (Board of Selectmen) roles.

The Special Act changes the name from Town Administrator to Town Manager with defined responsibilities only as stated in the Special Act. It incorporates all elements of current Chapter 60 (Town Administrator).

**The Special Act does not change** the following:

- Departments continue to make operational decisions and conduct day-to-day operations;
- Boards/committees retain rights under state law and continue to set policies and maintain all permitting and regulatory responsibilities;
- Volunteer spirit continues through over 40 elected and appointed boards/committees;
- All currently elected boards/committees remain elected;
- The number of appointed boards/committees remains the same;
- Town Code is unchanged for
  - Council on Aging, Chapter 12;
  - Finances, Chapter 19;
  - Planning Board, Chapter 47;
  - Treasurer and Collector, Chapter 72;
  - Board of Health, Division 2;
  - Director of Public Works, Chapter 151; and
- The Library continues to operate under Massachusetts General Laws Chapter 78.

**The Town Code will be updated for:**

- Personnel, Chapter 43, section B (3) responsibility for negotiations;
- Board of Selectmen, Chapter 58 (being replaced);
- Town Administrator, Chapter 60 (being replaced).

These updates are consistent with the changes discussed above.

**What Processes Has the Town Undertaken to Introduce and Create The Special Act, as Proposed:**

There has been significant study, discussion and public meetings regarding the implementation of the Special Act. The Collins Center conducted a Review of Financial Policies and Procedures in 2016, a Review of Financial Management Structure in 2018, and created a first draft of the Special Act.

The Board of Selectmen received staff input at a public meeting in April 2018 and at a department head meeting organized by the former Town Administrator. Town Counsel updated the draft in 2019 to make

the language more Wayland friendly and fit with existing Town Code. The BoS conducted committee presentations (17) and community forums (7) in 2019. The Select Board/Town Manager Special Act was scheduled for discussion on 15 agendas in 2018 and 19 agendas in 2019. The BoS submitted the Select Board/Town Manager Special Act article in January 2020 for the planned April 2020 Annual Town Meeting. Due to the Covid-19 pandemic, the BoS voted to pass over this article at the rescheduled and shortened 2020 ATM in September.

**Feedback and response:** The BoS heard concerns about checks and balances, definitions, hiring and evaluations, and consistency with existing code. The BoS revised the text of the Special Act to continue the Select Board as Chief Executive Officer (CEO) with Town Manager as Chief Financial Officer (CFO) and Chief Operating Officer (COO); to consistently use the words *responsible* and *responsibility* to illustrate that the “buck stops” at the Town Manager’s desk, rather than the Town Manager doing the daily work; to include consultation with committees on hiring and evaluating department heads and allow department heads to hire other staff (within union contract specifications); and to recognize that preference is given to State law and existing Town Code.

The BoS also heard requests to propose a specific organization chart, but the Committee felt that it is too early to determine the future structure. It is likely that the first structural change will be grouping of finance related positions, as that was the focus of the Collins study. The Act provides flexibility to work within Wayland’s needs.

There are no changes proposed to staff positions or union structure, but the Special Act allows for flexibility in organization. There are no changes proposed to the volunteer structure. There are no changes to Chapter 19 regarding the role and appointment of the Finance Committee. The Special Act clarifies practices regarding flexibility in the organization of financial services, as well as responsibility for budget preparation.

Questions about expense savings are difficult to answer. Time and effort efficiencies on future work are not easily quantified. It is expected that repetitive work will be reduced and that project outcomes will improve.

Questions about the process for conflict resolution between committees and departments were posed. The Special Act maintains the Select Board as an elected board with the Town Manager reporting to the Select Board/CEO. Procedural questions such as “who do I call to fix something?” or “what if I have an IT issue?” will not be answered in Town Code, but instead through policy.

Feedback suggesting discomfort with the Special Act includes the following: some committee members may feel that they are losing power or control over their departments or areas of interest; some citizens trust volunteers more than employees; some citizens are concerned that we don’t know for sure if the article will cost money; and some people may feel that one person cannot do all that is expected of a Town Manager.

Questions and answers regarding the Special Act can be found in Exhibit D hereto in an exhibit entitled Select Board/Town Manager Special Act Frequently Asked Questions (FAQS), dated 1/4/21.

### **Summary:**

The challenges of 30 years ago remain today. The Wayland Charter Commission (1990) wrote:

*Town government is growing increasingly complex, and it is essential that we have a well qualified person to handle the day-to-day administration. Having specified powers and*



*responsibilities...will enable the town administrator to be more effective; and we will attract and retain competent people.*

The suggestions of 18 years ago are still pending today. The Maximus Report (2002) stated:

*Move towards a Town Manager form of government. As an interim (or evolutionary) step, consider making the transition to a Town Administrator form.\* This will entail delegation of additional authority to the Town Administrator/Manager. This will also include moving staff from reporting to various boards and commissions to the Town Manager.*

*Other functions of the Town currently are responsible to a range of accountability points (i.e., boards, commissions, Executive Secretary) which leads to some confusion about responsibility and authority (as well as diluting accountability).*

*All staff in the Town should report to the Town Manager on matters of personnel, finance, service levels, etc. Boards and commissions should retain no direct supervisory authority.*

*\*accomplished in 2004*

Today's challenge is summarized by the Collins Center (2018):

*Wayland appears increasingly anachronistic among Wayland's peer communities and increasingly unable to handle the accelerating changes Massachusetts municipalities must manage.*

Much of what is included in the Special Act is either in current Town Code Chapter 60 (Town Administrator) or follows current practice. This is an opportunity to think about what is best for the whole Town, not just about retaining the power of a committee, but also about how individual departments should fit within the Town structure to best position the Town for future functionality.

We have come full circle to 1990, when the Charter Commission wrote:

*The commission feels that the proposed charter provides a viable, progressive and flexible structure for Wayland government for many years to come.*

*Very few voters will favor every provision of this charter. We urge that you vote for adoption if you conclude that, on balance, the town will be better managed under the charter than without it.*

Additional information regarding this Article can be found in Exhibit XX to this Annual Town Meeting Warrant. These exhibits, and other information regarding the Special Act can be found at the web site: <https://www.wayland.ma.us/board-selectmen/pages/select-boardtown-manager-act>.

The Board of Selectmen recommends \_\_\_\_\_. Vote: 0-0-0

**ARGUMENTS IN FAVOR:**

- Wayland's government is operating in an environment of greater regulation and complexity and a more centralized system of management is in its best interest.
- Wayland is an outlier in its flat organization compared with virtually all our peer communities. It is time to begin to modernize Wayland's structure. The Special Act is a step in this direction.
- Previous Town Administrators have reported that their position has all the responsibility, but not the necessary accountability for many departments. The Special Act will provide the Town Manager with the accountability and responsibility for these departments, thereby making their management more effective than it is currently.
- Currently the Town Administrator has 20 direct reports, some of whom are managed by the volunteer boards and committees with which they are affiliated, in addition to the Town Administrator. The Special Act will provide for all staff reporting up to the Town Manager, which should provide for a better operating process.
- The Special Act allows for groupings of departments in order to reduce the number of direct reports to the Town Manager.
- More than 40 boards and committees source ideas and projects and set priorities for staff. The Special Act will bring this process under the control of the Town Manager, allowing for more effective setting of goals and priorities.
- It is expected that redundant work will be reduced.

**ARGUMENTS OPPOSED:**

- Collins suggested that the Town make a systematic review of the overall organizational structure. There are limited organization structures recommended in the Special Act regarding Boards and Committees, and some may argue that these should be addressed as part of the Special Act.
- Some modifications to the Town's bylaws will be required. Some might want to have these modifications debated by the Town prior to moving forward with the Special Act.
- The Article is not able to define whether the Special Act might cost money or reduce operating costs and they might want this to be defined before the Town votes on the Special Act.
- Although the Special Act allows the Town Manager flexibility in the groupings of departments that will report to her/him, it has been suggested that the Special Act may create an undue burden on the Town Manager if they are unable to structure the direct reports in a manner that is efficient and effective.
- Some have asked if the Special Act gives too much power and control in the position of the Town Manager if that person is not managed well by the Select Board. A cited example was for the Town Manager to potentially have the role of COO and CFO.
- Some committee members may feel that the Town Manager will gain control over their departments or areas of interest.

**RECOMMENDATION:** The Finance Committee recommends approval. Vote: 6-0-1.

**QUANTUM OF VOTE:** Majority.

**CONSISTENCY WITH LAW:** This proposed bylaw amendment is not repugnant to federal or Massachusetts law, MGL Chapter 40, section 21.

*For more information about this article, contact Selectman Lea Anderson at email [landerson@wayland.ma.us](mailto:landerson@wayland.ma.us)*

**Select Board / Town Manager Special Act**  
**Executive Summary**  
**2/17/2021**

**What is the goal?** The goal of the Select Board / Town Manager Act is to professionalize the structure of Wayland's government; coordinate administrative, operational, and financial functions; provide a consistent approach for efficiency, effectiveness, and transparency across all departments and boards; use resources effectively; improve legal and regulatory compliance; and maintain volunteer opportunities on boards and committees.

**Why adopt this change?** Wayland's government is a \$95 million diversified organization in a highly regulated and public service environment requiring a stronger centralized management structure. The Town Administrator has 20 direct reports resulting in an extremely flat organization. Some department heads report to elected boards, not to the Town Administrator. Under our current structures, there is no flexibility to group departments as there is in virtually all of our peer communities.

**Has this been studied?** This is the third effort over the past thirty years to strengthen and streamline the Town's executive and financial management structure. The Town has received consistent recommendations on how to improve its management structure. Today's challenge is summarized by the Collins Center for Public Management after an in-depth study completed in 2018: *Wayland appears increasingly anachronistic among Wayland's peer communities and increasingly unable to handle the accelerating changes Massachusetts municipalities must manage.*

Many of the suggestions from 18 years ago are still relevant today. The Maximus Report from 2002 stated: *All staff in the Town should report to the Town Manager on matters of personnel, finance, service levels, etc. Board and commissions should retain no direct supervisory authority.* The report also recommended that Wayland move toward a Town Manager form of government after utilizing a Town Administrator as an intervening step in that transition. Wayland implemented a Town Administrator form of government in 2004. It is time for the next step.

We have come full circle to 1990. The Charter Commission wrote: *Town government is growing increasingly complex and it is essential that we have a well-qualified person to handle the day to day administration. Having specified powers and responsibilities...will enable the town administrator to be more effective; and we will attract and retain competent people. .... Very few voters will favor every provision of this charter. We urge that you vote for adoption if you conclude that, on balance, the town will be better managed under the charter than without it.*

**What does the Act accomplish?** Under the Act, the Town Manager is given clearer authority and responsibility for managing the Town in four areas: administration, finances, personnel, and facilities/property.

- Administration: the Act clarifies the Town Manager's authority and responsibility to ensure compliance with policies, procedures, and federal, state, and local law; as well as set priorities for projects and staff.
- Finance: the Act strengthens the Town Manager's financial authority and responsibility and establishes the Town Manager as the Chief Financial Officer with additional oversight of operating and capital budget development as well as a five-year capital plan.
- Personnel: the Act strengthens the Town Manager's authority and responsibility, as negotiations would be coordinated by the Town Manager rather than the Personnel Board; and it standardizes consistent and compliant hiring practices.
- Facilities/Property: the Act clarifies the Town Manager's responsibility for construction, repair, and maintenance of all Town buildings, property, and information technology.

**Does the Act make any other changes?**

- Board of Selectmen name changes to Select Board
- Town Administrator position changes to Town Manager
- Town Clerk changes from elected to appointed position
- There is no change to the make up, appointment process, or authority of existing boards/committees/commissions

1/4/21

## SELECT BOARD/TOWN MANAGER SPECIAL ACT

### Special Act of Legislation Creating Select Board/Town Manager Form of Government in the Town of Wayland

[HISTORY: Adopted by the Annual Town Meeting of the Town of Wayland 5-3-2004 by Art.11. Amendments noted where applicable.]

#### GENERAL REFERENCES

Boards, commissions and committees — See Ch. 6.

Finances — See Ch. 19.

Personnel — See Ch. 43.

Board of Selectmen — See Ch. 58.

Town Administrator – See Ch. 60.

Treasurer and Collector — See Ch. 72.

Director of Public Works – See Ch. 151.

#### § 1. The Select Board.

1.1 The Board of Selectmen in the Town of Wayland shall hereafter be known as the Select Board, who shall be vested with all of the powers and duties conferred upon a board of selectmen by any general or special law. All references to the Board of Selectmen contained in the Town Code shall be construed as referring to the Select Board, and all powers and duties conferred upon the Board of Selectmen by the Town Code shall be vested in the Select Board. *(new)*

1.2 The Select Board shall be the chief executive officers of the Town and shall serve as the chief policymaking body of the Town. *(new)*

1.3 The Select Board shall consist of five (5) residents of the Town, elected by ballot, to serve a term of three (3) years. The terms of the members of the Select Board shall be staggered such that one (1) or two (2) members shall be elected each year. Upon the effective date of this Act, the incumbent members of the Board of Selectmen shall continue in office for the duration of their elected terms but shall be referred to as members of the Select Board. *(new)*

1.4 The Select Board shall develop and promulgate policy directives and regulations that shall be followed by all agencies serving under it and, in conjunction with other elected Town officers and multiple-member bodies, shall develop and promulgate policies and regulations designed to bring the operation of all town agencies into harmony; provided, however, nothing in this section shall authorize any member of the Select Board or a majority of such members to become involved in the day-to-day administration of a town agency nor shall this provision be construed as conferring upon the Select Board any policy-making directives or regulations specifically reserved to other Town boards or commissions by statute or Town Code. *(new)*

1.5 The Select Board shall cause the Town Code, rules and regulations of the Town to be enforced. *(new)*

1.6 The Select Board shall appoint a Town Manager, Town Counsel, independent auditor and any other boards, committees, and commissions according to Town Code, statute or any special act. The Select Board shall also appoint any other multi-member boards for whom no other method of appointment is provided by Town Code, statute or special act. *(new)*

1.7 The Select Board shall have full authority as agents of the Town to employ counsel to commence, prosecute and defend suits in the name of the Town, unless otherwise especially ordered by vote of the Town. Said authority shall not extend to employing counsel to the School Committee. *(in current Code, Section 58-1)*

1.8 The Select Board shall cause an adequate supply of the full Town report to be available in the Town offices and in the public library from which to furnish a copy to any interested person, and it shall cause the warrant and Finance Committee's report with recommendations to be served as provided in Section 36-2 of the Town Code. *(in current Code, Section 58-2)*

1.9 The Select Board shall have the authority to declare a state of emergency in the Town of Wayland upon the occurrence of any disaster, catastrophe, fire, flood, earthquake, storm, public health emergency, other natural calamity, act of terrorism, or cyber attack. Any state of emergency proclaimed by the Select Board shall, unless sooner terminated by proclamation of the Select Board, terminate five days from the day it takes effect. *(in current Code, Section 58-3)*

1.10 The Select Board shall have full authority to establish rules and regulations, binding upon all boards, commissions, committees, councils, authorities, officials and employees of the Town of Wayland, governing the use, marking, record-keeping, maintenance and reporting requirements pertaining to Town-owned vehicles and reimbursement for the use of privately owned vehicles by employees and officials while on Town business. *(modified from current Code, Section 58-4)*

## **§ 2. Appointment and qualifications of Town Manager.**

2.1 The Select Board, by an affirmative vote of at least four (4) members, may appoint a Town Manager for a term not to exceed three years, as the Select Board deems to be in the best interests of the Town. The Town Manager shall receive such aggregate compensation and benefits, not exceeding the amount appropriated, as the Select Board may determine. The Select Board may, but is not required to, establish a written employment contract with the Town Manager pursuant to Massachusetts General Laws Chapter 41, Section 108N, to provide for the salary, fringe benefits, and other conditions of employment. The Town Manager position shall be a non-union position. *(modified from current Code)*

2.2 The Town Manager shall be appointed on the basis of educational, management and administrative qualifications and experience, including at least a bachelor's degree from an accredited four-year college or university. The Town Manager shall have considerable professional experience, consisting of compensated service in government administration or an equivalent combination of education and business management experience. *(modified from current Code)*

2.3 The Town Manager shall devote full-time to the responsibilities of the office. The Town Manager shall hold no elective Wayland Town office. The Town Manager may be appointed by the Select Board to any other compatible Town office or position, but he/she shall engage in no other business or occupation without advance written authorization by the Select Board. *(in current Code)*

### **§ 3. Authority and responsibilities of Town Manager.**

#### 3.1 Administrative Authority and Responsibilities

- a. The Town Manager shall be the chief administrative and operating officer of the Town. *(new)*
- b. The Town Manager shall be responsible for managing, supervising and executing all of the activities noted in this Act, the Town Manager's job description, and any other duties assigned to the Town Manager by the Select Board or in compliance with federal and state law and the Town Code and Town policies. *(in current Code)*
- c. The Town Manager will not set Town policy, but will ensure there is appropriate coordination in the implementation of Town policy working across all Town departments in conjunction with all elected and appointed boards and committees. *(in current Code)*
- d. The Town Manager shall ensure that all Town employees, boards, commissions and committees comply with the Town's financial, personnel and legal policies and procedures, as well as all Town Meeting votes, Town Code, federal and state law, and all regulations *(modified from current Code)*
- e. The Town Manager shall be responsible for the management of all financial, administrative and operational affairs of the Town and Town departments and all boards, commissions and committees but excluding the School Department, provided, however, that all boards, commissions and committees shall continue to exercise permitting and/or policy-making authority as provided in state law. *(modified from current Code)*
- f. The Town Manager shall be responsible for overseeing, coordinating, and making recommendations that may impact multiple Town boards and committees, broadly or in detail, regarding Town financial, personnel and legal activities. *(in current Code)*
- g. The Town Manager shall understand and have a working knowledge of the statutory and regulatory authority and responsibility held by department heads and elected and appointed boards, commissions and committees so s/he can effectively support these officers in the execution of their duties. Unless expressly stated herein, nothing in this Act is intended to reassign policy-making or permit granting statutory authority of any department head or any elected or appointed board, commission or committee to the Town Manager. *(modified from current Code)*



- h. With respect to Town policies and programs that impact multiple areas of Town government, the Town Manager shall work with all elected and appointed boards, commissions and committees and Town department heads, be responsible for ensuring there is appropriate administration and coordination both (i) in the implementation and on-going adherence to Town policies; and (ii) in the development and execution of such policies and programs. *(modified from current Code)*
- i. With respect to the development, implementation and execution of policies and programs affecting various Town departments, the Town Manager shall:
  - i) Coordinate the setting of priorities with the rest of the Town government;
  - ii) Communicate activities, including projects, plans and studies, so that necessary input is received from all areas of Town government that should be involved in those initiatives; and
  - iii) Coordinate efforts so that cross-functional services to residents and others are effectively and consistently delivered. *(in current Code)*
- j. With the exception of the School Department and Library, and except as otherwise provided in the Town Code or Chapter 347 of the Acts of 2008, to streamline services, the Town Manager may create a new department, may reorganize, eliminate or consolidate Town departments or functions, in whole or in part, and may assign functions of one department to another department, subject to the approval of the Select Board. *(new)*
- k. The Town Manager is designated as the Town's Records Access Officer under the Public Records statute. The Town Manager shall, directly or through the Town's various departments, boards, commissions and committees, be responsible for the preparation, filing and maintenance of all records and reports on behalf of the Town. *(modified from current Code)*
- l. The Town Manager oversees crisis intervention in emergency situations, working with other key Town department heads, and addresses any systemic problems impacting multiple areas of the Town as they arise. The Town Manager shall ensure priority items are properly attended to and bring concerns about problem resolution to related boards, commissions and committees, and ultimately, to the Select Board for assistance in resolution, if necessary. *(in current Code)*

### 3.2 Financial Authority and Responsibilities

- a. The Town Manager shall be the chief financial officer of the Town. *(new)*
- b. The Town Manager shall initiate, draft and have general oversight of the process of preparing the Town's annual operating and capital budgets for submission to the Finance Committee. To assist the Town Manager in preparing the proposed annual operating and capital budgets, all department heads, boards, commissions and committees of the Town, including the School Department, shall furnish all relevant information and submit to the Town Manager, in writing and in such form as the

Town Manager shall prescribe, a detailed estimate of the appropriations required and available funds. *(new)*

- c. The Town Manager shall draft and update a five-year capital improvement plan for all Town departments for submission to the Finance Committee. *(new)*
- d. The Town Manager shall work with the Finance Director and Finance Committee to:
  - i) Develop long-term financial strategies addressing operational and capital financial needs of the Town;
  - ii) Establish set budgetary guidelines to be used in the development of annual budgets;
  - iii) Review all operating and capital budgets of all Town departments and make recommendations to the affected boards, commissions and committees and to the Finance Committee about priorities important to budget development; and
  - iv) Evaluate actual expenditures and receipts against budgets and coordinate with affected department heads, boards, commissions and committees the development of plans to manage to the budget or obtain Finance Committee approval for Reserve Fund transfers, in advance of spending, when possible. *(in current Code)*
- e. The Town Manager shall serve as the Town's chief procurement officer pursuant to state and federal law and shall ensure that all Town departments comply with applicable procurement laws. The Town Manager may, in his or her discretion, delegate any procurement responsibilities. *(modified from current Code)*
- f. Unless any statute or special act provides to the contrary, the Town Manager is authorized to execute all grant applications and shall award and execute all contracts binding the Town up to a set amount to be established by policy set by the Select Board. *(new)*

### 3.3 Personnel Authority and Responsibilities

- a. Department Heads: Except as expressly provided herein, the Town Manager shall appoint on the basis of merit and fitness alone, all department heads or similar positions, in consultation with the respective boards, commissions and committees that the Department Heads or similar positions support and in compliance with any applicable provision of a collective bargaining agreement, with the exception of the School Department and Library. *(modified from current Code)*
- b. Department Employees (subordinate to Department Head or similar position): The Town Manager shall ultimately be responsible for appointing subordinates to Department Heads or similar positions. Unless otherwise provided by the terms of an applicable collective bargaining agreement, the Department Head or similar position may, with the consent of the Town Manager or his or her designee, appoint on the

basis of merit and fitness alone, all subordinate employees of each Town department, with the exception of the School Department. *(modified from current Code)*

- c. Unless otherwise provided under this Act, the Town Manager shall be responsible for appointing all other appointed employees for whom no other method of appointment is provided by the Town Code or other special act. *(new)*
- d. Discipline and Removal for Cause: The Town Manager may, for cause, discipline or remove any department head or similar position, with the exception of the School Department and Library Director, and shall, in consultation with the applicable Department Head or similar position, discipline or remove all subordinate employees of each Town department, with the exception of the School Department. *(new)*
- e. The Town Manager shall appoint, on the basis of merit and fitness alone, with ratification by a vote of at least three members of the Select Board, and evaluate, discipline and, for cause, remove, without the ratification of the Select Board:
  - i) A Police Chief;
  - ii) A Fire Chief;
  - iii) A Finance Director; and *(modified from current Code)*
  - iv) A Town Clerk. *(new)*
- f. In the event of a vacancy, disability or absence anticipated to be greater than thirty (30) days of any department head or any position appointed by the Town Manager, the Town Manager may appoint someone to serve in an acting or interim capacity for the period of such vacancy, disability or absence. *(new)*
- g. Working with the Town's Human Resource Department, the Town Manager shall be responsible for the daily administration of the Town-wide personnel system, including the maintenance of personnel records and the enforcement of personnel policies, rules and regulations and managing personnel costs to ensure maximum efficiency and fairness across Town departments. *(in current Code)*
- h. Evaluations: The Town Manager may develop a performance evaluation process and establish performance standards not inconsistent with any terms of any collective bargaining agreement. *(new)* The Town Manager shall be responsible for the annual evaluation of job performance of all Town department heads, including the Town Clerk and other positions appointed by the Town Manager but excluding the School Department and Library Director, and shall incorporate any input or recommendations received from any elected or appointed board, commission or committee served by such department heads. Evaluation of the Library Director shall include input of the Town Manager. The Town Manager shall be responsible for ensuring the completion of annual evaluations of the job performance of all subordinate Town employees, excluding those of the School Department. *(modified from current Code)*
- i. The Town Manager shall serve as the agent of the Select Board and negotiate collective bargaining agreements on behalf of the Select Board in accordance with

General Laws Chapter 150E, provided, however, that such agreements shall be subject to ratification by the Select Board and subject to funding by Town Meeting. The Town Manager may designate appropriate employees to assist with collective bargaining. *(new)*

### 3.4 Facilities/Property Authority and Responsibilities

- a. Except as otherwise provided in Chapter 347 of the Acts of 2008, the Town Manager shall be responsible for the construction, reconstruction, restoration, rehabilitation, repair and maintenance of all Town buildings and all Town real and personal property, and information technology and infrastructure. Nothing in this provision shall be construed as conferring any authority upon the Town Manager to have access to information that is otherwise unauthorized under state law. *(new)*
- b. The Town Manager shall, directly or through the Town's various departments, boards, commissions and committees, maintain an inventory of all Town-owned real and personal property. *(in current Code)*

### 3.5 Transitional Authority and Responsibilities *(all new)*

- a. With the enactment of this Act by the General Court, Chapter 320 of the Acts of 2004, An Act Relative to the Position of Town Administrator in the Town of Wayland, shall be repealed and be of no effect, and the position of Town Administrator shall be abolished and the incumbent thereof shall serve as the Acting Town Manager, or if there is no incumbent, the Select Board shall appoint an Acting Town Manager. The Acting Town Manager shall serve until the Select Board appoints a permanent Town Manager.
- b. Following the enactment of this Act, the Select Board shall appoint a Town Manager, and if the Select Board so chooses, the incumbent Town Administrator may be appointed Town Manager on a permanent basis.
- c. Following the enactment of this Act by the General Court, any reference to the Town Administrator existing in any provision of the Town Code or any other special act shall be construed as referring to the Town Manager. All powers and duties conferred upon the Town Administrator by the Town Code or other special act shall be vested in the Town Manager, unless otherwise provided in this Act.
- d. Following the enactment of this Act by the General Court, Sections 58 and 60 of the Town Code shall be repealed and be of no effect.
- e. Following the enactment of this Act, all Town officers, boards, commissions and employees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to the enactment of this Act, except that, upon the appointment of a Town Manager, the powers and duties outlined herein shall be vested in the Town Manager.

**§ 4. Removal of the Town Manager.**

The Town Manager may be removed by an affirmative vote of at least four (4) members of the Select Board in accordance with the provisions of the Town Manager’s contract, if applicable. *(modified from current Code)*

**§ 5. Acting Town Manager.**

If the Town Manager shall be absent from his/her office for up to fourteen (14) days, the Town Manager may designate a qualified person to serve as the Acting Town Manager and to perform the duties of the Office of the Town Manager during this period of absence. In the event the Town Manager shall be absent for more than fourteen (14) days or the office of Town Manager shall be vacant for more than fourteen (14) days, the Select Board may appoint a qualified person to serve as the Acting Town Manager and to perform the duties of the Office of the Town Manager during the period of any vacancy caused by the Town Manager’s absence, illness, suspensions, removal or resignation. The appointment by the Select Board shall be for a period not to exceed six months, but such appointment may be extended by majority vote of the Select Board. *(modified from current Code)*

**§ 6. Town Clerk To Become Appointed Position. (new)**

6.1 Upon the effective date of this Act, the position of Town Clerk shall cease to be elected and shall become a position appointed by the Town Manager pursuant to Sections 3.3.e and 6 of this Act.

6.2 The incumbent in the office of Town Clerk shall continue to serve until the expiration of the term for which elected as Town Clerk, and at the expiration of that term, a Town Clerk shall be appointed by the Town Manager as provided in Section 3 of this Act. If the incumbent in the office of Town Clerk vacates said office prior to the expiration of the term for which the Town Clerk was elected, the office of Town Clerk shall cease to be an elected position and shall be appointed by the Town Manager as provided in Section 3 of this Act.

**§ 7. Conflict with Other Acts or Town Code.**

In the event that there is a conflict between any provision of this Act and any provision of the Town Code, rules, regulations, orders, special acts, acceptances of laws, or other special act pertaining to the Town of Wayland, this Act shall prevail. All other provisions of Town Code, resolutions, rules, regulations and votes of the Town Meeting that are in force at the time this Act is enacted, not inconsistent with or superseded by the provisions of this Act, shall continue in full force and effect until amended or repealed.

**§ 8. Time for Taking Effect. (new)**

This Act shall take effect upon its passage by the General Court.

**Select Board/Town Manager Special Act  
Frequently Asked Questions (FAQS)  
1-4-2021**

**General questions on why change and what changes**

- **Why are we doing this at all?** The Board of Selectmen wants to bring Wayland's organization into the 21<sup>st</sup> century. The purpose of the Special Act is to professionalize the structure of Wayland's government; coordinate administrative, operational, and financial functions; provide a consistent approach for efficiency, effectiveness, and transparency across all departments and boards; use resources effectively; improve legal and regulatory compliance; and maintain volunteer opportunities.
- **Why now?** We might ask, why not 30 years ago? Wayland has looked at its structure three times over the last 30 years. The Town's Charter Commission (1989), The Maximus Group (2002), and The Collins Center for Public Management (2018) have all told us the same thing: Wayland's financial management is severely fragmented and the executive function needs to be strengthened.

With the opportunity to hire two Town Administrators in the past 6 years, the Board has received direct feedback that Wayland's organizational structure is unwieldy and unusually flat. We've heard this from the prior Town Administrator and our hiring consultant. Our organizational structure is viewed as a challenge.

Wayland's organization was developed when times were simpler. Wayland was a small town with few professional staff and many volunteers who did much of the work. Wayland is now analogous to a \$95 million diversified company in a highly regulated and public service environment requiring a stronger centralized management structure.

Over the decades there have been changes in the complexity of municipal government with increased regulations, financial requirements, and public scrutiny. The level of volunteer work cannot and should not be sustained. Wayland has a reputation for being difficult to manage, which translates into difficulty in hiring people into management positions. Previous Town Administrators have reported that their position has all the responsibility, but not the necessary authority and accountability for many departments.

- **Why can't we accomplish these goals with the current Town Administrator position?** In 2004 the Town made some improvements by changing from an Executive Secretary to a Town Administrator (TA) form of government. However many department heads continue to report to elected boards and committees, not up through a single executive. This makes it difficult to manage workload, set priorities that cross departmental lines, and ensure that laws and regulations are met. The current TA has 20 direct reports – an unsustainable number. There is no flexibility to organize a deeper structure of departments when some departments are not under the TA's direct management.



- **What changes are being proposed to current code?** With passage of the Special Act, the Town Code will be updated for two chapters: Board of Selectmen, Chapter 58 (being replaced); Town Administrator, Chapter 60 (being replaced). One section of Town Code will be updated at a future Town Meeting: Personnel, Chapter 43, section B (3) responsibility for negotiations, which will go to the Town Manager. In summary, the function will move to the Town Manager and the Personnel Code will be revised later.
- **Why not make this change through a Charter?** The Town tried a charter in 1989. It did not pass. A charter is a total rewrite of Town Code that follows a specific two-year process. The Board of Selectmen thinks it is more manageable to address the needed changes in parts, addressing the professional organization first. In the future the Town can choose to address financial and committee structure.
- **Why not make recommendations on consolidating or removing committees?** The volunteer spirit is very strong in Wayland and will continue through over 40 elected and appointed boards/committees. All currently elected boards/committees remain elected. The number of appointed boards/committees remains the same. Looking at committees is for a future reform.

## Organizational Structure

- **What will the organization look like?** The goal is to take a very flat organization with over 20 direct reports and create functional groupings with existing staff in organizational roles. In the public discussions, the Board shared sample organizational charts from similar towns to show groupings of human services, land services, administrative support work, and public safety services.
- **Why can't we see exactly what the staff organization chart will be?** No determination has been made on an exact organization for Wayland. We can offer a couple of examples of what it might look like. However, discussions with union staff may require contract negotiation for potential changes in responsibility or reporting structure. Also, to manage staff and resident expectations and avoid unnecessary apprehension, no decision on structure will be made until passage of the Special Act.
- **Will all department groupings have a staff manager?** Functional groupings may have a leader named to facilitate communication and workload. It is not anticipated that additional staff will be hired to head these functional groups. A shift in work responsibilities should be able to accommodate the change.
- **How are Boards/Committees/Commissions changing under this act?** There are no changes to the number of boards/committees/commissions. There are no suggested changes to the selection process (elected vs. appointed), the purpose and mission statements, or the number of volunteers.

- **Do volunteers' roles change? Why is it difficult to appoint volunteers?** Committee/board volunteers will continue to have regulatory and policy responsibility. However, it is anticipated that the daily work will move to staff. Examples of this include but are not limited to regulatory mailings, implementing contracts for services. It can be difficult to attract volunteers given the amount of work required on some committees.
- **Will all boards/committees have a staff contact?** Each board/committee will have a staff contact. Now, there are some committees that report directly to the Town Administrator, for example, Historical Commission, Surface Water Quality Commission and Historic District Commission. The staff contact can assist with posting agendas, maintaining information on the website, regulatory mailings and similar responsibilities.
- **Why is the Library not also under the Town Manager? Is there an explicit law?** The Library is governed by a state statute giving the Library Trustees regulatory authority over collections, programming and its building, among other responsibilities. These areas are not changed by passage of the Special Act. However, parts of the Library function require coordination with other Town staff and as such do fall under the proposed Town Manager. For instance, Facilities budgeting and work, IT for technology, Human Resources support for hiring and benefits, Finance support for payroll and expenses, and outside maintenance done by the DPW all require coordination. The Library union contract also assigns rights to the Town Administrator now and those would continue with the Town Manager.
- **Why are department heads in a union? Can we change that?** Most department heads are in the AFSCME I union; most other Town Building staff are either in the AFSCME I or AFSCME II union. Department Heads in AFSCME may not hire, discipline or review a staff member in the same union. This affects the Conservation, Council on Aging, Planning, Health, Treasury, Assessing, and Building Departments. Department heads unionized decades ago most likely for salary reasons. If the Town wishes to change the union status of any position, it must be negotiated.

## Financial Cost

- **What is the financial cost of this act? What are the savings?** The Board of Selectman does not anticipate any particular costs specific to implementation of the Special Act. Concerning savings, we anticipate that passage of the Special Act will allow the Town to use its resources more effectively. Whether it be personnel, use of time, or financial, it is anticipated that the act will streamline certain processes, which will result in some savings. Savings are anticipated also through coordination of administrative, operational and financial functions.
- **Does this act require new staff, more staff, or less staff?** It is anticipated that the Special Act will not change total staffing needs town-wide. However, it is anticipated that responsibilities for administrative, financial, or operational functions may change, subject to

negotiations with the Town's unions. As the Special Act is implemented, personnel resources will be used more effectively to deliver town services.

- **If the Town's linear reporting structure changes with the passage of this act, will there be a need for a new level of staff and bureaucracy?** It is not anticipated there will be a need for a new level of staff and added bureaucracy, if the Special Act passes. In fact, we anticipate the effect will be just the opposite. We anticipate that there will be greater efficiency, and effectiveness with the passage of this act. There will be more effective use of personnel, time and money. Based on our observations of the many other peer communities who have established a Town Manager position, staffing needs have not increased as a result of the change.

### Checks and Balances

- **What are the checks and balances around the TM being CFO? COO?** The underlying check on the authority of the Town Manager in his/her role as Chief Financial Officer and Chief Operating Officer (as well as other roles he/she plays) is the Select Board, which directly oversees the Town Manager. Policy decisions are made and/or ratified by the Select Board, and, as such, the Town Manager is required to take direction from the Select Board. Further, as an elected body of officials the Select Board is accountable to the residents of the Town who may vote to replace individual members at the conclusion of their terms.
- **Is it typical for the Town Manager to be Chief Financial Officer?** Yes. Most towns operate under a charter or special act that authorizes the Town Manager to appoint the CFO or Finance Director, or expect the Town Manager to perform the functions of a CFO. This person is ultimately responsible for budgets and capital outlay recommendations and making sure that once those recommendations are approved by the legislative body, they are carried out.
- **Is it legal for the Select Board, a group of citizens, to be Chief Executive Officer in a town?** Yes. Massachusetts General Laws Chapter 4, Section 7 includes various definitions to be used in statutory construction. When a statute refers to "chief executive officer" used in the context of municipal government, the term refers to a Board of Selectmen in a town. In Wayland's case, the Special Act serves as a local charter and names the Select Board as CEO. If the Special Act didn't exist, the default would be the Board of Selectmen.
- **Should the Finance Committee be appointed by the moderator or a hybrid group (moderator, Select Board member, Finance Committee member, others) as proposed by Collins?** The determination to amend the current process as to who appoints the members of the Finance Committee is one that entails considerable ramifications, and should thus be studied in some depth in order to present residents with the pros and cons of each option. There are a number of sections within Chapter 19 of the Town Code that could potentially use clarification and improvement, and could benefit from a rewrite, which would incorporate this question about appointment of members of the Finance Committee.

Instead of addressing issues within the chapter in a piecemeal fashion, it makes more sense to consider a rewrite for the entire chapter.

- **What is the role of the Finance Committee?** The Finance Committee's role is unchanged. It will still be responsible for bringing a budget to Town Meeting. The Finance Committee's stated mission is "to recommend a fiscally responsible operating budget and capital spending plan that balances the demand and need for services and infrastructure with the impact on taxpayers across a broad financial spectrum. To fulfill this mission, the Finance Committee outlines a financial strategy and provides factual and relevant information to residents so they can make informed decisions at town meeting." The Finance Committee also prepares a formal report on the budget and finances of the Town at Town Meeting as well as an annual report.
- **Will the boards/committees be involved in hiring, firing, evaluating of staff?** The Town's boards and committees will still have the opportunity to provide substantive input regarding the hiring, removal, and evaluation of town staff, but will not be directly responsible for any of those personnel-related actions.
- **Who does a board go to if there is disagreement between Town Manager and department head on budget or other things?** In the event of a disagreement involving a policy-related issue that cannot be resolved at the staff level, members of a board or committee may involve the Select Board who can subsequently determine if its involvement is necessary to seek a resolution.

### **Role of the Town Manager**

- **How can the Town Manager possibly know and manage the intricacies of every department?** The Town Manager cannot know the intricacies of every department, yet s/he can still manage the Town well. The manager of an orchestra is unlikely to be able to play every instrument but s/he knows what to do to motivate and support the performers to produce beautiful music. In the same way a manager's job is to hire well-qualified staff, oversee employees, departments, even volunteers to ensure that they carry out their duties and meet the town's goals. The Town Manager also serves as a support system for the staff and ensures the best use of town resources, both people and financial. Manager and staff work together as a mutually interdependent team for the benefit of the Town.
- **What is the definition of "be responsible for" as it relates to the Town Manager?** To say the Town Manager (TM) is "responsible for" something (see: 3.1.b: managing, supervising, and executing; 3.1.e: the management of all financial, administrative, and operational affairs; 3.4.a: the construction, reconstruction, restoration, rehabilitation, repair and maintenance) means being **accountable** for ensuring the work is completed successfully and in a timely manner. This can be accomplished by working with staff to set goals, establishing policies, ensuring necessary resources, providing training and support, problem solving, brainstorming solutions, respecting staff knowledge and skills, and even staying out of the way. It is the TM's job to make sure the job gets done.

- **What is the Town Manager’s motivation to serve the public?** One becomes a town manager because s/he is dedicated to serving the public. The pay isn’t bad, but the hours are terrible—all those night meetings! And public scrutiny is just a TV screen or email away.

The Special Act ensures that the Town Manager is accountable to and overseen by the Select Board, which in turn is responsible to the voters. The position is the chief administrative and operating officer of the Town, a very public position, particularly in a community like Wayland with many very active volunteers. The TM’s three major responsibilities, fiscal, personnel, and facilities, have boards, committees, and constituencies concerned with the outcome of the work: Why hasn’t that bill been paid? When will I get my building permit? Why isn’t that project that was approved at last Town Meeting completed? The TM is accountable to the staff, the volunteers, the public, state and federal laws—hundreds if not thousands of people poised to critique, criticize, complain, and—we hope—commend the TM on doing the job well. If not, there will be a phone call or email or article before s/he goes home after the fifth meeting of the day.

- **If the department head decides to rule against issuing a permit for good reason, will there be political pressure from the new Town Manager to intervene?** Permit decisions are made by the regulatory committee. If the department head is ruling on a permit, it is only because the committee has designated that authority and the committee/board has the ultimate responsibility on regulatory permits. While there could be exceptions, generally the TM’s role is not political and is to enact the will of the regulatory boards. In a smooth running organization, a department head would discuss controversial issues with the TM in advance of having to make a difficult decision. However, if there are legal or procurement improprieties, if there is new information, if the permit conflicts with a decision of another board, or puts the Town in jeopardy, we would want the TM to intercede.
- **How “down in the weeds” would the Town Manager get in the plans laid out by a board?** Typically the TM would not get into the weeds of board/committee work. The town hires well-qualified and knowledgeable staff who understand their jobs and how to complete the work of their department; the department heads remain the primary staff contact for their respective boards/committees. However municipal governments have gotten more complex; rules change; new laws are passed; technology advances and procedures that once worked may no longer be correct or effective. Generally, the TM sets the direction and encourages the staff to make the necessary changes, but occasionally the TM may need to delve into the “weeds”.
- **How will the Act improve a board’s ability to accomplish its work and how will the board/Town Manager/department head really work?** The Special Act gives the TM the authority commensurate with the responsibilities of the job. This is a major improvement. The Special Act clarifies the TM’s role and responsibilities as well as that person’s relationship with department heads. Using the orchestra metaphor again, we would not expect high quality music if only half the musicians followed the conductor and the other half marched to a different beat. The TM cannot manage efficiently and well when there is

no reporting relationship with half the staff and when some committees operate independently of Town goals. The Special Act establishes clear lines of authority. With approval of the Select Board, it gives the TM the capacity to streamline and reorganize departments to improve operations and reporting structures; coordinate and communicate; supervise, facilitate, and support all department heads—but not set town policy or exercise policy-making authority as provided by state law. Boards and committees continue their policy-making and permitting functions.

## Measures of Success

- **Is there a way to analyze success after the new structure is implemented?** The structure change will not happen immediately; it will evolve over time. Consideration of staff strengths, upcoming retirements, union negotiations in some cases, will all come into play. It will be important to set goals and measure progress every year.
- **Will we initially see more bottlenecks? How is this more efficient?** Bottlenecks happen for different reasons now. When there is a new regulation or procedure, there is a learning curve. Bottlenecks also happen now because 20 direct reports result in a difficult management structure with varying priorities. As the organization becomes deeper (less flat), grouped departments, such as a Finance Department, will improve delegation of decision-making and will improve efficiency, which should result in a better product from the same staff.
- **How does a department/board get help from IT or Facilities? Whom do they call?** Department heads will still call the IT hotline for system issues and use Facilities scheduling software for standard repairs. More detailed questions will not be answered by this act, but rather through policy and procedure.
- **Will this act improve coordination of all participating departments/boards/committees to figure out a strategy and bring forward better projects?** That is the goal. The Town Manager working with department heads will channel projects to the right regulatory board in the right order. This should result in fewer continuances due to missing information or approvals taken out of order. This will be a significant saving of staff and volunteer time.
- **Does this act improve the setting of priorities as a Town?** Setting of major town-wide priorities resides with the voters and with their direction, the Board of Selectmen. Implementing these priorities requires the input of staff on resources, feasibility, and schedule. A Town Manager will have the responsibility and authority to facilitate the implementation of priorities, as set by the Board of Selectmen.
- **Do we still have to go to Town Meeting to vote on budgets?** Yes. Nothing about Town Meeting is changed with the passage of the act.





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**Article P. Acquisition of Land for a COACC**

*Proposed by: Board of Selectmen*

*Estimated Cost: \$100.00*

To determine whether the Town authorizes the Board of Selectmen, with approval by Town Council as to form, to acquire by gift, purchase, or otherwise, for general municipal purposes, but focused on providing space for the eventual construction of a multi-use Community Center (Counsel of Aging/Community Center), on such terms and conditions as the Board of Selectmen deems appropriate, land, including the fee or any lesser interest in all or any part of the parcels of land, on and off Elissa Avenue, identified as Lot ?, shown on a plan identified as ? , dated ?, and recorded with the Middlesex South Registry of Deeds as Plan ? of ?, and Parcel ?, shown on a plan prepared by ? entitled ? dated ?, recorded with the Middlesex South Registry of Deeds as Plan ? of ? on file with the Town Clerk, and further to authorize the Board of Selectmen to execute any and all documents as may be necessary or convenient in relation thereto or take any action relative thereto, and further authorize the Board of Selectmen to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated fund, transfer from available funds already appropriated for another purpose, or otherwise.

**FINANCE COMMITTEE COMMENTS:**

The Board of Selectmen recommends approval. Vote: 0-0-0

**ARGUMENTS IN FAVOR:****ARGUMENTS OPPOSED:**

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

**QUANTUM OF VOTE:**

*For more information about this article, contact Town Administrator Louise Miller at 508-358-3620 or email [lmiller@wayland.ma.us](mailto:lmiller@wayland.ma.us)*

## **Article R. Remote Participation at Town Meeting**

*Proposed by: Board of Selectmen*

To determine whether the Town will vote to:

Instruct the Board of Selectmen to file with the legislature a request for a special act entitled, An Act authorizing remote participation in Annual Town Meeting for residents in Wayland.

### **PROPOSERS COMMENTS:**

Town Counsel will opine on the Special Act and corresponding Town Policies. Candidate efforts include creating the Act authorizing remote participation at Annual Town Meetings; establishing roles and responsibilities for remote participation; establishing filing and notification responsibilities; establishing the minimum electronic platform features required to accurately and securely record the votes; identifying historical record retention and distribution responsibilities; establishing that all Town Meeting business be conducted in accordance with all other applicable laws, charter provisions, and bylaws; establishing that proxy voting is illegal and ensuring that the Town has the opportunity to conduct a pilot.

**FINANCE COMMITTEE COMMENTS:** This Article allows Wayland to request that the State Legislature pass a bill that allows the Town of Wayland to support remote participation of any open Town Meeting. Currently remote participation at any Town Meeting is not allowed by law. This article will give the Board of Selectmen the authority to begin the process of providing for remote participation in Town Meeting by asking the legislature to amend current laws to make it legal for Wayland to have a remote participation program.

Remote participation in the town meeting could greatly enhance participation in the town meeting across all demographics of the town membership. The proposed Article is a reflection of what has been learned during the COVID19 pandemic and that is that citizens are interested in participating in their democracy if given more convenient tools, like early voting and remote participation. Should the legislature accept this Special Act there will be additional articles brought before the town to propose the actual program and costs.

There are no financial implications for the consideration at this time

The Board of Selectmen . Vote: 0-0-0

**ARGUMENTS IN FAVOR:** This request begins the process to allow remote participation and voting for the town meeting. It will allow the Board of Selectmen to take the first step and file with the legislature to amend the laws pertaining to remote participation – which today is not allowed.

There are many members of the community that have requested the ability to attend the town meeting remotely due to health issues, child care needs, and other personal reasons that prohibit attending in person thereby limiting their participation in our towns government. Providing access for individuals to listen, view and vote would strengthen participation in the town meetings and provide a broader range of opinions and views on matters that effect the members of the community.

Taking this first step will help to clarify for the town whether we will be able to have a remote participation program.

**ARGUMENTS OPPOSED:** Some may argue that remote participation takes away from the community gathering aspect of the town meeting and limits true participation by members of the community. Some may say that remote participation may not be secure and could lead to fraud.

Given that this step is only to request an amendment to the current participation laws and may or may not pass – opposition is not expected.

Some people might say that future money is better spent on critical Town services like reducing classroom size or improving emergency management services.

**RECOMMENDATION:** The Finance Committee . Vote: 0-0-0

**QUANTUM OF VOTE:**

*For more information about this article, contact Town Administrator Louise Miller  
508-358-3620 or email [lmiller@wayland.ma.us](mailto:lmiller@wayland.ma.us).*

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**Article Z. Implement Recommendation of the Elementary Space Utilization Study for the 2021-2022 School Year**

*Proposed by: School Committee*

*Estimated cost: \$350,000*

To determine whether the Town will vote to:

- a) Appropriate the sum of \$350,000 to be expended under the direction of the School Committee for the design, permitting, engineering, leasing, placement and installation of temporary or modular space units and construction to provide for the additional space needs at the Elementary Schools resulting from the COVID-19 related response to in person instruction as recommended by the (contracted) TBA Architect Space Utilization Study; including any and all other costs incidental or related thereto;
- b) Provide for said appropriation by borrowing, taxation, transfer from unappropriated funds, transfer from available funds appropriated for other purposes by borrowing under MGL Chapter 44 or any other enabling authority, or otherwise;
- c) Authorize the School Committee and the Town Administrator to take any action necessary to carry out this program.

**FINANCE COMMITTEE COMMENTS:**

The Board of Selectmen recommends approval. Vote: 0-0-0

**ARGUMENTS IN FAVOR:**

**ARGUMENTS OPPOSED:**

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

**QUANTUM OF VOTE:**

*For more information about this article, contact School Committee Chair Jeanne Downs at [Jeanne\\_Downs@waylandps.org](mailto:Jeanne_Downs@waylandps.org)*

**TO: Louise Miller, Town Administrator**

**FROM: Gretchen Schuler, Chair Community Preservation Committee**

**CC: Mary Antes, Carol Martin, Teri Hegarty**

**RE: Change to CPC Article – Rehabilitation of 70-74 Main Street**

At the Community Preservation Committee (CPC) meeting yesterday, March 3, 2021, the CPC voted 5-1-0 to amend the CPC article regarding 70-74 Main Street. The amendments are below in track changes and include changing the amount of the article from “not to exceed \$145,000” to “not to exceed \$125,000” and deleting clause c). I hope that this request is sufficient to make these changes; if not please instruct me on how to proceed. Carol Martin who is responsible for this article for FinCom attended the meeting and is aware of these intended changes. I have also copied Mary Antes, the BOS liaison to the CPC and Teri Hegarty who I believe is managing the warrant copy.

Thank you,  
Gretchen, Chair CPC

#### **CPA Historic Preservation: Rehabilitation of 70-74 Main Street**

To determine whether the Town will vote to appropriate the following sum of money not to exceed

~~\$145,000~~\$125,000 from the Community Preservation Fund’s Historic Preservation Fund to be expended, upon Historical Commission approval of design plans, to rehabilitate the exterior elevations of the building to their early 20<sup>th</sup> century appearance; and that a grant agreement is signed with the following conditions:

- a) that the work will be consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (36 C.F.R. 67 and 68), and is reviewed and approved by the Wayland Historical Commission prior to demolition and construction;
- b) that a preservation restriction is granted by the property owner to the Wayland Historical Commission; ~~and,~~
- ~~c) that a repayment schedule is included in the preservation restriction if the property is sold within a certain period of time that may also be guaranteed by a lien on the property.~~

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## **Article FF. Establish Wayland Human Rights Commission**

*Proposed by: Petitioners*

*estimated cost: \$0*

To determine if the Town will vote to establish a Human Rights Commission (HRC), which will serve as a government entity with a mission to promote justice, equity, and inclusive humanity in all spheres of Wayland life (including but not limited to education, employment, law enforcement, housing, public accommodation, health, recreation, sports, and the arts) for all persons who live, work, study, worship in or visit Wayland for any reason.

The HRC shall consist of no fewer than 9 and no more than 15 members. At least 7 members shall be Voting Members. To qualify as a Voting Member, a person shall be a Town resident 18 years of age or older. A person may be appointed as an Associate (non-voting) Member even if the person is not a resident of the Town or is not 18 years of age or older. The Town Administrator / Town Manager may serve as an ex-officio, non-voting member of the HRC. The members of the HRC (with the exception of Youth Members, who serve a 1-year terms) shall be appointed to serve 3-year terms with no member serving more than 6 consecutive years. The initial HRC appointments shall be for staggered terms so that 3 of the appointed members shall initially serve 1-year terms, 4 of the initial members shall serve 2-year terms, and all remaining initial members shall serve 3-year terms. The length of the initial staggered terms shall be determined by lottery.

The members of the HRC shall be nominated as set forth below and then confirmed by a majority of the Board of Selectmen.

One member shall be nominated by the Wayland Board of Selectmen.  
One member shall be nominated by the Wayland School Committee;  
One member, serving as a Youth Member of the HRC, shall be nominated by the Principal of the Wayland High School in coordination with the WPS Diversity and Equity Coordinator;  
One member shall be nominated by the Director of the Wayland Public Schools METCO Program;  
One member shall be nominated by the Chief of the Wayland Police Department;  
One member shall be nominated by the Wayland Council on Aging;  
One member shall be nominated by the Wayland Housing Authority; and  
One member shall be nominated by the Board of Library Trustees.

The HRC shall nominate any remaining members up to a maximum of 15 not otherwise appointed, as above (including filling remaining unexpired terms), by seeking applications from a broad range of interested persons who shall reflect the HRC's goals as set forth above. The HRC shall nominate at least one youth.

Nominating entities and the Board of Selectmen shall strongly endeavor to ensure that the HRC represents a broad spectrum of the community, including but not limited to a diverse representation of race, skin color, sex, age, religion, ethnicity, physical or mental ability, sexual orientation, gender identity, family and/or marital status, educational status, health status and socio-economic status. In addition to these factors, nominating entities and the Board of Selectmen shall strongly endeavor to ensure that HRC membership represents experience related to human rights/equity, community engagement, municipal government, and supportive services for individuals from historically marginalized groups.

The initial nominations shall be made to the Board of Selectmen within 6 weeks of the passage of this article. The Board of Selectmen shall confirm these nominations within 9 weeks of the passage of this article. The HRC shall make its nominations no later than 6 weeks following its first meeting.

The Board of Selectmen's nominee shall convene the first two meetings of the HRC, the first of which shall occur within 4 weeks of the Board of Selectmen's confirmation of nominations. Members of the HRC shall select a temporary Chairperson for the first six months, after which time the HRC shall elect Co-Chairpeople from among the full HRC membership.

The HRC shall be authorized to:

- (1) Offer support to individuals who bring forward a complaint of inequity or mistreatment on the basis of race, skin color, sex, age, religion, ethnicity, physical or mental ability, sexual orientation, gender identity, family and/or marital status, educational status, health status, or socio-economic status, or other aspects of their identity or identities. Upon receipt of a complaint, the HRC may suggest resources, provide referrals for human services and other resources as appropriate, and/or inform the person on their right to file a report with appropriate authorities and provide information on how to do so.
- (2) Partner with Town entities (including but not limited to Town departments, elected and appointed Town boards, committees, councils, and commissions) to:
  - (a) Assess whether, and to what extent, entities' practices and policies perpetuate barriers to equity;
  - (b) establish justice, equity and inclusive humanity goals;
  - (c) collect and analyze data to measure progress toward these goals;
  - (d) determine what steps are needed to end or mitigate the negative impact of policies and practices that are found to be barriers to the achievement of these goals.

The HRC shall explore an equity audit.

- (3) In collaboration with members of historically marginalized groups and other stakeholders, organize community education opportunities with an aim to: promote mutual respect and understanding for differences, foster understanding of barriers to justice and equity, and stimulate conversations and strategies to reduce these barriers.

The HRC shall be directly accountable to the residents of the Town. To ensure such accountability, the HRC shall submit annually a written report for the record at Annual Town Meeting. The HRC shall also hold an annual public forum within two months of Annual Town Meeting, which includes an oral report by members of the HRC and an opportunity for the public to ask questions and provide comments to the HRC. In addition, quarterly written updates shall be made publicly available.

**FINANCE COMMITTEE COMMENTS:**

The Board of Selectmen recommends approval. Vote: 0-0-0

**ARGUMENTS IN FAVOR:**

**ARGUMENTS OPPOSED:**

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

**QUANTUM OF VOTE:** Majority

*For more information about this article, contact main petitioner Karen Blumenfeld at [Oxbow3@comcast.net](mailto:Oxbow3@comcast.net)*



*Karen Blumenfeld*  
*113 Oxbow Rd*  
*Wayland, MA 01778*

March 8, 2021

BY HAND DELIVERY and by electronic mail to  
scrandall@wayland.ma.us

Louise Miller, Esquire  
Town Administrator  
Town of Wayland  
41 Cochituate Rd.  
Wayland, MA 01778

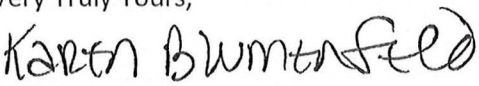
Dear Ms. Miller,

Pursuant to Chapter 36, Section 3A of the Wayland Bylaws please find enclosed Amended "Petitioner's Article to Establish Wayland Human Rights Commission", fully executed and with all necessary signatures.

Thank you for your courtesy in this matter.

I look forward to working with you all as we continue to go forward with this process.

Very Truly Yours,

  
Karen Blumenfeld

Enclosures



**TOWN OF WAYLAND**  
**PETITIONERS' ARTICLE FOR TOWN MEETING**  
*Attach extra pages if necessary*

**Article Title:** Establish Wayland Human Rights Commission **Estimated Cost:** 0

**Article Text for Warrant:** To determine if the town will vote to:

To determine if the Town will vote to establish a Human Rights Commission (HRC), which will serve as a government entity with a mission to promote justice, equity, and inclusive humanity in all spheres of Wayland life (including but not limited to education, employment, law enforcement, housing, public accommodation, health, recreation, sports, and the arts) for all persons who live, work, study, worship in or visit Wayland for any reason.

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**TOWN OF WAYLAND**  
**PETITIONERS' ARTICLE FOR TOWN MEETING**  
*Attach extra pages if necessary*

ensure that HRC membership represents experience related to human rights/equity, community engagement, municipal government, and supportive services for individuals from historically marginalized groups.

The initial nominations shall be made to the Board of Selectmen within 6 weeks of the passage of this article. The Board of Selectmen shall confirm these nominations within 9 weeks of the passage of this article. The HRC shall make its nominations no later than 6 weeks following its first meeting.

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The HRC shall explore an equity audit.

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TOWN OF WAYLAND

PETITIONERS' ARTICLE FOR TOWN MEETING

Attach extra pages if necessary

#	Print Name Legibly	Signature	Print Street Address
1	Rachel M. Sideman-Kurtz	Rachel M. Sideman-Kurtz	69 Plain Road
2	Kimberly E. Winter	[Signature]	11 Glover Rd.
3	Christopher C Winter	Christopher C Winter	11 Glover Rd.
4	Heather A. Pineault	Heather A. Pineault	53 Country Corners Rd
5	AMRUTA MHATRE	Amruta Mhatre	16 Hampshire Road
6	TERRIE LIVINGSTON	Terrie Livingston	7 Old Vineyard Way
7	Margaret M Ingolia	Margaret M Ingolia	25 Lee Rd.
8	EVAINE K. DONNELLY	Eva K Donnelly	36 HAMPSHIRE RD.
9	Nora Rothschild	Nora Kellee	6 Rice Spring Lane
10	Barry Rothschild	[Signature]	6 Rice Spring Lane
11	ANDREW NIEMENBERG	[Signature]	113 OXBOW ROAD
12			
13			
14			



**TOWN OF WAYLAND**  
**PETITIONERS' ARTICLE FOR TOWN MEETING**  
*Attach extra pages if necessary*

**Article Title:** Establish Wayland Human Rights Commission **Estimated Cost:** 0

**Background Information** (to be used by Finance Committee to draft its report. Please explain the intent of the article, why it should be supported now, as well as known reasons the article may be opposed):

**Introduction and Background Regarding the Petitioner's Article to Establish a Human Rights Commission in Wayland**

The idea for this Petitioner's Article to Establish a Human Rights Commission in Wayland began in January of 2020 when a small group of residents began to explore the idea of a Human Rights Commission (HRC) for the Town of Wayland. The group, the "HRC Study Group," now includes about a dozen residents who have been meeting almost weekly since June to learn how a Human Rights Commission might serve the needs of Wayland.

Human Rights Commissions, which exist in cities and towns across the United States and the world, are based on the principle that *every person has equal value and dignity no matter who they are*. HRCs can provide resources and support for individuals who experience identity-based mistreatment or discrimination, educate the public, champion equitable policies and practices, and more.

In Massachusetts, there are more than 60 municipal-level HRCs or HRC equivalents that offer these protections across a range of commission and committee models. "HRC equivalent" means that, although these municipal committees or commissions may use a range of different names, their mission statements and related materials make it clear that the entities are equivalent to an HRC. The HRC Study Group has investigated many of these models with a goal of identifying what entity, if any, would best serve the Wayland community.

Members of the HRC Study Group represent a wide range of experiences professionally and personally, including attorneys, educators, fundraisers, PhDs, parents, researchers, members of various town committees and boards, and individuals who have lived in Wayland from one year to many decades. The group has been aided by a faculty member at Northeastern University School of Law who specializes in human rights at the international, national and local levels. In the course of the work of the HRC Study Group, the Northeastern University School of Law Professor and her research assistants have investigated and written informal memoranda on the structure of HRCs in other towns and cities in Massachusetts and across the country, the possible investigative powers of a town-based HRC in Massachusetts including whether or not a town-based HRC can issue a subpoena (they do not have independent subpoena power), and the relationship of an HRC to Massachusetts Open Meeting Laws.

It is important to note that members of the HRC Study Group are not necessarily seeking to serve as commissioners of an HRC but, rather, are focused on its design, implementation, and eventual evaluation.

Since June 2020, the HRC Study Group has:

- Studied the need for, and potential contours of, a Human Rights Commission for Wayland



**TOWN OF WAYLAND**  
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*Attach extra pages if necessary*

- Heard directly and indirectly regarding incidents of bias in Wayland
- Learned from other HRCs around the Commonwealth and the country
- Expanded its focus from racial equity to human rights more broadly, and
- Developed the Lived Experiences Project to explore the dimensions of bias incidents through a survey to collect personal narratives (survey launched on International Human Rights Day, Dec 10, 2020).

***Why does Wayland Need a Human Rights Commission?***

*“Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works.*

*Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them, we shall look in vain for progress in the larger world.”*

- Eleanor Roosevelt, speech commemorating the 10th anniversary of the Universal Declaration of Human Rights

Identity-based mistreatment and discrimination occur everywhere in the United States, and Wayland is no exception. Incidents of identity-based mistreatment in Wayland have been reported, for example, in the “bipoc.wayland” [Black, Indigenous and Other People of Color] and “Dear Wayland” Instagram accounts. Friends and neighbors have shared accounts of similar incidents with members of the HRC Study Group, including individuals in the group who have been targets of such incidents. While various Wayland entities play a crucial role in ensuring the safety and wellbeing of Wayland residents, there is currently no civic body charged with partnering with town entities to ensure that policies, practices and programs are in place to prevent these occurrences and - when they do occur - providing support, resources and information to our neighbors who are impacted.

For example, currently if a person in Wayland is the target of an identity-based incident they can report it to the police, but they may not know where to turn for support. If an HRC were in place, a person could contact the HRC to get support, resources and information.

Establishing a Human Rights Commission would align Wayland with peer and neighboring towns, including Arlington, Belmont, Concord-Carlisle, Framingham, Lexington, Maynard, Needham, Newton and Winchester, who are working to improve the quality of life for all residents no matter their racial identity, religion, sexual orientation, gender identity, country of origin, or other aspect of identity. Creation of an HRC would establish Wayland as a town where residents and town officials share a belief that every person has equal value and dignity no matter who they are.





**TOWN OF WAYLAND**  
**PETITIONERS' ARTICLE FOR TOWN MEETING**  
*Attach extra pages if necessary*

***Purpose of a Human Rights Commission***

The purpose of a Wayland Human Rights Commission would be to champion the achievement of justice, equity and inclusive humanity in all spheres of Wayland life for all people who live, work, study, worship in or visit Wayland. The work of the HRC would be guided by these values:

- What binds people together is greater than what separates us
- Every person has equal value and dignity no matter their race, color, sex, religion, physical or mental ability, origin or ancestry, ethnicity, sexual orientation, gender identity, marital status, socio-economic status or a combination of identities
- Everyone deserves equal access to benefits, privileges and power
- All groups of people are inherently equal, and no group is inferior or superior to another
- Working to achieve these goals is an immediate obligation

These values are rooted in the universal human rights principles expressed in the United Nations' Universal Declaration of Human Rights.

The HRC would comprise a volunteer group of Wayland stakeholders, representing various identities, skills and experiences. The HRC Study Group held many discussions on the proposed composition of the HRC and concluded that the membership set forth in the article represents a wide variety of different groups who would nominate members while also allowing the HRC itself to nominate additional members to ensure diversity and inclusive humanity within the HRC. In addition, allowing the entities to nominate the members, who are then subject to confirmation by the Board of Selectman, will encourage the necessary autonomy of the members and entities while ensuring that the HRC also has sufficient authority to accomplish its mission.

***What's Happening in Other Locations?***

Many towns and cities across Massachusetts have Human Rights Commissions or Committees. The Massachusetts Human Rights Coalition (MAHRC) is a coalition of "municipal and local agencies responsible for promoting human and civil rights and harmonious relationships among diverse groups at a local level." Members of the Wayland HRC Study Group have attended several MAHRC meetings. A list of selected Human Rights local and municipal agencies in Massachusetts can be found here on the MAHRC website. In addition, the Wayland HRC Study Group researched 24 of these agencies and created a summary of its findings here.

The International Association of Official Human Rights Agencies maintains a list of U.S. State-level human rights organizations, such as the Mass Commission Against Discrimination here in the Commonwealth, as well as city and town human rights organizations around the U.S. and Canada.

The US Human Rights Network is home to the National Human Rights Cities Alliance, a membership organization that promotes human rights cities projects around the U.S. This organization has published a statement of human rights city principles.



**TOWN OF WAYLAND**  
**PETITIONERS' ARTICLE FOR TOWN MEETING**  
*Attach extra pages if necessary*

**Petitioners' Comments** (150-word limit per Town Code):

Human Rights Commissions (HRCs) exist nationally and internationally, including more than 60 municipal HRCs in Massachusetts. Their underlying principle is that every person has equal value and dignity. HRCs provide resources and support for individuals who experience identity-based mistreatment or discrimination, educate the public, and champion equitable practices.

Wayland needs an HRC because instances of identity-based mistreatment and discrimination occur here, like everywhere else. Such incidents have been shared in many ways including through the Lived Experiences Survey. Although various entities play a crucial role in ensuring Wayland residents' safety and wellbeing, no civic body is charged with championing equitable policies and practices, educating the public about barriers to equity, and assisting impacted individuals. An HRC would be the government entity so authorized and would establish Wayland as a town where residents and town officials share a commitment to the principle that everyone has equal value and dignity.

**Lead Petitioner's Contact Information\***

Name (for publication in warrant): Karen Blumenfeld

Phone (for discussing article): (508) 272-1384

Email (for publication in oxbow3@comcast.net

Signature of Lead Petitioner: Karen Blumenfeld Date: 3-8-21

\* The lead petitioner will serve as spokesperson for the article and will be the contact person for the Finance Committee, Board of Selectmen, and Planning Board, if the petition is a zoning issue.



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**Article HH. Law Enforcement Officers Recognition Day**

*Proposed by: Petitioners*

*estimated cost: \$0*

To determine if the town will vote to declare that January 9 of every year, beginning 2022 in Wayland, Massachusetts shall be recognized as “Law Enforcement Officers Day”

**FINANCE COMMITTEE COMMENTS:**

The Board of Selectmen recommends approval. Vote: 0-0-0

**ARGUMENTS IN FAVOR:**

**ARGUMENTS OPPOSED:**

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

**QUANTUM OF VOTE:** Majority

*For more information about this article, contact main petitioner Virginia Gardner at [viriniagardner@aol.com](mailto:viriniagardner@aol.com)*

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## **Article II. Appointment of Finance Committee**

*Proposed by: Petitioners*

*estimated cost: \$TBD*

To determine whether the Town will vote to amend Town Code § 19-1 such that the Finance Committee is appointed by a new Finance Committee Appointing Board, as follows:

[Key to changes: underlining denotes addition; ~~striketrough~~ denotes deletion]

### **§ 19-1. Finance Committee.**

There shall be a committee called the “Finance Committee” appointed by the ~~Board of Selectmen~~ Finance Committee Appointing Board as hereinafter provided. Such committee shall consist of seven registered voters who shall serve without pay and none of whom during his or her service on such Committee shall hold elective or appointive Town office having to do with the appropriation or expenditure of Town money. Members shall serve terms of three years, such that the terms of two or three members shall expire each year. Appointment to fill unexpired terms shall be made by the ~~Board of Selectmen~~ Finance Committee Appointing Board as vacancies occur.

The Finance Committee Appointing Board (FCAB) shall consist of the Moderator and the chair of the Board of Selectmen. The incumbent members of the Finance Committee shall continue in office for the duration of their appointed terms.

#### **PETITIONERS’ COMMENTS:**

In February 2018 the Collins Center for Public Management, engaged by Selectmen to review Wayland’s financial management structure, found that “the Town’s organizational structure has not kept pace with the changes in the world impacting the Town.” See [www.mass.gov/doc/wayland-financial-management-structure/download](http://www.mass.gov/doc/wayland-financial-management-structure/download).

The Collins Center noted that, unlike the vast majority of Massachusetts towns, our Finance Committee is appointed solely by Selectmen, creating the appearance that it represents the executive branch (e.g., Selectmen, School Committee). For example, it develops the budget for the executive branch, which it then reviews for the legislative branch (Town Meeting). No town in Wayland’s self-selected 13 peer communities has Wayland’s “anachronistic” and “entangled” financial management structure.

This article ensures that the Finance Committee represents Town Meeting through the participation of the Moderator in selecting members. The solution proposed here tracks the Collins Center’s recommendations by establishing an independent Finance Committee, appointed by vote of the Moderator and Board of Selectmen chair.

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

This article sets forth a recommendation to modify the manner by which the Finance Committee for the Town of Wayland is selected. Currently, seven members serve staggered three-year terms such that two or three members have terms that end in any one year. The members of the Finance Committee are currently appointed by the Board of Selectmen. The Finance Committee is not aware of any costs that would be incurred by the Town in conjunction with this article.

According to the Collins Center report, the Finance Committee should act as an independent board responsible for recommending a budget to Town Meeting (the legislative branch), thus serving as a check on the budgeting and spending of the executive branch (e.g., Board of Selectmen). Wayland is the only one of its 13 peer towns (and the majority of the 263 towns in Massachusetts with Open Town Meeting) using this procedure. The Collins report states that the responsibilities of our Selectmen and Finance Committee are “entangled,” such that the Finance Committee is not an independent advisor to Town Meeting.

This article would provide that in the future, members of the Finance Committee would be selected by the Town Moderator and the Chair of the Board of Selectmen, acting under the Open Meeting Law. Their decision must be unanimous. The article does not change the current role of the Finance Committee. Changes in the manner by which the Finance Committee operates, including its roles and responsibilities, could be modified if the Town votes to approve the Town Manager Special Act, which is also proposed for a vote at Annual Town Meeting in 2021.

The Collins report writes extensively about the role of the Finance Committee in comparison to similar communities in Massachusetts and makes a number of recommendations with regard to changing that role. This Article does not make any such recommendations, and it could be that a change in the manner by which the Finance Committee is selected might be better incorporated into a proposal to change the role of the Finance Committee. As stated in the Collins Center report:

At the core of Wayland’s budget process issues may be the fact that, unusual for a Town of Wayland’s size and sophistication, responsibility for the annual budget statutorily lies with the Finance Committee. As stated in the bylaws, “The Finance Committee shall prepare the omnibus operating budget of the Town and submit it at the annual Town meeting.” Historically, that was how most towns operated, and that is still how many much smaller towns still operate, but most towns similar to Wayland have moved away from this model.

*Note: The Edward J. Collins, Jr. Center for Public Management is dedicated to improving efficiency, effectiveness, governance, and accountability at all levels of government, with a particular focus on state and local government. It was established by the state legislature of the Commonwealth of Massachusetts in July 2008. It is affiliated with the University of Massachusetts – Boston (web site: [www.umb.edu/cpm](http://www.umb.edu/cpm))*

Per information provided by the Petitioners:

CONSISTENCY WITH LAW: This proposed bylaw amendment is not repugnant to federal or Massachusetts law, MGL Chapter 40, Section 21.

The Board of Selectmen recommends \_\_\_\_\_. Vote: 0-0-0

**ARGUMENTS IN FAVOR:**

- As the Collins Center advises, Town Meeting is intended to serve as an independent check on the budgeting and spending of the executive branch (e.g., Board of Selectmen).
- Appointment of the Finance Committee by the Moderator and chair of the Board of Selectmen will achieve the desired independence of the Finance Committee.
- Some argue that this change may well improve decision-making at Town Meeting by aiding its comprehension of articles and reducing debate time.
- Giving the Moderator an important role in appointing the Finance Committee aligns Wayland with the majority of the 263 towns in Massachusetts with Open Town Meeting.
- The Moderator and chair of the Board of Selectmen, acting together, will have the necessary expertise to make appointments that satisfy the goals of an independent Finance Committee.

**ARGUMENTS OPPOSED:**

- Some might say that appointments are better made by five people rather than two, would provide for a more thoughtful selection process.
- The Moderator is an individual who is engaged in the Town's business at Town Meeting and is otherwise not engaged in the day-to-day business of the Town; therefore, one might argue that such an individual is not qualified to have a significant role in appointing one of the Town's operating committees.
- Some would argue that the Finance Committee in Wayland already acts as an independent committee and this can be seen in budget discussions that take place every fiscal year.
- Some would argue that changes to the Finance Committee section of the Town Code should wait for a total rewrite of the entire section.
- Most boards and committees have an odd number of members in order to avoid the possibility of one member in favor and one against, leading to no decision on potential candidates – would all appointees need to be unanimous?

**RECOMMENDATION:** The Finance Committee recommends \_\_\_\_\_. Vote 0-0-0

**QUANTUM OF VOTE:** Majority – see Massachusetts General Laws Chapter 49, Section 16, and Massachusetts General Laws Chapter 40, Section 21.

*For more information about this article, contact the lead petitioner George Harris at [geoharris2@gmail.com](mailto:geoharris2@gmail.com)*

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## **Article JJ. Resolution to Declare a Climate Emergency**

*Proposed by: Petitioners*

*estimated cost: \$775*

To determine if the town will vote to:

Declare a climate emergency, convene as Climate Advisory group to construct a Climate Mobilization Action plan that would provide details and costs on how the Town of Wayland will reduce green-house emissions by 50% by 2030 with the view on reducing by 75% from the 1990 baseline. This plan would then be put for the to the town to vote on its implementation.

Reasons for the need for this advisory group and Climate Mobilization plan at this time is as follows:

1. There is already cascading environmental harm, severe health impacts, and destruction due to the current average global warming of 1°C;
2. restoring a safe and stable climate will require deep greenhouse gas emissions reductions through rapid, unprecedented transitions in all aspects of society;
3. Progress toward this future is already underway in Massachusetts, a national leader on climate initiatives, but Wayland has not mobilized to full action;
4. Wayland has already undertaken important steps on climate and is better positioned than most municipalities to lead the way on the critical transition away from fossil fuels and can act as a model for other communities;

A Declaration such as this shows that Town of Wayland agrees that a climate emergency threatens our town, all human civilization, and the natural world; and that a climate emergency mobilization effort to meet this challenge is both a moral imperative to remedy environmental harms and an opportunity to convert to a just and ecologically sustainable economy and improve human lives;

Should this article pass today, this article requests that the Board of Selectmen charge the Energy and Climate Committee (1) to invite all municipal stakeholders to a meeting to be held within 90 days of the passage of this resolution to educate them about the risks posed by the Climate Emergency, the process the Town of Wayland is planning to address it, and to encourage municipal participation in the development of a Climate Mobilization Action Plan, and (2) to convene an advisory team consisting of some of its members, municipal representatives, and a diverse group of residents, and (3) to have researched and developed, by the following Annual Town Meeting, a Climate Mobilization Action Plan for Wayland that explains the benefits, costs, strategies and tactics of reducing community-wide greenhouse gas emissions by the year 2030 by 50% and with an ambition of 75% from its 1990 baseline levels. The plan should address greenhouse gas reduction; resilience and adaptation; engagement; and education; taking into account any negative consequences of recommended actions to residents both within and beyond our town's borders.

Before the next Town Meeting, the Town of Wayland shall submit a certified copy of this resolution to Wayland's elected officials at the county, state, and federal levels and seek all relevant support and assistance in effectuating this resolution and encourage a state-wide, regional, and national climate emergency mobilization effort.

**FINANCE COMMITTEE COMMENTS:** This resolution asks for the Town of Wayland, its government, residences and businesses to recognize the climate crisis, convene a volunteer staffed

Climate Advisory group and produce a Climate Mobilization Action Plan. This plan would provide actions, activities and costs designed to significantly reduce community wide green-house gas emissions by 50% by the year 2030 with the ambition of reaching 75% reduction of green-house gasses from the 1990 baseline levels.

State and federal legislation is supposed to be forthcoming, however this article requests that the town begin taking action as there have already been several delays by the state, and the lack of consensus around climate change at the federal level leaves legislation / recommendations at risk of not materializing for many years. Creating a Climate Mobilization Action Plan would allow the town residents to then vote on this action plan and the required costs associated with implementing a plan that would exceed current state mandates in green-house gas reduction – positioning the Town of Wayland as a leader in climate change

The development of the Climate Mobilization Action Plan will seek and generate information and ideas throughout its construction. There will be opportunities for outreach from the beginning of the work to its completion, both to educate and to acquire information. This resolution will provide all residents with opportunities to participate in the plan.

Funds requested would be used as follows:

<b>Postage</b>	Send certified copies of resolution to appropriate officials	\$50
<b>Website buildout</b>	Central location for blog with sharing tips to citizens and businesses, for announcements, for a sense of community	\$500
<b>Domain name (2 years)</b>	IT necessity	\$25
<b>Domain privacy and protection, basic (2 years)</b>	IT necessity	\$20
<b>Hosting (2 years)</b>	IT necessity	\$180
<b>TOTAL</b>		\$775

These funds would be used to establish a website to communicate to the town the advisory groups findings, progress and create a place in which residents of Wayland may engage with one another about the climate issues and possible resolutions.

The Board of Selectmen recommends . Vote: 0-0-0

The Energy & Climate Committee recommends . Vote: 0-0-0

**ARGUMENTS IN FAVOR:** Climate change is seen by the scientific community as a significant concern faced by humanity, with rippling and escalating consequences if ignored. Recognizing the climate crisis creates a cultural pivot that mobilizes us at the municipal and individual level to respond with urgency. Reducing emissions at a more rapid pace should prevent the worsening effects of heat waves, storms and flooding, the rampant spread of new diseases, population dislocations, disruptions to food supply, and numerous other effects from greenhouse gas emissions.

The resolution supports the production of an action plan to provide a 50% reduction in emissions by 2030 – striving for 75% - in accord with the minimum that some science says is needed. This is a significantly greater commitment than the incremental attention to emissions reductions in the past and would help to make Wayland a town committed to reducing the effects of green-house emissions – and make the town attractive to those who wish to reside in a climate change focused community.

The development of the Climate Mobilization Action Plan, will be done for a small expense of \$775 to support the advisory groups efforts of the committee and its communication to the towns people. The committee itself will be composed of a diverse set of volunteer residents who will bring their professional skills, expertise, passion and commitment to this endeavor.

This resolution and the Climate Mobilization Action Plan is advisory only; it creates no obligation on the town or its residents or businesses to act but puts forth a plan that would allow the town residents to understand what is necessary to achieve significantly reduced green-house gasses and having a greater impact on climate change issues.

**ARGUMENTS OPPOSED:** Some residents may feel that climate change is not an issue and that funds should not be diverted to support this resolution.

Some residents may see this resolution as unrealistic either because of its level of ambition or its reliance on no-cost volunteer resources to research and develop the Climate Mobilization Action Plan.

Residents may feel that there is already an Energy Committee and this resolution should be within their remit and a separate advisory group.

**Petitioners' Comments:** The climate crisis has been widely acknowledged as the greatest threat humanity faces, the single greatest crisis we face and one with escalating consequences if addressed only incrementally. Recognizing the climate crisis as an emergency mobilizes us at the municipal and individual levels to respond with the urgency that is required. The Intergovernmental Panel on Climate Change's report starkly stated the dire consequences if we do not reduce emissions sufficiently by 2030: heat waves, storms and flooding, the rampant spread of new diseases, population dislocations, and disruptions to food supply among others. Taking bold action is the best way we can exert pressure upward to state and federal levels just as 1800 other municipalities around the world already have. Wayland has the knowledge and resources to lead. We owe it to our children, our grandchildren, and the planet itself to declare an emergency and respond accordingly.

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

**QUANTUM OF VOTE:** Majority

*For more information about this article, contact main petitioner Michael Delman at [mdelman@beyondbooksmart.com](mailto:mdelman@beyondbooksmart.com)*



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TOWN ADMINISTRATOR  
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www.wayland.ma.us

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN  
LEA T. ANDERSON  
MARY M. ANTES  
THOMAS J. FAY  
CHERRY C. KARLSON  
DAVID V. WATKINS

**DRAFT Meeting Minutes**  
**BOARD OF SELECTMEN**  
**Monday, February 22, 2021**  
**5:00 p.m.**  
**Wayland Town Building**  
**Council on Aging Room**  
**41 Cochituate Road, Wayland, MA**

**Note: In compliance with the March 12, 2020 Massachusetts Office of the Governor's Order Suspending Certain Provisions of the Open Meeting Law M.G.L. Chapter 30A, Section 20, this meeting of the Board of Selectmen was live streamed on local broadcast on the WayCAM Government Channel and open to the public to view and participate via Zoom. No in-person attendance of members of the public was permitted. Public Comment was available by both telephone and Zoom during the designated time.**

**Attendance:** Lea T. Anderson, Mary M. Antes, Thomas J. Fay, Cherry C. Karlson, David V. Watkins  
The Board participated remotely by video-teleconferencing via Zoom and WayCAM. C. Karlson participated by video-teleconferencing and was also present at Town Building.

**Absent:** T. Fay left the meeting at 6:56 p.m. and returned at 7:54 p.m.

**Also Present:** Town Administrator Louise Miller, Assistant Town Administrator John Bugbee, Finance Director Brian Keveny and Management Analyst Seath Crandall were present at Town Building and participated by video-teleconference.

**A1. Call to Order by Chair, Review the Agenda for the Public** At 5:01 p.m., C. Karlson called the meeting of the Board of Selectmen to order when a quorum was available by video-teleconference and reviewed the agenda. C. Karlson announced that the meeting would be broadcast and recorded by WayCAM in compliance with revised Open Meeting Law requirements and announced by full name each Board member who was participating remotely. C. Karlson announced that no in person attendance of members of the public would be permitted, announced a phone number for the public to call to offer comments and reviewed the procedure to participate via Zoom.

**A3. Announcements and Public Comment** M. Antes reminded residents to respond to the Town Census and that nomination papers were available to run for elected Town offices. M. Antes also announced that there was a need for additional donations to the Town's COVID-19 food assistance fund. L. Anderson reminded residents about Wayland's first "Community Conversations" virtual event presented by the Town Administrator's Racial Justice Advisory Group to be held on Sunday, February 28. C. Karlson mentioned that the Finance Committee would hold a presentation of the draft budget on Thursday, March 4.

**A9. Minutes - February 1, 2021 (PM), February 4, 2021, February 8, 2021 (AM), and February 8, 2021 (PM); review and vote to approve**

L. Anderson moved, seconded by M. Antes, that the Board approve the meeting minutes of February 1, 2021 (PM), February 4, 2021, February 8, 2021 (AM), February 8, 2021 (PM) as amended. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A7. Town Administrator update a. COVID-19 b. OPEB Actuarial report c. Police Chief Search d. Racial Justice Advisory Group e. Loker School Roof Solar Energy Project f. River's Edge g. FY2022 budget update.**

- a. **COVID-19** L. Miller reported that the COVID-19 case numbers continue to trend downward locally and statewide. She reported that the vaccination clinics held by the Town went well, but the Town later learned it would not receive more doses for the following week. L. Miller reported that the Town is exploring a regional collaboration to distribute vaccine and that surveillance pool testing for COVID-19 in



schools is ongoing, under the Massachusetts Department of Elementary and Secondary Education (DESE) program.

**A2. Swearing in of Firefighters; a. Joanna Duffy b. Taylor Zeigler-Miller** C. Karlson relocated to the Large Hearing Room for the swearing in of J. Duffy and T. Zeigler-Miller to serve as firefighter/paramedics in the Wayland Fire Department. Town Clerk Anna Ludwig administered the Oath of Office to both firefighters. Following administration of the oath and pinning of badges, C. Karlson congratulated the firefighters and returned to the Council on Aging Room.

**A4. Enter into Executive Session: I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2) to conduct a strategy session in preparation for negotiations with non-union personnel (positions listed at the end of this agenda); II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate with respect to the Town's agreement with Twenty Wayland, LLC. relative to property and development located off 400-440 Boston Post Road; and III. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6), to review and approve the executive session minutes of February 1, 2021 Approve and Hold: Executive Session minutes of February 1**

At 5:30 p.m., Chair C. Karlson moved, seconded by L. Anderson, that the Board of Selectmen enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2) to conduct a strategy session in preparation for negotiations with non-union personnel (positions listed at the end of the agenda); pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate with respect to the Town's agreement with Twenty Wayland, LLC relative to property and development located off 400-440 Boston Post Road; and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6), to review and approve the executive session minutes of February 1, 2021 with the intent to approve and hold said minutes.

C. Karlson declared 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, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson invited attendance by Town Administrator Louise Miller, Assistant Town Administrator, John Bugbee, Human Resource Manager Kathleen Buckley and Management Analyst Seath Crandall. C. Karlson announced that the Board would reconvene in open session after approximately thirty minutes.

At 6:09 p.m., the Board reconvened in open session.

**A5. Liquor License: hearing for Jindu Modern Asian Cuisine located at 131 Boston Post Rd, Wayland** C. Karlson invited Zhaozhong Feng (Nick), Yingkun Huang (Claire), Chuanyang Jiang (Max) and Joseph Brodigan as well as Interim Police Chief Sean Gibbons to participate in a liquor license hearing via video-teleconference.

At 6:11 p.m., C. Karlson opened the hearing for the purpose of considering the application for an annual liquor license to serve and sell All Alcoholic beverages on the premises at 131 Boston Post Road, Wayland, MA, 01778 filed by Jindu, Inc., d/b/a Jindu Modern Asian Cuisine. C. Karlson read the legal notice published in the Town Crier on January 21, 2021. The applicant described the intent of the application and that the property ownership was contingent on the issuance of a liquor license. The Board discussed the applicable laws and regulations, as well as the required certifications and employee training. There was no public comment.

At 6:27 p.m., C. Karlson closed the hearing. C. Karlson noted that the Common Victualler's License and Entertainment License for by Jindu, Inc., would be considered with the Consent Calendar.

T. Fay moved, seconded by M. Antes, that the Board of Selectmen vote to approve the application of by Jindu, Inc., d/b/a Jindu Modern Asian Cuisine for new on-premise annual liquor license to sell All Alcoholic beverages at the Jindu Modern Asian Cuisine restaurant located at 131 Boston Post Road, Wayland, MA. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

L. Anderson moved, seconded by M. Antes, that the Board of Selectmen designate and approve Louise Miller, Town Administrator, as the sole signatory for the Liquor License for Jindu, Inc., d/b/a Jindu Modern Asian

Cuisine at 131 Boston Post Road, Wayland, MA. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A10. Consent: review and vote to approve**

1. Vote the question of designating and approving signing authority to Louise Miller, Town Administrator on items listed below.
2. Vote the question of approving and signing the weekly payroll and expense warrants.
3. Vote the question of accepting with thanks three (3) donations in the amount of \$145.00 to the Wayland COVID-19 Relief Fund.
4. Vote the question of approving expenditure of \$1,217.87 from the Wayland COVID-19 Relief Fund.
5. Vote the question of approving and accepting Student and Senior Awareness of Fire Education (SAFE) grants in the amount of \$7,172.00 for the Wayland Fire Department
6. Vote the question of accepting with thanks seven (7) donations in the amount of \$700.00 to the Testing for School COVID-19 Relief Fund.
7. Vote the question of approving and signing contract with Hancock Survey Associates, Inc. for Engineering Services at Oxbow Field.
8. Vote the question of approving and signing Letter of Intent with Solect Energy Development, LLC for the Loker Elementary School Roof Solar Panel Project
9. Vote the question of approving a Common Victuallers License for Jindu, Inc., d/b/a Jindu Modern Asian Cuisine at 131 Boston Post Road, Wayland, MA 01778
10. Vote the question of approving an Entertainment License for Jindu, Inc., d/b/a Jindu Modern Asian Cuisine at 131 Boston Post Road, Wayland, MA 01778, consisting of playing music and having the television on during the hours of operation

M. Antes moved, seconded by T. Fay, to vote to approve the Consent Calendar. In discussion, D. Watkins asked a question on item #6, for more information on item #7 and expressed the need for Annual Town Meeting approval before approval of item #8. L. Miller noted that the Letter of Intent in item #8 is subject to Town Meeting approval. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson NAY: D. Watkins. ABSENT: none. ABSTAIN: none. Adopted 4-1.

**A6. FY2020 Audit Management Letter: Discussion with Audit Committee, Town Administrator and Finance Director; Vote to approve Management Letter response** Audit Committee members Randall Moore, Steve Curtin, Debbie Vogt, and Klaus Shigley, Auditor Alina Korsak (Melanson), and Finance Director Brian Keveny joined the meeting via video-teleconference to review the FY2020 Audit. A. Korsak presented a slide-deck summarizing the FY 2020 audit, including the Comprehensive Annual Financial Report (CAFR), governance letter, and management letter. L. Anderson recommended that the report be posted publically.

A. Korsak reviewed the management letter comments: 1. Ensure Compliance with Uniform Guidance; 2. Re-establish Timely Cash Reconciliations; 3. Improve Controls Surrounding Payroll; 4. Transfer Funds on a Timely Basis; and 5. Ensure Motor Vehicle Bills are Issued Timely. R. Moore, chair of the Audit Committee, reported that the Audit Committee had reviewed the CAFR and management letter with B. Keveny and Melanson at its November 30 meeting and had a discussion on the topics which A. Korsak described. R. Moore noted that the Audit Committee was satisfied with the audit and voted to approve the CAFR, governance letter, and management letter response. T. Fay left the meeting at 6:56 p.m.

L. Anderson moved, seconded by M. Antes, to vote to approve the Management Letter with the Town's response. Roll Call Vote: YEA: L. Anderson, M. Antes, C. Karlson, D. Watkins. NAY: none. ABSENT: T. Fay. ABSTAIN: none. Adopted 4-0. The Audit Committee left the meeting.

**A7. Town Administrator update a. COVID-19 b. OPEB Actuarial report c. Police Chief Search d. Racial Justice Advisory Group e. Loker School Roof Solar Energy Project f. River's Edge g. FY2022 budget update. (Continued)**

- b. OPEB Actuarial report** L. Miller reviewed the two OPEB documents included in the packet. L. Miller noted that at the time of the last evaluation, the report projected full funding in 2038. The consulting firm provided a projected funding schedule if the Town were to maintain level-funding until fully funded; the resulting projection was for full funding in 2040. L. Miller highlighted the Finance Director's

recommendation to fund OPEB at \$500,000 as some revolving funds could not make the budgeted contributions to OPEB. B. Keveny reported on the current status of the OPEB liability.

- g. FY2022 budget update** L. Miller reported that the Finance Committee wrote a memorandum with an anticipated recommendation for the FY 2022 Operating Budget which includes discussion of loss of revenue and some anticipated costs. L. Miller reported that West Suburban Health Group approved a rate increase for FY 2022, and the Benefits Manager would soon provide the corresponding amount of the total increase. L. Miller reported that the Finance Committee anticipated a recommended budget reduction of \$100,000 to the Health Insurance budget, which L. Miller indicated was not expected to be a problem. L. Miller reported that the Finance Committee also anticipated recommending a reduction in the number of marked police vehicles to be replaced or \$50,000, deferring the replacement of one of the three vehicles to a future year. D. Watkins recommended borrowing for the third vehicle.
- c. Police Chief Search** L. Miller reported that the Town received a proposal from Community Paradigm Associates, LLC for services related to the Chief of Police search, specifically to assist with community engagement and moderate community forums. The proposal will be reviewed at the next meeting.
- e. Loker School Roof Solar Energy Project** L. Miller reviewed the Letter of Intent, and reported that the Finance Director and Facilities Director were working with Bond Counsel on the issues. L. Miller expected an opinion from counsel on the effect of solar panels on the Loker School roof project.
- d. Racial Justice Advisory Group** L. Miller reported that Russell Ashton and DaLonn Pearson would present at Wayland's first "Community Conversations" virtual event to be held on Sunday, February 28, for which there were already more than 60 attendees enrolled.
- f. River's Edge** L. Miller reported that the River's Edge Project purchase closed, and all applications for permits had been submitted.

**A8. 2021 Annual Town Meeting (ATM): a. 2021 ATM articles: review and discussion of articles including, but not limited to, the below articles; potential votes to insert in Warrant and vote Board position D. OPEB Funding G. Personnel Bylaws and Wage & Classification Plan H. Non-union Personnel I. Surface Water Quality Committee Budget K. Choose Town Officers L. Hear Reports R. Remote Participation at Town Meeting S. Capital Stabilization Fund U. Transfer Station Enterprise Fund Articles (3) V. Appropriation to pay BAN related to River's Edge X. Accept Spencer Circle Z. Implement School Elementary Space Utilization Study b. 2021 ATM Petitioner's articles: review and discussion of below petitioner's articles; potential vote Board position GG. Resolution to Continue Electronic Voting Through FY2027 KK. Ombudsman Position** C. Karlson noted that the Board would review and discuss the warrant articles including but not limited to those listed, to prepare for the Annual Town Meeting (ATM) warrant. T. Fay rejoined the meeting at 7:54 p.m. C. Karlson summarized the earlier discussion on OPEB funding for T. Fay.

**D. OPEB Funding** D. Watkins reported on the Enterprise and Revolving Fund contributions.

D. Watkins moved, seconded by T. Fay, that the Board of Selectmen vote to insert and support Article D titled OPEB Funding, to determine if the Town will appropriate an estimated total cost of \$510,324 consisting of \$500,000 from taxation and \$10,324 to be deposited in the Town's Other Post-Employment Benefits Trust Fund to the 2021 ATM Warrant. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**I. Surface Water Quality Committee Budget** Norm Marowitz, member of the Surface Water Quality Committee joined the meeting via teleconference to discuss the article. L. Anderson summarized the status of the article. L. Miller described the past and anticipated expenditures. N. Marowitz described the milfoil treatments expected in Dudley Pond and Heard Pond. L. Miller noted that the Recreation Revolving Fund funds the diver-assisted suction harvesting at Town Beach on Lake Cochituate. There was a discussion about carrying over balances at the end of the fiscal year. The budget was set to \$51,000 for FY2022. M. Antes noted there may already be a tapegrass harvester available in town.

L. Anderson moved, seconded by M. Antes, that the Board of Selectmen vote to insert and support Article I titled Surface Water Quality Committee Budget to the 2021 ATM Warrant. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**R. Remote Participation at Town Meeting** David Bernstein, Chair of the Electronic Voting Implementation Subcommittee joined the meeting via video-conference. D. Watkins described the status of the article intended to enable remote participation at ATM, and the process by which the special act language would be developed and filed with the state legislature.

**GG. Resolution to Continue Electronic Voting Through FY2027** David Bernstein, Chair of the Electronic Voting Implementation Subcommittee, described the intent of the article to extend the existing contracting to a five-year cycle. D. Watkins recommended the article be considered under the Abbreviated Presentation Procedure. L. Miller noted that this type of contract was not one of the categories previously approved at ATM for five-year contracts, and recommended a six-year contract, combining two three-year contracts. C. Karlson noted that the resolution does not direct signing a contract; it is a resolution that would determine the timetable.

D. Watkins moved, seconded by L. Anderson, that the Board of Selectmen vote to support the Article GG titled Resolution to Continue Electronic Voting Through FY2027 with an estimated budget to be determined, to the 2021 ATM Warrant. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**KK. Ombudsman Position** C. Karlson asked L. Miller for an update on the validity of the article submission. L. Miller had not received an update from Town Counsel.

**G. Personnel Bylaws and Wage & Classification Plan** C. Karlson noted the matters were still in executive session, but asked if the Board would support combining Article G and Article H into one article.

**H. Non-Union Personnel** The Board agreed to combine Article H with Article G.

**HH. Recognize Law Enforcement Day** D. Watkins described the article intended to recognize January 9 as a holiday. D. Watkins noted the petitioner would be willing to withdraw the article if the Board acted to recognize the holiday.

**K. Choose Town Officers** M. Antes reported that individuals have all agreed to serve as Town Officers, and that the article had been approved by the Finance Committee.

**L. Hear Reports** M. Antes reported that there are three boards and committees expected to give reports.

L. Anderson moved, seconded by M. Antes, that the Board of Selectmen vote to insert and support Article K titled Choose Town Officers and Article L titled Hear Reports to the 2021 ATM Warrant. In discussion, C. Karlson recommended that both articles be considered under the Abbreviated Presentation Procedure. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**X. Accept Spencer Circle** T. Fay noted that he expected an update for the next meeting.

**Z. Implement School Elementary Space Utilization Study** C. Karlson noted that the School Committee would have an update next week. L. Anderson noted that the article may not be necessary if it could be funded in the capital budget.

**V. Appropriation to pay BAN related to River's Edge** L. Miller reported that after review of the schedule related to the release of funds to pay off the asbestos work that was completed, the funds would not be available for ATM; ATM cannot approve funds that are not yet available. C. Karlson noted the article may not be necessary if the funds are not available. Finance Director, B. Keveny recommended to rollover the debt in late April, convert to long-term debt in November, or use the proceeds from the sale to pay off the debt if the Board opted. B. Keveny noted that this approach would not require further ATM approval and recommended to not insert the article.

**U. Transfer Station Enterprise Fund Articles (3)** L. Miller consulted with Town Counsel and determined that the three articles could be combined into one article. L. Miller noted that Town Counsel would draft the order and language of the articles carefully. B. Keveny noted that the motion would be to transfer the balance of the account on June 30, 2021 to the General Fund or, if specified, the new fund.

**S. Capital Stabilization Fund** D. Watkins described the status and intent of the article. B. Keveny described the possible funding sources for the fund. The Board discussed the possible sources.

D. Watkins moved, seconded by T. Fay, that the Board of Selectmen vote to insert and support Article S titled Capital Stabilization Fund with a budget of \$110,000 to the 2021 ATM Warrant. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A11. Correspondence** The Board reviewed the correspondence in the packet.

**A12. Selectmen's reports and concerns** L. Anderson shared a reminder from the Energy & Climate Committee that the comment period for the 2030 Clean Energy and Climate Plan was extended to March 22, 2021 and asked the Board to consider the community letter on a future agenda. D. Watkins wanted to share inaccuracies in the CAFR. D. Watkins noted disagreement with a letter issued by the Town Administrator's Office to Wayland Voters Network. T. Fay recommended it be discussed at a future meeting. L. Miller informed the Board there would be an update on the River's Edge Public Involvement Plan (PIP) at the next meeting

**A13. Topics Not Reasonably Anticipated by the Chair 48 Hours In Advance, If Any** There were none.

**A14. Adjourn.** At 9:32 p.m., L. Anderson moved, seconded by T. Fay, to adjourn the meeting. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by Board of Selectmen at the Meeting of February 22, 2021**

1. There were none.

**Items included in the Agenda Packet during the Board of Selectmen Meeting of February 22, 2021**

1. Board of Selectmen Legal Notice of Public Hearing for Liquor License application filed by Jindu, Inc.
2. Memorandum to Town Administrator dated December 31, 2020 re Quota of Alcoholic Beverages Licenses
3. Town of Wayland Management Letter for Fiscal Year Ending June 30, 2020
4. Melanson Presentation of Financial statement Audit Results for Fiscal Year Ending June 30, 2020
5. Town of Wayland Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 2020
6. Memorandum from Finance Director to Town Administrator dated February 4, 2021 re: ATM 2021 OPEB Report
7. Letter from Odyssey Advisory re: GASB 74/75 Summary of Results
8. GASB 74 & GASB 75 Actuarial Valuation Report as of June 30, 2020
9. Letter from Town Administrator's Office to Wayland Voters Network dated February 19, 2021 Re: Corrections to "WVN#828 Housing Project Costs and Benefits", Published February 15, 2021
10. Letter from Finance Committee to Town Administrator dated February 18, 2021 re: Fiscal year 2022 Proposed Operating Budget
11. Working Document of 2021 Annual Town Meeting Article List dated February 17, 2021
12. Original Article Submission form and Draft Warrant Article for Article E. Fiscal year 2022 Revolving Fund Expenditure Limits
13. Original Article Submission form and Draft Warrant Article D. OPEB Funding
14. Original Article Submission form and Draft Warrant Article G. Personnel Bylaws and Wage & Classification Plan
15. Original Article Submission form and Draft Warrant Article H. Personnel Bylaws and Wage & Classification Plan: Non-Union Personnel
16. Original Article Submission form and Draft Warrant Article I. Surface water Quality Committee Budget
17. Original Article Submission form and Draft Warrant Article K. Choose Town Officers
18. Original Article Submission form and Draft Warrant Article L. Hear Reports
19. Original Article Submission form and Draft Warrant Article R. Remote Participation at Town Meeting
20. Original Article Submission form and Draft Warrant Article S. Capital Stabilization Fund
21. Original Article Submission form and Draft Warrant Article U. Transfer Station Enterprise Fund Articles (3)
22. Original Article Submission form and Draft Warrant Article V. Appropriation to pay BAN related to River's Edge
23. Original Article Submission form and Draft Warrant Article X. Accept Spenser Circle
24. Original Article Submission form and Draft Warrant Article Z. Implement School Elementary Space Utilization Study

25. Original Article Submission form and Draft Warrant Article GG. Resolution to Continue Electronic Voting Through FY2027
26. Board of Selectmen Meeting Minutes Draft for February 1, 2021 (PM)
27. Board of Selectmen Meeting Minutes Draft for February 4, 2021
28. Board of Selectmen Meeting Minutes Draft for February 8, 2021 (AM)
29. Board of Selectmen Meeting Minutes Draft for February 8, 2021 (PM)

### **CORRESPONDENCE**

1. Correspondence from Xfinity to Board of Selectmen dated February 5, 2021 re: Programming Advisory
2. Correspondence from Verizon to Board of Selectmen dated February 11, 2021 re: Cable Television License Granted to Verizon New England Inc. (the "Final License")
3. Correspondence from Peter Caputa IV, resident, to Board of Selectmen dated February 8, 2021 re: Support for Loker Turf Field Project
4. Correspondence from Kristen Babineau, resident, to Board of Selectmen dated February 8, 2021 re: Support for Loker Turf Field Project
5. Correspondence from Kathleen Taunton-Rigby, resident, to Board of Selectmen dated February 8, 2021 re: Support for Loker Turf Field Project
6. Correspondence from Ross Worby, resident, to Board of Selectmen dated February 8, 2021 re: Support for Loker Turf Field Project
7. Correspondence between Anette Lewis to Board of Selectmen dated February 9, 2021 re: Public Comment regarding River's edge
8. Correspondence from Paul Dale to Board of Selectmen dated February 11, 2021 re: A resolution on Biomass
9. Correspondence from Town Clerk to Board of Selectmen dated February 17, 2021 re: Resignation of Victoria Mints from Audit Committee
10. Correspondence from George Harris to Board of Selectmen dated February 17, 2021 re: Amendment to Article II- Appointment to Finance Committee
11. Correspondence from Town Clerk to Board of Selectmen dated February 17, 2021 re: Resignation of Roberta Zallen from the Housing Partnership
12. Correspondence from Town Clerk to Board of Selectmen dated February 18, 2021 re: Resignation of Catherine Radmer from Board of Registrar and current openings on Board.



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN  
LEA T. ANDERSON  
MARY M. ANTES  
THOMAS J. FAY  
CHERRY C. KARLSON  
DAVID V. WATKINS

LOUISE L. E. MILLER  
TOWN ADMINISTRATOR  
TEL. (508) 358-3620  
www.wayland.ma.us

**DRAFT Meeting Minutes**  
**BOARD OF SELECTMEN**  
**Thursday, March 4, 2021**  
**6:25 p.m.**

**Wayland Town Building**  
**41 Cochituate Road, Wayland, MA**

**Note: In compliance with the March 12, 2020 Massachusetts Office of the Governor's Order Suspending Certain Provisions of the Open Meeting Law M.G.L. Chapter 30A, Section 20, this meeting of the Board of Selectmen was live streamed on local broadcast on the WayCAM Government Channel and open to the public to view and participate via Zoom. No in-person attendance of members of the public was permitted. Public Comment was available by both telephone and Zoom during the designated time.**

**Attendance:** Lea T. Anderson, Mary M. Antes, Thomas J. Fay, Cherry C. Karlson, David V. Watkins  
The Board participated remotely by video-teleconferencing via Zoom and WayCAM.

**Also Present:** Town Administrator Louise Miller, Finance Director Brian Keveny and Management Analyst Seath Crandall participated by video-teleconference.

**A1. Call to Order by Chair, Review the Agenda for the Public** At 6:26 p.m., C. Karlson called the meeting of the Board of Selectmen to order when a quorum was available by video-teleconference and reviewed the agenda. C. Karlson confirmed that the meeting was in compliance with revised Open Meeting Law requirements as announced by Finance Committee Chair Steve Correia. C. Karlson announced by full name each Board member who was participating remotely.

**A2. Attend Finance Committee's Fiscal Year 2022 Draft Budget Forum** Chair of the Finance Committee S. Correia presented a slide deck summarizing the FY2022 Omnibus Draft Budget: Operating and Capital Budgets.

The following residents joined by teleconference to participate in the public forum:

Steve Glovsky, Shaw Drive, joined to voice opposition to a tax increase.

Molly Upton, Bayfield Road, joined to ask about increase in assessed valuation for FY 2022.

Carol Plumb, Bald Rock Road, joined to ask about the General Insurance increase of 7% and legal services.

Anette Lewis, Claypit Hill Road, joined to comment on a variety of supporting budget documents.

Alice Boelter, Lakeshore Drive, joined to voice opposition to tax increase and recommended containing expenses.

Kathie Steinberg, School Committee member joined to offer clarification on comments related to school budget.

Ellen Grieco, School Committee member joined to offer comments related to the school budget and social and emotional health and development services.

D. Watkins posed questions for the Finance Committee to consider related to prospective COVID-19 capital expenses, the Information Technology budget, and the number of new FTEs in the budget. T. Fay asked how funds would be allocated if the legislature passed reimbursements for COVID-19 expenses. L. Miller noted that the intent of the revolving fund was to account for and reconcile COVID-19 expenses. L. Anderson suggested that the Finance Committee explain for residents the distinction between the percentage increase in the tax rate versus the percentage increase in the average tax bill. L. Anderson also suggested it would be helpful for the Finance Committee to show budget comparisons to other peer towns. K. Lappin described the assessed values of properties and the tax rate. S. Correia closed the FY 2022 Draft Budget Forum at 8:15 p.m.

**A3. Topics Not Reasonably Anticipated by the Chair 48 Hours In Advance, If Any** There were none.

**A4. Adjourn.** At 8:16 p.m., L. Anderson moved, seconded by D. Watkins, to adjourn the meeting. Roll Call: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by Board of Selectmen at the Meeting of March 4, 2021**

There were none.

**Items included in the Agenda Packet during the Board of Selectmen Meeting of March 4, 2021**

There were none.

**CORRESPONDENCE** There was none.

**BOARD OF SELECTMEN**  
**Monday, March 15, 2021**  
**5:00 p.m.**  
**Wayland Town Building**  
**41 Cochituate Road, Wayland, MA**

**CONSENT CALENDAR**

1. Vote the question of designating and approving signing authority to Louise Miller, Town Administrator on items listed below.
2. Vote the question of approving and signing the weekly payroll and expense warrants.
3. Vote the question of approving expenditure of \$550.28 from the Wayland COVID-19 Relief Fund.
4. Vote the question of approving and signing KP Law invoice #128215 for Professional Services through October 27, 2020 in the amount of \$43.50
5. Vote the question of approving and ratifying Louise Miller, Town Administrator's signature to Amendment #2 to grant agreement with Metropolitan Area Planning Council for Emergency COVID-19 Taxicab/Livery services.
6. Vote the question of approving and signing agreement with Ellen M. Hutchinson, Esq. to retain the Law office of Ellen M. Hutchinson as legal counsel



**PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMEN FROM MARCH 8, 2021 THROUGH AND INCLUDING MARCH 15, 2021 OTHERWISE NOT LISTED AND INCLUDED IN THE CORRESPONDENCE PACKET FOR MARCH 15, 2021**

**Items distributed to the Board of Selectmen for discussion during March 8, 2021 Meeting otherwise not in Packet**

1. Interim Clean Energy & Climate Plan for 2030
2. Proposed Article Order Draft
3. Article U. Transfer Station Enterprise Fund Draft
4. Transfer Station Operations five-year forecast dated March 8, 2021
5. Article W. Senior Citizen Tax Work Off Exemption Draft
6. 4 Spencer Circle Easement Deed
7. 6 Spencer Circle Easement & Conveyance Agreement
8. Order of Taking: Spencer Circle
9. Article X. Spencer Circle Street Acceptance Draft
10. Wayland Spencer Circle Plans
11. Article AA. CPA – Historic Preservation: Rehabilitation of 70-74 Main Street Draft
12. Article BB. CPA Historic Preservation: Cemetery Stones & Library Archival Draft
13. Article CC. CPA Open Space: Native & Pollinator Plants Draft
14. Article DD. CPA Rec: Mill Pond Dam, Athletic Field Design, Heard Farm Improvements Draft
15. Article EE. CPA: Set Asides Draft
16. Article II. Finance Committee Appointing Board Draft

**Items Distributed as a hand out for Information and Use by the Board of Selectmen at the Meeting of March 8 2021**

1. Petitioner Submission Form Article JJ. Resolution to Declare Climate Emergency - AMENDED
2. Correspondence from The Vertex Companies to Town Administrator dated March 4, 2021 re: Public Meeting – Draft Public Involvement Plan for River’s Edge

**Items included as part of the Agenda Packet for discussion during the March 15, 2021 Board of Selectmen Meeting(s)**

1. Correspondence from The Vertex Companies to Town Administrator dated March 4, 2021 re: Public Meeting – Draft Public Involvement Plan for River’s Edge
2. Link to Release Abatement Measure (RAM) Plan for River’s Edge prepared by The Vertex Companies, Inc.
3. Link to Documents Related to the Public Involvement Plan for River’s Edge
4. Memorandum from Town Administrator to Board of Selectmen dated March 10, 2021 re: Recommendation for FY2022 CIP and Operating Budget
5. Memorandum from School Committee to Finance Committee dated March 11, 2021 re: FY2022 Operating and Capital Budgets
6. Interim Clean Energy & Climate Plan for 2030
7. Drink Water Program Public Education materials Template (PFAS)
8. Fiscal Year 2021 Legal Break Down
9. Proposed Article Order Draft
10. Working Document of 2021 Annual Town Meeting Article List dated March 10, 2021
11. Draft Warrant Article for Article D. OPEB Funding
12. Draft Warrant Article for Article F. Compensation for Town Clerk
13. Draft Warrant Article for Article M. Sell or Trade Vehicles and Equipment
14. Draft Warrant Article for Article O. Select Board/Town Manager Act
15. Select Board/Town Manager Special Act Executive Summary dated 2.17.2021
16. Select Board/Town Manager Special Act dated 1.4.2021

17. Select Board/Town Manager Special Act Frequently Asked Questions dated 1.4.2021
18. Draft Warrant Article for Article P. Purchase of Land Located at Town Center
19. Draft Warrant Article for Article R. Remote Participation at Town Meeting
20. Draft Warrant Article for Article Z. Implement School Elementary Space Utilization Study
21. Draft Warrant Article for Article AA CPA Historic Preservation: 70-74 Main St
22. Draft Warrant Article for Article FF. Establish Wayland Human Rights Commission – AMENDED
23. Petitioner Submission Form and Cover Letter Article FF. Establish Wayland Human Rights Commission –AMENDED
24. Draft Warrant Article for Article HH. Recognize Law Enforcement Day
25. Draft Warrant Article for Article II. Finance Committee Appointing Board - AMENDED
26. Draft Warrant Article for Article JJ. Resolution to Declare Climate Emergency - AMENDED
27. Board of Selectmen Meeting Minutes Draft for February 22, 2021
28. Board of Selectmen Meeting Minutes Draft for March 4, 2021

## **BOARD OF SELECTMEN**

**Monday March 15, 2021**

**5:00 pm**

**Wayland Town Building**

**Council on Aging Room**

**41 Cochituate Road, Wayland, MA**

### **CORRESPONDENCE**

1. Correspondence from Anette Lewis, resident to Board of Selectmen dated March 5, 2021 re: River's edge.
2. Correspondence from KP Law to Town Administrator dated March 3, 2021 re: Notice of Rate Increase
3. Correspondence from Xfinity Comcast to Board of Selectmen dated March 2021 re: 2020 License Fee payment for Wayland
4. Correspondence from Xfinity Comcast to Board of Selectmen dated March 9, 2021 re: Annual Notice of policies and procedures, sample subscriber bill, work order and rate & Channel line-up information for Wayland.
5. Correspondence from Ashley Boyer, resident, to Board of Selectmen dated March 10, 2021 re: Attract businesses to Wayland to support our Schools.
6. Correspondence from Verizon Fios TV to Board of Selectmen dated March 11, 2021 re: Annual Billing Practices Documentation
7. Correspondence from Chiefs of Police and Fire to Town Administrator Dated March 5, 2021 re: Eversource Upgrades on Rice Road.