

Packet

March 11, 2024

7:15PM



MICHAEL F. MCCALL
TOWN MANAGER
TEL. (508) 358-3620
www.wayland.ma.us

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

SELECT BOARD

ANNE BRENSLEY
THOMAS J. FAY
ADAM G. GUTBEZAHL
CAROL B. MARTIN
WILLIAM D. WHITNEY

SELECT BOARD

Monday, March 11, 2024

7:15pm

HYBRID

**Wayland Town Building, Council on Aging
41 Cochituate Road, Wayland, MA**

Agenda

Note: Items may not be discussed in the order listed or at the specific time estimated. Times are approximate. All topics may be subject to deliberation and vote

One may watch with the meeting link that can be found at <https://www.wayland.ma.us/public-body-meeting-information-virtual-inperson-and-hybrid>.

Pursuant to Chapter 2 of the Acts of 2023, this meeting will be conducted in person and via remote means, in accordance with applicable law. This meeting may be recorded which will be made available to the public on WayCAM as soon after the meeting as is practicable.

When required by law or allowed by the Chair, persons wishing to provide public comment or otherwise participate in the meeting, may do so by in person attendance, or by accessing the meeting remotely, as noted above. We request public comment be limited to two minutes per person.

- | | |
|---------|--|
| 7:15pm | 1. Call to Order, Review Agenda for Public |
| 7:20 pm | 2. Announcements and Public Comment |
| 7:25 pm | 3. 2024 Annual Town Meeting (ATM): discussion of ATM topics, including but not limited to:
a) Review, insert and determine a position on articles, including but not limited to:
1. D: Other Post-Employment Benefits (OPEB) Funding
2. E: Enterprise Fund Budgets
3. L: Capital Stabilization Fund Appropriation
4. N: Hear Reports
5. Q: Special Education Reserve Fund
6. S: Revise Town Code Chapter 43: Personnel – Invite attendance by MaryAnne Peabody, Chair of Personnel Board
7. V: Classification and Compensation Study for All Town Wage Scales
8. W: Loker Elementary School Solar Agreement
9. X: Solar Agreements for Town Properties
10. BB: Revise Town Code 91-1
11. CC: Revise Town Code 91-2 |

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- 8:25 pm 4. Surface Water Quality Committee
- a) Discussion and possible vote to accept the use of the Dudley Pond Association (DPA) gift account funds
 - b) Discussion and possible vote to approve additional budget request for Fiscal Year 2024
 - c) Invite attendance by Thomas Klem, Surface Water Quality Committee Chair
- 8:55 pm 5. Consent Calendar
- a) Review and vote to approve listed items
 - b) Discuss, consider, and potentially act on items removed from Consent, if any
- 9:05 pm 6. Minutes
- a) Review and approve the minutes of February 26, and March 4, 2024 if available.
- 9:10 pm 7. Town Manager's Report
- a) Status of Boat Launch at Dudley Pond
 - b) Community Center Project Update
 - c) Recap since last meeting
- 9:20 pm 8. Review Correspondence
- 9:25 pm 9. Select Board Members' reports and concerns
- 9:35 pm 10. Topics not reasonably anticipated by the Chair 48 hours in advance, if any
- 9:40 pm 11. Executive Session
- a) Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and approve the executive session minutes of February 12 and February 26 with the intent to hold said minutes.
- 9:50 pm 12. Adjourn

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CONSENT CALENDAR

1. Vote the question of accepting a Municipal Energy Technical Assistance Grant from the Department of Energy Resources (DOER) for the purposes to pay a consultant to design a solar PV battery energy storage system, in the amount of \$13,050.00.
2. Vote the question of approving a sandwich board request by Creative Arts Parents Association (CAPA) for advertising the Wayland Middle School's 'College A Cappella Concert on Saturday, April 6th to support arts and programing at Wayland High School during the dates of March 23rd thru April 6th at Fire Station Two, Town Center (corner of Routes 20 & 27), Old Connecticut Path and Cochituate Road (Five Paths), and Route 20/Old Connecticut Path by Coach Grill.
3. Vote the question of approving Town Manager, Michael McCall, as signatory for approving the contract for Wayland Town Copier, Printers & Related Devices Contract, from Xerox Corporation, in the amount of \$106,182.72.

ARTICLE LIST 2024 ANNUAL TOWN MEETING

Article	Article Name	Sponsor	Select Board Assignee	Fincom Assignee	Select Board Vote to Insert	Position Select Board	Position Fincom	Notes
*A	Recognize Citizens & Employees for Particular Service to Town	Select Board	B. Whitney	K. Lappin	4-0-0			
*B	Pay Previous Fiscal Year Unpaid Bills	Select Board	B. Whitney	K. Lappin	4-0-0		6-0-0	
*C	Current Year Transfers	Select Board	B. Whitney	K. Lappin	4-0-0			
*D	OPEB Funding	Select Board	A Gutbezahl	K. Lappin	4-0-0	5-0-0	5-0-1	
*E	Enterprise Fund Budgets	Select Board	A Gutbezahl	B. O'Herlihy	4-0-0		5-0-0	
F	FY25 Omnibus Budget	Select Board	C. Martin	P. Roman	4-0-0			
*G	Fiscal Year 2025 Revolving Fund Expenditure Limits	Select Board	T. Fay	M. Hoyle	4-0-0	5-0-0		
H	Update Personnel Bylaws and Wage & Classification Plan	Select Board	C. Martin	B. O'Herlihy	4-0-0		5-0-0	
*I	Fund Union Agreements	Select Board	B. Whitney	S. Correia	4-0-0			
*J	Surface Water Quality Committee Budget	Select Board	C. Martin	J. Barnett	4-0-0	4-0-0	6-0-0	
*K	Accept Gifts of Land	Select Board	A Gutbezahl	A. Methot	4-0-0			
*L	Capital Stabilization Fund Appropriation	Select Board	C. Martin	K. Lappin	4-0-0			
*M	Choose Town Officers	Select Board	A. Brensley	M. Hoyle	4-0-0			
*N	Hear Reports	Select Board	A. Brensley	M. Hoyle	4-0-0			
*O	Sell or Trade Vehicles and Equipment	Select Board	A. Brensley	M. Hoyle	4-0-0			
*P	CPA: Set Asides and Transfer	CPA	C. Martin	J. Barnett	5-0-0	4-0-0	6-0-0	
*Q	Special Education Reserve Fund	Select Board	A. Brensley	M. Hoyle	5-0-0			
*R	Rescind Unissued Debt	Select Board	T. Fay	K. Lappin	5-0-0	5-0-0	6-0-0	
S	Revise Town Code Chapter 43: Personnel	Select Board	C. Martin	S. Correia	5-0-0			

ARTICLE LIST 2024 ANNUAL TOWN MEETING

T	Amend Zoning Bylaws and Town Zoning Map - MBTA Communities Multi-Family Housing	Planning Board/Select Board	T. Fay	S. Correia	5-0-0			
U	Fire Department Staffing Study	Select Board	B. Whitney	S. Correia	5-0-0			
V	Classification and Compensation Study for All Town Wage Scales	Select Board	B. Whitney	B. O'Herlihy	5-0-0		6-0-0	
W	Loker Elementary School Solar Agreement	Select Board	A Gutbezahl	J. Barnett	5-0-0			
X	Solar Agreements for Town Properties	Select Board	A Gutbezahl	J. Barnett	4-0-1			
Y	To Adopt the Massachusetts Specialized Energy Code	Select Board	A Gutbezahl	J. Barnett	5-0-0		5-1-0	
Z	Appropriation for Engineering Rt. 20 Corridor Roadway Improvements	Select Board	T. Fay	S. Correia	3-2-0			**WITHDRAWN**
*AA	Reaffirm Remote Participation at Town Meeting	Select Board	T. Fay	A. Methot	5-0-0			
BB	Revise Town Code 91-1	Town Clerk	A. Brensley	S. Correia	Already Inserted into Warrant		6-0-0	
CC	Revise Town Code 91-2	Town Clerk	A. Brensley	S. Correia	Already Inserted into Warrant		6-0-0	
*DD	CPA – Affordable Housing Consultant Services	CPA	C. Martin	B. O'Herlihy	4-0-0	4-0-0	6-0-0	
EE	CPA – Open Space Projects: Improvement at Pine Brook Conservation Area; Biocontrol of Purple Loosestrife at Cow Common; and Conservation Restriction, House Demolition, and Trail Construction for 27 Sherman's Bridge Road with Archaeological Monitoring	CPA	C. Martin	J. Barnett Pam-help	4-0-0	4-0-0	6-0-0	
FF	CPA – Historic Preservation Projects: Preservation Materials for Town's Historic Collection; Preservation of Town Permanent Records and HVAC System at Grout-Heard House	CPA	C. Martin	A. Methot	4-0-0	4-0-0		

ARTICLE LIST 2024 ANNUAL TOWN MEETING

GG	CPA – Historic Preservation Project: Restoration of Stone’s Bridge	CPA	A Gutbezahl	A. Methot	4-0-0	4-0-0		
HH	CPA – Recreation Project: Improvements at Cochituate Ball Fields	CPA	B. Whitney	J. Barnett				To be combined with II
II	CPA – Recreation Project: Wayland Community Pool Rehabilitation & Improvements at Cochituate Ball Fields	CPA	B. Whitney	A. Methot	4-0-0			April to draft combined HH/II article
JJ	Authorize Affordable Housing Trust to Seek Affordable Housing	Wayland Housing Partnership	T. Fay	B. O’Herlihy				**WITHDRAWN**
KK	Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial use in a New Business B Zone Subdistrict B-1	Petitioners’ Article	A Brensley	M. Hoyle	Already Inserted into Warrant			
LL	Authorize Affordable Housing Trust to Seek Affordable Housing	Petitioners’ Article	T. Fay	B. O’Herlihy	Already Inserted into Warrant			**WITHDRAWN**
MM	Resolution in Support of Changing the State Flag and Seal of Massachusetts	Petitioners’ Article	A Gutbezahl	S. Correia	Already Inserted into Warrant		X	Unanimous agreement that no financial impact. Finance committee takes no position.
NN	Solar Compact Development for Wayland	Petitioners’ Article	B. Whitney	J. Barnett	Already Inserted into Warrant			
OO	Establish Athletic Fields Planning Committee	Petitioners’ Article	B. Whitney	B. O’Herlihy	Already Inserted into Warrant		5-1-0	
PP	Extension of Moratorium on Synthetic Fields/Artificial Turf	Petitioners’ Article	A. Brensley	M. Hoyle	Already Inserted into Warrant			

Article D. OPEB Funding*Proposed by: Select Board**Estimated cost: \$531,030*

To determine whether the Town will vote to:

a) appropriate an aggregate amount of \$31,030 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 enterprise and revolving funds:*

1) Food Service	\$ 5,980
2) BASE	\$ 5,386
3) Children's Way	\$ 10,274
4) Full Day Kindergarten	\$
5) Water	\$ 6,421
6) Transfer Station	\$
7) Wastewater	\$ 1,364
8) Recreation	\$ 1,605

; and

b) appropriate \$500,000 to be deposited in the Town's Other Post-Employment Benefits Trust Fund; and that said appropriation be provided by taxation.

FINANCE COMMITTEE COMMENTS:

This article funds an Other Post-Employment Benefits (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 taxation and Free Cash. Unlike the Town's pension obligation, which is routinely funded in the operating budget, the Town has elected to make the OPEB funding decision via an annual article. The amount contributed to the OPEB Fund as described in b) above was appropriated entirely from taxation since FY19 with the exception of FY22 when revenue pressures as a result of COVID-19 warranted the use of Free Cash for the contribution. The Town returned to the use of taxation, rather than Free Cash, as the funding source for this contribution in FY23 and anticipates remaining capable of doing so in future years.

Total OPEB Liability ("TOL") is reported on a fiscal year basis. As of June 30, 2023, the TOL, as determined under GASB was \$71,104,133. Plan assets were \$26,256,988. The Net OPEB Liability, which equals the TOL less assets, was \$44,847,145. A useful metric for gauging funding progress is the ratio of assets to total liabilities, or the funded ratio, which is 36.9% as of June 30, 2023, as compared to 37.6% as of June 30, 2022. The funded status deteriorated in FY23 due primarily to an increase in the near-term medical inflation assumption and a decrease in plan's discount rate from 6.41% to 6.29% both of which increased the TOL, partially offset by decreases in the TOL attributable to higher than expected terminations and lower than expected Medicare supplement premiums. Despite the net deterioration, 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 its actuary, Odyssey Advisors (“Odyssey”), update the Town’s actuarial liability funding tables as of June 30, 2023 to determine the year full funding would be achieved with a level annual funding contribution of \$550,000 based on current actuarial assumptions. Odyssey determined full funding would be achieved in 2050 if all assumptions are realized. Actual results will vary due to differences between plan experience and assumptions.

Key assumptions include, without limitation, a 6.29% discount rate and expected net investment return, and an approximately 9% medical cost trend in FY23 decreasing to an ultimate trend rate of 3.6% in 2060. A 0.25% increase in the discount rate assumption would decrease the TOL by approximately 5% while a corresponding decrease in the discount rate would increase the TOL by approximately 5%. A 0.25% increase in the medical cost trend assumption would increase the TOL by approximately 6% while a corresponding decrease in the medical cost trend assumption would decrease the TOL by approximately 6%.

The amount in 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 \$31,030 is a per FTE expense at the same rate as in part b) in order to represent the fair share of the total amount to be paid from the enterprise and revolving funds.

The Select Board recommends approval. Vote: 5-0-0.

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 has listed the Town’s prefunding of OPEB liability as one of the Town’s credit strengths and noted 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.

Although full funding of the OPEB liability is projected to be many years away, opponents may argue that it is not prudent to continue to prefund the trust until the Town has developed a comprehensive plan to allow a smooth transition from paying retiree benefits through the operating budget to paying them from the Trust.

RECOMMENDATION: The Finance Committee recommends *Blank*. Vote:

QUANTUM OF VOTE:

For more information, contact Finance Director Brian Keveny 508-358-3611 or email bkeveny@wayland.ma.us.

Article E. Enterprise Fund Budgets

Proposed by: Select Board

Estimated Cost: \$6,170,204 ~~6,206,404~~

To determine whether the Town will vote to raise, appropriate, transfer from available funds or borrow a sum of money in the aggregate amount of \$6,170,204 ~~6,206,404~~ for the operation and expenses of the Water Enterprise Fund, the Wastewater Enterprise Fund and Transfer Station Enterprise Fund as set forth in [Article \[E\] as printed in the 2024 Annual Town Meeting warrant](#) ~~the Finance Committee's Budget for Fiscal Year 2024~~, including capital expenses for equipment, improvements or other purposes, which sum shall be expended only for the purposes shown under the respective boards, committees and offices of the Town, with such appropriation being raised in the respective departmental receipts as follows:

1) Water Revenue	\$ 4,726,909
2) Wastewater Revenue	\$ 736,602
3) Wastewater Certified Retained Earnings	\$ 200,123
4) Transfer Station Revenue	\$ 431,570 467,770
5) General Fund Subsidy	\$ 75,000

FINANCE COMMITTEE COMMENTS: Passage of this article funds the Town's three Enterprise Funds – Water Enterprise Fund (Water EF), Wastewater Enterprise Fund (Wastewater EF), and Transfer Station Enterprise Fund (Transfer Station EF) for Fiscal Year 2025 (FY 2025).

The FY 2025 proposed budgets for each enterprise fund are as follows:

<u>TOWN ENTERPRISE FUNDS (EF)</u>	ACTUAL FY 2022	ACTUAL FY 2023	APPROVED FY 2024	PROPOSED FY 2025
TOTAL WATER EF	\$ 3,663,397	\$ 4,069,122	\$ 4,700,812	\$ 4,726,909
TOTAL WASTEWATER EF	\$ 617,271	\$ 954,414	\$ 905,662	\$ 936,725
TOTAL TRANSFER STATION EF	\$ 407,822	\$ 419,419	\$ 498,776	\$ 542,770

Water EF: The proposed FY 2025 budget is \$26,097, or 0.56%, higher than the approved Fiscal Year 2024 (FY 2024) budget. Although the year-over-year (YOY) change is small, there were various budget line items that reflect significant variances. The net increase reflects increases in fringe benefits & indirect costs (\$43,922), salaries (\$39,512), contract services (\$30,000), chemicals (\$17,500), and laboratory testing services (\$10,000) which were offset by decreases in debt service (-\$112,008) and other miscellaneous expenses (-\$2,829). The increase in fringe benefits & indirect costs reflects a significant increase in healthcare costs; the increase in salaries includes an anticipated cost-of-living increase of % offset by a reduction in overtime and clothing allowances; and the increases in contract services, chemicals, and laboratory testing services all reflect actual expenditures incurred thus far in FY 2024 as well as the impact associated with the renegotiation of a third-party vendor contract. The decrease in debt service reflects scheduled reductions in principal and interest, including the impact of an extra seven months of interest expense incurred in FY 2024 attributable to the November 2022 bond financing.

Wastewater EF: The proposed FY 2025 budget is \$31,063, or 3.43%, higher than the approved FY 2024 budget. The net increase reflects increases in small equipment expenditures (\$15,013), sludge removal (\$10,000), salaries (\$6,092) and laboratory testing services (\$6,000) which were offset by decreases in pipeline maintenance (-\$5,000) and other miscellaneous expenses (-\$1,042). The increase in small equipment expenditures reflects the estimate of equipment needed for the upcoming fiscal year based on

the anticipated level of operation; the increase in sludge removal reflects increase from two to three disposals per month at anticipated rates; the increase in salaries includes an anticipated cost-of-living increase of [REDACTED]%; and the increase in laboratory testing services reflects anticipated rates based on FY 2024 actual rates which exceed those used for the FY 2024 budget. It should be noted that retained earnings will be used to pay for the small capital items noted above and a portion of the budgeted debt service for FY 2025.

Transfer Station EF: The proposed FY 2025 budget is \$43,994, or 8.82%, higher than the approved FY 2024 budget. The net increase reflects increases in bank fees (\$18,000), tipping fees (\$16,200) and salaries (\$15,604) which were offset by decreases in other miscellaneous expenses (-\$5,810). The increase in bank fees reflects credit card usage fees that were not budgeted as an expense in FY24 (rather they were shown as an offset to budgeted revenue); the increase in tipping fees reflects the forecasted expenditures for 2024, which includes an anticipated rate increase in March 2024 when the municipal trash contract expires; and the increase in salaries includes an anticipated cost-of-living increase of [REDACTED]%. Of note, the FY 2025 budget continues to rely upon a \$75,000 Town subsidy to cover an anticipated operating shortfall.

The Select Board recommends **approval**. Vote: 0-0-0

ARGUMENTS IN FAVOR: The Town's Enterprise Fund budgets set forth in this article reflect the cost of providing Town services in an efficient manner with the objective of maintaining delivery of current levels of service to residents.

ARGUMENTS OPPOSED: The level of services provided by the Town should be reduced to lower costs to residents and the Town's subsidy to the Transfer Station EF should be eliminated.

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

QUANTUM OF VOTE: Majority - See Massachusetts General Laws **Chapter 40, Section 5 and Chapter 44, Section 53F ½**.

For more information, contact Finance Director Brian Keveny at bkeveny@wayland.ma.us.

Article L. Appropriate to Capital Stabilization Fund

Proposed by: Select Board

Estimated Value: \$250,000

To determine if the Town will vote to appropriate \$250,000 to be deposited in the Town's Capital Stabilization Fund; and that said appropriation will be funded by Free Cash.

FINANCE COMMITTEE COMMENTS: Passage of this article will contribute \$250,000 from Free Cash to the Capital Stabilization Fund (CSF) to support future expenses related to the Town's Capital Improvement Plan (CIP). This fund-to-fund transfer does not require an increase in taxation.

Approximately \$2,109,661 in Free Cash has been used to support the proposed FY2025 capital budget. Therefore, the total use of Free Cash in FY2025 would be \$2,359,661 if both this article and the budget article are passed.

At 2021 Annual Town Meeting, attendees approved the establishment and initial funding of a CSF. In 2022, the Select Board approved a policy for the CSF which outlines the purpose and parameters for operation of the fund.

The purpose of the CSF is to promote sound financial planning practices by allowing the Town, from time to time, by appropriation, to support the CIP by reserving funds to pay for costs or debt service related to the engineering and design, renovation, reconstruction or construction of Town facilities. The objectives of the fund are to provide a source of funds to keep projects previously approved by Town Meeting moving forward, level the impact of capital expenditures on taxation, and create a funding source for the Town share of matching grants.

Funds may be transferred into the CSF by a simple majority vote of Town Meeting from any general fund source, including taxation, free cash, or residual funds at the completion of previously approved capital projects ("capital close outs").

The Treasurer is the custodian of the CSF and will invest the fund as allowable by state statute. Any interest earned on the assets of the CSF shall be added to it. Monies accumulated in the CSF carry over from one fiscal year to another.

Appropriations from the CSF to support capital expenditures require a two-thirds majority vote of Town Meeting. The policy established that appropriations from the CSF, in priority order, are restricted to: 1. additional funding to support the Town's Capital Investment Plan for projects previously approved at Town Meeting 2) unanticipated capital projects resulting from a catastrophic or emergency event if the financial burden of the event is in excess of an amount which the Finance Committee Reserve Fund can cover 3) the Town share of matching grants 4) support of critical capital expenses if revenue, from whatever source, including free cash, is less than forecasted in the Five-Year Capital Investment Plan 5) providing for General Fund "pay-as-you-go" capital appropriations.

The Select Board recommends : Vote:

ARGUMENTS IN FAVOR: CSF assets are still considered part of the Town's total reserve fund balance evaluated by rating agencies such as Moody's in their determination of the Town's bond rating.

Funding the CSF provides a capital funding source that improves the Town's ability to smooth out the year-to-year impact on taxation from capital spending.

Borrowing charges residents tomorrow for today's projects. The CSF provides a mechanism to proactively plan and save specifically for the Town's future anticipated capital needs.

CSF assets require a two-thirds majority vote of Town Meeting to be spent which ensures a higher level of resident support to spend than the simple majority required to spend funds from Free Cash.

The assets of CSF can be invested and earn income while the Free Cash balance cannot.

ARGUMENTS OPPOSED: Funds in a CSF are restricted in that they can only be spent to directly fund capital projects or to fund related debt service payments.

The Town lacks a consistent, measurable way of funding the capital stabilization fund.

RECOMMENDATION: The Finance Committee recommends Vote:

QUANTUM OF VOTE: Majority.

For more information, contact Acting Town Manager John Bugbee at Jbugbee@wayland.ma.us

Article N. Hear Reports

Proposed by: Select Board

Estimated Cost: N/A

Article Description (final language to be provided by Town Counsel based on description provided):

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

- Board of Assessors
- Community Preservation Committee
- Planning Board (if needed)
- Public Ceremonies Committee
- Select Board
- Human Rights, Diversity, Equity and Inclusion Committee (HRDEIC)

There may be other committees that decide to submit a report for Town Meeting.

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):

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

FINANCE COMMITTEE COMMENTS:

The Select Board recommends Blank. Vote:

ARGUMENTS IN FAVOR:

ARGUMENTS OPPOSED:

RECOMMENDATION: The Finance Committee recommends Blank. Vote:

QUANTUM OF VOTE:

For more information, contact Town Manager Michael McCall at mmccall@wayland.ma.us.

Article Q. Special Education Reserve Fund

Proposed by: Select Board

Estimated Cost: \$150,000

Article Description (final language to be provided by Town Counsel based on description provided):

Determine whether the Town will vote to appropriate the sum of \$150,000 to said fund to be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing or otherwise.

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):

The Special Education Reserve Fund was established at the 2023 ATM under the provisions of M.G.L. c.40 section 13E. In addition to establishing the fund, Town Meeting approved an appropriation in the amount of \$150,000. The purpose of the fund is to support unexpected and unanticipated Special Education costs in the School Department budget. The purpose of this article is to continue annual funding as was done at the 2023 ATM. Annual funding will result in growing this reserve fund similar to Stabilization Funds. In the event the School Department incurs unexpected and or unanticipated expenses related to Special Education costs this fund can be used to support the expenses without further appropriation from Town Meeting. The Wayland Select Board and Wayland School Committee can vote approval to access said funds if needed.

FINANCE COMMITTEE COMMENTS:

The Select Board recommends Blank. Vote:

ARGUMENTS IN FAVOR:

ARGUMENTS OPPOSED:

RECOMMENDATION: The Finance Committee recommends Blank. Vote:

QUANTUM OF VOTE:

For more information, contact Finance Director Brian Keveny at bkeveny@wayland.ma.us.

Article S. Revise Town Code Chapter 43: Personnel

Proposed by: Select Board

Estimated Cost: N/A

Article Description (final language to be provided by Town Counsel based on description provided):

Revise Town Code Chapter 43 Personnel to remove all conflicts with the Town Manager, as identified by Town Counsel.

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):

Pursuant to the Town Manager Act, which was approved at the 2021 Annual Town Meeting and signed into law on March 16, 2022 in Chapter 33 of the Acts of 2022, the Town Manager is “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.” Upon review and analysis of the Town Manager Act and Town Code Chapter 43 Personnel, Town Counsel has identified numerous conflicts. Because Section 13 of the Town Manager Act states that in the event of a conflict with Town Code that the Town Manager Act prevails, Chapter 43 should be revised.

FINANCE COMMITTEE COMMENTS:

The Select Board recommends Blank. Vote:

ARGUMENTS IN FAVOR:

ARGUMENTS OPPOSED:

RECOMMENDATION: The Finance Committee recommends Blank. Vote:

QUANTUM OF VOTE:

For more information about this article, contact Town Manager Michael McCall at 508-358-3620 or by email at mmccall@wayland.ma.us.

Chapter 43

PERSONNEL

§ 43-1. Scope of Bylaw (New Language for § 43-1 – delete all definitions replace with following)

All Town departments and positions shall be subject to the provisions of this Bylaw, except employees of the Wayland Public Schools. In the event that this Bylaw conflicts with the terms of a personal employment contract or collective bargaining agreement, the terms of said contract or collective bargaining agreement will take precedence over this Bylaw.

§ 43-2. Personnel Board.

- A. There shall be a Personnel Board of 5 members appointed by the Select Board. The Select Board and Personnel Board shall have the power to fill Personnel Board vacancies pursuant to MGL c. 41 § 11. The term of appointment shall be for 3 years, except where the appointment is to fill a vacancy, and then it shall be to fill the unexpired term. The terms of members of the Personnel Board shall be staggered such that the term of no more than 2 members shall expire each year. Upon adoption of this Bylaw, current members of the Personnel Board shall complete their current term. Each member shall be a resident of the Town. No member of the Personnel Board shall be an employee of the Town or hold Town office. Members of the Personnel Board shall serve without compensation. At least three members of the Personnel Board shall be qualified by reason of their experience as professionals in human resources, labor/employment law attorneys, or other roles that would enable them to provide well-informed advice to the Town about personnel practices, employment laws, collective bargaining, and/or related issues.
- B. The Personnel Board shall meet on a monthly basis or more frequently as needed to provide guidance and recommendations regarding human resources matters, personnel policies, procedures and strategy to the Town Manager or Human Resources Manager. Three members of the Personnel Board shall constitute a quorum, and all action shall be taken by a majority of the members present at the Board meeting, provided that the Personnel Board may delegate to the Chair power to act at any time on routine matters, subject to appeal to the full Board.
- C. The Personnel Board shall have the following powers and duties:
- (1) The Personnel Board shall provide guidance to the Town Manager, or designee, and make recommendations on establishing and maintaining an efficient and equitable system of personnel administration for Town employees.
 - (2) The Personnel Board shall provide guidance and recommendations to the Town Manager, or designee, with respect to the Wage and Salary Classifications Plan (“the Plan”), including but not limited to amendments to the Plan and the development of new Plans.
 - (3) The Personnel Board shall provide guidance and recommendations to the Town Manager, or designee, with respect to classification of new positions and reclassification of existing positions. The duties of any position may be reviewed by the Town upon request of the employee, the Department Head, or on the initiative of the Human Resources Manager or Town Manager, in consultation with the affected employee’s Department Head. If it appears to

the Town Manager, or designee, that such position belongs in a different job classification because of change in the nature of duties and/or responsibilities, the Town Manager may recommend reclassification. The Town Manager, or designee, shall submit a revised job description to the Personnel Board, who shall review the job description and the reclassification request and offer a recommendation to the Town Manager to approve or deny the request. If it becomes necessary during any year to hire a regular full or part-time employee to do work not covered by an existing classification, the Town Manager, in consultation with the Personnel Board, may establish a temporary new classification, but the same shall be submitted to the Town as a proposed amendment to the Plan in the next warrant for a regular Town Meeting.

- (4) The Personnel Board shall provide guidance and recommendations to the Town Manager and Human Resources Manager with respect to all personnel policies and procedures. The Personnel Board shall review, revise and adopt all Town personnel policies in conjunction with the Town Manager, or designee.
- (5) The Personnel Board shall provide guidance and recommendations to the Town Manager and Human Resources Manager with respect to job descriptions, including revisions to existing job descriptions and the development of new job descriptions.
- (6) Subject to the express terms of a collective bargaining agreement, the Personnel Board shall hear and make determinations with respect to employee grievances, ~~provided however, this provision shall not apply to any grievances pertaining to discipline, dismissal, and failure to promote.~~ *(language in yellow above was recommended by Town counsel).*
- (7) A member of the Personnel Board shall serve on interview panels for the hiring of the Police Chief, Fire Chief, Town Manager, Human Resources Director or Human Resources Manager.
- (8) The Personnel Board shall report to the Select Board and/or Town Meeting, as it deems appropriate, as to the status of human resource administration and personnel-related matters in the Town. If an Article is inserted in the warrant for an Annual or Special Town Meeting with respect to human resources or personnel matters, a copy of such article shall be furnished to the Personnel Board by the Town Manager. The Personnel Board shall report its recommendations to Town Meeting with respect to such article, and its recommendations shall be included with the warrant articles.
- (9) The Personnel Board may make an annual report to the Town, including recommendations on any matters related to the administration of human resources or personnel-related matters.
- (10) The Personnel Board may provide advice and consultation to the Town Manager and/or Select Board on compensation and contract issues for non-union management employees.
- (11) The Personnel Board shall be available to meet as necessary with Town officials, Town employees or other interested persons upon request for consultation on matters where the Personnel Board's expertise would be of benefit to the Town.

D. The Personnel Board may retain such clerical and other assistance, and make such expenditures as it deems necessary in the performance of its duties.

E. The Town Manager and/or Human Resources Manager shall provide such assistance and information to the Personnel Board as it may require for the discharge of its duties. Whenever the Personnel Board has provided formal guidance or recommendations to the Town Manager and/or Human Resources Manager, as memorialized in a recorded vote, the Town Manager and/or Human Resources Manager shall promptly inform the Personnel Board on whether its guidance or recommendation was accepted,

rejected, or deferred. Such report may be delivered in writing or orally at the Board's next scheduled regular meeting, or as soon as reasonably practicable.

- F. In the case of any dispute concerning the interpretation or administration of this chapter, the Town Manager or Human Resources Manager shall consult with the Personnel Board, who shall offer a recommendation or advisory opinion to the Town Manager or Human Resources Manager.
- G. In cases where non-unionized employees of the Town have concerns about the administration of the Town's personnel policies, employment practices, or compensation and benefits, such employee may request a hearing with the Personnel Board in accordance with the Town's Personnel Policies.
(NOTE: Personnel Board recommends creating Grievance procedure in a Town Personnel Policy that corresponds with this section of the Bylaw.)
- H. If any provision of this Bylaw is determined to be invalid under state or federal law, such decision shall not be construed to affect the validity of any other provision of this Bylaw.

[Delete §43-4 through 43-22 of the Town's Bylaw – Sections 43-3, 43-4, 43-6, 43-7 and 43-8 were incorporated into Section C above, where appropriate. Section 43-18 Grievance is now Paragraph G in Section 43-2 above. All other sections have corresponding Town Personnel Policies, and Personnel Board recommends deletion of all sections from the Bylaw.]

§ 43-3. Wage and Salary Classification Plan.

§ 43-4. Wages and classification. [Amended 5-5-2005 ATM by Art. 32]

§ 43-5. Hours of work. [Amended 5-1-2000 ATM by Art. 15]

§ 43-6. Rates of pay for new employees. [Amended 5-5-2004 ATM by Art. 13]

§ 43-7. Reclassification.

§ 43-8. Increases within established rate ranges.

§ 43-9. Annual leave.

§ 43-10. Holidays with pay. [Amended 5-1-2000 ATM by Art. 15; 4-10-2008 ATM by Art. 20]

§ 43-11. Sick leave. [Amended 4-30-1998 ATM by Art. 4; 5-3-1999 ATM by Art. 9; 5-1-2002 ATM by Art. 11; 5-5-2005 ATM by Art. 32]

§ 43-12. Leave of absence.

§ 43-13. Bereavement leave. [Amended 5-5-2005 ATM by Art. 32]

§ 43-14. Jury duty.

§ 43-15. Military leave. [Amended 5-1-2000 ATM by Art. 15; 5-5-2005 ATM by Art. 32]

§ 43-16. Maternity leave.

§ 43-17. Physical examinations. [Amended 5-1-2000 ATM by Art. 15; 5-5-2005 ATM by Art. 32]

§ 43-18. Grievance procedure.

§ 43-19. Equal employment opportunity. [Amended 11-17-1999 STM, Art. 2; 5-5-2005 ATM by Art. 32]

§ 43-20. Americans with Disabilities Act. [Amended 5-1-2000 ATM by Art. 15]

§ 43-21. Family Medical Leave Act.

§ 43-22. Small Necessities Leave Act. [Added 5-1-2000 ATM by Art. 15]

Chapter 43

PERSONNEL

§ 43-1.	Definitions.	§ 43-12.	Leave of absence.
§ 43-2.	Personnel Board.	§ 43-13.	Bereavement leave.
§ 43-3.	Wage and Salary Classification Plan.	§ 43-14.	Jury duty.
§ 43-4.	Wages and classification.	§ 43-15.	Military leave.
§ 43-5.	Hours of work.	§ 43-16.	Maternity leave.
§ 43-6.	Rates of pay for new employees.	§ 43-17.	Physical examinations.
§ 43-7.	Reclassification.	§ 43-18.	Grievance procedure.
§ 43-8.	Increases within established rate ranges.	§ 43-19.	Equal employment opportunity.
§ 43-9.	Annual leave.	§ 43-20.	Americans with Disabilities Act.
§ 43-10.	Holidays with pay.	§ 43-21.	Family Medical Leave Act.
§ 43-11.	Sick leave.	§ 43-22.	Small Necessities Leave Act.

[HISTORY: Adopted by the Annual Town Meeting of the Town of Wayland 3-3-1954 by Art. 3, as amended through the Annual Town Meeting 4-17-1997 by Art. 5. Subsequent amendments noted where applicable.]

§ 43-1. Definitions.

As used in this chapter, the following words and phrases shall have the following meanings, unless a different construction is clearly required by the context or by the laws of the commonwealth:

ACTING — Performing the duties and having the responsibilities of another position on a temporary basis without having been appointed to the position on a temporary basis.

APPOINTING AUTHORITY or **EMPLOYING AGENCY** — The official, board, committee, commission, council or other authority empowered by statute, special act or bylaw to make appointments.

BOARD — The Personnel Board as defined in § 43-2.

CIVIL SERVICE LAW — Chapter 31 of the Massachusetts General Laws, as amended, and all rules and regulations made thereunder and any special law enacted by the General Court regulating the classification, compensation and conditions of employment of officers and employees of the Town under MGL c. 31.

CLASS — A group of positions in the Town service sufficiently similar in respect to duties and responsibilities so that:

- A. The same descriptive title may be used to designate each position allocated to the class;
- B. The same qualifications shall be required of the applicants and incumbents;
- C. The same tests of fitness may be used to choose qualified employees; and
- D. The same scale of compensation can be made to apply with equity.

COMPENSATION GRADE — An alphanumeric designation for a salary or wage range.

CONTINUOUS EMPLOYMENT — Employment uninterrupted except for required military service and for authorized vacation leave, sick leave, bereavement leave, court leave or other leave of absence.

DEPARTMENT — Any department, board, committee, commission or other agency of the Town subject to this chapter and the Wage and Salary Classification Plan.

DEPARTMENT HEAD — The officer or employee having immediate supervision and control of a department. **[Amended 5-5-2005 ATM by Art. 32]**

EMPLOYEES IN BENEFIT STATUS — Employees working at least 20 hours per week.

EMPLOYMENT ANNIVERSARY DATE — The official employment start date of an employee's regular service to the Town.

FLAT RATE — A rate of compensation for personal services that does not appear in a range.

FULL-TIME EMPLOYEE — An employee retained in full-time employment.

FULL-TIME EMPLOYMENT — Employment for not less than 7 hours per diem for 5 days a week for 52 weeks per annum, less legal holidays and authorized military leave, vacation leave, sick leave, bereavement leave, court leave and leaves of absence. **[Amended 5-5-2005 ATM by Art. 32]**

HOLIDAY PAY — Extra pay authorized pursuant to § 43-10.

HUMAN RESOURCES DIRECTOR — The Assistant Town Manager or other comparable position as determined by the Select Board. **[Amended 5-5-2004 ATM by Art. 13]**

INCREMENT — The dollar difference between step rates.

INTERIM — Performing the duties and having the responsibilities of a vacant position on a temporary basis after having been appointed to the vacant position until the position is filled.

INTERMITTENT SERVICE — Personal service rendered by an employee in a position calling for part-time employment, which service, although constituting continuous employment, is not rendered during prescribed working hours, daily, weekly or annually, but is rendered as required, according to the demands for such service as determined by the appropriate supervisory authority.

JOB SHARING — The holding of one position by more than one incumbent who do not perform the duties and responsibilities of the position. **[Amended 5-5-2005 ATM by Art. 32]**

LEAVE OF ABSENCE — A form of leave authorized pursuant to § 43-12.

MAXIMUM RATE — The highest rate in a range which an employee normally is entitled to attain.

MIDPOINT RATE — The rate which is midway between the minimum rate and the maximum rate.

MINIMUM RATE — The lowest rate in a range which is paid to an employee.

OVERTIME — Time in excess of the normal number of hours or days of working time in the work week of the department.

PART-TIME EMPLOYMENT — Employment for less than full-time employment, as further defined above.

POSITION — An office or post of employment in the Town service with duties and responsibilities calling for the full-time or part-time employment of one person in the performance and exercise thereof.

PROBATIONARY EMPLOYEE — Any newly hired employee whose tenure of service in the Town has not exceeded 6 months. Such employees have limited rights during this stage of their employment and may

be discharged at any point. **[Amended 5-3-1999 ATM by Art. 9; 5-5-2005 ATM by Art. 32]**

PROMOTION — A change from a position of lower class and compensation grade to a position with greater responsibilities in a higher class and compensation grade.

RANGE — The dollar difference between minimum and maximum rate.

RATE — A sum of money designated as compensation for hourly, weekly or annual personal services.

REGULAR EMPLOYEE or REGULAR APPOINTEE — **[Amended 5-1-2000 ATM by Art. 15]:**

- A. Any employee retained on a continuing basis in a regular position, as defined below.
- B. Any employee holding an appointment under the Civil Service Law to a position deemed permanent within the meaning of said law.

REGULAR PART-TIME POSITION — Any regular position in the Town service in which the incumbent works at least 20 hours per week but less than 35 hours per week. **[Amended 5-1-2000 ATM by Art. 15]**

REGULAR POSITION — Any position in the Town service which has required or which is likely to require the services of an incumbent without interruption for a period of more than 6 calendar months, either on a full-time or part-time employment basis. **[Amended 5-1-2000 ATM by Art. 15; 5-5-2005 ATM by Art. 32]**

STEP RATE — A preestablished, incremental rate in a range between the minimum and maximum rates.

SUPERVISORY AUTHORITY — The official, board, agency, committee, council, commission or other authority empowered by law to supervise, direct and control the activities of employee(s).

TEMPORARY EMPLOYEE —

- A. Any employee retained in a temporary position as defined below.
- B. Any employee holding a temporary appointment under the Civil Service Law who does not also have permanent status thereunder.
- C. Any employee retained in a position in a class the title of which contains the adjective "temporary."
- D. Any employee hired on a temporary basis in a regular position. **[Amended 5-5-2005 ATM by Art. 32]**

TEMPORARY POSITION — Any position in the Town service which is not regular but which requires the services of one incumbent for a period not exceeding 1 of the 4 seasons of the year. **[Amended 5-5-2005 ATM by Art. 32]**

TOWN — The Town of Wayland.

WAGE AND SALARY CLASSIFICATION PLAN — The schedule of hourly, weekly, annual and flat rates appearing in the Town's annual Town meeting warrant or special Town meeting warrant, pursuant to § 43-3A.

§ 43-2. Personnel Board.

- A. There shall be a Personnel Board of 5 members appointed by the Selectmen. The Selectmen shall also have the power to fill Personnel Board vacancies. The term of appointment shall be for 5 years, except where the appointment is to fill a vacancy, and then it shall be to fill the unexpired term. No member of the Personnel Board shall be an employee of the Town or hold Town office. Members of the Personnel Board shall serve without compensation. **[Amended 5-5-2005 ATM by Art. 32]**

- B. The Personnel Board shall have the following powers and duties:
- (1) To develop and administer this chapter and the Wage and Salary Classification Plan (hereinafter called "this chapter" and "the plan") and personnel policies and procedures in cooperation with the Town boards and departments affected.
 - (2) To approve all pay or classification changes of Town employees, including all hiring rates and classifications.
 - (3) To negotiate collective bargaining agreements for the Town, after having met in advance with the Select Board and the Finance Committee to discuss the forthcoming negotiations.
 - (4) To establish such central personnel files for all employees as it deems useful in the administration of this chapter and the plan.
 - (5) To review the operation of the plan annually, including minimum and maximum wage and salary brackets, and to recommend to the Town any appropriate changes.
- C. In the case of any dispute concerning the interpretation or administration of this chapter and the plan, the decision of the Personnel Board shall be final, subject to an appeal to the Town at the next Town meeting.
- D. The Personnel Board shall meet as necessary to consider such business as may be presented by Town officials, Town employees or other interested persons, but not less often than quarterly. Three members of the Board shall constitute a quorum, and all action shall be taken by a majority of the members present at the Board meeting, provided that the Board may delegate to the Chairman power to act at any time on routine matters, subject to appeal to the full Board.

§ 43-3. Wage and Salary Classification Plan.

- A. The positions of all nonelected Town employees are classified under the following job titles with the wage and salary rates set forth. (Refer to § 43-4.)
- B. The Personnel Board may prepare such additional job descriptions to supplement the foregoing job titles as it deems necessary. Upon classification of said job description, the employing agency shall submit a funding request to the Finance Committee for subsequent budget action by Town meeting and shall comply with policies and procedures established from time to time by the Personnel Board.
- C. If it becomes necessary during any year for any Town board, commission, committee, department or official (hereinafter referred to as an "employing agency") to hire a regular employee to do work not covered by an existing classification, the Personnel Board may establish a temporary new classification, but the same shall be submitted to the Town as a proposed amendment to the plan in the next warrant for a regular Town meeting.
- D. Upon request of an employing agency, the Personnel Board is authorized, for cause shown, to convert an hourly rate shown in the foregoing schedule into a salary, or a salary into an hourly rate, provided that no change shall be made which will increase or reduce the average earnings of any employee.
- E. The wages and salaries of Town employees shall be fixed in strict accordance with this plan. No employing agency shall pay or employ any person at a salary or wage not fixed in accordance with this plan and approved by the Personnel Board hereunder, nor shall the Personnel Board approve a salary or wage that was not previously proposed by or reviewed with the employing agency. In administering this section, the Personnel Board shall take into consideration any and all employee

fringe benefits.

F. Longevity pay.

- (1) Each full-time regular employee of the Town shall be awarded longevity pay in accordance with the following table:

Years of Service	Longevity Pay
After 5	\$100 per year
After 10	An additional \$50 (\$150 total)
After 15	An additional \$50 (\$200 total)
After 20	An additional \$50 (\$250 total)
After 25	An additional \$50 (\$300 total)
After 30	An additional \$50 (\$350 total)

- (2) Payments will be made twice a year, on May 31 and November 30, and each payment will consist of 1/2 of the yearly amount. To qualify for the additional payments under this section, the employees must have completed the required years of service before the payment date. Part-time employees will be given consideration under this section.
- (3) The Personnel Board will be responsible for determining the equivalency of longevity in each case.
- (4) Administrative and professional employees hired after January 1, 1979, shall not be awarded longevity pay.

- G. The Personnel Board shall establish a system/method of nonmonetary recognition for exceptional performance or contribution by one or more employees.

§ 43-4. Wages and classification. [Amended 5-5-2005 ATM by Art. 32]

Non-union employees whose positions are classified on the G, SG, S, Nurse and Non-union Police wage scales will be transferred to a newly established Non-union N wage scale during Fiscal Year 2006, effective upon each non-union employee's employment or reclassification anniversary date.

§ 43-5. Hours of work. [Amended 5-1-2000 ATM by Art. 15]

- A. The regular work week for office and clerical employees shall be 35 hours. For Fire Department personnel, it shall be 42 hours. For Police Department personnel, it shall be 37.5 hours. The regular work week for all other Town employees shall be 40 hours, unless otherwise provided by union contract.
- B. Nonexempt employees, other than members of collective bargaining units, required to work more than 8 hours in any day or 40 hours in any week shall be compensated for such overtime at a rate

based on 1 1/2 times their regular hourly rates of pay or may with permission of the supervisor take time off equal to 1 1/2 times the amount of overtime. Employees, other than members of collective bargaining units, whose regular work week is less than 40 hours shall receive straight-time pay up to 40 hours per week and time and 1/2 for all hours worked in excess of 40 hours per week or may with permission of the supervisor take time off equal to 1 1/2 times the amount of overtime. **[Amended 5-5-2005 ATM by Art. 32]**

- C. Nothing in this section shall apply to exempt employees under the Fair Labor Standards Act. **[Amended 5-5-2005 ATM by Art. 32]**

§ 43-6. Rates of pay for new employees. [Amended 5-5-2004 ATM by Art. 13]

- A. An individual newly hired, promoted, reclassified or permanently transferred from one job to another shall be paid the minimum salary or wage rate for his classification, except as hereinafter provided. The employing agency shall report all transfers and, so far as practicable, all proposed hirings to the Personnel Board in advance of appointment for approval of the employee's classification and salary or wage rate. When prior consultation is impractical, the appointing agency may hire an individual, with the approval of the Human Resources Director, but subject to ratification of the employee's classification and salary or wage rate by the Personnel Board.
- B. The starting pay rate for all positions will normally be the minimum step of an assigned classification. Exceptions to this rule may be considered by the Personnel Board and/or the Human Resources Department. All starting pay rates must be approved by the Human Resources Department, and any proposed starting rate above the fourth step of a classification must receive Personnel Board approval.

§ 43-7. Reclassification.

- A. The duties of any position may be reviewed by an employing agency upon request of the employee, on its own initiative or on the initiative of the Personnel Board. If it appears to the employing agency that such position belongs in a different job classification because of changes in the nature of duties and/or responsibilities, the employing agency may recommend reclassification and shall submit a revised job description to the Personnel Board, which shall then review the facts and approve or deny the proposed reclassification. If approved, the employing agency shall submit a reclassification funding request for approval by the Finance Committee. A reclassified employee shall be paid in accordance with the provisions of § 43-6.
- B. Where, in the judgment of the Personnel Board and the employing agency, unfairness would otherwise result, a Town employee temporarily assigned to work in a higher classification for at least 1 week shall be paid the minimum rate for that classification for as long as he/she does such work, provided that he/she is paid at a rate at least one step higher than his present rate. **[Amended 5-5-2005 ATM by Art. 32]**
- C. Any employee who is promoted to a higher job classification will receive at least the equivalent of one periodic step increase under the previously assigned classification at the time of promotion. **[Amended 5-5-2005 ATM by Art. 32]**

§ 43-8. Increases within established rate ranges.

- A. Upon satisfactory completion of probationary employee status, as determined by the supervisory authority, an employee may be eligible to receive a 1-step increase within the assigned classification. Increases will be granted only upon the written recommendation of the supervisory authority with the

approval of the Personnel Board. Employees may continue to be eligible for step increases upon completion of each employment year, as determined by the employment anniversary date and as prescribed by Subsection B of this section. Step increases will not be granted beyond the maximum step of the assigned classification. **[Amended 5-5-2005 ATM by Art. 32]**

- B. The intent of this section is to enable the Town to reward good and faithful service. It is intended that step increases will be granted for merit, and such increases will be withheld in any case where the employee has not performed satisfactorily enough to earn an increase that may be allowable within the assigned wage and classification schedule.

§ 43-9. Annual leave.

- A. Paid annual leave. **[Amended 4-30-1998 ATM by Art. 4; 5-5-2005 ATM by Art. 32; 4-7-2016 ATM by Art. 12]**

(1) Paid annual leave for all full-time nonunion nonprofessional or nonadministrative employees in benefit status hired before April 7, 2016, shall be as follows:

- (a) 0 but less than five years employment: 13 working days.
- (b) 5 but less than 15 years employment: 19 working days.
- (c) 15 years to severance: 25 working days.

(2) Paid annual leave for all full-time nonunion, nonprofessional or nonadministrative employees in benefit status hired after April 7, 2016, shall be as follows:

- (a) 0 but less than five years employment: 10 working days.
- (b) 5 but less than 15 years employment: 15 working days.
- (c) 15 years to severance: 20 working days.

(3) Leave days will start accruing at the conclusion of the probationary period and be retroactive to the date of hire.

- B. Schedule for earning leave days. **[Amended 5-3-1999 ATM by Art. 9; 5-1-2000 ATM by Art. 15; 5-5-2005 ATM by Art. 32; 4-29-2007 ATM by Art. 15; 4-10-2008 ATM by Art. 20; 4-7-2016 ATM by Art. 12]**

(1) The schedule for earning leave days for all full-time nonunion, nonprofessional or nonadministrative employees in benefit status hired before April 7, 2016, is as follows:

- (a) For 13 leave days per year: 7.5833 hours/month.
- (b) For 19 leave days per year: 11.0834 hours/month.
- (c) For 25 leave days per year: 14.5834 hours/month.

(2) The schedule for earning leave days for all full-time nonunion, nonprofessional or nonadministrative employees in benefit status hired after April 7, 2016, is as follows:

- (a) For 10 leave days per year: 5.8333 hours/month.
- (b) For 15 leave days per year: 8.7500 hours/month.

- (c) For 20 leave days per year: 11.6666 hours/month.
- (3) This full-time earning schedule is based on 260 working days per year and a 5-day week.
- (4) Regular part-time employees will earn days at the same rate, i.e., calculated on the number of hours worked divided by the full-time schedule, provided that they work at least 20 hours per week.
- (5) While out of work on leave for more than 20 days due to, but not limited to, on-the-job injury for which the employee is collecting workers' compensation, long-term disability, sick leave, family medical leave or leave of absence, employees shall not be eligible to earn annual leave.
- C. Use of annual leave. **[Amended 5-1-2000 ATM by Art. 15; 5-5-2004 ATM by Art. 13; 5-5-2005 ATM by Art. 32]**
- (1) Annual leave may be taken as follows: Leave may be taken 1/2 day at a time, with permission of the supervisory authority, and may be used for personal business and family emergencies.
- (2) For purposes of this section, a leave year is defined as January 1 to December 31. Up to 10 accumulated leave days may be carried forward to the next leave year. Such leave days must be used within the next leave year. Any accumulated leave time over 10 days not taken by December 31 of each leave year will be forfeited. However, the Personnel Board may grant an additional carryover of 5 leave days, for a maximum of 15 leave days, to the next leave year by considering a written appeal by an employee who is contemplating an extended leave prior to April 1 of the next following leave year. In all cases, any carryover leave days which exceed 10 and which are not utilized by April 1 of the next following leave year will be forfeited. Appeals must be filed by December 1 of each leave year with the Personnel Board/Human Resources.¹ **[Amended 5-5-2004 ATM by Art. 13]**
- D. Any employee whose service is severed with the Town during the leave year shall be compensated for any earned and unused annual leave.
- E. Full-time employees on the N schedule shall receive 2 personal days each January 1st. Unused days will be forfeited each December 31st. Days may be used in one-half-day increments. Part-time employees in the above schedules shall earn personal days on a pro-rated basis. **[Amended 5-5-2005 ATM by Art. 32; 4-10-2008 ATM by Art. 20]**

§ 43-10. Holidays with pay. [Amended 5-1-2000 ATM by Art. 15; 4-10-2008 ATM by Art. 20]

All regular employees in benefit status shall be allowed the following 12 holidays with pay: New Year's Day, Martin Luther King Day, Presidents Day, Patriots Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving and Christmas Day. When one of the foregoing holidays falls on a Sunday, the holiday will be observed on the following Monday. When one of the foregoing holidays falls on a Saturday, the holiday will be observed on the preceding Friday. If a holiday falls on a regularly scheduled day off, or when a regular Town employee is scheduled to work on a holiday, he/she shall be given an additional day off with pay or shall receive straight-time pay for the hours actually worked in addition to his regular pay.

§ 43-11. Sick leave. [Amended 4-30-1998 ATM by Art. 4; 5-3-1999 ATM by Art. 9; 5-1-2002 ATM

1. Editor's Note: Former Subsection C(3), regarding use of leave for regular part-time employees, as amended, which immediately followed this subsection, was repealed 4-29-2007 ATM by Art. 15.

by Art. 11; 5-5-2005 ATM by Art. 32]

- A. Each regular employee in benefit status shall accumulate sick leave for personal illness at the rate of 7.5840 hours per month for a total of 13 days per year, unless otherwise provided in a collective bargaining agreement. Sick leave will not be accumulated by an employee when absent due to illness, injury or leave of absence for more than 20 consecutive working days. Sick leave is for the protection of employees against loss of pay because of illness and shall not be taken into account in figuring termination pay. Probationary employees are allowed to accrue sick leave from the first day of employment but are not permitted to utilize these leave days until the probationary employee status has been completed. Sick leave may be used in hourly increments with a minimum of 2 hours. **[Amended 4-29-2007 ATM by Art. 15; 4-10-2008 ATM by Art. 20]**
- B. If on sick pay, an employee may be compensated at his regular rate of pay for absences of not more than 5 consecutive working days, provided that the supervisory authority is satisfied that the absence was caused by the employee's illness. Sick leave with pay will be allowed for more than five consecutive working days only upon submission of a doctor's certificate satisfactory to the supervisory authority. Such certificate will also be filed with the employing agency. Such payment for sick leave may not exceed the employee's accrued sick leave benefit.
- C. Up to the limit of the dollar amount accrued, an employee may request that his/her sick leave and accrued annual leave be used to supplement worker's compensation payments in each pay period, as long as said payments do not exceed his/her regular after-tax income.
- D. When an employee is on sick leave and his accrued leave expires or he/she is receiving benefits under workers' compensation and his accrued leave expires, he/she will fall under the provisions of § 43-12, Leave of absence; that is, no provision of this plan will apply, and seniority, sick leave and annual leave will not accrue during this absence.
- E. When a regular employee retires, or dies, he/she or his beneficiary shall receive pay equal to the employee's most recent daily straight-time rate multiplied by 60% of his unused accumulated sick leave days in effect as of his retirement or death. Such severance pay shall not exceed an amount as follows: **[Amended 4-10-2008 ATM by Art. 20; 4-7-2016 ATM by Art. 12]**
- (1) Less than 20 years of service: not to exceed \$7,500.
 - (2) 20 years or more of service: not to exceed \$10,000.
- F. Employees hired after April 7, 2016, shall have accrued sick leave capped at a maximum of 125 days. Employees hired prior to April 7, 2016, shall continue to accrue sick leave and shall not be subject to the cap. **[Added 4-7-2016 ATM by Art. 12]**

§ 43-12. Leave of absence.

Any employee may apply for a leave of absence without pay. The application must be approved by both the employing agency and the Personnel Board and will be granted only under unusual conditions. If a leave of absence is granted, no provision of this plan will apply, and seniority, sick leave and annual leave will not accrue during this absence. An employee may remain covered by the Town's group insurance plan if he/she pays 100% of the monthly premium. This section does not apply to short-term military leave.

§ 43-13. Bereavement leave. [Amended 5-5-2005 ATM by Art. 32]

- A. Each regular employee in benefit status may be eligible to receive an absence with pay not to exceed

3 days which may be granted at the discretion of the supervisory authority in case of death of a member of an employee's immediate family. For purposes of this section, the term "immediate family" shall mean an employee's spouse, child, father, mother, sister, brother, grandparents, father-in-law, mother-in-law, brother-in-law or sister-in-law.

- B. Employees may be granted up to 2 additional days absence with pay, at the discretion of the supervisory authority, in the event of the death of a spouse, child or parent.

§ 43-14. Jury duty.

If an employee is called to serve on jury duty, he/she shall be paid the difference between compensation for serving on jury duty and his regular (base) pay. Employees serving on jury duty should make every reasonable attempt to report for work on the days on which they serve. Reasonable documentary proof of actual service of jury duty must be presented to the supervisory authority in order for this compensation to be paid.

§ 43-15. Military leave. [Amended 5-1-2000 ATM by Art. 15; 5-5-2005 ATM by Art. 32]

An employee called to Reserve or National Guard duty will be compensated for the difference between his military pay and his/her regular (base) pay for the training period, not to exceed 17 days in any year, upon satisfactory evidence of completion of the training period. Military pay shall be considered to be all pay received for the entire 17-day period, including Saturdays and Sundays. Military leave shall not be charged to vacation time.

§ 43-16. Maternity leave.

- A. A regular full-time female employee, after having successfully completed her probationary period, shall be granted an 8-week maternity leave without pay, for the purpose of giving birth to a child, adopting a child who is under 18 years of age or adopting a person under the age of 23 who is mentally or physically disabled. The employee must give at least 2 weeks' notice of her anticipated departure date and intention to return to her job. **[Amended 4-30-1998 ATM by Art. 4; 5-1-2000 ATM by Art. 15; 5-5-2005 ATM by Art. 32]**
- B. Such employee, provided that she has complied with Subsection A above, shall be entitled, at the conclusion of her maternity leave, to return to work at her previous or similar position with the same status she held as of the date her maternity leave commenced, unless other employees with equal length of service and status in the same or similar positions have been laid off due to changes in economic or operating conditions during the period of her maternity leave. **[Amended 5-1-2000 ATM by Art. 15]**
- C. An employee on maternity leave may use her earned sick leave or annual leave. If she has no accrued leave available or her accrued leave expires, she will fall under the provisions of § 43-12, Leave of absence; that is, no provision of this plan will apply, and seniority, sick leave and annual leave will not accrue during this absence.

§ 43-17. Physical examinations. [Amended 5-1-2000 ATM by Art. 15; 5-5-2005 ATM by Art. 32]

All new employees are required to have a physical examination completed after an employment offer has been made and prior to beginning work to ensure that they are capable of performing the essential functions of the job with or without a reasonable accommodation. Physical examinations shall be done by a physician designated by the town, at town expense. The town physician is responsible for making recommendations

to the Human Resources Department and for maintaining confidential medical records on the individuals.

§ 43-18. Grievance procedure.

- A. Any employee who feels aggrieved by the administration of any provision of this plan may take the matter up with his immediate supervisor.
- B. If the matter is not cleared up following a discussion with the immediate supervisor, the employee may submit a complaint to the employing agency in writing, which shall then give the employee an informal hearing and attempt to reach a mutually satisfactory adjustment.
- C. If the matter is not satisfactorily settled within 2 weeks after a written complaint is made, either party may submit the question to the Personnel Board. The Personnel Board shall take the matter under advisement, may hold a public or private hearing and shall render a final and binding decision within 30 days. [Amended 5-5-2005 ATM by Art. 32]

§ 43-19. Equal employment opportunity. [Amended 11-17-1999 STM, Art. 2; 5-5-2005 ATM by Art. 32]

The Town of Wayland is an equal opportunity employer. This means that it pledges that all candidates for positions and all officials and employees of the town's agencies will be treated equally in all actions affecting them. It also means that the town has a policy of nondiscrimination which guarantees that all applicants for employment and all employees are not to be discriminated against because of race, color, age, sex, religion, ethnicity, national origin, sexual orientation, veteran status, political affiliation or disability.

§ 43-20. Americans with Disabilities Act. [Amended 5-1-2000 ATM by Art. 15]

As of July 1992, all provisions of this chapter must conform to the requirements of the Americans with Disabilities Act (ADA). In keeping with the recommendation of the Report of the House Committee on Education and Labor (Report No. 101-485), the Town shall take all action necessary to comply with the Act.

§ 43-21. Family Medical Leave Act.

The Personnel Board shall establish a policy consistent with the Family Medical Leave Act of 1993.

§ 43-22. Small Necessities Leave Act. [Added 5-1-2000 ATM by Art. 15]

The Personnel Board shall establish a policy consistent with the Small Necessities Leave Act of 1998.

Article V. Classification and Compensation Study for **All** Town Wage Scales

Proposed by: Select Board

Estimated Cost: \$60,000

To determine if the Town will vote to appropriate \$60,000 from XXXX Fund to hire a consultant to work under the direction of the Town Manager and Human Resources Manager to conduct a comprehensive Classification and Compensation Study of the following Town wage scales:

- Non-Union Wage Scale, N Schedule
- AFSCME Wage Scale, G Schedule
- Library Wage Scale, L Schedule
- Teamsters – DPW Wage Scale, D Schedule
- Fire Wage Scale, F Schedule
- Police Wage Scale, P and D Schedules

FINANCE COMMITTEE COMMENTS: The Select Board is requesting a \$60,000 appropriation which will be used to hire an outside consultant to conduct a Classification and Compensation Study (CC Study) of substantially all current Town union and non-union positions. The objectives of the CC Study are to ensure (1) uniform salary ranges are based on responsibilities and requirements of each job, (2) equal pay is provided for equal work, and (3) employee compensation is both internally equitable and externally competitive. Typically, this type of expenditure would be included in the Omnibus Operating budget, but the Town Manager chose to have the Select Board submit a warrant article to permit a more focused debate. The Finance Committee encourages the Town Manager to include future requests in the Town's operating budget to ensure it gets considered along with other budgetary items.

The CC Study, to be conducted under the direction of the Town Manager and Human Resources Manager, will identify essential functions and competencies for each position using information provided by the Town, e.g., job descriptions, surveys of employees, etc., and will recommend changes to position classifications, if necessary, to ensure internal equity, job comparability and pay equity. Market data will be gathered from comparable communities for benchmark purposes and to develop a competitive compensation system that helps the Town attract and retain qualified candidates in an increasingly competitive job market.

It appears the last comprehensive classification and compensation study for non-union positions was conducted in 1997.

In 2004, the Personnel Board oversaw a limited study of fifty-seven union and non-union positions. To contain costs, job descriptions were updated and revised in-house prior to the start of the study. The consultant compared the selected Town positions to similar positions in seventeen comparable communities. At the conclusion of the study, recommended reclassifications were implemented.

In May 2022, the Town completed a compensation study based on a prior agreement between the Town and the AFSCME (American Federation of State County and Municipal Employees) Union. This study resulted in an agreed upon 10% market adjustment (based on a 75% percentile target of comparable wages) for all AFSCME Union positions. The parties agreed to spread this percentage increase over three years beginning in FY2024. Relying in part on this study, the Town proposed adjusting all non-union positions by the same 10% market adjustment beginning in FY2024 (see Article H in this warrant).

The Personnel Board recommends approval. Vote: 0-0-0

The Select Board recommends approval. Vote: 0-0-0

Commented [B01]: Given deletion of "Non-Union Miscellaneous Wage Scales" should this word be deleted?

Commented [B02]: Katherine Ryan to confirm the highlighted reference to specific "Schedules" is accurate

ARGUMENTS IN FAVOR: The Town’s Wage and Classification Plans allow for periodic wage increases for union and non-union employees and provide for reasonable wage growth over time depending on economic conditions. Compensation adjustments to keep Wayland abreast of market wages is critical to attract and retain staff in all departments. Best practice suggests that these plans should be reviewed and updated every five to seven years.

The scope of the proposed study is likely to be extensive, complicated, and data driven and, therefore, typically conducted by an outside, human resources professional rather than Town staff. Having an outside consultant prepare the study also ensures that it is completed in a timely manner, allows the Town to take advantage of data gathered by the consultant during similar recent studies, and frees up the Town Manager and HR Manager to focus on interpreting and implementing the consultant’s recommendations.

ARGUMENTS OPPOSED: Rather than spend scarce Town financial resources, the scope of the proposed study should be reduced and, if possible, conducted internally by the Town Manager and Human Resources Manager, with the assistance of the Personnel Board, through surveys of comparable communities and/or review of recent comparable studies completed by such communities.

The article is overly broad and does not specify the project’s scope in sufficient detail.

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

QUANTUM OF VOTE: Majority – see [Massachusetts General Laws Chapter __, Section __](#).

For more information about this article, contact Town Manager Michael McCall at 508-358-3620 or email mmccall@wayland.ma.us.

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Article W. Loker Elementary School Solar Agreement

Proposed by: Select Board

Article Description (final language to be provided by Town Counsel based on description provided):

To determine whether the Town will vote to:

- a) amend Article 18 passed at the 2021 Annual Town Meeting to authorize the Select Board to enter into and execute a renewable energy power purchase and/or net metering credit purchase agreement for the purchase of solar energy or net metering credits generated by a solar photovoltaic power generation system and related optional battery energy storage capacity to be installed and operated at Loker Elementary School, and to lease or license the related land and buildings for such system, for terms of up to twenty-five (25) years, on such terms and conditions as the Select Board deems to be in the best interests of the Town; and
- b) authorize the Select Board, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, cl.45, with the approval of Town Counsel as to form, to decide to enter into and execute a structured tax or payment in lieu of tax (PILOT) agreement in connection with said solar photovoltaic power generation system to be installed and operated at the Loker Elementary School for a term of up to twenty-five (25) years, upon such terms and conditions as the Select Board shall deem to be in the best interest of the Town.

PROPOSERS' COMMENTS: The Select Board and its Energy & Climate Committee favor this article. The 2021 Annual Town Meeting (the 2021 ATM) authorized the Town to sign agreements for this solar project with terms of up to 20 years. Passage of this article will permit signing agreements with terms of up to 25 years. The longer periods will deliver incremental savings to the Town by lowering the vendor's price for the electricity or credits. The longer terms reflect increasing durability of solar equipment technology. The Town expects to sign the agreements to enable installation later this year, subject to regulatory approvals. The 2021 ATM declared a climate emergency and called for Wayland to develop a Climate Action Mobilization Plan (CAMP). The 2022 CAMP calls for reductions in energy use in new construction and rehabilitations of municipal buildings, and to complete the Loker solar project. This project is consistent with those recommendations.

FINANCE COMMITTEE COMMENTS: Passage of this article would amend the authority given by the 2021 ATM to undertake the Loker School solar project by enabling the Select Board to sign a power or net metering credit purchase agreement, and related leasing and tax agreements, with terms of up to twenty-five (25) years, compared with the twenty (20) year terms authorized at the 2021 ATM.

Clause (b) would update clause (c) of Article 18 passed at the 2021 ATM to reflect subsequent state legislation that shifted authority for entering into such tax agreements from Massachusetts General Laws Chapter 59, Section 38H, to Section 5, Clause 45.

As authorized by the 2021 ATM, the agreements allow the Town to avoid the initial capital costs of the solar project. Instead, a third-party vendor will design, permit, finance, install and operate the solar electric power system at no cost to the Town, and sell the solar electricity or net metering credits to the Town at a pre-negotiated price. The Town benefits from a lower electricity price enabled by the vendor

accessing federal ~~tax~~ and state ~~tax and~~ financial incentives available for private sector owners of such projects. Most of the solar electricity or credits will be used to reduce the electricity bills at the Loker School. Any seasonal excess electricity will be sent to Eversource Energy in exchange for credits the Town can apply to Loker School and other municipal electric bills.

The amount of the electricity cost savings will depend on the ultimate contract term and the size of the solar array. The longer 25-year contract term will enable the Town to secure a lower price for the electricity or net metering credits, thereby increasing the net savings for the Town. Based on the current project size, and existing electricity rates, extending the contract term from 20 to 25 years could enable an incremental \$8,000 in electricity cost savings for the Town in the first year and over \$100,000 in incremental savings over the 25-year contract term.

The Town paused the solar project to enable installation of a new roof and energy-efficient electrical system upgrades at the school. The new roof and the solar array will have similar long-lives, making it likely that the Town can avoid the cost of removing panels for roof repairs. The roof and solar contractors can coordinate to ensure the roof warranty is maintained in full force.

The Loker solar array is part of the Town's efforts to mobilize municipal departments, boards, commissions, residents, and businesses to reduce community-wide greenhouse gas emissions called for by the declaration of a climate emergency by the 2021 ATM and the 2022 CAMP.

Wayland continues to realize electricity cost savings from the existing solar arrays at the Wayland High School, Wayland Middle School, the Town Building, and the Department of Public Works facility. Those projects were built at no cost to Wayland beyond staff time and are operated under similar third-party vendor arrangements.

The Select Board recommends . Vote:

The Energy & Climate Committee recommends _____. Vote: _____

The School Committee recommends _____. Vote: _____

ARGUMENTS IN FAVOR: The 2021 ATM authorized the Town to enter into contracts for this solar project. Passage of this article will extend the Select Board's authorization to enter into contract terms of up to 25-years, versus the previously approved up to 20-year term. Increasing the contract term to 25 years, will reduce the third-party solar vendor's electricity price charged to the Town, relative to a 20-year contract length.

The solar vendor will be responsible for all upfront and ongoing project costs, including construction, operation, maintenance, and removal of the solar system. There are no anticipated operating costs to the Town other than processing bill payments.

The new Loker School roof and the solar array will have similar long-lives, making it likely the Town can avoid the cost of removing panels for roof repairs. The solar vendor will also manage the installation schedule to minimize the impact on school activities in coordination with Town staff.

The Town continues to save on electricity costs from the four existing solar arrays in the towns, and there have been no operating issues.

The solar sector has multiple contractors, operators, and owners, thereby providing alternatives in the event of the vendor going out of existence during the longer contract period.

ARGUMENTS OPPOSED: There is no guarantee the third-party solar vendor will be in existence to maintain the solar arrays during a longer twenty-five-year contract life, or to remove the arrays at the end of the agreement.

Actual cost saving may differ from the estimates, depending on future utility rates.

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

QUANTUM OF VOTE:

For more information, contact Town Manager Michael McCall by email at mmccall@wayland.ma.us.

Article X. Solar Agreements for Council on Aging facility

Proposed by: Select Board

Article Description (final language to be provided by Town Counsel based on description provided):

To determine whether the Town will vote to:

- a) authorize the Select Board to lease, as lessor, or license portions of the Council on Aging/Community Center (“CoA/CC”) building and parking lot at 8 Andrew Avenue for a term of not more than twenty five (25) years for the installation and operation of solar photovoltaic power generation systems to be installed and operated on the roof of the CoA/CC building and on solar canopies located over a portion of the adjacent parking lot;
- b) authorize the Select Board to enter into and execute a renewable energy power purchase and/or net metering credit purchase agreement for the purchase of solar energy or net metering credits generated by said systems above for a term of up to twenty-five (25) years, on such terms and conditions as the Select Board deems to be in the best interests of the Town;
- c) authorize the Select Board, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, clause 45, with the approval of Town Counsel as to form, to decide to enter into and execute a structured tax or payment in lieu of tax (PILOT) agreement in connection with said solar photovoltaic power generation system for a term of up to twenty-five (25) years upon, such terms and conditions as the Select Board shall deem to be in the best interest of the Town.

PROPOSERS’ COMMENTS: The Select Board and its Energy & Climate Committee favor this article. The 2022 Annual Town Meeting (ATM) approved funding to build the CoA/CC facility. It was designed to be highly energy-efficient and to include solar power generation. This article will enable By enabling a private vendor instead of the Town to build, own, finance, and operate the solar project, these agreements will lower the Town’s own capital outlays, and to sell the solar output to the Town at a pre-negotiated price. The Town will benefit from a lower electricity price enabled by the vendor accessing federal tax and state financial incentives available for private sector owners of such projects. The vendor will be able to tap significant federal and state financial incentives available only for private owners of solar projects. The 2021 ATM declared a climate emergency and called for a Climate Action Mobilization Plan (CAMP). The Town’s subsequent 2022 CAMP calls for reductions in energy use in new construction and rehabilitations of municipal buildings and to consider solar power projects on Town properties. This article is consistent with those recommendations.

FINANCE COMMITTEE COMMENTS: Passage of this article would enable the Select Board to sign a power or net metering credit purchase agreement and related leasing and tax agreements with terms of up to twenty-five (25) years with a private vendor for installing and operating solar arrays on the roof and over a portion of the parking lot at the CoA/CC facility. The installation of the roof-top arrays and parking lot canopies will be coordinated with the construction of the CoA/CC facility.

The private solar project vendor will be responsible for all costs, including design, finance, construction, operation, maintenance, and removal of the solar systems. There are no anticipated operating costs to the Town from the solar arrays, other than processing bill payments.

The solar project vendor will sell the solar electricity or net metering credits to the Town at a pre-negotiated price. Most of the solar electricity or credits will be used to reduce the CoA/CC's utility electricity costs. Any seasonal excess electricity will be sent to Eversource Energy in exchange for credits that the Town can apply to the CoA/CC facility or other municipal electric bills.

The amount of the electricity cost savings will depend on the ultimate contract term and the size of the solar arrays. Based on the current estimated project sizes, the solar arrays enable approximately ~~[\$2,00094]~~ in electricity cost savings for the Town in the first year and ~~[\$330,0002,832]~~ in savings over the 25-year contract term, depending on future utility electricity rates.

The solar arrays are part of the Town's efforts to implement the town-wide mobilization of municipal departments, boards, commissions, residents, and businesses to reduce community-wide greenhouse gas emissions called for by the climate emergency declared by the 2021 ATM and the 2022 CAMP.

Wayland has had a positive experience with solar projects. The Town saves on its electricity costs from the existing solar arrays at the Wayland High School, Wayland Middle School, the Town Building and the Department of Public Works facility. Those projects were built at no cost to Wayland, beyond staff time, and are operated under similar third-party contract arrangements.

The Select Board recommends . Vote: _____
The Council on Aging Board recommends _____. Vote: _____
The Energy & Climate Committee recommends _____. Vote: _____

ARGUMENTS IN FAVOR: The CoA/CC facility design envisioned at the time of the 2022 ATM included on-site solar power generation to reduce the facility's net energy consumption. Indeed, the solar projects are an integral part of the CoA/CC's highly energy efficient design. Passage of this article is consistent with this vision and design.

If approved, the solar agreement will enable the Town to avoid installation and operating costs associated with the solar project and benefit indirectly (via a lower electricity purchase price) from federal tax and state financial ~~and tax~~-incentives available for privately-owned solar projects.

The solar project vendor will have sole liability related to construction and operation of the solar arrays. There are no anticipated operating costs to the Town from the solar arrays, other than processing bill payments.

The solar sector has multiple contractors, operators, and owners, thereby providing alternatives in the event of the vendor going out of existence during the contract period.

The Town continues to save on electricity costs from the four existing solar arrays in the town, and there have been no operating issues.

Passage of this article will showcase Wayland's commitment to reducing its greenhouse gas emissions in response to the Town's declaration of a climate emergency at the 2021 ATM. Similarly, the projects show the Town's commitment under the 2022 CAMP to boosting municipal purchases of green power, including considering feasible and cost-effective green power projects on Town properties.

ARGUMENTS OPPOSED: The parking lot solar canopies will be visible to some nearby residents and to Town Center customers entering via Andrew Avenue. Some nearby residents believe a solar canopy should not be sited on this parcel.

The Town will purchase the electricity or net metering credits from the solar project vendor at a fixed price over the 25-year contract. Lower future utility electricity prices might reduce the net savings to the Town from the project.

The projected net electricity saving assumes continuation of federal and state solar incentives. There is no guaranty that such incentives will continue.

There is no guarantee the developer will be in existence to maintain the solar arrays during the twenty-five-year life of the power purchase agreement or to remove the arrays at the end of the agreement.

There could be incremental costs if the Town damages the parking lot solar canopies or if the rooftop arrays have to be removed for roof maintenance.

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

QUANTUM OF VOTE:

For more information, contact Town Manager Michael McCall by email at mmccall@wayland.ma.us.

Article BB. Revise Town Code 91-1

Proposed by: Town Clerk

Estimated Cost: N/A

Article Description

To determine whether the Town will vote to amend Town Code, Article 1 Regulation of Dogs, Chapter 91-1 Definitions:

[Key to changes: underlining denotes additions; ~~strikethroughs~~ denote deletions]

§ 91-1 Definitions:

A. As used in this article, the following words and terms have the following meanings:

BANISHMENT

An order that a vicious dog may no longer reside or visit in the Town of Wayland.

DCO

The Dog Control Officer.

DESTRUCTION

An order that a vicious dog be destroyed in accordance with Massachusetts General Laws, Chapter 140, and Massachusetts Society for the Prevention of Cruelty to Animals guidelines.

EFFECTIVE VOICE CONTROL

To be under effective voice control, the dog must be within the keeper's sight and the keeper must be carrying a leash and the dog must refrain from illegal activities.

KEEPER

Any person having charge of a dog within the Town of Wayland, including but not limited to the dog's owner, dog walkers, dog sitters, members of the dog owner's household or family.

KENNEL

~~Four or more dogs, six months of age or older, kept on a single property, whether for breeding, sale, training, hunting, companionship, or any other purpose.~~

PERSONAL KENNEL: a pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

Personal kennels will be inspected by the Animal Control Officer (ACO). Upon a successful inspection, the ACO will forward the report to the Town Clerk, at which time the Town Clerk will contact the resident for payment, and upon payment, a personal kennel license will be processed.

COMMERCIAL BOARDING OR TRAINING KENNEL: an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

COMMERCIAL BREEDER KENNEL: an establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration. Commercial kennels – whether for breeding, boarding or training will need to be inspected by the ACO. Every first time applicant for a new commercial kennel license must first obtain a special permit from the Zoning Board of Appeals, pursuant to Wayland Town Bylaws, Chapter 198, Zoning §198-203.1. Once the Zoning Board of Appeals makes a favorable decision, the application may then submit an application to the Town Clerk's Office to apply for a Kennel License.

VETERINARY KENNEL: a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

KENNEL LICENSE

A special license issued to a kennel, which allows payment of a single fee covering all dogs in the kennel; with the kennel license, the kennel owner receives a special kennel tag for each dog in the kennel.

FINANCE COMMITTEE COMMENTS:

The Town's bylaws are vague on the definition of a kennel, types of kennels and the process of how one applies for a kennel license within these definitions based on Massachusetts General Laws. The article specifically separates the difference between personal and commercial types of kennels in relationship to these laws. The updated bylaws will allow residents, businesses and other Town Departments to accurately review, process and monitor applications for efficiently and in a timely manner.

The Select Board recommends Blank. Vote:

ARGUMENTS IN FAVOR:

The amendments bring the bylaw more in line with State laws. It will lead to a better understanding of the purpose and intent of various kennels and the impact on other Town bylaws and guidelines on property use.

ARGUMENTS OPPOSED:

Some opponents might challenge that the number of 4 or more dogs making up a kennel is too low.

RECOMMENDATION: The Finance Committee recommends Blank. Vote:

QUANTUM OF VOTE:

For more information about this article, contact Town Clerk Trudy Reid at 508-358-3631 or by email at treid@wayland.ma.us.

Article CC. Revise Town Code 91-2

Proposed by: Town Clerk

Estimated Cost: N/A

Article Description:

To determine whether the Town will vote to amend Town Code, Article 1 Regulation of Dogs, Chapter 91-2: Vaccinations, licensing and fees.

[Key to changes: underlining denotes additions; strikethroughs denote deletions]

§ 91-2: Vaccination, licensing and fees.

A. Three or fewer dogs.

(7) Annual renewal. Dog owners must renew each dog license annually. The annual licensing period runs from January 1 through December 31.

(8) License due date/late fee. The application form for obtaining, renewing or transferring a license shall be distributed to each household no later than December 1 each year. Dog owners must return forms and fees to the Clerk by ~~January 15 (or the first business day thereafter, if the 15 falls on Saturday, Sunday, or legal holiday)~~. March 1st, (or the first business day thereafter if the 1st falls on a Saturday, Sunday, or legal holiday) Any license renewed after this date is overdue, and the owner must pay a late fee in addition to the license renewal fee. The overdue license fee and the late fee may be added to the owner's tax bill or may be recovered through the imposition of a municipal charges lien on any property standing in the name of the dog owner, pursuant to Massachusetts General Laws Chapter 40, § 58.

(9) Distribution of article and rabies symptoms list. At the first licensing period after this article becomes effective, the Town Clerk shall send a copy of the article to each household in Wayland. Thereafter, the Clerk shall give each new applicant or transfer applicant a copy of the article and shall have copies available at the Clerk's Office. The Clerk shall distribute a list of the symptoms of rabies with each dog license issued, as required under Massachusetts General Laws, Chapter 140, § 145.

(10) License fees. The fees for licensing each dog are:

[Amended 11-12-2008 STM by Art. 16]

(a) Annual license fee for each neutered or spayed dog over six months old: \$15.

(b) Annual license fee for each unaltered dog over six months old: \$20.

(c) License fee for any dog younger than six months: none.

(d) Fee to replace lost dog tag: \$5.

(e) Fee for transfer license: \$5.

(f) Late fee: \$25.

(g) No fee shall be charged for a license for a dog owned by a person aged 70 years or older.

(h) No license fee or portion thereof shall be refunded because of the subsequent death, loss, spaying or removal from the town or other disposal of the dog.

After a public hearing, notice of which is posted for at least two weeks in a conspicuous place in Town Building and published at least once, not less than two weeks prior to the time specified for the hearing, in a newspaper of general circulation within the Town, the Board of Health may change the foregoing license fees pursuant to Massachusetts General Laws Chapter 40, Section 22F. Any such changes shall take effect upon the filing of notice thereof in the Office of the Town Clerk.

Background Information

FINANCE COMMITTEE COMMENTS:

These two bylaw amendments are intended to improve the management and regulation of dog ownership in the town. The first is extending the effective date of the late fee and gives residents more time after receiving their registration notice sent out typically around December 1st of each year. It allows residents a little more time to get through the holiday seasons and the Town Clerks office to work on other year end responsibilities. This article is also asking the Town to accept of portion of the Massachusetts General Law Chapter 140, section 13 (c) – “No fee shall be charged for a license for a dog owned by a person aged 70 years or older in a city or town that accepts this provision.” Studies have shown that getting age 70+ residents to register their dogs is always beneficial to them and the town, and eliminating the fee, may encourage more seniors to register their dogs. It may also encourage more seniors to acquire companionship knowing there were no additional financial burdens on them. While the town doesn’t track dog owners ages, it is believed there would not be a significant fee lose should this fee be eliminated.

The Select Board recommends Blank. Vote:

ARGUMENTS IN FAVOR:

Improve the management and regulation of dog registration for both residents and Town Clerks office. Encourage more seniors to register their dogs and/or acquire a new companion.

ARGUMENTS OPPOSED:

A small loss of fee revenue.

RECOMMENDATION: The Finance Committee recommends Blank. Vote:

QUANTUM OF VOTE:

For more information about this article, contact Town Clerk Trudy Reid at 508-358-3631 or by email at treid@wayland.ma.us.



Town of Wayland Massachusetts

Surface Water Quality Committee
41 Cochituate Road
Wayland, MA 01778

William Whitney
Chair, Wayland Select Board
41 Cochituate Rd.
Wayland, MA 01778

04 March 2024

Dear Mr. Whitney,

I am writing on behalf of the Surface Water Quality Committee (SWQC) to request use of Dudley Pond Association (DPA) gift account funds for work on Dudley Pond.

During FY23, the SWQC contracted with Solitude for treatment of the pond with ProcellaCOR to manage invasive milfoil. Solitude's survey indicated additional acreage beyond the scope of the work that would require treatment and proactively provided this service without a contract amendment. Solitude has a long-standing relationship with the SWQC and familiarity with the pond, which combined with the time-sensitive nature of the application, made it a practical decision to proceed without the formal amendment.

The additional work was performed at a cost of \$5760. Solitude has agreed in principle to accept reduced payment of \$4000, which the Committee is requesting be released from the gift fund for this purpose as there are insufficient funds remaining in the budget. The account is funded by the DPA's contribution back to the Town for weed management on Dudley Pond, and is only to be used for pond-related activities. Release of the funds therefore has no impact on the Town budget.

I look forward to an opportunity to present this request before the full Board for approval and maintain a relationship in good standing with a long time vendor of service to the Town.

Sincerely,
Thomas Klem
Chair
Surface Water Quality Committee



Town of Wayland Massachusetts

Surface Water Quality Committee
41 Cochituate Road
Wayland, MA 01778

John Bugbee
Assistant Town Manager
41 Cochituate Rd.
Wayland, MA 01778

04 March 2024

Dear Mr. Bugbee,

I am writing to you on behalf of the Surface Water Quality Committee (SWQC) to request additional budget to support the Committee's work in FY24.

Last season, water chestnut growth on Heard Pond was unprecedented. Our budget projection for hand pulling turned out to be insufficient, and even with Committee members volunteering to assist we were unable to complete the work. Consequently, we anticipate another over-abundance of water chestnuts this year that will require use of herbicide to keep the plants in check for the upcoming season.

A Notice of Intent for permitting to apply herbicide on Heard Pond will need to be approved by the Conservation Department. Solitude has the expertise to apply for permitting of this kind, at a cost of \$3750. We would like to initiate the process in the current fiscal year but there is not sufficient funding in our current FY24 budget. Therefore, I would like to request from the Select Board \$3750, minus whatever remains in the Committee budget, for this purpose.

Thank you for your consideration, and I look forward to an opportunity to present this request before the Select Board.

Sincerely,
Thomas Klem
Chair
Surface Water Quality Committee

TOWN OF WAYLAND

Massachusetts

TOWN MANAGER

Michael McCall
Town Building
41 Cochituate Road
Wayland, Massachusetts 01778
www.wayland.ma.us



SELECT BOARD

Anne Brensley
Thomas J. Fay
Adam G. Gutbezahl
Carol B. Martin
William D. Whitney

DRAFT Meeting Minutes

Select Board Meeting

Monday, February 26, 2024 at 7:00 p.m.

Wayland Town Building, Council on Aging Room / Hybrid
41 Cochituate Road, Wayland, MA 01778

Present: Anne Brensley, Thomas J. Fay, Carol B. Martin, William D. Whitney

Present, participated remotely: Adam G. Gutbezahl

Personnel present: Town Manager Michael McCall

A1. Call to Order, Review Agenda for Public: At 7:01 p.m., pursuant to Chapter 2 of the Public Acts of 2023, Chair W. Whitney called the meeting of the Select Board to order when a quorum was present. W. Whitney announced that the meeting may be live-broadcast and/or recorded for re-broadcast. W. Whitney announced that the meeting would be conducted in-person and via remote means and that the public could also participate remotely via teleconference. W. Whitney reviewed the agenda and announced each member by full name. He noted A. Gutbezahl would participate remotely.

A2. Announcements and Public Comment: There were no announcements and no public comment.

A3. Appointments to Committees: Vote to confirm appointment of the following volunteers:

Committee	Appointing Board	Appointee	Term End Date
Permanent Municipal Building Committee	Board of Library Trustees	Aida Gennis	Duration of Wayland Free Library Rehab Project
Permanent Municipal Building Committee	Board of Library Trustees	Judy Dion	Duration of Wayland Free Library Rehab Project
Permanent Municipal Building Committee	Council on Aging	Greg Lusky	Duration of Council on Aging/ Community Center building project
Wayland Housing Partnership	School Committee	Jacqueline Espiritusanto-Vega	June 30, 2026

T. Fay moved, seconded by C. Martin, to confirm the appointments of A. Gennis, J. Dion and G. Lusky to the Permanent Municipal Building Committee as appointed by the respective boards for the duration of the Wayland Free Library Rehab Project and the Council on Aging/ Community Center project, as set forth in the packet. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

T. Fay moved, seconded by C. Martin, to confirm the appointments Jacqueline Espiritusanto-Vega to the Wayland Housing Partnership as appointed by the School Committee for a term ending June 30, 2026. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

A4. 2024 Annual Town Meeting (ATM): discussion of ATM topics, including but not limited to: a) Review, insert and determine a position on articles, including but not limited to:

1. **B: Pay Previous Fiscal Year Bills:**

T. Fay moved, seconded by C. Martin, the Board vote to recommend approval of Article B: Pay Previous Fiscal Year Bills. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

2. **F: FY2025 Omnibus Budget:** M. McCall reported that the budget warrant article was still a work in progress. There was a discussion regarding the role of the Finance Committee in preparing the budget. The Board discussed the article and took no action.
3. **L: Capital Stabilization Fund Appropriation:** C. Martin noted that the submission was not in the warrant article request format and the Board needed to determine a funding source. C. Martin suggested changing Board policy to allow several funding sources, such as using any unused snow and ice removal funds. W. Whitney acknowledged the Finance Director's advice to commit some level of taxation annually. The Board discussed how the funds would be expended. The Board would revisit the topic at its next meeting.
7. **MM: Resolution in Support of Changing the State Flag and Seal of Massachusetts:** A. Gutbezahl reported that the Finance Committee would not provide a write-up on the article.

A. Gutbezahl moved, seconded by C. Martin, to recommend approval of Article MM: Resolution in Support of Changing the State Flag and Seal of Massachusetts. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

5. **T: Amend Zoning Bylaws and Town Zoning Map – MBTA Communities Multi-Family Housing – invite attendance by Anette Lewis, Chair of Planning Board:** Anette Lewis, Claypit Hill Road, Chair of the Planning Board joined the meeting in person. A. Lewis provided an update on the work of the Planning Board over the last year in order to comply with new state law. A. Lewis described the law which requires the Planning Board to define zoning districts in which multi-family housing would be permitted as of right. A. Lewis described all the areas of the Town website where one could find the Planning Board's proposal to comply with the law. A. Lewis described some of the challenges the Planning Board faced when drafting the zoning districts and how other communities were complying. M. McCall reported that the Governor was imposing consequences for non-compliance.

The Board discussed the Tuesday, March 12, 2024 public hearing. A. Lewis recommended that the Board support the Planning Board's proposal. A. Brensley expressed concern that residents felt unheard and may not be supportive of the article if compromises were not made. T. Fay suggested all residents be notified about the public hearing, W. Whitney concurred.

A5. OriginCell Presentation: invite attendance by Wayne Wang, CEO: Wayne Wang, CEO OriginCell Instruments joined the meeting in person and presented information about his company, a manufacturer of equipment systems for automatic cryogenic sample storage. M. McCall described that the company was looking for a commercial property, possibly in Wayland. OriginCell was interested to discuss incremental financing options, which would require Annual Town Meeting voter approval. T. Fay suggested the Board develop a memorandum of understanding as a first step. A. Brensley asked if the company had begun to negotiate the purchase and sale agreement for the property in Wayland, to which W. Wang confirmed it had.

At 8:53 p.m., A. Gutbezahl left the meeting.

A4. 2024 Annual Town Meeting (ATM): discussion of ATM topics, including but not limited to: a) Review, insert and determine a position on articles, including but not limited to, continued:

6. **Z: Appropriation for Engineering Rt. 20 Corridor Roadway Improvements:** T. Fay acknowledged that the article aligned with the Board's goals, but that the Finance Committee had a strong degree of opposition because the expenditure was not in the capital plan. T. Fay advised that the Board may want to refrain from inserting the article and attempt to find existing funds to keep the project moving forward. The Board concurred. A. Brensley stressed the importance of continuing to move forward.

T. Fay moved that the Board re-visit its previous vote to insert Article Z: Appropriation for Engineering Rt. 20 Corridor Roadway Improvements and reconsider its vote to insert. There was no second. C. Martin moved, seconded by T. Fay, to insert and support Article Z: Appropriation for Engineering Rt. 20 Corridor Roadway Improvements. Roll Call Vote: YEA: A. Brensley. NAY: T. Fay, C. Martin and W. Whitney. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 1-3-0.

4. **S: Revise Town Code Chapter 43: Personnel:** C. Martin provided a summary of the Personnel Board meeting discussion and the revisions to Town Code to make it comport with the Select Board - Town Manager Act. C. Martin stated that someone suggested to reduce the term length for Personnel Board members from 5 years to 3 years. C. Martin would follow-up with the Personnel Board.

A6. FY 2024 Select Board Goals: review and discussion: M. McCall described how he and the staff were actively working toward the Boards goals. C. Martin reiterated the importance to periodically review how the Board was meeting the goals.

A7. Town Manager Evaluation: discussion and presentation of evaluation, next steps: The Board praised M. McCall and presented his evaluation with an overall score of 4.7 out of 5. T. Fay read an excerpt “Mr. McCall embodies what a public servant should be. He is communicative. He is thoughtful. He acts in the best interest of the community in mind.” C. Martin commended the Board for getting the evaluation done on time. W. Whitney acknowledged the need to evaluate and adjust M. McCall’s compensation, T. Fay would assist. Each Board member signed M. McCall’s evaluation.

A8. Town Manager’s Report:

a) **Events:**

- **Police Chief Swearing-in Ceremony:** M. McCall reported that there would be a ceremony Thursday February 29, 2024 at 1:00 p.m. to swear in the Chief of Police, Ed Burman.
- **Council on Aging/Community Center Groundbreaking:** M. McCall announced that there would be a groundbreaking event on Thursday, March 7 between 11:00 a.m. and 1:00 p.m.

b) **Mill Creek (MCRT Trust) Project Update:** M. McCall reported that the Mill Creek developers had withdrawn its appeal and the case would be dismissed as they were no longer interested in the property. M. McCall also noted that the extensive public records requests related to the project were also dropped.

c) **Council on Aging/Community Center Project Update:** M. McCall provided an update on the project and some issues that may impact the costs of the project. W. Whitney requested more information about the contingency funds.

d) **Budget Update regarding Health Insurance:** M. McCall reported that he met with the West Suburban Health Group regarding health insurance rates which would have a slight impact on the budget.

e) **Town Manager Office Hours:** M. McCall reported that he held open office hours last week and would again on March 25, 2024 prior to the opioid-settlement public input session.

f) **4-Day Work Week Update:** M. McCall announced that the Town would institute a four-day work week for some Town employees from June 24, 2024 to August 30, 2024.

g) **Recap since last meeting:** M. McCall reported that he had met with the West Suburban Veteran’s District to evaluate the effectiveness of Veteran’s Services. M. McCall also announced that there was an open Registrar position and the Town was accepting letter of intent for appointment.

A9. Consent Calendar: a) Review and vote to approve listed items b) Discuss, consider, and potentially act on items removed from Consent, if any:

1. Vote the question of accepting a donation (American Biotech Supply, model # ABT-HC-SLS-72, 72cf capacity refrigerator) from Greg Malone, Stearns Scientific, for the Police Department.
2. Vote the question of signing the warrant for the March 5th Presidential Primary from Trudy Reid, Town Clerk.

T. Fay moved, seconded by C. Martin, to adopt the Consent Calendar. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

A10. Minutes: a) Review and approve the minutes of January 22, February 5, 2024 and February 12, 2024: The Board took no action on minutes of February 5, 2024 and February 12, 2024.

C. Martin moved, seconded by T. Fay, to approve the minutes of January 22, 2024, as amended. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

T. Fay moved that the Board vote to approve the minutes of February 5, 2024, as amended. T. Fay withdrew the motion to allow the Board more time to review the draft.

A11. Review Correspondence: The Board reviewed the correspondence. C. Martin and M. McCall discussed the scope of legal advice and access to Town Council for petitioners who submit warrant articles.

A12. Select Board Members' reports and concerns: T. Fay acknowledged the Department of Public Works for beginning to clear the former Route 20 South Landfill, he added that the Route 20 South Landfill Visioning Committee would hear a presentation from the consulting firm next week. T. Fay reported that he was still struggling to support the Planning Board's proposal to comply with the MBTA Communities Multi-Family Housing compliance. C. Martin announced that the Board of Public Works requested the removal of items stored on the vacant lot at 195 Main Street and requested the Board's help to influence the lackluster response. C. Martin commended the Board of Public Works for assessing the water models. A. Brensley renewed her to improve communication with the community. A. Brensley concurred with T. Fay's hesitations related to the Planning Board's proposal and wanted more information.

A13. Topics not reasonably anticipated by the Chair 48 hours in advance, if any: There were none.

A14. Executive Session: At 10:03 p.m., W. Whitney moved, seconded by T. Fay, that the Select Board enter into Executive Session a) pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the Wayland Library Staff Association MET, AFT, AFL-CIO and possible vote on collective bargaining agreement, also b) pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the New England Police Benevolent Association (NEPBA) Local 176 and c) pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and approve the executive session minutes of February 12, 2024 with the intent to hold said minutes.

T. Fay suggested the phrase "and possible vote on collective bargaining agreement" be added to the motion part b). W. Whitney withdrew the motion.

At 10:04 p.m., W. Whitney moved, seconded by T. Fay, that the Select Board enter into Executive Session a) pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the Wayland Library Staff Association MET, AFT, AFL-CIO and possible vote on collective bargaining agreement, and b) pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the New England Police Benevolent Association (NEPBA) Local 176 and possible vote on collective bargaining agreement, and c) pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and approve the executive session minutes of February 12, 2024 with the intent to hold said minutes.

Chair W. Whitney declared that a public discussion of these matters may have a detrimental effect on the litigating, negotiating and/or bargaining position of the Town. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

W. Whitney invited attendance by Town Manager M. McCall and announced that the Board would reconvene in open session in about fifteen minutes.

A15. Return to Open Session: Announcement of possible vote taken to approve collective bargaining agreement with the Wayland Library Staff Association MET, AFT, AFL-CIO and New England Police Benevolent Association (NEPBA) Local 176: At 10:28 p.m., the Board returned to open session.

T. Fay moved, seconded by C. Martin, to approve the memorandum of agreement between the Town of Wayland and the Wayland Library Staff Association MET, AFT, AFL-CIO as set forth in the document dated February 16, 2024 in the packet. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

T. Fay moved, seconded by C. Martin, to approve the memorandum of agreement between the Town of Wayland and the New England Police Benevolent Association (NEPBA) Local 176 dated February 26, 2024, as amended concerning the promotional process. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

T. Fay moved, seconded by C. Martin, to approve the memorandum of agreement between the Town of Wayland and the New England Police Benevolent Association (NEPBA) Local 176 concerning private details. Roll Call

Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

A16. Adjourn: At 10:31 p.m., T. Fay moved, seconded by C. Martin, to adjourn the meeting. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

Items included in the packet for the Select Board Meeting of February 26, 2024:

1. Revised Agenda I posted 02/23/2024 at 8:37 a.m. revised agenda posted on 02/22/2024 at 4:12 p.m.
2. Email: To: K. Power-Spirelet From: B. Keefe Re: New PMBC Members, dated February 15, 2024
3. List: Warrant Article list for 2024 Annual Town Meeting, dated February 22, 2024
4. Draft ATM Warrant Article B: Pay Previous Fiscal Years Unpaid Bills
5. Draft ATM Warrant Article F: Fiscal Year 2025 Omnibus Budget
6. Draft ATM Warrant Article L: Capital Stabilization Fund Appropriation
7. Draft ATM Warrant Article MM: Resolution in Support of Changing the State Flag & Seal of Massachusetts
8. Draft ATM Warrant Article S: Revise Town Code Chapter 43: Personnel
9. Draft ATM Warrant Article T: Amend Zoning Bylaws and Town Zoning Map – MBTA Communities Multi-Family Housing
10. Draft ATM Warrant Article Z. Appropriation for Engineering Rt. 20 Corridor Roadway Improvements
11. List: Select Board Goals 2023-2024
12. Letter: From: M. Quinn Counsel, Goulston & Storrs for MCRT Investments LLC via email To: V. Barros, Clerk, Housing Appeals Committee Executive Office of Housing And Livable Communities 100 Cambridge Street, Suite 300 Boston, MA 02114 Re: MCRT Investments LLC v. Town of Wayland Zoning Board of Appeals Housing Appeals Committee Docket No. 2023-05, dated February 20, 2024 with enclosed MCRT Investments LLC's Notice of Withdrawal
13. Draft: Select Board Meeting Minutes: January 22, 2023

Supplemental Packet

14. Revised Agenda II posted 02/26/2024 at 1:32 p.m. revised initial agenda posted 02/22/2024 at 4:12 p.m.
15. Email: To: K. Power-Spirelet From: B. Keefe Re: New PMBC Members, dated February 15, 2024
16. List: Warrant Article list for 2024 Annual Town Meeting, dated February 22, 2024
17. Draft ATM Warrant Article B: Pay Previous Fiscal Years Unpaid Bills
18. Draft ATM Warrant Article F: Fiscal Year 2025 Omnibus Budget
19. Draft ATM Warrant Article L: Capital Stabilization Fund Appropriation
20. Draft ATM Warrant Article S: Revise Town Code Chapter 43: Personnel, with redline draft Town Code dated February 20, 2024
21. Draft ATM Warrant Article T: Amend Zoning Bylaws and Town Zoning Map – MBTA Communities Multi-Family Housing
22. Draft ATM Warrant Article Z. Appropriation for Engineering Rt. 20 Corridor Roadway Improvements
23. Email: Fwd: From: Whitney, W. To: Roman, P. Cc: Fay, T. Subject: Re: A couple of Capital-related topics discussed by the Finance Committee, Date: February 19, 2024 at 9:12:35 AM EST
24. Draft ATM Warrant Article MM: Resolution in Support of Changing the State Flag & Seal of Massachusetts
25. List: Select Board Goals 2023-2024
26. Town of Wayland Town Manager Performance Evaluation Form March 2023 – February 2024
27. Letter: From: M. Quinn Counsel, Goulston & Storrs for MCRT Investments LLC via email To: V. Barros, Clerk, Housing Appeals Committee Executive Office of Housing And Livable Communities 100 Cambridge Street, Suite 300 Boston, MA 02114 Re: MCRT Investments LLC v. Town of Wayland Zoning Board of Appeals Housing Appeals Committee Docket No. 2023-05, dated February 20, 2024 with enclosed MCRT Investments LLC's Notice of Withdrawal
28. Draft: Select Board Meeting Minutes: January 22, 2023
29. Draft: Select Board Meeting Minutes: February 5, 2023
30. Draft: Select Board Meeting Minutes: February 12, 2023

Correspondence:

1. Correspondence from Ellen Tohn, Wayland Energy and Climate Committee to Select Board dated February 14, 2024 re: Photo Opportunity with Senator Eldridge February 6, 2024 re: St. Ann's Senior Village, Wayland, MA
2. Correspondence from Gretchen Dresens, to Select Board dated February 14, 2024 re: Public Comment – EDC and 193 Commonwealth
3. Correspondence from Gretchen Dresens, to Select Board dated February 15, 2024 re: Public Comment – EDC and 193 Commonwealth
4. Correspondence from Anette Lewis, Planning Board to Select Board dated February 15, 2024 re: Milton Voters Reject MBTA Zoning

DRAFT