

Packet

March 18, 2024

7:00PM



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

SELECT BOARD

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

SELECT BOARD

Monday, March 18, 2024

7:00pm

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.

- | | |
|---------|---|
| 7:00 pm | 1. Call to Order, Review Agenda for Public |
| 7:05 pm | 2. Announcements and Public Comment |
| 7:10 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. A: Recognize Citizens & Employees for Particular Service to Town
2. D: Other Post-Employment Benefits (OPEB) Funding
3. E: Enterprise Fund Budgets
4. F: FY25 Omnibus Budget
5. H: Update Personnel Bylaws and Wage & Classification Plan
6. K: Accept Gifts of Land
7. O: Sell or Trade Vehicles and Equipment
8. S: Revise Town Code Chapter 43: Personnel
9. T: Amend Zoning Bylaws and Town Zoning Map – MBTA Communities Multi-Family Housing
10. X: Solar Agreements for Town Properties
11. KK: Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial use in a New Business B Zone Subdistrict B-1
12. NN: Solar Compact Development for Wayland |

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- b) Discuss and potential vote to refer revised petitioned zoning article (Article NN: Solar Compact Development for Wayland) to the Planning Board for review, pursuant to M.G.L Chapter 40A § 5.
 - c) Discussion of Annual Town Meeting (ATM) topics including but not limited to: logistics and appendices – Invite attendance by Dave Bernstein
 - d) Discussion and vote order of articles
- 8:30 pm 4. Outstanding Capital Appropriations Presentation
- a) Invite attendance by John Bugbee, Assistant Town Manager
- 8:40 pm 5. Grant Agreement: Discussion and possible vote to honor a grant agreement of American Rescue Plan Act (ARPA) funds to the School Department to fund Full Day Kindergarten, and to authorize Town Manager, Michael McCall, to sign all necessary and related documents.
- 9:00 pm 6. Human Rights, Diversity, Equity and Inclusion Committee (HRDEIC):
- a) Discussion of Wayland Multicultural Festival and possible vote to authorize funds.
- 9:10 pm 7. Consent Calendar:
- a) Review and vote to approve listed items
 - b) Discuss, consider, and potentially act on items removed from Consent, if any
- 9:15 pm 8. Minutes
- a) Review and approve the minutes of March 4, 2024.
- 9:20 pm 9. Town Manager’s Report
- a) Council on Aging and Community Center (COA/CC) Update
 - b) Recap since last meeting
- 9:30 pm 10. Review Correspondence
- 9:35 pm 11. Select Board Members’ reports and concerns
- 9:45 pm 12. Topics not reasonably anticipated by the Chair 48 hours in advance, if any
- 9:50 pm 13. Executive Session
- a) Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with American Federation of State, County and Municipal Employees (AFSCME), Wayland Local 690 – 1 and 2 and possible vote on collective bargaining.
 - b) Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with Wayland Department of Public Works Association, Teamsters 170 and possible vote on collective bargaining.

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- c) Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2) to conduct strategy sessions in preparation for negotiations with non-union personnel (Town Manager).
- d) Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation; the Board will discuss strategy with respect to Easy v. The Town of Wayland, et al., Middlesex Superior Court, C.A. No. 2481CV00680.
- e) Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and approve the executive session minutes of March 11, 2024 with the intent to hold said minutes.

10:20 pm 14. Return to Open Session: Announcement of possible vote taken to approve collective bargaining agreement with the American Federation of State, County and Municipal Employees (AFSCME), Wayland Local 690 – 1 & 2 and Wayland Department of Public Works Association, Teamsters 170 and Announcement of possible vote taken to approve agreement with non-union personnel (Town Manager).

10:25 pm 15. Adjourn

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CONSENT CALENDAR

1. Vote the question of approving additional budget request from the Surface Water Quality Committee (SWQC) to support the committee's work on Heard Pond in the amount of \$3,750.
2. Vote the question of authorizing Michael McCall, Town Manager to sign Department of Environmental Protection (DEP) Large Entity Report regarding details about Wayland's fleet vehicles weighing over 8,500lbs.
3. Vote the question of approving a sandwich board request by Create Arts Parents Association (CAPA) for advertising the Wayland High School CAPA Fundraiser: Bottle and Can Drive on Saturday, April 27th to support the arts programming at Wayland High School during the dates of April 13th through April 27th at the Fire Station Two in Cochituate, Town Center (corner of Routes 20 and 27), Old Connecticut Path and Cochituate Road (Five Paths), and Route 20/Old Connecticut Path by Coach Grill.
4. Vote the question of approving a One Day Liquor License to Edward Herbert for an event (K'Night at the Races) at St. Ann's Parish Center, 124 Cochituate Road, Wayland, MA 01778 on Saturday, May 4, 2024 from 5:00pm to 10:00pm.

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		6-0-0	
*B	Pay Previous Fiscal Year Unpaid Bills	Select Board	B. Whitney	K. Lappin	4-0-0	5-0-0	6-0-0	
*C	Current Year Transfers	Select Board	B. Whitney	K. Lappin	4-0-0			**WITHDRAWN ON 03/04/2024
*D	OPEB Funding	Select Board	A Gutbezahl	K. Lappin	4-0-0	5-0-0	6-0-0	
*E	Enterprise Fund Budgets	Select Board	A Gutbezahl	B. O'Herlihy	4-0-0	3-0-0	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	7-0-0	
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		6-0-0	
*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			**Might be withdrawn**
*L	Capital Stabilization Fund Appropriation	Select Board	C. Martin	K. Lappin	4-0-0	3-0-0	6-0-0	
*M	Choose Town Officers	Select Board	A. Brensley	M. Hoyle	4-0-0	5-0-0	7-0-0	
*N	Hear Reports	Select Board	A. Brensley	M. Hoyle	4-0-0	3-0-0	7-0-0	
*O	Sell or Trade Vehicles and Equipment	Select Board	A. Brensley	M. Hoyle	4-0-0			<i>FinCom 7-0-0 voted to defer due to no financial impact</i>
*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	3-0-0	5-1-0	
*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	3-0-0	5-0-0	
V	Classification and Compensation Study for All Town Wage Scales	Select Board	B. Whitney	B. O'Herlihy	5-0-0	3-0-0	6-0-0	
W	Loker Elementary School Solar Agreement	Select Board	A Gutbezahl	J. Barnett	5-0-0	3-0-0	7-0-0	
X	Solar Agreements for Town Properties	Select Board	A Gutbezahl	J. Barnett	4-0-1	3-0-0	7-0-0	
Y	To Adopt the Massachusetts Specialized Energy Code	Select Board	A Gutbezahl	J. Barnett	5-0-0	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	5-0-0	4-3-0	
BB	Revise Town Code 91-1	Town Clerk	A. Brensley	S. Correia	Already Inserted into Warrant	3-0-0	6-0-0	
CC	Revise Town Code 91-2	Town Clerk	A. Brensley	S. Correia	Already Inserted into Warrant	3-0-0	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	7-0-0	

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	6-0-0	
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	5-0-0	6-0-0	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		2-3-1	
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	5-0-0	X	Unanimous agreement that no financial impact. Finance committee takes no position. Roll call vote to take no position 7-0-0
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	1-4-0	5-1-0	
PP	Extension of Moratorium on Synthetic Fields/Artificial Turf	Petitioners’ Article	A. Brensley	M. Hoyle	Already Inserted into Warrant	5-0-0	6-1-0	

Article A. Recognize Citizens and Employees for Particular Service to the Town

Proposed by: Select Board

To determine whether the Town will recognize the achievements and contributions to Town government of citizens and employees:

1. To recognize citizens who have served in a volunteer capacity on elected and/or appointed boards, committees, and commissions for a minimum of 25 years (service need not be consecutive);
2. To recognize employees who have retired since the previous Annual Town Meeting or intend to retire prior to June 30, 2024, subject to a minimum of 20 years of service;
3. To request Town Meeting observe a moment of silence in memory of elected or appointed volunteers, employees with at least 10 years of service, or an employee while in service to the Town without regard to tenure who shall have passed away since the adjournment of the 2023 Annual Town Meeting.

The following citizens are recognized for their extensive service to the Town:

Cherry Karlson	28 years	Select Board, Finance Committee, Municipal Affordable Housing Trust, Finance Committee Appointing Board
Brian O'Herlihy	26 years	Finance Committee, Select Board, Municipal Affordable Housing Trust, Zoning Board of Appeals
Lynne Lipcon	25 years	Library Board of Trustees, Cultural Council
Gretchen G. Schuler Deborah Cohen		

The following town and school employees have retired since the 2023 Annual Town Meeting or will retire before June 30, 2024 and have or will have served the Town for over 20 years:

Margaret Amendola	Teacher	22 years
Mary Barber	Teacher	21 years
Laura Callahan-O'Brien	Teacher	30 years
Kelly Calnan	Food Service Manager	25 years
Robert Dorey	Fire Captain	22 years
Gregory Halfpenny	Fire Captain	29 years
Christopher Hanlon	Patrolman	33 years
Marion Haydon	Teacher	30 years
Brian Keaney	Teacher	34 years
Debra Pellerin	Teacher	28 years
Sandra Raymond	Library Director	20 years
Marybeth Sacramone	Teacher-Guidance Counselor	21 years

The following elected or appointed volunteers or employees have passed away since the 2023 Annual Town Meeting:

Edwin Rudenauer	April 21, 2023	Firefighter
Ruth Brawerman	April 30, 2023	Teacher
Warren Chafe	May 24, 2023	Teacher
Robert Hennessey	July 12, 2023	Teacher
Franklin Shelton	August 23, 2023	Teacher
Fred Halfpenny	September 19, 2023	Fire Captain
Joseph A. Brown	November 5, 2023	DPW
Patrick J. McGrenra	December 3, 2023	Firefighter
Lewis Oxford	January 24, 2024	Teacher
Ellen Vinciulla	January 23, 2024	School Dept -Food Service and Police Dept – Crossing Guard and Matron
John (Jack) O’Brien	February 25, 2024	DPW

Background Information (to be used by Finance Committee to draft its recommendation. 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 recognition and commendation of certain citizens and employees.

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 D. OPEB Funding

Proposed by: Select Board

Estimated cost: \$519,147

To determine whether the Town will vote to:

a) appropriate an aggregate amount of \$19,147 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	\$ 2,652
2) BASE	\$ 4,485
3) Children's Way	\$ 2,962
4) Water	\$ 6,186
5) Wastewater	\$ 1,315
6) Recreation	\$ 1,547

; 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.

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 \$19,147 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 approval. Vote: 6-0-0

QUANTUM OF VOTE:

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

OPEB Warrant Article Funding Calculation

Input blue text

Fiscal Year	2025
Contribution on behalf of operating budget employees (Section b)	\$ 500,000
Contribution per Employee	\$ 773.29

	Revolving Fund Employees (input in schedule by fund below)	Operating Budget Employees
School - Fiscal Year 2024	13.06	456.70
Town - Fiscal Year 2024	11.70	189.89
Total	24.76	646.59

	Revolving Fund Employees*		Revolving Fund Contribution
<u>School Funds</u>			
Base	5.80	\$	4,485
Pegasus	-	\$	-
The Children's Way	3.83	\$	2,962
Enrichment	-	\$	-
Full Day Kindergarten	-	\$	-
Food Service	3.43	\$	2,652
Building Use	-	\$	-
Subtotal	13.06	\$	10,099

<u>Town Funds</u>			
Recreation	2.00	\$	1,547
Transfer Station	-	\$	-
Wastewater	1.70	\$	1,315
Water	8.00	\$	6,186
Subtotal	11.70	\$	9,048

Total contribution on behalf of revolving fund employees (section a)	\$ 19,147
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Total Contribution	\$ 519,147
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* Number is only reflective of OPEB eligible over 0.5 FTE in revolving funds.

Article E. Enterprise Fund Budgets

Proposed by: Select Board

Estimated Cost: \$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 \$6,206,404 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, 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	\$ 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	ACTUAL	APPROVED	PROPOSED
	FY 2022	FY 2023	FY 2024	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 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; 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 note, the FY 2025 budget continues to rely upon a \$75,000 Town subsidy to cover an anticipated operating shortfall. It is anticipated this amount will be funded with Free Cash rather than taxation.

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

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 F. Fiscal Year 2025 Omnibus Budget

Proposed by: Select Board

Estimated Cost: \$--

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

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 \$XXX for the operation and expenses of the Water Enterprise Fund, the Wastewater Enterprise Fund and Transfer Station Enterprise Fund as set forth in the Finance Committee’s Budget for Fiscal Year 2025, 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:

MOTIONS UNDER ARTICLE 10:

1) “That each and every numbered item set forth in the Finance Committee’s Budget for Fiscal Year 2023 be voted, granted and appropriated as an expenditure for several purposes and uses set forth in said budget establishing a total budget of \$ XXXX which sum shall be expended only for the purposes shown under the respective boards, committees and offices of the Town; and, of the total sum so appropriated \$XXXXXX shall be raised by taxation, \$XXXXXX shall be provided by transfer from Ambulance receipts, \$XXXX shall be transfer from other funds, \$XXXXXX shall be provided from Water revenue, and \$XXXXXX shall be provided from Wastewater Revenues and \$XXXXXX shall be provided by Wastewater Certified Retained Earnings.

2) “That each and every numbered item set forth in the Finance Committee’s capital budget of Fiscal Year 2023 listed on pages XX-XX in the total amount of \$XXXX be appropriated for equipment and vehicles acquisitions and projected for the listed departments, each of which shall be an appropriation, and of the total sum so appropriated, the Treasurer, with the approval of the Select Board, is authorized to borrow \$XXXXXX pursuant to the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8, \$XXXXXX to be raised from taxation, \$XXXXXX shall be provided by transfer from Unreserved Fund Balance, \$XXXX shall be provided from Ambulance Receipts, \$XXXXXX shall be provided from Surplus Capital Accounts and, \$XXXX shall be provided by Water Enterprise Capital.

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):

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 508-358-3611 or email bkeveny@wayland.ma.us.

Article H. Update Personnel Bylaws and Wage & Classification Plan

Proposed by: Select Board

To determine whether the Town will vote to amend the Code of the Town of Wayland, Chapter 43 - Personnel and the Personnel Wage and Salary Classification Plan (Appendix **XX**) previously adopted by the Town to amend recreational and seasonal positions and adjust selected positions affected by the Massachusetts minimum wage.

FINANCE COMMITTEE COMMENTS: This article is requesting Town Meeting's approval of various changes to the Wage & Classification Plan (see Appendix **XX**).

Non-Union Positions

As noted in Appendix **XX**, adjustments have been made to reflect (i) the addition/deletion of various positions; (ii) certain positions have been reclassified; (iii) wage scales for certain recreational seasonal positions and various other positions impacted by the Massachusetts minimum wage increase have been adjusted; and (iv) certain cost-of-living adjustments (COLA) and salary adjustments have been reflected for all non-union positions shown in the N Schedule.

Hiring continues to be challenging given post-COVID labor market conditions and the established limits noted in the N Schedule wage scales. To be competitive, the Town Manager has sought Personnel Board approval to reclassify various positions from time to time. In addition, required minimum wage adjustments are reflected in departmental budgets for FY2025. Recreational seasonal positions will be funded from the Recreation revolving fund and, therefore, do not have a tax impact as they are paid from fees.

COLA of 3.0% for FY2024 and FY2025 have been reflected in the non-union wage scales as such adjustments typically follow the settlement of one or more of the Town's union contracts.

A 3.3% market salary adjustment is being proposed for all non-union positions shown in the N Schedule to provide for reasonable wage growth given current economic conditions. The proposed percentage increase is supported by anecdotal market information, including the market adjustment recently agreed to with one of the Town's unions (see below). It should be noted that a formal compensation study has not been done for all the non-union positions since 1997, although a limited number of positions were included in a 2004 study (see Article **V** in this warrant). The financial impact of approving the proposed 3.3% market adjustment reflected in the N Schedule is approximately \$94,700. This amount has been reflected in the FY2025 operating budget.

Union Positions

The wage scale tables and position classifications for union positions are included *for informational purposes only*. All union contracts (Town and School) were subject to collective bargaining for the period beginning July 1, 2023. The School unions settled all their agreements during the current fiscal year.

As of March **2024**, the Town had settled contracts with **all its unions, other than the International Association of Firefighters, AFL-CIO Local 1978**. Appendix **XX** reflects the agreements, covering the period July 1, 2023 to June 30, 2026, with the following unions: (i) the Wayland Police Officers Union, New England Police Benevolent Association, Inc., Local 176; (ii) the Wayland DPW Association, Teamsters Local 170; (iii) the Wayland Library Staff Association, MET, AFT, AFL-CIO; and (iv) the American Federation of State, County, and Municipal Employees – Local 190 (AFSCME) Union. The actual contracts will be documented in the next few months.

Commented [BO1]: Questions for M. McCall and K. Ryan -

Assuming all the following changes have been made to the Wage & Classification Plan, does language need to be added to cover (i) additions/deletions of various non-union positions, (ii) positions that have been reclassified, (iii) COLAs AND (iv) the second year of the AFSCME equivalent market adjustment to the non-union employees (see language 2023 ATM Article 7, item "(b)" which presumably covered these changes to the by-law). If so, I assume additional language will be needed in this section. SEE KATE'S EMAIL RE: MINIMUM WAGE AND OTHER ADJUSTMENTS BY RECREATION DEPT

Commented [BO2]: Assumes all of these types of adjustments have been made to the Wage & Classification Plan that will appear in the warrant. SEE KATE'S EMAIL RE: MINIMUM WAGE ADJUSTMENTS

Commented [BO3]: See comment above. SEE KATE'S EMAIL RE: MINIMUM WAGE ADJUSTMENTS.

Commented [BO4]: Need to confirm.

Commented [BO5]: Need to confirm.

Commented [BO6]: See comment above.

Included in the agreed upon terms of such agreements is the payment of the following COLA: the Police Union - FY2024 – 3.25%; FY2025 – 3.25%; and FY2026 – 2.75%; the Library Union – FY2024 – 3.00%; FY2025 – 2.75%; and FY2026 – 2.50%; and the **DPW and AFSCME Unions** - FY2024 – ___ %; FY2025 – ___ %; and FY2026 – ___ % The wage scale tables for these unions shown in Appendix **XX** have been updated, as of July 1, 2023, to reflect the agreed upon COLA for FY2024 and **FY2025**. The Unclassified: Reserve for Salary Settlement account included in the FY2024 and FY2025 Omnibus Operating Budgets contains sufficient funds to cover the retroactive payment of COLA to the above union and non-union positions for FY2024 and the potential retroactive payment of COLA to the Fire union positions for FY2024 and **FY2025**.

Commented [B07]: See comment above.

Commented [B08]: Need to confirm as of date warrant sent to the printer.

In February 2023, the Town and the AFSCME Union agreed to a 10% market adjustment (based on a 75% percentile target of comparable wages) for all AFSCME Union positions based on the results of a May 2022 compensation study (which was completed based on a prior agreement between the Town and the union). The parties agreed to spread this percentage increase over three years as follows: FY2024 – 3.3%; FY2025 – 3.3%; and FY2026 – 3.4%. The FY2024 adjustment was approved at the 2023 Annual Town Meeting. The financial impact of the second year’s 3.3% market adjustment, or approximately \$137,700, has been reflected in the FY2025 operating budget. This market adjustment is in addition to the COLA adjustments noted above.

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

ARGUMENTS IN FAVOR: The Wage and Classification Plan allows for periodic wage increases for non-union employees and provides 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.

Recreational seasonal wage adjustments will keep Wayland competitive in this market. The adjustments are also consistent with the Recreation Department’s efforts to certify their summer programs with the State.

Passage of this Article will continue to keep the Town in compliance with Massachusetts minimum wage requirements.

ARGUMENTS OPPOSED: Market salary adjustments for non-union positions should be based on an independent compensation study and not tied to the results of studies performed for union positions or anecdotal evidence.

Opponents might say that salary growth should be lower based on the perceived need to better manage the budget and that wages should not be adjusted.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 41, Section 108A.

CONSISTENCY WITH LAW: *to be provided by Town Counsel*

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

Article K. Accept Gifts of Land

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 authorizes the Select Board, with approval by Town Counsel as to form, to acquire by gift, purchase, eminent domain or otherwise, for general municipal purposes, on such terms and conditions as the Board of Selectmen deems appropriate, land including the fee or any lesser interest in all or any part of the parcels of land and the buildings and other structures, on and off LOCATION, identified as Lot X-X, shown on a plan prepared by the Town Surveyor entitled "XXX" dated July XX, 20XX and recorded with the Middlesex South Registry of Deeds as Plan XX of 20XX, and Parcel XX, and further to authorize the Board of Selectmen to execute any and all documents as may be necessary or convenient in relation thereto or take any action relative thereto.

No gifts of land have been identified as of this time of writing. This is a placeholder article in case any are identified.

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):

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 email mmccall@wayland.ma.us.

Article O. Sell or Trade Vehicles and Equipment

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 authorize the Select Board to sell or otherwise dispose of surplus vehicles, equipment, or other personal property in connection with the purchase of new vehicles, equipment, or other personal property.

Department	Vehicle/Equipment	Year
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No vehicles or equipment have been identified for sale or trade as of this times. This is a placeholder article in case any are identified.

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 allowing the Town to sell or trade-in used vehicles, equipment or other personal property in compliance with the Town Code and Massachusetts General Laws.

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 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.

HR/Town Counsel Proposed Changes to Bylaw language submitted by Personnel Board

Note: This version accepted all of the Personnel Board Member's changes to the new proposed Bylaw created by Personnel Board Member Deb Cohen. Anything in Redline is proposed by HR/Town and was reviewed by Town Counsel.

Chapter 43

PERSONNEL

§ 43-1. **Definitions.** [Personnel Board recommends deletion of most, if not all, of §43-1 Definitions. Why are these definitions in the By-law, especially if §§43-4 through 43-22 are removed?]

§ 43-1. **(For consideration- new Section 43-1 - delete definitions and replace with Scope of Bylaw)**

All Town departments and positions shall be subject to the provisions of this Bylaw, except employees with personal employment contracts, employees covered by a collective bargaining agreement and employees of the Wayland Public Schools.

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.

§ 43-2. **Personnel Board.**

A. There shall be a Personnel Board of 5 members appointed by the Select Board. The Select Board shall ~~also~~ have the power to fill Personnel Board vacancies in accordance with 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. 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]

Commented [C1]: As mentioned in a prior draft, G.L. c. 41, Sec. 11 provides a process for the Select Board to jointly meet with the Personnel Board to fill vacancies. I recognize that the text is as it appears in the current bylaw, but you may wish to bring it in line with the statute.

Personnel Board Recommends Adding the following language §43-2A :

- Each member shall be a resident of the Town.
- 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.
- Appointments shall be arranged so that the terms of office of no more than two members shall expire each year.

B. The Personnel Board shall have the following powers and duties:

- (1) ~~To provide policy direction to the Town Manager and Human Resources Manager with respect to amendments to the Wage and Salary Classification Plan (hereinafter called "the plan") and personnel policies and procedures.~~

Personnel Board recommends Replacing §43-2B with the following language:

- (1) The Personnel Board shall provide advice to the Town Manager, or designee, and make recommendations on establishing and maintaining an efficient and equitable system of personnel administration for Town employees covered by this Bylaw.
- (2) The Personnel Board shall provide ~~advice direction, guidance and recommendations~~ to the Town Manager, ~~or designee, and Human Resource Manager~~ 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 ~~advice policy direction, guidance and recommendations~~ to the Town Manager and Human Resources Manager with respect to classification of new positions and reclassification of existing positions covered by this Bylaw. 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 Human Resources Manager or Town Manager that such position belongs in a different job classification because of change in the nature of duties and/or responsibilities, the Human Resources Manager or Town Manager may recommend reclassification and 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 employee to do work not covered by an existing classification, the Town Manager, with ~~input~~ advice from 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 ~~advice direction, 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 ~~advice direction, 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~~ may 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.
- (7) The Personnel Board Chair shall may meet with the Town Manager and/or Human Resources Manager, or their designees, ~~on a monthly basis or more frequently~~ as needed to provide ~~direction, guidance, and recommendations~~ advice relating to personnel and human resources-matters policies, procedures, and strategies.
- (8) Upon request by the Town Manager, a member of the Personnel Board shall serve on interview panels for the hiring of ~~all~~ Department Heads and Directors of the Town ~~for specify certain Department Heads or Directors such as Police Chief, Fire Chief, Town Manager, Human Resources Director or Human Resources Manager~~.
- (9) 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)~~(10) 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.

~~(40)~~(11) _____ 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 in Executive Session with the Select Board and Town Manager for advice on sensitive employee litigation issues.~~

~~(12) The Personnel Board shall be available to meet with the Town Manager (or, designee), the Select Board and the Finance Committee for consultation prior to collective bargaining. (This would be a decision of the Select Board. They may not want this input. It seemed that Carol Martin thought the Select Board would not be returning to that practice).~~

~~(43)~~(12) _____ 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 their expertise would be of benefit to the Town.

- C. The Personnel Board shall meet as necessary to consider such business as may be presented by 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 Chairman power to act at any time on routine matters, subject to appeal to the full Board. [this is same as last sentence of 43 2D]
- D. The Personnel Board may request the Town Manager, or designee, make such expenditures as they deem appropriate, to retain such clerical and other assistance, and make such expenditures as it deems necessary to support the Personnel Board 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 advice to the Town Manager and/or Human Resources Manager, as memorialized in a written recommendation or a recorded vote, the Town Manager and/or Human Resources Manager shall promptly inform the Personnel Board on whether its guidance or advice was accepted, rejected, or partially accepted. Such report may be delivered in writing or orally within thirty days or at the Board's next scheduled regular meeting. The Town Manager or Human Resources Manager shall determine the format and level of detail for such notice, but notices shall briefly explain the grounds for rejecting or partially following any formal guidance or advice of the Personnel Board.~~
- F. In the case of any dispute concerning the interpretation or administration of this chapter, the Town Manager or Human Resources Manager ~~shall~~may consult with the Personnel Board, who shall offer a recommendation or advisory opinion to the Town Manager or Human Resources Manager.
- G. In case where non-Unionized employees of the Town have general concerns about the Town's personnel policies, employment practices, or compensation and benefits issues, such employees may request an opportunity to brief the Personnel Board. Such requests shall be made initially to the Town Manager or Human Resources Manager. The Town Manager and/or Human Resources Manager may determine that a referral to the Personnel Board should not occur if it relates to a disciplinary matter,

confidential personnel matter, or is otherwise not an appropriate issue for review by the Personnel Board, and the Personnel Board will be informed about the disposition of all referral requests. Where referrals are made, the Town Manager or Human Resources Manager have discretion to participate and/or to invite department managers or others whose views should be heard. Where appropriate, the Town Manager may determine that referrals should be heard in an executive session of the Personnel Board. When referrals are made, the Personnel Board will provide non-binding advice and guidance to the Town Manager and/or Human Resources Manager, who shall either inform the employee(s) of the Board's guidance or summarize the disposition of the referral.

[Personnel Board recommends Delete §43-4 through 43-22 of the Town's By-law?]

§ 43-3. Wage and Salary Classification Plan.

- A. ~~At the request of the Town Manager the Personnel Board may advise and provide recommendations to the Town Manager and Human Resources Manager with respect to job descriptions, classification of new positions, and reclassification of existing positions.~~
- B. ~~If it becomes necessary during any year to hire a regular employee to do work not covered by an existing classification, the Town Manager, with input from 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.~~
- C. ~~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 Town Manager.~~
- D. ~~The Town Manager 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 when the Town Manager determines that the employee's level of experience or the Town's needs warrant hiring an employee at a higher rate, provided such rate is within the classification established for the position. In those instances where an employee is hired by someone other than the Town Manager, the employing agency shall report all transfers and, so far as practicable, all proposed hirings to the Town Manager in advance of appointment for approval of the employee's classification and salary or wage rate, provided the foregoing provision shall not apply to the school department or library.~~

~~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 and approved by the Town Manager~~

§ 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 Town Manager, in consultation with the affected employee's department head. 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, who shall review the request and offer a recommendation to the Town Manager, who shall then review the facts and approve or deny the proposed reclassification. A reclassified employee shall be paid in accordance with the provisions of § 43-6.~~

~~B—Where, in the judgment of the Town Manager, 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 Town Manager. 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—Unless otherwise provided by a collective bargaining agreement, employees are eligible for paid Annual Leave as outlined in the Town's Personnel Policies. The Personnel Board may make recommendations to the Town Manager, who shall adopt and maintain provisions for the accrual and administration of Annual Leave. [Amended 4-30-1998 ATM by Art. 4; 5-5-2005 ATM by Art. 32; 4-7-2016 ATM by Art. 12]~~

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

~~Unless otherwise provided by a collective bargaining agreement all regular employees in benefit status shall be allowed Holidays with pay as outlined in the Town's Personnel Policies. The Personnel Board may make recommendations to the Town Manager, who shall adopt and maintain provisions for the observance of Holidays and Holiday Pay in accordance with Town Policy.~~

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.

~~§ 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]~~

~~A. — Unless otherwise provided in a collective bargaining agreement, all regular employees, regular part-time and temporary employees shall accumulate sick leave for personal illness as outlined in the Town's Personnel Policies, and in accordance with M.G.L. c. 149, § 148C. The Personnel Board may make recommendations to the Town Manager who shall adopt and maintain policies and procedures for the accrual, use and administration of Sick Leave in accordance with Town policy.~~

~~§ 43-12. Leave of absence.~~

~~Unless otherwise provided in a collective bargaining agreement, any employee may apply for a leave of absence without pay in accordance with the Town's Personnel Policies.~~

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

~~Unless otherwise provided in a collective bargaining agreement, each regular employee in benefit status may be eligible to receive an absence with pay in case of death of a member of an employee's immediate family in accordance with the Town's Personnel Policies.~~

~~§ 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. Paternal leave.~~

~~A. — All regular employees, after having successfully completed their probationary period, shall be granted paternity 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 in accordance with Massachusetts General Laws. The Personnel Board may make recommendations to the Town Manager who shall adopt and maintain a personnel policy for the administration and oversight of paternal leave.~~

~~§ 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 in accordance with Town Personnel Policies.~~

~~§ 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, disability, or any other protected class in accordance with Federal and State law.~~

~~§ 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 Town Manager, in consultation with the Personnel Board, shall establish and maintain 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 Town Manager, in consultation with the Personnel Board, shall establish a policy consistent with the Small Necessities Leave Act of 1998.~~

HR/Town Counsel Proposed Changes to Bylaw language submitted by Personnel Board

Note: This version accepted all of the Personnel Board Member's changes to the new proposed Bylaw created by Personnel Board Member Deb Cohen. Anything in Redline is proposed by HR/Town and was reviewed by Town Counsel.

Chapter 43

PERSONNEL

§ 43-1. Definitions. [Personnel Board recommends deletion of most, if not all, of §43-1 Definitions. Why are these definitions in the By-law, especially if §§43-4 through 43-22 are removed?]

§ 43-1. (For consideration- new Section 43-1 - delete definitions and replace with Scope of Bylaw)

All Town departments and positions shall be subject to the provisions of this Bylaw, except employees with personal employment contracts, employees covered by a collective bargaining agreement and employees of the Wayland Public Schools.

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.

§ 43-2. Personnel Board.

A. There shall be a Personnel Board of 5 members appointed by the Select Board. The Select Board shall have the power to fill Personnel Board vacancies in accordance with 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. 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]**

Personnel Board Recommends Adding the following language §43-2A :

- Each member shall be a resident of the Town.
 - 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.
 - Appointments shall be arranged so that the terms of office of no more than two members shall expire each year.
- B. The Personnel Board shall have the following powers and duties:
- (1) ~~To provide policy direction to the Town Manager and Human Resources Manager with respect to amendments to the Wage and Salary Classification Plan (hereinafter called "the plan") and personnel policies and procedures.~~

Personnel Board recommends Replacing §43-2B with the following language:

- (1) The Personnel Board shall provide advice to the Town Manager, or designee, and make recommendations on establishing and maintaining an efficient and equitable system of personnel administration for Town employees covered by this Bylaw.
- (2) The Personnel Board shall provide advice 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 advice to the Town Manager and Human Resources Manager with respect to classification of new positions and reclassification of existing positions covered by this Bylaw. 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 Human Resources Manager or Town Manager that such position belongs in a different job classification because of change in the nature of duties and/or responsibilities, the Human Resources Manager or Town Manager may recommend reclassification and 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 employee to do work not covered by an existing classification, the Town Manager, with advice from 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 advice 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 in conjunction with the Town Manager, or designee.
- (5) The Personnel Board shall provide advice 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 may 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.
- (7) The Personnel Board Chair may meet with the Town Manager and/or Human Resources Manager, or their designees, as needed to provide advice relating to personnel and human resources- matters policies, procedures, and strategies.
- (8) Upon request by the Town Manager, a member of the Personnel Board shall serve on interview panels for the hiring of Department Heads and Directors of the Town
- (9) 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.
- (10) 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.

- (11) 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.
- (12) 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 their expertise would be of benefit to the Town.
- C. The Personnel Board shall meet as necessary to consider such business as may be presented by 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 Chairman power to act at any time on routine matters, subject to appeal to the full Board.
- D. The Personnel Board may request the Town Manager, or designee, make such expenditures as they deem appropriate, to retain clerical and other assistance to support the Personnel Board 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.
- F. In the case of any dispute concerning the interpretation or administration of this chapter, the Town Manager or Human Resources Manager may consult with the Personnel Board, who shall offer a recommendation or advisory opinion to the Town Manager or Human Resources Manager.
- G. In case where non-Unionized employees of the Town have general concerns about the Town's personnel policies, employment practices, or compensation and benefits issues, such employees may request an opportunity to brief the Personnel Board. Such requests shall be made initially to the Town Manager or Human Resources Manager. The Town Manager and/or Human Resources Manager may determine that a referral to the Personnel Board should not occur if it relates to a disciplinary matter, confidential personnel matter, or is otherwise not an appropriate issue for review by the Personnel Board, and the Personnel Board will be informed about the disposition of all referral requests. Where referrals are made, the Town Manager or Human Resources Manager have discretion to participate and/or to invite department managers or others whose views should be heard. Where appropriate, the Town Manager may determine that referrals should be heard in an executive session of the Personnel Board. When referrals are made, the Personnel Board will provide non-binding advice and guidance to the Town Manager and/or Human Resources Manager, who shall either inform the employee(s) of the Board's guidance or summarize the disposition of the referral.

[Personnel Board recommends Delete §43-4 through 43-22 of the Town's By-law?]

~~§ 43-3. Wage and Salary Classification Plan.~~

- ~~A.—At the request of the Town Manager the Personnel Board may advise and provide recommendations to the Town Manager and Human Resources Manager with respect to job descriptions, classification of new positions, and reclassification of existing positions.~~
- ~~B.—If it becomes necessary during any year to hire a regular employee to do work not covered by an existing classification, the Town Manager, with input from 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.

- C. ~~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 Town Manager.~~
- D. ~~The Town Manager 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 when the Town Manager determines that the employee's level of experience or the Town's needs warrant hiring an employee at a higher rate, provided such rate is within the classification established for the position. In those instances where an employee is hired by someone other than the Town Manager, the employing agency shall report all transfers and, so far as practicable, all proposed hirings to the Town Manager in advance of appointment for approval of the employee's classification and salary or wage rate, provided the foregoing provision shall not apply to the school department or library.~~
- 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 and approved by the Town Manager~~

§ 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 Town Manager, in consultation with the affected employee's department head. 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, who shall review the request and offer a recommendation to the Town Manager,~~

~~who shall then review the facts and approve or deny the proposed reclassification. A reclassified employee shall be paid in accordance with the provisions of § 43-6.~~

~~B. Where, in the judgment of the Town Manager, 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 Town Manager. 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. Unless otherwise provided by a collective bargaining agreement, employees are eligible for paid Annual Leave as outlined in the Town's Personnel Policies. The Personnel Board may make recommendations to the Town Manager, who shall adopt and maintain provisions for the accrual and administration of Annual Leave. [Amended 4-30-1998 ATM by Art. 4; 5-5-2005 ATM by Art. 32; 4-7-2016 ATM by Art. 12]~~

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

~~Unless otherwise provided by a collective bargaining agreement all regular employees in benefit status shall be allowed Holidays with pay as outlined in the Town's Personnel Policies. The Personnel Board may make recommendations to the Town Manager, who shall adopt and maintain provisions for the observance of Holidays and Holiday Pay in accordance with Town Policy.~~

~~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.~~

~~§ 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]~~

~~A. Unless otherwise provided in a collective bargaining agreement, all regular employees, regular part-time and temporary employees shall accumulate sick leave for personal illness as outlined in the Town's Personnel Policies, and in accordance with M.G.L. c. 149, § 148C. The Personnel Board may make recommendations to the Town Manager who shall adopt and maintain policies and~~

procedures for the accrual, use and administration of Sick Leave in accordance with Town policy.

§ 43-12. Leave of absence.

Unless otherwise provided in a collective bargaining agreement, any employee may apply for a leave of absence without pay in accordance with the Town's Personnel Policies.

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

Unless otherwise provided in a collective bargaining agreement, each regular employee in benefit status may be eligible to receive an absence with pay in case of death of a member of an employee's immediate family in accordance with the Town's Personnel Policies.

§ 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. Paternal leave.

A. — All regular employees, after having successfully completed their probationary period, shall be granted paternity 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 in accordance with Massachusetts General Laws. The Personnel Board may make recommendations to the Town Manager who shall adopt and maintain a personnel policy for the administration and oversight of paternal leave.

§ 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 in accordance with Town Personnel Policies.

§ 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, disability, or any other protected class in accordance with Federal and State law.

§ 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 Town Manager, in consultation with the Personnel Board, shall establish and maintain 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 Town Manager, in consultation with the Personnel Board, shall establish a policy consistent with the Small Necessities Leave Act of 1998.

Article T. Amend Zoning Bylaws and Town Zoning Map – MBTA Communities Multi-Family Housing

Proposed by: Planning Board/Select Board

Estimated Cost: N/A

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

Amend the Code of the Town of Wayland to add a new Article 27 Multi-Family Housing Overlay District, Section 198-2701, et seq., in order to comply with G.L. c. 40A, Sec. 3A the so-called MBTA Communities legislation. And, amend the Zoning Map of the Town of Wayland to reflect a new overlaid district, comprised of three or more sub-districts, where multi-family housing is permitted as-of-right.

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

As a result of January 14, 2021 amendments to Section 3A of the Massachusetts Zoning Act, G.L. c. 40A, Wayland, an "MBTA Adjacent Community", is required to have a zoning bylaw that provides for at least 50 acres to be zoned for multi-family housing use. The designated multi-family housing zone may be superimposed on existing underlying zones so that development of land may be undertaken subject to the requirements of the overlay or by complying with all applicable requirements of the underlying district. The Town is not required to create multi-family housing. It is only required to zone so that it could be created at some time in the future. The basic State requirements are that the district: a) contain 50 acres - made up of at least one area of 25 contiguous acres and several smaller areas of no less than 5 contiguous acres each; b) support a minimum density of 15 units per acre on average; c) not be subject to any age restrictions; d) exclude surface waterbodies, wetlands and buffer zones, protected open space and recreational land, cemeteries, Zone I wellhead protection areas, privately-owned land used for educational or institutional uses, publicly-owned land generally; e) avoid sensitive land such as land subject to flooding and priority habitat for rare or threatened species; and f) encourage development of a scale, density and aesthetic that are compatible with existing surrounding uses.

The repercussions for failure to have such a district are loss of funding for grant programs and potential civil suit by the Massachusetts Attorney General and others. The town is required to submit a district compliance Application with Town Meeting approved zoning by no later than December 21, 2024.

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 Planning Board Chair, Anette Lewis, at alewis@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 KK. Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial Use in a New Business B Zone Subdistrict B-1

Proposed by: Petitioner’s

Estimated Cost: \$---

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

Article: To see if the Town will vote to amend the Town Code, Chapter 198, Zoning, to include a new use of “Retail Self-Storage” and to amend the Zoning Map to create a new Sub-District B-1 to consist of Assessor Map and Parcel as detailed below, with such use to be allowed by Special Permit by the Zoning Board of Appeals in the Business B-1 District, by inserting the text shown as **bolded and underlined** as follows:

- A. By amending Section 198-104.2 DEFINITIONS by inserting, in alphabetical order, a new definition for “**RETAIL SELF-STORAGE**” as “**A facility containing separate, individual, and private storage spaces of varying sizes leased or rented for varying period of time for personal, household, or small business storage**”.
- B. By amending Section 198-802, ATTACHMENT 3 – Table of Permitted Principal Uses by Districts by inserting under the Business Uses column a new use number 14, “**14. Retail Self-Storage**” and renumbering the remaining Business Uses, to be allowed as follows:

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
14. Retail Self-Storage	No	No	No	Yes ⁴	No	No	NR

4. Allowed in Sub-District B-1 only.

- C. By amending Section 198-803 by inserting a new **803.1.14 as “Retail Self-Storage”** and renumbering all subsequent uses accordingly.
- D. By amending Section 198-801 ATTACHMENT 1 – Table of Dimensional Requirements by inserting under the Business B Use column “**Retail Self-Storage**” subject to the following dimensional requirements:

Districts	Use	Minimum Lot Area (sq.ft.)	Maximum Lot Coverage	Minimum Frontage (Ft.)	Minimum Yard Setback				Maximum Height	
					Front	Rear	Side	Ft.	Stories	
<u>Business B (Subdistrict B-1)</u>	<u>Retail Self-Storage</u>	<u>None</u>	<u>35%</u>	<u>None</u>	From Lot Line (ft.)	From ROW Center Line (ft.)	From ROW Center Line (ft.)	From Lot Line (ft.)	<u>35'</u>	
					<u>135'</u>	<u>25'</u>	<u>25'</u>			

- E. By amending the Zoning Map to create a new Sub-District B-1 within the Business B Zoning District to consist of property located at 193 Commonwealth Road identified as Assessors Map 51D, Parcel No. 019, also as shown on the map attached hereto.
- F. By amending Article 11 Business Districts, Section 198-1101, and inserting **“1101.2. Subdistrict B-1 is hereby established in the Business B zoning district. Sub-District B-1 is a sub-district within the Business B District comprised of parcel of land on Commonwealth Road in Wayland, Massachusetts, identified as Assessors Map 51D, Parcel No. 019, also as shown on the Zoning map. In Sub-District B-1, no building or structure, and no alteration, enlargement or extension of an existing building or structure, may be constructed and no building, structure, or lot or part thereof may be used for any purpose or manner other than use allowed in the Business B District or as Retail Self-Storage as allowed under Sub-District B-1. The provisions of Section 198-203 Special Permits shall apply to this section.”**
- G. By amending Section 198-203 Special Permits; requirements and conditions and inserting **“203.2. In addition to Section 203.1 of this Bylaw, the following shall be considered by the Special Permit Granting Authority prior to the issuance of a special permit for the use of Retail Self-Storage:**
- a. **Whether the proposed use will increase the intensity of use on the site to a level that will adversely impact land uses in the area, pedestrian or motor vehicle traffic or the public welfare;**

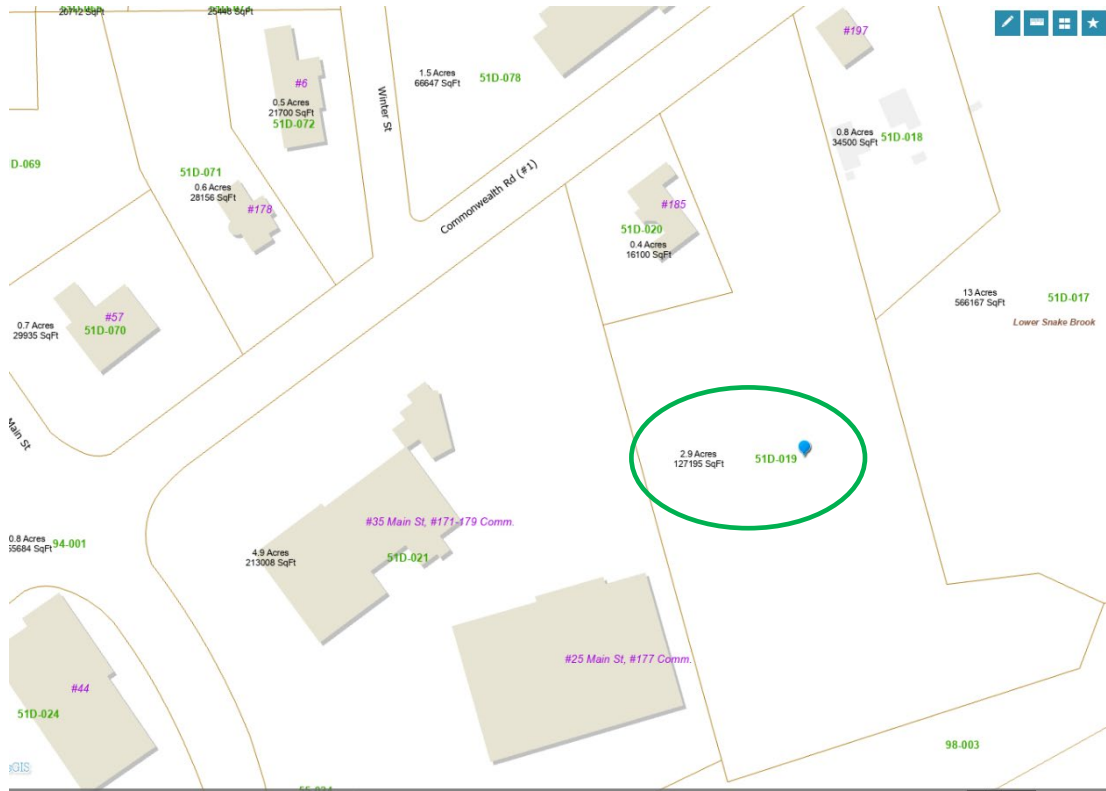
b. Whether the proposed use is designed and operated in a manner that preserves the community's distinctive village character, including the following:

- 1. The use of a sloped roof facing active abutters on any third story of any building, so that any three-story building appears as a two-story structure with peaked roof on its prominent facades;**
- 2. Use of architecture that is articulated with doors, windows, eaves and rooflines, and materials including cladding and/or masonry, to complement the surrounding village scale and feel;**
- 3. Maximum individual façade length of 175' where the length must be articulated at not less than every 75'**
- 4. The use of muted or historic village colors, including avoiding the use of bright, glowing, or fluorescent colors;**
- 5. Signage to be low profile plinth signage, front lit**

Whether the proposed retail self-storage's dimensions are compatible with the character of surrounding properties or the zoning district, but notwithstanding any other provision of this Bylaw, said retail self-storage facility shall:

- 1. Provide parking at a minimum of 1 space per 15,000 sf including adequate parking for allowed community space event capacity**
- 2. Limit site lighting to Wayland "dark sky" standards with no site lighting directed offsite, and site lighting dimmed after operating hours**
- 3. Require loading area to be interior to the building; no loading docks and no exterior storage loading doors allowed**
- 4. Preclude overnight operation of the facility**
- 5. Preclude chain link or any perimeter security fencing, unless aesthetic fencing specifically requested by the Town**
- 6. Provide, to counteract the passive nature of the Self Storage use, a minimum 3% of total square footage as community space, to be internally maintained by the municipality or its designee, and located to help activate the ground floor primary building façade/corner.**
- 7. Achieve Net Zero energy efficiency for the property, including rooftop solar only (i.e. no parking lot nor ground-mount solar)**

[DRAFT ZONING MAP]



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):

Proposer’s Comments (if needed, 150-word limit per Town Code):

FINANCE COMMITTEE COMMENTS:

The Select Board recommends Blank. Vote:

ARGUMENTS IN FAVOR:

ARGUMENTS OPPOSED:

RECOMMENDATION: The Finance Committee recommends Blank. Vote:

QUANTUM OF VOTE: Majority.

For more information about this article, contact Petitioner, Rebecca Stanizzi via email rstanizzi@comcast.net.

Article NN. Solar Compact Development for Wayland

Proposed by: Petitioners' Article

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 allow zoning changes needed to build a "Solar Compact Development". A Solar Compact would be similar to a Conservation Cluster Development, but with the special requirements needed to support medium-density housing, solar design, land conservation and agriculture. This requires specific high-performance materials, and specified connection between structures. All of the requirements listed must be met before any of the individual waivers can apply.

Commented [JB1]: Will the reader have any idea what a Conservation Cluster Development is?

Commented [JB2]: Not sure what this refers to

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):

--

Proposer's Comments (if needed, 150-word limit per Town Code):

Warrant Article Submission for the 2024 Annual Town Meeting-

1. It must be on a site a minimum of 8 acres in size including deeded conservation land.
2. Sloped roof area must be adequate size for the required installation of minimum 40 solar panels per unit, averaged.
3. The density of homes and Accessory Dwelling Units (ADUs) on the site must not exceed 2 per acre total averaged for all the site.
4. If the structure is on sloped ground, the highest point of any roof may exceed 35 ft. as long as it is not higher than 16 ft. above nearest lot line.
5. Each of the primary units may have an accessory dwelling unit, as long as all of the Solar Compact units are connected at least at one level, but not at all levels. The ADUs may not exceed 900 sq. ft., interior. Primary units may be any size.
6. Minimum 75 ft. setback to any lot line, and no structure closer than 200 ft. from any neighboring house. Trees and/or shrubs shall be added as a visual buffer if none exist.
7. A single driveway may suffice. Surface may be semi-permeable, including gravel. Existing driveways may be used.
8. Roof storm water must be stored and used for irrigation of agriculture or grey water use. Cisterns may be used.
9. Any land on the entire site, including land set aside for conservation, may be used for agriculture and related greenhouse structures. Minimum 1 acre cleared land must be tilled for agriculture.
10. Exterior walls must have minimum avg. R-value of 40. Roofs must have minimum R-value of 45. Windows must have minimum R-value of 5. HERS rating of 0. (Net-zero) Heat shall be geothermal.
11. If all these conditions are met, the Solar Compact Development may be built "by right", subject to site plan review. Duration of decision before excavation must commence shall be 5 years.

FINANCE COMMITTEE COMMENTS:

The 2021 Annual Town Meeting (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.

Wayland’s existing 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 the 2021 ATM and the 2022 CAMP.

Based on the limited information we have received, the objective of this idea appears to be to lay the foundation – through zoning initiatives – to permit future residential developments that will leverage highly efficient building materials and solar energy. This objective seems to be consistent with both the aim of the 2022 CAMP and ongoing initiatives by the town in respect thereof.

At this time, it remains unclear as to whether this Article will require a new zoning bylaw or a zoning bylaw amendment. In either case, the Planning Board has not yet held a hearing on it, and, in turn, it has not yet voted on it.

Once we clearly understand what is being proposed, and after the Planning Board has done their diligence and provided their views and their vote, the Finance Committee will be in a place to evaluate this Article further.

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 Petitioner, Windsor Mallett, via email at windsormallett@gmail.com.

ATM 2024 Article Order

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

#	Letter	Action	Name	Sponsor	Estimates		
					Time	Hours	End Time
MONDAY, MAY 13					6:45pm start		
1	A		Recognize Citizens	SB	10		
2	B	*	Pay Previous Year Bills	SB	5		
3	C	*	Current Year Transfer	SB	5		
4	D	*	OPEB Funding	SB	5		
5	E	*	Enterprise Fund Budgets	SB	5		
6	G	*	FY 2024 Revolving Funds	SB	5		
7	H	*	Personnel Bylaws and Wage & Classification Plan	SB	5		
8	I		Fund Union Agreements	SB	5		
9	J	*	SWQ Budget	SB	5		
10	Q	*	SpEd Education Fund	SC	5		
11	F		FY25 Budget	FinCom	90		
12	L	*	Fund Capital Stabilization	SB	5		
13			Gossels Award		15		
14	S		Revise Town Code Chapter 43: Personnel	SB	30		
15	P	*	CPA: Set Asides	CPC	5		
16	FF		CPA: Open Space - Historic Preservation Projects	CPC	5		
17	BB		Revise Town Code 91-1	Town Clerk	10		
18	CC		Revise Town Code 91-2	Town Clerk	10		
19	MM		Resolution in Support of Changing the State Flag and	Petitioner's	10		
20	W	*	Loker Elementary School Solar Agreement	SB	5	4.0	10:45
TUESDAY, MAY 14							
21	AA	*	Affirm Remote Participation	SB	5		
22	EE		CPA: Open Space Projects	CPA	10		
23	II		CPA: Recreation Project: Wayland Community Pool R	CPA	15		
24	T		Amend Zoning Bylaws and Town Zoning Map -MBTA Communities Multi-Family Housing	PB/SB	45		
25	PP		Extension of Turf Field Moratorium	Petitioner's	10		
26	U		Fire Department Staffing Study	SB	10		
27	V		Classification and Compensation Study for All Town V	SB	10		
28	X		Solar Agreements for Town Properties	SB	10		
29	Y		To Adopt the Massachusetts Specialized Energy Code	SB	10		
30	KK		Amend Zoning Bylaw to Add Retail Self-Storage as Ad	Petitioner's	30		
31	R	*	Rescind Debt	SB	5		
32	OO		Establish Athletic Fields Planning Committee	Petitioner's	30		
33	O	*	Sell or Trade Vehicles and Equipment	SB	5		
34	NN		Solar Compact Development for Wayland	Petitioner's	15		
35	M	*	Choose Town Officers	SB	5		
36	GG		CPA: Historic Preservation Project: Stone's Bridge	CPA	20		
37	DD	*	CPA: Affordable Housing Consultant Services	CPA	5		
38	N	*	Hear Reports	SB	5	4.1	10:50
WEDNESDAY, MAY 15							
					6:45PM start (TBD)		
PULLED (italics - anticipated)							
1	K	*	<i>Gifts of Land</i>	SB			
2	Z		Appropriation for Engineering, Rt 20	SB			
3	HH		CPA: Recreation Project: Cochituate Ball Field	CPC	Combined		
4	JJ		Authorize Housing Trust to seek Affordable Housing	WHP			
5	LL		Authorize Housing Trust to seek Affordable Housing	Petitioner's			



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

MICHAEL McCALL
TOWN MANAGER
TEL. (508) 358-3620
mmccall@wayland.ma.us

To: Michael McCall, Town Manager
From: John Bugbee, Asst. Town Manager
Date: March 15, 2024

RE: Open Capital Update

Overview

As many of you are aware, since early February, I have been researching the issue of capital and open capital in an effort to better understand the issue in its entirety. During that time, I have been collecting data from department heads listed within MUNIS as having capital projects to better comprehend how we monitor, organize, administer, evaluate and manage our capital projects as a group. Obviously, this is not an easy task as this has been an issue building for some time. This is not due to any specific policy, procedure or lack of effort on behalf of any staff involved. Instead, this has occurred more organically as the number of projects and the scope of projects have been gradually building.

There are a number of key takeaways that I will discuss with the Select Board in further detail at next Monday's meeting, as I have recently done for the Finance Committee. The discussions will include the dissemination of a newly created spreadsheet with all capital projects and their status to date. The other key components of this discussion will include:

- 1) **How did the capital / open capital reach this point?**
- 2) **What do the numbers truly represent and what do we truly have in terms of capital and open capital projects?**
- 3) **What should we consider open capital vs capital?**
- 4) **What can we do to begin understanding and better managing capital projects?**
- 5) **How does a Capital Improvement Committee effect this issue?**
- 6) **What can we change in terms of our approach to capital that will avoid these type of pitfalls going forward?**

Conclusion

Understandably, these are all important questions that will not be solved immediately. However, I believe that if we can begin to change how we classify, monitor and manage our capital projects, then we can begin to better understand what we truly have as capital projects and how to best administer capital projects as a community. This will not be an easy task, however, there are two common denominators that I believe have continually held back this process and which are having a point person on capital and the addition of a standardized mechanism to oversee capital, both of which will be part of the solution going forward.

GRANT AGREEMENT
Between
TOWN OF WAYLAND
And
WAYLAND PUBLIC SCHOOLS

This GRANT AGREEMENT is made on this ____ day of _____ March _____, 2024 by and between the Town of Wayland, having an address of 41 Cochituate Road, Wayland, MA 01778 (the “Town”) and the Wayland Public Schools, having an address of 41 Cochituate Road, Wayland, MA 01778 (the “Grantee”).

WITNESSETH:

WHEREAS, the COVID-19 pandemic has negatively impacted families and economic activity throughout Town, resulting in strains on the public health system and negative economic impacts, including, but not limited to, joblessness and the temporary and permanent closure of businesses; and

WHEREAS, the Town desires to provide for tuition-free full-day kindergarten (“FDK”) to lessen the economic cost of raising children in Town; and

WHEREAS, the Town desires to provide a grant using American Rescue Plan Act (“ARPA”) funds provided to the Town by Congress; and

WHEREAS, the Town has allocated up to **\$535,769** of ARPA funds to this Grantee (the “Grant Funds” or “Funds”) to administer a tuition-free FDK program (the “Program”); and

WHEREAS, the Grantee is an eligible government instrumentality in the Town that agrees to use the Funds only for the specified purposes set forth below; and

WHEREAS, the Town intends to provide these Funds to the Grantee for the purpose of providing tuition-free FDK, thereby supporting the public interest, and subject to the conditions and reporting requirements set forth herein.

NOW THEREFORE, the Town and the Grantee agree as follows:

1. **Funding.** The Town shall disburse the Grant Funds to the Grantee on the condition that the Grantee shall use the Funds only for costs in accordance with **Exhibit A**, and otherwise in accordance with the terms of this Grant Agreement. The Grantee may not use the Funds for any purposes other than those set forth in Exhibit A and herein without the prior written approval of the Town. The Grantee’s failure to use the Grant Funds consistent with Exhibit A shall be deemed a material breach of this Agreement and entitle the Town to recoupment of any and all amounts spent contrary to the terms set forth in Exhibit A.

2. Conditions.

- a) Grantee shall only use the Funds for the public purpose of providing tuition-free FDK to achieve the goals described in Exhibit A and shall not use such funds to instead unjustly and or directly benefit Grantee or its officers and employees.
- b) Grantee shall comply with the reporting requirements set forth herein and shall retain records relevant to the use of Grant Funds for a period of no less than seven (7) years, such records to be made available to the Town upon request.
- c) **All work must be completed and all Grant Funds expended no later than December 31, 2026.** The Grantee must continue submitting quarterly reports through the end of the quarter in which all Funds have been expended and/or returned to the Town, as the case may be.

3. Contact. The Grantee identifies the following as contact persons for purposes of questions and concerns related to the administration of this grant:

Michael McCall , Wayland Town Manager

Notices required by this Agreement shall be provided consistent with Section 14, below.

4. Liability of the Town. The Town’s liability hereunder shall be to make the payment specified in Section 1 of this Grant Agreement, provided that Grantee comply with and adhere to the terms and conditions set forth herein, and the Town shall be under no further obligation or liability. Nothing in this Grant Agreement shall be construed to render the Town or any elected or appointed officials or employees of the Town, or their successors in office, personally liable for any obligation under this Grant Agreement.

5. Indemnification. The Grantee shall indemnify, defend, and hold the Town and Town departments, officers, employees, servants, and agents harmless from and against any and all claims, demands, liabilities, actions, causes of actions, costs and expenses, including reasonable attorneys’ fees, arising out of or relating to the Grantee’s performance, or the negligence or misconduct of the Grantee or the Grantee’s agents or employees.

6. Insurance. The Grantee shall **maintain:**

- General Liability Insurance in the following minimum amounts: \$1,000,000 each occurrence and \$2,000,000 aggregate limit.
- Professional Liability Insurance, covering errors and omissions, in the amount of at least \$1,000,000.
- Automobile Liability Insurance in the amount of \$1,000,000, owned, non-owned, and hired automobile coverages to be included.
- Workers Compensation in accordance with the Grantee’s services in which the work is being performed.
- Employers Liability Insurance: \$500,000 each accident, \$500,000 disease policy limit, \$500,000 disease each employee.
- Umbrella Insurance: \$1,000,000 limit per occurrence and aggregate.

7. Reports. The Grantee agrees to provide the Town with quarterly, or more frequently upon reasonable request by the Town, expenditure and services reports. One such report shall be

Commented [C1]: The insurance provisions are from our standard agreement, but where this is an intra-governmental agreement, you could dispense with this section.

the annual report, listing services provided and Grant Funds used during that period, and shall be submitted within thirty (30) days of the end of the calendar year.

8. Record Keeping. The Grantee agrees to keep, for a period of seven (7) years after the Grant Funds are exhausted, such records with respect to the utilization and the proceeds of this Grant Agreement as are kept in the normal course of business and such additional records as may be required by the Town. The Grantee further agrees to make these records available to the Town upon request.
9. Photographs/Videos. The Grantee agrees the Town may edit, alter, copy, exhibit, reproduce, publish, or distribute any photographs, images, and/or videos produced during the term of this Agreement for purposes of publicizing the Town's ARPA expenditures or for any other lawful purpose. The Grantee hereby waives the right to inspect or approve the finished product, including written or electronic copy, wherein its employees, facilities, services, equipment, logo, or likeness appears. Additionally, the Grantee waives any right to royalties or other compensation arising or related to the use of such photographs, images, and/or video.
10. Successors and Assigns. This Grant Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. The Grantee shall not assign, subcontract, or otherwise transfer this Grant Agreement, in whole or in part, without the prior written consent of the Town.
11. Termination. In the event the Grantee fails to fulfill all obligations under the terms of this Grant Agreement, as determined by the Town, and such failure is not cured within fifteen (15) days after the Town has given written notice to the Grantee specifying such failure, or such longer period as may be specified by the Town, the Town shall have the right, in its sole discretion, to terminate this Grant Agreement upon written notice to the Grantee. The Town may also terminate this Agreement for convenience at any time upon written notice to be received by the Grantee not less than thirty (30) days in advance of termination. Upon receipt of said termination notice, the Grantee shall cease to incur any additional expenses in connection with this Grant Agreement and shall return any funds due and owing under a non-refundable commitment. Upon termination, the Town shall be free to pursue any rights or remedies provided within this Grant Agreement, including without limitation, recouping of Funds as set forth in Section 12 below.
12. Return of Funds. In the event this Grant Agreement is terminated pursuant to Section 11, any Funds granted to the Grantee under this Grant Agreement and not yet expended shall be returned forthwith to the Town without further expenditure thereof. If the Grantee fails to fulfill its obligations under the terms of this Grant Agreement as a result of negligent or intentional acts or omissions of the Grantee, its agents, employees, contractors, or invitees, the Grantee shall be liable to repay to the Town the entire amount of the Grant Funds provided under this Grant Agreement, and the Town may take such steps as are necessary, including legal action, to recover such funds. In the event that the Town takes legal action under this Grant Agreement, the Grantee shall pay any and all costs, including reasonable attorneys' fees, expended for the enforcement of this Grant Agreement.
13. Compliance with Laws. The Grantee shall comply with all federal, state, and local laws, rules, regulations, and orders applicable to Grantee, including, without limitation, ARPA and

the regulations and guidance issued thereunder, such provisions being incorporated herein by reference.

14. Notice. Any and all notices, or other communications required or permitted under this Grant Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth herein or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service. At the Town's discretion, notices and other communications may be sent electronically.
15. Severability. If any term or condition of this Grant Agreement or any application thereof shall to any extent be held invalid, illegal, or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Grant Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
16. Governing Law. This Grant Agreement shall be governed by, construed, and enforced in accordance with the laws of the Commonwealth of Massachusetts and the Grantee submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Grant Agreement.
17. Expiration and Renewal. This agreement will expire at midnight on January 1, 2027, unless terminated sooner pursuant to the terms herein. The reporting and record-keeping requirements contained herein shall continue as set forth above following the expiration or termination of this Agreement. The indemnification provisions contained herein shall survive expiration or termination of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Grant Agreement, under seal, on the day and year first written above.

TOWN OF WAYLAND

WAYLAND PUBLIC SCHOOLS

Name: [INSERT NAME]

Title: [INSERT TITLE]

Name: [INSERT NAME]

Title: [INSERT TITLE]

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. Gutbezah
Carol B. Martin
William D. Whitney

DRAFT Meeting Minutes

Select Board Meeting

Monday, March 4, 2024 at 7:00 p.m.

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

Present: Thomas J. Fay, Adam G. Gutbezah, Carol B. Martin, William D. Whitney

Present, participated remotely: Anne Brensley.

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 that A. Brensley would participate remotely.

A2. Announcements and Public Comment: A. Gutbezah announced that there was Presidential Primary Election on Tuesday, March 4, 2024 between 7:00 a.m. and 8:00 p.m. at all polling locations. C. Martin announced that there would be a Council on Aging/Community Center (COA/CC) ceremonial ground-breaking event on Thursday, March 7, 2024 at 11:00 a.m. at Andrew Avenue. A. Brensley reminded the Board that it would soon co-sponsor a Town-SPIRIT program (Site Problem Identification and Resolution of Issues Together) event in collaboration with the Human Rights, Diversity, Equity and Inclusion Committee (HRDEIC). M. McCall added that the S.P.I.R.I.T. event would be held on April 28, 2024 from 1:00 p.m. to 7:00 p.m. A. Brensley reported that there were several communities in which voters have rejected the Massachusetts Bay Transportation Authority (MBTA) Communities Zoning. W. Whitney announced two public hearings before the Planning Board on March 12, one with respect to 193 Commonwealth Road and another regarding the MBTA Zoning proposed bylaw and maps.

D. Bernstein, Glezen Lane, as lead petitioner for Article OO. Establish Athletic Fields Planning Committee joined the meeting in person and described changes in the article text since the Board last heard the petition at the petitioners' workshop. D. Bernstein stated that athletic field improvements moved at a glacial pace. He provided counter arguments to the Finance Committee's arguments against, stating that a staff working group would not provide transparency to the public and would not get the job done. D. Bernstein encouraged the Board to support the article.

R. Turner, Nob Hill Road, joined the meeting via teleconference and reported that he attended the Police Chief's swearing in ceremony with his brother and it was well done.

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 b) Discussion of articles not yet voted on by Select Board:

OO: Establish Athletic Fields Planning Committee: W. Whitney noted that the Finance Committee had voted to support the article and would reconsider its vote in the event the Board acted to not support the article. W. Whitney reported that the Recreation Commission and the Board of Public Works had not taken a position on the article W. Whitney also reported the Department of Public Works

(DPW) Director and the Recreation Director did not recommend approval of the article. T. Fay asked if there were any costs associated with the article, W. Whitney answered that the Finance Committee did not discuss funds. M. McCall acknowledged the need for a Capital Planning Committee with a larger scope and his willingness to form a working group to which he invited D. Bernstein to participate. A. Gutbezahl preferred the transparency of a committee versus a working group, but acknowledged the need for a Capital Planning Committee. C. Martin acknowledged the need for the work to be completed and trusted that M. McCall would establish a working group and a future Long-term Capital Meeting Committee. A. Brensley expressed continued concern for a lack of mechanism for the community to get involved to move stalled projects forward. T. Fay noted that the fields issue was long-standing and there was a need to prioritize it. T. Fay stated that he was comfortable supporting the article. W. Whitney preferred to try a working group before an established committee.

A. Gutbezahl moved, seconded by C. Martin, to recommend approval of Article OO: Establish Athletic Fields Planning Committee. Roll Call Vote: YEA: T. Fay. NAY: A. Brensley, A. Gutbezahl, C. Martin and W. Whitney. ABSENT: None. ABSTAIN: None. Motion did not pass. 1-4-0.

- **PP: Extension of Moratorium on Synthetic Fields/Artificial Turf:** Lead Petitioner, Paul Dale, Grace Road was present at the meeting to answer questions, if any. C. Martin reviewed the background of the article which stemmed from the expiration of the current three-year synthetic turf moratorium.

A. Gutbezahl moved, seconded by C. Martin, to recommend approval of Article PP: Extension of Moratorium on Synthetic Fields/Artificial Turf. 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.

- **Y: To Adopt the Massachusetts Specialized Energy Code:** A. Gutbezahl described the intent of the article. C. Martin noted that the article submission was not in the correct font.

A. Gutbezahl moved, seconded by C. Martin, to recommend approval of Article Y: To Adopt the Massachusetts Specialized Energy Code. 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.

Finance Director, B. Keveny joined the meeting in person to provide more information about the funding and the use of free cash to fund several articles.

- **Article G. Fiscal Year 2025 Revolving Fund Expenditure Limits:**

A. Gutbezahl moved, seconded by C. Martin, to recommend approval of Article G. Fiscal Year 2025 Revolving Fund Expenditure Limits, as set forth in the supplemental 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.

- **D: Other Post-Employment Benefits (OPEB) Funding:** B. Keveny recommended that the funding source be changed.
- **C: Current Year Transfers:**

A. Gutbezahl moved, seconded by C. Martin, to remove Article C. Current Year Transfers from the 2024 ATM warrant. 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.

- **E: Enterprise Fund Budgets:** B. Keveny provided updated budget values and recommended to fund the Transfer Station by free cash and not taxation.
- **L: Capital Stabilization Fund:** B. Keveny provided updated budget values and recommended to fund this by free cash and not taxation. C. Martin noted that the submission was not in the proper warrant article format and suggested the Board determine a funding source.
- **Q: Special Education Reserve Fund:** B. Keveny recommended to fund the Special Education Reserve Fund by free cash and not taxation.
- **U: Fire Department Staffing Study:** B. Keveny recommended the use of \$39,000 of free cash. There was a discussion if it would be appropriate to include the expenditure in the operating budget rather than

a separate warrant article, to which the Board deferred to the Finance Committee. There was a discussion about funding the study with ambulance receipts. The Board deferred its vote to a future meeting.

- **V. Classification and Compensation Study for All Town Wage Scales:** B. Keveny recommended that Article V. Classification and Compensation Study for All Town Wage Scales also be funded by free cash.

B. Keveny summarized that there was a recommended total of \$2.7 million in free cash which was aligned with the certification from Department of Revenue.

- **K: Accept Gifts of Land:** It was not known if any gifts of land were expected, the Board tabled its vote.
- **M: Choose Town Officers:** A. Brensley acknowledged the tradition of the standard article and noted that there were no funds required.

A. Gutbezahl moved, seconded by C. Martin, to recommend approval of Article M: Choose Town Officers. T. Fay recommended the list be confirmed with the individual officers. 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.

- **N: Hear Reports:** A. Brensley made a correction to the text, “Town Code Chapter 53, Section 3”, should read “Chapter 53 Section 4”. The Board wanted to confirm the number of boards and committees with reports before acting on the article. The Board discussed the various boards and committees that might present a report, including: the Board of Assessors, Community Preservation Committee, Planning Board, Public Ceremonies Committee, Select Board, and the Human Rights, Diversity, Equity and Inclusion Committee (HRDEIC).
- **O: Sell or Trade Vehicles and Equipment:** M. McCall would confirm the details of the article.
- **S. Revise Town Code Chapter 43: Personnel:** M. McCall reported that he was working on a compromise with the Personnel Board on the draft language.
- **AA: To Reaffirm Remote Participation at Town Meeting:** T. Fay described that the intent of the article was to reaffirm a prior vote by Annual Town Meeting, and added that the matter was still pending state legislation.

A. Gutbezahl moved, seconded by C. Martin, to recommend approval of Article. AA: Reaffirm Remote Participation at Town Meeting. 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.

- **BB. Revise Town Code 91-1 and CC. Revise Town Code 91-2:** W. Whitney acknowledged that the Finance Committee voted to support both articles submitted by the Town Clerk. The Board would discuss the article at its next meeting.
- **II – Community Preservation Act – Recreation Projects: Improvements at Cochituate Ball Fields and Wayland Community Pool:**

A. Gutbezahl moved, seconded by C. Martin, to recommend approval of Article. II – Community Preservation Act – Recreation Projects: Improvements at Cochituate Ball Fields and Wayland Community Pool. 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.

- **NN. Solar Compact Development for Wayland:** M. McCall reported that the petitioner was working on some outstanding legal issues.
- **A. Recognize Citizens & Employees for Particular Service to Town:** W. Whitney noted the need to establish better records for the service of citizens and employees to the Town.

A5. Outstanding Capital Appropriations a) Invite attendance by John Bugbee, Assistant Town Manager: J. Bugbee joined the meeting via teleconference and reported that he provide an update at the next meeting.

A6. American Rescue Plan Act (ARPA) Funds Update: Review, Discussion and possible vote on project funding allocation: M. McCall noted the need to periodically review the spending ahead of the 2026 deadline. B.

Keveny provided a summary regarding the \$4.1 million American Rescue Plan Act (ARPA) funds and encouraged the Board to consider using some ARPA funds to fund full-day kindergarten.

A. Gutbezahl moved, seconded by C. Martin, to adjust its prior allocation for the Massachusetts Water Resource Authority (MWRA) connection to \$864,231 and insert a new allocation of ARPA funds for Full-Day Kindergarten for \$585,769 resulting in total allocated ARPA funds of \$4,760,700. 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.

A7. 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 in the amount of \$27,000 from the Wayland Youth Lacrosse Program to construct a lacrosse bounce back wall at Wayland High School.
2. Vote the question of signing a Bond Anticipation Note (BAN) through the State House Note program for the purposes of funding Water Enterprise Capital Projects in the amount of \$489,000.
3. Vote the question of approving Town Manager, Michael McCall, as signatory for approving the contract for the Wayland Cochituate Field Improvement Project, from Vintage Properties Inc., (of Weston, MA), in the amount of \$268,000.

T. Fay moved, seconded by A. Gutbezahl, to adopt the Consent Calendar. 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.

A8. Minutes: a) Review and approve the minutes of February 5, 2024, February 12, 2024 and February 26, 2024, if available: The Board did not act on the minutes of February 26, 2024.

T. Fay moved, seconded by A. Gutbezahl, to approve the minutes of February 5, 2024, as amended. 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 approve the minutes of February 12, 2024, as amended. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: A. Gutbezahl. Approved. 4-0-1.

A9. Town Manager's Report:

- a) Equity Audit Update:** J. Bugbee reported that the selection committee was still assessing the twelve (12) total proposals that the Town received in response to the RFP for an equity audit. He described the next steps in the selection process and projected that the equity assessment should be complete twelve months after a firm is selected, likely from April.
- b) Board of Registrars:** M. McCall announced that there was an open Registrar position for elections and the Town Clerk was accepting letters of intent for appointment.
- c) Council on Aging/Community Center (COA/CC) Project Sign:** No update was given on item A9.c and A9.d because there was an acronym on the agenda and the Town Manager did not want to trigger an Open Meeting Law violation.
- d) Status of the Council on Aging COA Owner's Contingency Fund:** No update was given, see A9.c.
- e) Recap since last meeting:** M. McCall reported that the Town hosted a ceremony Thursday, February 29, 2024 to swear in the Chief of Police, Ed Burman. M. McCall announced that he recently confirmed that the COA/CC project was not delayed by 6 months, as was falsely reported in Wayland Voter's Network (WVN), a moderated email subscription service that is authored by voters of Wayland.

A10. Review Correspondence: The Board reviewed the correspondence.

A11. Select Board Members' reports and concerns: A. Gutbezahl thanked M. McCall for a commendable first year. A. Gutbezahl expressed disappointment with the fact that M. McCall must refrain from discussion of the COA/CC project to appease one or two people who are concerned with menial Open Meeting Law technicalities such as acronyms, which deprived the rest of the community from an important update. A. Gutbezahl reported that the Trust Fund Commission continued to receive requests for expenditures from the Millennial Fund from

the Library. A. Gutbezahl recommended a joint meeting among the Trust Fund Commission, the Board of Library Trustees and the Select Board.

C. Martin suggested a press release regarding the availability of Narcan® (naloxone) from the Health Department in Town Building. C. Martin also noted that she would attend a presentation by Michele Fronk Schuckel, MBA, BSN, RN of the Wayland Health Department. A. Brensley commented on the American Rescue Plan Act (ARPA) funds and recommended the Board periodically review how it is being spent.

T. Fay reported that he attended the swearing-in ceremony for Ed Burman as Police Chief and commended M. McCall for hosting the ceremony. T. Fay reported that the Route 20 South Landfill Visioning Committee would hear a presentation from the consulting firm next week.

W. Whitney acknowledged a request for smaller projects related to the COA/CC project from Bill Sterling and recommended further discussion at a future meeting. W. Whitney reported that he was contacted by Chris Reynolds who recommended to move soil from the COA/CC project to the Town Green at Town Center to improve drainage.

A12. Topics not reasonably anticipated by the Chair 48 hours in advance, if any: There were none.

A13. Executive Session: At 9:04 p.m., W. Whitney moved, seconded by C. Martin, that the Select Board enter into Executive Session a) pursuant to Massachusetts General Laws 30A, Section 21 (a) (2) to conduct strategy sessions in preparation for negotiations with non-union personnel i.e., the Town Manager b) 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, 2024 if available 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, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

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

A14. Return to Open Session: Announcement of possible vote taken to approve agreement with non-union personnel (Town Manager): At 9:45 p.m., the Board returned to open session and did not take any action on this item.

A15. Adjourn: At 9:45 p.m., T. Fay moved, seconded by C. Martin, to adjourn the meeting. 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.

Items included in the packet for the Select Board Meeting of March 4, 2024:

1. Revised Agenda I posted 03/01/2024 at 9:19 a.m. revises agenda posted on 02/29/2024 at 4:08 p.m.
2. Revised Agenda II posted 03/01/2024 at 1:07 p.m. revised agenda posted on 02/29/2024 at 4:08 p.m.
3. List: Warrant Article list for 2024 Annual Town Meeting, dated February 25, 2024
4. Draft ATM Warrant Article D. OPEB Funding
5. Table: OPEB Funded Status Reconciliation June 30, 2022 to June 30, 2023
6. Draft ATM Warrant Article E. Enterprise Fund Budgets, redlined version
7. Draft ATM Warrant Article K: Accept Gifts of Land
8. Draft ATM Warrant Article L: Capital Stabilization Fund Appropriation
9. Draft ATM Warrant Article M: Choose Town Officers
10. Draft ATM Warrant Article N: Hear Reports
11. Draft ATM Warrant Article U. Fire Department Staffing Study
12. Draft ATM Warrant Article Y. To Adopt the Massachusetts Specialized Energy Code, redlined
13. Draft ATM Warrant Article AA. Reaffirm Remote Participation at Town Meeting
14. Draft ATM Warrant Article OO. Establish Athletic Fields Planning Committee
15. Draft ATM Warrant Article PP. Extension of Moratorium on Synthetic Fields/Artificial Turf
16. Document: Need For A Master Plan For Cochituate
17. Draft: Select Board Meeting Minutes: February 5, 2024
18. Draft: Select Board Meeting Minutes: February 12, 2024

Supplemental Packet

1. Revised Agenda III posted 03/04/2024 at 3:16 p.m. revised agenda posted on 02/29/2024 at 4:08 p.m.
2. Draft ATM Warrant Article E: Enterprise Fund Budgets
3. Draft ATM Warrant Article G: Fiscal Year 2025 Revolving Fund Expenditure Limits
4. Draft ATM Warrant Article S: Revise Town Code Chapter 43: Personnel, with redline draft Town Code dated February 20, 2024
5. Draft ATM Warrant Article II: Community Preservation Act – Recreation Projects: Improvements at Cochituate Ball Fields and Wayland Community Pool

Correspondence:

1. Correspondence from Henry Stimpson, to Select Board dated February 23, 2024 re: Anti-Idling Signs- More action needed.
2. Correspondence from Becky Stanizzi, to Select Board dated February 26, 2024 re: MBTA Communities – Rt. 20 West-25 Acre Contiguous District Option.
3. Correspondence from Anette, Lewis, Wayland Planning Board Chair to Select Board dated February 26, 2024 re: MBTA Communities Act Zoning Bylaw Town Meeting.
4. Correspondence from Anette Lewis, Wayland Planning Board Chair to Select Board dated February 27, 2024 re: A.G. sues Milton.
5. Correspondence from Patrick J. Shearns, Sr. Manager, Xfinity to Select Board dated February 27, 2024 Re: 2023 License Fee Payment; Changes to Xfinity.
6. Correspondence from Christine McKenna Lok, to Select Board dated March 1, 2024 re: Options for 212 Cochituate.