

Packet

March 22, 2024

10:30 A.M.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

MICHAEL F. MCCALL
TOWN MANAGER
TEL. (508) 358-3620
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SELECT BOARD

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

REVISED AGENDA POSTED ON 3/20/24 AT 1:17 P.M.
PREVIOUS AGENDA POSTED ON 3/20/24 AT 10:27 A.M.

SELECT BOARD

Friday, March 22, 2024

10:30 A.M.

REMOTE

**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.

- | | |
|---------------------------------|---|
| 10:30 am | 1. Call to Order, Review Agenda for Public |
| 10:35 am | 2. 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. S: Revise Town Code Chapter 43: Personnel
2. KK: Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial use in a New Business B Zone Subdistrict B-1
3. NN: Solar Compact Development for Wayland
b) Discuss and potential vote to refer revised petitioned zoning article (Article KK: Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial use in a New Business B Zone Subdistrict B-1) to the Planning Board for review, pursuant to M.G.L Chapter 40A § 5 |
| 11:20 am | 3. Topics not reasonably anticipated by the Chair 48 hours in advance, if any |
| 11:25 pm
11:25 am | 4. Executive Session |

SELECT BOARD
Friday, March 22, 2024
10:30 A.M.
Wayland Town Building, Council on Aging
41 Cochituate Road, Wayland, MA

- a) 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).

- 11:40 am 5. Return to Open Session: Announcement of possible vote taken to approve agreement with non-union personnel (Town Manager).
- 11:45 am 6. Announcements and Public Comment
- 12:00 pm 7. Adjourn

Article S. Revise Town Code Chapter 43: Personnel

Proposed by: Select Board

Estimated Cost: N/A

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

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

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

Pursuant to the Town Manager Act, which was approved at the 2021 Annual Town Meeting and signed into law on March 16, 2022 in Chapter 33 of the Acts of 2022, the Town Manager is “responsible for the daily administration of the town-wide personnel system, including the maintenance of personnel records and the enforcement of personnel policies, rules and regulations and managing personnel costs to ensure maximum efficiency and fairness across town departments.” Upon review and analysis of the Town Manager Act and Town Code Chapter 43 Personnel, Town Counsel has identified numerous conflicts. Because Section 13 of the Town Manager Act states that in the event of a conflict with Town Code that the Town Manager Act prevails, Chapter 43 should be revised.

FINANCE COMMITTEE COMMENTS:

The Select Board recommends Blank. Vote:

ARGUMENTS IN FAVOR:

ARGUMENTS OPPOSED:

RECOMMENDATION: The Finance Committee recommends Blank. Vote:

QUANTUM OF VOTE:

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

Chapter 43

PERSONNEL

Commented [RK1]: All text highlighted in YELLOW was recommended by Personnel Board via email on 3/19/24

§ 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?~~

Commented [RK2]: PERSONNEL BOARD CHANGES 3/19/24: Many of the definitions in the current By-law should be deleted since the policies are being removed from the Bylaw. Only 10 definitions, with slight revisions, should remain. Here is what the Definitions section should look like

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

Commented [RK3R2]: TOWN COUNSEL RESPONSE 3/21/24: was good with keeping these definitions in Bylaw.

APPOINTING AUTHORITY or EMPLOYING AGENCY — The Town Manager, or other authority empowered by statute, special act or bylaw to make appointments.

BOARD — The Personnel Board as defined in § 43-23.

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

1. The same descriptive title may be used to designate each position allocated to the class;
2. The same qualifications shall be required of the applicants and incumbents;
3. The same tests of fitness may be used to choose qualified employees; and
4. The same scale of compensation can be made to apply with equity.

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

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

HUMAN RESOURCES Manager — The head of the Human Resources Department as appointed by the Town Manager. ~~Amended 5-5-2004-ATM by Art. 13~~

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

SUPERVISORY AUTHORITY — The department head or other authority empowered by law to supervise, direct and control the activities of employee(s).

TOWN — The Town of Wayland.

Commented [RK4]: PERSONNEL BOARD CHANGES 3/19/24: Personnel Board recommends deleting the above language since it should be able to offer advice regarding wage & classification plans, classifications & reclassifications, job descriptions, and personnel policies, etc... that apply to union members as well as to non-union members. Since the PB would be playing an advisory role, it would not be interfering with the Town Manager's authority under the Town Manager Act if it were to provide advice that is also applicable to union employees. It would be difficult for the PB to continue to function as a Board if that language is included in the Bylaw and the PB is only ever offering advice that pertains to a limited number of non-union employees.

§ 43-24. 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. ~~In the event that this Bylaw conflicts with the terms of a personal employment contract or collective bargaining agreement, the terms of said contract or collective bargaining agreement will take precedence over this Bylaw.~~

Commented [RK5R4]: TOWN COUNSEL RESPONSE 3/21/24: good with PB language in this section.

§ 43-32. 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

Commented [RK6]: PERSONNEL BOARD added this sentence at their 3/4/24 Meeting.

Commented [C7]: 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.

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

Commented [RK8]: PERSONNEL BOARD CHANGES 3/19/24: Delete the language regarding qualifications for Personnel Board members, as recommended by the SB.

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~~

Commented [RK9]: PERSONNEL BOARD CHANGES 3/19/24: Delete the last few words of the first sentence: "covered by this Bylaw."

Commented [RK10R9]: TOWN COUNSEL RESPONSE 3/21/24: recommended keeping "covered by this Bylaw" to be clear that it only applies to non-School Department employees.

Commented [RK11]: HR/Town Manager: recommend deleting this sentence regarding reclassifications as this falls under the Town Manager as daily administration.

Commented [RK12R11]: TOWN COUNSEL RESPONSE 3/21/24: agreed that reclassifications fall under "daily administration" as outlined in §7(g) of the Town Manager Act.

procedures. The Personnel Board shall review, revise and adopt all Town personnel policies in conjunction with the Town Manager, or designee.

~~(4)~~(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, consistent with Town Manager Act, Chapter 33 of the Acts of 2022.

~~(5)~~ ~~Subject to the express terms of a collective bargaining agreement, the Personnel Board shall hear and make determinations with respect to grievances.~~

~~(6)~~ ~~The Personnel Board shall 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 relating to personnel and human resources matters, policies, procedures, and strategies.~~

~~(7)~~(6) 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 consistent with Town Manager Act, Chapter 33 of the Acts of 2022. ~~for specify certain Department Heads or Directors such as Police Chief, Fire Chief, Town Manager, Human Resources Director or Human Resources Manager.~~

~~(8)~~(7) 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)~~(8) The Personnel Board may make an annual report to the Town, including recommendations on any matters related to the administration of human resources or personnel-related matters.

~~(10)~~(9) 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).~~

~~(13)~~(10) 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 within the Personnel Board's jurisdiction 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. The Personnel Board shall meet on a regular basis or as necessary to consider such business as may be presented by the Town Manager or Human Resources Manager, and to provide advice relating to matters within the scope of the Personnel Board's authority under this Bylaw and other personnel-related matters. Three members of the Personnel

Commented [RK13]: TOWN COUNSEL RESPONSE 3/21/24: recommends adding language as Town Manger Act excludes the School Department and Library Director

Commented [RK14]: Personnel Board felt this section needed to remain because it enabled them to hear Grievances

Select Board discussed deleting this section.

Commented [RK15R14]: TOWN COUNSEL RESPONSE 3/21/24: recommended deleting this section in its entirety because it is inconsistent with the Town Manager Act and with authority of Town Manager as the bargaining agent.

Commented [RK16]: PERSONNEL BOARD CHANGES 3/19/24: should be deleted since the Chair may not be the person best suited to meet with the Town Manager/HR Manager. However, some of the other language in this paragraph should be added to §C. Specifically, the first sentence of §C should be revised as follows:

Commented [RK17]: TOWN COUNSEL RESPONSE 3/21/24: felt that "other interested parties" was very broad and recommended deletion. Also recommended addition of "Personnel Board's jurisdiction" for clarity.

Commented [RK18]: PERSONNEL BOARD CHANGES 3/19/24: However, some of the other language in this paragraph should be added to §C. Specifically, the first sentence of §C should be revised as follows:

(HR Note: Section B (6) above had redundant language, which was consolidated in Section C)

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 retain such clerical and other assistance, and make such expenditures as it deems necessary in the performance of its duties.~~

Commented [RK19]: Select Board: recommended deleting this section.

~~E.D. 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.~~

~~FE. 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.~~

Commented [RK20]: PERSONNEL BOARD CHANGES 3/19/24: change the word "shall" in the last sentence of paragraph F to "may." ("who may offer a recommendation...")

~~G. In cases where non-unionized employees of the Town have concerns about the administration of the Town's personnel policies, employment practices, or compensation and benefits, such employees may request a hearing with the Personnel Board in accordance with the Town's Personnel Policies. 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.~~

Commented [RK21R20]: TOWN COUNSEL RESPONSE 3/21/24: was fine with "shall" in this section.

Commented [RK22]: PERSONNEL BOARD CHANGES 3/19/24: The Personnel Board suggests eliminating paragraph F since it appears to be policy and substituting the following single sentence: (highlighted in yellow)

Commented [RK23R22]: Select Board recommended deleting this entire paragraph and creating a policy for non-union appeal/grievance.

Commented [RK24R22]: TOWN COUNSEL RESPONSE 3/21/24: recommended deleting this section in its entirety – or – alternatively adding the following language: "only with matters within their jurisdiction."

~~HE. 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~~

Commented [RK25]: PERSONNEL BOARD CHANGES 3/19/24: There should be a new paragraph H which states:

(HR Note – this language was moved from the 'Scope of Bylaw' section)

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

~~§ 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.~~

Chapter 43

PERSONNEL

§ 43-1. Definitions.

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

APPOINTING AUTHORITY or EMPLOYING AGENCY — The Town Manager, or other authority empowered by statute, special act or bylaw to make appointments.

BOARD — The Personnel Board as defined in § 43-3.

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

1. The same descriptive title may be used to designate each position allocated to the class;
2. The same qualifications shall be required of the applicants and incumbents;
3. The same tests of fitness may be used to choose qualified employees; and
4. The same scale of compensation can be made to apply with equity.

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

DEPARTMENT HEAD — The officer or employee having immediate supervision and control of a department.

HUMAN RESOURCES Manager — The head of the Human Resources Department as appointed by the Town Manager.

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

SUPERVISORY AUTHORITY — The department head or other authority empowered by law to supervise, direct and control the activities of employee(s).

TOWN — The Town of Wayland.

§ 43-2. Scope of Bylaw

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

§ 43-3. 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. Each member shall be a resident of the Town. 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) 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. 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 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, consistent with Town Manager Act, Chapter 33 of the Acts of 2022.
- (6) 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 consistent with Town Manager Act, Chapter 33 of the Acts of 2022.
- (7) 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.
- (8) 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.
- (9) 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.

- (10) The Personnel Board shall be available to meet as necessary with Town officials, Town employees upon request for consultation on matters within the Personnel Board's jurisdiction .
- C. The Personnel Board shall meet on a regular basis or as necessary to consider such business as may be presented by the Town Manager or Human Resources Manager, and to provide advice relating to matters within the scope of the Personnel Board's authority under this Bylaw and other personnel-related matters. 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 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.
- E. In the case of any dispute concerning the interpretation or administration of this chapter, the Town Manager or Human Resources Manager shall consult with the Personnel Board, who shall offer a recommendation or advisory opinion to the Town Manager or Human Resources Manager.
- F. 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

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)**

Zoning Map - Map 51 D, Parcel No. 019

[attach map here]

Zoning District Legal Description (if needed) – Map 51D, Parcel No. 019

[insert Middlesex Registry of Deeds Info]

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

For a moment, set aside every preconceived notion of industrial-looking self storage you may have in your mind. Chain link fence, metal roll-up doors, fluorescent colors, garish lights. All gone. Instead, imagine a building that looks like a well-designed retail/office building, fitting into our village setting: traditional doors, windows, siding, details, low lighting, historic colors, neighborhood scale. All storage loading is indoors, hidden. The building appears as 2-story with a peaked roof, like Cochituate buildings. Low traffic, low noise, low impacts. A quiet neighborhood addition. Then add Arts Wayland to the mix with a 3,500 sf community space, finally a new home to grow and thrive, which brings the arts back to Cochituate at a central, walkable location, at no cost to the Town. Retail Self Storage zoning can accomplish all this-plus Wayland reaps more tax revenues here than Donelans/110 Grill and Starbucks plazas combined. Curious? See <https://homeforartswayland.com>.

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 see if the Town will vote to amend the Town Code, Chapter 198, Zoning, to amend Article 18 Conservation Cluster Development District to allow Solar Compact Conservation Clusters, embodying Wayland's Green Community commitment by encouraging conservation clusters which prioritize green land use, housing design and agriculture, by amending Section 198-1803 to add a new section 1803.1.8, and by amending Section 198-1805 to add a new section 1805.3, and by amending Section 198-1807 to add a new section 1807.2 as follows:

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

- 1803.1.8 For a Conservation Cluster Development which includes rooftop solar, high performance energy standards, efficiently sized units, clustered community-centric design, agriculture, and land and water conservation, hereafter a "Solar Compact Conservation Cluster", a total of two dwelling units per acre on the tract of land shall be allowed, with frontage, lot size, setback and driveway Conservation Cluster Development requirements waived. A site plan that shows all of the information required for a definitive sub-division plan as in the Planning Board Subdivision Regulations is not required. Approval shall be by the Planning Board by Site Plan Approval, as long as all Solar Compact requirements listed below are met.
- 1803.1.8.1 The area of tract of land is not less than 8 acres.
- 1803.1.8.2 Minimum setback shall be 50 feet to any lot line. Existing natural tree cover shall be maintained in this setback, except as needed for driveway access.
- 1803.1.8.3 All paving may be semi-permeable, including gravel. Site driveways shall not be considered as roadways, and existing driveways may be reused, all with the intent to minimize paved surfaces and reduce light pollution and land disturbance.
- 1803.1.8.4 Minimum dwelling unit size in 450 square feet and maximum dwelling unit size is 2,000 square feet. Units shall be semi-detached, connected to each other on at least one level but not all levels (i.e. specifically precluding multifamily buildings with multiple units on multiple floors), and more than four units may be connected in the manner, to minimize overall land use.
- 1803.1.8.5 The development shall achieve a HERS net zero rating (Home Energy Rating System equal to 0) as determined by a certified HERS rater.
- 1803.1.8.6 Rooftop solar panels shall be installed at a minimum of 450 square feet per dwelling or accessory dwelling unit. The maximum height of any sloped roofline to accommodate such panels may exceed the typical 35' residential height limit, only if the maximum height does not exceed 20' above the ground elevation of the nearest lot line, to ensure visual impacts to neighboring parcels, if any, are minimized.

- 1803.1.8.7 Any unit may have an accessory dwelling unit (“Solar Compact ADU”) no larger than 900 square feet. Primary Units may be any size. Any such Solar Compact ADU shall be included in the unit density count of two units per acre.
- 1803.1.8.8 At least 70% of the land area of the tract of land shall be set aside as Open Land to be owned by a trust or association to be owned by the unit owners within the tract.
- 1803.1.8.9 A minimum of five acres of the Open Land shall be utilized for agriculture. Greenhouses and ancillary farm structures are allowed.
- 1803.1.8.10 Roof storm water shall be collected and stored for irrigation and grey water uses, including the use of cistern structures within, and adjacent to buildings.
- 1805.3 For a Solar Compact Conservation Cluster, approval and decision shall be by Site Plan Approval in accordance with Chapter 198, Article 6
- 1807.2 Site plan approval granted under this article for Solar Compact Conservation Cluster shall lapse within 60 months if substantial construction has not begun by such date, except for a good cause shown and approved by the Planning Board.

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