

Supplemental

PACKET

FEB 23

2022

	APPROVED	PROPOSED		
	Budget	Budget	\$ Var	% Var.
	FY 2022	FY 2023	FY23-FY-22	FY23-FY-22
<i>All dollars in thousands except otherwise noted</i>				
1 <u>Operating Budget</u>	88,722	92,616	3,895	4.39%
Change Over Prior Year	2.99%	4.39%		
2 <u>Other Expenses</u>	1,021	1,571	550	53.88%
Cash Capital & Articles	600	625	25	4.17%
Cherry Sheet Offsets	23	23	0	0.00%
State Assessments	117	142	25	21.43%
Overlay & Overlay Deficits	155	155	0	0.00%
OPEB	0	500	500	100.00%
Article/ Articles	126	126	0	0.00%
3 <u>Total Amount to be Raised (1+2)</u>	89,743	94,187	4,445	4.95%
	3.18%	4.95%		
4 <u>Total Revenues</u>	89,743	94,187	4,445	4.95%
	3.18%	4.95%		
Property Tax Revenue	77,152	80,156		
Local Receipts	5200	5300	100	1.92%
Free Cash	-	-		
Overlay Surplus	-	-		
Other Revenue	7,390	8,731	1,341	18.14%
State Aid	6,534	7,298	764	11.69%
Ambulance Receipts	374	374	0	0.00%
Bond Premium	-	-		
Transfers from other funds	482	1,059	577	119.74%
<u>Real Property Tax Rate Forecast</u>				
Property Tax Revenue	77,152	80,156	3,004	3.89%
Percent Change in Tax from Prior Year	4.16%	3.89%		
Dollar Change in Tax from Prior Year	3,083	3,004	-79	-2.57%
Divided by Total Assessed Valuation	4,204,426	4,246,470	42,044	1.00%
Equals Tax Rate (Mils)	18.35	18.88	1	2.86%
Percent Change in Tax Rate from Prior Year	-0.92%	2.86%		
Percent Change in Full Valuation from Prior Year	5.13%	1.00%		
Percent Change in Tax from Prior Year	4.16%	3.89%		
Average Residential Real Property Tax Bill (assuming \$? assessment--not in thousands)	15,378	15,818	441	2.86%

Town Departmental / Unclassified Identified Budget Reductions

Town Budgets

1	Town Office	Personnel Services	1- Intern	Not Presented to / Not approved by Personnel Board	(7,500)
2	Town Office	Personnel Services	.5 FTE Sustainability	Add back FTE	45,000
3	Personnel Board	Personnel Services	1- Intern	Not Presented to / Not approved by Personnel Board	(7,500)
4	Town Clerk	Personnel Services	.5 FTE Town Clerk	Not Presented to / Not approved by Personnel Board	(35,360)
5	Conservation	Personnel Services	1- Intern	Not Presented to / Not approved by Personnel Board	(12,000)
6	Facilities	Expenses	Gas / Electric	Budgeting based on usage results in reduction	(127,170)
7	Facilities	Expenses	HS Wastewater	Assessment of actual costs supports reduction	(45,000)
	Total Town Cuts				(189,530)

Unclassified Budgets

8	Reg Voc Ed	Expenses	Annual Assessment	4-5 Student tuition expected	(174,500)
9	Insurance 32B	Expenses	New Insurance Estimates	West Suburban issued new rates resulting in reductions	(309,541)
10	Other Insurance	Expenses	Annual Premiums	Esculating incese in premiums	250,000
11	Medicare Tax	Expenses	Tax on payroll	Need to fully fund Medicare Payroll Tax	30,000
	Total Unclassified Cuts				(204,041)

Net total **(393,571)**

TOWN DEPARTMENTAL PAYROLL INCREASES / DECREASES BY CATEGORY							
Payroll	Step / COLA	New FTE's	Fire Software	Building Rivers Edge	Library CBA	Grant / Sch Transfer	Total
Town Office	16,929	85,000	0	0	0	0	101,929
Personnel Board	0	0	0	0	0	0	0
Finance Department	(702)	0	0	0	0	0	(702)
Assessing Department	(2,500)	0	0	0	0	0	(2,500)
Treasurer/Collector	1,499	0	0	0	0	0	1,499
Information Technology	5,677	0	0	0	0	0	5,677
Town Clerk	4,962	0	0	0	0	0	4,962
Elections	0	0	0	0	0	0	0
Registrar	0	0	0	0	0	0	0
Conservation Department	7,459	0	0	0	0	0	7,459
Planning Department	0	0	0	0	0	0	0
Facilities Department	19,367	37,500	0	0	0	17,978	74,845
Miscellaneous Committees	0	0	0	0	0	0	0
Police Department	106,011	0	0	0	0	0	106,011
Joint Communications Center	9,703	0	0	0	0	0	9,703
Emergency Management	0	0	0	0	0	0	0
Animal Control	0	0	0	0	0	0	0
Fire Department	25,372	0	30,000	0	0	36,000	91,372
Building and Zoning	16,151	0	20,000	12,446	0	0	48,597
Engineering	0	29,698	0	0	0	0	29,698
DPW Highway	32,444	34,398	0	0	0	(40,960)	25,882
Park Dept	89,716	49,356	0	0	0	0	139,072
Landfill	0	0	0	0	0	0	0
Snow and Ice	0	0	0	0	0	0	0
Health Department	14,937	106,000	0	0	0	0	120,937
Veterans Services	0	0	0	0	0	0	0
Council on Aging	7,877	0	0	0	0	0	7,877
Youth and Family Services	24,875	0	0	0	0	0	24,875
Library	22,774	0	0	0	22,134	0	44,908
Recreation	5,306	0	0	0	0	0	5,306
Totals	407,857	341,952	50,000	12,446	22,134	13,018	847,407
% inc. from Prior Year	2.7001%	2.2638%	0.33%	0.08%	0.15%	0.09%	5.94%

New Positions in FY 23 Budget		FTE	Cost
1	Sustainability Coordinator	1.00	\$85,000
2	Facilities Project Manager	0.50	\$37,500
3	Engineering Project Manager	0.33	\$29,698
4	Highway Labor	0.60	\$34,398
5	Parks Labor	1.00	\$49,356
6	School Nurses	1.50	\$106,000
Totals:		4.93	\$341,952

TOWN DEPARTMENTAL EXPENDITURE INCREASES / DECREASES BY CATEGORY

Expenses	Level Service	Gasoline Expense	One Time Election	Add back Police Car	Total
Board of Selectmen	(500)	0	0	0	(500)
Town Office	13,587	0	0	0	13,587
Personnel Board	0	0	0	0	0
Finance Department	0	0	0	0	0
Assessing Department	7,141	0	0	0	7,141
Treasurer/Collector	4,900	0	0	0	4,900
Legal	0	0	0	0	0
Information Technology	8,568	0	0	0	8,568
Town Clerk	2,398	0	35,456	0	37,854
Elections	0	0	0	0	0
Registrar	0	0	0	0	0
Conservation Department	3,783	0	0	0	3,783
Planning Department	0	0	0	0	0
Facilities Department	(38,427)	6,000	0	0	(32,427)
Miscellaneous Committees	0	0	0	0	0
Police Department	1,400	13,000	0	50,000	64,400
Joint Communications Center	1,500	0	0	0	1,500
Emergency Management	0	0	0	0	0
Animal Control	0	0	0	0	0
Fire Department	7,000	16,000	0	0	23,000
Building and Zoning	(1,500)	0	0	0	(1,500)
Engineering	(500)	0	0	0	(500)
DPW Highway	14,800	10,000	0	0	24,800
Park Dept	23,600	8,750	0	0	32,350
Landfill	5,000	0	0	0	5,000
Snow and Ice	0	0	0	0	0
Health Department	2,896	0	0	0	2,896
Veterans Services	0	0	0	0	0
Council on Aging	(28,900)	0	0	0	(28,900)
Youth and Family Services	25	0	0	0	25
Library	(2,299)	0	0	0	(2,299)
Recreation	700	0	0	0	700
Totals	25,172	53,750	35,456	50,000	164,378
% inc. from Prior Year	0.45%	0.97%	0.64%	0.90%	2.95%

FY 21 - FY 23 EXPENSES SUMMARY

		<u>FY 21</u>	<u>FY 22</u>	<u>FY 23</u>	<u>FY 22 vs FY 23</u>	
		<u>Actual</u>	<u>Budget</u>	<u>Proposed</u>	\$	%
Town	Payroll	\$13,942	\$14,258	\$15,105	\$847	5.94%
	Spending	<u>5,499</u>	<u>5,566</u>	<u>5,730</u>	<u>164</u>	<u>2.95%</u>
	Total	<u>19,442</u>	<u>19,824</u>	<u>20,835</u>	<u>1,012</u>	<u>5.10%</u>
School	Payroll	35,602	37,941	39,708	1,767	4.66%
	Spending	<u>7,189</u>	<u>7,282</u>	<u>7,457</u>	<u>174</u>	<u>2.39%</u>
	Total	<u>42,791</u>	<u>45,223</u>	<u>47,165</u>	<u>1,941</u>	<u>4.29%</u>
Unclassified	Vocational Education	333				
	Debt Service	6,875	6,635	6,600	-35	-0.53%
	Retirement	5,182	5,378	5,729	350	6.51%
	Health Insurance	8,514	8,880	9,148	268	3.01%
	General Insurance	701	750	1,087	337	44.88%
	Reserve for Salary Adj.	1,000	295	471	176	59.72%
	Stormwater	200	200	200	0	0.00%
	Reserve Fund	250	250	250	0	0.00%
	Other	<u>861</u>	<u>1,287</u>	<u>1,132</u>	<u>-155</u>	<u>-12.01%</u>
	<u>23,916</u>	<u>23,675</u>	<u>24,616</u>	<u>941</u>	<u>3.98%</u>	
Total	<u>\$86,149</u>	<u>\$88,722</u>	<u>\$92,616</u>	<u>\$3,895</u>	<u>4.39%</u>	

REAL ESTATE TAX LEVY & TAX RATE FORECAST

	FY-20 Actual	FY-21 Actual	FY-22 Actual	FY-23 Estimated
Tax Levy				
Actual Tax Levy	\$70,949,997	\$74,069,812	\$77,151,222	\$80,156,000
\$ Increase Y to Y	\$2,013,900	\$3,119,815	\$3,081,410	\$3,004,778
% Increase Y to Y	2.92%	4.40%	4.16%	3.89%
Full Valuation				
Per Tax Recap	\$3,994,932,300	\$3,999,449,900	\$4,204,426,300	\$4,246,470,563
\$ Increase Y to Y	\$223,811,000	\$4,517,600	\$204,976,400	\$42,044,263
% Increase Y to Y	5.93%	0.11%	1.00%	1.00%
Tax Rate- (A / B = C)				
Tax Rate (Mils)	\$17.76	\$18.52	\$18.35	\$18.88
\$ Increase Y to Y	(\$0.52)	\$0.76	(\$0.17)	\$0.53
% Increase Y to Y	-2.84%	4.28%	-0.92%	2.86%
Residential Real Property Tax Bill				
Average Assessment - rounded	\$800	\$800	\$838	\$838
Average Property Tax Bill	\$14,213	\$14,818	\$15,378	\$15,818
\$ Increase Y to Y	\$495	\$605	\$560	\$441
% Increase Y to Y	3.61%	4.26%	3.78%	2.86%



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

STEPHEN CRANE
ACTING TOWN ADMINISTRATOR
TEL. (508) 358-3620
www.wayland.ma.us

BOARD OF SELECTMEN

THOMAS J. FAY
ADAM G. GUTBEZAHL
CHERRY C. KARLSON
CAROL B. MARTIN
DAVID V. WATKINS

VIA ELECTRONIC MAIL

February 22, 2022

Mr. William Steinberg
Chair, Wayland Finance Committee
41 Cochituate Road
Wayland, MA 01778

Dear Mr. Steinberg:

The Board of Selectmen requests the written recommendation of the Finance Committee on the Board's proposed Proposition 2 1/2 Ballot Question to be placed before the voters on May 10, 2022 to fund the construction of a grass playing field, and related items, at the Loker Recreation area, and for the construction of a Council of Aging Community Center. Details of and justification for these two projects are outlined in the enclosed warrant articles.

The Board of Selectmen requests that the Finance Committee make a presentation on its written recommendation for this and all proposed Proposition 2 1/2 Questions at the meeting of the Board of Selectmen on March 3, 2022. After the Selectmen approve the placement of any Proposition 2 1/2 questions on the May 10, 2022 ballot, the Finance Committee is asked to make a second presentation on its recommendation at a public forum before the election.

Also enclosed is the Board of Selectmen's Policy on Proposition 2 1/2 Questions which outlines the local process for placing debt exclusions on the ballot, and includes the information the Finance Committee should provide in its presentations.

Thank you for your service to the town. The Finance Committee's role in understanding the impact of funding new projects is of the utmost importance and your work is greatly appreciated.

Sincerely,

/s/ Thomas J. Fay

Thomas J. Fay, Chair
Wayland Board of Selectmen

Enclosures

Article O. Loker Grass Field Construction

Proposed by: Board of Selectmen/Recreation Commission

Estimated Cost: \$2,500,000

To determine whether the Town of Wayland ("Town") will vote to:

To determine whether the Town will vote to:

- a) Appropriate a sum of money of not more than \$2,500,000 to be expended under the direction of the Permanent Municipal Building Committee for designing, permitting, engineering and constructing a multi-purpose natural grass athletic playing field at the Loker Conservation & Recreation Area including playing surfaces, lighting, drainage, landscaping, recreational amenities, access and parking areas; and any and all other costs incidental or related thereto;
- b) Provide for said appropriation by borrowing, taxation, transfer from unappropriated funds, transfer from available funds appropriated for other purposes, or otherwise, provided not more than \$189,160.59 of the funds appropriated shall be transferred from the Recreation Stabilization Fund;
- c) Authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow up to said sum in accordance with Massachusetts General Laws Chapter 44, section 7 and 8 and any other enabling authority, and issue bonds or notes of the Town therefor; and
- d) Authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved hereunder in accordance with Massachusetts General Laws Chapter 44, section 20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs

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

Since 2000, Wayland has invested over \$2,000,000 in the purchase and design of the Loker site. The land is deeded specifically for recreational use and continues to lie vacant for over 20 years. Recreation studied and pursued over a dozen other suitable options to alleviate the over-usage of its grass fields and Loker was deemed most suitable for a field. The addition of this field will alleviate the overuse of fields by allowing for the rest and rehabilitation of existing recreation fields that need repair. Existing conditions of Wayland grass fields are deteriorating and deficient. Rehabilitation would ensure safer playing fields for all Town residents. The addition of a field with lighting will become increasingly more important since Wayland Public Schools shifted school start times later in the day. Access to outdoor recreation is valuable to both individuals and the Wayland community at large, now more than ever.

FINANCE COMMITTEE COMMENTS:

This article would authorize up to \$2.5 million for construction of a natural grass field at the Loker Conservation & Recreation area. The Loker Grass Field project includes the permitting, engineering, and construction of a multi-purpose natural grass athletic playing field at the Loker Conservation & Recreation Area (414 Commonwealth Road), at the northeast corner of the intersection of Route 30 (Commonwealth Road) and Rice Road in Wayland (map included in Appendix A). The project would include grass playing surfaces, lighting, drainage, landscaping, recreational amenities and equipment, spectator areas, access and parking areas and

trailheads for use by the community. This project will provide an outdoor land-based recreation venue for passive and active recreation. It is estimated that thousands of participants and or residents would use a field at Loker each year for sports, camps, community events and trail access. The project would provide better parking and access to the abutting conservation trails and new plantings could be used to better protect and preserve the natural, wetlands and historical features of the property.

The Recreation Commission has stated the need for additional athletic fields in Wayland for many years and several studies that have been undertaken since 2010 have documented this need. The Town cannot currently meet demand at our present field capacity, has been unable to find fields in other towns with capacity to rent, and, as a result, may need to turn kids away from youth sports. Studies have provided data regarding both the insufficiency in the number of fields and overuse of the existing fields (see the following: Wayland Town Master Plan from June 2010; report by Gale Associates, Inc., dated July 15, 2010 (the "Gale Report"); Town of Wayland Open Space & Recreation Plan from 2016; and Wayland Town wide Recreation Facilities Plan by Weston & Sampson in January 2018). All of these studies and the need for additional athletic fields were reiterated and reinforced during a public forum held on August 30, 2021, by the Board of Selectmen.

This project would serve the needs for youth athletics as well as the community at large. It is estimated that more than 6,000 children, adults, and seniors use Wayland Recreation sites annually. It is also expected that public school student enrollment and Wayland's senior population will both grow over the next decade and this additional field will help serve burgeoning needs. Reports indicate that there is currently a deficit of seven to ten-field grass fields in Town. The proposed Loker grass field could reduce the deficit and provide a field that could be used later in the day to accommodate students' later school days.

The field would be built on an area that the Town purchased for \$1.7 million in 2000. At a Special Town Meeting in November 2017, the Town approved design funds for a turf field project, of which \$154,000 was expended. At Annual Town Meeting in 2004, 8.37 acres of the vacant 28.20 acres of property was delineated for recreational use, the remainder for conservation land. This project would result in a multi-purpose natural grass athletic venue on the parcel designated for recreation.

The location of the project, the former Dow Chemical facility, was cleaned up approximately twenty years ago according to the required standards at that time. In 2019, the Board of Selectmen contracted with CMG Environmental, Inc. to conduct a third-party independent environmental review to assess any potential hazards when comparing present-day standards to those in place at the time of the cleanup. A representative of CMG Environmental, Inc. attended a Board of Selectmen meeting in February 2020 to present the findings, and stated they had no hesitation allowing his own family members to play on a turf field at this location.

On October 3, 2021 STM voted first in favor of Article 1, for a three-year moratorium on synthetic/artificial turf fields (353-77) and then (327-120) in favor of Article 2, specifically to spend up to \$125,000 to design a grass field at the Loker site. The site was previously designed as a synthetic turf field, but not approved by voters (the proposed turf field did not obtain the 2/3rd threshold needed to approve the project at 2019 or 2021 ATMs despite voter approval of the use of excluded debt for the project at the polls in the April 2019 election). Design for the

natural grass field is expected to be complete and the project put out to bid to determine the costs before the 2022 Annual Town Meeting.

TIMELINE

- 1) **Design & Development** - Underway, October 2021 to May 2022
- 2) **Bid & Contract** - To be completed by May 2022
- 3) **Permitting** - To be completed in 2022
- 4) **Build** - if approved at 2022 ATM, the field would be built between May and September 2022
- 5) **Grow** - Grass roots establish for minimum of 2 growing seasons until Spring 2023
- 6) **Open for Play** - Possible play in late summer/early fall 2023
- 7) **Operate and Maintain** - Loker field will allow restoration/rehabilitation of an existing field in 2023 - 2024
- 8) **+1 Additional field footprint** will be effectively added to the total field inventory by Spring 2025.

FUNDING

\$118,000 Parking Area and Trail head improvements, with already approved CPA Funds

\$189,160 possible transfer from the Recreation Stabilization Fund (requires 2/3), up to \$200,000 possible transfer from Recreation Field Revolving Fund Total TBD: Any balance of the low bid that is otherwise not funded by CPA, Stabilization Funds, or Recreation Funds would be requested from 2022 ATM (Total less -\$507,160.59)

The Board of Selectmen 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 Katherine Brenna at kbrenna@wayland.ma.us



TOWN OF WAYLAND
SPONSORING BOARD ARTICLE REQUEST FOR TOWN MEETING
Attach extra pages if necessary

Article Title: APPROPRIATE FUNDS TO CONSTRUCT A NEW COUNCIL OF AGING COMMUNITY CENTER **Estimated Cost:** \$15,000,000.00

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

To determine whether the Town of Wayland (“Town”) will vote to:

- 1) raise and appropriate, transfer from available funds, or borrow the sum of fifteen million dollars (\$15,000,000.00) for the design, engineering, construction, equipping, and furnishing of a new Wayland Council of Aging Community Center (“COACC”) to be located at the Municipal Parcel and adjacent parcels of land located on and off Boston Post Road and Andrew Avenue in Wayland, Massachusetts shown as Lot 4-1, Lot 8-1, Lot 9-1B, Parcel R-20-1, among others, shown on a plan prepared by the Town Surveyor entitled “Plan of Land Wayland, Massachusetts Showing Proposed Municipal Parcels” dated July 21, 2015, and recorded at the Middlesex South Registry of Deeds as Plan 616 of 2015, a copy of which plan is on file in the Office of the Town Clerk, and any and all incidental and related costs, including but not limited to, site evaluation, engineering and design services, and project management services for the design, bidding and construction, including but not limited to schematic and final design, construction documents, and bidding and construction oversight, building demolition and site preparation, paving, and landscaping, and to authorize the Board of Selectmen to expend these funds, without further appropriation, but with the approval of the Permanent Municipal Building Committee;
- 2) determine whether such appropriation shall be funded by taxation, by transfer from unappropriated funds, transfer from available funds already appropriated for another purpose, by borrowing under Massachusetts General Law Chapter 44 or other enabling authority, or otherwise;
- 3) authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum pursuant to G.L. c. 44, sections 7 or 8, or any other enabling authority, and issue bonds or notes of the Town therefor;
- 4) authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder in accordance with G.L. c. 44, section 20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs;
- 5) authorize the Town Administrator/Town Manager to take any action necessary to carry out this program; and
- 6) provided, however, that no funds appropriated under this article be expended until the Town of Wayland acquires control of the named parcels and achieves satisfactory environmental testing for PCBs as requested at the November 9, 2015 Special Town Meeting.

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

A Council on Aging/Community Center (“COACC”) has been a Town priority for many years. The Council of Aging/Community Center Advisory Committee (“CoA/CCAC”) worked on a proposed project at the Wayland Town Center (“Town Center”) as far back as May 2015. Town meeting has twice appropriated funds for a COACC to be built at Town Center. The project at the Town Center initially involved using the existing approximately 12,232 square foot building on the so-called “Municipal Parcel” and use of adjacent parcels. This area is at the westernmost portion of Town Center. The Town has negotiated acquisition of the Municipal Parcel and other adjacent parcels, which are needed to build an adequate facility. The Council on Aging (“CoA”) sought consideration of other locations within the Town to build a COACC. Most recently, at the 2021 Annual Town Meeting, at the urging of the CoA, residents voted to authorize the Board of Selectmen to acquire land behind the



TOWN OF WAYLAND

SPONSORING BOARD ARTICLE REQUEST FOR TOWN MEETING

Attach extra pages if necessary

current X-Golf business at Town Center for the eventual construction of a COACC. Those negotiations have been unsuccessful, and no agreement is expected.

Passage of this article will authorize the appropriation of \$15,000,000.00 to build a new COACC at the municipal parcels, located on the western most portion of the Wayland Town Center. The cost of the project is expected to be

The proposed COACC will be a _____, _____ square foot, building.

Community centers provide people of all ages the opportunity to work, play, and, most importantly, to gather and strengthen their connections to one another. This will be especially so in the years ahead as more people will be working in their homes, due to changing habits resulting from COVID-19. Once this virus moves on, our Town will need even more spaces for us to gather.

There are many Town needs unmet today due to a lack of space. The CoA has no small room meeting space for the many different types of counseling in which they engage, such as offering professional tax-related advice. Indoor recreation activities are scattered throughout the Town. Many activities are unable to be scheduled at all as a result of a lack of space. For example, the Wayland Arts Center was closed to make room for the fire department expansion at Fire Station 2, in Cochituate Village, that resulted in the cancellation of all arts-related activities there.

The Town also needs more space for organized group activities. Participation in organized activities continues to rise, especially among younger residents and children, and the Town has little space for these groups to meet. Wayland’s youth often participate in multiple sports and clubs over a year – and even over a season – and the town needs space to meet the needs of these groups. Some examples are the Girl and Boy Scouts, Wayland Dads and Wayland Children and Parents Association (WCPA).

In addition to the lack of space for general activities, the CoA is currently unable to provide sufficient private meeting and record storage space for services requiring confidentiality, such as Medicare enrollment, fuel assistance, among other things. In some cases, Wayland residents are sent to other communities for these services or hold confidential meetings in unheated closets.

The need for space for CoA services is particularly acute. Our peer towns that have built out CoA space have 1.2 to 1.6 square feet per capita – with some, including Concord and Sudbury, in the design phase to expand ??????. Wayland has .74 square feet per capita, approximately 10 percent of our peer towns.

By way of background, the Council on Aging/Community Center Advisory Committee (CoA/CCAC) retained an engineer to conduct an alternative site analysis of the appropriate town-owned parcels that could be used for a community center, including the existing Wayland Town Building, Alpine Road, Orchard Lane, the high school, Claypit Hill School, the Paine Estate, and the former Department of Public Works site at the Middle School. The report found appreciable challenges with each of these alternative sites.

It has been suggested that the town temporarily lease space at the Town Center for a COACC. According to the CoA, this idea does not address the long-term needs of the town. Further, according to the CoA, it will merely increase the cost of the overall project and possibly delay it even further. Because the space needs of a community center and the CoA are not simple generic space, but rather unique to that use, interior build-out of any leased space will be required. This will add to the cost and delay the eventual occupancy of a permanent structure. Further, the costs, according to the CoA, could very well equal the cost of the proposed structure at the Municipal Parcels.



TOWN OF WAYLAND
SPONSORING BOARD ARTICLE REQUEST FOR TOWN MEETING
Attach extra pages if necessary

The need for space for the CoA is acute and growing. Wayland's senior population is expected to continue to grow until 2030. Already more than twenty-seven percent of Wayland residents are 60+ years old and eligible for local, state, and federal programs and services. Residents also use the CoA to understand and seek services for their aging parents. State guidelines recommend provision of five to six square feet per senior, while Wayland's underserved seniors are squeezed into 2800 sq. ft. in the Wayland Town Building, plus a patchwork of other spaces.

Locating the senior/community center at the municipal pad increases its visibility and places it in a walkable community so that residents can stroll to shops, restaurants, housing, a health club, and medical offices without having to drive between these uses. In addition to the space itself, adequate parking can be provided at the municipal pad, with overflow parking readily available in the nearby Town Center lots, and on-street parking for peak events.

The Wayland Real Asset Planning Committee (WRAP) opined on the municipal parcel in its June 2017 report. They reported that the property is centrally located to the privately-owned Town Center development, zoning is in place for municipal use, utilities are stubbed to the property line, and wastewater capacity of 3000 gpd is available. Items to consider include the parking needs to be constructed, the property is within a Zone II protection area, and there are wetland and riverfront areas to consider.

Some residents have raised concerns about past environmental issues at this site. Previous environmental studies determined that there were PCB levels at a portion of the site that were above reportable levels set forth by the Massachusetts Department of Environmental Protection ("DEP"). More recent testing in 2015 determined that PCB levels were below DEP reportable levels. That report states:

In other words, the identified concentration of PCBs in soil would not post a significant risk of harm to human health, public welfare, safety, or the environment under any current or reasonable foreseeable future scenario of unrestricted use (including recreational, day care, or gardening use of the Site.)

Some residents have expressed concern with the proximity of the building to the Sudbury River. This project will proceed through the standard permitting with town boards. The CoA/CCAC will work with the Conservation Commission to ensure that future improvements to the property are in compliance with wetlands and riverfront setback requirements.

The CoA/CCAC also coordinated with the Recreation Department, the CoA, and other departments in order to propose an affordable, flexible, and efficient facility. In 2015, their final report concluded that the Town Center location was the optimal site for this project.

The Town Center location is ideal because it is central to Wayland, and is located in a walkable retail area, along the popular bike path, which makes it user-friendly for seniors, families and residents alike. Locating the Community Center at the Town Center will encourage the everyday connections with neighbors and friends that make a small town like Wayland a great place to live.

The Town has spent _____ to date to secure a site and develop a Community Center at the Town Center. Of that sum, _____ has been spent on design.

The Finance Committee has recommended including this project in a debt exclusion. Under Proposition 2½, the town's taxes cannot exceed the levy limit. A debt exclusion allows raising funds beyond the levy limit to pay for bonds associated with a project. The ability to raise the extra levy expires when the debt associated with the project is paid off.



TOWN OF WAYLAND

SPONSORING BOARD ARTICLE REQUEST FOR TOWN MEETING

Attach extra pages if necessary

The cost to service the debt for the COACC construction will cause the average tax bill to increase in the year 2024 by _____, or _____ per \$1000 of home valuation. The average tax rate impact over an entire term of the debt will be _____ per \$1000 of home valuation.

The new building will require increased custodial care at an anticipated annual cost of _____ in 2024. No other staff hires are expected due the building's construction.

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

Town meeting has twice appropriated funds for a COACC to be built at Town Center. At the 2020 Annual Town Meeting residents voted to permit monies previously allocated for feasibility, design, construction and bid documents for a multi-use Council on Aging/Community Center to be used for a facility located at an appropriate location within the Town of Wayland. The Board of Selectmen has negotiated an agreement with the current owners of the municipal parcels. This article seeks Town Meeting to appropriate monies to construct a much needed COACC on the municipal parcels.

Contact Information for Publication in Warrant

Contact Person Name: Stephen Crane, ATA Contact Person Phone: 508-358-_____

Contact Person Town Email: scrane@wayland.ma.us

Proposing Board Information

Board Name: Board of Selectmen

Board Vote (Quantum) to Submit Article: _____ Date of Board Vote: _____

Signature of Board Chairperson: _____ Date: _____

POLICY ON PROPOSITION 2 1/2 BALLOT QUESTIONS ²

Board Policy

From time to time, the Board may be asked by the Finance Committee or other boards or committees to place a Proposition 2 1/2 levy limit override question ("Override Question") or debt exclusion question ("Exclusion Question") on the ballot (although the Board can choose to place such questions on the ballot without having been asked by any other board or committee). Set forth below are the minimum steps that the Board should take before voting to place an Override or Exclusion Question on the ballot:

The Board shall ask the requesting board or committee to provide it with a written request to place an Override or Exclusion Question on the ballot. Such written request should be received at least two weeks prior, if possible, to the Board's vote. In the case where the Board desires to place an Override or Exclusion Question on the ballot without having been asked by any other board or committee to do so, it shall request a written recommendation from the Finance Committee. Such written recommendation should be received at least two weeks, **if possible**, prior to the Board's vote.

The Board shall ask the Finance Committee to make a presentation to the Board at a public meeting in which it reviews in detail (i) the Town's current and projected financial position, (ii) its understanding of the rationale for both the timing and amount of the Proposition 2 1/2 override or exclusion, (iii) the consequences of not placing the question on the ballot or, alternatively, the question being rejected by a majority of the voters, (iv) any discussions it may have had with other boards or committees concerning the need for a ballot question, and (v) any other information that it or the Board determines to be important in making a decision on placing the question on the ballot, e.g., any available details related to the Town's budget or the School budget. Such meeting should be held at least one week prior to the Board's vote.

After completing the above, the Board will discuss the merits of placing the Override or Exclusion Question on the ballot, review the ballot question language, and vote on whether or not to place the question on the ballot.

² Proposition 2 1/2 limits the amount of revenue a town may raise from local property taxes each year to fund municipal operations. This amount is known as the annual levy limit. General Laws Chapter 59, Section 21C allows a town to increase tax revenues above that limit with voter approval.

Proposition 2 1/2 establishes two types of voter approved increases in taxing authority, i.e., levy limit overrides and exclusions. A levy limit override increases the amount of property tax revenue a community may raise in the year specified in the override question and in future years. The purpose of an override is to provide funding for municipal expenses, such as annual operating and fixed costs. An exclusion increases the amount of property tax revenue a community may raise for a limited or temporary period of time in order to fund specific projects, e.g., land acquisitions or building construction.

To seek voter approval, Proposition 2 1/2 referenda questions are placed on an election ballot by vote of the "local appropriating body," which is defined in towns as the Board of Selectmen. A majority vote of the entire board is needed to place an override question on the ballot. A two-thirds vote of the entire board is needed to place an exclusion question on the ballot. The board must vote the question exactly as it will appear on the ballot. Except for the purpose of the override or exclusion, specific language must be used for the ballot question. Proposition 2 1/2 referenda questions may not be placed on the ballot by vote of town meeting or through use of a local initiative, i.e., petitioners.

Article K. New Stonebridge Resolution Expenditure of Funds

Proposed by: Board of Selectmen

Affirm the 2020 Annual Town Meeting vote to borrow \$450,000 to finish the design work and perform the construction of the Potter/Stonebridge Road Bridge Design and Construction.

Background Information: At the 2020 Annual Town Meeting, the Town approved the FY2021 Omnibus Budget that included one line item to appropriate \$450,000 to finish the design and carry out the construction of the Potter/Stonebridge Road Bridge repairs. Previously, the 2019 Annual Town Meeting had voted to appropriate \$100,000 for the design of bridge repairs.

At the 2020 Annual Town Meeting, a question was raised whether the bridge, constructed in 1957 following diversion of the Sudbury River in the wake of devastating Hurricane Diane, is in Wayland, whether Wayland was responsible for any part of the costs and whether Wayland should pay for any of the bridge repairs. Town Meeting was informed of the existence of an October 5, 2018 Intermunicipal Agreement between Framingham and Wayland to share the repair costs of the bridge. Town Counsel stated that intermunicipal agreements are permitted by law and are binding. A motion to reduce the appropriation for the bridge repair to \$0 failed by a vote of 128-128. The FY2021 Omnibus budget, including funding of the bridge, passed 149-11.

After the 2020 Annual Town Meeting, residents raised the question with the Board of Selectmen as to whether any portion of the Potter/Stonebridge Road Bridge is in Wayland and whether Wayland should pay for any of the repairs?

Over the past several months, unassailable evidence has come to light that the bridge, for years believed to be half in Framingham and half in Wayland, in fact is entirely in Framingham. The remaining issue is not whether Wayland owns any part of the bridge, it does not, but whether Wayland should contribute \$450,000 to restore it.

After the 2020 Annual Town Meeting, residents pointed out to the Board of Selectmen that the Town likely, in their opinion, has legal grounds for invalidating the Intermunicipal Agreement because the signatories in 2018 were unaware that the bridge is not located in Wayland.

FINANCE COMMITTEE COMMENTS:

This project repairs the Potter/Stonebridge Road Bridge situated in the City of Framingham on Potter Road; from Wayland on the east, the bridge is approached via Stonebridge Road. The bridge was constructed in 1957 and is in need of repair. The previously approved structural repair work will extend the existing bridge life and avoid more significant reconstruction costs in the future.

The federal government created the National Bridge Inspection Standards (NBIS) in 1968 which established requirements for the inspection of all bridges including frequency, personnel qualifications, inspection reports, and inspection procedure. Bridge F-07-039 Potter/Stonebridge Road over Sudbury River is rated a 5/Fair on a nine-point scale for its deck condition and superstructure condition and 6 for its substructure condition. Framingham transportation measured the average weekday daily traffic to be 3,500 vehicles of which 150 are trucks on Potter Road, primarily occurring during morning and evening rush hours.

On October 5th, 2018, the City of Framingham and the Town of Wayland signed an agreement regarding equal allocation of costs for the design and repair of the bridge that expires in 2023. The agreement anticipated that there could be a change in circumstance that result from fund availability or approvals. The agreement has a cancellation provision that calls out that the offending town be responsible for all costs for termination, including, but not limited to, all costs necessary to restore the Bridge to a safe and functional condition. The construction work has not been started.

The 2018 agreement specifically calls out the F-07-039 per state classification of the bridge (a Massachusetts Department of Transportation naming convention). The F signifies that the Bridge department number is Framingham. If the Bridge was in Wayland, it would have had a W department number. The longitude and latitude (42.338667, -71.39495983) for the bridge per Mass DOT are squarely in the middle of the existing bridge in the City of Framingham.

In 1956, Chapter 562 authorized the construction of an alternate bridge by both Wayland and Framingham. The resulting drawings directly associated with the bridge were stamped on August 19, 1957, by Richard T. Mackey Chief Engineer. The drawing shows the relocation of the Sudbury River and Wayland Town line in its original location. Because the River was purposefully rerouted, the 1957 drawing of the Town line did not change. The drawing, which has been available since 1957 and at the time when Wayland and Framingham signed their agreement in 2018, is the best and most current delineation of the State's interpretation of the Wayland Town line and the bridge, as designed/proposed. The stamped drawing reveals that the entire bridge and repair are within the City of Framingham. Stamped drawings also depict the drainage for the bridge and associated approach within the Wayland Town line. The 1956 authorization called out that Framingham and Wayland shall retain ownership and maintenance of the Bridge and appurtenances to the limit of their respective municipal boundaries post-construction.

In 2019, Annual Town Meeting approved \$100,000 toward design of the proposed repairs, despite a question raised as to bridge ownership. In the 2019 ATM warrant, the Finance Committee requested funding the project from free cash as part of its capital budget based on information it received from the DPW that said "The DPW is seeking funding in FY2020 to design the rehabilitation of the Stonebridge Road Bridge. The responsibility for the bridge is split between the Town and City of Framingham, and the requested funding is for Wayland's portion. All project costs will be split between Wayland and Framingham."

In May 2020, Annual Town meeting approved \$450,000 towards design and construction of the repairs for the bridge. At that Town meeting, some residents asked whether the Town truly bore responsibility for the bridge costs or, rather, were they the sole responsibility for Framingham? In subsequent months they argued that the Town of Wayland and the City of Framingham had made a mutual mistake; they argued that both parties had mistakenly presumed that the town line crossed the middle of the bridge, thereby splitting the ownership and responsibilities for repair of the bridge. They further argued that because of the mutual mistake, the contract could be voided, and that the Town unknowingly approved a project it had no responsibility to pay for.

In 2020, after Annual Town Meeting approved the proposed project, the Board of Selectmen requested further investigation by Town Department of Public Work's staff and outside legal services. On June 9, 2021, the Town's surveyor produced an annotated GIS mapping that showed the Town line from a 1957 highway layout. The map revealed that the bridge crossing the Sudbury River was entirely within the City of Framingham. The map also showed two stone bounds east of the bridge depicting the Wayland town line, confirming that no part of the bridge is in Wayland.

In February 2021 the Board of Selectmen requested that a surveyor. answer the question as to the location of the Town line between the municipalities. They reported that documented legal history was poor and that the Sudbury River was re-routed to flow under the new bridge. They communicated that it was not a simple legal matter and that there was no formal evidence that the town line was adjusted.

Because the changes to the Sudbury River purposefully changed the boundary of the Sudbury River to accommodate the 1956 authorization, “under the rule or doctrine of avulsion, which is followed by the great majority of jurisdictions, when a sudden or drastic change occurs in the boundary of a navigable body of water, then the boundaries of the abutting litoral land do not change. The boundaries will remain wherever they were just prior to the avulsion¹.” This is different when the boundaries change because of natural processes, “where there is well-settled authority for the proposition that littoral (shoreline) boundaries are not fixed, because natural processes of accretion or erosion change them.²”

In its September 17, 2021, opinion letter requested by the Board of Selectmen, Town Counsel KP Law confirmed that the bridge is in Framingham, while noting in a footnote that a “bridge does not commence at the location of the abutment, and there are features of the bridge, e.g., ramp, rip rap, and other structures, that may be located in Wayland. A formal survey would be required to confirm this.” However, no such confirmation has occurred to date. Lastly, KP Law verified that the Town had a right, irrespective of the location of the Town line to appropriate funds and reconstruct the bridge because it substantially benefits the Town of Wayland. KP Law did not comment on whether Wayland had a legal basis for voiding the agreement because the parties were unaware that the bridge is in Framingham.

It should be noted that the estimated total cost of the bridge repair at \$900,000 was prepared several years ago. Those costs have undoubtedly increased.

There are potential disadvantages with not proceeding with this project:

- The Town has already spent \$100,000 on the bridge repair design. However, even if Wayland pulls out of the agreement, Framingham can still use this design.
- Of the 3,500 vehicles estimated to use this road per day, a portion originate from Wayland, and this could affect Wayland resident’s commute. Of the 400 trucks that use Potter Road per day, a portion of them destined to or from Wayland. This has environmental and cost implications because of longer commute distances.
- The Town of Framingham could decide to not proceed forward with repairs and the Department of Transportation could impose weight restrictions on the bridge. This could impair bus and truck traffic such as westbound school busses cross the bridge to turn around. Trucks may need to use Pelham Island Road as a way to bypass the use of Stonebridge bridge.
- The Town of Framingham could decide to enforce the agreement and the Town would be responsible for associated costs for defending itself.
- Wayland might need easements in the future from Framingham to support their connection to the MWRA as a resource for Town Water. Not cooperating with Framingham could jeopardize the relationship between the municipalities.

The potential costs associated with the risk of not completing the project are:

¹Troubled Waters: Coastal Avulsion, A State Survey by Ari Sillman JD 2021: Lorusso v. Acapesket Imp. Ass’n, Inc., No. 314-S, 1989 WL 1183738, at *6 (Mass. Land Ct. Mar. 24, 1989)

² Troubled Waters: Coastal Avulsion, A State Survey by Ari Sillman JD 2021: White v. Hartigan, 982 N.E.2d 1115, 1122 (Mass. 2013)

Potential need to redo design (50%)	\$50,000
Cost for 100 trucks to drive approximately 5 miles extra per day during weekdays per year	\$58,000
Risk of Framingham enforcing the agreement	\$100,000
Assignment of at least 20% of the ownership of the bridge to Wayland	90,000
Risk of Framingham assigning fees for MWRA access per year per year	\$50,000
Total Potential costs associated with risk of not proceeding (Year 1)	\$348,000
Total Potential costs associated with risk of not proceeding (Year 2-5)	\$592,000

The Board of Selectmen recommends Blank. Vote:

ARGUMENTS IN FAVOR:

- The potential costs for not repairing the bridge could affect Wayland services like school bus transportation and snow removal.
- There are indirect costs associated with the rerouting of traffic that would add to commute times and have an environmental impact of increased emissions.
- Other neighborhoods could have increased traffic including Pelham Island Road.
- A 2018 Intermunicipal Agreement between the Town of Wayland and the City of Framingham to share costs to repair the bridge was signed, with the intent to make such repairs before July 1, 2022.
- Town Counsel has issued an opinion that the Town may legally expend funds even if the bridge is determined to not be in Wayland.

ARGUMENTS OPPOSED:

- The October 5, 2018, Intermunicipal Agreement between the City of Framingham and the Town of Wayland in which the parties agreed to share the costs of repairing the bridge but both sides were unaware that the Town line had not moved from its original location and that both sides were mutually unaware that they were not necessarily required to allocate the ownership of maintenance responsibility 50/50.
- \$450,000 (and possibly more once the true cost is known) is simply too much to buy Framingham’s good will.
- The town of Wayland should not have to pay for infrastructure repairs not located within the boundaries of the Town.
- The entire bridge and repair is within the City of Framingham, therefore Framingham should bear full responsibility for all repair costs.
- Some might say it is financially irresponsible to proceed because Town Meeting does not have an up-to-date cost estimate, inasmuch as the estimate was prepared several years ago in non-inflationary times.
- Framingham will likely repair the bridge without Wayland’s financial support.

RECOMMENDATION: The Finance Committee recommends Blank. Vote:

QUANTUM OF VOTE: Majority.

For more information about this article, contact Acting Town Administrator Stephen Crane at scrane@wayland.ma.us

Chap.561 AN ACT VALIDATING THE ACTION OF THE TOWN OF HOLLAND RELATIVE TO THE PURCHASE OF CERTAIN PROPERTY AND AUTHORIZING THE BORROWING OF MONEY THEREFOR.

Be it enacted, etc., as follows:

SECTION 1. The town of Holland is hereby authorized to purchase for a price not exceeding ten thousand dollars, all the right, title and interest of the Ames Worsted Company, now the Ames Textile Corporation, in the Hamilton Reservoir, so called, both that part within the town of Holland and that part within the town of Union, in the state of Connecticut, and in Holland pond, so called, and in all lands adjoining said reservoir and pond, and in the Quinebaug river and its tributaries and all streams and water courses flowing into said ponds, and in the lands under said ponds, river and streams, all building and structures thereon, including without limitation all dams, flumes and gateways, and all mill privileges including rights of drainage, the right to the full use and enjoyment of water and flowage rights, and the control and regulation thereof, and of the waters of the Quinebaug river and its tributaries as heretofore enjoyed and exercised by the said Ames Worsted Company, for fire protection, public health and public recreational purposes.

SECTION 2. For the purposes of this act, the town of Holland may borrow from time to time, within a period of ten years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, ten thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Hamilton Reservoir Loan, Act of 1956. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 3. Any action taken by the town of Holland pursuant to sections one and two of this act at the special town meeting held on June eleventh in the current year shall be as valid and effective as though this act had been in full force and effect at the time the warrant for said meeting was posted.

SECTION 4. This act shall take effect upon its passage. Approved July 26, 1956.

Chap.562 AN ACT AUTHORIZING THE REPAIR OF STONE BRIDGE IN THE TOWNS OF WAYLAND AND FRAMINGHAM AND THE CONSTRUCTION OF AN ALTERNATE ROAD AND BRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any special or general law to the contrary, in order to make repairs

caused by flood damage and to construct an alternate road and bridge, the board created under section four of chapter six hundred and ninety-eight of the acts of nineteen hundred and fifty-five is hereby authorized to expend the sum of one hundred and eighty-seven thousand dollars for the construction of said road and bridge and to repair the historic Stone Bridge in the towns of Wayland and Framingham.

SECTION 2. The towns of Wayland and Framingham shall make any and all land takings in their respective towns necessary for the projects under section one of this act, and shall assume all liability therefor.

SECTION 3. This act shall take effect upon its passage. Approved July 26, 1956.

AN ACT PROTECTING THE RIGHTS OF CERTAIN OFFICERS AND EMPLOYEES OF THE COMMONWEALTH APPOINTED TO SERVICE WITH THE UNITED STATES OPERATIONS MISSION TO PAKISTAN. Chap.563

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect the rights of certain persons employed by the commonwealth who have volunteered for service with the United States Operations Mission to Pakistan, and to facilitate reinstatement in their positions in the employ of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. All persons in the employ of the commonwealth who have been appointed on a permanent basis, including those who have not completed their probationary period, and who have been granted leave of absence without pay from their positions as a result of their appointment to service with the United States Operations Mission to Pakistan shall be reinstated in the positions or in positions similar to those held by them at the time of granting said leave. Such reinstatement shall be in accordance with the civil service laws and rules of the commonwealth and other pertinent statutes relating to non-civil service employees, and shall confer upon such persons the full promotional privileges and seniority rights which would have accrued to them under said laws and rules if they had remained in their positions. In addition thereto all rights enjoyed by such persons under section twenty-eight of chapter seven, and under chapters thirty, thirty-two, thirty-two A and one hundred and forty-nine of the General Laws shall continue just as though such persons had remained in their positions, provided no monetary payments had been paid to such persons in lieu of these rights.

SECTION 2. In the event that any person covered by this act leaves the service of the United States Operations Mis-

Article NN. Rescind Appropriation for Framingham Bridge

Proposed by: Petitioners Article

Estimated Cost:

To determine whether the Town will vote to rescind the \$450,000 appropriated under the capital budget of article 9 of the 2020 Annual Town Meeting warrant for design/construction of the so-called Potter/Stonebridge Road bridge, which proponents believe lies wholly within the boundaries of the City of Framingham.

Proposer's Comments: This article aims to correct a mistake made by Wayland and Framingham officials in assuming that the bridge built by the state in 1957 connecting Stonebridge Road in Wayland and Potter Road in Framingham lays partially in each town, and therefore bridge repairs are a joint responsibility. Wayland Town Meeting in 2021, accordingly, appropriated \$450,000 for such repairs, after a tie vote to eliminate the measure failed. In fact, voluminous evidence has since been discovered to add to that existing in 2021, including concrete bounds showing the town line on the Wayland side of the bridge, demonstrating the bridge is entirely in Framingham and therefore Framingham's responsibility to maintain. Contract law provides that when both parties make a factual mistake the agreement is voidable. This article rescinds the appropriation to support the Intermunicipal Agreement between the municipalities to jointly fund the currently needed repairs, effectively canceling the agreement.

FINANCE COMMITTEE COMMENTS: This project repairs the Potter/Stonebridge Road Bridge situated in the City of Framingham on Potter Road; from Wayland on the east, the bridge is approached via Stonebridge Road. The bridge was constructed in 1957 and is in need of repair. The previously approved structural repair work will extend the existing bridge life and avoid more significant reconstruction costs in the future.

The federal government created the National Bridge Inspection Standards (NBIS) in 1968 which established requirements for the inspection of all bridges including frequency, personnel qualifications, inspection reports, and inspection procedure. Bridge F-07-039 Potter/Stonebridge Road over Sudbury River is rated a 5/Fair on a nine-point scale for its deck condition and superstructure condition and 6 for its substructure condition. Framingham transportation measured the average weekday daily traffic to be 3,500 vehicles of which 150 are trucks on Potter Road, primarily occurring during morning and evening rush hours.

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The 2018 agreement specifically calls out the F-07-039 per state classification of the bridge (a Massachusetts Department of Transportation naming convention). The F signifies that the Bridge department number is Framingham. If the Bridge was in Wayland, it would have had a W department number. The longitude and latitude (42.338667, -71.39495983) for the bridge per Mass DOT are squarely in the middle of the existing bridge in the City of Framingham.

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It should be noted that the estimated total cost of the bridge repair at \$900,000 was prepared several years ago. Those costs have undoubtedly increased.

There are potential disadvantages with not proceeding with this project:

- The Town has already spent \$100,000 on the bridge repair design. However, even if Wayland pulls out of the agreement, Framingham can still use this design.
- Of the 3,500 vehicles estimated to use this road per day, a portion originate from Wayland, and this could affect Wayland resident’s commute. Of the 400 trucks that use Potter Road per day, a portion of them destined to or from Wayland. This has environmental and cost implications because of longer commute distances.
- The Town of Framingham could decide to not proceed forward with repairs and the Department of Transportation could impose weight restrictions on the bridge. This could impair bus and truck traffic such as westbound school busses cross the bridge to turn around. Trucks may need to use Pelham Island Road as a way to bypass the use of Stonebridge bridge.
- The Town of Framingham could decide to enforce the agreement and the Town would be responsible for associated costs for defending itself.
- Wayland might need easements in the future from Framingham to support their connection to the MWRA as a resource for Town Water. Not cooperating with Framingham could jeopardize the relationship between the municipalities.

The potential costs associated with the risk of not completing the project are:

Potential need to redo design (50%)	\$50,000
Cost for 100 trucks to drive approximately 5 miles extra per day during weekdays per year	\$58,000
Risk of Framingham enforcing the agreement	\$100,000
Assignment of at least 20% of the ownership of the bridge to Wayland	90,000
Risk of Framingham assigning fees for MWRA access per year per year	\$50,000
Total Potential costs associated with risk of not proceeding (Year 1)	\$348,000
Total Potential costs associated with risk of not proceeding (Year 2-5)	\$592,000

The Board of Selectmen recommends Blank. Vote:

ARGUMENTS IN FAVOR:

- The October 5, 2018, Intermunicipal Agreement between the City of Framingham and the Town of Wayland in which the parties agreed to share the costs of repairing the bridge but both sides were unaware that the Town line had not moved from its original location and that both sides were mutually unaware that they were not necessarily required to allocate the ownership of maintenance responsibility 50/50.
- \$450,000 (and possibly more once the true cost is known) is simply too much to buy Framingham's good will.
- The town of Wayland should not have to pay for infrastructure repairs not located within the boundaries of the Town.
- The entire bridge and repair is within the City of Framingham, therefore Framingham should bear full responsibility for all repair costs.
- Some might say it is financially irresponsible to proceed because Town Meeting does not have an up-to-date cost estimate, inasmuch as the estimate was prepared several years ago in non-inflationary times.
- Framingham will likely repair the bridge without Wayland's financial support.

ARGUMENTS OPPOSED:

- The potential costs for not repairing the bridge could affect Wayland services like school bus transportation and snow removal.
- There are indirect costs associated with the rerouting of traffic that would add to commute times and have an environmental impact of increased emissions.
- Other neighborhoods could have increased traffic including Pelham Island Road.
- A 2018 Intermunicipal Agreement between the Town of Wayland and the City of Framingham to share costs to repair the bridge was signed, with the intent to make such repairs before July 1, 2022.
- Town Counsel has issued an opinion that the Town may legally expend funds even if the bridge is determined to not be in Wayland.

RECOMMENDATION: The Finance Committee recommends Blank. Vote:

QUANTUM OF VOTE: Majority.

For more information about this article, contact Tom Sciacca at tsciacca@comcast.net

Article O. Loker Grass Field Construction

Proposed by: Board of Selectmen/Recreation Commission

Estimated Cost: \$2,500,000

To determine whether the Town of Wayland (“Town”) will vote to:

To determine whether the Town will vote to:

a) Appropriate a sum of money of not more than \$2,500,000 to be expended under the direction of the Permanent Municipal Building Committee for designing, permitting, engineering and constructing a multi-purpose natural grass athletic playing field at the Loker Conservation & Recreation Area including playing surfaces, lighting, drainage, landscaping, recreational amenities, access and parking areas; and any and all other costs incidental or related thereto;

b) Provide for said appropriation by borrowing, taxation, transfer from unappropriated funds, transfer from available funds appropriated for other purposes, or otherwise, provided not more than \$189,160.59 of the funds appropriated shall be transferred from the Recreation Stabilization Fund;

c) Authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow up to said sum in accordance with Massachusetts General Laws Chapter 44, section 7 and 8 and any other enabling authority, and issue bonds or notes of the Town therefor; and

d) Authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved hereunder in accordance with Massachusetts General Laws Chapter 44, section 20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs

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

Since 2000, Wayland has invested over \$2,000,000 in the purchase and design of the Loker site. The land is deeded specifically for recreational use and continues to lie vacant for over 20 years. Recreation studied and pursued over a dozen other suitable options to alleviate the over-usage of its grass fields and Loker was deemed most suitable for a field. The addition of this field will alleviate the overuse of fields by allowing for the rest and rehabilitation of existing recreation fields that need repair. Existing conditions of Wayland grass fields are deteriorating and deficient. Rehabilitation would ensure safer playing fields for all Town residents. The addition of a field with lighting will become increasingly more important since Wayland Public Schools shifted school start times later in the day. Access to outdoor recreation is valuable to both individuals and the Wayland community at large, now more than ever.

FINANCE COMMITTEE COMMENTS:

This article would authorize up to \$2.5 million for construction of a natural grass field at the Loker Conservation & Recreation area. The Loker Grass Field project includes the permitting, engineering, and construction of a multi-purpose natural grass athletic playing field at the Loker Conservation & Recreation Area (414 Commonwealth Road), at the northeast corner of the intersection of Route 30 (Commonwealth Road) and Rice Road in Wayland (map included in Appendix A). The project would include grass playing surfaces, lighting, drainage, landscaping, recreational amenities and equipment, spectator areas, access and parking areas and trailheads for use by the community. This project will provide an outdoor land-based recreation venue for passive and active recreation. It is estimated that thousands of participants and or residents would use a field at Loker each year for sports, camps,

community events and trail access. The project would provide better parking and access to the abutting conservation trails and new plantings could be used to better protect and preserve the natural, wetlands and historical features of the property.

The Recreation Commission has stated the need for additional athletic fields in Wayland for many years and several studies that have been undertaken since 2010 have documented this need. The Town cannot currently meet demand at our present field capacity, has been unable to find fields in other towns with capacity to rent, and, as a result, may need to turn kids away from youth sports. Studies have provided data regarding both the insufficiency in the number of fields and overuse of the existing fields (see the following: Wayland Town Master Plan from June 2010; report by Gale Associates, Inc., dated July 15, 2010 (the "Gale Report"); Town of Wayland Open Space & Recreation Plan from 2016; and Wayland Town wide Recreation Facilities Plan by Weston & Sampson in January 2018). All of these studies and the need for additional athletic fields were reiterated and reinforced during a public forum held on August 30, 2021, by the Board of Selectmen.

This project would serve the needs for youth athletics as well as the community at large. It is estimated that more than 6,000 children, adults, and seniors use Wayland Recreation sites annually. It is also expected that public school student enrollment and Wayland's senior population will both grow over the next decade and this additional field will help serve burgeoning needs. Reports indicate that there is currently a deficit of seven to ten-field grass fields in Town. The proposed Loker grass field could reduce the deficit and provide a field that could be used later in the day to accommodate students' later school days.

The field would be built on an area that the Town purchased for \$1.7 million in 2000. At a Special Town Meeting in November 2017, the Town approved design funds for a turf field project, of which \$154,000 was expended. At Annual Town Meeting in 2004, 8.37 acres of the vacant 28.20 acres of property was delineated for recreational use, the remainder for conservation land. This project would result in a multi-purpose natural grass athletic venue on the parcel designated for recreation.

The location of the project, the former Dow Chemical facility, was cleaned up approximately twenty years ago according to the required standards at that time. In 2019, the Board of Selectmen contracted with CMG Environmental, Inc. to conduct a third-party independent environmental review to assess any potential hazards when comparing present-day standards to those in place at the time of the cleanup. A representative of CMG Environmental, Inc. attended a Board of Selectmen meeting in February 2020 to present the findings, and stated they had no hesitation allowing his own family members to play on a turf field at this location.

On October 3, 2021, STM voted first in favor of Article 1, for a three-year moratorium on synthetic/artificial turf fields (353-77) and then (327-120) in favor of Article 2, specifically to spend up to \$125,000 to design a grass field at the Loker site. The site was previously designed as a synthetic turf field, but not approved by voters (the proposed turf field did not obtain the 2/3rd threshold needed to approve the project at 2019 or 2021 ATMs despite voter approval of the use of excluded debt for the project at the polls in the April 2019 election). Design for the natural grass field is expected to be complete and the project put out to bid to determine the costs before the 2022 Annual Town Meeting.

TIMELINE

- 1) **Design & Development** - Underway, October 2021 to May 2022
- 2) **Bid & Contract** - To be completed by May 2022
- 3) **Permitting** - To be completed in 2022

- 4) **Build** - if approved at 2022 ATM, the field would be built between May and September 2022
- 5) **Grow** - Grass roots establish for minimum of 2 growing seasons until Spring 2023
- 6) **Open for Play** - Possible play in late summer/early fall 2023
- 7) **Operate and Maintain** - Loker field will allow restoration/rehabilitation of an existing field in 2023 - 2024
- 8) **+1 Additional field footprint** will be effectively added to the total field inventory by Spring 2025.

FUNDING

\$118,000 Parking Area and Trail head improvements, with already approved CPA Funds

\$189,160 possible transfer from the Recreation Stabilization Fund (requires 2/3), up to **\$200,000** possible transfer from Recreation Field Revolving Fund Total TBD: Any balance of the low bid that is otherwise not funded by CPA, Stabilization Funds, or Recreation Funds would be requested from 2022 ATM (Total less -\$507,160.59)

The Board of Selectmen recommends Blank. Vote:

ARGUMENTS IN FAVOR:

- A vote in favor of this article will accelerate the addition of a new playing field in Wayland; a need that has been requested by the Recreation Commission and many residents and has been substantiated by the reports noted above.
- The Loker Recreation area has been studied and planned for many years. Moving ahead with this project would be a step in the direction of putting to use an asset on which the Town has spent significant monies over the past two decades and for a use that is consistent with its designation as a recreation area.
- Constructing a natural grass field at this location should satisfy many in Wayland who supported the development of a new athletic field but expressed concerns with artificial turf.
- A new athletic field at this location will enhance the overall Loker Recreation area; not only will it provide a much-needed athletic field, but it may also make the property more appealing and accessible to those using the Conservation trails.
- Because it is a natural grass field, the proposed project is notably less costly than recent years' proposals for synthetic turf fields.

ARGUMENTS OPPOSED:

- Development of an athletic field at the Loker Recreation area is seen by some as an expensive place to develop a new athletic facility for the Town; rather, the Town should explore other areas that may be developed with similar or additional facilities before spending the funds to develop this site.
- Neighbors have stated concerns with an athletic field at this site due to increased traffic and the potential to add lights over the field for evening athletic events.
- Some people believe that the high slopes and uneven level of land is the wrong piece of land to develop a rectangular regulation size field. A better use would be a baseball diamond.
- Residents have said that the access road is too narrow and there is no lighting at night making it difficult for emergency vehicle access.
- The Conservation Commission has said that the proposed design does not meet the DEP groundwater separation criteria.
- The removal of trees on the north side of the field will destroy a Vernal Pool on the north side of the property because the fauna that breed in the Vernal Pool live in the wooded area provided by

those trees. As proposed, the project will dramatically change the landscape of the property. To build the field, the Town will remove over 260 trees.

RECOMMENDATION: The Finance Committee recommends Blank. Vote:

QUANTUM OF VOTE: Majority.

For more information about this article, contact Katherine Brenna at kbrenna@wayland.ma.us

DRAFT



Sarkis Sarkisian
Wayland Town Planner

TOWN OF WAYLAND
MASSACHUSETTS
01778
PLANNING DEPARTMENT

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3778

DATE: February 16, 2022
TO: Planning Board
FROM: Sarkis Sarkisian, Town Planner
RE: Draft Outdoor Dining Planning Board Report

The COVID-19 pandemic created many challenges for the restaurant industry. Almost 4,000 restaurants statewide closed since the pandemic started, according to the Massachusetts Restaurant Association. During this period the Governor provided Municipal Relief Legislation measures and millions of dollars in funding to help restaurants, including the use of public streets for outdoor dining.

The legislation also gave the Board of Selectmen (BOS) the authority to grant temporary permission to allow Temporary Outdoor Dining (TOD). The BOS together with the Town Administration staff developed a process and application for approval of TOD's, and several Wayland restaurants took advantage of this program. The TOD licenses that were issued helped these restaurants survive and allowed our residents to support them during a critical time.

The BOS extended the temporary licenses for outdoor dining through April 1, 2022, which is in line with the State's expiration date for the COVID-19 relief act for outdoor dining.

Several restaurant owners have expressed great interest in continuing to have the ability to provide outdoor dining and have communicated to the BOS and town administration staff it is essential to remain viable. Many residents have enjoyed outdoor seating and would like to see it continue permanently, adding to the vibrancy of the community.

Unfortunately Wayland's zoning bylaws restrict outdoor dining in areas of town where some of these restaurants are located. The Bylaws also have several inconsistencies

and contradictions that need to be addressed. If a current restaurant is located in one of those districts it requires going to several boards for approval. The only area in the Wayland Zoning with a clear path for approval for outdoor dining is in Town Center/Mixed Used Overlay District (MUOD) by Special Permit and Site Plan Approval. The proposed amendment will allow restaurant outdoor dining as an acceptable use and will stream line the process for review by the Planning Board.

The proposed bylaw addresses the following:

- Allow outdoor dining in all Business districts by site Plan Approval.
- The Planning Board shall administer the Site Plan Approval process for all outdoor dining.
- The Planning Board may allow outdoor dining by site plan approval outside a building at a currently lawfully-existing restaurant in any zoning district subject to safeguards and limitations as the Planning board may impose through site plan approval.
- Encourages other restaurants to pursue this option.

The Planning Board will also take into consideration comments from the public and regulatory reviews by the following:

- Board of Health/ Health Department
- Possibly Wastewater Management District Commission(Route 20)
- Building Commissioner
- Fire Chief
- Police Chief
- Possibly Conservation Commission/Conservation Administrator
- The Design Review Board's advisory opinion for new construction and commercial signs
- Board of Selectmen for amendment of liquor license

The Planning Board has also developed draft design guidelines and regulations for outdoor dining listing items that will be reviewed with a site plan application during the public hearing process.



Sarkis Sarkisian
Wayland Town Planner

TOWN OF WAYLAND
MASSACHUSETTS
01778
PLANNING DEPARTMENT

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3778

DATE: February 22, 2022
TO: Planning Board
FROM: Sarkis Sarkisian, Town Planner
RE: Draft Conservation Cluster Bylaw Amendments Planning Board Report

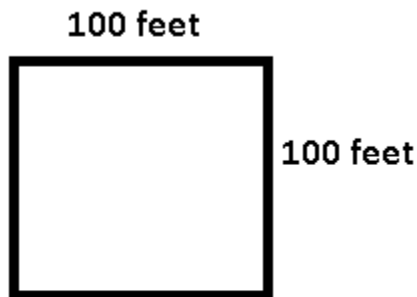
The Planning Board over the past 12 years have approved 10 conservation cluster developments. The purpose and intent of the conservation cluster bylaw is to permit more economical and efficient use of land than may be accomplished through standard subdivision development by protecting the existing character of the landscape and preserving open space areas for conservation and recreation. The bylaw has been very successful. It has protected over 50 acres of land, preserved 4 historic structures and provided 5 units of affordable housing.

We have also made several amendments to the bylaw in 2012 and in 2016 to address land use patterns.

The purpose of the proposed Conservation Cluster Bylaw Amendments is to clarify the number of building lots that could be created in a tract without a special permit through a conventional subdivision in full conformity with the dimensional requirements of the Zoning Bylaw and the Planning Board's Subdivision Rules and Regulations. The Bylaw amendment proposes to remove a section in the Bylaw that allows lots to be obtained through a land use calculation.

The proposed bylaw also proposes new language that defines "open land" and requires that the open land maintain a minimum lot shape factor not greater than 50. This amendment will address the Board's concerns with the shape of the open space that it approves. The board last year updated its rules and regulations with this proposed language so that now our rules and regulations will mirror our zoning bylaws. Below is an illustration of the lot shape factor.

Illustration #1 - Conforming Lot Shape Factor



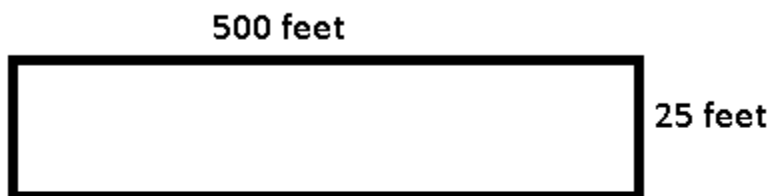
Lot Perimeter = 400 ft.

Lot Perimeter Squared = 160,000 ft.

Lot Area = 10,000 s.f.

Lot Shape Factor = 16

Illustration #2 - Nonconforming Lot Shape Factor



Lot Perimeter = 1,050 ft.

Lot Perimeter Squared = 1,102,500

Lot Area = 12,500

Lot Shape Factor = 88.2

Lastly, the bylaw will remove the section addressing a development in a tract of land that is located in two or more residential districts, the entire tract, for all purposes of this, shall be considered as lying entirely within the district having the largest area and frontage requirements, except that if 75% or more of the total area shown on the plan as building lots lies within one residential district, all of the land shall be considered as lying within that district. The development will now have to prove the number of lots through the current zoning residential districts.



STEPHEN CRANE
ACTING TOWN ADMINISTRATOR
TEL. (508) 358-3620
www.wayland.ma.us

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

THOMAS J. FAY
ADAM G. GUTBEZAHL
CHERRY C. KARLSON
CAROL B. MARTIN
DAVID V. WATKINS

DRAFT Meeting Minutes
BOARD OF SELECTMEN
Wednesday, February 9, 2022
3:30 p.m.
Wayland Town Building: via Zoom
41 Cochituate Road, Wayland, MA

Present by Remote Participation: Thomas J. Fay, Cherry C. Karlson, Carol B. Martin, David V. Watkins. **Absent:** Adam G. Gutbezahl

Also present via teleconference: Acting Town Administrator Stephen Crane, Assistant Town Administrator John Bugbee

1. Call to Order, Review Agenda for Public: At 3:30 p.m., T. Fay called the meeting of the Board of Selectmen to order when a quorum was present and reviewed the agenda for the public as well as ways in which the public could view and participate. T. Fay announced each member by full name and that members would participate remotely.

A2. Vote the question of approving the change order request (COR-003) of RJV Construction Corp. for radio communication and control upgrades at the wastewater treatment facility and associated pump stations. J. Bugbee reviewed the purpose of the change order request, the benefits of the upgrades and that the change order would be funded by the MassWorks grant.

C. Karlson moved, seconded by C. Martin, to authorize the Acting Town Administrator to sign the change order as shown on the Consent Calendar. Roll Call Vote: YEA: T. Fay, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Adopted 4-0.

A3. Executive Session: I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3), to discuss strategy with respect to litigation related to David Bernstein v. Planning Board;

At 3:36 p.m., Chair T. Fay moved, seconded by C. Karlson, that the Board of Selectmen enter into Executive Session: Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3), to discuss strategy with respect to litigation related to David Bernstein v. Planning Board of Wayland.

T. Fay declared that a public discussion of these matters may have a detrimental effect on the litigating, negotiating, or bargaining position of the Town. Roll Call Vote: YEA: T. Fay, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Adopted 4-0.

Chair, T. Fay invited attendance by Acting Town Administrator Stephen Crane, Assistant Town Administrator, J. Bugbee. The Board would adjourn from the executive session with no other public business to be held in open session.

A4. Adjourn: The Board adjourned from Executive Session at 4:37 p.m.

Items included in the packet for the Board of Selectmen Meeting of February 9, 2022:

1. Revised agenda, revises the previous agenda posted 2/7/22 at 2:03 p.m.

Items Distributed For Information and Use By the Board during the Meeting of February 9, 2022 Otherwise Not Included In The Packet (Handouts):

1. Consent Calendar: 1. Change Order request (COR-003) of RJV Construction Corp. for radio communication and control upgrades at the wastewater treatment facility and associated pump stations.



STEPHEN CRANE
ACTING TOWN ADMINISTRATOR
TEL. (508) 358-3620
www.wayland.ma.us

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN
THOMAS J. FAY
ADAM G. GUTBEZAHL
CHERRY C. KARLSON
CAROL B. MARTIN
DAVID V. WATKINS

DRAFT Meeting Minutes
BOARD OF SELECTMEN
Monday, February 7, 2022
7:00 p.m.

Wayland Town Building: Council on Aging Room
41 Cochituate Road, Wayland, MA

Present: Thomas J. Fay, Cherry C. Karlson, Carol B. Martin, David V. Watkins

Attendance by Remote Participation: Adam G. Gutbezahl

Also Present: Acting Town Administrator Stephen Crane, Assistant Town Administrator John Bugbee, C. Costello, Management Analyst

A1. Call to Order, Review the Agenda for Public: At 7:00 p.m., T. Fay called the meeting of the Board of Selectmen to order when a quorum was present and reviewed the agenda for the public as well as ways in which the public could view and participate. T. Fay announced each member by full name and that A. Gutbezahl would participate remotely.

A2. Announcements and Public Comment: There were no announcements from the Board.

Paul Dale, Grace Road, associate member of the Energy & Climate Committee, joined the meeting in person, but commented on his own behalf. He informed the Board that there was a petition with 189 signatures to support a new Sustainability Manager role and he emphasized its urgency. He quoted a statement from State Senator Barrett regarding the need for local action.

George Harris, Holiday Road, joined by teleconference to share his concerns regarding transparency related to the Public Records Law and Open Meeting Law. G. Harris reported that he and other residents have requested records but the requests were denied. G. Harris recommended that Board ensure that the acting Town Administrator is fully conversant with the public records law.

Bill Sterling, Morse Road, joined by teleconference to thank the Board for its work to finalize negotiations with Twenty Wayland LLC which would allow design work to begin for a Council on Aging/Community Center.

A3. Committee Appointments: Interview, discuss and potential vote to appoint:

Committee	Appointee	Term End Date
Municipal Affordable Housing Trust Fund Committee	Laura Kaplan	June 30, 2022

L. Kaplan, School Street, joined the meeting via video-teleconference and expressed her intent to join the Municipal Affordable Housing Trust Fund Committee and reviewed her related background. The Board interviewed L. Kaplan.

C. Karlson moved, seconded by C. Martin, that the Board vote to appoint L. Kaplan to the Municipal Affordable Housing Trust Fund Committee for a term ending June 30, 2022. In discussion, C. Karlson noted that the term was an abbreviated one, to fill a vacancy. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A4. Liquor License Hearing for The Villa Inc., for a transfer of the existing All Alcoholic Beverage License Held by The Villa Inc. to Villa Restaurant Opco, LLC to remain at the existing premises 124 East Plain Street, Wayland, MA 01778

At 7:20 p.m., T. Fay declared open the hearing for the purpose of considering the application submitted by The Villa Inc. for transfer of the existing annual liquor license to serve and sell All Alcoholic beverages on the

premises at 124 East Plain Street, Wayland, MA, 01778 to Villa Restaurant Opco, LLC. T. Fay read the legal notice published in the Town Crier on January 27, 2022. T. Fay described the hearing process to include a statement from the applicant, questions from the Board, public comment and the close of the hearing. T. Fay invited the applicant to describe the application.

Trish Farnsworth, counsel representing the applicant, Alex Tamargo both joined the meeting in person, and reviewed the request for a liquor license transfer. A. Tamargo described the intent of the application and that the transfer of ownership was contingent on the transfer of the liquor license. The Board discussed the applicable laws the regulations as well as the required certifications and employee training. C. Karlson provided some guidance regarding expectations with compliance checks. C. Costello, Management Analyst joined the meeting to confirm receipt of a written recommendation from Police Chief Gibbons on the matter. There was no public comment. At 7:31 p.m., T. Fay closed the hearing.

C. Karlson moved, seconded by C. Martin, that the Board vote to transfer the existing All Alcoholic beverages Held by The Villa Inc. to Villa Restaurant Opco, LLC to remain at the existing premises 124 East Plain Street, Wayland, MA 01778. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A5. Town Administrator update a. PFAS6 b. Alta at River's Edge c. COA/CC d. FY23 Budget update e. Selectmen/TA office Phone Auto Attendant

A5.a. Per- and Polyfluoroalkyl Substances (PFAS6): S. Crane reported that there was another delay in the shipment of the resin for the short-term remediation which extended the completion date to late-February. S. Crane also described the project as complex and that there were some leaks in the pipes that needed to be addressed.

A5.c. Council on Aging/ Community Center (COA/CC): S. Crane noted that a working group had been established and a site walk occurred with the architect. S. Crane reported there was a strong opportunity to renovate the existing building and the architect was working to move the project forward and provide a cost estimate ahead of Annual Town Meeting.

A5.d. FY23 Budget update: S. Crane reported that the initial review of the preliminary cherry sheets for local and state aid budgets were favorable, and he would consult with the Finance Director and Superintendent of Schools.

A5.e. Selectmen/TA Office Phone Auto Attendant: S. Crane reported that the Information Technology Department had established an auto-attendant for the phone lines in the Town Administrator's Office to allow residents to more efficiently reach the specific department needed.

A5.b. Alta at River's Edge: Town Planner, S. Sarkisian joined by video-teleconference and provided an update on the next steps for the Alta at River's Edge project. S. Sarkisian reported that he had delivered as-built plans for the infrastructure that the Town was responsible for constructing to Alta at River's Edge with a certified letter. S. Sarkisian reported the infrastructure for which Alta at River's Edge was responsible was not yet complete. S. Sarkisian reported on the status of MassWorks grant and the progress on the operation and maintenance plans.

A11. Consent: review and vote to approve:

1. Vote the question of designating and approving signing authority to Stephen Crane, Acting Town Administrator on items listed below.
2. Vote the question of approving and signing the weekly payroll and expense warrants.
3. Vote the question of approving the FY22 Firefighter Safety Equipment Grant contract.
4. Vote the question of approving Broomstones Curling Club's request to extend their hours to sell alcoholic beverages from 12:00am-1:00am on February 11 and 12.
5. Vote the question of approving the Contract NO. 18-2003 Task Order NO. 12-Amendment #2 Old Sudbury Bridge Road Bridge Rehabilitation Engineering Services.

6. Vote the question of approving the Sedgemoor Road Water Main Replacement Project IFB# 21-2019 Change Order #1.
7. Vote the question of approving invoice #135265 with KP Law for legal services through January 26, 2022.
8. Vote the question of approving invoice #135264 with KP Law for legal services through January 26, 2022 in the amount of \$3,266.27
9. Vote the question of approving a Common Victualler license for Villa Restaurant Opco, LLC at 124 East Plain Street, Wayland, MA 01778.
10. Vote the question of approving an Entertainment License for Villa Restaurant Opco, LLC at 124 East Plain Street, Wayland, MA 01778.
11. Vote the question of approving the Master Service Training Agreement with Kristen Martin for lifeguard training services to the Town of Wayland Recreation Department.
12. Vote the question of approving the Inter-Municipal Agreement between Towns of Wayland, Bedford, Natick and Sudbury for the purpose of purchasing COVID-19 Rapid Test Kits at a reduced price per the State Contract number SP41 – Category 10

C. Karlson moved, seconded by D. Watkins, to approve the Consent Calendar. In discussion, C. Martin asked for clarification on funding for Item #5, Item #6 and Item #11. The Board's roll call vote was tabled until after the liquor license hearing in agenda item A3 related to consent items #9 and #10. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A6. 2022 Annual Town Meeting (ATM): a. Identify articles for potential Abbreviated Presentation Procedure b. Discuss Potential Debt Exclusion Ballot Questions; request the Finance Committee to make a debt exclusion presentation c. Discuss and Potential Vote to Insert and take a Position on Warrant Articles; refer to the list of articles in the Board's packet. d. Meet with the Planning Board on proposed articles (per ATM schedule):

A6.a. Identify articles for potential Abbreviated Presentation Procedure: C. Karlson reviewed the warrant articles which were historically considered under the Abbreviated Presentation Procedure. The Board discussed its intent move Articles A through I, U, V, W, X, Y, BB, and CC with the abbreviated presentation procedure at 2022 Annual Town Meeting. [Refer to Article List in the Board packet.]

A6.b. Discuss Potential Debt Exclusion Ballot Questions; request the Finance Committee to make a debt exclusion presentation: T. Fay reviewed the Board's previous discussion to consider debt exclusion ballot questions related to the Article S: Loker Field and Article R: COA/CC. There was a discussion regarding the need for the Board to consult with the Finance Committee and Finance Director.

A6.c. Discuss and Potential Vote to Insert and take a Position on Warrant Articles; refer to the list of articles in the Board's packet: Gretchen Schuler, Old Connecticut Path, Chair of the Community Preservation Committee (CPC) and Chair of the Historic District Commission, joined the meeting in person and reviewed the warrant articles proposed to be funded by the Community Preservation Act (CPA) with the Board. G. Schuler also reviewed Article FF: Local Historic District Bylaw Amendment, submitted by the Historic District Commission, which would amend how notices are published. C. Karlson recommended consultation with Town Counsel. G. Schuler would consult with the Community Preservation Coalition regarding the Board's questions.

A6.d. Meet with the Planning Board on proposed articles (per ATM schedule):

Dan Hill, Bow Road, member of the Planning Board joined the meeting via video-teleconference and reviewed two warrant articles, Article L. Outdoor Seating Bylaw and Article Z. Conservation Cluster Bylaw, which he described its intent was to close a loophole and currently existed as a regulation, but not as a bylaw.

A6.c. Discuss and Potential Vote to Insert and take a Position on Warrant Articles; refer to the list of articles in the Board's packet: (revisited): C. Martin reviewed the proposed revisions to Town Code related to Article T. Bylaw Chapter 19-3. The Board discussed the draft and made some revisions. The Board discussed when to transmit the articles to the Finance Committee for comment and that the Finance

Committee would prepare a budget report and make a presentation on debt exclusions. The Board discussed the role of the Finance Committee with respect to preparing the warrant and warrant articles that had no fiscal implications. S. Crane suggested including a statement of intent.

C. Martin moved, seconded by D. Watkins, the Board to insert and support Article HH: Housing: 89 Oxbow Fire Sprinkler System. C. Martin withdrew the initial motion. C. Martin moved, seconded by D. Watkins, that the Board support Article HH: 89 Oxbow Condo Trust Community Housing: Fire Sprinkler System. In discussion, the Board noted that there was outstanding information from the CPC and opted to wait to vote. C. Martin withdrew the motion.

C. Martin moved, seconded by D. Watkins, the Board of Selectmen support Article GG: Historic: Library Document Conservation. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None ABSTAIN: None. Adopted 5-0.

C. Karlson moved, seconded by D. Watkins, that the Board insert U1: Wastewater Capital Budget Request. In discussion, C. Karlson noted the intent was to remove the article from the warrant. Roll Call Vote: YEA: None. NAY: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. ABSENT: None. ABSTAIN: Motion failed. 0-5.

Each Board member provided status updates on the warrant articles to which they are a liaison. C. Karlson reported that the Housing Trust requested that the Board consider a land transfer to the Board. T. Fay suggested the Board discuss the articles again at the next meeting.

A7. Twenty Wayland Settlement a. Discuss next steps, including separating parcel 16 and any other related parcels as required by the Settlement Agreement, and potential vote: At, 9:52 p.m. C. Martin left the meeting for four minutes. T. Fay reported that the Town has reached a settlement agreement with Twenty Wayland LLC, and there was no longer a need for Town Meeting to take action on parcel #15, because the Conservation Commission voted to accept that parcel in 2017. T. Fay noted that there was a need for the Board to discuss parcel #16. T. Fay reviewed recent consultation with Town Counsel and the surveyor regarding parcel #16, with a proposal for Conservation Commission to accept the land and create an easement. S. Crane noted that the work to be done was to figure out the easements and other aspects of the conveyance.

A8. Town Manager Recruitment: a. Update on the status of the Special Act b. Discussion of timing of the RFP for a Search Firm to Assist with Town Manager Recruitment c. Discussion of process, including the use of a Screening Committee: T. Fay reported that he was informed by the Chief of Staff of Senator Rausch's Office regarding House Bill No. 4315 (the Town Manager Act) that was soon expected to be ready for signature by the Governor. The Board discussed using a search firm to assist with Town Manager recruitment upon the approval of the Special Act. The Board discussed the selection process. T. Fay and C. Karlson expressed support the establishment of a screening committee for the Town Manager position. D. Watkins did not agree, he felt that the responsibility to publically evaluate the candidates and their qualifications was that of the Board. C. Martin and A. Gutbezahl also suggested using a public forum to garner input from residents to define the qualifications of a Town Manager. C. Karlson suggested that the recruiter moderate such a forum. T. Fay noted the drafting of an RFP ahead of the anticipated legislation was the next step. J. Bugbee would revise previous search firm RFPs to include selection criteria and evaluation questions for the Board to review.

A9. Open Meeting Law Complaint: discussion of complaint received February 2, 2022 from resident George Harris: The Board discussed the recently filed Open Meeting Law complaint and the need to consult with Town Counsel ahead of the deadline to respond. The Board agreed to allow T. Fay to request more time if needed.

A10. Minutes – review and vote to approve the minutes of January 18, 2022 and January 24, 2022:

C. Karlson moved, seconded by C. Martin, to approve the minutes of January 18, 2022 and January 24, 2022, as amended. In discussion, C. Karlson noted there were two meetings on January 18, 2022. Roll Call Vote:

YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0-0.

A12. Correspondence: The Board reviewed the correspondence in the packet.

A13. Selectmen's Reports and Concerns: A. Gutbezahl reported that the Energy & Climate Committee recently voted to recommend that the Town budget include a full-time sustainability director and would like to advise the Board on such. A. Gutbezahl updated the Board on the status of the Music Festival. A. Gutbezahl reported the Human Rights, Diversity, Equity and Inclusion Committee (HRDEI) Committee chair, D. King resigned as chair but intends to remain on the committee, and he requested the Board discuss the composition of the HRDEI Committee. T. Fay echoed A. Gutbezahl's comments regarding D. King and that the Board would meet with the HRDEIC on February 28, 2022. C. Karlson asked for the Board to discuss liaison roles at a future meeting and to communicate with the BoPW regarding the Kleinfelder's initial presentation regarding a potential MWRA connection. T. Fay reported that he had been working with Boards, Commissions and Committees regarding Governance Guidelines. D. Watkins suggested the Board review the concept of working groups. T. Fay recommended that residents and various boards, committees and commissions be patient with staff as the Town transitions to a new Town Administration.

A14. Topics Not Reasonably Anticipated by the Chair 48 Hours In Advance, If Any: There were none.

A15. Executive Session: I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of January 18, 2022 and January 24, 2022 Approve and Hold: Executive Session minutes of January 18, 2022 and January 24, 2022

At 11:00 p.m., Chair T. Fay moved, seconded by A. Gutbezahl, that the Board of Selectmen enter into Executive Session: Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of January 18, 2022 and January 24, 2022 with the intent to approve and hold said executive session minutes.

T. Fay declared that a public discussion of these matters may have a detrimental effect on the litigating, negotiating, or bargaining position of the Town. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

Chair, T. Fay invited attendance by Acting Town Administrator Stephen Crane, Assistant Town Administrator, J. Bugbee. The Board would adjourn from the executive session with no other public business to be held in open session.

A16. Adjourn: The Board adjourned from Executive Session at 11:05 p.m.

Items included in the packet and updated during the Board of Selectmen Meeting of February 7, 2022:

1. Agenda for meeting of the Board of Selectmen, February 7, 2022 7:00 p.m. with Consent Calendar, posted 2/3/2022 3:48 p.m.
2. Application for Municipal Affordable Housing Trust Fund Committee: L. Kaplan
3. Application: Commonwealth of Massachusetts Alcoholic Beverages Control Commission, Licensing Authority Certification re: Transfer of License for Villa Restaurant Opco LLC, dated January 18, 2022.
4. Draft: Article List 2022 Annual Town Meeting, edited January 26, 2022.
5. Draft: ATM Article Request Form: Loker Recreation Field (Grass)
6. Settlement Agreement: Twenty Wayland, LLC. and Town of Wayland, dated January 20, 2022 with exhibits and executed
7. Letter: To: S. Crane, Town Administrator (via email) and Dr. Omar Easy, Superintendent of Schools (via email) cc: Brian Keveny, Finance Director Thomas Fay, Chairperson, Board of Selectmen Chris Ryan, Chairperson, School Committee From: Bill Steinberg (Finance Committee Chair), Pam Roman (Finance Committee Vice-Chair), Cc: Members of the Finance Committee: Abner Bruno, Steve Correia, Mike Hoyle and Kelly Lappin RE: FY2023 Proposed Operating Budget, Date: January 26, 2022

8. Letter: From: Wayland Recreation Commission, To: Board, re: Request for debt exclusion ballot question, dated January 10, 2021 with attached Warrant Article Request Form: Loker Grass Field.
9. Letter: From Vertex, Inc. Re: Public Meeting – Public Involvement Site Meeting Availability of Draft Release Abatement Measure Completion Report for Public Comment River’s Edge 484 – 490 Boston Post Road Wayland, Massachusetts 01778 MassDEP Release Tracking Numbers (RTNs) 3-34474 & 3-36013, January 27, 2022
10. Fact Sheet: From US President Joe Biden, re: Build.gov, Building A Better America. Competitive Infrastructure Funding Opportunities for Local Governments
11. Hancock Associates Plans re: Twenty Wayland, LLC. Parcel 16 at Wayland Town Center, dated October 4, 2021
12. Form 1075: Notice of Activity and Use Limitation: Book 27793 Page 141-165, MassDEP AUL Opinion Form, re: 400-440 Boston Post Road and attached exhibits, legal description and opinion, and MassDEP opinion form dated October 21, 1997
13. Form 1075: Notice of Activity and Use Limitation: Book 30045 Page 131-132: re: 400-440 Boston Post Road and attached exhibits, legal description and opinion form dated April 2, 1999
14. Open Meeting Law Complaint and Complaint Form, submitted by G. Harris dated February 2, 2022 with exhibits.
15. Town Administrator Performance Evaluation Composite and related emails for review period September 1, 2019 - August 30, 2020
16. Letter: From: Mass Cultural Council’s Local Cultural Council To: L. Miller, re: Standard Contract, scope of services: Contractor Authorized Signatory Listing dated: January 28, 2022
17. Wayland Sign Policy regarding Display of Signs on Public Land dated January 23, 2022 version 1.0

**Items Distributed For Information and Use By the Board during the Meeting of February 7, 2022
Otherwise Not Included In The Packet (Handouts):**

18. Draft: Proposed Code Revisions: § 19-3 Finance Committee: Recommendations and Reports
19. Article EE. Establishment of a Capital Improvement Planning Committee
20. Article FF. Local Historic District Bylaw Amendment
21. Article GG. Historic: Library Document Conservation
22. Article HH. Fire Sprinkler System at 89 Oxbow Condo Trust – Community Housing
23. Draft: Article JJ. 27 Sherman Bridge Road – Open Space Acquisition
24. Current Code: § 19-3 Finance Committee: Recommendations and Reports
25. Draft: Proposed Code Revisions: § 19-3 Finance Committee: Recommendations and Reports
26. Draft: Red Line Version: Article Y. Community Preservation Act – Set Asides
27. Revised Agenda, revises previous agenda posted 2/3/22 3:48 p.m.
28. Draft: Minutes of January 18, 2022 7:00 pm
29. Draft: Minutes of January 24, 2022 7:00 pm
30. Draft motion to go into Executive Session, related to David Bernstein v. Planning Board of Wayland;

Correspondence:

1. Second Revised Public Records Request from George Harris to Louise Miller on December 15, 2021
2. Letter: From: Mass Cultural Council’s Local Cultural Council To: L. Miller, re: Standard Contract, scope of services: Contractor Authorized Signatory Listing dated: January 28, 2022