

PACKET

MAY 07

2018



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TOWN ADMINISTRATOR
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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
DOUGLAS A. LEVINE

BOARD OF SELECTMEN

Monday, May 7, 2018

6:45 p.m.

**Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road**

Proposed Agenda

Note: Items may not be discussed in the order listed or at the specific time estimated. Times are approximate. The meeting likely will be broadcast and videotaped for later broadcast by WayCAM.

- | | | |
|---------|------|--|
| 6:45 pm | 1.) | Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to three related pending litigations: <i>New England Police Benevolent Association and Town of Wayland, MUP-18-6568</i> (Division of Labor Relations), <i>Wayland MA Police Officers Association, NEPBA 176 V. Town of Wayland – Case 01-18-0001-1636 (AAA)</i> , and <i>Ordway V. Wayland Police Dept. – No. 18WEM00371 (MCAD)</i> |
| 7:00 pm | 2.) | Call to order by Chair <ul style="list-style-type: none">• Review agenda for the public |
| 7:02 pm | 3.) | Announcements and public comment |
| 7:10 pm | 4.) | Town Administrator Search Committee: Update |
| 7:20 pm | 5.) | Town Administrator's Report <ul style="list-style-type: none">1. Correspondence2. Governance Guidelines: Updated draft |
| 7:35 pm | 6.) | Minutes: Vote to approve and release minutes of April 23, 2018 |
| 7:40 pm | 7.) | Consent |
| 7:45 pm | 8.) | Correspondence: Review |
| 7:50 pm | 9.) | Selectmen's reports and concerns |
| 7:55 pm | 10.) | Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any |
| 8:00 pm | 11.) | Adjourn |

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING APRIL 27, 2018**

1. CORRESPONDENCE

No comments.

2. GOVERNANCE GUIDELINES

Attached please find the latest draft of governance guidelines which incorporated your recent suggestions. We have identified a memo documenting that the Board of Selectmen voted to allow remote participation in January 2012. Since that time, the allowable reason for remote participation was modified to: remote participation is allowed if "physical attendance by a member of a public body is unreasonably difficult".

DRAFT MAY 7, 2018

**TOWN OF WAYLAND
GOVERNANCE GUIDELINES FOR
THE BOARD OF SELECTMEN AND
APPOINTED BOARDS, COMMITTEES, COMMISSIONS
REVISED: DATE**

1.0 Volunteer Appreciation

The Board of Selectmen thanks the members of all Boards, Committees and Commissions for giving their valuable time and effort to the improvement of the Wayland community.

2.0 Authority and Purpose of These Guidelines

The Wayland Board of Selectmen adopts these Guidelines for the governance of the Board of Selectmen and its appointed Boards, Committees and Commissions, referred to in this document as "public bodies". It is understood that elected public bodies including the Board of Assessors, Board of Health, Library Board of Trustees, Board of Public Works, Planning Board, Recreation Commission and School Committee possess independent authority to adopt these or separate Governance Guidelines consistent with law.

The purpose of these Guidelines is to promote among the Town's public bodies decision-making that is open, thoughtful, fact-based, respectful and fair, in compliance with Town bylaws and with all state and federal laws.

These Guidelines are superseded when in conflict with any federal or state law or Town by-laws.

The Board of Selectmen will review, revise and distribute the Guidelines annually.

3.0 Organization

3.1 Annual Organization Meeting: The Board of Selectmen will elect a chair at the first meeting following the conclusion of Annual Town Meeting. Other appointed public bodies must organize annually after Annual Town Meeting no later than July 1st. Public bodies will elect a Chair and any other necessary officers such as a Vice-Chair or Co-Chair, Clerk and Assistant Clerk.

3.2 Assignment to Department: Each public body will be assigned to a department of the Town which will provide a secure location to maintain minutes and records.

3.3 Responsibilities under Charge and Local and State Law: Each appointed public body will conduct its business under a Town by-law, state statute or under a charge adopted by the Board of Selectmen.

3.4 Annual Reports: Under Chapter 53 of the Town Code, all boards, commissions, committees, officers and agents of the Town shall submit a report to the Selectmen, not later than September 30 after the end of each fiscal year for publication each December in the Annual Town Report. The Selectmen shall notify all officers and agents of the Town and the Chairmen of all boards, commissions and committees of the final date for submitting such reports for publication. This notice shall be given by letter mailed or emailed in May of each year. If an appointed board, commission or committee of the Town, other than those created under the General Laws of the commonwealth, does not submit its written report on or before such final date for publication in the Annual Town Report, it shall be dissolved, except in such instances where the creating vote specifically provides that it is to report at longer given intervals, or unless the Town at the next annual Town meeting, by vote naming the board, commission or committee, continues it in existence.

3.5 Rules of Procedure and Voting: Public bodies must establish a quorum before any meeting is called to order. Each public body may establish rules of procedure and voting consistent with local, state and federal law. The rules of procedure should include when public comment may be allowed by the Chair.

3.6 Advisory Committees: The Board of Selectmen may appoint advisory committees for a specific purpose under a temporary charge.

4.0 Role of Members: A member of any public body will:

1. Respect the role of the Chair in setting agendas and facilitating meetings.
2. Respect decisions of the public body and recognize that members take action as part of a public body and may not conduct Town business independently of the public body except as authorized by a vote of the public body.
3. Recognize that action at an official legal meeting is binding and that an individual member cannot bind the public body outside of such meeting.
4. Not make statements or promises about how he / she will vote on matters that come before the public body until he / she has had an opportunity to hear the pros and cons of the issue during the body's public meeting.
5. Uphold the intent of Executive Sessions and respect the privileged communication that exists in Executive Session, holding it in confidence.

6. Assume a high level of integrity, striving toward fact - based and objective public statements and deliberations. Make decisions only after all facts on a question have been presented and discussed.
7. As a general rule, work with Town staff at the direction of the public body so that Town staff are not subject to conflicting direction.
8. If appointed by a majority of the public body, serve as a liaison to other public bodies.
9. Fulfill any training the Board of Selectmen may require so members can effectively fulfill their duties. Training may be provided at Town building, over the internet, or may require out of Town travel or require multiple sessions. Whenever training is required by the Town so that a volunteer can serve on a public body, the Town will pay for the costs of tuition and travel. All such costs must be approved in advance by a Department Head before the costs are incurred.
10. Be sworn in by the Town Clerk or Assistant Town Clerk after appointment or election and submit a letter of resignation to the Office of the Town Clerk when no longer willing or able to serve. New members of public bodies cannot vote until sworn in by the Town Clerk or Assistant Town Clerk. If a member wishes to resign before the end of a term he or she must submit to the Office of the Town Clerk a signed letter of resignation. The resignation is effective upon receipt by the Office of the Town Clerk unless a different date is specified. Upon expiration of a term, appointed members will continue to hold office until a successor is appointed.

5.0 Role of Chair and Vice Chair: The Chair will set meeting agendas, convene all meetings, and execute documents as authorized by the public body. The Chair will act only under authority provided by a quorum of the public body. The Chair will serve as the public body's primary contact with Town staff. As a general rule, the Chair will solicit the opinions of all members prior to stating his or her personal opinion on any agenda item before the public body. The Chair will be responsible for ensuring the proper preparation and disposition of all minutes under the Open Meeting Law. The Vice Chair will fulfill the duties of the Chair in his or her absence.

6.0 Role of Clerk: Although Town staff may record minutes for some public bodies, the public body is encouraged to elect a Clerk or individual member who takes responsibility for ensuring minutes are recorded, created and submitted for approval and filed along with supporting documents as a permanent record in the office of the assigned Town department.

6.0 Open Meeting Law

6.1 Requirement to comply with the Open Meeting Law: Public bodies must comply with all parts of the Open Meeting Law. Public bodies subject to the Open

Meeting Law include any sub-committee of two or more members assigned by the public body to conduct business. Please refer to the MA Attorney General's Open Meeting Law Guide which is available on the Town website and through the Wayland Town Clerk and includes the following information important for members to know:

1. Definition of a public body
2. Definition of a meeting / 5 exceptions to the definition
3. Definition of a meeting quorum
4. Requirements for posting meetings
5. Ten legal purposes for executive sessions
6. Requirements to allow remote participation
7. Required public participation.
8. Required records for open and executive Sessions
9. Open Meeting Law complaint process
10. Determinations by the Attorney General that the public body was found in violation of the Open Meeting Law over the past five years.

The Town Administrator is available to provide or obtain assistance on Open Meeting Law questions. You may also contact the Division of Open Government at (617) 963-2540 or e-mail openmeeting@state.ma.us.

6.2 Meeting Notices: All public bodies must comply with the Open Meeting Law, including but not limited to filing meeting agendas with the Town Clerk at least 48 hours in advance of the meeting. Saturdays, Sundays and legal holidays are excluded in the calculation of the 48 hours. The agenda may be filed with the Town Clerk in person or e-mailed to the Town Clerk at Townclerk@wayland.ma.us. Agendas must be received by the Town Clerk at least 30 minutes before the end of business in order to be posted the same day. Agendas received after the close of business will not be posted until the next day. Please contact the Town Clerk's office if you have a late filing. The agenda must include a list of topics that is sufficiently specific to reasonably inform the public of the items to be discussed at the meeting. The agenda must also include any Executive Sessions planned, citing one of the 10 legal purposes for calling an Executive Session.

6.3 Revised Agendas: If an agenda item is received by the Chair within 48 hours of a posted meeting, and the agenda item could not be reasonably anticipated by the Chair more than 48 hours before the meeting, the Chair may revise the posted agenda to include the new agenda item. It is preferred that agendas are revised only when the agenda item arises because of an emergency, which is defined as a sudden and generally unexpected occurrence or set of circumstances, demanding immediate action. All other matters should be heard at a later meeting of the public body. If you are filing a revised agenda it should be marked "REVISED" with the date and any changes or additions should be highlighted.

6.4 Requirement for Meeting Minutes: The Open Meeting Law requires public bodies to create and approve minutes in a timely manner. The Public Records Law requires that existing minutes be made available to the public within 10 days upon request, whether these minutes have been approved or are in draft form. Materials or other exhibits used by the public body in an open meeting must also be made available to the public within 10 days of request. Minutes of all staffed public bodies will be posted to the website by departmental staff. Minutes of all other public bodies will be emailed to townclerk@wayland.ma.us to be posted on the Town website.

6.5 Contents of Minutes: Minutes must include the name of the public body, the date, time, and place of the meeting, the names of members present and absent, the names of staff present, and the substance of all discussion including all subjects acted upon or heard. Minutes must include a full and complete record of all motions proposed for vote and will include the exact vote, the names of the mover and the seconder for each motion, and the names of those voting against each motion. A verbatim record of meetings is not required.

6.6 Draft Minutes: Once created, draft regular meeting minutes are a public record available to the public, even if the minutes have not been presented at a meeting.

6.7 Executive Session Minutes: Minutes must be created for all Executive Sessions. Executive Session Minutes must not be released to the public until the reason for calling an Executive Session has ended, after which Executive Session Minutes must be reviewed and voted for approval and release by the public body.

6.8 Recording of Meetings: Any member of the public has the right to make an audio or video recording of an open session of a public meeting, but must notify the Chair before recording. The Chair must inform attendees of any such recording at the beginning of the meeting including that the meeting will be broadcast on the Way-Cam government access channel. The Chair may impose reasonable requirements regarding audio or video equipment so recording does not interfere with the meeting.

6.9 Public Participation: Under the Open Meeting Law, the public is permitted to attend open meetings of public bodies. The public is excluded from an executive session that is called for a valid legal purpose cited in the agenda. The amount of time a member of the public will be allowed to speak to a public body will be determined at the discretion of the Chair. While the public is permitted to attend an open meeting, an individual may not address the public body without permission of the Chair. An individual is not permitted to disrupt a meeting of a public body, and at the request of the Chair, all members of the public will be silent. If after clear warning, a person is disruptive, the Chair may order the person to leave the meeting, and if the person does not leave, the Chair may authorize a police officer to remove the person.

6.10 Remote Participation at Meetings: The Town of Wayland permits remote participation. Members of Town boards and committees may participate and vote by

teleconference, audio-conference or other means that allows all persons present, including the audience and the member participating remotely, to hear the proceedings. Under state regulation, remote participation is allowed if physical attendance by a member of a public body is unreasonably difficult.

All votes taken at such meetings where a member participates remotely must be taken by roll call vote and a quorum of members must otherwise be present, not including the remote participant. The minutes should state the name of any member who is voting remotely. No remote participant may chair a meeting.

6.11 Open Meeting Law Complaint Process: Individuals who allege a violation of the Open Meeting Law must first file a complaint with the public body alleged to have violated the OML within 30 days of the date of the violation or the date the complainant could have reasonably known of the violation. The full complaint process, including the required response of the public body to the complainant within 14 days of receipt of the complaint is included in the Attorney General's Open Meeting Law Guide. Please provide a copy of all Open Meeting Law complaints to the Town Administrator's Office.

Within 14 business days of the date on which the complaint was filed, the public body must review the complaint and send to the Attorney General's Office (AGO) a copy of the complaint along with a description of any action taken to resolve the issue that was raised by the complaint. Within seven business days of the date that the complaint was filed, the public body may request additional information from the person making the complaint if necessary to resolve the complaint. The person making the complaint shall provide the additional information to the public body within 10 business days, and the public body shall have 10 additional business days (total 24 business days from the date complaint was originally filed) to act on the complaint and notify the AGO.

The public body may request additional time to consider taking remedial action and must make that request in writing to the AGO, to the Attention of the Director of the Division of Open Government. The AGO may, at its discretion, grant additional time to the public body if it determines there is a showing of good cause to grant the extension.

7.0 Use of E-Mail to Conduct Business

7.1 E-Mail and Public Records Law: E-mail communication created or received by a member of a public body while acting in his or her capacity as a member of the public body, is considered a public record and is subject to a public records request under the Public Records Law even if the e-mail is received by or created on a private computer or sent to only one individual. The Town will assign e-mail

addresses to all members of appointed and elected boards and committees which must be used for all town business to avoid violations of the Public Records Law. I

7.2 E-Mail and Open Meeting Law: Whenever one member of a public body uses e-mail to discuss the public body's business (except for administrative matters such as scheduling and the transmission of documents) with a quorum of the members, it constitutes "deliberation" and is in direct violation of the Open Meeting Law. E-mail communication between less than a quorum of a public body is also in violation of the Open Meeting Law if the e-mail between less than a quorum of members is later forwarded to or discussed with additional members outside of a public meeting, thus unintentionally creating a quorum.

7.3 Board of Selectmen Guideline on E-Mail: To avoid violations of the Open Meeting Law and the Public Records Law, it is preferred that e-mail between members of the Town's public bodies be restricted to scheduling meetings and distribution of agendas, documents and reports.

8.0 Code of Ethics and Code of Conduct

8.1 Code of Ethics: All members of public bodies are sworn in by the Town Clerk to uphold all state and local laws applicable to the public body's jurisdiction. Members must comply with the state ethics law (MGL Chapter 268A) regarding the conduct of public officials. Members must complete required ethics training and on-line tests. A member is required under the law to not vote on any matter in which the member or an immediate family member has a financial interest. Members are encouraged to recuse themselves if there is an "appearance" of a conflict of interest.

8.2 Standard of Conduct: All members will treat the public, applicants before the public body, Town employees and other members with respect and courtesy. The members and Chair of a public body should take time to listen to individuals speaking to the body. The Chair should make sure members of the public who are present also accord those speaking with respect and an opportunity to be heard uninterrupted.

8.3 Absences: The absence without appropriate explanation of any member of an appointed body from a majority of meetings held over a one year period or from three consecutive meetings may serve to vacate the office. The decision to recommend that the office be vacated will be made by a majority vote of other members of the public body and then transmitted to the Board of Selectmen.

8.4 Members are Bound by Applicable Personnel Policies and Law: Members of public bodies, when acting in their official capacity, are subject to any applicable state law and Town policies including those prohibiting sexual harassment, discrimination and workplace violence. Any allegation of misconduct made by the public, Town staff or a fellow member will be reported immediately to the Town Administrator.

8.5 Litigation against Town by a Member of an Appointed Public Body: An appointed member of any appointed public body may be temporarily suspended by the Board of Selectmen during a lawsuit filed by the member against the Town in a court of competent jurisdiction in the state of MA.

8.6 Removal under this Section: The Board of Selectmen, under such procedures it may adopt, may remove a member from an appointed public body for violations of this section.

9.0 Town Meeting and Public Bodies: Upon a majority vote, public bodies may sponsor and submit to the Board of Selectmen articles for the Board's consideration for inclusion in Annual and Special Town Meeting warrants. Articles submitted by committees that are advisory to the Selectmen shall be submitted and sponsored by the Board of Selectmen.

10.0 Policy on Legal Services

All requests for legal opinions will be made through the Town Administrator under the Board's policy on legal affairs of the Town.

SUPPLEMENTAL DOCUMENTS REFERENCED ABOVE:

1. Checklists for Public Bodies, 2. MGL 30, Section 21 (a): Allowable Reasons for an Executive Session; 3. Legal Affairs Policy;

DATE OF ADOPTION / AMENDMENT: _____

Public Body Checklist for Posting a Meeting Notice

Issued by the Attorney General's Division of Open Government – September 25, 2017

Notice Contents

- ☐ The notice contains the date, time, and location of the meeting. G.L. c. 30A, § 20(b).
- ☐ If the meeting is a joint meeting of several public bodies, the names of all bodies meeting are listed at the top of the notice.
- ☐ The notice contains all of the topics that the chair reasonably anticipates will be discussed at the meeting. The topics are sufficiently specific to reasonably advise the public of the issues to be discussed at the meeting, including executive session topics. G.L. c. 30A § 20(b); 940 CMR 29.03(1)(b).
- ☐ The notice is printed in a legible, easily understandable format. G.L. c. 30A, § 20(b).
- ☐ The date and time that the notice is posted is conspicuously recorded on or with the notice. 940 CMR 29.03(1)(d). If the notice is amended within 48 hours of a meeting, not including Saturdays, Sundays, and legal holidays, then the date and time that the meeting notice is amended must also be conspicuously recorded on or with the notice. 940 CMR 29.03(1)(d).

Notice Publication

- ☐ The notice is published at least 48 hours before the meeting, not including Saturdays, Sundays and legal holidays. G.L. c. 30A, § 20(b).
- ☐ The notice is posted with the proper authority:
 - o Local public bodies – Filed with the municipal clerk, who must post it in a location conspicuously visible to the public at all hours in or on the municipal building where the clerk's office is located, or to the municipal website if adopted by the municipality as the official method of posting notices. G.L. c. 30A, § 20(c); 940 CMR 29.03.
 - o State public bodies – Posted to a website, and a copy sent to the Secretary of State's Regulations Division. G.L. c. 30A, § 20(c).
 - o Regional public bodies – Posted in every municipality within the region, unless the public body has adopted an alternative notice posting method. G.L. c. 30A, § 20(c); 940 CMR 29.03.
 - o County public bodies – Filed with the office of the county commissioners and a copy of the notice is publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for the purpose, unless the county has adopted its website as the official method for posting notices. G.L. c. 30A, § 20(c); 940 CMR 29.03.

Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. These checklists are updated periodically, so please check that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at openmeeting@state.ma.us. For more information on the Open Meeting Law, please visit www.mass.gov/ago/openmeeting.

Public Body Checklist for Creating and Approving Meeting Minutes

Issued by the Attorney General's Division of Open Government – September 25, 2017

- ☐ Minutes must accurately set forth the date, time, place of the meeting, and a list of the members present or absent. G.L. c. 30A, § 22(a).
- ☐ Minutes must include an accurate summary of the discussion of each subject. See G.L. c. 30A, § 22(a). The summary does not need to be a transcript, but should provide enough detail so that a member of the public who did not attend the meeting could read the minutes and understand what occurred and how the public body arrived at its decisions.
- ☐ The minutes must include a record of all the decisions made and the actions taken at each meeting, including a record of all votes. G.L. c. 30A, § 22(a).
- ☐ The minutes must include a list of all of the documents and other exhibits used by the public body during the meeting. G.L. c. 30A, § 22(a). Documents and exhibits used at the meeting are part of the official record of the session, but do not need to be physically attached to the minutes. See G.L. c. 30A, §§ 22(d), (e).
- ☐ If one or more public body members participated remotely in the meeting, the minutes must include the name(s) of the individual(s) participating remotely. 940 CMR 29.10(7)(b).
- ☐ If one or more public body members participated remotely in the meeting, the minutes must record all votes as roll call votes. 940 CMR 29.10(7)(c).
- ☐ Executive session minutes must record all votes as roll call votes. G.L. c. 30A, § 22(b).
- ☐ The minutes must be approved in a timely manner. G.L. c. 30A, § 22(c). A “timely manner” will generally be considered to be within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay. 940 CMR 29.11(2).

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Public Body Checklist for Entering Into Executive Session

Issued by the Attorney General's Division of Open Government – March 12, 2013

- ☐ Executive session listed as a topic for discussion on meeting notice, including as much detail about the purpose for the executive session as possible without compromising the purpose for which it is called. See G.L. c. 30A, § 20(b); 940 CMR 29.03(1)(b).
- ☐ Public body convened in open session first. G.L. c. 30A, § 21(b)(1).
- ☐ Chair publicly announced the purpose for executive session, citing one or more of the 10 purposes found at G.L. c. 30A, § 21(a).
- ☐ Chair stated all subjects that may be revealed without compromising the purpose for which the executive session was called. G.L. c. 30A, § 21(b)(3). For example, the Chair identified the party a public body may be negotiating with or the litigation matter the public body will be discussing.
- ☐ Chair stated whether the public body will adjourn from the executive session, or will reconvene in open session after the executive session. G.L. c. 30A, § 21(b)(4).
- ☐ For Executive Session Purposes 3, 6, and 8:
 - ☐ Chair publicly stated the having the discussion in open session would have a detrimental effect on the public body's negotiating position, bargaining position, litigating position, or ability to obtain qualified applicants. G.L. c. 30A, §§ 21(a)(3), (6), (8).
- ☐ A majority of members of the body voted by roll-call to enter into executive session. G.L. c. 30A, § 21(b)(2).

Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at openmeeting@state.ma.us. For more information on the Open Meeting Law, please visit www.mass.gov/ago/openmeeting.

MGL 30 A, Section 21 (a)

Section 21. (a) A public body may meet in executive session only for the following purposes:

(1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

- i. to be present at such executive session during deliberations which involve that individual;
- ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
- iii. to speak on his own behalf; and
- iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;
4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;
8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;
9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:
 - (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
 - (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or
10. to discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

MANAGEMENT OF THE LEGAL AFFAIRS OF THE TOWN

I. GENERAL AUTHORITY, RESPONSIBILITY, AND ACCOUNTABILITY

The Board of Selectmen shall supervise the legal affairs of the Town and shall have full authority as the agent of the Town to employ Counsel to commence, prosecute and defend suits in the name of the Town unless otherwise especially ordered by a vote of the Town. (See section 58-1 of the Town Code as amended in 2014.)

The Town Administrator is responsible for oversight of Town legal activities. (See Section 60.2.1 of the Town Code). Oversight includes but is not limited to managing access to Town Counsel, procurement of legal services, management of the legal budget and making recommendations to the Selectmen for approval of legal bills.

Town Counsel will maintain a log of all ongoing legal matters assigned to Town Counsel and will make a semi-annual report to the Board of Selectmen on the status of each matter. Legal bills will be presented in line item form on each subject upon which Counsel advises. Legal bills will specifically reference legal costs applicable to enterprise funds or the School Committee.

II. APPOINTMENT OF TOWN COUNSEL

The Board of Selectmen will appoint by majority vote an attorney or law firm, on the basis of qualifications and cost, to serve as Wayland Town Counsel to provide legal advice to the Board of Selectmen, Town Administrator, Town Departments, and other appointed and elected governmental bodies of the Town.

Town Counsel will be available to advise the School Department which may also be represented by separate Counsel appointed by the School Committee.

The Board may, as it sees fit, seek proposals from attorneys and law firms to serve in the capacity of Town Counsel. The Board of Selectmen will approve the contract terms for the engagement of Town Counsel, which will include but not be limited to terms for evaluation, reappointment and removal.

III. ACCESS TO TOWN COUNSEL

All requests for access to Town Counsel from Departments, Boards and Committees shall be approved by the Town Administrator or the Board of Selectmen as indicated below. Except for Town Meeting petitioners, citizen requests for access to Town Counsel are not generally granted.

1. Requests for Advice on Routine Legal Matters

Governmental bodies, municipal officials, and department directors may request advice from Town Counsel on routine legal matters through a written or electronic request to the Town Administrator. The request will include a specific legal question and sufficient background information to understand the request. Such written requests are necessary only for new legal matters and can be waived at the discretion of the Town Administrator. The purpose of this requirement is to use Counsel to respond to legal questions only and to promote the appropriate use of other available

legal resources including but not limited to legal resources available through offices of state government.

2. Requests for Formal Written Legal Opinions

The Town Administrator may request a written legal opinion when necessary to comply with what he or she believes is the general direction of the Board of Selectmen. Other governmental bodies, municipal officials, and department directors may request formal written legal opinions through a written or electronic request to the Town Administrator who shall forward a recommendation on the request to the Board of Selectmen for consideration and approval. The request will include a specific legal question and sufficient background information to understand the request. Requests from governmental bodies for formal written legal opinions must be pursuant to a majority vote of the body.

The formal opinions of the Town Counsel shall be delivered in writing, and a permanent public file of such opinions shall be established under the care of the Town Administrator which, if deemed a public record, shall be made available for inspection to those requesting it.

3. Approval for Representation of the Town in Litigation

Approval of the Board of Selectmen is required to commence, prosecute and defend suits in the name of the Town unless otherwise especially ordered by a vote of the Town.

IV. PETITIONERS' ACCESS TO TOWN COUNSEL

Subject to these guidelines, Town Counsel is available to consult with registered voters who have been identified as the lead petitioner and desire to submit or who have submitted an article for consideration at an annual or special town meeting, as a "petitioner's article" without sponsorship of a town board.

1. Town Counsel's consultation is limited to (1) suggesting language that reflects the petitioner's legislative intent in presenting articles for insertion in the warrant; (2) suggesting language to insure compliance with procedural requirements; and (3) preparing the main motion for Town Meeting. Town Counsel will not render written opinions or give advice to petitioners about substantive legal issues relative to their articles.
2. Prior to the deadline for filing articles for insertion in the warrant for the annual Town Meeting, the Selectmen will conduct a "petitioners' workshop" at which prospective petitioners may ask general questions. The Town Administrator shall set reasonable limits on the scope of lead petitioner inquiries and the time allocated for consultation with Town Counsel.
3. Town Counsel may decline to assist the lead petitioner if Town Counsel states in writing that such assistance would present Town Counsel with an actual conflict of interest, and gives the basis for the conflict of interest. The Town Administrator may assign Special Counsel to assist the lead petitioner as appropriate.

4. Access to Town Counsel during Town Meeting sessions is not permitted.

V. APPOINTMENT OF SPECIAL COUNSEL

Requests to the Board of Selectmen to seek Special Counsel originate from: 1) the Board of Selectmen, 2) Town Counsel, 3) the Town Administrator, or 3) other appointed or elected bodies of the Town.

Requests must clearly state:

- 1) the legal work requested,
- 2) the estimated length and costs of the engagement, and
- 3) the reason appointment of Special Counsel is in the best interest of the Town.

The Board of Selectmen will appoint Special Counsel based on a majority vote on the basis of cost and the qualifications to undertake the legal work requested.

Unless specified by the Board of Selectmen, Special Counsel will be advisory to the Board of Selectmen and under the supervision of the Town Administrator or as delegated by the Town Administrator to a Department Head. The Town Administrator will maintain a log of all ongoing legal matters assigned to Special Counsel. Special Counsel will make a report to the Board of Selectmen on the status of each matter as required. Legal bills will be presented in line item form on each subject upon which Counsel advises.

Approved January 12, 2004; revised and restated on October 13, 2010; Revised July 27, 2015



NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
DOUGLAS A. LEVINE

DRAFT

Board of Selectmen

Meeting Minutes

April 23, 2018

7:00pm

**Selectmen's Meeting Room
41 Cochituate Road, Wayland**

Attendance: C. Karlson, Lea T. Anderson, Mary M. Antes, Louis M. Jurist (arrived at 8:02pm), Douglas A. Levine

Also Present: Town Administrator N. Balmer

A1. Call to Order by Chair L. Anderson called the meeting of the Board of Selectmen to order at 7:02 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

A2. Announcements and Public Comment M. Antes announced the METCO 50th Anniversary Celebration will be this Sunday. The Rail Trail clearing sponsored by historical commission will be May 5 & 6. The Domestic Violence Roundtable Annual Shower for Shelters will be from April 20-May 6, and the Library will collect unwrapped gifts for people living in shelters. The aerial application Mosquito Control Project to apply larvicide by helicopter will take place between April 23-27.

Sally Cartwright, Board of Library Trustees, resident of Cochituate Road, asked the Board to please expedite the demolition of the DPW Building that has been abandoned at 195 Main Street and to safely dispose of any hazardous materials. She thanked D. Levine for his efforts to have the work completed at the Rte. 27/30 intersection.

Linda Segal, Aqueduct Road, suggested three corrections to the minutes of meetings before Annual Town Meeting on April 2 and 5, and also referred to the period of time where no documents were submitted to the Selectmen. She expressed concern with a confidential survey as outlined in the proposed volunteer appointment process in the packet.

Bill Sterling, member of COA/CC, checking in with the Board about the Committee's next meeting and the status of their charge. C. Karlson provided a brief update on the outstanding items in the existing charge.

Fire Chief D. Houghton responded to public comment about 195 Main Street and summarized the efforts to move forward. He announced that the Fire Department received a grant package application for developing a Vulnerability Plan with a May 11 deadline. They will need a signed letter from Chair of BoS or Town Administrator to apply. Also, he mentioned that in his opinion, the bargaining agreement that the Board will discuss later is fair, complete and was funded at Annual Town Meeting.

Carole Plumb, Bald Rock Rd., asked if the Board will have a Town Meeting review session. L. Anderson said they will have one on May 7. C. Plumb also asked if Board of Selectman set objectives and goals for themselves.

Tom Maglione, Rice Road, discussed Town Meeting and urged the BoS to schedule it at a later time after school vacation. He thinks it is bad practice that Town Meeting is held during religious holidays, and he discussed his concerns about the relationship between the Annual Town Meeting and the Schools.

A4. River's Edge Update: Meet with Town Engineer Town Engineer Paul Brinkman came before the Board to provide an update on the River's Edge project. He went over the past timeline of dealing with DEP, stating DEP has been a reluctant partner. Feedback has been inconsistent with changing sampling protocols. Recently, he met with DEP on site to review the dirt pile, and the DEP thought the new plan was something that could be modified. P. Brinkman warned the Board that the costs are likely to increase even in the best circumstances. He hopes to have the plan modified and re-released to the DEP, and once it's approved they can start with the process. D. Levine asked the best and worst-case scenarios of when this can be done. P. Brinkman and N. Balmer went over dates (May/June) and the upcoming extension with Wood Partners at the end of May. L. Segal asked if LSP Ben Gould is still working with him. P. Brinkman replied affirmatively.

A7. Special Act Relative to the Prevailing Wage for Affordable Housing: Vote to approve letter to legislative delegation The Board reviewed the letters in the packet. C. Karlson moved, seconded by M. Antes, that the Board of Selectmen authorize the Chair to sign these letters regarding a special act relative to the Prevailing Wage for Affordable Housing. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A6. Governance Guidelines: Review, revise, and discuss distribution N. Balmer said these guidelines are being used by department heads. The Guidelines call for annual review by the Board. C. Karlson had 2 edits to the guidelines. M. Antes asked about the process for posting minutes and who can upload them to the website. N. Balmer said because of the new website more users can be added to upload minutes. The Board found several other grammatical edits. N. Balmer said Town Clerk B. Klein also has a list of edits. The Guidelines will be edited and brought back for further review.

A8. Cable: Discuss next steps and vote to approve letter to Comcast D. Levine has agreed to work on this project. N. Balmer said the next three steps are to approve the letter in the packet, put together a negotiating team, and encumber funds of \$20,000 to carry over for related legal fees. She said the cable contracts are good for 10 years. WayCam's role in this was discussed.

C. Karlson moved, seconded by D. Levine to authorize the chair to sign the letter to Comcast regarding the upcoming cable renewal process. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A9. Successor Collective Bargaining Agreement: Vote to sign the successor agreement between the Town and the International Association of Firefighters, Local 1978 for the period July 1, 2017 through June 30, 2020 M. Antes moved, seconded by D. Levine, that the Board of Selectmen vote to sign the successor agreement between the Town and the International Association of Firefighters, Local 1978 for the period July 1, 2017 through June 30, 2020. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A10. 11 Hammond Road: Vote to waive Building Department fees for Affordable Housing Trust Project N. Balmer explained that the Building Commission is not currently permitted to waive fees. She asked the Building Commissioner to give the Board of Selectmen a recommended policy for waiving fees for 11 Hammond Road. She also asked for a policy that will give the Town a permanent solution, so the Building Commissioner may consider waiving fees in the future. N. Balmer briefly discussed the policy. C. Karlson suggested the policy include town land. N. Balmer said she will take the language and translate into a permanent policy. M. Antes recused herself from the vote.

C. Karlson moved, seconded by D. Levine, to vote to approve the Building Commissioner's recommendation on the policy for Building Department fees associated with the Affordable Housing Trust Project at 11

Hammond Road. YEA: L. Anderson, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: M Antes. Adopted 3-0-1.

L. Jurist arrived at 8:02 p.m.

A13. Minutes: Vote to approve and release minutes of March 26, 2018; April 2, 2018; April 3, 2018; April 5, 2018; and April 9, 2018. C. Karlson moved, seconded by D. Levine, to approve the minutes of March 26, 2018; April 2, 2018; April 3, 2018; April 5, 2018; and April 9, 2018, as amended. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A3. Organization of the Board: Vote to elect officers The Board decided to retain the present organizational structure.

M. Antes moved, seconded by D. Levine, to vote that L. Anderson serve as Chair and C. Karlson serve as Vice Chair. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Board Liaison Assignments: Review, discuss, and assign The Board reviewed the assignments. C. Karlson said she is happy to take the COA/CC Committee for now. She suggested not listing any projects and to balance the workload. The Board decided that the chair should be the central point of contact for the Collins Center and the TA search process. N. Balmer stated the reaffirmed liaison assignments will go out to Boards and Committee after final review by the Board.

A11. Town Administrator Search Committee: Discuss process The Board published a request for candidates for a Town Administrator search screening committee. Seven letters of interest have been received to date and the deadline is tomorrow. On April 17, Bernie Lynch of Community Paradigm met with most of the department heads and individual Board of Selectmen members. Applicants for the Screening Committee need to be available to interview applicants during mid to late June during the afternoon. There should be 5-7 members at the most, and they should include a member of the Personnel Board and an elected official, who can be a member of the Board of Selectmen. L. Anderson will review the applicants and bring a suggested committee list back to the Board at the next meeting. The Board asked that the community forum be taped by WayCam.

A12. Town Administrator's Report N. Balmer reported that both the northern and southern CVS stores now use recyclable bags. N. Balmer said they are looking at new chairs for the Board Selectmen's meeting room. The Board of Public Works is looking at the date of May 16 for the Board to hold a special meeting on private roads.

- 1. Correspondence** No comments this week.
- 2. Collins Center Special Act** N. Balmer said the role of Finance Committee and Board of Selectmen would change if there is a Town Administrator/Manager Special Act. Consensus of the Board is to strive for an accelerated approval schedule. She discussed the three questions for the Board to consider asking when it meets with Department Heads. The Collins Center will provide a final memo on financial policies as well as attend two more meetings. They offered to continue on with their work after July 1st. The estimated cost would be \$6,000 through Dec. 31, 2018. The consensus of the Board is to continue through the end of the year.
- 3. Staffing Update** N. Balmer gave an update on staffing. Assistant Town Administrator E. Doucette has also been given oversight of the IT Department and is shadowing N. Balmer to provide back up on other topics. N. Balmer said she will report to the Board about the future of the IT Department at the next meeting. She reported that a long term temp has been brought in for the Executive Assistant position and has capably taken on the job duties. D. Porter has taken over duties of the HR Assistant as well as other areas of work that interest him as time permits. N. Balmer reported the Town has been unable to fill the position of Human Resources Director and listed reasons potential

candidates have declined the position. A member of the Personnel Board will step in and participate in the Police negotiations. She stated that she is handling day-to-day management HR issues.

4. **Volunteer Recruitment and Education** N. Balmer and the Board discussed the memo that outlined a proposed schedule for the recruitment of new volunteers and re-appointment of current volunteers.

A14. Consent Calendar: Review and vote to approve (See Separate Sheet) M. Antes moved, seconded by C. Karlson, to approve the Consent Calendar. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A15. Review Correspondence: (See Separate Index Sheet) C. Karlson thanked N. Balmer for reaching out to Rep. Gentile. N. Balmer said she has a follow up on Eversource from L. Hanson for the Board. L. Anderson said she's happy to see the report from the Health Director about the future of permit programing.

A16. Selectmen's Reports and Concerns L. Anderson attended a meeting with Rep. Katherine Clark and said it was an excellent discussion of issues faced by the towns in her district. L. Anderson brought up the federal tax law changes and the potential impact on high property tax communities. Other subjects discussed included storm water, housing, and transportation. M. Antes stated that the Metro West Regional Collaborative meeting is Thursday at the Public Safety Building in Wayland. The housing choice meeting of the 495 Partnership will be held tomorrow morning.

A17. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any None.

A18. Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(1) to hear a complaint against public officials and Massachusetts General Laws Chapter 30A, Section 21(a)(7) to comply with the statutory requirements of Massachusetts General Laws Chapter 214, Section 1B with respect to the privacy rights of an individual: The Board will convene an executive session pursuant to these statutes to discuss, deliberate and take appropriate action with respect to an Open Meeting Law complaint filed by George Harris with respect to the Board of Selectmen's executive session held on March 6, 2018. M. antes seconded. L. Anderson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(1) to hear a complaint against public officials and Massachusetts General Laws Chapter 30A, Section 21(a)(7) to comply with the statutory requirements of Massachusetts General Laws Chapter 214, Section 1B with respect to the privacy rights of an individual: The Board will convene an executive session pursuant to these statutes to discuss, deliberate and take appropriate action with respect to an Open Meeting Law complaint filed by George Harris with respect to the Board of Selectmen's executive session held on March 6, 2018. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Chair invites attendance by Nan Balmer, Town Administrator. The Board will reconvene in open session in approximately 15 minutes to adjourn. No additional public business will be discussed in open session tonight.

The Board returned to open session at 9:24pm.

A10. Adjourn C. Karlson moved, seconded by L. Jurist, to adjourn the meeting at 9:25 pm. YEA: L. Anderson, M. Antes, D. Levine, L. Jurist, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of April 23, 2018.

1. Public Notice regarding the aerial application of biological larvicide by the East Middlesex Mosquito Control Project
2. Email from Tom Holder, DPW Director, dated April 23, re: MassDOT Bridge Inspection Report

Items Included as Part of Agenda Packet for Discussion During the April 23, 2018 Board of Selectmen's Meeting

1. Board of Selectmen Policy on Officers and Meetings (revised on July 13, 2015)
2. Board of Selectmen Policy on Liaison Program (approved May 1, 2017)
3. Board of Selectmen Liaison Assignments for April 2017 through April 2018
4. Town of Wayland Governance Guidelines for the Board of Selectmen and Appointed Boards, Committees, and Commissions (adopted June 5, 2017)
5. Draft letter from the Chair of the Board of Selectmen to Senator Ross, Representative Gentile, and Representative Peisch, re: Act Relative to the Prevailing Wage for Affordable Housing in the Town of Wayland
6. Draft letter from the Chair of the Board of Selectmen to Governor Baker and Secretary Ash, re: Act Relative to the Prevailing Wage for Affordable Housing in the Town of Wayland
7. Annual Town Meeting Vote Certificate for Article 29: An Act Relative to the Prevailing Wage for Affordable Housing in the Town of Wayland
8. Board of Selectmen Vote Certificate to approve the petition to the State Legislature seeking exemption from sections 26 through 27H of Chapter 149 of the General Laws for affordable-related projects estimated to cost \$30,000 or less.
9. Copy of Article 29 from 2018 Annual Town Meeting
10. Draft letter from the Chair of the Board of Selectmen to Timothy Murnane, VP of Government and Regulatory Affairs, Comcast, re: Wayland Massachusetts License Renewal Process
11. Memorandum from Nan Balmer, dated April 23, 2018, re: Vote to sign Collective Bargaining Agreement: Firefighters
12. Memorandum from Nan Balmer, dated April 23, 2018, re: Request for waiver of fees from the Affordable Housing Trust for its project at 11 Hammond Road
13. Town Administrator's Report for the week ending April 20, 2018
14. Memorandum from David Porter, dated April 23, 2018, re: Volunteer recruitment
15. Draft minutes of the Board of Selectmen meetings held on March 26, 2018; April 2, 2018; April 3, 2018; April 4, 2018; and April 10, 2018

BOARD OF SELECTMEN

**Monday, May 7, 2018
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road**

CONSENT CALENDAR

1. Vote the question of approving and signing the weekly payroll and expense warrants
2. Vote the question of approving the invoice for KP Law, dated April 26, 2018, Invoice No. 115799, for legal services rendered through March 31, 2018: \$12,229.38
3. Vote the question of approving the invoice for Mark J. Lanza, dated April 30, 2018, for legal services rendered through April 26, 2018: \$2,120.00
4. Vote to appoint Reverend David O'Leary to the Wayland Housing Partnership, effective immediately, for a term to expire June 30, 2021
5. Vote the question of approving the placement of two temporary sandwich board signs for the Eric Chase Blood Drive from June 4-9, 2018, at the Intersections of Route 27/126 and Route 20/126 advertising the Eric Chase Blood Drive to be held on Saturday June 9, 2018 at Wayland High School

KP LAW, P.C.
101 ARCH STREET
BOSTON, MA 02110
(617) 556-0007

RECEIVED
APR 30 2018
Board of Selectmen
Town of Wayland

INVOICE NO: 115799

WAYLAND TOWN HALL
41 COCHITUATE ROAD
WAYLAND, MA 01778

IN REFERENCE TO: PROFESSIONAL SERVICE
THROUGH

March 31, 2018

April 26, 2018

TOTAL FEES:	\$12,079.00
TOTAL COSTS:	<u>\$150.38</u>
BALANCE DUE:	<u>\$12,229.38</u>

Mark J. Lanza
Attorney at Law
9 Damonmill Square - Suite 4A4
Concord, MA 01742
Tel. # (978) 369-9100
Fax # (978) 369-9916
e-mail: mjlanza@comcast.net

INVOICE - TOWN OF WAYLAND - 4/30/2018

SUMMARY

FEE CALCULATION: 11.8 HOURS X \$175.00 PER HOUR =	\$2,065.00
DISBURSEMENTS (See below for detail)	55.00
TOTAL 4/30/18 INVOICE.....	<u>\$2,120.00</u>

DISBURSEMENTS

4/19/18	Mileage: 44 @ \$.50	22.00
4/19/18	Parking	28.00
4/19/18	Tolls	5.00
Total Disbursements		<u>\$ 55.00</u>



Good Shepherd Parish

12 March 2018

Ms. Beth Klein
Town Clerk
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Greetings Ms. Klein!

I would like to join the Wayland Housing Partnership Board as the clergy representative.

I have been a member of the Wayland Interfaith Leaders Association since I assumed my duties here at Good Shepherd Parish.

Reverend Dr. Stephanie May has told me about the work of the WHP Board.

Attached is my C.V. for your consideration.

I am a registered voter in Wayland, living at 124 Cochituate Road.

Peace,

Reverend David O'Leary, S.T.L., D.Phil.
Administrator
Good Shepherd Parish

10 MAR 15 PM 3:18

TC

Office: Pastoral Center 99 Main Street Wayland, MA 01778

Phone: 508-650-3545 Fax: 508-655-6948

St. Ann Church 134 Cochituate Road and St. Zepherin Church 99 Main Street Wayland, MA 01778

Email: Parish@GoodShepherdWayland.org Web: GoodShepherdWayland.org

Reverend David M. O'Leary, S.T.L., D.Phil.
Administrator – Good Shepherd Parish, Wayland, MA

[REDACTED]

EDUCATION:

- 1999 Doctor of Philosophy (D.Phil.)
Concentration: Medical & Theological Ethics
University of Oxford, Christ Church, Oxford England
Dissertation: "The Roman Catholic Perspective on the Morality of
Withdrawing or Withholding Food and Fluid Administered to an
Individual in the Persistent Vegetative State"
- 1990 Licentiate in Sacred Theology (S.T.L.)
Concentration: Moral Theology/Catholic Social Ethics
Weston Jesuit School of Theology, Cambridge, Massachusetts (now called
Boston College School of Theology & Ministry)
- 1986 Master of Education (M.Ed.)
Concentration: Religious Education
Boston College Institute of Religious Education & Pastoral Ministry
Chestnut Hill, Massachusetts
- 1985 Master of Divinity (M.Div.)
Concentration: Systematic Theology & New Testament
Saint John Seminary School of Theology
Boston, Massachusetts
- 1981 Bachelor of Arts (B.A.)
Concentration: Philosophy & History
St. John Seminary College
Boston, Massachusetts
-
- 2010 Certified IRB Professional
PRIM&R
Public Responsibility in Medicine & Research
- 1995 Certificate in Spiritual Direction from
Shalem Institute for Spiritual Formation &
St. Mary's Seminary & University
Baltimore, Maryland
- 1982 Certificate in Alcohol Counseling/Substance Abuse
Boston College School of Social Work
Chestnut Hill, Massachusetts

MINISTRY / TEACHING POSITIONS:

Dec. 2016 Appointed Administrator, Good Shepherd Parish, Wayland
July 2016 Visiting Professor - Tantur Theological Center, Jerusalem Israel
Jan -May 2015 Visiting Professor Villanova University, Pennsylvania
June 2015 Appointed Parochial Vicar, Immaculate Conception Parish, Malden
Aug. 2014 Appointed Administrator, Incarnation Parish, Melrose, MA
Oct. 2013 Appointed Temporary Administrator, St. Anne Parish, Readville,
Oct. 2012 Appointed Temporary Parochial Vicar, St. Patrick Parish Natick, Ma
2012 Appointed Temporary Administrator of St. Margaret Church, Burlington, MA
2011 Appointed Temporary Administrator of St. Francis of Assisi Parish, Medford

2002-2012 - University Chaplain, Tufts University. Reporting directly to the President of the University, responsible for the spiritual & religious life at all Tufts' campuses; Medford/Somerville, Boston & Grafton. Director of historic Goddard Chapel with a budget of over \$900,000. Director of the Tufts Interfaith Center.

Senior Lecturer in the Religion & International Relations, member of the Core Faculty for the International Relations Program,

Senior Lecturer in Medical Ethics at Tufts University School of Medicine, Tufts University School of Dental Medicine, Boston Campus, and at the Cummings School of Veterinary Medicine, Grafton Campus.

Chairman of the Social, Behavioral & Educational, Institution Review Board for Human Subject testing for the Medford Campus and member of the IRB at Tufts Medical Center, Boston Campus.

Courses: "Religions & International Relations", "Religions, Money & Sex", "Mystics & Mysticism in World Religions", "Catholicism", "Roman Catholic Moral & Social Teachings", "Catholicism in Crisis", "Interfaith & Interreligious Dialogue", "Medical & Research Ethics", "Introduction to Religion" and "The United Nations & Religions".

1998-02 Catholic Chaplain & Director of the Catholic Center at Tufts University

1995-98 Assistant Professor of Moral Theology/Sexual Ethics/Spirituality
Saint Mary's Seminary & University, Baltimore Maryland
Courses: "Human Sexuality, Marriage & Celibacy", "Catholic Social Teachings", "Medical & Moral Issues", and "Pastoral Catechetics"
Other duties: Spiritual Director, Formation Team member, Retreat Leader, Director of the academic program for the Permanent Diaconate Program

1993-95 Parochial Vicar & Director of Adult Education
Saint Theresa's Parish, North Reading, Massachusetts

1991-93 Parochial Vicar & Director of Religious Education
Saint Augustine's Parish, South Boston, Massachusetts

- 1985-91 Parochial Vicar, Immaculate Conception Parish, Everett, MA
- 1977-85 Ministry positions while a full time seminarian:
- 1984-85 Deacon Intern, Immaculate Conception Parish, Malden, MA
- 1983-84 Substance Abuse Counselor, St. John/St.Hugh, Roxbury, MA
- 1982-83 Group Therapy Co-Leader & Case Worker, Brigham & Women's Hospital & Kenmore Square De-Tox, Boston, MA
- 1981-82 Researcher, Writer & Film Editor, Office of Religious Education, Archdiocese of Boston, Brighton, MA
- 1980-81 Director – Special Education Program, St. John Seminary College
- 1977-81 Special Education Teacher, St. John's Seminary College

CONSULTANT, ADJUNCT FACULTY & LECTURING POSITIONS:

- 2018 appointed Medical Ethicist, St. Patrick Manor, Framingham, MA
- 2016 month of June - Visiting Senior Lecturer at Tantur Theological Center, Jerusalem, Israel.
- 2015 Spring semester Visiting Senior Lecturer in Religions & International Relations, Villanova University
- 2012 Ethicist – Endosolutions, New Medical Engineering Company, Marshfield, MA
- 2008 Catholic TV – 13 shows for broadcast/podcast on “Catholic Citizenship”
- 2007 Medical Ethicist - Saint Patrick's Manor, Framingham, MA.
- 2007 Bio-ethics Consultant- Synta Pharmaceuticals, Lexington, MA.
- 2006 Boston Catholic TV – 11 shows for broadcast on “Praying with the Scriptures” and “Understanding the Bible”.
- 2005 Elected to 2nd three year term to the Board of Ministry, Memorial Church, Harvard University, Cambridge, MA
- 2004 Visiting Professor, course: “World Religions”, Emmanuel College, Boston, MA

- 2002 Appointed Chair of the Institution Review Board, Tufts University, Medford,
- 1999 Appointed member – IRB, Tufts Medical Center, Boston,
- 1995-98 Adjunct faculty, Christian Institute for the Study of Human Sexuality and
Consultant to The Saint Luke's Institute, Silver Springs, Maryland
- 1995-98 Consultant to Maryland Catholic Conference of Bishops and
Consultant to the National Institute of Health, Maryland
- 1991-95 Adjunct Faculty, St. John's Seminary Pastoral Institute, Boston, MA
- 1991-92 Summer, Visiting Lecturer Notre Dame, IN and at the USAF Academy,
Denver, CO, and at USAF Chaplain School, SOS, Air Command & Staff
College and Air War College, Maxwell AFB, Alabama

PUBLICATIONS

BOOKS:

- 2006 "Encyclopedia of Religious & Spiritual Development" Elizabeth Dowling &
George Scarlett, Editors, Sage Publication, 12 articles by David O'Leary.
- 2005 "A Study of Josef Fuchs' Writings on Human Nature and Morality",
University Press of America, New York.
- 2001 "Seeking the Path of God's Justice, an Analysis of the U.S. Bishops' Letter
on Economic Justice", J.C. Miller Press, Medford.
- 2001 "The Roman Catholic Perspective on the Morality of Withdrawing or
Withholding Food and Fluid Administered Artificially to an Individual in the
Persistent Vegetative State", Bookmasters, Ashland, OH
- 1999 "Roman Catholic Beliefs & Prayers, a Handbook for those on a Spiritual
Journey", J.C. Miller Press, Medford.
- 1996 "A Vision of Catechesis for Today & Pointers on Catechetical Instruction",
Saint Mary's Seminary & University Press, Baltimore.

ARTICLES:

- 2008 "Church & State Issues for the Up-coming Elections" Goddard Talk, newsletter
- 2005 "Embryonic Stem Cell Research", Boston Catholic TV Magazine, Newtownville,
"Religious Freedom & Civility", Somerville Journal, September 29th
"Priest States Case for Allowing Life to End", The Boston Globe, April 2nd

- 2003 "Reverend David M. O'Leary: December 2003 Hall of Diversity Inductee" Tufts Office of Equal Opportunity
- 2002 "Colleges Examine Crisis in Church" The Boston Globe, April 21st.
- 2001 "Encounter: Reverend David M. O'Leary", Boston Globe Sunday Magazine, September 12th.
- 2000 "When Adults Become Abusers of Young People", Boston Globe, July 11th.
- 1993 "Political Questions or Moral Issues?" The Pilot, June 7th.

PROFESSIONAL & VOLUNTEER ACTIVITIES:

American Academy of Religion
 Catholic Theological Society of America
 Council on Faith & International Affairs
 North American Interfaith Network
 Society of Christian Ethics
 Spiritual Directors International
 United States Air Force Association

2017 – Appointed a Canon in the Equestrian Order of the Holy Sepulchre of Jerusalem. This is the highest Papal award conferred on clergy and laity for service to the Church and teaching of the Faith.

2016 – Member of the Wayland Interfaith Leaders Association (WILA)

2001- Co-founder and Board member of "The Giving Camp" (www.thegivingcamp.org), a day camp experience run by college & university students for the physically and mentally challenged.

1982-94 Chaplain USAFR, awarded: Air Force Commendation Medal, Air Force Reserve Medal, National Defense Medal, earned rank of Major.

1974- present Exceptional Citizens Week at Camp Fatima, Gilmanston, NH
 volunteer at a one-week, overnight summer camp experience for physically and mentally challenged children and adults.

Porter, David

From: Mimi Licht <mimilicht@verizon.net>
Sent: Monday, April 30, 2018 10:37 AM
To: Porter, David
Subject: Blood Drive 6/9/18 signage

Hi David,

I'm glad we chatted today about the Eric Chase Blood Drive, Saturday, June 9 at Wayland H.S.

I request the permission of the Board of Selectmen to place two free standing signs at the intersections of Rt 27/126 and Rt 20/126 for the week of June 4.

DPW has reserved two large sign boards at these locations for the week of May 28 but they are not available for the week of June 4 which is why we need the free standing signs.

Thank you for your help in promoting this Blood Drive held in memory of a young Wayland man who lost his life to leukemia at the age of 21. Boodmobiles will be coming from Boston Children's Hospital and Dana Farber Cancer Treatment Hospital.

Best,
Mimi

Team Eric Chase Blood Drive Committee Chair

219 Concord Road
Wayland, MA 01778

(508)358-5706

**PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMEN FROM
APRIL 28, 2018, THROUGH AND INCLUDING MAY 4, 2018, OTHERWISE NOT
LISTED AND INCLUDED IN THE CORRESPONDENCE PACKET FOR MAY 7, 2018**

Items distributed to the Board of Selectmen – April 28, 2018-May 4, 2018

1. None

**Items distributed for information and use by the Board of Selectmen at the
Meeting of April 30, 2018**

1. E-mail from Mike Lowery, dated April 27, re: Should the town proceed with its legal action regarding 5 Concord Road?
2. Housing Choice Initiative Newsletter
3. Materials from 495/MetroWest Partnership – Energy & Sustainable Development Committee meeting, dated April 24, 2018
4. 2018-04 Annual Town Meeting analysis summary
5. Memo from Lea Anderson, Chair of the Board of Selectmen, to the Board of Selectmen, dated April 30, re: Town Administrator Search Committee
6. E-mail from Brian Keveny, Finance Director, to Nan Balmer, dated April 30, re: meeting with Selectmen on April 30.
7. Memo from Linda Hansen, Conservation Administrator, to the Board of Selectmen, dated April 30, re: Town governance
8. Letter from Barry Lorion, Acting District 3 Highway Director Mass DOT, to Sarkis Sarkisian dated April 25, re: school bus parking lease

**Items included as part of Agenda Packet for discussion during the May 7, 2018
Board of Selectmen's Meeting**

1. Town Administrator's Report for the week ending May 4, 2018
2. Draft minutes of the Board of Selectmen meeting held on April 23, 2018

BOARD OF SELECTMEN
Monday, May 7, 2018
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

1. Wayland Police Department Monthly Report, April 2018
2. Wayland Health Department Press Release, "It's Tick Season in Wayland: Keep Yourself Safe from Ticks and Tick-Borne Illnesses"
3. Memo from Beth R. Klein, Town Clerk, to Dennis Berry, Moderator, dated April 30 re: Resignation of Appointed Official
4. Letter from Wayland Race Amity Day Committee to the Board of Selectmen, dated April 26, re: Race Amity Day Proclamation
5. Letter from Richard Turner, Chair of the Public Ceremonies Committee to Lea Anderson, dated April 30 re: Memorial Day Parade
6. 2018-04 Annual Town Meeting analysis summary
7. Letter from Kaitlin Maher, Division of Open Government, Office of the Attorney General, dated April 25, re: Open Meeting Law Complaint
8. Letter from Adam R. Barnosky of Ruberto, Israel & Weiner, dated April 26, re: Notice of Intent to File Change of Beneficial Interest Application (The Local)
9. NPDES PII Small MS4 General Permit Annual Report for April 1, 2017 – March 31, 2018, prepared by Paul Brinkman, Town Engineer
10. Letter from Katharine L. Klein of KP Law to the Wayland Conservation Commission, dated April 30, re: Commercial Dog Run in the Lower Snake Brook Conservation Area
11. Comcast Cable Communications, LLC, CTV Forms 200, 300, 400 for Fiscal Year ended December 31, 2017



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



PATRICK SWANICK
CHIEF OF POLICE

Monthly Report - April 2018

On April 10th the Sudbury-Lincoln- Wayland Domestic Roundtable met in the Community Meeting Room of the Wayland Public Safety Building to commemorate White Ribbon Day. They had a discussion of "The Role of Men in the Time of #Metoo."

The Massachusetts White Ribbon Day Campaign was conceived as a call to action for men and women to take a pledge to move from the sidelines and be part of the solution to ending violence against women and all gender based violence. White Ribbon Day messaging focuses on promoting healthy masculinity and assessing the impact that toxic norms have on all of us but especially men and boys.

Members of the Wayland Police Department participated in the discussions and some were cast in a short documentary film that was created by Ruth Backman, a retired Wayland Police Detective.

On April 19th Wayland Police Officers participated in Active Threat Response Training. Several months ago Officers Colin Fitzpatrick, Justen Kazan, and Jarrod Kullich received training to become trainers in this subject. They developed a program and shared their knowledge and expertise with members of the department. Officers learned techniques that were designed to increase safety while containing and eliminating a threat.

On April 18th shortly after 11:00 p.m. members of the Wayland Fire Department tended to an unresponsive teenage female in the front parking lot of the Public Safety Building. The teen was brought to the station by a parent. It was reported that the teen had an adverse reaction to alcohol and other substances.

Wayland Officers responded to a suspected underage drinking party on the north side of Wayland. Officers secured the property and several cases of beer. It appeared that the group had just recently gathered, and very little alcohol was consumed. Officers had all of the attendees call a parent to safely transport the juveniles home. The under aged resident was summonsed to court for furnishing alcohol to a person under 21.

On April 20th at 1:20 a.m. an officer responded to a small cargo van that was parked in the area of 33 Rice Road. When the officer arrived he observed that the vehicle was running, the lights were on, and the radio was playing very loudly and could be heard outside the vehicle.

The officer approached the driver's side door and noticed that the female operator appeared to be asleep at the wheel. The officer knocked on the window and made several attempts to wake the driver. After a couple of minutes, the operator did awaken. She looked at the officer, then quickly accelerated

and sped away. The vehicle travelled about 15 yards, then crashed into a utility pole. The driver kept her foot on the accelerator causing the engine to rev and the rear tire to spin and smoke. This continued for about a minute, until the rear tire melted.

The officer yelled to the operator to stop and turn off the vehicle. She did not respond to the officer's commands. The doors were locked and the officer was unable to open the door. The officer was forced to smash out the driver's side window. He then reached in and turned the vehicle off.

The operator, a 49-year-old woman from Framingham was placed under arrest and charged with Operating Under the Influence of Alcohol, Operating to Endanger, and Failure to Stop for a Police Officer.

On April 26th a Wayland Officer responded to a reported erratic operator on Boston Post Road. The vehicle was reported to be all over the road. The officer stopped the vehicle after it turned onto Old Sudbury Road. The officer arrested the operator, a 52-year-old female from Hudson, for Operating Under the Influence of Alcohol and Marked Lanes Violation.

On April 26th officers responded to a Wayland home for a reported Domestic Assault and Battery. The victim stated that her husband had punched her in the face. The woman's husband an 85-year-old man was placed under arrest for Assault and Battery.

April 28th the Wayland Police in conjunction with the Drug Enforcement Administration collected unwanted prescription drugs. The program helps to get unwanted prescription drugs out of homes. The drugs are safely disposed of so they will not end up in landfills or flushed into the groundwater. This year the Wayland Police collected over 265 pounds of unwanted or expired drugs from residents.

April 30th Youth Officer Shane Bowles and Detective Tyler Castagno participated in a Wayland PTO event, Middle and More- Internet Safety. The officers spoke about internet safety and other topics to keep children safe.

A handwritten signature in blue ink, appearing to read 'Patrick Swanick', with a stylized flourish at the end.

Patrick Swanick

Chief of Police

***Wayland Police Department
Monthly Training Report***

Officers of the Wayland Police Department attended the following training programs during the month of April 2018:

New England School Safety Conference

MJPOA & NASRO

Four Points Sheraton, Norwood Ma

Shane Bowles

April 3-4, 2018

Marijuana, Edibles and Vapors

Middlesex Partnerships for Youth

Newton-Wellesley Hospital

Shane Bowles

April 5, 2018

Active Threat Response Training

Officer Kullich, Officer Fitzpatrick, Officer Kazan

Community United Methodist Church Wayland

Sean Fitzgerald

Christopher Custodie

Mark Hebert

Jaime Berger

Tyler Castagno

Lynnet Sloan

Redmond Walsh

Tim Henderson

Christopher Cohen

Seanna Lombardo

Mark Wilkins

April 19, 2018

April 19, 2018

April 19, 2018

April 19, 2018

April 19, 2018

April 19, 2018

April 19, 2018

April 19, 2018

April 19, 2018

April 19, 2018

Emergency Medical Dispatch

PowerPhone

Littleton Ma Police Department

Christopher Custodie

April 24-26, 2018

Executive Police Leadership School (4 day)

Commonwealth Police Services

Sudbury Ma Police Department

Patrick Swanick

April 27, 2018

Sean Gibbons

April 27, 2018

In-Service

MPTC

Boylston Academy

Justen Kazan

April 2-5, 2018

Charles Akins

April 23-26, 2018

Wayland Police Department Detective Division Report for April 2018

INVESTIGATIONS

Larceny under \$250 – Andrew Avenue
Fraud/Craigslist Scam – Sylvan Way
Identity Theft – Rice Road
Sexting Investigation – WMS
Found Property – Village Lane
Larceny over \$250/CC Fraud – Boston Post Road
Larceny over \$250 – Lincoln Road

MEETINGS/TRAININGS

Active Shooter Training
EOPSS distance learning training firearms
Wayland Cares Meeting

MISCELLANEOUS

ALICE Drill – Claypit Hill School
Framingham District Court – MV/Criminal Hearings
Framingham Juvenile District Court – Criminal Hearing

COMMUNITY SERVICES

Law Day – Framingham District Court
RAD Gear donation
RAD Class – WHS
Council on Aging – Prescription take back
Fraud Talk – Carriage House

Hello pswanick,

Rabbi Danny Burkeman (rabbidanny@shirtikva.org) has sent you a message via your contact form (<https://waylandma.st7.vt-s.net/user/85/contact>) at Wayland MA.

If you don't want to receive such e-mails, you can change your settings at <https://waylandma.st7.vt-s.net/user/85/edit>.

Message:

Dear Police Chief Swanick,

I am the Rabbi at Temple Shir Tikva in Wayland and I wanted to write to thank you and the police department for your care and concern last week when we were anxious about a potential visitor to our synagogue. Knowing that we were able to reach out to you and the Wayland PD put our minds at ease and having 3 cars in the lot made everyone feel much more comfortable. I am sure that seeing the patrol cars was a deterrent and probably helped us avoid an uncomfortable and dangerous situation.

I have been meaning to reach out as I moved here just over 9 months ago to serve as the Rabbi at the community and I wanted to let you know if there is any time when there is a need for clergy support for the work that you do please don't hesitate to reach out as I would be happy to help in any way that I can. If you would like to find a time to sit down to meet one another that would be great and I would be delighted to schedule something.

In the mean time thank you for all that you and the Police Department do to keep us safe.

Yours,

Danny

To: Berger, Jamie
Subject: Re: Case

Jamie,

Thank you so much for all this wonderful work. Is there a chance that there will be ongoing checks of pawn shops or is this case closed?

Warmest thanks for all your and your colleagues' work. I have to thank you heartfully – it was very nice to have such thoughtful and kind help from the police department. It is my first interaction with our police department and I'm grateful for all your work!

Many thanks,

Subject:

Thank You for Last Week's Panel!

Hello all,

With college decisions, religious holidays, and spontaneous family gatherings, this past week has been one of the most bizarrely hectic of my life. That's why this email was long in the making. My deepest apologies. But here goes:

Thank you all so much for coming. You are all busy, highly accomplished people— and that you would spend 90 minutes on a Monday afternoon sitting in a high school auditorium and fielding our questions speaks to your unparalleled commitment to us: the communities you all work endlessly to improve. I truly cannot express my gratitude.

Chief Swanick: Thank you for giving us an on-the-ground picture of gun ownership in Wayland. Your knowledge of the entire process was truly remarkable. For that and for everything you do to keep Wayland safe, we owe you much.

Mr. Gentile: Wow. Having our state representative join us at the discussion was, as you have heard me say several times now, a true honor. Thank you for enlightening us about legislation currently circulating through the MA General Court. I know that, personally, this was one of my biggest points of interest walking into the event.

Dr. Siegel: Your explanation of the origins of the NRA — as well as national trends in gun control — was impactful, to say the least. Students and teachers were talking about it days later. In fact, in my AP Gov class, we put aside a day to analyze the NRA's tactics and history, largely as a result of your talk. Incredibly deep stuff.

Dr. Kline: I know that you especially were pressed for time during the event, yet you stayed past the time I'd initially asked you to stay. This was an incredibly kind thing to do. Clearly, not *all* psychologists are scary. Thanks, as well, for your incredibly insightful answers about 1. the "mental health aspect" of school shootings and 2. child trauma in the face of gun violence. I actually had a teacher explicitly ask me to pass along her gratitude to you via email.

Ms. Mizoguchi: I don't think I ever thanked you for helping me orchestrate this event. From day one, you listened to what I had to say, and responded accordingly. This event obviously would not have been possible without your tireless organizational efforts. I'm glad that Wayland High School is in such capable hands :)

If any of you'd like to follow up on the event, please feel free to contact me. This was a blast to organize and an even bigger blast to attend!

Best,
Yaniv G.

It's Tick Season in Wayland:

Keep Yourself Safe from Ticks and Tick-Borne Illnesses

Ticks are found all around New England, especially in wooded areas like Wayland. Many people will find a tick on themselves, and yet only a small proportion of those will develop a tick-borne illness like Lyme Disease. However, it is best to know the facts about how to avoid ticks, what to do if you find one on you, and what symptoms can indicate that they may have an illness related to a tick bite, and how to maintain your yard to reduce tick habitats.

There are multiple tick-borne illnesses transmitted in this area. These include Anaplasmosis, Ehrlichiosis, and Babesiosis. Since Lyme Disease is by far the most common, and can be the most subtle, we will concentrate on that. There also have been concerns raised about Powassan virus. However, the same steps to prevent tick bites and immediately remove them serve for all tick-borne illnesses.

Preventing Tick Bites and habitats

- Ticks are found in wooded and bushy areas, near the ground; they cannot jump or fly.
- They are attracted to body heat and carbon dioxide (in the breath we exhale).
- They transfer to a human when one brushes against them.
- Keep your lawn mowed and short. Trim back brush and low hanging branches.
- Remove leaf litter, wood piles, fallen branches, trash and debris; all attract ticks.
- Avoid wooded and brushy areas with high grass and leaf litter.
- Bird feeders should be moved to low traffic areas, seed and suet attracts wildlife that can carry ticks.
- Consider installing a deer fence or use plantings that deer do not like.
- Walk in the center of trails. Keep paths and trails mowed wide.
- Wear long sleeves and pants, and a cap/hat. Pull socks over trousers. Use a lint brush to check for and remove ticks.
- Use repellent that contains 20 percent or more DEET, picaridin, or IR3535 on exposed skin for protection that lasts several hours. DEET products should not be used on infants under 2 months of age.
- Use products that contain permethrin on clothing. Treat clothing and gear, such as boots, pants, socks and tents with products containing 0.5% permethrin. It remains protective through several washings. Pre-treated clothing is available and may be protective longer. Helpful information can be found at: www.tickencounter.org.
- Always read the product label carefully of any repellent and follow instructions as per the product label.
- A number of plant-derived products are available for use as repellents. Limited information is available regarding how well these products work as tick repellents and how safe they are.
- Protect pets 12 months a year with a tick product. Use fences to create tick safe zones.

Find and Remove Ticks from Your Body

- Bathe or shower as soon as possible after coming indoors (preferably within two hours) to wash off and more easily find ticks that are crawling on you.

- Conduct a full-body tick check using a hand-held or full-length mirror to view all parts of your body upon return from tick-infested areas. Parents should check their children for ticks under the arms, in and around the ears, inside the belly button, behind the knees, between the legs, around the waist, and especially in their hair.
- Examine gear and pets. Ticks can ride into the home on clothing and pets, then attach to a person later, so carefully examine pets, coats, and day packs.
- Tumble dry clothes in a dryer on high heat for 10 minutes to kill ticks on dry clothing after you come indoors.
 - If the clothes are damp, additional time may be needed.
 - If the clothes require washing first, hot water is recommended. If the clothes cannot be washed in hot water, tumble dry on low heat for 90 minutes or high heat for 60 minutes. The clothes should be warm and completely dry.

Removing a Tick

If you find a tick attached to your skin, there's no need to panic. There are several tick removal devices on the market, but a plain set of fine-tipped tweezers will remove a tick quite effectively.

1. Use fine-tipped tweezers to grasp the tick as close to the skin's surface as possible.
2. Pull upward with steady, even pressure. Don't twist or jerk the tick; this can cause the mouth-parts to break off and remain in the skin. If this happens, remove the mouth-parts with tweezers. If you are unable to remove the mouth easily with clean tweezers, leave it alone and let the skin heal.
3. After removing the tick, thoroughly clean the bite area and your hands with rubbing alcohol, an iodine scrub, or soap and water.
4. Dispose of a live tick by submersing it in alcohol, placing it in a sealed bag/container, wrapping it tightly in tape, or flushing it down the toilet. Never crush a tick with your fingers.



Avoid folklore remedies such as "painting" the tick with nail polish or petroleum jelly, or using heat to make the tick detach from the skin. Your goal is to remove the tick as quickly as possible—not waiting for it to detach.

LYME DISEASE BASICS

- Lyme Disease is caused by the bacteria *Borrelia burgdoferi* which is found in small woodland animals like mice, racoons, chipmunks, squirrels, and deer.
- It has the potential to be transmitted to humans through Deer Ticks which have first come into contact with one of the above creatures prior to attaching to a human.
- A tick must be attached to a human host for **48 hours** to transmit Lyme Disease to that person.
- Rapid removal of the tick will decrease the risk of transmission of Lyme Disease (and any other Tick-borne Illnesses).
- Deer Ticks are between the size of a poppy seed and a sesame seed when they have not yet fed on a human (i.e. been able to transmit Lyme).
- Engorged Deer Ticks (which have fed on a human and have the potential to transmit disease) are the size of an apple seed.

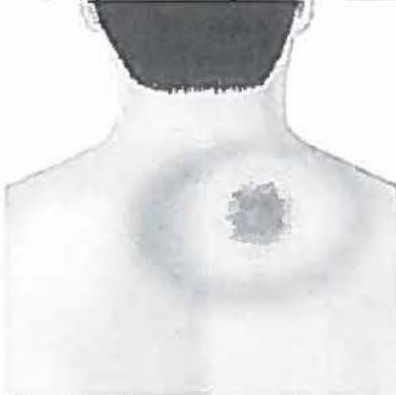
Epidemiology

- In 2014, there were 3830 confirmed cases of Lyme Disease in Massachusetts and 1,770 probable cases.
- The highest rates were in children 5-9 years and those aged 65-74 years.

Early Signs and Symptoms of Lyme Disease: (3 to 30 days after tick bite)

- Fever, chills, headache, fatigue, and swollen lymph nodes.
- Arthritis- painful, swollen joints (occurs in approx. 30% of people with Lyme)
- Erythema migrans (EM) rash aka (Bullseye Rash) :
 - Occurs in approximately 70 to 80% of infected persons
 - Begins at the site of a tick bite after a delay of 3 to 30 days (average is about 7 days)
 - Expands gradually over a period of days reaching up to 12 inches or more (30 cm) across
 - May feel warm to the touch but is rarely itchy or painful
 - Sometimes clears as it enlarges, resulting in a target or "bull's-eye" appearance

- May appear on any area of the body



○ "Classic" erythema migrans rash



Facial palsy



Swollen knee

Later Signs and Symptoms (days to months after tick bite)

- Severe headaches and neck stiffness (2.8%)
- Additional EM rashes on other areas of the body
- Arthritis with severe joint pain and swelling, particularly the knees and other large joints (30% of patients)
- Facial palsy (loss of muscle tone or droop on one or both sides of the face) (8% of patients)
- Intermittent pain in tendons, muscles, joints, and bones
- Heart palpitations or an irregular heart beat (Lyme carditis) (1% of patients)
- Episodes of dizziness or shortness of breath (1% of patients)
- Inflammation of the brain and spinal cord (2-3% of patients)
- Nerve pain (4-5% of patients)
- Shooting pains, numbness, or tingling in the hands or feet (4-5% of patients)
- Problems with short-term memory

Laboratory Diagnosis

- Determining if a person has Lyme Disease is generally done based on symptoms, with laboratory testing performed only if the diagnosis is not otherwise clear
- Unfortunately, there is not one perfect blood test for Lyme Disease, so physicians may have to perform a stepwise approach to looking for evidence of Lyme Disease with more than one test.
- There are high rates of both false positive (the test says you have Lyme Disease but you really do not) as well as False Negatives (the test says you don't have it when you really do)

- Therefore, it is important to work alongside your healthcare provider if you feel you may have Lyme Disease

Treatment

- Antibiotics are standard treatment for Lyme Disease.
- The vast majority of people have their symptoms resolve after taking their prescribed course of antibiotics.
- Generally, for children under 8 years old, the preferred antibiotic is Amoxicillin, though if a child is allergic to penicillins or has more advanced Lyme Disease another antibiotic may be chosen.
- For those aged 8 years and up, generally Doxycycline is the antibiotic of choice, unless a person has an allergy to it or more advanced disease.

Prophylaxis/ Prevention after Tick Exposure

- Prophylaxis is an option in some cases, but certainly not always recommended.
- In general, the risk of antibiotics is greater than the risk of Lyme Disease.
- In children under 8, there is no widely accepted antibiotic that has been shown to prevent Lyme Disease.
- Therefore, it is always best to discuss the issue of prophylactic antibiotic with your own health care provider to determine what may be best for your own scenario.
- If you are going to do this, calling immediately after finding the tick is important, as prophylactic antibiotics are most effective when started shortly after the tick bite is noted.

Resources:

- Stop Ticks!- Centers for Disease Control and Prevention:www.cdc.gov/Lyme
- Tickencounter (The University of Rhode Island, Thomas Mather, Ph.D.):
www.tickencounter.org, Permethrin Fact sheet.
- Lyme Disease Facts - Centers for Disease Control and Prevention
- Mass Department of Public Health: www.mass.gov/dph/tick
MDPH tick repellent (fact sheet)

Information in this press release was compiled by Marni Roitfarb, MPH, MD, Wayland School Physician, with assistance from Ruth Mori, MSN, RN, Public Health Nurse, and Julia Junghanns, R.S., C.H.O., Director of Public Health.



TOWN OF WAYLAND

MASSACHUSETTS

01778

TOWN CLERK
BETH R. KLEIN
bklein@wayland.ma.us

ASSISTANT TOWN CLERK
DIANE M. GORHAM
dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD

TEL: 508-358-3630
508-358-3631
www.wayland.ma.us

Date: April 30, 2018
To: Dennis Berry, Moderator
From: Beth R. Klein, Town Clerk
RE: Resignation of Appointed Official

Please be informed that the attached letter of resignation was received in the Town Clerk's Office on April 23, 2018 and is effective as of April 23, 2018:

Steven Streeter Public Ceremonies Committee
Term Expires: 6/30/18

Pursuant to Chapter 41: Section 109. No resignation of a town or district officer shall be deemed effective unless and until such resignation is filed with the town clerk or district clerk.

cc: Dennis Berry Moderator
David Porter ✓
Richard Turner, Chair
Steven E. Streeter

RECEIVED
TOWN OF WAYLAND
TOWN CLERK

2018 APR 23 AM 11:59

Steven E. Streeter
7 Decolores Drive
Wayland, MA 01778
508-545-1609

April 17, 2018

Beth R. Klein
Wayland Town Clerk
41 Cochituate Road
Wayland, MA 01778

Dear Beth:

Please accept this letter as my formal notice of my intent to not seek reappointment to the Town Ceremonies Committee upon the expiration of my current term in June due to increase personal obligations.

Please accept my thanks for the kindness and dedication of those that I have been privileged to work with over these past three years.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Streeter', with a stylized, cursive script.

Steven E. Streeter

cc Dennis J. Berry – Town Moderator
Richard P. Turner – Chairman Ceremonies Committee

Dennis J. Berry

Attorney at Law
15 George Street
Wayland, MA 01778
508-655-1497

2015 DEC 23 AM 11:32

RECEIVED
TOWN OF WAYLAND
TOWN CLERK

December 20, 2015

Ms. Beth Klein
Town Clerk, Town of Wayland
Town Building
Cochituate Rd.
Wayland, MA 07778

Re: Appointment of Stephen Streeter
Public Ceremonies Committee

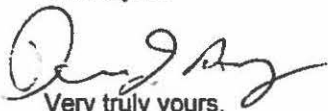
Dear Ms. Klein,

It is my distinct pleasure to appoint Mr. Stephen Streeter of 7 Decolores Drive in Wayland to the Public Ceremonies Committee. Mr. Streeter replace Lilly Ho Schlafer who had to resign due to medical issues.

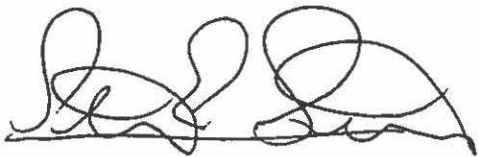
Would you please enter the name of Mr. Streeter as a member of the committee.

If you should have any further questions, please do not hesitate to contact me at the above noted address and phone.

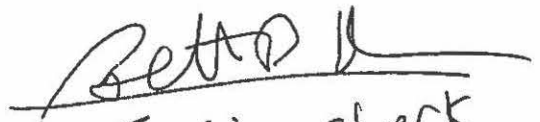
Thank you.


Very truly yours,
Dennis Berry
Moderator

cc: Stephen Streeter, Richard Turner, MaryAnn DiNapoli



Sworn in on
1/4/16


Town clerk

142 Glezen Lane
Wayland, MA 01778
April 26, 2018

✓
DP - Recomm. A

RECEIVED

APR 30 2018

Board of Selectmen
Town of Wayland

Board of Selectmen
Town Building
41 Cochituate Road
Wayland, MA 01778

Dear Board of Selectmen,

We are again preparing for this year's Race Amity Day activities. This year Race Amity Day will be Sunday, June 10, but as with many commemorative days, activities may be before or after that date.

The Wayland Board of Selectmen has always been a part of this by announcing the Race Amity Day Proclamation for Wayland. Last June was the first year when the day was official in Massachusetts. All local governments received the proclamation from the state level. We met with the Board, asking for local recognition, which we appreciated receiving.

Now that this process is in place do you want us to continue to meet each year briefly to clarify the announcement for Wayland. Or can the Board of Selectmen automatically carry this out each June when the proclamation is received from the state. We want to try to have the process be as convenient for you as possible, realizing your busy agendas.

We will welcome your reply and be happy to proceed as you indicate.

Sincerely,



Wayland Race Amity Day Committee
Ann Landry
Janot Mendler Suarez
Judy Orloff
Fran Pollitt
others are joining
(413 549-4108
judyorloff@comcast.net)



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

TOWN BUILDING
41 COCHITUATE ROAD
TEL (508) 358-7701
www.wayland.ma.us

Public Ceremonies Committee

Ms. Lea Anderson
Chair, Board of Selectmen
April 30, 2018

Dear Ms. Anderson,

The Public Ceremonies Committee Cordially invites all members of the Board of Selectmen to attend the Memorial Day Parade and ceremonies on May 28, 2018 beginning with the parade forming at 10:30 am at the Middle School followed by the ceremony at the Lake View Cemetery at 11:30 am. We are hoping that you or a representative attend to give the welcoming remarks.

Richard P Turner

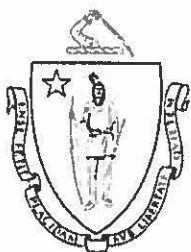
Richard P Turner USN RET
Chairman Public Ceremonies Committee

BOS 4-30-18

[ADD TO CORRESPONDENCE]

2018-04 Annual Town Meeting analysis summary

- a. 39 articles in 8.5 elapsed hours (13:07 elapsed minutes per ATM article is lowest since 2007)
- 14 articles (36%) employed abbreviated presentation (23 elapsed minutes, 5% of total)
 - 8 articles (21%) were passed over (18 elapsed minutes, 4% of total)
 - 8 articles (21%) took less than 10 elapsed minutes each (21 elapsed minutes, 4% of total)
 - 9 Articles (23%) took more than 10 elapsed minutes each
 1. Budget (article 9) : 2 hours and 10 elapsed minutes
 2. New Library (article 17) : 1 hour and 27 elapsed minutes
 3. Renovate Library (article 18) : 40 elapsed minutes
 4. Water Meters (article 24) : 38 elapsed minutes
 5. CPA Recreation Projects (article 35) : 36 elapsed minutes
 6. Town Center Gift of Land (article 19) : 26 elapsed minutes
 7. Community Center (article 20) : 26 elapsed minutes
 8. Treat Saturday as Holiday (article 36) : 14 elapsed minutes
 9. CPA: Library Windows and Depot (article 34) : 11 elapsed minutes
 - Above 9 articles: 6 hours and 48 minutes elapsed (80% of total)
 - Speaker budget: consumed 43%; there were a few individual overages
- b. 57 votes
- 36 Main Motions
 - 8 Pass Over
 - 5 Amendment
 - 5 Call Question
 - 1 Move to Extend
 - 1 Move to Adjourn
 - 1 Change of Voting
 - New Library (article 17) votes: 26 minutes (discarded vote, test vote, final vote)
 - Renovate Library (article 18) vote: 12 minutes, plus 4 minutes on "change of vote"
 - Two close votes, both with a 2/3rd Quantum of Vote: estimated savings of 94 minutes
- c. Errata: negligible adverse impact



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

file on

MAURA HEALEY
ATTORNEY GENERAL

RECEIVED

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

APR 30 2018

April 25, 2018

Board of Selectmen
Town of Wayland

George Harris, Esq.
8 Holiday Road
Wayland, MA 01778

RE: Open Meeting Law Complaint

Dear Attorney Harris:

We understand that on March 22, 2018, you filed a complaint with the Wayland Board of Selectmen ("Board") alleging a violation of the Open Meeting Law, G.L. c. 30A, §§ 18-25. The Board is required to notify our office of the complaint and any remedial action taken to address the complaint. G.L. c. 30A, § 23(b); 940 CMR 29.05(5). Our office received notification and a response from the Board on April 12, 2018.

Under the Open Meeting Law, our office may only review your complaint after 30 days have passed from the time you first filed your complaint with the Board. G.L. c. 30A, § 23(b); 940 CMR 29.05(6). After 30 days, you may file a request with our office for further review of your complaint.

Thirty days have now passed since you first filed your complaint with the Board. You may file your complaint for further review with our office up until ninety days have passed since the alleged violation date. Accordingly, we will presume that the action taken by the Board was sufficient and will close this file unless we receive a request for further review and a copy of the initial complaint by **Monday, May 28, 2018**.

Please feel free to contact us if you have any questions about the Open Meeting Law complaint process.

Sincerely,

Kaitlin Maher
Paralegal
Division of Open Government

cc: Carolyn M. Murray, Esq., KP Law, P.C.
Wayland Board of Selectmen

RECEIVED

APR 27 2018

Board of Selectmen
Town of Wayland

April 26, 2018

VIA FED EX (OVERNIGHT)

Attn: Licensing Administrator
Town Administrator's Office
41 Cochituate Road
Wayland, MA 01778

Re: **Notice of Intent to File Change of Beneficial Interest Application**
Licensee: The Local Restaurant of Wayland, LLC
DBA: The Local
Address: Boston Post Road (Route 20) and Old Sudbury Road
(Route 27), Wayland, MA 01778
Category: M.G.L.c. 138 Sec. 12 All Alcoholic Beverages License

Dear Sir/Madam:

I write on behalf of The Local Restaurant of Wayland, LLC (the "Licensee") regarding the Licensee's M.G.L.c. 138 Sec. 12 All Alcoholic Beverages License utilized at Boston Post Road (Route 20) and Old Sudbury Road (Route 27), Wayland, MA 01778 (collectively, the "License"). Please be advised of the following information regarding Mr. Jason Nocera, who is on record with the Town of Wayland and the Commonwealth of Massachusetts Alcoholic Beverages Control Commission (the "ABCC") as owner of a 2.10526 % interest in Grand Slam Restaurant Concepts, LLC, which holds a beneficial interest in the License (the "Beneficial Interest").

I regret to inform you that on December 7, 2017, Mr. Nocera passed away and his estate is currently in probate. It is anticipated that Mr. Nocera's estate, including the Beneficial Interest, will pass in its entirety to his son, Mr. Jacob Kinsman. Mr. Kinsman, of North Chelmsford, MA is twenty-five (25) years of age and, on information and belief and pursuant to M.G.L.c. 138, meets all of the eligibility requirements necessary to hold a beneficial interest in an alcoholic beverages license. When Mr. Nocera's affairs are settled – which is anticipated to occur by early 2019 – and the Beneficial Interest is duly transferred to Mr. Kinsman, The Local Restaurant of Wayland, LLC intends to promptly file a Change of Beneficial Interest Application with the Town of Wayland and ABCC. There will be no change in the Licensee's management or business operation in the meantime.

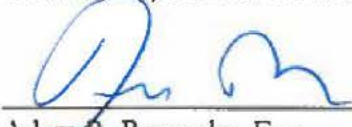
Letter to Town of Wayland
April 26, 2018
Page Two

If there is any other information required by the Board of License Commissioners or Town of Wayland at this time, please do not hesitate to be in touch.

Thank you for your attention to this matter.

Very truly yours,

RUBERTO, ISRAEL & WEINER, P.C.


By: Adam R. Barnosky, Esq.

cc: Alcoholic Beverages Control Commission
Julia Middlebrook
The Local Restaurant of Wayland, LLC
Frank Santos

✓

Municipality/Organization: Wayland, Massachusetts
EPA NPDES Permit Number: MAR041169
MassDEP Transmittal Number: W-
Annual Report Number & Reporting Period: Year 18
April 1, 2017 – March 31, 2018

File:
Stormwater

NPDES PII Small MS4 General Permit Annual Report (Due: May 1, 2018)

Part I. General Information

Contact Person: Paul Brinkman **Title:** Town Engineer
Telephone #: (508)358-6852 **Email:** pbrinkman@wayland.ma.us
Mailing Address: Department of Public Works, 66 River Road, Wayland, MA 01778

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: Tom Holder

Printed Name: Tom Holder

Title: Director of Public Works

Date: April 27, 2018

Part II. Self-Assessment:

Over the last year the Department of Public Works has added staff that will now allow for a singular point of coordination in the management of the Town's MS4 system. The Town Engineer is currently charged with implementation of the NPDES Phase II MS4 permit. The Town Engineer is coordinating with other Town Departments including the Department of Public Works, Conservation Commission, Board of Health, Building Department and Town Administrator to comply with the requirements of the NPDES Phase II permit. The Department of Public Works has primary authority over the Town's municipal separate storm sewer system (MS4) and is currently tasked with all operation, maintenance, replacement and capital upgrade of the drainage system. The responsibility for reporting requirements of the MS4 was transferred to the DPW as part of the creation of the Town Engineer role. In the first year, the Town Engineer has worked to review ongoing programs and make improvements to allow the Town to smoothly transition into the new permit proposed to become effective in Fiscal Year 2019.

A number of priorities have been identified to allow the Town to be better positioned to comply with the new permit including:

- Implementation of a more comprehensive mapping and asset management program.
- Improvements to maintenance protocols and practices.
- Development of new ordinances and regulations to allow for better management of the existing systems.
- Revisions to existing ordinances to increase the Town's ability to implement effective and long-term measures for stormwater control.
- Identification of resource, staff and equipment, needs to meet the existing and forthcoming regulatory requirements.

The Town Engineer is currently working in a number of areas of the MS4 system to ensure that existing requirements are being met. They include:

- Review of proposed developments and redevelopments to ensure that proposed systems comply with existing requirements as well as proposed systems are optimized to provide the maximum benefit to the environment. Additionally, new facilities are reviewed to ensure that owners can be best able to operate and maintain them over the long term.
- Assistance with the collection of data for reporting efforts.
- Development of educational programs for the local school system to ensure that water quality ideas are reinforced in the newest generation.
- Implementation of Low Impact Development and Green Infrastructure in new Town projects.

The Town continues its commitment to reduce the use of phosphates on town land along the Sudbury River, other tributaries, and in the Charles River watershed. The Department of Public Works now oversees the maintenance of recreational facilities and documents the use of phosphates on town lands. No fertilizers are used on town land managed by the conservation department. In addition, pretreatment to reduce phosphate in stormwater runoff is required for all new development located near perennial or intermittent streams, including the Sudbury River.

The Town has permanently protected an agricultural property from future development by purchasing a conservation restriction on 218 acres from the property owner and continues to rigorously enforce regulations to ensure that resources areas are not impacted from development.

The Town continues to fund MS4 improvements including:

- Pinebrook Culver Rehabilitation project.
- Concord Road Culvert Rehabilitation project.
- Conservation Improvements and Transfer Station Access Road reconstruction project. This project will create several thousand square feet of wetland as well as provide for crossing for smaller wetland animals under the access road.

Annual Transfer Station and Annual Post-Closure Landfill Inspections are conducted by a contractor. The inspections are typically conducted in the spring. Written reports are prepared and submitted to the MassDEP and the Town. The landfill storm water management system consisting of water bars, drainage swales, culverts and detention areas is checked and any needed corrective actions are listed in the inspection report, and discussed with DPW staff. Storm water drainage at the Transfer Station is also checked. Inactive, closed, or capped landfills are no longer subject to storm water permitting requirements and are also not regulated under EPA's Phase II Small MS4 program and therefore this BMP is not a required to be completed under the Town's MS4 program.

Part III. Summary of Minimum Control Measures

1. Public Education and Outreach

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 18 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 19
PEO-3	SuAsCo			Status of continued participation is presumed to have ended.	Communicating with public will be done by town staff and provided on the town website. New MS4 permit requirements as needed.
Revised					
Revised	<i>No longer participating in SuAsCo</i>				
PEO-2	Stormwater Flyer	SuAsCo	Flyer, poster, and postcards	Displayed poster at DPW	Distribute postcards at DPW open house
Revised					Continued use of web page and tax bill inserts as well as participation in community events.

1a. Additions

PEO 3	Introduction to possible changes to MS4 Permit	DPW and ConCom	Fact sheet on proposed changes	The new MS4 Permit will be prepared by town's contractor or the newly hired town engineer	New MS4 permit requirements as needed.
PEO	Increase public education regarding local Bylaw	DPW and ConCom	Hearing on the stormwater regulations, update web page, notice to other departments	Research conducted on the revisions to MS4 regulations as well as the development of new utility specific regulations. Identification and publication of MS4 requirements and resource gap analysis.	Development and implementation of revisions and new regulations through a the public process.

2. Public Involvement and Participation

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 18 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 19
PP-2	Storm water web page	All	Link or links on Town of Wayland Web page	Check links, add additional material	Continue same. Update for new permit requirements.
Revised					
Revised					

2a. Additions

PP-3	Interdepartmental Coordination	Land Use Depts.	Compatible standards and implementation	Participated in monthly Land Use meeting. Contact other permitting departments about existing Stormwater and Land Disturbance Bylaw.	Continued participation in Land Use meetings. Evaluate on-line permitting options to include SW requirements.
PP-4	Coordination of regulatory boards	BOPW, BOH, CONCOM, ct.al	Meeting attendance by representative - minutes	Developed new Building permit application with department sign-offs	Continued work with other permitting or review Boards and/or Commissions.
	Litter clean-up	Volunteers	Annual clean up of roadsides and town owned land	Collected 25 bags of rubbish	Done annually by a group of volunteers
	Rain barrel installation	DPW	Providing Rain barrels to residents	Coordinated a sale of rain barrels to residences.	Continue rain barrel program
	Composters	DPW	Provide Composters to residents	Coordinated a sale of composter to residences.	Continue composter program.

3. Illicit Discharge Detection and Elimination

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 18 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 19
IDE-1	Storm water Mapping	DPW/Engineering Dept.	Prepare map	Preliminary review of infrastructure. Improved existing information and data.	Conduct a physical review of the MS4 and increase data on existing system. Asset Management implementation. Update for new permit.
Revised					
IDE-3	Illicit Discharge Detection	DPW	Identification of illicit discharges	Conducted inspections of 50% of existing outfalls.	Continue outfall and open conveyance inspections.
	Develop enforcement procedures	Cons Com	Draft enforcement procedures	Review of existing regulations and systems.	Development and implement MS4 specific regulations
Revised					
IDE-3	Illicit Discharge Detection	All Town Depts.	Coordinate efforts to identify illicit discharges	DPW regularly inspected drainage system for illicit discharge to town system	No further action
	Removal of Illicit Discharges	DPW	Adopt procedures	Illicit discharges will be handled on a case by case basis	No further action
Revised					

3a. Additions

IDE-4	Amend or Adopt Bylaw	ConCom/Town Meeting	Create report with outline of changes to improve addressing illicit discharges	Bylaw was amended. Explored a separate IDDE Bylaw, however, could not define an oversight agency.	Continue to monitor effectiveness of the amended Bylaw. Finalize SW regulations. Update for new permit.

4. Construction Site Stormwater Runoff Control

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 18 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 19
Revised					
BMP CSW-3	Dept. site inspections	Planning Bd, Con. Comm.	Site inspections	Evaluate and report on other means of inter-departmental cooperation and communication and report on same.	Continue to expand upon present year efforts. Update for new permit.
Revised		Add BOH and Building			
	Erosion and sediment control for construction sites	Con. Com	Implement bylaw	Permit requires pre-construction site visit and erosion control inspection	Continue to implement bylaw requirements.
Revised					

4a. Additions

BMP-1A	Implementation of Stormwater Bylaw	Conservation and others	Draft regulations and general permit	Drafted regulations – prepared a submittal requirement checklist for SW applications	Finalized and approve SW regulations through a public process.

5. Post-Construction Stormwater Management in New Development and Redevelopment

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 18 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 19
GH-1 Revised	Develop controls for reducing discharge	Various Depts.	On-site implementation	Depts. are generally aware of requirements and using BMPs	Seek continued compliance
GH-2 Revised	Landfill SWPP	Public Works	By others	Ongoing. Continue to maintain BMPs at site.	Update as required for new MS4 permit.
GH-4 Revised	Record depository	Undefined	Annual Reports	Collected existing MS4 information into a single location as electronic files.	Enhance/improve records and record-keeping. Update for new permit.
Revised					
Revised					

5a. Additions

GH-7	Coordinated O&M efforts for BMPs	Land Use Dept and DPW	Undefined – Land Use minutes, anecdotal	Reviewed new developments for stormwater systems.	Expand existing GIS and data to include previous developments. Develop outreach to homeowners on the O&M of these systems.
GH-8		DPW	Use of vector for bmp maintenance.	Implemented improved tracking of materials.	Improve as required by new permit.

6. Pollution Prevention and Good Housekeeping in Municipal Operations

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 18 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 19
GH-2	Interdepartmental Efforts	B.O.H./Conservation/Public Works/Building Department		Capping of landfill complete. Facility being operated as transfer station. Will assess any further needs or requirements	Reporting done by Town contractors when applicable. Update for new permit.
Revised					
GH-3	Cleaning and maintenance	DPW	Regular housekeeping operations	Yearly cleaning of over 2,500 catch basins, cleared 6 clogged outfalls, cleared beaver dams from 6 culverts, road sweeping of 96 miles of road.	Update for new permit.
Revised					
GH3	Development of Stormwater Regulations	ConCom	Draft regulations	Prepared draft regulations	Finalize regulations
Revised					

6a. Additions

GH#	Pollution prevention	Con.Com	Manage pet waste	Three pet stations maintained. Weekly disposal of the pet waste container.	Continue maintaining pet waste stations. Seek outside funding to pay for weekly disposal.
	Decrease use of road sand	DPW	Use less sand during winter operations	Use of sand was down 628 tons from previous year	Continue to decrease use of sand.
	Direct road runoff	DPW	Install or repair road berms or curbing		Identify other areas of roadway for installation or repair of berms and curbing.

7. BMPs for Meeting Total Maximum Daily Load (TMDL) Waste Load Allocations (WLA) <<if applicable>>

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 18 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 19
	Address Sudbury River TMDL report	Wastewater	Review TMDL report		New permit likely to be in effect. Will be looking at impacts/needs to Charles River Phosphorus TMDL
Revised					

7a. Additions

	none				

7b. WLA Assessment: Currently no TMDL applicable however, with new permit Charles River Basin may have TMDL. Conservation Commission, through assessment of drainage, considers water quality and attempts to ascertain if WLA are applicable. Aware of no change in status of TMDL. Consideration of phosphorous removal by ConCom, Surface Water and others continues to be applicable. NO CHANGE IN THIS AT THE PRESENT TIME.

Part IV. Summary of Information Collected and Analyzed

Part V. Program Outputs & Accomplishments (OPTIONAL)

(Since beginning of permit coverage unless specified otherwise by a **, which indicates response is for period covering April 1, 2017 through March 31, 2018)

Programmatic

	(Preferred Units)	Response
Stormwater management position created/staffed	(y/n)	Y 0.25 FTE
Annual program budget/expenditures **	(\$)	\$100,000
Total program expenditures since beginning of permit coverage	(\$)	\$2,000,000
Funding mechanism(s) (General Fund, Enterprise, Utility, etc)		General Fund

Education, Involvement, and Training

Estimated number of property owners reached by education program(s)	(# or %)	5%
Stormwater management committee established	(y/n)	Y
Stream teams established or supported	(# or y/n)	N
Shoreline clean-up participation or quantity of shoreline miles cleaned **	(y/n or mi.)	Y
Shoreline cleaned since beginning of permit coverage	(mi.)	90 miles
Household Hazardous Waste Collection Days		
▪ days sponsored **	(#)	2
▪ community participation **	(# or %)	5%
▪ material collected **	(tons or gal)	3.5 tons
School curricula implemented	(y/n)	n

Mapping and Illicit Discharges

	(Preferred Units)	Response
Outfall mapping complete	(%)	100%
Estimated or actual number of outfalls	(#)	300
System-Wide mapping complete (complete storm sewer infrastructure)	(%)	70%
Mapping method(s)		
▪ Paper/Mylar	(%)	100%
▪ CADD	(%)	
▪ GIS	(%)	100%
Outfalls inspected/screened **	(# or %)	50%
Outfalls inspected/screened (Since beginning of permit coverage)	(# or %)	100%
Illicit discharges identified **	(#)	0
Illicit discharges identified (Since beginning of permit coverage)	(#)	0
Illicit connections removed **	(#); and (est. gpd)	0
Illicit connections removed (Since beginning of permit coverage)	(#); and (est. gpd)	0
% of population on sewer	(%)	3%
% of population on septic systems	(%)	97%

Construction

	(Preferred Units)	Response
Number of construction starts (>1-acre) **	(#)	3
Estimated percentage of construction starts adequately regulated for erosion and sediment control **	(%)	100%
Site inspections completed **	(# or %)	9
Tickets/Stop work orders issued **	(# or %)	0%
Fines collected **	(# and \$)	\$0
Complaints/concerns received from public **	(#)	0

Post-Development Stormwater Management

Estimated percentage of development/redevelopment projects adequately regulated for post-construction stormwater control	(%)	100%
Site inspections (for proper BMP installation & operation) completed **	(# or %)	1%
BMP maintenance required through covenants, escrow, deed restrictions, etc.	(y/n)	y
Low-impact development (LID) practices permitted and encouraged	(y/n)	y

Operations and Maintenance

Average frequency of catch basin cleaning (non-commercial/non-arterial streets) **	(times/yr)	1
Average frequency of catch basin cleaning (commercial/arterial or other critical streets) **	(times/yr)	1
Qty of structures cleaned **	(#)	2563
Qty. of storm drain cleaned **	(%, LF or mi.)	500 lf
Qty. of screenings/debris removed from storm sewer infrastructure **	(lbs. or tons)	50 tons
Disposal or use of screenings (landfill, POTW, compost, beneficial use, etc.) **	(location)	landfill
Basin Cleaning Costs		
• Annual budget/expenditure (labor & equipment)**	(\$)	\$40,000
• Hourly or per basin contract rate **	(\$/hr or \$ per basin)	\$22.47 (includes disposal)
• Disposal cost**	(\$)	
Cleaning Equipment		
• Clam shell truck(s) owned/leased	(#)	0
• Vacuum truck(s) owned/leased	(#)	1
• Vacuum trucks specified in contracts	(y/n)	0
• % Structures cleaned with clam shells **	(%)	100%
• % Structures cleaned with vector **	(%)	<1%

	(Preferred Units)	Response
Average frequency of street sweeping (non-commercial/non-arterial streets) **	(times/yr)	1 / yr
Average frequency of street sweeping (commercial/arterial or other critical streets) **	(times/yr)	2 / yr
Qty. of sand/debris collected by sweeping **	(lbs. or tons)	100 tons
Disposal of sweepings (landfill, POTW, compost, beneficial use, etc.) **	(location)	compost
Annual Sweeping Costs		
• Annual budget/expenditure (labor & equipment)**	(\$)	\$60,000
• Hourly or lane mile contract rate **	(\$/hr. or ln mi.)	
• Disposal cost**	(\$)	
Sweeping Equipment		
• Rotary brush street sweepers owned/leased	(#)	2
• Vacuum street sweepers owned/leased	(#)	0
• Vacuum street sweepers specified in contracts	(y/n)	0
• % Roads swept with rotary brush sweepers **	%	100%
• % Roads swept with vacuum sweepers **	%	0%

Reduction (since beginning of permit coverage) in application on public land of: ("N/A" = never used; "100%" = elimination)		
▪ Fertilizers	(lbs. or %)	100% of phosphorus
▪ Herbicides	(lbs. or %)	N/A
▪ Pesticides	(lbs. or %)	N/A
Integrated Pest Management (IPM) Practices Implemented	(y/n)	

	(Preferred Units)	Response
Average Ratio of Anti-/De-Icing products used **	% NaCl	80%
(also identify chemicals and ratios used in specific areas, e.g., water supply protection areas)	% CaCl ₂	
	% MgCl ₂	10%
	% CMA	
	% Kac	

	% KCl	
	% Sand	10%
Pre-wetting techniques utilized **	(y/n or %)	y
Manual control spreaders used **	(y/n or %)	n
Zero-velocity spreaders used **	(y/n or %)	y
Estimated net reduction or increase in typical year salt/chemical application rate	(±lbs/lb mi. or %)	0%
Estimated net reduction or increase in typical year sand application rate **	(±lbs/lb mi. or %)	50%
% of salt/chemical pile(s) covered in storage shed(s)	(%)	100%
Storage shed(s) in design or under construction	(y/n or #)	0
100% of salt/chemical pile(s) covered in storage shed(s) by May 2008	(y/n)	y

Water Supply Protection

Storm water outfalls to public water supplies eliminated or relocated	# or y/n	0
Installed or planned treatment BMPs for public drinking water supplies and their protection areas	# or y/n	0
Treatment units induce infiltration within 500-feet of a wellhead protection area	# or y/n	0

April 30, 2018

Katharine L. Klein
kklein@k-plaw.com

BY ELECTRONIC TRANSMISSION AND
FIRST CLASS MAIL

Conservation Commission
Town of Wayland
Wayland Town Hall
41 Cochituate Road
Wayland, MA 01778

RECEIVED

MAY 03 2018

Board of Selectmen
Town of Wayland

Re: Commercial Dog Run in the Lower Snake Brook Conservation Area

Dear Members of the Conservation Commission:

You have requested an opinion whether a commercial dog run may be located within the Lower Snake Brook Conservation Area (the "Property"), and specifically, whether the proposed use is consistent with the Self-Help Program, which provided a portion of the funding for the Property, as well as Article 97 of the Articles of Amendment to the Massachusetts Constitution ("Article 97"), which, in my opinion, each govern the uses that may be made of the Property. The dog run, I understand, will be operated by Doggy Dates, a commercial enterprise, which has offered to pay the Town the sum of \$2,000 per month for the proposed use. The dog run will be approximately one-quarter of an acre in size. A temporary fence will be installed, leading from the parking area, to a larger fenced-in area, where the dogs will be off-leash.

In my opinion, a commercial dog run, operated for dogs of absent owners, and under the care of employees of a dog care business, is not consistent with the laws governing the Self-Help Program, or with the uses that are permitted under Article 97.

Lower Snake Brook Conservation Area - Background

The Lower Snake Brook Conservation Area, which contains approximately 14.7 acres, was acquired by the Town partially with funds obtained through the Self-Help Program, which is controlled by Chapter 132A. The Property is subject to a Self-Help Program Agreement, dated December 24, 1984, recorded with the Middlesex South Registry of Deeds in Book 16235, Page 408. Under the Program Agreement the Property was acquired by the Town to be managed, maintained and operated by its Conservation Commission. The Town acknowledges expressly in the Program Agreement that the Property is subject to Article 97.

The Property is, further, subject to the rules adopted by the Conservation Commission with respect to dogs on Wayland conservation lands. These include the requirements that all dogs must

Conservation Commission
Town of Wayland
April 30, 2018
Page 2

be leashed or under voice control at all times and visitors are allowed up to 3 dogs per person but only 2 may be off leash at any one time.

Self-Help Program

Self-Help grants, G.L. Ch. 132A, §11 (the “Act”), under the so-called LAND Grant program (Local Acquisitions for Natural Diversity), provide financial assistance to municipalities for the purpose of acquiring lands for conservation and passive recreation purposes, and property acquired with assistance from the LAND Grant program shall be retained at all times for these purposes. 301 CMR 5.07. In the event that the property ceases to be so used, either in whole or in part, for such purposes, it shall revert to the Commonwealth, unless the Secretary of the Executive Office of Energy and Environmental Affairs (EOEEA) demands specific performance. 3.01 CMR 5.08(2) The ramifications, accordingly, of using property in a manner contrary to the permissible uses are potentially significant, including a reversion of the property to the Commonwealth.

Section 2B of the Act states, in part, that “no commercial activities except those essential to the quiet enjoyment of the facilities by the people shall be permitted.” While G.L. c. 132A, §2D permits the imposition of fees for the use of such properties, this Section appears to contemplate charging persons using the properties for their own personal enjoyment, not for commercial activities.

Article 97

Article 97 was approved on November 7, 1972, and applies retroactively. It states, in relevant part, that “[t]he people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose.” Article 97 further provides that “[l]ands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court.” The EOEEA Article 97 Land Disposition Policy, dated February 19, 1998, allows a revocable permit or license upon Article 97 property “as long as no interest in real property is transferred to the permittee or licensee, and no change in control or use that is in conflict with the controlling agency’s mission, as determined by the controlling agency, occurs thereby.”

Conservation Commission
Town of Wayland
April 30, 2018
Page 3

Operation of a Commercial Dog Run

In my opinion, a license to operate a commercial dog run on the Lower Snake Brook Conservation Area is not a permissible use under the laws and regulations governing LAND Grants and Article 97.

While a license is not a grant of a property interest, the use proposed by the licensee must be consonant with the purpose for which the property is held. Indeed, there must be no change in use that is in conflict with the controlling agency's mission. See EOEEA Article 97 Land Disposition Policy. The subject Property is held by the Conservation Commission for open space and passive recreation purposes. The paramount objective of Doggy Dates is to generate income for the owners of the enterprise. This is not consistent with the mission of the Conservation Commission to provide a place for persons to engage in recreational activities on open lands. The LAND Grant rules, in fact, limit commercial activities, except those "essential" to the quiet enjoyment of the Property. A commercial dog run, in my opinion, does not further this objective. Finally, the proposed use would not be permitted under the Conservation Commission's policies governing the presence of dogs on conservation lands.

In conclusion, in my opinion, a dog run operated for the purpose of enhancing the business opportunities for a private entity on conservation property, which is governed by the laws and regulations of the LAND Grant program, Article 97 and Wayland's policy regarding the presence of dogs on conservation lands, is not permissible.

Please contact me with any questions.

Very truly yours,



Katharine Lord Klein

KLK/jsh

cc: Board of Selectmen

623679/WAYL/0129

✓
CORRESPONDENCE:
COMCAST BALANCE SHEET
e-mail to

RECEIVED

APR 30 2018

Board of Selectmen
Town of Wayland

Selectman
Leweris

File: Comcast

+ Hewig

APRIL 25, 2018

ENCLOSED:

CTV FORM 200	FINANCIAL BALANCE SHEET
CTV FORM 300	STATEMENT OF REVENUE & EXPENSES PARTS A & B
CTV FORM 400	STATEMENT OF OWNERSHIP

**FOR THE COMBINED MASSACHUSETTS CABLE TELEVISION
OPERATIONS OF COMCAST CABLE COMMUNICATIONS, LLC
FOR THE FISCAL YEAR ENDED
DECEMBER 31, 2017.**

CTV FORM 200 FINANCIAL BALANCE SHEET

Reporting Entity: Combined Massachusetts Operations of Comcast Cable Communications Holdings, Inc.

Franchises Served: See Attachment A

Year Ending: December 31, 2017

	Current Year Yr2017	Prior Year Yr2016
ASSETS		
<u>Current Assets</u>		
200 Cash and Equivalents	\$ -	\$ -
210 Accounts Receivable, Less Allowances	\$ 42,982,765	\$ 42,455,151
220 Inventory	\$ 8,982,887	\$ 3,736,435
230 Prepaid Expenses	\$ 3,250,278	\$ 4,143,303
240 Other Current Assets	\$ 338,423	\$ 163,520
250 Total Current Assets	\$ 55,554,353	\$ 50,498,409
<u>Fixed Operating Assets</u>		
260 Land	\$ 11,062,805	\$ 11,062,805
270 Buildings	\$ 99,762,608	\$ 93,161,043
280 Headend Equipment	\$ 377,664,928	\$ 349,026,471
290 Trunk and Distribution Equipment	\$ 1,142,699,308	\$ 1,119,466,168
300 Subscriber Devices	\$ 611,720,830	\$ 681,911,625
310 Other Fixed Operating Assets	\$ 110,267,261	\$ 106,452,771
320 Construction Work in Progress	\$ -	\$ -
330 Total Fixed Operating Assets	\$ 2,353,177,739	\$ 2,361,080,882
340 Accumulated Depreciation	\$ (1,939,128,922)	\$ (1,773,379,901)
Net Fixed Operating Assets	\$ 414,048,817	\$ 587,700,981
<u>Other Operating Assets</u>		
350 Franchise Acquisition Costs	\$ 4,146,243,802	\$ 4,196,117,855
360 Excess Fair Value	\$ -	\$ -
370 Goodwill	\$ 27,597,247	\$ 27,597,247
380 Other Intangible Assets	\$ 79,865,738	\$ 85,110,543
390 Total Other Assets	\$ 4,253,706,787	\$ 4,308,825,645
400 Accumulated Amortization	\$ (63,552,951)	\$ (59,628,600)
Net Other Assets	\$ 4,190,153,836	\$ 4,249,197,045
410 Total Net Assets	\$ 4,659,757,006	\$ 4,887,396,435

CTV FORM 200

FINANCIAL BALANCE SHEET

Reporting Entity: Combined Massachusetts Operations of Comcast Cable Communications Holdings, Inc.
 Franchises Served: See Attachment A
 Year Ending: December 31, 2017

	Current Year Yr2017	Prior Year Yr2016
LIABILITIES AND OWNER'S EQUITY		
<u>Current Liabilities</u>		
420 Accounts Payable	\$ 2,667,779	\$ 2,155,750
430 Subscriber Advance Payments and Deposits	\$ 18,021,186	\$ 15,329,654
440 Debt Due within One Year	\$ -	\$ -
450 Current Taxes Payable	\$ 449,603	\$ 709,909
460 Other Current Liabilities	\$ 32,876,200	\$ 35,339,063
470 Total Current Liabilities	\$ 54,014,767	\$ 53,534,376
<u>Non Current Liabilities</u>		
480 Long-Term Debt	\$ -	\$ -
490 Notes Payable	\$ -	\$ -
500 Bonds Payable	\$ -	\$ -
510 Obligation on Capitalized Leases	\$ 2,859,849	\$ 3,637,917
520 Deferred Taxes	\$ -	\$ -
530 Other Non Current Liabilities	\$ 16,268,590	\$ 16,987,060
540 Total Non Current Liabilities	\$ 19,128,438	\$ 20,624,977
<u>Owner's Equity</u>		
550 Net Assets due from/to Parent Company	\$ (2,727,430,978)	\$ (2,183,504,675)
560 Capital Stock	\$ 6,523,231,203	\$ 6,523,231,203
570 Retained Earnings - Gross	\$ 1,555,813,576	\$ 1,238,510,554
580 Accumulated Dividends	\$ (765,000,000)	\$ (765,000,000)
590 Other	\$ -	\$ -
600 Total Owner's Equity	\$ 4,586,613,800	\$ 4,813,237,082
610 Total Liabilities and Equity	\$ 4,659,757,006	\$ 4,887,396,435

ATTACHMENT A

COMBINED MASSACHUSETTS OPERATIONS OF COMCAST CABLE COMMUNICATIONS HOLDINGS, INC.

SCHEDULE OF FRANCHISES SERVED IN COMMONWEALTH OF MASSACHUSETTS AS OF DECEMBER 31, 2017

1 Abington	41 Chatham	81 Groveland	121 Mattapoisett	161 Plainville	201 Tewksbury
2 Acton	42 Chelmsford	82 Halifax	122 Maynard	162 Plymouth	202 Tisbury
3 Acushnet	43 Chelsea	83 Hamilton	123 Medfield	163 Plympton	203 Topsfield
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7 Andover	47 Cohasset	87 Harwich	127 Mendon	167 Raynham	207 Upton
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39 Carlisle	79 Granville	119 Marshfield	159 Pembroke	199 Taunton	239 Yarmouth
40 Carver	80 Greenfield	120 Mashpee	160 Phillipston	200 Templeton	

CTV FORM 300
STATEMENT OF REVENUE & EXPENSES
PART A
INCOME STATEMENT

Reporting Entity: Combined Massachusetts Operations of Comcast Cable Communications Holdings, Inc.

Franchises Served: See Attachment A

Year Ending: December 31, 2017

	Current Year Yr2017	Prior Year Yr2016
OPERATING INCOME		
<u>Subscriber Revenues</u>		
620 Installation Income	\$ 9,761,922	\$ 11,568,485
630 Equipment Revenue	\$ 76,833,833	\$ 91,008,093
640 Basic/Other Tier Subscriber Revenue	\$ 1,380,930,480	\$ 1,317,080,078
650 Premium Channel Revenue	\$ 176,160,151	\$ 170,686,405
660 Pay Per View Revenue	\$ 66,568,590	\$ 66,642,871
670 Other Subscriber Revenues	\$ 99,470,184	\$ 98,715,725
680 Total Subscriber Revenues	\$ 1,809,725,159	\$ 1,755,701,657
<u>Non-Subscriber Revenues</u>		
690 Advertising Income	\$ 116,911,852	\$ 119,001,815
700 Other Income	\$ 8,960,445	\$ 9,540,548
710 Total Non-Subscriber Revenues	\$ 125,872,297	\$ 128,542,363
720 Total Operating Income	\$ 1,935,597,456	\$ 1,884,244,020

OPERATING EXPENSES

<u>Direct Operating Expenses</u>		
730 Programming Expenses	\$ 909,838,659	\$ 807,446,022
740 Net Bad Debt and Collection Expenses	\$ 11,423,219	\$ 11,210,736
750 Salaries and Benefits	\$ 164,600,666	\$ 168,448,518
760 Repairs & Maintenance	\$ 14,857,265	\$ 14,509,041
770 Light, Heat, Power	\$ 11,053,140	\$ 11,034,910
780 Pole & Duct Rental	\$ 7,025,671	\$ 6,822,139
790 Administration - Office and Billing	\$ 69,387,972	\$ 67,020,041
800 Marketing	\$ 34,174,899	\$ 33,709,899
810 Local Origination	\$ 813,065	\$ 1,261,106
820 Other	\$ 225,265,543	\$ 214,391,338
830 Total Operating Expenses	\$ 1,448,420,100	\$ 1,335,853,752

CTV FORM 300
STATEMENT OF REVENUE & EXPENSES
PART A
INCOME STATEMENT

Reporting Entity: Combined Massachusetts Operations of Comcast Cable Communications Holdings, Inc.
Franchises Served: See Attachment A
Year Ending: December 31, 2017

	Current Year Yr2017	Prior Year Yr2016
<u>Depreciation and Amortization</u>		
840 Depreciation	\$ 165,749,021	\$ 157,303,930
850 Amortization	\$ 3,924,351	\$ 3,738,967
860 Total Depreciation and Amortization	\$ 169,673,371	\$ 161,042,897
870 Total Expenses	\$ 1,618,093,471	\$ 1,496,896,649
<u>Other Income and Expenses</u>		
880 Other Income	\$ -	\$ -
890 Interest Expenses	\$ 457,412	\$ 472,823
900 Other	\$ -	\$ -
910 Total Other (Income) and Expenses	\$ 457,412	\$ 472,823
<u>Provision for Income Tax</u>		
920 Currently Payable	\$ -	\$ -
930 Deferred	\$ -	\$ -
940 Total Provision for Income Tax	\$ -	\$ -
<u>Extraordinary Items</u>		
950 (Gain)/Loss on Sale of Fixed Assets	\$ (256,449)	\$ 203,348
960 Other Extraordinary Items	\$ -	\$ -
970 Total Extraordinary Items	\$ (256,449)	\$ 203,348
980 Net Income (Loss)	\$ 317,303,022	\$ 386,671,200

CTV FORM 300
STATEMENT OF REVENUE & EXPENSES
PART B
STATEMENT OF GROSS ANNUAL RECEIPTS

Description of Gross Annual Receipts

The amount to be reported as gross annual receipts is the total of all revenues earned (reduced by anticipated bad debts) from cable television activity in the Commonwealth. These revenues should include all income from the basic service tier, cable programming service tiers, premium and pay-per-view channels, the rental of converters and remote controls, installations, advertising, local origination, leased access, rentals and management fees.

The amount reported should reflect the total operating income amount reported in the company's general ledger account. These accounts are included in the operating income accounts set forth in the Cable Division's *Uniform Reporting System - Rules for Completing Financial Reporting Forms*. (Total Gross Annual Receipts should equal the total provided on Line 720 of Form 300 for all forms filed by the cable operator.)

Operator: Comcast Cable Communications, LLC

Address: 676 Island Pond Road
Manchester, NH 03109

I hereby certify that the amount shown below is the gross annual receipts for this company for the calendar year as defined below.

Year: December 31, 2017 Gross annual receipts

Gross Receipts	\$	1,935,597,456
Less Bad Debt	\$	(8,641,116)
Total Gross Receipts	\$	1,926,956,341

Lynsey Dempsey
(Name - Print)

3/23/18
(Date)

Lynsey Dempsey
(Name - Signature)

215-286-3923
(Telephone)

Sr. Director, Reporting & Analysis
(Title)

**CTV FORM 300 - STATEMENT OF REVENUE & EXPENSES
PART B - STATEMENT OF GROSS ANNUAL RECEIPTS**

Systems Included In Report

Please provide a breakdown of each reporting unit (franchise, system or legal entity) and the corresponding gross receipt amount for each. The total of all the units should comprise the total gross annual receipts amount reported on the previous page.

Reporting Unit	Gross Receipts for Reporting Unit		
Combined Massachusetts Operations of Comcast Cable Communications, LLC	Gross Receipts	\$	1,935,597,456
	Less Bad Debt	\$	(8,641,116)
	Total Gross Recelpts	\$	1,926,956,341

*This figure must equal the gross annual receipts figure shown on page 4 above.

ATTACHMENT A

COMBINED MASSACHUSETTS OPERATIONS OF COMCAST CABLE COMMUNICATIONS HOLDINGS, INC.

SCHEDULE OF FRANCHISES SERVED IN COMMONWEALTH OF MASSACHUSETTS AS OF DECEMBER 31, 2017

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39 Carlisle	79 Granville	119 Marshfield	159 Pembroke	199 Taunton	239 Yarmouth
40 Carver	80 Greenfield	120 Mashpee	160 Phillipston	200 Templeton	

CTV FORM 400

STATEMENT OF OWNERSHIP

Please provide the following information for each Issuing Authority. Note that communities served by the same legal entity may be aggregated.

- (1) (a) The full legal name of the cable operator's legal entity (corporation or partnership) holding the cable television license.

Name: See Attachment A

- (b) If applicable, the d/b/a or generally used name of the legal entity within the Issuing Authority's community.

Name: _____

- (2) The full legal name of the ultimate parent entity/ies which own(s) the corporation or partnership holding the cable license.

Name: Comcast Corporation FEDERAL ID 27-0000798

- (3) The regional office(s) managing the cable licenses in Massachusetts:

Name: Comcast Cable Communications, LLC

Street Address: 676 Island Pond Road

Municipality, State & Zip Code: Manchester, NH 03109

Contact Person: Edward Zimmermann

Contact Person's Title: Division Sr. Vice President, Finance

Contact Person's Telephone Number: (603) 695 - 1452

- (4) The corporate office of the ultimate parent entity:

Name: Comcast Corporation

Street Address: 1701 John F Kennedy Boulevard

Municipality, State & Zip Code: Philadelphia, PA 19103

Contact Person: Edward Zimmermann

Contact Person's Title: Division Sr. Vice President, Finance

Contact Person's Telephone Number: (603) 695 - 1452

CERTIFICATION PAGE

Financial and Statistical Data Forms for the year ending December 31, 2017

Cable Operator: Comcast Cable Communications, LLC

Address: 676 Island Pond Road
Manchester, NH 03109

Telephone: (603) 695 - 1468 Fax: (603) 628 - 3365

Name of person completing these forms: Mark Renaud

Title: Senior Director of Regulatory Accounting

Number of cable franchises in Massachusetts at most recent year end: 240

Number of cable subscribers in Massachusetts at most recent year end: 1,456,345

Form of Organization (circle one) ☒ Corporation ☐ Partnership ☐ Other

Is the company owned or controlled by a Multiple System Operator (MSO)? Yes

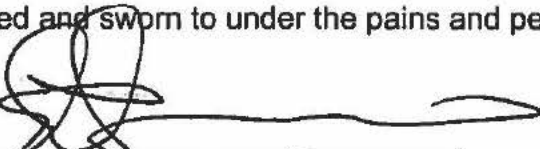
Name, address and telephone number of MSO: Comcast Corporation
1701 John F Kennedy Boulevard
Philadelphia, PA 19103-2838

CERTIFICATION

G.L. c. 166A, sec. 8, requires the execution of this certification by the treasurer of the corporation.

I certify that all the information contained in these forms are true and complete to the best of my knowledge. All material changes requiring an explanation have been explained.

Signed and sworn to under the pains and penalties of perjury this 20th day of April 2018



Signature

Division Sr. Vice President, Finance

Title

**CTV FORM 400
ATTACHMENT A
12/31/2017**

Name: Comcast Cable Communications, LLC

(1) (a) The full legal name of the cable operator's legal entity (corporation or partnership) holding the cable television license.

Legal Entity

Comcast Cable Communications Management, LLC
Comcast of Massachusetts II, Inc.
Comcast of Brockton, Inc.
Comcast of Milton, Inc.
Comcast of Needham, Inc.
Comcast of Georgia/Massachusetts, LLC
Comcast of Massachusetts/Virginia, Inc.
Comcast of Southern New England, Inc.
Comcast of Boston, Inc.
Comcast of Massachusetts III, Inc.
Comcast of California/Massachusetts/Michigan/Utah, LLC
Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC

ATTACHMENT A

COMBINED MASSACHUSETTS OPERATIONS OF COMCAST CABLE COMMUNICATIONS HOLDINGS, INC.

SCHEDULE OF FRANCHISES SERVED IN COMMONWEALTH OF MASSACHUSETTS AS OF DECEMBER 31, 2017

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