



# TOWN OF WAYLAND

## BOARD OF SELECTMEN POLICIES AND PROCEDURES

This document represents the compilation of policies and procedures used by the Board of Selectmen in the conduct of its duties as described in law and as a guide in the performance of other customary practices of a municipal governing board. It supersedes any prior publication of these policies, either individually or collectively, in the form of the so-called "Selectmen's Policy Manual." To the extent the policies have been revised, the history of Selectmen action when known is footnoted. Future amendments will be so noted and appropriate pages replaced. A copy of this document is posted on the Selectmen's page of the Town of Wayland website and is available for public inspection in the Selectmen's Office in Town Building during regular business hours.

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# Wayland Board of Selectman

## Board Description and Guiding Principles

The Board of Selectmen is a five-member, non-partisan governing board that acts as the principal policy-making authority of the town. Members are elected to staggered, three-year terms. Each year at the first meeting following the conclusion of the Annual Town Meeting, the Board elects a chair who approves the agenda for Board meetings, conducts its meetings, and is the primary spokesman for the Board. The Board also elects a vice-chair, who acts in the temporary absence of the chair and also serves as clerk of the Board.

The oath of office binds each Selectman to adhere to the laws of the Commonwealth and Town bylaws; and each Selectman recognizes Board policies. The Board exercises general supervisory authority over all matters not specifically delegated by law or by vote of the town to another officer or board. Overall, the Board has broad responsibility for the safety and well-being of the town. Each member recognizes that the chief function of local government is to serve the best interests of all of the people at all times.

Members represent the Town of Wayland at all times. The Board's duties are outlined in the Town's bylaws and include the following major duties and responsibilities:

1. To provide leadership for the town.
2. To develop, articulate, and implement policies to steer the town government as applicable under the Town's bylaws.
3. To sign or veto items on warrants for payment of all town bills.
4. To make appointments to town boards, committees, commissions and offices.
5. To hire professional administrative assistance.
6. To appoint and retain legal counsel and direct the legal affairs of the town.
7. To prepare the Town Meeting warrant, including ordering of articles.

The Board conducts the affairs of the town by upholding the following guiding principles through the words and actions of individual members and as a public body:

- **Each member is integral to the effectiveness of the entire board.**

The Board provides leadership as a team. Therefore, each member agrees to conduct him/herself so as to maintain public confidence in our local government,

demonstrating at all times respect for the office and for the citizens who are represented and conducting official business in such a manner as to give the clear impression that he or she cannot be improperly influenced in the performance of his or her official duties. Selectmen shall share information regarding town matters with the entire Board and with members of other committees who may be seeking help or relevant information. Each member will treat all colleagues on the Board with respect, despite differences of opinion on matters of policy, always remembering that respectful debate does not preclude honest differences of opinion. Board members will exercise care to clearly state in any individual statements contrary to Board policy that the opinion is that of the individual member and not representative of the Board.

- **Selectmen recognize the role and relationship of Town Administrator and administrative staff.**

The Board will work to effectively support the ordinary business of town offices. The Town Administrator is the conduit between the Board and each Selectman and town departments. Each member recognizes and supports the role of the Board and the administrative chain of command and refuses to act on complaints as an individual outside of the Board and administration. Each member channels all requests for assistance or staff support from Town departments through the Board and the Town Administrator. Each member shall treat all staff as professionals and respect the abilities and experience of each individual. Members shall never publicly criticize an individual employee or a department; concerns about staff performance should only be made to the Town Administrator through direct communication.

- **Authority is limited to actions taken by the Board as a whole.**

The power of the Board is invoked only when action is taken by a quorum at a duly posted meeting. No individual Selectman has authority to act on behalf of the Board, unless the Board has granted such specific authority, and no member should represent him/herself as having individual authority or influence to governmental bodies or the public.

- **Selectmen make decisions based on information received and discussion held at Board meetings.**

Board members make decisions only after all relevant facts on an issue have been presented and discussed in formal session. Selectmen respect that each member is entitled to his or her viewpoint and opinion. The Board makes decisions by considering the needs of the town and for the good of the entire community.

- **Board members abide by decisions of the Board.**

Action taken at official meetings is binding. Each member abides by decisions of the Board made at a duly posted meeting, even when such decisions are contrary to an individual member's vote.

- **Members respect the intent of and deliberations conducted in executive session.**

Executive session is held only in particular circumstances to protect the interests of the Town or individuals' privacy as provided in state law. The content of the proceedings is privileged. Members pledge to uphold the intent of executive session, to respect the privileged communication that exists in executive session, and to safeguard confidential information. Statements uttered, sentiments expressed, information shared, and actions taken in executive session shall not later be discussed in an open meeting or publicly or privately with non-members who were not present in the executive session.

*Adopted on July 15, 1997; revised on July 9, 2007; revised and restated on October 13, 2010; revised and restated on June 11, 2012; revised and restated on June 5, 2013; revised and restated on July 27, 2015.*

## **OFFICERS AND MEETINGS**

### **OFFICERS**

1. At the first meeting of the Board of Selectmen held after the adjournment of Annual Town Meeting *sine die*, members shall elect a chairman and vice chairman/clerk whose terms of office begin immediately and end when duly elected successors are chosen at the first meeting of the Board of Selectmen following the adjournment of the subsequent Annual Town Meeting.
2. The chairman shall be the presiding officer at meetings of the board. S/he will set the agenda, represent the board, and act as its spokesman, or designate the same.
3. The vice chairman shall preside at meetings in the absence of the chair, assist the chairman as needed in managing the affairs of the board, and coordinate/schedule the warrant process for the board.
4. If both the chairman and vice chairman are unavailable, the senior Selectman in time served as a Selectman shall preside at meetings of the board.
5. The intent of this policy is for the chairman of the board to rotate among members of the board willing to serve. Nothing in this policy prohibits a selectman from succeeding him/herself if the board so votes.
6. Should the chairman be unable to continue to serve, the vice chairman will become the chair and an election held to choose a new vice-chairman. Should the vice chairman be unable or unwilling to serve, a new chairman shall be elected. Should both positions become vacant, the senior elected Selectman shall hold both offices until an election can be held to fill the vacancy in both positions.

### **MEETINGS**

1. The Board of Selectmen shall convene at least twice a month on Monday evening at 7:00 p.m. with additional meetings scheduled as necessary. Unless deemed appropriate by the Board, discussion shall not begin on new business items after 11:00 p.m.
2. The Town Administrator shall provide the members with appropriate background materials on matters before the Board and shall provide copies of all correspondence sent to the Selectmen. S/he shall maintain accurate records of all meetings and action taken, including executive sessions.
3. Three members shall constitute a quorum.
4. Beginning in July 2015, meeting materials will be provided by electronic packet rather than a paper copy.

*Approved on April 26, 2010; restated on October 13, 2010; revised and restated on July 13, 2015.*

## **POLICY ON LIAISON PROGRAM**

The purpose of the Board of Selectmen's Liaison Program is to promote a high level of communication and continuing exchange of thoughts and ideas between the Board and the town's committees.

To achieve this goal, each member of the Board of Selectmen is assigned by the Chair to serve as a liaison to a number of boards and committees.

The Selectmen's Liaison receives and reviews copies of board and committee meeting agendas, informational packets and minutes, and may attend meetings as his or her schedule permits.

The chair of a board or committee may schedule a conversation with the Liaison as an agenda item, in order for the Liaison to communicate information from the Board of Selectmen and bring the questions and concerns of the committee back to the Board for discussion at a regular public meeting.

Liaison assignments will be reviewed and may be re-ordered annually by the Board of Selectmen or at the discretion of the Chair.

The presentation of Liaison reports, which may be either written or verbal, will be made as part of "Selectmen's Reports and Concerns" at each meeting as necessary.

*Approved on May 1, 2017.*

## **PUBLIC HEARINGS**

These procedures shall be used when the Board of Selectmen calls a Public Hearing.

1. Public Hearings shall be advertised according to the applicable statute or as deemed appropriate by the Board of Selectmen.
2. Public Hearings before the Board of Selectmen shall be informal, in that the procedures of courts of law and the rules of evidence shall not apply. Rather, the presiding member of the Board shall seek to conduct Public Hearings and receive evidence using the test of reasonableness and relevance under the circumstances.
3. Neither the Town nor any parties shall be required to be represented by legal counsel, though such counsel is permitted.
4. The presiding Selectman shall begin the proceedings by stating the purpose of the Public Hearing and the rules to be followed during the Hearing.
5. The proponents or complaining side shall be heard fully followed by questions and comments from the board and then, through the chair, from the public. The opponents or defending side shall be heard fully followed by questions and comments from the board and then, through the chair, from the public. Both sides shall have an opportunity to present rebuttal statements and to make concluding remarks.
6. The Board shall accept written testimony that is submitted prior to or at the Public Hearing.
7. The Board may make its decision immediately following the hearing, take the matter under advisement or consult with its counsel or staff in order to defer reaching a decision, continue the matter to another specified date, time and place, or deliberate and take such action as it judges appropriate during the same meeting.

*Approved on February 9, 2004; revised and restated on October 13, 2010; revised September 28, 2015.*



## **OPPORTUNITIES FOR PUBLIC COMMENT ON REGULATIONS AND FEES**

Prior to adoption of regulations or fee schedules, there shall be opportunity for public comment in meetings open to and advertised to the public. In many cases there is no legal requirement that advertised public hearings be held in advance of the governmental body's public decision-making. However, the Board of Selectmen believes that, for all town boards, every effort should be made to invite public participation, including public notices, to ensure that such regulations and fee schedules meet the tests of necessity, reasonableness, and fairness.

*Approved on February 9, 2004; revised and restated on October 13, 2010, revised and restated on September 8, 2015.*

## **COMMUNICATIONS WITH THE BOARD OF SELECTMEN**

In order to keep the Board of Selectmen well informed, the Town Administrator is expected to exercise his or her discretion in bringing to the attention of the Board any communications, written or oral, from any source relevant to the activities and interests of the Board of Selectmen.

The Town Administrator shall provide to the Board of Selectmen copies of all such written communications received or sent by the Town Administrator or the Board of Selectmen to or from any person or organization including, but not limited to, federal, state, and local (non-Wayland) governmental organizations and officials; other Wayland boards, elected and appointed officials, and their employees; and the public. Obvious unsolicited "junk mail" or routine scheduling matters or similar correspondence is excluded.

For each regular meeting of the Board of Selectmen, a list of all public records provided to the Board of Selectmen subsequent to the last regular meeting shall be published. Scheduling items, invitations, junk/spam correspondence shall be excluded from this list.

*This paragraph, formerly "Publication of List of Public Records Provided to the Board of Selectmen" was approved March 9, 2009; restated on October 13, 2010, reviewed and merged with "Communications with the Board of Selectmen" September 8, 2015.*

*Approved February 9, 2004; revised and restated on October 13, 2010, Reviewed and restated September 8, 2015.*

## **ACKNOWLEDGMENT OF CORRESPONDENCE FROM THE PUBLIC**

Correspondence addressed to the Board of Selectmen shall be acknowledged promptly by the Town Administrator or the Chair of the Board of Selectmen, in writing. The Board does not routinely acknowledge receipt of memoranda and letters addressed to other boards or officials or impersonal correspondence. Copies of all responses, other than routine acknowledgements, shall be provided to the Board in the next packet.

*Approved February 9, 2004; revised and restated on October 13, 2010, Reviewed September 8, 2015.*

## **SIGNING OF WARRANTS AND PAYMENT OF LEGAL SERVICES**

All invoices submitted for payment shall be approved in writing by the department director or the board, committee, or commission when applicable. The Town Administrator shall sign for departments under the jurisdiction of the Board of Selectmen that do not have a department director. Each board, committee, and commission will notify the town accountant in writing the name(s) of persons authorized to sign payroll, invoice, and bills payable forms.

The Town Administrator shall approve invoices from Town Counsel and Special Town Counsel before submitting them to the Board of Selectmen for approval.

*Approved February 9, 2004; revised and restated on October 13, 2010*

## **MANUAL CHECKS ISSUED BY THE TREASURER**

The Town Treasurer shall issue no manual check nor make electronic fund transfers to a non-Town of Wayland account unless it has been approved in advance by the Town Accountant. Notwithstanding the Town Accountant's approval, the Treasurer shall make no such payment or transfer unless

- it has been specifically authorized by vote of the Board of Selectmen, or
- it is to replace another check previously authorized by vote of the Board of Selectmen but issued in error, or
- it effectuates a temporary investment of cash into an existing Town of Wayland account with a bank or other approved fiduciary, or
- it is for repayment of outstanding bond/note principal and interest, or
- it is for payment to the United States Postal Service, or
- it represents employee payroll deduction(s) in payment to a fiduciary for one of the following purposes: withheld Federal income tax plus FICA, withheld Massachusetts income tax, contribution to a credit union or retirement plan, contribution to life or health insurance coverage, or court-ordered wage garnishment.

*Approved February 9, 2004; revised and restated on October 13, 2010*

***For authority of the Treasurer and Collector, in addition to statutory provisions, see Wayland Code Chapter 72.***

## **APPOINTMENTS TO TOWN BOARDS AND COMMITTEES**

The Board of Selectmen is responsible for making a number of appointments to town boards and committees. The following procedures generally will be used to post openings, make appointments, and fill vacancies.

### **POST OPENINGS**

- The Office of the Town Administrator shall post all vacancies on the Town Building foyer bulletin board for a minimum of one (1) week.
- Applicants, who must be registered voters in the Town of Wayland, shall submit a statement describing their interest, background, and qualifications relevant to the opening being sought, and a résumé, if available.
- Applicants are encouraged to attend at least one meeting of the committee to which they seek appointment and discuss the board's function and responsibilities with a current member of the Board or the appropriate staff member before being considered for appointment.

### **ANNUAL APPOINTMENTS**

- The Board of Selectmen shall interview all applicants new to Town Government.
- Boards or committees are encouraged to submit input on the reappointment of a member and questions for use by the Selectmen in interviewing applicants for their respective boards.
- All vacancies should be filled before the expiration of the term to the extent practical.

### **VACANCIES**

Vacancies that occur between annual appointments shall be filled as soon as is reasonable following the guidelines for annual appointments.

### **REAPPOINTMENTS**

The Selectmen shall solicit recommendations for reappointment from the chairpersons of boards and committees with members whose terms are ending.

- All candidates for reappointment to the Conservation Commission, Finance Committee, Personnel Board, and the Zoning Board of Appeals may be interviewed by the Board of Selectmen.
- Reappointments to other boards generally will not be subject to interviews by the Board of Selectmen unless there is an objection from the chair of the board or at the request of a Selectman.

*Approved March 1, 2004; revised and restated on October 13, 2010; revised October 5, 2015.*

*See Wayland Code §6-1. For provisions regarding specific appointments, see Wayland Code §19-1 (Finance Committee); §43-2 (Personnel Board); §198-201 (Zoning Board of Appeals); and §198-204 (Planning Board Associate Member).*

## **PROCLAMATIONS and CERTIFICATES OF RECOGNITION**

At its discretion, the Board of Selectmen may approve requests for proclamations that emanate from Wayland citizens or groups and certificates of recognition for volunteers and employees at the end of their service to Wayland.

*Approved March 1, 2004; revised and restated on October 13, 2010*

## **RECOGNITION POLICY FOR EXTENSIVE SERVICE TO THE TOWN**

The Town will officially recognize the achievements and contributions to Town government of citizens and employees through an article at Annual Town Meeting sponsored by the Board of Selectmen entitled "Recognizing Citizens for Extensive Service to the Town". Three motions shall be appropriately considered by Town Meeting under this article:

1. A motion recognizing citizens who have served in a volunteer capacity on elected and/or appointed boards, committees, and commissions for a minimum of 25 years (service need not be consecutive);
2. A motion recognizing employees who have retired since the previous Annual Town Meeting or intend to retire prior to June 30<sup>th</sup> that follows Annual Town Meeting, subject to a minimum of 20 years of service;
3. A motion requesting Town Meeting to observe a moment of silence in memory of elected/appointed volunteers or employees who have passed away during the past year, provided he/she has completed at least 10 years of service, except provided there shall be no service requirement for an employee who dies while in service of the town.

*Approved November 18, 2009; restated on October 13, 2010*

## **INVESTMENT POLICY FOR WAYLAND'S OPEB INVESTMENT ACCOUNT**

### **Investment Policy:**

The policy for Wayland's OPEB Investment Account is to invest the funds in a manner consistent with that of a Prudent Investor<sup>1</sup>, such that those funds, along with annual contributions from the Town, will be sufficient to meet the Town's future OPEB obligations.

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<sup>1</sup> Prudent Investor is defined to be consistent with M.G.L. Ch. 203C.

The initial goal of the fund is to reach a fully funded status by 2038. Fully funded status is reached when the value of the OPEB Investment Account is approximately equal to the actuarial accrued liability. Wayland's policy is to calculate the actuarial accrued liability based on a premium-based forecast of Wayland's actual cash expenditure for OPEB and not on a GASB45-based forecast. After achieving fully funded status, the OPEB Investment Account will be targeted to supplement any annual Town OPEB payments while maintaining a fully funded status as actuarially determined.

#### **Asset Allocation and Rate of Return Goal:**

Based on the most recent actuarial review, a long-term 7% investment return goal is consistent with the policy stated above. Table A below gives a guideline asset allocation that historically has been consistent with a 7% return goal.

A broader mix of asset classes could also be used so long as any such investment in those assets is consistent with the Prudent Investor Rule.

#### **Periodic Review:**

Annually, the Board of Selectmen will review the investment returns and progress toward the funding goal. An assessment of the investment return goal and suggested asset allocations will be conducted in conjunction with the biennial actuarial review, or more frequently if deemed appropriate by any member of the Board of Selectmen or the Town Administrator or Finance Director. Adjustments to the asset allocations, following a review of the funds with the Town's financial advisors, shall be recommended by the Board of Selectmen.

#### **Investment Governance:**

The day-to-day governance of the OPEB Investment Account is to be determined under a separate document.

**Table A**  
**Wayland's OPEB Investment Account Asset Allocations:**

<b>Asset Class</b>	<b>Target Range</b>	<b>Central Tendency*</b>
Cash	0 – 5%	~2%
Fixed Income	15 – 25%	~20%
Equities	70 – 80%	~75 – 78%
Alternatives	0 – 5%	~0 – 3%

\* We use the term “central tendency” to generally describe the mean value or the typical annual return we would expect over a long period of time.

*Approved: Board of Selectmen 5/18/15*

## **SAFETY AND HEALTH POLICY**

On November 16, 2005, the Personnel Board adopted the following safety and health policy applicable to all Town employees. The Board of Selectmen endorses and adopts the policy as its own.

“The Town of Wayland is concerned about the safety and welfare of its employees, residents and general public. It is the policy of the Town of Wayland to provide and maintain safe buildings and facilities for its employees and patrons. A safe working environment, safe equipment, proper materials, safe work practices and continuing safety awareness at all levels is the Town’s goal.

It is the responsibility of each employee to follow safe practices as part of all operations, and employees are expected to follow every precaution and safety rule to protect themselves and their fellow workers. It is essential that employees and supervisors be alert and report all potential hazards and accidents to supervisors, department directors, the Safety Coordinator (Assistant Town Administrator/Human Resources Director) or the Risk Management Committee. Unsafe working conditions shall be reported without fear of reprisal.

All employees, supervisors and department directors are responsible for cooperating and complying with the Town’s Safety Manual and loss control programs. All employees are expected to adopt the concept that the safest way to perform a task is the most efficient and only acceptable way to complete the task.

Safety is every employee’s responsibility. Only with the help of each employee can the Town maintain a safe environment for both employees and the citizens who are served.”

*Approved by Personnel Board on November 16, 2005; adopted by Board of Selectmen on October 13, 2010*

## **NOTIFICATION OF PLANNED INTERRUPTIONS OF TRAFFIC**

The Board of Selectmen is traffic commissioners for the town. Departments, boards and committees must notify the Board of Selectmen of all planned activities that affect the flow of traffic on roads regularly traveled by commuters who do not live on the street. The Board must approve the plan developed to reasonably ensure the smooth flow of traffic. While the board or commission responsible for the activity that disrupts traffic should work with any affected adjacent towns to develop the traffic plan, the Board of Selectmen will notify the chief elected official or town manager of those towns of all temporary changes to traffic patterns.

Street closures also require the approval of the police department, identification and approval of alternative routes, and timely notice to abutters, including the approximate length of the closure.

*See Wayland Code §68-1.*

*Approved April 12, 2004; revised and restated on October 13, 2010*

## **STREET LIGHT REQUESTS**

The Board of Selectmen has statutory authority for locating and sizing street lights in the Town of Wayland. Residents living in an area may request in writing that the Town of Wayland install, alter, or remove street lights. Such requests shall be forwarded to the Board for its information and subsequent action using the following procedure.

1. The Town Administrator and police safety representative shall meet with requesters to review the request and view the street situation in person. If indicated, the Town Administrator shall contact the service provider for an on-site evaluation. The Town Administrator shall then prepare a preliminary recommendation, including an estimate of the installation and annual energy cost or savings to the Town.
2. The Town Administrator shall notify by mail all owners of land, and residents if different, within 500 feet of the streetlight request. The notice shall describe the proposed action to be taken regarding the streetlights and invite written comment to be sent to the attention of the Town Administrator during the next 30 days.
3. At the conclusion of the 30-day comment period, the Town Administrator shall brief the Board on the situation and recommend a course of action.
4. The Board of Selectmen shall make a decision, which shall then be mailed to all owners of land, and residents if different, within 500 feet of the proposed streetlights and to those persons who submitted written comments to the Town Administrator.
5. The Town Administrator shall implement the decision of the Board of Selectmen.

*Approved April 5, 2004; restated on October 13, 2010*

## **SIGNS - PUBLIC DISPLAY and USE OF TOWN SIGN BOARDS**

The Town has made available frames to display four, 4 feet by 8 feet sign boards to publicize events benefiting or open to the general public. The frames are located on Route 20 at the Weston town line, Route 20 at the intersection of Routes 27 and 126, the intersection of Old Connecticut Path and Routes 126 and 27, and the Cochituate Fire Station at the corner of East Plain Street. The following procedures govern the use of these sign boards.

1. Sign boards may be reserved by calling or writing the Department of Public Works.
2. Due to the demand for these signboards, priority is given as follows:
  - Town Meeting and all elections, Special Town Meeting, and Candidates' Night take precedence over all organizations
  - Requests from Town departments
  - Wayland civic, nonprofit, and Town-wide organizations
  - Church groups
3. Signs must be painted attractively with waterproof paint on 4 x 8 foot wood boards or an aluminum composite panel no thicker than 3/8 inch.
4. Signs must be delivered to the Wayland DPW garage prior to 6:30 a.m. on the Monday on which they are to be displayed.
5. The usual period of display will be one week, from Monday to Monday. Signs must be picked up at the Wayland DPW garage as soon as possible after they have been taken down.
6. The Town is not responsible for loss or damage to the signs.

When the Town signboards have already been reserved, town-wide civic and nonprofit organizations may request in writing permission from the Board of Selectmen to display sandwich board signs adjacent to the Town signboards. Sandwich-board signs must be smaller than the Town signs. They must be placed so as not to obscure the Town signs and secured in such a way that they are not displaced by wind. They may be displayed for a period of one week and must be removed promptly after the advertised event.

*Approved October 20, 2003; revised December 14, 2009; restated on October 13, 2010*



## **MOVING STRUCTURES WITHIN, FROM, OR THROUGH THE TOWN OF WAYLAND**

Application for moving of any structure within, from, or through the Town of Wayland must be made with the Building Department at least 30 days in advance of the proposed moving date. Approvals from all interested parties listed below must be submitted to the Building Commissioner before a permit can be issued. The applicant must give notice to all interested parties two weeks before the proposed moving date so that safety and related personnel can be scheduled

The following interested parties must provide written approval and must be notified of the proposed moving date:

- Wayland Board of Selectmen
- Wayland Police Chief
- Wayland Fire Chief
- Wayland Director of Public Works
- Wayland Parks Superintendent
- Wayland Water Division
- Electric, Telephone and Cable utility companies
- Wayland Board of Health( if the structure is being moved from or to Wayland)
- Selectmen/Mayors and Building Commissioners from any towns from which or through which the structure is being moved
- Massachusetts Department of Public Works and the State Police if the structure is being moved over a state highway
- Wayland School Department (provide letter acknowledging notification of moving date and planned route)
- Owners of Wayland property giving permission to use their land as temporary way stations for the course of the move, as needed

The moving company must provide a copy of its Certificate of Liability Insurance and post a bond with the Town of Wayland to cover the approximate cost of Town personnel time and equipment involved with the proposed move (e.g.; police, fire, highway, tree, etc). Within 30 days of the move, the Town of Wayland must be reimbursed for all costs of Town personnel and equipment that was used to facilitate the move.

The structure to be moved must be on a trailer and ready to be moved by 5:00 p.m. the day preceding the move. Failure to do so will result in the Town's denial of authority to move the structure that day.

No structure may be moved through the Town of Wayland from December 1 through February 28.

In addition to the above, the following precautions must take place prior to any structures being moved from, into, or through the Town of Wayland:

1. Secure the structure to the satisfaction of the Building Commissioner, including, but not limited to,
  - removing chimneys and antennas at the roof line
  - boarding window and door openings
  - removing porches and decks

2. If the structure is being moved from Wayland, all utilities must be disconnected at the property line. The septic tank or leaching pit must be filled with clean fill to the satisfaction of the Board of Health. The foundation hole must be filled with inorganic material.
3. The applicant is responsible for supplying and placing any necessary signs, barricades, etc., to the satisfaction of the Police Chief.
4. Careful attention must be used in cutting any trees on Town byways. All work must be carried out by a certified tree company. The Park Superintendent (Tree Warden), the Board of Public Works, or the Board of Selectmen may recommend denial of a permit if the structure would require the cutting of significant branches of trees that stand on Town land abutting the public way. Any trees deemed destroyed by the Park Superintendent by cutting for purposes of moving a structure must be removed and replaced at the applicant's cost and to the satisfaction of the Park Superintendent.

*Approved April 5, 2004; revised and restated on October 13, 2010*

*Reference is made to:*

*M.G.L. c. 85, Sec. 18 - Moving of buildings in public way*

*No person shall move a building in a public way without written permission from the selectmen or road commissioners, to be granted upon such terms as in their opinion the public safety may require; and the superior court shall have jurisdiction in equity to enforce this section.*

## **WARRANT ARTICLES AND MOTIONS FOR TOWN MEETING**

In the policy statement below, the term *motion* refers only to the first main motion under an article.

1. An article to be submitted for consideration for inclusion in the warrant for a town meeting shall be submitted in writing to the Town Administrator by the date stated in the Town bylaws. The article shall be stamped with the date and time of receipt. A board or group of petitioners submitting the article shall include contact information on the article. A board or committee shall include the date of the vote to submit. Copies of the submitted articles shall be forwarded to the Finance Committee, Moderator, Town Clerk, and Town Counsel within three days after the deadline.
2. The Board of Selectmen shall vote whether to insert a proposed article submitted by a board, committee or commission or Town officer authorized to submit articles by law in the warrant. However, a petitioners' article is automatically inserted in the warrant and does not require a vote of the Board of Selectmen.
3. Final wording of articles, other than petitioners' articles, is subject to the approval of Town Counsel.
4. Because motions should be legally correct, all motions, other than petitioners' motions, must be authored by or approved in advance by Town Counsel.
5. The proposing board or group of petitioners has the final responsibility for placing its motion before the town meeting. If it wishes to delegate its authority (but not its responsibility) to another party, it may do so in writing, to the Moderator, Finance Committee and Board of Selectmen.
6. The Board of Selectmen shall convene a hearing not less than one (1) week before town meeting to review the warrant and each article.
7. If at any time subsequent to the warrant hearing a proposed motion is altered, the responsible governmental body shall provide dated copies of the revised motion as soon as possible to the Board of Selectmen, Finance Committee, Moderator, Town Clerk, and Town Counsel.
8. Before every town meeting, the Board of Selectmen shall notify all departments, boards, committees and commissions, the Moderator, Town Clerk and Town Counsel of these rules, as amended by time to time.
9. The Board of Selectmen may at any time waive, revise, or amend any of the provisions of this policy.

*Approved January 12, 2004; revised and restated on October 13, 2010*

## **POLICY ON PROPOSITION 2 1/2 BALLOT QUESTIONS <sup>2</sup>**

### **Board Policy**

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

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

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

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

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

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

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

Following a vote to place an Override or Exclusion Question on the ballot, the Board shall hold a publicly noticed meeting at which the subject of the Override or Exclusion Question is discussed. The Board shall ask the Finance Committee to make a presentation similar to the one noted in (2) above. The public should be given the opportunity to ask questions and make comments at this publicly noticed meeting.

The Board may or may not decide to take a formal position on the merits of the Override or Exclusion Question prior to the Town Election at which such question will be voted on by the electorate.

*Adopted on November 12, 2002; revision prepared 10/1/10*

## **USE OF THE WAYLAND TOWN BUILDING**

The Wayland Town Building is primarily intended for the administrative, programmatic, and meeting needs of departments of town government. Use of the building is a privilege granted on a space available basis by the Town Administrator to non-profit or public service organizations only, with preference to Wayland-based groups.

The following regulations apply to all groups using the Town Building:

1. All requests for permission to use the Town Building shall be submitted to the Town Administrator's office at least two weeks prior to the date of use.
2. Use of the building is generally restricted to hours when a custodian is on duty. Use at other times may be permitted if an appropriate Town employee is present or the group arranges in advance to pay for custodial services.
3. Before leaving the building, the organization shall return all areas used by the group, including hallways, to their original condition.
4. The organization using the facility shall be responsible for the control and supervision of all people in attendance and for the payment of any damage or theft to the property. Irresponsible or inappropriate use or behavior shall be grounds to exclude the group from future use of the building.
5. It is recommended that organizations sponsoring activities that attract more than 100 attendees have police supervision.
6. Organizations permitted to use the facility may provide beer, wine, champagne, and sherry under the following conditions:
  - a. Permission is requested in advance and granted in writing.
  - b. Beverages are served without charge.
  - c. Consumption is by the glass on the premises.
  - d. The Town's insurance coverage is adequate.
7. The building should not be used for fund-raising, political campaigning, or solicitations.

*Approved April 12, 2004; restated on October 13, 2010*

## **ART EXHIBITS IN THE TOWN BUILDING**

1. Art exhibits in the Town Building shall be approved by and displayed in accordance with the rules of the Cultural Council.
2. Exhibited materials shall not be offered for sale unless the exhibit is intended to raise funds for the Town of Wayland, in which case not less than fifty percent of the proceeds shall be donated to the Town or to any of its governmental subdivisions.
3. Exhibited materials shall be displayed at the owner's risk; the Town of Wayland assumes no responsibility for safeguarding the exhibited work.
4. The Cultural Council or the Town Administrator may remove or cause to be removed exhibited work at any time and without notice.

*Approved April 12, 2004*

## **NO SMOKING POLICY**

Smoking is banned in all public buildings and on all public grounds.

*Approved April 12, 2004; revised and restated on October 13, 2010*

## **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*

## **PROVISION AND CONSUMPTION OF ALCOHOLIC BEVERAGES**

These rules supplement the General Laws of the Commonwealth of Massachusetts and the Code and other Rules and Regulations of the Town of Wayland, Massachusetts.

### **I. COMMERCIAL ESTABLISHMENT LICENSES**

The Board of Selectmen has the authority to grant licenses to owners of establishments that sell alcoholic beverages for consumption on or off the premises of the establishment (see Wayland Code §72-4 regarding authority to deny, revoke, or suspend license for failure to pay taxes).

- A. The Police Chief and the officers within his/her command shall be the liquor agent for the Board of Selectmen.
- B. Licensees shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. Violations of any laws, rules, or regulations may result in suspension or revocation of the license after a hearing conducted by the licensing authority.
- C. Holders of off-premises liquor licenses (package stores selling all alcoholic beverages, or convenience or grocery stores selling wine and malt beverages) may be open on Sundays, subject to the following conditions:
  - a. No sales shall be made prior to 12:00 noon, except as noted in Section D below;
  - b. No sales shall be made after 9:00 p.m.;
  - c. The employee compensation and work schedule provisions of Section 31 of Chapter 141 of the Acts of 2003 shall be complied with; and
  - d. No sales by such licensees may be permitted on any of the following days:
    - Memorial Day (usually last Monday in May);
    - Thanksgiving Day;
    - Christmas Day;
    - Monday following Christmas Day if Christmas Day falls on a Sunday.
- D. On March 16, 2015, the Board of Selectmen voted to accept the provisions of Massachusetts General Laws Chapter 138, Section 33B, which are to allow the sales of alcoholic beverages by on-premise licensees, licensed by the Board of Selectmen, on Sundays and certain legal holidays, between 10:00 a.m. and 12:00 p.m. (noon). Application for the allowance of such sales must be submitted to the Board of Selectmen for approval.
- E. It shall be the responsibility of each licensee of an establishment granted a license to sell alcoholic beverages on premises to assure that, prior to his/her initial shift, each manager or assistant manager of the licensee meets with the Police Chief or his/her designee to discuss expectations and responsibilities of managing such establishments. A list of all managers or assistant managers shall be posted in public view in the establishment.

A designated manager or assistant manager will be on-site at all times the

establishment is open. The on-site manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the town's rules and regulations for the provision and consumption of alcoholic beverages. The on-site manager shall be certified in intervention procedures by servers of alcohol in accordance with Section F of these rules. The on-site manager will also be responsible for maintaining the building occupancy limits, as listed on the liquor license, and will be the point of contact for police, fire, or building officials that may inspect the premise at any time. The designated manager shall have full authority to make decisions concerning the operation of the establishment.

- F. Applications for extension of hours on New Year's Eve until 2:00 a.m. must be made in writing to the Town Administrator. No alcoholic beverages shall be served after 1:30 a.m. All patrons shall be off the premises by 2:00 a.m.
- G. All commercial establishments shall participate in a program designed to train employees who engage in either package sales or pouring, in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors.
  - 1. Listed below are programs currently available which meet the requirements of this regulation:
    - a. Techniques of Alcohol Management (T.A.M.) sponsored by the Massachusetts Package Store Association,
    - b. Training for Intervention Procedures by Servers of Alcohol (T.I.P.S.), offered by Health Communication,
    - c. Alcohol Intervention Methods (A.I.M.) offered by Campbell/Trent, or
    - d. Any Insurance Industry approved and qualified program offered by a certified trainer and approved by the Board of Selectmen.
  - 2. All establishments must maintain a roster or certificate of trained personnel in an accessible place during operating hours. An updated roster shall be submitted with the annual application for renewal of the license. The roster shall include:
    - a. Employee Name
    - b. Employee Date of Birth
    - c. Employee Social Security Number
    - d. Position
    - e. Type of Training (Name of Trainer and/or Company)
    - f. Date Valid
    - g. Date of Expiration (no more than three (3) years)
    - h. Date of Hire
  - 3. All personnel shall be required to be recertified once every three (3) years by an approved program, as noted above.
  - 4. All newly hired employees that sell or serve alcohol shall complete a training program within sixty (60) days of their hiring, or show proof of training certification at a course approved by the Board of Selectmen within the past

three (3) years. Proof of certification must be submitted to the Board of Selectmen.

5. Failure to comply with this policy may result in revocation of the license. Fines may also be levied against the license holder should any violation of this policy occur.

## **II. NON-COMMERCIAL LICENSES**

The Board of Selectmen is authorized to grant permission to serve wine and malt beverages as outlined in the following Section A, and is authorized to issue a One-Day Special Event License to serve wine and malt beverages and/or all alcoholic beverages as outlined in the following Section B. Copies of all such permissions and licenses shall be forwarded to the Police Chief.

### **A. Town Property**

1. No alcoholic beverage of any kind may be sold or purchased in Town buildings or on Town property.
2. Non-profit and public service organizations that are eligible to use Town buildings or property may provide wine and malt beverages only under the following conditions:
  - Permission is requested in writing at least two weeks before the event and the Board of Selectmen issues a license.
  - Beverages are served without charge.
  - Consumption is by the glass on the premises.
  - The request is supported and approved by the Town board responsible for oversight of the property.

### **B. Property Open to the Public But Not Governed by the Board of Selectmen**

The Board will review requests for One-Day Special Event Licenses in accordance with Massachusetts General Laws Chapter 138, Section 14, after receipt of a completed application. A public hearing is not required for the issuance of a One-Day Special Event License.

1. Requests for the sale of alcohol under a One-Day Special Event License are limited to between the hours of 11:00 a.m. and 12:00 a.m. (midnight) on Monday through Saturday, and 12:00 p.m. (noon) and 12:00 a.m. (midnight) on Sundays.
2. One-Day Special Event Licenses for the sale of wine and malt beverages may be issued to the responsible manager of any indoor or outdoor activity or enterprise. However, One-Day Special Event Licenses for the sale of all alcoholic beverages may ONLY be issued to the responsible manager of non-profit organizations. Proof of non-profit status must be provided.
3. Organizations may be granted a One-Day Special Event License under the following conditions:

- Permission is requested in writing at least two (2) weeks before the event and the Board of Selectmen issues a license.
- A fee of \$25.00, paid in advance and made payable to the Town of Wayland, is required for each 24 hour period, not to exceed 72 consecutive hours. No person may be granted a one-day license for more than a total of thirty (30) days per calendar year.
- Written confirmation by the owner of property where the event is being held must accompany the application. The letter must state that approval is given for sale/service of alcohol and specify the occupancy number for the location. Proof of insurance must be provided.
- The One-Day Special Event Manager shall provide for the orderly and safe conduct of the event, shall be responsible for the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, and shall be physically present during the duration of the entire event. The One-Day Special Event Manager shall display such One-Day Special Event License where the sale of alcoholic beverages is taking place.
- A floor plan or diagram (8-1/2 x 11 sketch is acceptable) showing the exact location within the event area where alcoholic beverages will be dispensed.
- Alcohol must be dispensed at the event by someone who is server trained and/or familiar with the laws regarding the service of alcohol.
- The area where the alcoholic beverages are being sold and consumed must be controlled and supervised. Individuals may not carry their alcoholic beverages outside the area approved for consumption.
- A police detail will be required if 150 or more people will be attending the event. It is the applicant's responsibility to contact the Police Department to arrange for these details. The Board reserves the right to require additional police details if the event seems to warrant this.

**C. A One-Day Special Event License is NOT necessary for:**

- A function at a private dwelling where there is no direct or indirect sale of alcohol (i.e., a caterer providing alcohol at a cost)
- An event in a facility or establishment that already has a valid liquor license

**III. COMMERCIAL ESTABLISHMENTS WITHOUT LICENSE TO SELL ALCOHOLIC BEVERAGES**

1. Patrons of an establishment granted a common victualler's license for the sale of food to be consumed on the premises which have not been granted a license for the sale of alcoholic beverages may not consume alcoholic beverages on the premises (prohibits practice commonly referred to as "BYOB").
2. The Board of Selectmen will reconsider this policy at such time all available licenses for the sale of alcoholic beverages in restaurants are granted.

**History:**

*Section I, Commercial (adopted 12/11/88, revised 1996).*

*Section II, Non-Commercial (adopted 12/1/88, revised 1996).*

*Section III, Establishments without license to sell alcoholic beverages (added 7/8/10).*

*Section I., C., Sunday sales and holiday restrictions (added 1/26/04, revised 2/9/04).*

*Section I., D., Duties and responsibilities of managers of on-premise establishments (added 7/8/10); list of managers publicly posted (added 10/13/10).*

*Section I., E., Extending hours (adopted 12/3/90, revised 1996).*

*Section I., F., Training of employees to serve alcoholic beverages (adopted 6/5/06).*

*Revised and restated on October 13, 2010. Revised on October 5, 2015.*

## **USE AND SAFETY POLICY FOR TOWN-OWNED VEHICLES**

It is the intent of the Town of Wayland to establish rules and regulations for the use of Town owned vehicles. This policy shall comply fully with Chapter 58, Section 4 of the Town By-laws.

### **Use of Town-owned Vehicles**

Town-owned vehicles shall be driven by properly licensed drivers in a safe, courteous and legal manner. Town vehicles shall be used for travel directly related to Town business. Permissible use of Town owned vehicles include transportation of property or passengers related to Town business; travel to professional association activities, courses, or seminars; travel to worksites and additional work-related activities as approved by the Town Administrator. During a vacation or extended absence, vehicles shall be parked at a Town facility for use by other Town employees.

Employees are expected to park vehicles in safe, legal locations. Employees must turn the vehicle ignition off, remove the keys, and lock the vehicle when left unattended. Drivers and passengers must wear seatbelts in vehicles so equipped during the operation of the vehicle. In accordance with town policy, smoking is not permitted in Town vehicles.

Employees are expected to maintain the cleanliness of vehicles. Mechanical problems are to be reported immediately to the department director. Department directors are charged with maintaining the operational efficiency of vehicles assigned to their departments. Changes to insurance coverage, damages to vehicles and all accidents are to be reported immediately to the Selectmen's Office. All Town vehicles are to have an Accident Report Kit should a motor vehicle accident occur. Should an employee be involved in an accident while operating a Town-owned vehicle, the police are to be contacted and a report filed.

The Town is not liable for the loss or damage of personal property transported or stored in a Town-owned vehicle.

### **Commuting**

Designated and approved public safety officials may use Town-owned vehicles for domicile commuting purposes.

Non-public safety employees who are assigned a town-owned vehicle may be approved for domicile commuting purposes under special circumstances, normally due to public safety related matters. Said approval shall be from the Town Administrator. When existing vehicles of non-public safety employees are no longer serviceable, they may or may not be replaced.

### **Assignment of Vehicles**

When a determination is made that public safety vehicles will be made available to Town departments, the Town Administrator shall determine the assignment of the vehicle. Vehicles transferred amongst departments shall be registered to the Town of Wayland.



### **Marking of Vehicles**

Town vehicles shall be marked in a uniform manner with the Town seal and government plates. In instances in which uniform marking is not desirable, the Town Administrator will approve any deviations from the uniform marking provisions of this policy.

### **Financial Reporting**

The Town shall report commuting use of any Town vehicle as required and in accordance with Internal Revenue Service regulations. In the event that use of the vehicle can be legitimately calculated by more than one method, the Town shall use the procedure that is least financially burdensome to the employee.

### **Use of Personal Vehicles**

Employees may be reimbursed for the use of their personal vehicle for Town business at the current allowable IRS rate. Applicable parking fees and road tolls are also reimbursable with the submission of appropriate receipts.

*Approved by Town Administrator May 6, 2006; adopted by Board of Selectmen on October 13, 2010*

*For reference see Wayland Town Code Section 58-4*

## **PROCUREMENT OF RECYCLED PRODUCTS**

To make more efficient use of our natural resources, create markets for the materials collected in recycling programs, reduce solid waste volume and disposal costs, and serve as a model for private and public institutions, the Town of Wayland is committed to purchasing products that address environmental concerns or are made of recycled materials whenever such products meet quality requirements and are available at reasonable prices and terms.

To the maximum extent practicable, Town departments will adhere to the following standards:

1. All purchases of printing and writing paper for in-house use or custom printed materials by professional printers, including copier paper, offset paper, forms, stationery, envelopes, tablets, notepads, and file folders, shall meet or exceed the federal minimum content standards. The current federal and state minimum content standard is 30% post-consumer recycled materials.

Any decision not to procure recycled content printing and writing paper meeting these standards shall be based solely on a determination that a satisfactory level of competition does not exist, that items are not available within a reasonable time period, that items fail to meet reasonable performance standards, or that items are available only at an unreasonable price. Any department that has decided to make a procurement of non-conforming printing or writing paper shall inform the Town Administrator, in writing, of the reason for the decision.

2. All printing contracts shall require inclusion of an imprint of the recycling symbol and a number identifying the recycled content of the paper.
3. Department directors should incorporate waste prevention, recycling, and paper reduction techniques in daily operations. Examples include duplexing, sharing and circulating materials, use of electronic mail, and reuse of discarded paper for draft work, scrap paper, and internal messages.
4. Department directors should work to expand markets for recovered materials through greater preference and demand for recycled products and by revising purchasing specifications to encourage and promote their preference.
5. Department directors shall require contractors and consultants to use and specify recycled products in fulfilling contractual obligations.

To help monitor the Town's efforts, each department shall make two reports of purchases of recycled products to the Town Administrator: a mid-year report on January 31 and a final report for the previous fiscal year by July 31. The Town Administrator may advise department of desired adjustments to meet the Town's goals for purchasing recycled products.

*Revised and restated on October 13, 2010*

## **DISPOSITION OF TOWN-OWNED LAND**

Town-owned land under the jurisdiction of the Board of Selectmen may be considered for disposition or lease including, but not limited to, when it is no longer needed by the town, and/or when there is a request from an abutter or other interested resident or party to purchase the land. However, nothing requires the Board to take such action.

### **PROCESS FOR DISPOSAL**

1. The Board of Selectmen's office will maintain an up-to-date inventory, including a map and pictures, of Town-owned land under the Board's jurisdiction. Disposition of such land may be initiated by the board having jurisdiction, care, custody and control or by written request of an abutter or other interested resident or party.
2. Town boards will be asked in writing to indicate their interest in, need of, or use for the parcel(s) of land being considered for disposal. The Town may choose to request in writing an opinion as to the impact of the sale from the Planning Board, Conservation Commission, Board of Health, Town Surveyor, Assessors, and/or Building Commissioner.
3. Two weeks prior legal notice will be given in accordance with Town Bylaw Section 6-2 and a public hearing will be held on the matter of the disposition of the Town-owned land. Legal notice will also be posted in the Wayland Town Building, in the Wayland Public Library, and on the Wayland website. The Town shall mail written notification to abutters of land under consideration for disposal, including a location map where practicable, and to others who might have an interest in such land. Abutters shall be considered as any landowner within 300 feet of any edge of the property.
4. The Board shall obtain a written appraisal when appropriate or required by law, such as when land has more than a nominal value or is being sold for more than a nominal value.
5. Legal review of title documents (i.e., deeds, plans, tax taking documents, etc.), bids (i.e., sealed bids or proposals submitted pursuant to a formal invitation to bid or request for proposals), purchase and sale agreements, easements, and a majority vote of the Board of Selectmen to insert a land disposition article in the Town Meeting warrant, and a two-thirds Town Meeting vote, shall be required before any such disposition of Town-owned land is consummated.
6. The Town may choose to have the purchaser pay the costs incurred by the Town (i.e., appraisals, legal review, etc.).
7. All land will be sold as is and the buyer is responsible for compliance with all applicable laws, regulations, and statutes.
8. The Board may impose restrictions of the use of the land so disposed of.

## **GUIDELINES FOR DISPOSAL**

1. The land is not needed or anticipated to be needed for any Town or public purpose (e.g., conservation, housing, park or recreation, waste water treatment, road, school, etc.). The Town retains the right to keep or require easements for the public good.
2. The land is not being maintained by the Town.
3. The land may serve a useful or public purpose for one or more town residents, such as:
  - Septic or other public health or safety purpose
  - Strategic purpose such as an exchange for land that is more beneficial to the Town or allowing a Town project to go forward
  - Financial purpose such as for maximizing sale proceeds to the Town
  - Zoning compliance purposes, such as reducing non-conformity of a property
  - Individual resident's purpose
4. Sale of the land will generally not
  - Make possible the subdivision of an enlarged parcel by combining the Town-owned land with abutting land
  - [Make possible demolition of an existing residence and its replacement with a residence that is substantially larger in scale than others in the vicinity]
  - Adversely impact abutters to the parcel to an unreasonable extent (e.g., the Board will balance the concerns of abutters with the general benefits to the Town.)
5. The purchaser or transferee of such Town-owned land shall be current with all taxes and municipal charges, if any, owed to the Town of Wayland.

*Approved February 9, 2004; revised and restated on October 13, 2010*

## **HIRING POLICY FOR STAFF POSITIONS UNDER THE JURISDICTION OF THE BOARD OF SELECTMEN**

Staff positions under the jurisdiction of the Board of Selectmen shall be appointed in a manner consistent with the vote of Town Meeting on May 3, 2004 which established the Town Administrator position and set forth the appointing authority of the position.

The Town Administrator shall:

1. Appoint without ratification by the Board of Selectmen the following:

- Building Commissioner
- Town Treasurer/Collector
- Director of the Council on Aging
- Conservation Administrator
- Town Surveyor or Town Engineer
- Manager of Information Technology

All other administrative and clerical employees in the Office of the Board of Selectmen and Town Administrator and such other town employees as authorized by order of the Board of Selectmen, by-law or state law

2. Appoints with ratification of the Board of Selectmen the following:

- Human Resources Director
- Police Chief
- Fire Chief
- Finance Director (Town Accountant)

The Town Administrator shall consult with relevant primary boards and committees working with the department directors in the preceding sections prior to implementing personnel related actions. Personnel actions are taken in compliance with the Town of Wayland Personnel Policies and Procedures.

*Policy based on Town Administrator by-law and position description  
adopted by Board of Selectmen on October 13, 2010*

## **WEBSITE USE POLICY AND DISCLAIMER**

Visitors to [www.wayland.ma.us](http://www.wayland.ma.us) should read the following disclaimer information. As a user, you agree to accept the policies and conditions set forth in the following:

### **Disclaimer**

The Town of Wayland maintains this website as a means of providing information about the Town to visitors to the website. While Town boards, departments, officers and employees strive to post accurate information in a timely manner, neither the Town of Wayland nor those boards, departments, officers and employees of the Town warrant the accuracy, reliability or timeliness of any information on this website and shall not be held liable for any losses caused by reliance on the information. Any person relying on the information obtained from this website does so at their own risk. Information that is posted to the website may change at any time.

### **Communications**

Communications made to the Town or its boards, departments, officers and employees through the email or messaging system associated with this website shall in no way constitute "legal notice" to the Town of Wayland, its boards, departments, officers and employees where such notice is required by an law, by-law, rule or regulation.

### **Privacy Policy**

The privacy of visitors to this website is protected to the maximum extent permissible under the Public Records Laws, Massachusetts General Laws Chapter 66, Section 10 and Chapter 4, Section 7(26). The Attorney General has determined that email correspondences are public records unless the content of the email falls with one of the stated exemptions under the Public Records Laws. The following statistical information may be collected: the date and time of visitor access to the website, the Internet Protocol Access and domain name of the visitor, the type of web browsing software, the webpage visited and other technical settings. Wayland does not sell, share or disclose information to third parties. Any other information collected from visitors is limited to information volunteered by the visitors.

### **Links**

In order to provide visitors with access to information, Wayland's web pages may contain links to a variety of community, regional and governmental organizations. By providing such links, the Town does not necessarily endorse the respective organization or all of the content contained on the organization's web pages. The Town reserves the sole right to post and remove links to other websites at any time.

### **Commercial/Private Use and Endorsements**

Wayland's website and content is provided for the non-commercial use its visitors. No board, department, officer or employee of the Town shall profit from the website nor

shall any board, department, officer or employee of the Town use the website for personal reasons. No commercial advertising is permitted on Wayland's website.

**Administration**

The Town Administrator is charged with maintaining and administering to the day-to-day operations of the website for the Town of Wayland. The Town Administrator may implement rules and regulation pertaining to the website for the sole purpose of accomplishing said charge. Any errors on the website should be reported to the Town Administrator's office.

*Approved on July 26, 2010; restated on October 13, 2010*