

PACKET

MAY 16

2018



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

BOARD OF SELECTMEN Wednesday, May 16, 2018

7:00 p.m.

Wayland Town Building
Senior Center
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.

- | | | |
|----------|------|--|
| 7:00 pm | 1.) | Call to order by Chair <ul style="list-style-type: none">• Review agenda for the public |
| 7:02 pm | 2.) | Announcements and public comment |
| 7:10 pm | 3.) | Open Meeting Law complaint regarding minutes of March 26, 2018: Review and authorize response |
| 7:20 pm | 4.) | Memorial Day: Discuss Selectmen's roles |
| 7:30 pm | 5.) | Public Meeting with Board of Public Works on Private Roads: Discuss and potential vote to adopt a policy on private roads and potential vote to designate private roads open to public use for snow removal |
| 8:30 pm | 6.) | Town Administrator Search: Review and vote to approve profile from Community Paradigm |
| 9:00 pm | 7.) | Meet with Finance Committee: Discuss FY2020 budget process and discuss process for Town Administrator Special Act |
| 9:30 pm | 8.) | Race Amity Day: Discuss response |
| 9:40 pm | 9.) | Town Administrator's Report <ul style="list-style-type: none">1. Correspondence2. Governance Guidelines3. 2018 Special and 2019 Annual Town Meeting: Discuss potential dates |
| 9:45 pm | 10.) | Minutes: Vote to approve and release minutes of April 30, 2018 |
| 9:50 pm | 11.) | Consent |
| 9:55 pm | 12.) | Correspondence: Review |
| 10:00 pm | 13.) | Selectmen's reports and concerns |
| 10:05 pm | 14.) | Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any |
| 10:10 pm | 15.) | Adjourn |

**OPEN MEETING LAW COMPLAINT FORM**

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: George Last Name: Harris

Address: 8 Holiday Road

City: Wayland State: MA Zip Code: 01778

Phone Number: 5083582379 Ext.

Email: geoharris2@gmail.com

Organization or Media Affiliation (if any): None

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual

☐ Organization

☐ Media

Public Body that is the subject of this complaint:

☒ City/Town

☐ County

☐ Regional/District

☐ State

Name of Public Body (including city/town, county or region, if applicable): Wayland Board of Selectmen

Specific person(s), if any, you allege committed the violation:

Date of alleged violation: April 23, 2018

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Please see attached statement (with 1 exhibit) for a full explanation.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Please see attached statement.

Review, sign, and submit your complaint**I. Disclosure of Your Complaint.**

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: _____

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

OPEN MEETING LAW COMPLAINT

Wayland Board of Selectmen

This is a complaint that the Wayland Board of Selectmen ("Board") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25, on or about April 23, 2018 when it approved minutes that (1) lacked sufficient detail and accuracy and (2) failed to list certain documents used at the meeting.

The Open Meeting Law requires that the minutes of all meetings include a summary of the discussions on each subject. G.L. c. 30A, § 22(a). Minutes should contain enough detail and accuracy that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred. See OML 2015-62; OML 2015-55; OML 2014-116.

On March 26, 2018, a quorum of the Board held the 2018 Annual Town Meeting Warrant Hearing.¹ The Hearing lasted for about one hour and 15 minutes. It may be viewed online at www.waycam.tv/government-on-demand, select Board of Selectmen, March 26, 2018. The Hearing begins at elapsed time 26:30 and ends at 1:41:10. During the Hearing multiple speakers asked specific questions about the warrant and made various suggestions. Board members, the Town Meeting Moderator, warrant article sponsors, and the public participated during the Hearing, and Errata were compiled. The Board approved the Hearing minutes at its April 23, 2018 meeting. See Exhibit 1 attached hereto (minutes, topic A5).

The minutes pertaining to the Hearing (topic A5) are materially lacking in adequate detail and accuracy. The minutes state that "[r]esidents made suggestions and asked questions on the Warrant and articles." But there is no summary of those suggestions or questions or responses to questions or related discussion. On reading the minutes, a member of the public who did not attend the one-hour-plus Hearing would gain no comprehension of what actually occurred at the Hearing. The Board's minutes of the Hearing violate the Open Meeting Law.

Furthermore, the Open Meeting Law requires that the minutes include a list of documents and other exhibits used at the meeting. G.L. c. 30A, § 22(a). The subject minutes for the March 26, 2018 meeting do not list the 2018 Annual Town Meeting Warrant that was reviewed at the Warrant Hearing. Also missing from the list of documents used at the meeting are the motions for warrant articles.² These omissions were violations of the Open Meeting Law.

¹ The 170-page 2018 Annual Town Meeting Warrant may be viewed online at https://www.wayland.ma.us/sites/waylandma/files/uploads/2018_atm_warrant_to_post.pdf

² The 54-page motion document may be viewed online at https://www.wayland.ma.us/sites/waylandma/files/uploads/2018_annual_town_meeting_motions_as_of_march_24.pdf

ACTIONS REQUESTED

1. The Committee shall acknowledge the alleged violations of the Open Meeting Law.
2. The Committee shall draft and approve revised minutes for the Hearing that provide sufficient detail and accuracy for the public and correct the list of documents used at the meeting.



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BOARD OF SELECTMEN

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

**Board of Selectmen
Meeting Minutes
March 26, 2018
7:00pm
Large Hearing Room
41 Cochituate Road, Wayland**

Attendance: Lea T. Anderson, Mary M. Antes, Louis M. Jurist (arrived 7:48pm), Cherry C. Karlson, Douglas A. Levine.

Also Present: Town Administrator Nan Balmer

A1. Call to Order by Chair L. Anderson called the meeting of the Board of Selectmen to order at 7:02pm in the Large Hearing Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. She reviewed the agenda.

A2. Announcement and Public Comment Fiona White, 56 Sedgemoor Road, thanked the Board for being involved and for speaking to her Girl Scout troop. C. Karlson reported that she attended a Girl Scout troop meeting to discuss how Wayland's government works.

Will Tyree, President of Wayland Firefighters Union Local 1978, addressed the Board and thanked them for supporting an increase in staffing. He said there is still concern that the commitment to fund the remaining two positions will be forgotten given the turnover in Town staff and on committees. The Fire Union needs four new staff to effectively provide care to the residents of Wayland.

Alan Reiss, Old Conn Path, said he went to the landfill and was turned away because the power was out. He suggested the Town think about putting a generator at the landfill in the future so residents are not inconvenienced.

A3. Town Administrator Search Firm: Vote to authorize Town Administrator to award contract
Assistant Town Administrator Beth Doucette reported that in February the Town put out an RFP for a firm to conduct the search for a new Town Administrator and received three responses. One did not qualify; the two others did qualify: Community Paradigm Associates, LLC and Municipal Resources, Inc. Both of them were deemed to be able to provide the services and had good references according to E. Doucette. When the financial responses were opened, Community Paradigm came in for less money, so E. Doucette recommended the Board authorize the Town Administrator to award contract to Community Paradigm, LLC. Community Paradigm also had a more targeted approach for recruitment.

M. Antes moved, seconded by D. Levine, that the Board of Selectmen hire Community Paradigm Associates, LLC to do the search for the Town Administrator with a goal of having someone identified by August and to authorize the Town Administrator to sign the contract. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson
NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A4. Town Administrator's Report

1. Correspondence

a. School Bus Parking: Correspondence with School Superintendent Town Counsel recommends the Board rejects all bids since the timeline for the River's Edge project has been extended and the RFP terms are no longer applicable. The Schools would need to find an alternative parking site by March 2019.

2. Draft Work Plan: Town Management Structure/ Draft Town Administrator Act N. Balmer briefly discussed alternative project timelines from the Collins Center. N. Balmer met with Department Heads to discuss the future structure of the Town. They discussed meeting protocol, the budget process, committee and board relationships with departments, elected boards, and the timing of any potential change. N. Balmer summarized that overall the Board should take as much time as required and the Board's leadership will be very important.

3. Board of Selectmen Meeting Schedule First draft is in packet.

The Youth Advisory Committee is working on a Marijuana opt-out and expects to meet with the BOS and other various committees about what the regulations mean for the Town after the moratorium expires. It will also ask the Board to put a question on the ballot for Sept. 4 with the hope of voting at a fall STM and at latest at Annual Town Meeting 2019.

A8. Consent Calendar: Review and vote to approve (See Separate Sheet) M. Antes moved, seconded by D. Levine, to approve the Consent Calendar. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A9. Review Correspondence: (See Separate Index Sheet) The Board noted the memo from Finance Director B. Keveny, the letter from the Fire union, and the letter to Raytheon regarding activity use limitation at Town Center. N. Balmer said she would draft a response to the letter requesting an extension of hours for door to door solicitations. Additionally, the Board found FinCom Chair D. Watkin's memo about funding sources helpful.

L. Jurist arrived at 7:48pm.

A5. Annual Town Meeting Warrant Hearing The Board was joined by Town Moderator, Dennis Berry. L. Anderson led the attendees through a page by page review of the warrant and motions for Annual Town Meeting. Residents made suggestions and asked questions on the Warrant and articles. L. Anderson noted that corrections will be included in an updated errata sheet available at ATM.

A6. Annual Town Meeting Articles C. Karlson had a question about preparing ATM talking points for the Accept Gifts of Land article. All agreed that all members could draft ATM comments based on Board discussions.

A7. Minutes: Vote to approve March 6, 2018 and March 12, 2018. M. Antes moved, seconded by C. Karlson to approve the minutes of March 6, 2018 and March 12, 2018 as amended. YEA: C. Karlson, L. Anderson, M. Antes, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Selectmen's Reports and Concerns M. Antes said she attended a tour of Fire Station 2 and found it is a very tight space. D. Levine reported that on Tuesday, April 3 he will meet with a representative from MassDOT and Eversource to discuss completion of the Rte 27/30 intersection.

A11. Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) and Section 21(a)(3) to review and consider for approval and potential release of the Executive Session minutes of January 29, 2018; February 5, 2018; February 26, 2018; and

March 6, 2018 because a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. L. Anderson moved, seconded by C. Karlson, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) and Section 21(a)(3) to review and consider for approval and potential release of the Executive Session minutes of January 29, 2018; February 5, 2018; February 26, 2018; and March 6, 2018. The Chair declares that a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. Roll call vote: YEA: 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 approve and potentially release Executive Session minutes and adjourn.

The Board returned to regular session at 9:11pm.

A12. Executive Session Minutes: Vote to approve and potentially release with redactions the Executive Session minutes of January 29, 2018; February 5, 2018. C. Karlson moved, seconded by M. Antes, that the Board of Selectmen vote to release with redactions the Executive Session minutes of January 29, 2018 and February 5, 2018 as approved. YEA: L. Anderson, M. Antes, D. Levine, L. Jurist, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A13. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any
None.

A14. Adjourn L. Jurist moved, seconded by D. Levine, to adjourn the meeting at 9:11 pm. YEA: C. Karlson, L. Anderson, M. Antes, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of March 26, 2018.

1. Graph of the cost of electronic voting in Wayland, source Alan Reiss.

Items Included as Part of Agenda Packet for Discussion During the March 26, 2018 Board of Selectmen's Meeting

1. Memorandum from Beth Doucette, Acting Assistant Town Administrator, to Board of Selectmen, dated March 26, 2018, re: Town Administrator Search Firm
2. Town Administrator's Report for the Week Ending March 23, 2018
3. Memorandum from Beth Doucette, Acting Assistant Town Administrator, to Board of Selectmen, dated March 26, 2018, re: School Bus Parking Lease - Status
4. Possible Town Administrator Special Act Timelines for the Wayland Board of Selectmen, revised March 21, 2018
5. An Act Relative to the Position of Town Administrator in the Town of Wayland (redline draft), updated March 20, 2018
6. Board of Selectmen Schedule: April 2, 2018 through September 4, 2018
7. Memorandum from David Porter, Executive Assistant, to the Board of Selectmen, dated March 26, 2018: re: Warrant Hearing logistics
8. List of Annual Town Meeting Articles, updated March 23, 2018
9. Draft Board of Selectmen meeting minutes from March 6, 2018 and March 12, 2018

5. Private Roads

5. Private Roads

DATE: MAY 16, 2018

TO: BOARD OF SELECTMEN

FROM: NAN BALMER, TOWN ADMINISTRATOR

RE: PRIVATE WAYS OPEN TO PUBLIC USE: MEET IN COUNCIL ON AGING

REQUESTED ACTION:

VOTE TO ADOPT A POLICY ON PRIVATE ROADS AND VOTE TO DESIGNATE PRIVATE ROADS OPEN TO PUBLIC USE FOR SNOW REMOVAL

BACKGROUND:

The Board of Public Works asks the Board of Selectmen to take action on a policy regarding private roads open to public use for snow removal and a list of qualifying roads.

Attached are:

1. Public Meeting Notice
2. Draft Policy: Residential Private Road Snow & Ice Policy
3. List of private roads open to public use recommended by Board of Public Works
4. Spreadsheet from DPW Director : Categories of Private Roads
5. Materials from the meeting of October 23, 2017



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

*** MEETING NOTICE ***

The Board of Selectmen will hold a public meeting at the Town Building in the Large Hearing Room on

Wednesday, May 16th at 7:30 p.m.

to discuss a policy on plowing of private roads. Because your property may be affected by the policy, we are inviting you to attend.

All the materials provided to the Board of Selectmen, including those related to private roads, will be posted on the afternoon of Friday, May 11th to the Board of Selectmen Agendas web page.

DRAFT
RESIDENTIAL PRIVATE ROAD SNOW & ICE POLICY
TOWN OF WAYLAND, MASSACHUSETTS

Accepted by Board of Public Works October 10, 2017

Accepted by Board of Selectmen _____

Policy Effective November 1, 2017

DEFINITIONS for the purpose of this policy:

| | |
|------------------------|--|
| 'Road' or 'Way' | An open way for the passage of vehicles. |
| 'Residential' | Having at least half of the linear length of the road owned or rented for residential use. |
| 'Private Road' | A road or portion of a road where the abutters have deeded rights of ownership, access, control, and maintenance responsibility. |
| 'Public Road' | A road or portion of a road where right-of-way owned and maintained by the Town of Wayland or the Commonwealth of Massachusetts. |
| 'Driveway' | A private access, owned by abutter(s) from a road to one to three properties. |

BACKGROUND:

- The Town has accepted Massachusetts General Law Chapter 40, section 6C (and by reference, section 6D), which allows the Town to appropriate money for the purpose of plowing private ways that are open to public use and designated by the Selectmen. These prerequisites indicate that not every private road will qualify for the expenditure of public funds for plowing and sanding.
- A road becomes a public road after it's layout has been accepted by the Board of Public Works, and after it has been accepted as a public road by town meeting.
- The Town Clerk maintains a list of Public and Private Roads, which is updated after Town Meeting actions.
- The Town GIS has a layer of information which depicts public and private roads, and another layer which depicts driveways.
- The Town as a general matter has no power to expend municipal funds or to utilize funds for the benefit of a private road. If the Town uses public resources to repair or plow private roads the owner or owners of the road clearly receive a benefit. It follows from this restriction that

the Town has no inherent power to spend municipal funds or use municipal resources to maintain private roads. The Department of Revenue holds that public funds may not be expended for the benefit of private parties unless there is a definite public purpose and/or benefit to the public at large.

IN GENERAL:

- Responsibility for the care, maintenance, and snow removal of a road or driveway is the responsibility of the entities that own the road or driveway.
- The Town does not plow nor maintain driveways except those owned by the Town.
- Pursuant to G.L. c. 40, § 6C, the Town may plow private residential roads as authorized by the Selectmen provided the roads serve the general public, have more than one connection to public roads, and can be plowed without undue risk.
- The Town may perform specific, one-time, temporary repairs to private roads initiated by abutter requests and voted by the Board of Public Works or if requested by Public Safety Officials.

SPECIFIC PROVISIONS:

1. If it can be demonstrated that a private residential road is
 - a) *is not a driveway, and*
 - b) *is open to public use, and*
 - b) connects two public roads or has more than three homes, *and*
 - c) can be plowed without undue risk,

then the Board of Selectmen may, on an annual basis, direct that snow and ice be removed from the private road.

2. Not every private residential road in the Town will qualify for the expenditure of public funds. The Board of Selectmen may exercise its reasonable discretion in deciding how to expend the limited funds available for this purpose.
3. It must be demonstrated that the private residential road under consideration is open to public use and is actually susceptible to use by the public other than for purposes that are merely incidental to the use of the private residential road by the owner or owners thereof.
Furthermore, the private residential road must be open to the public at large for purposes of travel, not merely incidental to the use by the owner or owners thereof, in a manner similar to

the ordinary use for purposes of travel of a public road of the same general nature.

4. The designation by the Board of Selectmen must therefore, at least, be based upon the determination that by design and in fact, the private residential road is adequate to accommodate general public traffic, and does in fact carry such public traffic.
5. The Board of Selectmen will determine among the total number of private roads which qualify for care, maintenance, and snow removal, depending on available funding and public usage at the time of their decision.
6. Abutters who own private residential roads who believe their road qualifies as open for public use may apply, in writing, to the Board of Selectman for snow and ice removal. The application should state the reasons why the road qualifies for the expenditure of Town funds for snow and ice removal in the next winter season.
7. Notwithstanding the above, snow and ice removal and maintenance of some private roads is controlled by special permit from the Town or development agreement with the Town. Such agreements are controlling.
8. DPW will continue its protocol to respond to a plowing request from Public Safety Officials for First Response necessities.

| |
|---|
| Private Roads to be Plowed (5/10/2018) |
| ADELAIDE AVE |
| ALCOTT LN |
| AMEY RD |
| BENNETT RD |
| CEDAR CREST RD |
| CENTER ST (partial) |
| CHESTNUT RD |
| DECOLORES DR |
| DORAN RD |
| DUDLEY RD (partial) |
| DUNSTER AVE |
| ERWIN RD (partial) |
| HEARD RD |
| HERLAND WAY |
| HILL ST |
| JOYCE RD |
| KLEMPNER RD |
| LAKESHORE DR (partial) |
| LIBRARY LN |
| LINWAY RD |
| LUNDY LN |
| MATHEWS AVE |
| MATHEWS DR |
| MAYFLOWER PATH |
| OLD OXBOW RD |
| MICHAEL RD (partial) |
| OLD VINEYARD WAY |
| PESCE DR |
| PLAIN RD (2,4,6,8) |
| POND DR (#1) |
| PRISCILLA PATH |
| SEQUIN PATH |
| SHAW DR (#2) |
| SHAWMUT AVE EXT |
| STANTON ST |
| SWEET GRASS LN (#2) |
| SYCAMORE RD |
| TROUT BROOK RD |
| VILLAGE LANE |
| WADSWORTH LANE |
| WILLARD ST |
| WILLOW BROOK DR |
| WOODLAND RD (#2) |
| YEAGER WAY |

| Private Roads (5/10/2018) <small>Hidden: Mailbox, Width, RoadSign</small> | Click for Map | Click for Ortho | Driveway? | Private on Town Clerks List | Plan Board CC, SP, MSP | Unpaved? | Fire Hydrant | Approx Length (ft) | No Plow Date | Town Access | Mailbox on plow road? | Has Sign? | Access1 | Access2 | Must Reverse? | Has driveway # homes | Cluster Condo Appt | Area Name |
|---|---------------|-----------------|-----------|-----------------------------|------------------------|----------|--------------|--------------------|--------------|-------------|-----------------------|-----------|---------------------------------|------------------------|---------------|----------------------|--------------------|-------------|
| ADELAIDE AVE | | | | Y | | N | Y | 565 | | | Y | Y | Lakeshore Dr | West Plain St | | 10 | | |
| ALCOTT LN | | | | N | | N | | | | | | | Claypit Hill Rd | | | 2 | | |
| AMEY RD | | | | Y | | N | N | 750 | | | | | Fuller Rd | | | 10 | | |
| ANDREW AVE | | | | N | MSP | | | | never | | | | Old Sudbury Rd | Boston Post Rd | Y | 0 | Y | Town Center |
| ASTRA | | | | Y | SP | | | | never | | | | Turkey Hill Rd | | | 19 | Y | |
| AUDUBON RD | * | * | at end | Y | | | Y | 785 | proposed | | N | | Standish Rd | | Y | 2 | | |
| BAYBERRY | | | | N (Condos) | | | | | never | | | | | | | | Y | |
| BENNETT RD | | | | Y | | | Y | 1160 | | Consrv | | | Boston Post Rd | | Y | 13 | | |
| BIRCH RD | | | | Y | | | N | 480 | never | | | | Hawthorne Rd | | | 1 | | |
| BRANDYWYNE | | | | Y | SP | | | | never | | | | Turkey Hill Rd | | | 14 | Y | |
| CARRIAGE HOUSE LN | | | | Y | | | | | never | | | | Boston Rost Rd | | | | Y | Lee's Farm |
| CARROLL CT | * | * | | Y | | Y | | 211 | proposed | | | | Commonwealth Rd | | | 1 | | |
| CEDAR CREST RD | | | | Y | | Y | | | | | | | Indian & Woodland Rds | | | 4 | | |
| CENTER ST (partial) | | | | N | | Y | | | | | | | Center St | Hill St | Y | 5 | | |
| CHESTNUT RD | | | | Y | | Y | | 264 | | | | | Hawthorne Rd | Sycamore Rd | Y | 3 | | |
| COLTSWAY | | | | Y | SP | | | | never | | | | Mainstone Rd | | | 18 | Y | Mainstone |
| CORMANS LN | * | * | | Y | | Y | | 317 | proposed | | | | Main St | | | 2 | | |
| COVERED BRIDGE LN | | | | Y | CC | | | | never | | | | Rice Rd | | Y | 10 | | |
| CHRISTINA | | | | Y | SP | | | 930 | never | | | | Turkey Hill | | | 11 | Y | |
| CROSS ST | | | | Y | | Y | | 98 | never | Consrv. | | | Doran Rd/Mathews Dr | | Y | 1 | | |
| CURLING WAY | | | | Y | SP | | | | never | | | | Rice Rd | | Y | 9 | Y | |
| CURTISS RD | * | * | | Y | | | | 122 | proposed | | | | Main St | | | 2 | | |
| CUTTING CROSS WAY | | | | Y | SP | | | | never | | | | Mainstone Rd | | | 46 | Y | Mainstone |
| DAHLIA DR | | | | N (Condos) | | | | | never | | | | Magnolia Dr | | | | Y | |
| DAYBREAK | | | | Y | SP | | | | never | | | | Turkey Hill Rd | | Y | 9 | Y | |
| DECOLORES DR | | | | N (Condos) | | | | | | | | | | | | | | |
| DORAN RD | | | | Y | | Y | | 792 | | | | | Main St | Mathews Dr | | 8 | | |
| DUDLEY RD (partial) | | | | N | | | | 1570 | | DudleyP | | | Bayfield Rd | Dudley Rd | | 22 | | |
| DUNSTER AVE | | | | Y | | | | 350 | | | | | East Plain St | Hillside Dr | | 4 | | |
| ELISSA AVE | | | | N (Condos) | MSP | | | | never | | | | Andrew Ave | Andrew Ave | Y | 0 | | Town Center |
| ELIZABETH RD | | | | Y | SA | | | | never | | | | Rice Rd | | Y | | | |
| ELLIE LN | | | | N | SA | | | | never | | | | Lincoln Rd | | | | | |
| ERWIN RD (partial) | | | | Y | | Y | | 450 | | | | | Pelham Island Rd | | | 4 | | |
| ESSEX | | | | Y | SP | | | 430 | never | | | | Turkey Hill | | | 10 | Y | |
| FIDDLEHEAD LN | | | | Y | | | | | never | | | | Claypit Hill | | | 2 | | |
| FIELDS LN | | | | N | SA | | | | never | | | | Plain Rd | | | | | |
| FOX HOLLOW | | | | Y | SP | | | | never | | | | Turkey Hill Rd | | Y | 11 | Y | |
| GLEN OAK DR | | | | Y | SP | | | | never | | | | Mainstone Rd | | | 33 | Y | Mainstone |
| GLEN RD | | | | Y | | | | 1430 | | | | | Boston Post Rd | Millbrook Rd, Plain Rd | | 9 | | |
| HAMMOND RD | | | | Y | | | | | 2015 | | | | East Plain St | | | | | |
| HASTINGS WAY | | | | N (Condos) | MSP | | | | never | | | | Andrew Ave | (loops) | Y | | Y | Town Center |
| HAYFIELD LN | | | | N (Condos) | SP | | | | never | | | | Curling Way | | Y | 9 | Y | Mainstone |
| HEARD RD | | | | Y | | | | 715 | | Conserv. | | | Pelham Island Rd | | Y | 4 | | |
| HEMLOCK RD | * | * | | Y | | Y | | 270 | proposed | | | | Lakeshore Dr | | | 2 | | |
| HEREFORD RD | | | | Y | | | | | 2015 | | | | Alpine Rd | | Y | 1 | | |
| HERLAND WAY | | | | N | | Y | | 1050 | | | | | Old Connecticut Path West | Cochituate Rd | | 2 | | |
| HIGHFIELDS RD | | | | Y | | | | | never | | | | | | | | | |
| HILL ST | | | | Y | | Y | | 528 | | | | | E Plain St, South St, Center St | | | 2 | | |
| HILLSIDE DR | | | | Y | SP | | | | never | | | | Mainstone Rd | various | Y | 121 | Y | Mainstone |
| INDIAN DAWN | | | | Y | SP | | | | never | | | | | | | | | Mainstone |
| JENNISON RD | * | * | | N | | Y | | 212 | proposed | | N | | Main St | | Y | 5 | | |
| JOYCE RD | | | | N | | | | | | | | | | | | | | |
| LAKESHORE DR (partial) | | | | N | | | Y | | | DP Park | Y | Y | Multiple Access | Multiple Access | N | 40 | | |
| LAKEPUR | | | | Y | SP | | | | never | | | | Mainstone Rd | | Y | 8 | Y | |
| LEWIS PA | | | | N | | | | | never | | | | Concord Rd | | Y | 3 | | |

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DATE: OCTOBER 23, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: PRIVATE ROADS (Large Hearing Room)

ACTION: VOTE TO ADOPT A POLICY ON PRIVATE ROADS AND VOTE TO DESIGNATE PRIVATE ROADS OPEN TO PUBLIC USE FOR SNOW REMOVAL

BACKGROUND:

The Board of Public Works requests that the Selectmen adopt a policy and list of private roads that will be plowed by the Town. The adoption of the policy and list would mean 14 locations on which about 45 residences exist would not be plowed. Residences that would be affected by this policy were notified of this public meeting through a flyer delivered to each household on 10/16 and 10/17 as well as through the normal meeting posting. The DPW Director, a representative of the Board of Public Works and Town Counsel will make presentations and public comment will be allowed. Attached are: 1) PowerPoint Presentation, 2) Draft Private Road Policy and 3) List of Private Roads in Wayland, 4) Private Roads: Comparison of Policies (Neighboring towns).

SUMMARY OF TOWN COUNSEL ADVICE:

- The Town accepted G.L. c. 40, s. 6C on March 4, 1968. This statute allows a Town to plow private ways open to public use as may be designated by the Selectmen. There are two necessary characteristics of any road in question:
 1. The road must be "open to the public use;" and
 2. The road must have been "designated" by the Board of Selectmen for snow and ice removal.
- These prerequisites indicate that not every private road in any town will qualify for the expenditure of public funds for plowing, sanding and so forth, and that the Board of Selectmen may exercise its reasonable discretion in deciding whether and how to expend the limited funds available to it for this purpose.
- As to the first requirement set out in the statute, that the road must be "open to the public use," this term has been held by the Supreme Judicial Court of Massachusetts (SJC) to mean that the way is "actually susceptible of use by the public other than for purposes that are merely incidental to the use of the way by the owner thereof, and also that the way is open to the public at large for purposes of travel, not merely incidental to its use by the owner thereof, in a manner similar to the ordinary use for purposes of travel of a public way of the same general nature".
- The designation by the Board of Selectmen which G. L. c.40, §6C requires must, therefore, at the least, be based upon the determination that by design and in fact, the road is adequate to accommodate general public traffic, and does in fact carry such public traffic. In addition, however, because public funds are finite and variable from year to year, a road which qualifies pursuant to Section 6C may nevertheless be excluded from plowing, even if plowed in a previous year. The statute charges the Board of Selectmen with making choices among the total number of roads which qualify for plowing under the Section 6C standard, depending on available funding, and, presumably, traffic patterns at the time of the Board's decision.

DRAFT

Private Roads Policy: Snow & Ice Removal



**Review of Policy Recommendations
From Board of Public Works & DPW
To the Board of Selectmen**

October 23, 2017

History: Plowing Private Roads

How we got here...

- We used to plow church parking lots long ago.
- In 1968 we adopted M.G.L. Chapter 40 sections 6C and 6D enabling towns to plow private ways having public use.
- Our insurer: Wayland isn't covered for damages on private ways.
- In 2015 we discontinued plowing on some short driveways/roads which lacked turnarounds.
- There were others we missed & we decided Wayland should have a uniform policy.
- Town Counsel gave us the legal basis for plowing private roads and said the Selectmen make the decision on which roads.
- Selectmen asked us for a draft policy & list of roads for 2017 season.

What do other towns do?

- Varies Considerably...

| <u>Town</u> | <u>Snow & Ice Removal – Private Roads</u> |
|-------------|--|
| Framingham | Yes to limited few who are open to Public Use |
| Franklin | No |
| Hingham | No, only streets built to be public |
| Lincoln | No |
| Littleton | Open to Public Use - 3 Dwelling Min - If Paved |
| Medway | No |
| Natick | Yes, only those open to Public Use |
| Sudbury | No - Currently under Discussion |
| Wellesley | Yes per website FAQ |
| Weston | Yes |

Consideration: **Safety**

- Our #1 concern is maximizing safety of DPW staff and other drivers.
- Backing up a large snow plow during a snow storm is difficult.
- Backing up into a travelled road can be dangerous.
- Narrow roads, curving roads, and drop-offs are dangerous.

Consideration: Safety - examples

Pine Road



**Steep, narrow, no turn around, drop-off to pond
— truck slipped here.**

10/23/17

Curtiss Rd



**One home, truck backs up into
Main Street**

Private Roads Policy: Snow & Ice Removal Recommendations

Consideration: **Legalities**

- **Plowing:** Wayland accepted G.L. c. 40, s. 6C on March 4, 1968. This statute allows a Town to plow private ways open to public use as may be designated by the Selectmen.

NOTE: Town obligations may be limited by subdivision agreements, permits or deeds.

Consideration: **Legalities –**
We can't spend public funds for private purposes



Carroll Court – one dwelling



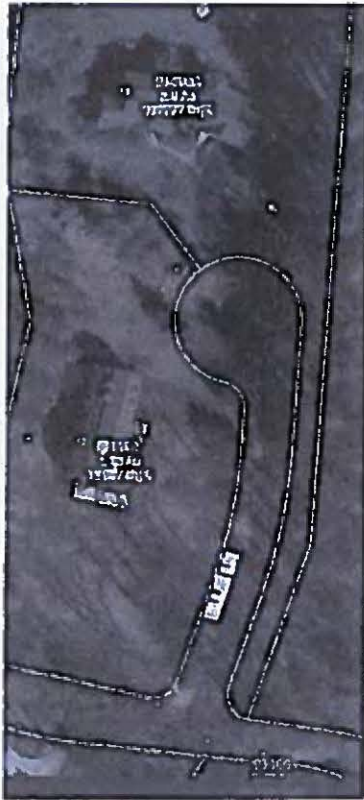
'Riverview Terrace' – one dwelling

Consideration: **Equity**

- All residential private roads receive snow and ice removal under common, understandable policies that satisfy legal requirements of public purpose.
 - a) Open to and has public use,
 - b) Connects two or more public roads, OR
Serves more than three dwellings
 - c) Can be plowed safely as determined by DPW
 - no backing up, has turnarounds, safe width/pitch

Consideration: Equity- examples

Ellie Lane



Two homes – not plowed

Hemlock Road



Two homes – proposed change to no plowing

Recommendations: Snow & Ice Removal Policy

Provide snow and ice removal to private residential roads which:

- 1. Are not driveways (for one to three homes), and**
- 2. Are open to and have public use, and**
- 3. Connects two or more public roads
or serve more than three homes, and**
- 4. Can be plowed safely as determined by DPW.
– no backing up, has turnarounds, safe width/pitch**

Annual review by Selectmen & DPW of proposed additions & deletions.

DRAFT

**RESIDENTIAL PRIVATE ROAD SNOW & ICE POLICY
TOWN OF WAYLAND, MASSACHUSETTS**

Accepted by Board of Public Works October 10, 2017

Accepted by Board of Selectmen _____

Policy Effective November 1, 2017

DEFINITIONS for the purpose of this policy:

| | |
|-----------------|--|
| 'Road' or 'Way' | An open way for the passage of vehicles. |
| 'Residential' | Having at least half of the linear length of the road owned or rented for residential use. |
| 'Private Road' | A road or portion of a road where the abutters have deeded rights of ownership, access, control, and maintenance responsibility. |
| 'Public Road' | A road or portion of a road where right-of-way owned and maintained by the Town of Wayland or the Commonwealth of Massachusetts. |
| 'Driveway' | A private access, owned by abutter(s) from a road to one to three properties. |

BACKGROUND:

- The Town has accepted Massachusetts General Law Chapter 40, section 6C (and by reference, section 6D), which allows the Town to appropriate money for the purpose of plowing private ways that are open to public use and designated by the Selectmen. These prerequisites indicate that not every private road will qualify for the expenditure of public funds for plowing and sanding.
- A road becomes a public road after it's layout has been accepted by the Board of Public Works, and after it has been accepted as a public road by town meeting.
- The Town Clerk maintains a list of Public and Private Roads, which is updated after Town Meeting actions.
- The Town GIS has a layer of information which depicts public and private roads, and another layer which depicts driveways.
- The Town as a general matter has no power to expend municipal funds or to utilize funds for the benefit of a private road. If the Town uses public resources to repair or plow private roads the owner or owners of the road clearly receive a benefit. It follows from this restriction that

the Town has no inherent power to spend municipal funds or use municipal resources to maintain private roads. The Department of Revenue holds that public funds may not be expended for the benefit of private parties unless there is a definite public purpose and/or benefit to the public at large.

IN GENERAL:

- Responsibility for the care, maintenance, and snow removal of a road or driveway is the responsibility of the entities that own the road or driveway.
- The Town does not plow nor maintain driveways except those owned by the Town.
- Pursuant to G.L. c. 40, § 6C, the Town may plow private residential roads as authorized by the Selectmen provided the roads serve the general public, have more than one connection to public roads, and can be plowed without undue risk.
- The Town may perform specific, one-time, temporary repairs to private roads initiated by abutter requests and voted by the Board of Public Works or if requested by Public Safety Officials.

SPECIFIC PROVISIONS:

1. If it can be demonstrated that a private residential road is
 - a) *is not a driveway, and*
 - b) *is open to public use, and*
 - b) connects two public roads or has more than three homes, *and*
 - c) can be plowed without undue risk,

then the Board of Selectmen may, on an annual basis, direct that snow and ice be removed from the private road.

2. Not every private residential road in the Town will qualify for the expenditure of public funds. The Board of Selectmen may exercise its reasonable discretion in deciding how to expend the limited funds available for this purpose.
3. It must be demonstrated that the private residential road under consideration is open to public use and is actually susceptible to use by the public other than for purposes that are merely incidental to the use of the private residential road by the owner or owners thereof.
Furthermore, the private residential road must be open to the public at large for purposes of travel, not merely incidental to the use by the owner or owners thereof, in a manner similar to

the ordinary use for purposes of travel of a public road of the same general nature.

4. The designation by the Board of Selectmen must therefore, at least, be based upon the determination that by design and in fact, the private residential road is adequate to accommodate general public traffic, and does in fact carry such public traffic.
5. The Board of Selectmen will determine among the total number of private roads which qualify for care, maintenance, and snow removal, depending on available funding and public usage at the time of their decision.
6. Abutters who own private residential roads who believe their road qualifies as open for public use may apply, in writing, to the Board of Selectman for snow and ice removal. The application should state the reasons why the road qualifies for the expenditure of Town funds for snow and ice removal in the next winter season.
7. Notwithstanding the above, snow and ice removal and maintenance of some private roads is controlled by special permit from the Town or development agreement with the Town. Such agreements are controlling.
8. DPW will continue its protocol to respond to a plowing request from Public Safety Officials for First Response necessities.

K.P. LAW - GUIDANCE TO THE SELECTMEN

"Open to the public use" has been held by the Supreme Judicial Court of Massachusetts to mean that the way is actually open to use by the public for purposes of travel, not merely incidental to its use by permission of the owner(s). Money raised by taxation can be used only for public purposes and not for the advantage of private individuals, therefore, the road must be of such design and location that the general public is able to use the road, other than as a guest or invitee of abutters to that road."

Opinion of the Justices to the Senate, 313 Mass. 779, 783 (1943).

In determining sufficient design, the qualifying factors are:

- The road must be a minimum of 15 feet wide.
- Roadside clearance of any obstacles, including vegetation, shall be at least two (2) feet from the edge of the road surface on each side.
- Height clearance shall be no less than fourteen (14) feet from the road surface.
- The road surface must be paved or hard packed gravel and capable of being plowed without causing damage to plowing equipment. The road must be free of defects (potholes or rutting) exceeding three (3) inches in depth. Defects in the road surface must not deviate from grade more than three (3) inches including manhole covers, catch basins, and roots. All potholes and ruts shall be filled to the approximate level of the surrounding roadway by the owners prior to any plowing taking place.
- There must be a turnaround area sufficient to accommodate a snow plow truck, if needed.
- There must be a designated area for the placement of plowed snow that is not on private property unless written permission and waivers are provided by the property owners.
- The road may not be a shared driveway.

Private Ways - Comparison

| <u>Town</u> | <u>Plow</u> | <u>Maintain</u> |
|-------------|---|---|
| Framingham | Yes to limited few who are open to Public Use | No |
| Franklin | No | No |
| Hingham | No, only streets built to be public | No |
| Lincoln | No | No |
| Littleton | Open to Public Use-3 Dwelling Min-Paved | Undetermined |
| Medway | No | No |
| Natick | Yes, only those open to Public Use | Pothole Repair |
| Sudbury | No-Currently under Discussion | No-Currently under Discussion |
| Wellesley | Undetermined | Only those open to Public Use as determined by BoPW |
| Weston | Yes | Only if Paved - For a Fee if Resources allow |

The Community

The Town of Wayland is a peaceful, principally residential community of approximately 14,000 residents located in the MetroWest region of Eastern Massachusetts, 18 miles west of Boston and 26 miles east of Worcester. It has a tradition of professional and highly responsive government service, with strong citizen engagement, and is known for its semi-rural character. Wayland takes great pride in its public school system, local history, and preservation of natural resources. The Town is seeking an experienced, innovative, and community-focused leader to serve as its next Town Administrator.

[Wayland](#) was first settled in 1638, incorporated in 1780, and is part of Middlesex County. The Town is bordered on the west by Sudbury and Framingham, on the south by Natick, on the north by Concord and Lincoln, and on the east by Weston. Wayland's 15.9 square miles is primarily land, with approximately 4.2 percent water. The Town is mainly a quiet bedroom community, with little industrial or commercial base.



With close proximity to Boston, desirable real estate and highly ranked school system, Wayland is considered a highly desirable community in Massachusetts. Wayland has a median household income of \$157,500, which is approximately 122% above the state median and 279% above the U.S. median income of \$68,563. While the Town's population is largely financially prosperous, according to U.S. Census statistics, there are a small percentage

of residents who fall below the poverty line and face economic challenges.

The Town's racial makeup is 84.7% white, 12.2% Asian, 3.2% Hispanic or Latino, and 0.7% Black or African American. The Town is demographically dissimilar to the state regarding resident age cohorts with differences in the under-18 years cohort with Wayland at 26.3% in the 2010 U.S. Census versus 21.7% for the state. Additionally, in the 65 years and over cohort, Wayland has 18.5% of its population compared to the state's 13.8%. The median age of Wayland's residents is 41 years.

Wayland has a \$3.6 billion tax base. The Town's FY2018 assessed value reflects YoY growth of 4.3%, bringing the five-year compound annual growth rate to 3.6%. Annual new growth revenue in 2018 was \$694,000, down slightly from an all-time high of just under \$1 million in 2016 but still above historical averages. The average residential property assessment is \$718,100 and the median residential assessment is \$626,600. The average commercial assessment in Wayland for FY2018 is \$2,711,200 and the median commercial assessment is \$610,200. The FY2018 tax rate for all properties is \$18.03 per thousand of the property's assessed value, which is slightly lower than the FY2017 rate of \$18.14. The estimated tax rate for FY2019 is \$18.80.

Wayland is accessible and attractive as a suburb to the City of Boston and to the businesses and industries located along state Route 128 with convenient access to the Massachusetts Turnpike. Known as the "Crossroads of New England", MetroWest is easily accessible by air, rail, and bus. Both Boston's Logan International Airport and the Worcester Regional Airport are just 30 minutes away, and the area is served by major highway interchanges – including Interstates 495 and 95, Route 9, and the Massachusetts Turnpike (Route 90).

Government and Finance

Wayland's government includes a five-member [Board of Selectmen](#) that serves as the governing body of the Town. Selectmen are volunteers and elected to staggered three-year terms. The Wayland Board of Selectmen has broad authority over matters not delegated by statute or bylaw to another town government entity. The Board, through the Town Administrator, is responsible for operations of several departments and activities, including building, facilities management, police, fire, finance, treasurer, legal matters, disposition of real property, human resources, and collective bargaining matters, and is advised by appointed committees on wastewater treatment, senior programs, youth services, and conservation matters. Selectmen generally do not have authority over policy and services directed by elected boards with statutory duties and responsibilities such as schools, assessment, and library. Public works functions, including roads, water, parks, cemeteries and solid waste disposal, and recreation services are administered through the Town Administrator, with policy and rate-setting authority vested in elected boards.

An elected five-member [School Committee](#) oversees the policies and budget of the Town's public school system. Other elected positions include: Moderator, Town Clerk, Commissioners of Trust Funds, Housing Authority, Board of Assessors, Planning Board, Library Trustees, Board of Public Works, Recreation Commission, and Board of Health. In addition, the Town utilizes numerous appointed boards and commissions to conduct municipal operations.



Wayland has an Open Town Meeting form of government. [Town Meeting](#) is the legislative body of the Town and typically meets for the Annual Town Meeting in April during which the annual town budget is adopted, changes to the Town's General and Zoning by-laws, and various Town projects are considered. Additional Special Town Meetings may be called as often as necessary, including within the Annual Town Meeting.

The Board of Selectmen appoints the [Town Administrator](#) who is charged with overseeing and administering the general business of the Town of Wayland, implementing policies to achieve the goals of the Board, and ensuring that available resources are being used in an efficient and effective manner. In addition to serving as the Chief Procurement Officer for the Town, the Town Administrator directly supervises departments and functions under the jurisdiction of the Board. A [Statement of Vision, Goals, Objectives and Action](#) regarding the role of the Town Administrator is available on the Town's website.

Wayland holds a [Moody's rating](#) of AAA, as stated in a credit opinion of February 2018. The report cites as strengths the Town's stable tax base with strong resident wealth and incomes, the aggressive funding of its OPEB liability, and the large portion of debt that is excluded from the levy limits of Proposition 2 ½. The rating was given a negative outlook in reflection of a weakening in the Town's financial position given reserves trending below historical averages due to the increased use of free cash to fund operations in recent years. However, as the report notes, over the past two years, Wayland has worked to eliminate the use of reserves for operations and produce a structurally balanced budget, so it is addressing the concern.

In FY2018, Wayland has an overall spending plan of approximately \$77 million. In FY2019, the recommended budget is approximately \$79.9 million, a 3.64% increase over FY2018.



Currently, Wayland had a stabilization balance of approximately \$1.9 million and an OPEB trust fund balance of about \$16.5 million. The Non-Insurance Fund balance is nearly \$1.2 million and the Recreation stabilization balance is nearly \$189,000. The Town's OPEB liability is approximately \$26.7 million and is on track to be fully funded in

2032. The Town has a net pension liability of nearly \$55.5 million, as of the most recent actuarial valuation on June 30, 2017, which should be fully funded by 2038. Wayland's current debt level is 9.78% of the operating budget. The [2018 Town Meeting Warrant](#) provides tremendous insight into Wayland's finances, as does the [Collins Center Financial Management Structure Review](#). The Town's debt-management [policies](#) include:

- Debt should not be issued for a term longer than the expected useful life of the asset.
- Total debt should generally be less than 10% of annual general fund revenues.
- Capital items with an expected useful life of three years or fewer (e.g., police cruisers, school laptops) should be included in the operating budget.
- A single capital item should be at least \$50,000 or greater in order to issue debt to finance the item. Larger items such as ongoing maintenance and infrastructure needs that occur annually, such as road maintenance and repairs or equipment replacement, should generally be funded by free cash or cash capital.
- Capital projects that are greater than \$1 million should be generally funded with exempt debt, unless it is believed that doing so is unnecessary.
- Excess bond premiums should generally be used to pay for budgeted capital items or to reduce the amount borrowed.
- Debt management recommendations should place appropriate emphasis on maintaining a high debt rating.

Challenges and Opportunities

Wayland enjoys a stable tax base, strong demographics and a history of residents supportive of the public school system and municipal services. However, like most municipalities, the Town does have some challenges and opportunities that are being addressed.

- **Finances**

Wayland has a Moody's rating of AAA, according to a February 2018 report. The Town's goal is to continue to manage its finances in a manner that maintains its high rating and improves the current negative outlook to positive. Wayland's FY2019 recommended budget is approximately \$79.9 million. Moody's highlighted the Town's stable tax base with strong resident wealth and incomes, the aggressive funding of its OPEB liability, and the large portion of debt that is excluded from the levy limits of Proposition 2½. Maintaining Wayland's financial strength and excellent credit rating (and gaining a positive outlook) as well as improved diligence in hiring practices, are priorities.

- **Education**

Wayland highly values education. The [Wayland Public School](#) system is regularly ranked as one of the top ten school systems in the state and is a primary attractor of families to the community. Also illustrative of the Town's strong support of education is the fact that slightly over 98% of Wayland's residents age 25 years and older have a high school diploma and nearly 83% of the population age 25 and older have a bachelor's degree or higher. Approximately 99% of Wayland High School students graduate and 94% of its graduates go on to college. The Wayland School Committee recommended an operating appropriation of [\\$40.5 million](#) for FY2019. The School Committee also requested \$6.3 million for capital costs, including the renovation of the Wayland High School outdoor athletic complex and the Loker School kitchen. Wayland receives approximately \$4.2 million in state aid for education. The Town has one preschool, three elementary, one middle, and one high school.

- **Housing**

With a convenient location, semi-rural environment and excellent school system, Wayland is a highly attractive community. The Town offers a variety of housing options to meet the needs of Wayland's different demographic groups, including \$300,000 to multi-million-dollar residences as well as affordable rental homes. Approximately 88% of the homes in Wayland are owner occupied with a median value of \$637,400, which is 87 percent higher than the state median. With the ongoing construction of rental housing at River's Edge, a town-owned property, Wayland expects to soon reach the state-mandated 10% level of affordable housing, but recognizes this is a constantly moving target. Currently, Wayland is at approximately 5.5% affordable housing. The Town developed a detailed [Housing Production Plan](#) in August 2010 and updated it in July 2016.

- **Capital Needs**

The town has approved a \$1.8 million renovation at fire station #2 and a \$1.5 million renovation for Town Hall. If the proposed Community Center/Council on Aging at the Town Center is approved, it will be a \$5 million project. This year, the Town approved spending \$400,000 to prepare design, construction, and bid specification documents for the Community Center/Council on Aging building. Wayland's annual capital budget is typically between \$2 million to \$3 million. A \$29 million proposal to build a new 33,000-square-foot library failed to receive the required two-thirds majority support at Town Meeting in April. The Town completed construction of a \$70 million high school in 2012.

- **Public Safety**

The Wayland [Police Department](#) has 23 full-time officers, including its chief. Another officer was just approved and should soon bring the total number of officers to 24. Its [Fire Department](#) has 25 full-time members and operates out of two stations, serving Wayland's 16 square miles. Two additional firefighters are

expected to join the department in October. The Fire Department also runs the Town's ambulance service. The Wayland Public Safety Building houses both the police and fire departments and was built in 2003. The dispatch center, also housed in the public safety building, serves both departments as well as the ambulance service. Neither the police nor the fire department is part of Civil Service.



- **Open Space and Recreation**

The meadows and marshes along the 10-mile course of the Sudbury River through Wayland have been kept relatively unspoiled and are the object of private and public efforts to maintain them in their natural state. The Town has approximately 1,200 acres of [open conservation land](#). They provide an open, rural setting for residents and visitors to enjoy. Wayland is the home of two public golf courses – Wayland Country Club and Sandy Burr Country Club, both located on Route 27. There is a town beach located on Lake Cochituate that offers swimming and a boat launch to its residents and guests. Additionally, Wayland is fortunate to have other recreational areas such as Mill Pond for fishing, forested picnic areas, a [community garden](#), and many conservation areas with hiking and horse riding trails. Wayland promotes outdoor athletic activities and provides well equipped basketball courts, 10 tennis courts, ice-skating areas, a swimming pool, and several playgrounds.

- **Economic Development**

Wayland is primarily a residential town, with [economic development](#) goals that reflect that fact. Cognizant of the Town's limited capacity to accommodate additional traffic, the goals encourage retail and service businesses that primarily serve the local market. Another key goal for the Town's business areas is, over the long term, to improve the attractiveness and "sense of place" in Cochituate Village and Wayland Center in order to promote these locations as shopping areas with distinctive small businesses. Most of the community is on septic, but there are wastewater treatment plants that serve the town center, library, and nearby homes as well as the high school.

- **Citizen Engagement**

With many challenges and opportunities, the Town embraces civic engagement and appreciates the high levels of participation and discourse residents provide. Volunteer citizens serve on elected and appointed boards and committees as well as in other volunteer capacities. Attracting volunteers and maintaining a strong and collaborative relationship between residents, Town employees, and volunteers is vital to the success of the community. The Town makes use of various methods of sharing information with residents and would welcome additional ideas and recommendations regarding improved methods of communicating with and engaging citizens.

Candidate Qualifications

The Board of Selectmen seeks a Town Administrator with strong leadership abilities, municipal management experience, and excellent interpersonal skills. The successful candidate must be able to demonstrate prior success in leading a complex municipal organization. The candidate should be competent in all areas of municipal management and operations, but especially in finance, personnel administration, and project management. The candidate should be knowledgeable of municipal management best practices and interested in working to make town operations more efficient and effective.



The current decentralized form of government exhibits the need for a Town Administrator who is a skilled communicator with an ability to influence others. He or she must be an innovative and decisive leader who can work collaboratively with various interests of the Town. He or she is expected to work cooperatively and collaboratively with citizens, volunteers, and the business community. He or she should be highly approachable, flexible, and a strong and active listener.

The Town Administrator must be able to delegate effectively, mentor department heads, and provide support and motivation to ensure high performance and professional growth for Wayland employees. He or she must develop and sustain relations with employees and union representatives and be a strategic and dynamic leader who can build

strong teams and employ a teamwork approach. He or she should encourage collaboration between all departments, including schools, and strive to build morale. The Town Administrator must be a creative problem-solver who is accessible, transparent, collaborative, a consensus-builder, and open to new ideas. He or she must lead by example, and be motivated, ethical, and respectful of others.

The Town Administrator must be dedicated, organized and patient, have a strong work ethic, and inspire trust and confidence. He or she must have the ability to effectively explain complex issues to individuals, committees, and the citizenry. He or she must be interested in making the organizational structure more efficient and effective and have a strong understanding of Massachusetts local government.

The successful candidate should possess a bachelor's degree in a field related to municipal management, with a Master's degree in public administration, business management, or a related field preferred, and have a minimum of 3-5 years of progressive experience as a municipal city/town manager or administrator, as an assistant city/town manager or administrator, or education and experience in or relatable to municipal government that is equivalent. The successful candidate should possess demonstrated skills, abilities and knowledge in municipal finance, economic development and community planning, project management, team building, government law, personnel administration, and intergovernmental relations.

Compensation Package

The Town of Wayland will offer an employment agreement and compensation package that is competitive with comparable area communities, with a salary of \$175,000+, commensurate upon qualifications. An attractive benefits package, including health and retirement plans, is part of the Town Administrator's total compensation. Residency is not required.

How To Apply

Interested applicants should send cover letters and résumés, in confidence, by June XX, 2018, 5:00 p.m., via email to:

Apply@communityparadigm.com

Subject: Wayland Town Administrator Search

Submit a single PDF containing both cover letter and résumé.

Following the closing date, résumés will be reviewed according to the outlined qualifications. A Screening Committee will interview the most qualified candidates in confidence. Based upon these interviews, a selection of finalists will be chosen for further evaluation and reference checks and then forwarded to the Board of Selectmen. Finalists will be contacted for references and approval of background reviews before their selection is advanced to the Board of Selectmen.

Questions regarding the position should be directed to:

Bernard Lynch, Principal
Community Paradigm Associates
Blynch@communityparadigm.com
978-621-6733

The Town of Wayland, Mass., is an Equal Opportunity Employer.

8. Race Amity Day

8. Race Amity Day
DP - Recommended

142 Glezen Lane
Wayland, MA 01778
April 26, 2018

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 ADMINISTRATOR'S REPORT
WEEK ENDING MAY 11, 2018**

1. CORRESPONDENCE

No comments.

2. GOVERNANCE GUIDELINES

There are two more significant updates:

- Footnote on every page that the guidelines are superseded by any federal, state or local laws.
- Sections 6.1 and 6.5 are revised to reference the AG's Public Body checklists and 6.5 is revised to include the AG's description of the standard for content of meeting minutes.

3. 2018 SPECIAL AND ANNUAL 2019 ANNUAL TOWN MEETING DATES

Please see attached memorandum, from Elizabeth Doucette in preparation for a decision on town meeting dates.

DRAFT MAY 16, 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.

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 15th or as otherwise required. 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.

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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.

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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:

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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.

- Please see the attached Public Bodies' Checklist for requirements for posting meetings.
- Please see the attached allowable reasons for conducting an Executive Session. You are encouraged to call the Town Administrator before posting an Executive Session to review the requirements who will refer questions to Town Counsel if required.

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

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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. Although a verbatim record of meetings is not required, the Open Meeting Law requires that the minutes include a summary of the discussion of each subject containing enough detail and accuracy that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred. A list of all documents used by the public body must be included in the minutes.

➤ Please see Public Body Checklist on Minutes for more detailed requirements for meeting minutes.

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

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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. 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.

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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. **†**

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.

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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 A, Section 21 (a): 10 Allowable purposes for entering executive session.

Other policies relevant to the work of public bodies are posted on the Board of Selectmen's website.

DATE OF ADOPTION / AMENDMENT: _____

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DATE: MAY 16, 2018
TO: BOARD OF SELECTMEN
FROM: ELIZABETH DOUCETTE, ASSISTANT TOWN ADMINISTRATOR
RE: TENTATIVE DATES – FALL TOWN MEETING 2018

BOARD ACTION REQUESTED

Review and discuss tentative dates for Fall Town Meeting 2018 to allow for a vote to set the date at a future meeting.

FALL TOWN MEETING 2018

A Special Town Meeting is planned for fall 2018. The following are considerations for November:

- State Election is November 6 (*Town Clerk prefers to hold Town Meetings in a different week than Election*)
- Veteran's Day is November 12
- Thanksgiving is November 22

RECOMMENDATION

I recommend holding Special Town Meeting fall 2018 on November 14 with a second day on November 15, if necessary. An alternative is to hold Special Town Meeting fall 2018 on November 13 with a second day on November 14, if necessary, however this alternative requires setup over Veteran's Day holiday weekend. Tentative schedule is attached.

Attachment: Tentative schedule based on fall STM beginning on Wednesday, November 14, 2018

DRAFT *

Tentative 2018 SPECIAL TOWN MEETING SCHEDULE (Schedule for fall STM to begin on WEDNESDAY, NOVEMBER 14, 2018)

| | |
|-------------------------|---|
| August 20 | Selectmen vote on August 20 st to open warrant for Special Town Meeting; |
| August 22 | Warrant open Wednesday, August 22, 2018 at 8:30 a.m. through Thursday, August 30, 2018 at 4:30 p.m. |
| August 30 | Last day to submit articles for Special Town Meeting at 4:30 p.m. Petitioners' articles must be submitted to the Selectmen's office with at least 100 signatures. Article text must be in final form subject to Town Counsel review. |
| September 4 | Finance Committee: Special Town Meeting Article Hearing |
| September 10 | <u>Deadline for submission of petitioner's comments on STM articles at 4:00 pm.</u> Selectmen begin to review, order and vote on articles |
| October 15 | <u>Deadline for submission of Special Town Meeting article comments from Finance Committee</u> |
| October 19 | Compilation of Warrant completed and all changes made; Final Warrant copied and delivered to Selectmen, Moderator, Finance Committee, Town Clerk, Town Counsel and Finance Director; <u>Warrant sent to printer.</u> |
| October 26 | Motions for articles submitted by Town Counsel and provided to Moderator and Town Clerk. Draft motions posted for public review. |
| October 29 | Selectmen meet to sign warrant |
| October 31 | Date by which warrant will be posted by Constable and mailing of warrants. (Town Code 36-2A, MGL c. 39, s. 10 – No later than 14 days before TM) |
| November 2 by 8:00 p.m. | Last day before Town Meeting to register to vote (No earlier than 10 days before STM). |
| November 5 | Selectmen review revised motions ; Selectmen conduct Special Town Meeting Warrant Hearing with Moderator, 7:15 p.m. Large Hearing Room, Town Building. |
| November 14 | Moderator's instructions to tellers and list of non-resident employees provided to Moderator and Town Clerk; Warrants, final errata sheets and supplemental material prepared, printed and delivered to Town Meeting site for distribution. |
| November 14 | SPECIAL TOWN MEETING, WEDNESDAY 7:00 PM WAYLAND HIGH SCHOOL |
| November 15 | Second day of Special Town Meeting, Thursday 7:00 pm. |

*** DRAFT : Subject to change. To be reviewed by Town Counsel for compliance, Town Clerk and Finance Committee.**

*Note – Dates not set by general laws and town code may change.
Date of Document: 5/16/18*

DATE: MAY 16, 2018
TO: BOARD OF SELECTMEN
FROM: ELIZABETH DOUCETTE, ASSISTANT TOWN ADMINISTRATOR
SUBJECT: DISCUSSION ON SPRING 2019 ANNUAL TOWN MEETING DATE

Recommended Action: Discussion on potential dates for Annual Town Meeting to allow for a vote to set the date at a future meeting.

A calendar indicating school vacation, AP exams, holidays and religious observances is attached. Additional information is pending from town departments and the schools.

Current Constraints on Setting the First Day of 2019 Annual Town Meeting

By Town Code: Warrant closes on January 15th

Town Meeting must start between April 1 – May 15th

Annual town election is held 2-7 days before the start of ATM

Possible 2019 Annual Town Meeting Schedules

1. Election: Tuesday March 26 (*all poll workers may not be available*)
Town Meeting begins: Monday April 1 or later, continues that week
2. Election: Tuesday April 2
Town Meeting begins: Thursday April 4 or later, continues that week or the following week
3. Election: Tuesday April 23
Town Meeting Begins: Monday April 29 or later, continues that week
4. Election: Tuesday May 7
Town Meeting begins: Tuesday, May 14; continues May 16 or later

Town code 36-1: The Annual Town meeting shall commence on a day between April 1 and May 15 inclusive ordered by the Selectmen. The election of Town officers and the determination of all matters placed on the official ballot at such election shall take place within seven days, but no fewer than two days, before the annual Town meeting. In addition to the warrant required by MGL c. 39, § 9A, the Selectmen shall cause notice of the time and place(s) of each annual and special Town meeting and each annual and special election (1) to be published in a newspaper of general circulation in Wayland not later than the date fixed by them for the closing of the warrant pursuant to § 36-3 below and (2) to be posted on the Town sign boards. Such notice shall be posted on the Town sign boards commencing at least two weeks prior to the election and Town meeting and shall remain posted until the election is held and Town meeting is concluded.

Attachment: April / May Calendar indicating school, holiday and religious observance dates



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 30, 2018

6:30pm

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

Attendance: Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Douglas A. Levine (arrived at 7:22 p.m.)

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 6:30 p.m. in the Selectmen's Meeting Room of the Wayland Town Building

A2. Executive Session: Open meeting and enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to Bernstein et al v. Wayland Planning Board et al., Trustees of the Residences of Oxbow v. Town of Wayland, and John Moss and Amy Borner v. Gary Lingley and Annmarie Lingley as Trustees of the J.M.J. Realty Trust and the Town of Wayland because the Chair has determined that a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. 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)(3) to discuss strategy with respect to *Bernstein et al v. Wayland Planning Board et al., Trustees of the Residences of Oxbow v. Town of Wayland, and John Moss and Amy Borner v. Gary Lingley and Annmarie Lingley as Trustees of the J.M.J. Realty Trust and the Town of Wayland*. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0-0. L. Anderson declared that a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. The Chair invites attendance by: Nan Balmer, Town Administrator, Carolyn Murray, town counsel, David Houghton, Fire Chief, Patrick Swanick, Police Chief, Tom Holder, Director of the Department of Public Works, Mike Lowery, Chair of the Board of Public Works, Asa Foster, Chair of the Recreation Commission, Sherre Greenbaum, Chair of the Conservation Commission and Sarkis Sarkisian, Town Planner.

The Board will reconvene in open session in approximately 15 minutes to address the issues listed on tonight's agenda.

The Board returned to open session at 7:11pm.

A3. Announcements and Public Comment L. Anderson reviewed the agenda for the public and announced that there will be a forum hosted by Community Paradigm on Thursday, May 3 at 7

p.m. for community input on hiring the next Town Administrator. Community Paradigm is the firm conducting the search for the new Town Administrator.

Mike Lowery, 120 Lakeshore Drive, stated he believes the BoS should ask KPLaw to withdraw the Town's petition to probate court regarding the uses of 5 Concord Road. M. Lowery provided a copy of his email on the same topic.

Linda Segal, Aqueduct Rd., discussed the composition of the TA Screening Committee and asked the Board to take into consideration geographic distribution when selecting members.

L. Anderson noted that the meeting will likely be broadcast and is being videotaped for later broadcast by WayCAM.

A4. 5 Concord Road Petition: Discuss status with Town Counsel Town Counsel Carolyn Murray came before the Board to discuss the process if the Town proceeds with its petition. She stated the bulk of the work is done and noted that it is not unusual to wait this long for a response from the AG's office. L. Jurist asked what the Town gains or loses at this point since the Library article was voted down at Annual Town Meeting. C. Murray stated if the Town decides to go forward with filing a petition, it should have the consent of the Attorney General first and then it is likely to move more quickly through the court process. She said hearing from the AG's office will give the Town some perspective on future uses and the Board may want to consider waiting to hear from the AG since a lot of time, energy and money have gone into the request.

D. Levine entered the meeting at 7:22pm.

Discussion covered that while the immediacy of needing the information has changed since Town Meeting, a decision may be helpful in the future. One of the benefits would be to gain some insight.

C. Karlson moved, seconded by D. Levine, that the Board leave the petition regarding 5 Concord Road's potential use with the Attorney General. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: L. Jurist. ABSENT: none. ABSTAIN: none. Adopted 4-1-0.

A5. Town Organization: Meet with department heads The Board invited department heads to discuss the Town's potential reorganization as proposed in the TA Special Act drafted by the Collins Center.

J. Junghanns, Director of Public Health, stated the BoH Chair asked her about possible significant changes for some Boards and Committees regarding reporting and budgeting. L. Anderson said she thinks there will be little difference from the boards' and committees' points of view and explained that the TA Special Act does not include all aspects recommended in the Collins Center Report. One main difference will be in the way the budget is put together and communicated. A discussion then ensued about reporting lines to the TA.

Z. Pierce, Treasurer/Collector, discussed her opinion about the financial reporting structure suggesting her position report to the Finance Director, and she shared the structure in other towns in which she has worked.

L. Anderson discussed the proposed hiring process for department heads. T. Holder, DPW, stated he believes the Town Administrator needs to be the main point person in the Town's chain of command. B. Keveny, Finance Director, stated he agreed with T. Holder. B. Keefe, Facilities, said every board in town tells him what to do, but he technically reports to the Town Administrator.

L. Anderson clarified that this was the start of the conversation and that members of the BoS would reach out to each board/committee. She thanked the department heads for their input.

A6. Police Firing Range: Meet with the Police Chief regarding location Police Chief P. Swanick came before the Board to discuss a potential firing range location. He said they are temporarily using Sudbury's firing range while researching other options. He discussed using the old landfill area but found the Conservation and Planning Boards were against it, and he is now considering putting it near the transfer station, behind the DPW. It will be used 8-10 times a year. He said they would construct a wall for safety as well to help reduce the sound. He discussed what the other area towns are using for firing ranges and potential costs of alternatives. A discussion ensued about possible types of ammunition, environmental issues that could arise and sensitivity to neighbors.

A7. Annual Town Meeting follow-up Town Moderator Dennis Berry, Asst Moderator for ATM Bill Whitney, Fire Chief Dave Houghton and Dave Bernstein, ELVIS Committee, were present. C. Karlson mentioned some positives including the completeness and accuracy of the Warrant and the time efficiency of using the Abbreviated Presentation Procedure with many articles. L. Jurist stated he thought it was the most unsatisfying Town Meeting yet. D. Levine got feedback from residents and two items repeatedly came up: the Moderator's discretion to cut off debate unless there is anything new to say and having a set policy if the handsets don't work. A discussion ensued about how the situation was handled when the handsets failed on the Library vote and what actually happened to cause the revote. The role of Town Counsel during Annual Town Meeting was also discussed. D. Berry stated he would hold an open forum May 10 to discuss Annual Town Meeting.

A8. Town Administrator Screening Committee: Appoint members Chair L. Anderson spoke with all nine residents who submitted letters of interest in the Committee. She noted one person had a scheduling conflict at the end of June. L. Anderson suggested a list of seven residents to serve on the Town Administrator Screening Committee. The following names were picked based on qualifications, experience, demographics, geography and availability: Steven Correia, David Gutschenritter, Doug Levine, Brian O'Herlihy, Maryanne Peabody, Carole Plumb, and Susan Pope.

M. Antes moved, seconded by C. Karlson, to appoint the proposed list as members of the Town Administrator Screening Committee. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A9. Board Liaison Assignments: Vote to adopt C. Karlson moved, seconded by D. Levine, to approve the Board Liaison Assignments as amended. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Town Administrator's Report

1. **Correspondence:** None.
2. **Private Roads:** The DPW Director and BoPW have offered the date of Wednesday, May 16 to the Board for a public meeting on plowing private roads. It will be held in the large hearing room.
3. **Staffing: IT:** N. Balmer recommends that Mike McCann of Advent Consulting serve as Interim IT Director. She said it is the best solution since he is qualified, flexible, has worked well with Town employees and has already started several projects. Assistant Town Administrator E. Doucette has always been involved in IT, and she will continue to oversee the IT responsibilities. The Business System Analyst will provide additional day-to-day support with other staff for routine projects. She stated that overall this plan is less expensive than a full-time IT Director for the time being.
4. **Special Election:** There will be a primary on September 4, 2018 and the General Election is November 6, 2018. A discussion ensued about the potential upcoming vote on recreational marijuana. L. Anderson brought up the forum held by the town of Lincoln which approached the marijuana subject from an agriculture, health, and business angle.

5. **Government Guidelines draft:** N. Balmer went over some of the suggested edits. She said she would provide an updated draft based on comments from the Board, staff, and the community.

A11. Minutes: No minutes were available for review.

A12. Consent Calendar: Review and vote to approve (See Separate Sheet) M. Antes moved, seconded by L. Jurist, 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.

A13. Review Correspondence: (See Separate Index Sheet) There was no discussion.

A14. Selectmen's Reports and Concerns D. Levine gave an update on the intersection of Rt. 27 and Rt. 30. He stated Verizon has visited the site three times and will not leave the site until the work is complete. M. Antes discussed the MetroWest Regional Collaborative meeting, the Housing Choice Conference and the METCO 50th anniversary celebration. The next Board of Selectmen meeting is scheduled for next Monday, May 7.

A15. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any: None.

A16. Adjourn D. Levine moved, seconded by L. Jurist, to adjourn the meeting at 9:35 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 30, 2018.

1. Letter from Barry Lorion, MassDOT Acting District 3 Highway Director, to Sarkis Sarkisian, Town Planner, dated April 25, 2018, re: Leasing a portion of the Sudbury Maintenance Depot for school bus parking
2. Email from Brian Keveny, Finance Director, to Nan Balmer, dated April 30, 2018, re: Meeting with Selectmen on April 30
3. Memorandum from Linda Hansen, Conservation Administrator, to Board of Selectmen, dated April 30, 2018, re: Town governance
4. Email from Mike Lowery to Board of Selectmen, dated April 27, 2018, re: Public Comment: Should the town proceed with its legal action regarding 5 Concord Road?
5. Memorandum from Lea Anderson, Chair of the Board of Selectmen, to the Board of Selectmen, dated April 30, 2018, re: Town Administrator Search Screening Committee
6. Literature from the meeting of the 495/MetroWest Partnership's Energy & Sustainable Development Committee, dated April 24, 2018

Items Included as Part of Agenda Packet for Discussion During the April 30, 2018 Board of Selectmen's Meeting

1. Background document for the Board's discussion with Town department heads regarding Town organization
2. Draft Act Establishing the Position of Town Manager in Wayland
3. Memorandum from Chief Patrick Swanick to the Board of Selectmen, re: Police Firing Range: Update on Alternatives
4. Memorandum from Nan Balmer to the Board, re: Annual Town Meeting follow-up
5. List of Annual Town Meeting articles with disposition of each article
6. Request for volunteers to serve on the Town Administrator Screening Committee, dated April 11, 2018

7. List of residents who expressed interest in serving on the Town Administrator Screening Committee
8. Letters received from residents interested in serving on the Town Administrator Screening Committee: Steven Correia, Tom Greenaway, David Gutschenritter, Frank Kennedy, Cliff Lewis, Phyllis Jean Milburn, Brian O'Herlihy, Carole Plumb, Susan Pope
9. Draft Board Liaison Assignments, April 2018-April 2019
10. Town Administrator's Report for the week ending April 27, 2018

BOARD OF SELECTMEN

**Wednesday, May 16, 2018
Wayland Town Building
Senior Center
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. 115789, for legal services rendered through March 31, 2018: \$720.98
3. Vote the question of approving the invoice for Valerio, Dominello & Hillman, LLC, dated May 2, 2018, for legal services rendered through April 30, 2018: \$7,403.00
4. Vote the question of approving the placement of two temporary sandwich board signs from May 21-28, 2018, at the Intersections of Route 27/126 and the Cochituate Fire Station at the corner of East Plain Street, advertising the Wayland Scouts Troop 1 Memorial Day Pancake Breakfast to be held on Monday, May 28, 2018 at Saint Zepherin's Center

RECEIVED

MAY 03 2018

Board of Selectmen
Town of Wayland

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

INVOICE NO: 115789

WAYLAND TAX
MS. NAN BALMER
WAYLAND TOWN HALL
41 COCHITUATE ROAD
WAYLAND, MA 01778

IN REFERENCE TO: PROFESSIONAL SERVICE
THROUGH

March 31, 2018

April 26, 2018

| | |
|--------------|-----------------|
| TOTAL FEES: | \$120.25 |
| TOTAL COSTS: | <u>\$600.73</u> |
| BALANCE DUE: | <u>\$720.98</u> |

WJB
5-7-18



Valerio
Dominello &
Hillman, LLC

One University Avenue
Suite 300B
Westwood, MA 02090

T: 617.862.2005
F: 617.862.2025
W: VDHBoston.com

RECEIVED

MAY 07 2018

Board of Selectmen
Town of Wayland

May 2, 2018

Town of Wayland
ATTN: Nan Balmer
41 Cochituate Road
Wayland, MA 01778

BREAKDOWN OF LEGAL SERVICES RENDERED THROUGH 4/30/18

| Current Charges: | Total |
|-------------------------------|--------------------------|
| 1003.00 General Labor Matters | \$7,403.00 |
| Total Fees | \$7,403.00 |
| Total Expenses | \$0.00 |
| TOTAL DUE | <u>\$7,403.00</u> |

****We are pleased to offer electronic invoicing.
If interested, please contact us. Thank you.**

WJB
5-7-18

PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMEN FROM MAY 5, 2018, THROUGH AND INCLUDING MAY 11, 2018, OTHERWISE NOT LISTED AND INCLUDED IN THE CORRESPONDENCE PACKET FOR MAY 16, 2018

Items distributed to the Board of Selectmen – May 5, 2018-May 11, 2018

1. None

Items distributed for information and use by the Board of Selectmen at the Meeting of May 7, 2018

1. Email from Beth Klein, Town Clerk, to Nan Balmer, dated May 7, 2018, re: Town Clerk requirement to provide AG decisions
2. Board of Selectmen Liaison Assignments for April 2018 through April 2019
3. Board of Selectmen Policy on Liaison Program
4. Email from Reverend Stephanie May to Lea Anderson, dated May 6, 2018, re: Anti-racism workshop June 6

Items included as part of Agenda Packet for discussion during the May 16, 2018 Board of Selectmen's Meeting

1. Open Meeting Law complaint filed by George Harris regarding minutes for the March 26, 2018 Board of Selectmen meeting
2. Memorandum from Nan Balmer to the Board of Selection, dated May 16, 2018, re: Private Ways Open to Public Use: Meet in Council on Aging
3. Notice of Public Meeting regarding private roads
4. Draft Policy: *Residential Private Road Snow & Ice Policy* (Version 1.02 10-18-2017)
5. List of private roads open to public use recommended by Board of Public Works (May 10, 2018)
6. Spreadsheet from DPW Director: Categories of Private Roads
7. Materials from the meeting of October 23, 2017
8. Draft Community Profile (May 16, 2018), prepared by Community Paradigm Associates
9. Letter from the Wayland Race Amity Day Committee to the Board of Selectmen, dated April 26, 2018, re: Race Amity Day Proclamation
10. Town Administrator's Report for the week ending May 11, 2018
11. Draft *Governance Guidelines for the Board of Selectmen and Appointed Boards, Committees, and Commissions* (May 16, 2018)
12. Memorandum from Beth Doucette, Assistant Town Administrator, to the Board of Selectmen, dated May 16, 2018, re: Tentative dates – Fall Town Meeting 2018
13. Memorandum from Beth Doucette, Assistant Town Administrator, to the Board of Selectmen, dated May 16, 2018, re: Tentative dates – Annual Town Meeting 2019
14. Draft minutes of the Board of Selectmen meeting held on April 30, 2018

BOARD OF SELECTMEN
Wednesday, May 16, 2018
Wayland Town Building
Senior Center

CORRESPONDENCE

1. *Houghty's Heroes*, Bi-monthly News from the Wayland Fire Department, May 2018
2. Email correspondence between Ken Isaacson and Nan Balmer, dated April 29, 2018 through May 7, 2018, re: Revised Governance Guidelines
3. Email from Nan Balmer, dated May 9, 2018, re: OML – performance evaluations – Boelter Decision
4. Letter from George Harris to Jonathan Sclarsic, Director of the Division of Open Government, Office of the Attorney General, dated May 8, 2018, re: response to Carolyn M. Murray's letter of April 10, 2018
5. Open Meeting Law complaint filed by George Harris regarding the minutes of the Board of Selectmen meeting on March 26, 2018
6. Letter from Donna Goddard to the Board of Selectmen, dated May 10, 2018, re: Decision whether to plow Dunster Avenue



HOUGHTY'S HEROES



Bi-Monthly News from the Wayland Fire Department

Volume Twelve

May 2018

Internship: This past school semester the Fire Department conducted a trial internship program with a high school senior. Firefighter Winner put together a regimented program that allowed a deserving high school senior a unique opportunity to have a detailed experience on what today's modern fire service is all about. The program was broken down into two-hour blocks, and Hannah came to the station three days a week for a minimum of two hours, to participate in the lesson of the day as well as to ride with the Shift Officer on any calls that came in during her time. We are fortunate that Hannah did so well in not only her skills, but also in building a bond with every person on the department. As one firefighter put it, "She's like part of the family here." We certainly hope that she will go to college and continue to be part of the fire service in some fashion, as it became very clear that this profession is something in which she would excel.



Hannah in a timed protective gear donning evolution.... She nailed it!!!

New Ambulance: The new ambulance arrived and was swiftly put into service just before the Boston Marathon. To the untrained person the new ambulance looks like the last new ambulance. In fact, they are almost twins with only some minor modifications the crews requested to make their operations safer and more efficient. The new Ambulance 1 took the place of the current Ambulance 2, and the oldest of the fleet was traded in to offset the cost of the latest purchase. The new ambulance was approved at the Spring 2017 Annual Town Meeting and funded out of the “Ambulance Receipts Account” not by tax dollars.

Wireless Fire Alarm System: The snow/wind and ice storm this past spring made it very clear the fire department made the right decision over two years ago when it went from a wired to a wireless municipal fire alarm system. During the time when the town had many trees, wires and poles damaged or down, the wireless fire alarm system continued to monitor all of the buildings it serves without any issues. In the past, we would have had many buildings, including town owned buildings, not monitored due to broken fire alarm wires, thus posing a huge risk. Based on past experience, this storm would have cost the fire department budget \$10K or more in staff and materials, not to mention the amount of days needed to make repairs and get everyone back online and monitored.

New Billing Company: Professional Ambulance Service in Cambridge has taken over billing for our ambulance service as of May 1st. We have been working with the same company for many years and selected Pro after doing a complete RFR evaluation on five companies that returned packets to us. Pro is no stranger to Wayland as they also operate an Advanced Life Support intercept service (paramedic service) that has supported Wayland for many years in providing us services when needed. We feel that this move will allow Wayland to collect a higher return on its ambulance billing in the coming years.

New Hire: With the departure of Firefighter Collin Richardson, who accepted a new position in the City of Marlborough, we were once again on the hunt for a Firefighter/Paramedic to fill the vacancy. After many interviews, the department is happy to announce that this position was offered to and accepted by Medford resident, Andrew Welch. Andrew is a seasoned paramedic with experience working in a busy 911 system with Cataldo Ambulance. Andrew will begin working three weeks of days, training with department members on all things fire, EMS and hazardous materials related. He has been assigned to a full-time fire academy recruit class slated to begin in late October and graduating late in December.

Kids Hitch a Ride to School: Each year the department supports the fundraising initiatives of the schools and other town related groups by providing a “Ride to School with the Fire Chief” as an auction item. The winning student and two friends are picked up from his/her house in the morning and given fire prevention hats and materials before they are driven to school in a fire department “Command Vehicle”.



ASSISTANT CHIEF MCPHERSON AND THE STUDENTS GETTING A RIDE TO CLAYPITT HILL SCHOOL

Brush Along the Tracks - On April 23rd the Chief and a crew with an engine responded to the Town of Lincoln to assist with several brush fires along the railroad tracks on Route 126. Lincoln had a single firefighter with a brush truck responding to several areas of rapidly spreading brush fires that were sparked by a passing freight train with a brake issue. Many mutual aid towns responded to the call for help and stretched hose line across the tracks to some remote areas to gain control of the fires. This is another great example of neighbor helping neighbor. It is comforting to know that when we need the help, we will receive what we need when we need it.



School Drills: Now that the weather is finally dry and warm we have been conducting the mandated fire drills in all educational facilities. These drills are required by the Commonwealth regulations and must be done four times a year. Supporting our partners on the Police side, we have also been able to participate in “ALICE” drills (for active shooter etc.) as scheduled.

State Inspection: The Commonwealth Department of Public Health, Emergency Medical Services Division, recently completed a very thorough inspection of our ambulances, equipment, training records, certifications, policy and procedures, and recertified the License with no noted corrective actions imposed. With the stricter rules for working at the Advanced Life Support level and the need to carry drugs, having no infractions noted is a true testament to the caliber of the staff that provide these lifesaving services.

Citizens Fire Academy: On the evening of Tuesday, April 24th, a group of 16 citizens representing a wide range of ages, joined the firefighters to start the 2018 Citizens Fire Academy. The Academy, coordinated by Captain Dan Buentello and Firefighter Todd Winner, allows everyday residents to get a glimpse of what a firefighter’s job really is. On the first night of class, they receive picture ID tags, a brief history lesson, and are fitted for firefighter’s gear before being given tours of the station, fire apparatus and equipment. On the second evening, they have a brief lecture followed by a chance to use the Jaws of Life and cut up a car. On the third evening they are able to put out fires with a variety of fire extinguishers, and get to feel the weight of a fire hose and experience what it is like to move a hose that is being operated. The fourth evening is a hands-on night with search and rescue techniques, use of thermal imaging cameras, and the opportunity to put on all the firefighter’s gear including self-contained breathing apparatus. On Sunday, they will graduate from the Academy with certificates and brunch. Over three quarters of the department staff have participated in this program, and it is something we hope to expand on in future years. The Fire Department is very fortunate to have a dedicated team of firefighters that continue to reach out to the public, all in an effort to inform and educate.





Porter, David

From: Balmer, Nan
Sent: Monday, May 07, 2018 3:14 PM
To: Porter, David
Subject: FW: Revised Governance Guidelines

Correspondence

From: Ken Isaacson [mailto:clickkeni@gmail.com]
Sent: Monday, May 07, 2018 3:09 PM
To: Balmer, Nan
Cc: Karlson, Cherry; Levine, Doug; Anderson, Lea; Jurist, Louis; Antes, Mary; Porter, David; Klein, Beth
Subject: RE: Revised Governance Guidelines

Hello again,

Thank you for sending the data about the Town Clerk and AG determinations. The portion that particularly interests me is the part about communicating the AG determinations.

In the message below from the Town Clerk regarding AG determinations, she writes:

As to the copies of OML determinations I think the easiest way to handle it is to just put a list of decisions up on the town clerk web page and update it every year. They can then go to AG website for the specific decision.

I do not think this approach will be effective. Yes, it makes sense to post a list of historical decisions (i.e. going back 5 years) on the Town Clerk's Web page. It is easy enough to find those on the AG website and link to them. But I think her suggestion means that she does not understand the importance of communicating new decisions in a timely manner, because of the learning opportunity each new decision represents.

I offer the suggestion that when a new decision is provided by the AG, or by the court if appealed, not only should those new decisions be posted on the Town Clerk's Web page, but that the Town Clerk, if she is designated as responsible, should send a copy of that decision and link to all Town committee and board members. As you know, that is a simple procedure via email. It would not require any interpretation of the decision by any Town official. Most importantly, though, it will enable all board/committee members to be informed and aware. It would be their individual responsibility whether to read the information. But it will be an ongoing learning opportunity toward minimizing future OML complaints.

*Thank you for the opportunity to contribute my thoughts on this subject,
Ken Isaacson
Lake Shore Drive*

From: Balmer, Nan [mailto:nbalmer@wayland.ma.us]
Sent: Monday, May 7, 2018 1:39 PM
To: Ken Isaacson <clickkeni@gmail.com>
Cc: Karlson, Cherry <ckarlson@wayland.ma.us>; Levine, Doug <dlevine@wayland.ma.us>; Anderson, Lea <landerson@wayland.ma.us>; Jurist, Louis <ljurist@wayland.ma.us>; Antes, Mary <mantes@wayland.ma.us>; Porter, David <dporter@wayland.ma.us>; Klein, Beth <bklein@wayland.ma.us>
Subject: RE: Revised Governance Guidelines

Ken

Below is more detail from the Town Clerk on how she will comply with the legal obligation regarding AG decisions. The AG decisions are referenced in the Guidelines on page 4, Section 6.0 #10.

The purpose of the Guidelines is to provide a basic working knowledge for appointed and elected board members rather than to interpret and re-state the Town Clerk's legal obligations that are plainly stated in state law.

I will ask the Selectmen whether they wish to add anything regarding the AG decisions.

Nan

Nan,
Below is the specific language from the new OML regulations. From my interpretation, the TC is required to either provide the public body member with the documents listed below or require that they obtain the materials from the A. G. website. My preference is to give the member the option to either take hard copies or get them on the website. I will revise the Receipt attached so that it reflects that they can get the documents electronically. As to the copies of OML determinations I think the easiest way to handle it is to just put a list of decisions up on the town clerk web page and update it every year. They can then go to AG website for the specific decision. It won't take that long for us to do that. What do you think?
Beth

(1) For local public bodies, the municipal clerk, and for all other public bodies, the appointing authority, executive director, or other appropriate administrator or their designees, shall, upon a public body member's qualification for office, either deliver to the public body member, or require the public body member to obtain from the Attorney General's website, the following educational materials:

(a) The Attorney General's Open Meeting Law Guide, which will include an explanation of the requirements of the Open Meeting Law; the Open Meeting Law, M.G.L. c. 30A, §§ 18 through 25; and the Attorney General's regulations, 940 CMR 29.00-29.11.

(b) A copy of each Open Meeting Law determination issued to that public body by the Attorney General within the last five years in which the Attorney General found a violation of M.G.L. c. 30A, §§ 18 through 25. Open Meeting Law determinations are available at the Attorney General's website.

(2) Educational materials may be delivered to public body members by paper copy or in digital form.

(3) Within two weeks after receipt of the educational materials, the public body member shall certify, on the form prescribed by the Attorney General, receipt of the educational materials. The municipal clerk, appointing authority, executive director or other appropriate administrator, or their designees, shall maintain the signed certification for each such person, indicating the date the person received the materials.

(4) An individual serving on multiple public bodies must sign a certification for each public body on which he or she serves. A public body member does not need to sign a separate certification when joining a subcommittee of the public body.

(5) A public body member must sign a new certification upon reelection or reappointment to the public body.

From: Ken Isaacson [<mailto:clickkeni@gmail.com>]

Sent: Monday, May 07, 2018 1:25 PM

To: Balmer, Nan

Cc: Karlson, Cherry; Levine, Doug; Anderson, Lea; Jurist, Louis; Antes, Mary

Subject: RE: Revised Governance Guidelines

Hi Nan,
Thanks for the quick response, as is usual and commendable.

I will resend an email about this subject again, separately, incorporating my comments to both drafts.

Thank you.

From: Balmer, Nan [mailto:nbalmer@wayland.ma.us]
Sent: Sunday, May 6, 2018 4:11 PM
To: Ken Isaacson <clickkeni@gmail.com>
Cc: Karlson, Cherry <ckarlson@wayland.ma.us>; Levine, Doug <dlevine@wayland.ma.us>; Anderson, Lea <landerson@wayland.ma.us>; Jurist, Louis <ljurist@wayland.ma.us>; Antes, Mary <mantes@wayland.ma.us>
Subject: Re: Revised Governance Guidelines

Hi Ken

The legal requirement for providing access to the records of OML violations will be the responsibility of the Town Clerk and she will provide information on how to get access with the rest of the information she provides at swearing in. As we add more and more detail about every requirement the document gets longer and is less likely to be read. I have also been advised by some attorneys that since we can't correctly state all the nuances of the laws we might be better off without a document like these guidelines. I will leave it up to the Board how to address this particular requirement in the guidelines.

With regard to your correspondence, please re-send. The Board has a general policy that correspondence including email addressed to all five Selectmen goes in correspondence. There is no policy that the correspondence must be posted on the website although in practice it has been for a few years. I do not recall your invitation and am not sure why it should be included since it seems ministerial but will be happy to add it to the packet next week if you re-send.

Nan

Nan Balmer
(508) 237-1330

On May 6, 2018, at 3:34 PM, Ken Isaacson <clickkeni@gmail.com> wrote:

*Hello All,
Last week I wrote you expressing my input on one paragraph of the proposed Governance Guidelines that were in the April 30, 2018 Selectmen's Packet (see below). To which, Nan replied that she and the Town Clerk "would take another look at it tomorrow."*

In this week's May 7, 2018 Packet is a revision to that proposal. However, there is now no reference whatsoever to the below paragraph.

That is surprising and disappointing. I felt the idea of informing boards and committees of new OML violations was a huge step in the right direction towards eliminating future violations. Eliminating that section, would seem contrary to the Selectmen's stated objective of improving Wayland's OML adherence record.

I would request and appreciate your response to my comments. I would also ask why that correspondence did not appear in the May 7th Selectmen's Packet.

Likewise, I would ask why my correspondence to Selectpersons Lea Anderson and Cherry Karlson regarding appearing on the Wayland Weekly Buzz program on Open Meeting Law was not included in the correspondence list for the May 7th Selectmen's Packet.

*Sincerely,
Ken Isaacson
228 Lake Shore Drive*

From: Ken Isaacson [mailto:clickkeni@gmail.com]

Sent: Sunday, April 29, 2018 3:34 PM

To: Cherry Karlson (ckarlson@wayland.ma.us) <ckarlson@wayland.ma.us>; Doug Levine (dlevine@wayland.ma.us) <dlevine@wayland.ma.us>; Lea Anderson (landerson@wayland.ma.us) <landerson@wayland.ma.us>; Louis Jurist (ljurist@wayland.ma.us) <ljurist@wayland.ma.us>; Mary Antes (mantes@wayland.ma.us) <mantes@wayland.ma.us>

Cc: nbalmer@wayland.ma.us

Subject: Revised Governance Guidelines

<image001.png>

Hello all,

I read with interest the revised governance guidelines in the Packet for April 30, 2018. In particular, I wish to draw your attention to Section 6.1, the 2nd paragraph. It seems to me it is not effectively written.

I initially interpreted it to say that it is the Town Clerk's responsibility to inform all Town boards and committee members of all OML violations going back 5 years and of each new violation. This type of ongoing education would be a valuable strategy for reducing future repeat violations.

However, as written it falls far short of that objective. It only relates to "each new board and committee member", and only relates to "violated the OML over the past 5 years."

I believe it would be much more valuable that every board and committee member, present as well as future, receive all determinations, and that it be made clear by the clause that such determination be sent for each future violation as well as for historical ones. Similarly, this communication should apply to all Court decisions as well as Attorney General findings, both those found to be violations as well as non-violations. This would be more effective to educate our volunteers, as well as keep OML current in their minds.

Sincerely,

Ken Isaacson

228 Lake Shore Drive

Porter, David

From: Balmer, Nan
Sent: Wednesday, May 09, 2018 3:28 PM
To: Anderson, Lea; Lowery, Mike; Asa Foster <asabfoster@gmail.com> (asabfoster@gmail.com); Ellen_Grieco@wayland.k12.ma.us; jgschuler@yahoo.com; Arnold.R.Soslow@raytheon.com
Cc: Porter, David; Holder, Thomas; Junghanns, Julia; wgs3155@gmail.com; dhill@danhilllaw.com; Sarkisian, Sarkis; Brenna, Katherine; Unobskey, Arthur
Subject: FW: OML - performance evaluations - Boelter Decision

All:

As a result of a Supreme Judicial Court decision on a case initiated in Wayland, the MA Attorney General revised its FAQ about how public bodies may conduct employee evaluations.

For your information, the revised FAQ is below.

Because a number of factors including collective bargaining agreements, past practice, reporting relationships and job descriptions are also relevant when planning an evaluation of a department head, please contact me (except for School Committee / Superintendent) so we can work together on any performance evaluation.

Thanks!

Nan

Nan Balmer, Town Administrator
Town of Wayland
41 Cochituate Road
Wayland, MA 01778
(508) 358-3620 office
(508) 237-1330 cell



REVISED AG FAQ ON PERFORMANCE EVALUATIONS: APRIL, 2018:

May the individual evaluations of an employee be aggregated into a comprehensive evaluation?

Members of a public body may create individual evaluations and submit them for compilation into a master evaluation to be discussed at an open meeting. As a best practice, to avoid the appearance of improper deliberation, members should submit their evaluations to someone who is not a member of the public body—for

example, an administrative assistant or executive secretary. Where an administrative assistant or executive secretary is not available for such purpose, an individual member may receive and compile the evaluations. In either event, once compiled, the aggregated evaluation may not be circulated to a quorum the members prior to a meeting, for example by e-mail. The aggregated evaluation may only be distributed to a quorum of the members in one of two ways: (i) at a properly noticed open meeting, or (ii) via public posting to a municipal website in a manner that is also available to members of the public, as long as paper copies are also made available in the city or town clerk's office. See Boelter v. Board of Selectmen of Wayland, SJC-12353, slip op. at 19-20 (Mass. April 5, 2018). Even if the body posts the aggregated evaluation to a publicly available municipal website, a quorum of the members of the body may not discuss it outside of a properly noticed public meeting.

GEORGE H. HARRIS
ATTORNEY AT LAW
8 HOLIDAY ROAD
WAYLAND, MASSACHUSETTS 01778

Tel & Fax: (508) 358-2379

E-mail: geoharris2@gmail.com

May 8, 2018

By Email Only

Jonathan Sclarsic, Esq,
Director, Division of Open Government
Office of the Attorney General
One Ashburton Place, 20th Floor
Boston, MA 02108

Re: Open Meeting Law Complaint Dated March 22, 2018 —
Wayland Board of Selectmen

Dear Mr. Sclarsic:

Submitted herewith for your further review is a complaint that the Wayland Board of Selectmen ("Board") violated the Open Meeting Law, G. L. c. 30A, §§ 18-25. I am also responding to Carolyn M. Murray's letter to you dated April 10, 2018 on behalf of the Board.

The Board denies that it discussed an MCAD complaint during its February 26, 2018 executive session. Therefore, I am removing that allegation from my complaint. None of the other facts stated in my complaint are disputed.

There is no merit to Ms. Murray's argument that omission of the name of the collective bargaining unit from the meeting notice does not violate the Open Meeting Law. The name of the collective bargaining unit does not conceivably constitute confidential personnel information, as she claims. Ms. Murray writes that, after further consideration, the Board "specifically included" the name of the union in the motion to enter executive session, so as to cure the notice violation. No such cure was effectuated because the motion would not have been heard by someone who had decided not to attend the meeting based on the deficient meeting notice. The Board, "after further consideration," should have cancelled the executive session instead of thinking it had sidestepped its earlier violation. A correct meeting motion cannot overcome a deficient meeting notice.

The following additional information should have been included in both the meeting notice and subsequent meeting motion: (1) that the grievance hearing concerned a disputed employee termination and (2) the employee's name. Ms. Murray does not address omission of the former. In fact, the Wayland Personnel Board's January 29, 2018 meeting notice stated:

Jonathan Sclarsic, Director
May 8, 2018
Page 2

“Executive Session – Hear a Step 2 Police Grievance regarding Termination of Employment.”
See Exhibit 4 attached hereto. The Board should also have included “Termination of Employment grievance” in both its meeting notice and motion.

Ms. Murray contends that the Board omitted the employee’s name because it wanted to ensure that the employee’s privacy interests were protected at the time of the executive session.¹ She does not explain what those privacy interests were. The employee was a police officer terminated for cause. The grievance hearing amounted to an inquiry into whether the police officer was properly performing her duties. See Exhibit 5 attached hereto (minutes of Personnel Board’s Dec. 18, 2017 executive session).² The public has a legitimate interest in knowing that public servants perform their duties efficiently and lawfully. See George W. Prescott Publ. Co. v. Register of Probate for Norfolk County, 395 Mass. 274, 279 (1985). Revealing the police officer’s name and nature of the grievance was justified in these circumstances.

In summary, the Board violated the Open Meeting Law as alleged, with the exclusion of the MCAD matter.

Sincerely yours,

/s/ George H. Harris

Attach: Exhibits 4 & 5, Open Meeting Law Complaint (March 22, 2018)

cc: Carolyn M. Murray, Esq. (by email)
Lea Anderson, Selectmen Chair (by email)

¹ In the motion to enter into executive session, Board Chair Lea Anderson invited attendance by Jennifer Ordway and her counsel Thomas Horgan. See Exhibit 2 (topic A2). This was an odd way to protect the employee’s privacy.

² These minutes are marked Draft; however, they were approved at the Personnel Board’s Jan. 29, 2018 meeting.

PERSONNEL BOARD

Proposed Agenda

Town Building

January 29, 2018

7:00 pm

- 7:00 pm Public Comment
- 7:05 Executive Session – Hear a Step 2 Police Grievance regarding Termination of Employment; Review and Potentially Approve an MOA with the Fire Union; Review and Potentially Approve the Executive Session Minutes of 12/18/17; Review and Potentially Release the Executive Session Minutes of 4/24/17, 5/15/17, 6/19/17, 9/11/17, 12/18/17
- 8:00 Review Reclassification Requests by DPW for the following Positions:
- DPW Water Treatment Plant Manager
 - DPW Administrative Coordinator
- 8:30 Review Job Descriptions for the following Positions:
- Project Manager
 - DPW Wastewater Operations Manager
- 9:00 Review and Potentially Approve Revisions to the DPW Director Position
- 9:20 Discuss ATM and Potentially Approve Updates to 2018 ATM Warrant Articles
- Fund Initial Year of Collective Bargaining Agreement
 - Wage & Classification Plan
- 9:30 Discuss Potential Disbursements of the Adjustment Fund in the Personnel Budget
- 9:35 Review and Potential Approval of Starting Wage Rate for Reference Librarian
- 9:40 Review and Potentially Approve Minutes of 12/18/17, 1/2/18 and 1/22/18
- 9:45 Discuss HR Transition
- 9:55 Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, if any
- 10:00 Adjourn

Personnel Board Meeting
Wayland Town Building – Selectmen's Office
Draft Executive Session Minutes
December 18, 2017 7:05 pm

Members Present: D. Cohen (DC); M. Peabody (MP); M. Jones (MJ); P. Schneider (PS)

Also Present: J. Senchyshyn (JS);

Step 2 Police Grievance

JS reviewed the Step 2 grievance regarding the termination of employment of [REDACTED]. Prior to the termination the Town engaged a Hearings Officer to review the facts. Following the hearing, the Hearings Officer recommended termination, which was executed by the Town Administrator. As a tenured Civil Service appointee, [REDACTED] had [REDACTED] option under the collective bargaining agreement of pursuing a Civil Service appeal or following an arbitration path. [REDACTED] opted for the latter. The Step 1 grievance was denied and it now moves to Step 2 for a hearing before the Personnel Board. A hearing was scheduled for this evening's meeting, but [REDACTED] was not available to attend. The hearing will likely be scheduled for the January meeting.

Fire Negotiations

JS reported that an agreement was reached with the Fire union on a successor contract. An MOA has been signed. JS reviewed his discussions with the BOS in crafting an economic proposal. The economic proposal was built around the agreed upon parameters with the BOS and presented to the union. JS reviewed the specifics of the economic package. The Board reviewed the MOA and asked questions regarding several provisions. JS presented a timeline for potential completion of the contract, pending union ratification.

DC moved to recommend the MOA with the Fire union for a successor collective bargaining agreement for the period of July 1, 2017 through June 30, 2020. PS seconded the motion. Roll Call vote: Schneider – Aye. Peabody – Aye, Cohen – Aye, Jones – Aye. Four members having voted in the affirmative, the motion passed.

Review of Executive Session Minutes of 11/13/17

The Board reviewed the draft executive session minutes of 11/13/17.

PS moved to approve the executive session minutes of 11/13/17. DC seconded the motion. Roll Call vote: Peabody – Aye, Cohen – Aye, Jones – Aye, Schneider – Aye. Four members having voted in the affirmative, the motion passed.

DC moved to end Executive Session and return to Open Session. PS seconded the motion. Roll call vote: Peabody – Aye, Cohen – Aye, Jones – Aye, Schneider – Aye. Four members having voted in the affirmative, the motion passed.

The executive session ended at 7:30 pm.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: George Last Name: Harris

Address: 8 Holiday Road

City: Wayland State: MA Zip Code: 01778

Phone Number: 5083582379 Ext.

Email: geoharris2@gmail.com

Organization or Media Affiliation (if any): None

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Wayland Board of Selectmen

Specific person(s), if any, you allege committed the violation:

Date of alleged violation: Feb. 26, 2018

OPEN MEETING LAW COMPLAINT

Wayland Board of Selectmen

This is a complaint that the Wayland Board of Selectmen (the "Board") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25, by failing to follow proper procedure before entering executive session on February 26, 2018.

FACTS

The Board's posted notice for its February 26, 2018 meeting states the following, in pertinent part:

2.) Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions, including grievance hearings, or contract negotiations with nonunion personnel.

See Exhibit 1 (meeting notice) attached hereto.

After the Board convened in open session, chair Lea Anderson made the following statement,¹ in pertinent part:

I move that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2), to conduct collective bargaining sessions, including grievance hearings, specifically to conduct a grievance hearing with the Wayland Police Officers Union in affiliation with the New England Police Benevolent Association.

Ms. Anderson then named the individuals, aside from Board members, who would be attending the executive session. Two of the individuals named were Jennifer Ordway and her counsel. Id. Ms. Ordway, until recently, was employed by the Town of Wayland as a police officer. During the executive session, discussion ensued about Ms. Ordway's grievance and her complaint filed with the Massachusetts Commission Against Discrimination ("MCAD").

DISCUSSION

The posted notice and Ms. Anderson's statement did not comply with the Open Meeting Law for the following reasons.

¹ This statement may be viewed online at www.waycam.tv/government-on-demand. Then select Board of Selectmen, February 26, 2018. See also Exhibit 2 (minutes, p. 1) attached hereto.

1. Neither was sufficiently specific.

A public body must state the purpose for its executive session, both in its public meeting notice and just prior to entering the executive session. In doing so, it must provide as much information as may be revealed without compromising the purpose for entering executive session. See OML 2011-28, citing District Attorney for the N. Dist. v. School Comm. of Wayland, 455 Mass. 561, 567 (2009).

The meeting notice failed to inform the public that the Board would be conducting a grievance hearing with the Wayland Police Officers Union in affiliation with the New England Police Benevolent Association.

Neither the meeting notice nor Ms. Anderson's statement identified the (former) employee who is the true grievant, Ms. Ordway.² Ms. Ordway was identified by Ms. Anderson as attending the meeting, but the public would not know why. The public was entitled to know that the grievance concerned a specific employee, Ms. Ordway, rather than, for example, all or some employees covered by the Agreement. The public was also entitled to know that the grievance concerned a disputed employee termination.

2. Neither cited the MCAD litigation.

In order to discuss a litigation matter in executive session, a public body must properly refer to and comply with the requirements of G.L. c. 30A, § 21(a)(3).

The public was not alerted in advance to the MCAD litigation discussed in executive session, in violation of the Open Meeting Law. Furthermore, whatever MCAD discussion occurred in Ms. Ordway's presence could not possibly have had "a detrimental effect on the . . . litigating position of the [Board]" if revealed in open session. Such discussion in executive session was therefore impermissible.

CONCLUSION

For the above reasons, the above executive session was held in violation of the Open Meeting Law. Because the executive session was not held in compliance with section 21 of the Law, the Board shall release the minutes and all documents and exhibits used at the session pertaining to this matter. See G.L. c. 30A, § 22(f).

ACTIONS REQUESTED

1. The Board shall acknowledge in writing that it violated the Open Meeting Law as alleged above.
2. The Board shall release the minutes of the executive session and all related materials used.

² The subject grievance hearing was held pursuant to Step Three of the Collective Bargaining Agreement. See Exhibit 3 (Agreement, pp. 1, 24-25) attached hereto. This Agreement is in full force and effect (continued from year to year pursuant to terms of the Agreement).



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

2018 FEB 22 PM 3:24
TOWN CLERK

BOARD OF SELECTMEN
Monday, February 26, 2018
6:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road Wayland

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.

- 6:00 pm 1.) Call to order by Chair
 - Review agenda for the public
- 6:02 pm 2.) Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions, including grievance hearings, or contract negotiations with nonunion personnel; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to *Stephen Cass v. Town of Wayland, et al, USDC D. Mass., CA No. 1:17-CV-11441*
- 7:00 pm 3.) Announcements and public comment
- 7:15 pm 4.) 2018 Borrowing and Debt Refunding: Vote to authorize refunding of bonds, approval of bond sale, award of bonds and the execution of documents by the Board of Selectmen and Treasurer; Discuss future debt decisions with Town financial advisor
- 7:30 pm 5.) Appointment: Interview and potential vote to appoint Pamela Roman to the Council on Aging – Community Center Advisory Committee
- 7:40 pm 6.) Town Administrator Search: Discuss RFP process for executive search firm
- 7:55 pm 7.) Wayland Housing Authority: Accept payment in lieu of taxes for the Bent Park and Cochituate Village apartments
- 8:00 pm 8.) Annual Town Meeting Petitioners' Article
 - 1. Duane Galbi, Lead Petitioner – Article 38: Property Tax Credit for Charitable Contributions to the Wayland School District
- 8:30 pm 9.) Loker Field Project: Meet with representatives of Recreation Commission

BOARD OF SELECTMEN
Monday, February 26, 2018
6:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road, Wayland

Proposed Agenda Page Two

- 8:45 pm 10.) Annual Town Meeting Articles: Discuss and vote positions, possible withdrawals, and possible re-ordering of articles, including but not limited to
- 11: Lease in Excess of Three Years for Information Technology Network / Middle School Networking Capital Project
 - 20: Accept Gifts of Land
 - 21: Community Center at Town Center: Design, Construction and Bid Documents
 - 33: Zoning By-Law Amendment – Limited Site Plan Review
 - 34: Zoning By-Law Amendment - Off Street Parking
- 9:15 pm 11.) Town Administrator's Report
1. Correspondence
 2. Moody's Bond Rating
 3. Comcast: Ascertainment
- 9:30 pm 12.) Minutes: Vote to approve and release minutes of February 5, 2018 and February 12, 2018
- 9:35 pm 13.) Consent Calendar: Review and vote to approve
- 9:40 pm 14.) Correspondence: Review
- 9:45 pm 15.) Selectmen's reports and concerns
- 9:50 pm 16.) Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any
- 9:55 pm 17.) Adjourn



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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

Meeting Minutes

February 26, 2018

6:00pm

Selectmen's Meeting Room
41 Cochituate Road, Wayland

Attendance: Lea T. Anderson, Cherry C. Karlson, Mary M. Antes, Louis M. Jurist (6:05pm), Douglas A. Levine (7:11pm)

Also Present: Town Administrator Nan Balmer

A1. Call to Order by Chair Chair L. Anderson called the meeting of the Board of Selectmen to order at 6:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted that the meeting likely will be broadcast and videotaped for later broadcast by WayCAM.

A2. Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions, including grievance hearings, or contract negotiations with nonunion personnel; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to *Stephen Cass v. Town of Wayland, et al*, USDC D. Mass., CA No. 1:17-CV-11441. At 6:03pm, 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)(2), to conduct collective bargaining sessions, including grievance hearings, specifically to conduct a grievance hearing with the Wayland Police Officers Union in affiliation with the New England Police Benevolent Association; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to *Stephen Cass v. Town of Wayland, et al*. The Chair declares that a public discussion of these matters may have a detrimental effect on the litigating, negotiating, or bargaining position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: L. Jurist, D. Levine. ABSTAIN: none. Adopted 3-0. The Chair invites attendance by: Nan Balmer, Town Administrator; David Porter, Executive Assistant; Patrick Swanick, Chief of Police; Sean Gibbons, Lieutenant; Wendy Chu, Labor Counsel for the Town; Jennifer Ordway; Thomas Horgan, Counsel for Ms. Ordway; Mark Wilkins, Police Union President; Mark Hebert, Police Union Vice President; Chris Custodie, Police Union Secretary/Treasurer. The Board will reconvene in approximately one hour to address the issues listed on the public meeting agenda.

The Board reconvened in open session at 7:35pm. Both L. Jurist and D. Levine were now present.

A3. Announcements and Public Comment L. Anderson reviewed the agenda. M. Antes announced the League of Women Voters' Civics Bee this Sunday at 2pm at the High School. Next Monday will be the Town Meeting issues forum that is hosted by the LWV and will include information about the debt exclusion and the major Town Meeting articles. The next event in Wayland's Concert Series is Thursday. L. Anderson said the MMA Legislative Breakfast is on March 9 in Hudson.

Mike Lowery, 120 Lake Shore Dr., stated that in an aquifer protection district there is the ability to put porous pavement around the Library building and, therefore, it does not count as land coverage. This was not mentioned in the memo in our packet. He distributed a map and document of his calculations.

COLLECTIVE BARGAINING AGREEMENT
BETWEEN
TOWN OF WAYLAND
AND
THE WAYLAND POLICE OFFICERS UNION
IN AFFILIATION WITH
THE NEW ENGLAND POLICE BENEVOLENT ASSOCIATION, INC.

July 1, 2014 - June 30, 2017

ARTICLE 21

GRIEVANCE PROCEDURE

21-1 For the purpose of this Agreement, a grievance shall be defined as a dispute regarding the interpretation or application of the language of this agreement.

Step One: The Union or an employee covered by this agreement, may file a grievance with the Chief of Police no later than fifteen (15) calendar days from the date on which the incident giving rise to the grievance occurred or when he/she had reasonable knowledge of the incident. The Chief of Police shall meet with the employee/union with fifteen (15) calendar days thereafter, and shall give a written decision within fifteen (15) calendar days of that meeting.

Step Two: If the Union or employee is not satisfied with the disposition of the grievance at Step One, or if no decision has been rendered within seven (7) calendar days after presentation of the grievance, the Union or said grievant may appeal to the Personnel Board, or its designee within ten (10) calendar days of said decision or lack of decision. Such appeal shall be in writing setting forth the details of the grievance, the applicable provisions of the agreement, and the decision, if any, rendered at Step One. Within ten (10) calendar days after receipt of the written grievance by the Personnel Board, or its designee, a hearing shall be scheduled or a decision rendered. If a hearing is scheduled, it shall be held no later than thirty (30) calendar days following receipt of the appeal. A written decision shall be rendered within seven (7) calendar days from the close of the hearing.

Step Three: If the Union or employee is not satisfied with the disposition of the grievance at Step Two, or if no decision has been rendered in a timely fashion, the Union or said grievant may appeal to the Board of Selectmen, or its designee within ten (10) calendar days of said decision or lack of decision. The Board of Selectmen, or its designee, shall convene a hearing with the Union and/or the grievant(s) within fifteen (15) calendar days. A decision shall be rendered within fifteen (15) calendar days of the close of said hearing.

Step Four: If the Union or employee is not satisfied with the decision of the Board of Selectmen or its designee, or if no decision has been rendered with fifteen (15) calendar days of the close of the hearing, the Union may submit the grievance to arbitration within thirty (30) calendar days of said decision or lack of decision. Any step or steps in the grievance procedure, as well as the time limits prescribed at each step of this grievance procedure, may be waived by mutual agreement of the parties in writing.

If a decision satisfactory to the Union at any level of the grievance procedure other than arbitration is not implemented within a reasonable time, the Union may reinstitute the original grievance at the next step of the grievance procedure. If the employer exceeds any time limit prescribed at any step in the grievance procedure, the Union and/or the

grievant may assume that the grievance is denied and invoke the next step of the procedure, except, however, that only the Union may request impartial arbitration under this agreement. However, no deadline shall be binding on the grievant and/or the Union until a required response is given.

At each step of the grievance procedure where a decision is required, the decision shall be in writing.

The Union shall be notified by the employer of grievances filed by an employee on his/her behalf and shall be given the opportunity to be present at any grievance meeting between the employee and the employer held in accordance with this grievance procedure.

Union officials shall be permitted to have reasonable time off without loss of pay for the investigation and processing of grievances and arbitrations. Requests for time off shall be made in advance and shall not be unreasonably denied.

ARTICLE 22

ARBITRATION

22-1 Grievances unresolved at Step three of the Grievance Procedure (Article 21) may be brought to arbitration solely by the Union. The arbitrator will be selected pursuant to the rules of the American Arbitration Association for Voluntary Labor Arbitration.

The arbitrator shall have no power to add to, subtract from, or modify any provision of this agreement, or to issue any decision or award inconsistent with applicable law. The decision or award of the arbitrator shall be final and binding in accordance with M.G.L. Chapter 150E.

All fees and expenses of the arbitrator, if any, which may be involved in the arbitration proceeding, shall be divided equally between the Town and the Union. Each party shall bear the cost of preparing and presenting its own case. In the case of an untimely cancellation by either party then such expense shall be borne solely by the party requesting the cancellation.

22-2 Election of Remedies - No employee shall be suspended or discharged without just cause. The filing of an appeal with the Civil Service Commission under the provisions of Massachusetts General Laws chapter 31 shall constitute an election of remedies and shall automatically bar the filing of or continuation of any grievance or arbitration pursuant to this Agreement.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: George Last Name: Harris

Address: 8 Holiday Road

City: Wayland State: MA Zip Code: 01778

Phone Number: 5083582379 Ext. _____

Email: geoharris2@gmail.com

Organization or Media Affiliation (if any): None

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual

☐ Organization

☐ Media

Public Body that is the subject of this complaint:

☒ City/Town

☐ County

☐ Regional/District

☐ State

Name of Public Body (including city/
town, county or region, if applicable): Wayland Board of Selectmen

Specific person(s), if any, you allege
committed the violation: _____

Date of alleged violation: April 23, 2018

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Please see attached statement (with 1 exhibit) for a full explanation.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Please see attached statement.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: _____

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

OPEN MEETING LAW COMPLAINT

Wayland Board of Selectmen

This is a complaint that the Wayland Board of Selectmen ("Board") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25, on or about April 23, 2018 when it approved minutes that (1) lacked sufficient detail and accuracy and (2) failed to list certain documents used at the meeting.

The Open Meeting Law requires that the minutes of all meetings include a summary of the discussions on each subject. G.L. c. 30A, § 22(a). Minutes should contain enough detail and accuracy that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred. See OML 2015-62; OML 2015-55; OML 2014-116.

On March 26, 2018, a quorum of the Board held the 2018 Annual Town Meeting Warrant Hearing.¹ The Hearing lasted for about one hour and 15 minutes. It may be viewed online at www.waycam.tv/government-on-demand, select Board of Selectmen, March 26, 2018. The Hearing begins at elapsed time 26:30 and ends at 1:41:10. During the Hearing multiple speakers asked specific questions about the warrant and made various suggestions. Board members, the Town Meeting Moderator, warrant article sponsors, and the public participated during the Hearing, and Errata were compiled. The Board approved the Hearing minutes at its April 23, 2018 meeting. See Exhibit 1 attached hereto (minutes, topic A5).

The minutes pertaining to the Hearing (topic A5) are materially lacking in adequate detail and accuracy. The minutes state that "[r]esidents made suggestions and asked questions on the Warrant and articles." But there is no summary of those suggestions or questions or responses to questions or related discussion. On reading the minutes, a member of the public who did not attend the one-hour-plus Hearing would gain no comprehension of what actually occurred at the Hearing. The Board's minutes of the Hearing violate the Open Meeting Law.

Furthermore, the Open Meeting Law requires that the minutes include a list of documents and other exhibits used at the meeting. G.L. c. 30A, § 22(a). The subject minutes for the March 26, 2018 meeting do not list the 2018 Annual Town Meeting Warrant that was reviewed at the Warrant Hearing. Also missing from the list of documents used at the meeting are the motions for warrant articles.² These omissions were violations of the Open Meeting Law.

¹ The 170-page 2018 Annual Town Meeting Warrant may be viewed online at https://www.wayland.ma.us/sites/waylandma/files/uploads/2018_atm_warrant_to_post.pdf

² The 54-page motion document may be viewed online at https://www.wayland.ma.us/sites/waylandma/files/uploads/2018_annual_town_meeting_motions_as_of_march_24.pdf

ACTIONS REQUESTED

1. The Committee shall acknowledge the alleged violations of the Open Meeting Law.
2. The Committee shall draft and approve revised minutes for the Hearing that provide sufficient detail and accuracy for the public and correct the list of documents used at the meeting.



NAN BALMER
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

Meeting Minutes

March 26, 2018

7:00pm

Large Hearing Room

41 Cochituate Road, Wayland

Attendance: Lea T. Anderson, Mary M. Antes, Louis M. Jurist (arrived 7:48pm), Cherry C. Karlson, Douglas A. Levine.

Also Present: Town Administrator Nan Balmer

A1. Call to Order by Chair L. Anderson called the meeting of the Board of Selectmen to order at 7:02pm in the Large Hearing Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. She reviewed the agenda.

A2. Announcement and Public Comment Fiona White, 56 Sedgemoor Road, thanked the Board for being involved and for speaking to her Girl Scout troop. C. Karlson reported that she attended a Girl Scout troop meeting to discuss how Wayland's government works.

Will Tyree, President of Wayland Firefighters Union Local 1978, addressed the Board and thanked them for supporting an increase in staffing. He said there is still concern that the commitment to fund the remaining two positions will be forgotten given the turnover in Town staff and on committees. The Fire Union needs four new staff to effectively provide care to the residents of Wayland.

Alan Reiss, Old Conn Path, said he went to the landfill and was turned away because the power was out. He suggested the Town think about putting a generator at the landfill in the future so residents are not inconvenienced.

A3. Town Administrator Search Firm: Vote to authorize Town Administrator to award contract Assistant Town Administrator Beth Doucette reported that in February the Town put out an RFP for a firm to conduct the search for a new Town Administrator and received three responses. One did not qualify; the two others did qualify: Community Paradigm Associates, LLC and Municipal Resources, Inc. Both of them were deemed to be able to provide the services and had good references according to E. Doucette. When the financial responses were opened, Community Paradigm came in for less money, so E. Doucette recommended the Board authorize the Town Administrator to award contract to Community Paradigm, LLC. Community Paradigm also had a more targeted approach for recruitment.

M. Antes moved, seconded by D. Levine, that the Board of Selectmen hire Community Paradigm Associates, LLC to do the search for the Town Administrator with a goal of having someone identified by August and to authorize the Town Administrator to sign the contract. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A4. Town Administrator's Report

1. Correspondence

a. **School Bus Parking:** Correspondence with School Superintendent Town Counsel recommends the Board rejects all bids since the timeline for the River's Edge project has been extended and the RFP terms are no longer applicable. The Schools would need to find an alternative parking site by March 2019.

2. Draft Work Plan: Town Management Structure/ Draft Town Administrator Act N. Balmer briefly discussed alternative project timelines from the Collins Center. N. Balmer met with Department Heads to discuss the future structure of the Town. They discussed meeting protocol, the budget process, committee and board relationships with departments, elected boards, and the timing of any potential change. N. Balmer summarized that overall the Board should take as much time as required and the Board's leadership will be very important.

3. Board of Selectmen Meeting Schedule First draft is in packet.

The Youth Advisory Committee is working on a Marijuana opt-out and expects to meet with the BOS and other various committees about what the regulations mean for the Town after the moratorium expires. It will also ask the Board to put a question on the ballot for Sept. 4 with the hope of voting at a fall STM and at latest at Annual Town Meeting 2019.

A8. Consent Calendar: Review and vote to approve (See Separate Sheet) M. Antes moved, seconded by D. Levine, to approve the Consent Calendar. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A9. Review Correspondence: (See Separate Index Sheet) The Board noted the memo from Finance Director B. Keveny, the letter from the Fire union, and the letter to Raytheon regarding activity use limitation at Town Center. N. Balmer said she would draft a response to the letter requesting an extension of hours for door to door solicitations. Additionally, the Board found FinCom Chair D. Watkin's memo about funding sources helpful.

L. Jurist arrived at 7:48pm.

A5. Annual Town Meeting Warrant Hearing The Board was joined by Town Moderator, Dennis Berry. L. Anderson led the attendees through a page by page review of the warrant and motions for Annual Town Meeting. Residents made suggestions and asked questions on the Warrant and articles. L. Anderson noted that corrections will be included in an updated errata sheet available at ATM.

A6. Annual Town Meeting Articles C. Karlson had a question about preparing ATM talking points for the Accept Gifts of Land article. All agreed that all members could draft ATM comments based on Board discussions.

A7. Minutes: Vote to approve March 6, 2018 and March 12, 2018. M. Antes moved, seconded by C. Karlson to approve the minutes of March 6, 2018 and March 12, 2018 as amended. YEA: C. Karlson, L. Anderson, M. Antes, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Selectmen's Reports and Concerns M. Antes said she attended a tour of Fire Station 2 and found it is a very tight space. D. Levine reported that on Tuesday, April 3 he will meet with a representative from MassDOT and Eversource to discuss completion of the Rte 27/30 intersection.

A11. Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) and Section 21(a)(3) to review and consider for approval and potential release of the Executive Session minutes of January 29, 2018; February 5, 2018; February 26, 2018; and

March 6, 2018 because a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. L. Anderson moved, seconded by C. Karlson, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) and Section 21(a)(3) to review and consider for approval and potential release of the Executive Session minutes of January 29, 2018; February 5, 2018; February 26, 2018; and March 6, 2018. The Chair declares that a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. Roll call vote: YEA: 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 approve and potentially release Executive Session minutes and adjourn.

The Board returned to regular session at 9:11pm.

A12. Executive Session Minutes: Vote to approve and potentially release with redactions the Executive Session minutes of January 29, 2018; February 5, 2018. C. Karlson moved, seconded by M. Antes, that the Board of Selectmen vote to release with redactions the Executive Session minutes of January 29, 2018 and February 5, 2018 as approved. YEA: L. Anderson, M. Antes, D. Levine, L. Jurist, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A13. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any
None.

A14. Adjourn L. Jurist moved, seconded by D. Levine, to adjourn the meeting at 9:11 pm. YEA: C. Karlson, L. Anderson, M. Antes, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of March 26, 2018.

1. Graph of the cost of electronic voting in Wayland, source Alan Reiss.

Items Included as Part of Agenda Packet for Discussion During the March 26, 2018 Board of Selectmen's Meeting

1. Memorandum from Beth Doucette, Acting Assistant Town Administrator, to Board of Selectmen, dated March 26, 2018, re: Town Administrator Search Firm
2. Town Administrator's Report for the Week Ending March 23, 2018
3. Memorandum from Beth Doucette, Acting Assistant Town Administrator, to Board of Selectmen, dated March 26, 2018, re: School Bus Parking Lease - Status
4. Possible Town Administrator Special Act Timelines for the Wayland Board of Selectmen, revised March 21, 2018
5. An Act Relative to the Position of Town Administrator in the Town of Wayland (redline draft), updated March 20, 2018
6. Board of Selectmen Schedule: April 2, 2018 through September 4, 2018
7. Memorandum from David Porter, Executive Assistant, to the Board of Selectmen, dated March 26, 2018: re: Warrant Hearing logistics
8. List of Annual Town Meeting Articles, updated March 23, 2018
9. Draft Board of Selectmen meeting minutes from March 6, 2018 and March 12, 2018

✓
Sean: T. Holden

May 10, 2018

Dear Wayland Town Selectman,

Please consider the following information regarding the Dunster Avenue plowing decision.

1. Dunster Ave is used by residents as a walking path to the middle school and sports fields.
Dunster Ave is also used as a walking path to School Street, Main Street and Cochituate Village. See photos included.
2. There are 3-2 family homes and 2-Single homes, a total of 8 families that use Dunster Ave as the primary road to access their homes. One of the 2 -family homes does not have access on East Plain Street. There is no curb cut or driveway on East Plain and only has access on Dunster Ave. The owner was not officially informed by the DPW. (See letter from home owner included)
3. The middle school field drainage runs off into 2 catch basins at the end of Dunster and then into a large pipe under the street on Dunster, this drain then runs to East Plain. This drainage utility line may require maintenance and access in the future. (Please request Town Surveyor plans showing pipe's) See included the drainage photos.
4. DPW trucks often use the Dunster Ave to access the middle school for trash, and landscaping needs. There are several large trash and recycling barrels on the field at the end of Dunster. (see photos included) The Dunster Ave access is helpful to the DPW and also helps not do damage the fields with large trucks.
5. The DPW truck that plows Dunster is similar to a heavy duty pick up truck that plows and sands. DPW truck number 7. This truck has never had any problems or safety issues getting in or out of Dunster Ave. They plow so quickly I was unable to get a photo, 2

swipes and they are done. (please ask the DPW director for photo of truck #7, it is NOT the large Orange Truck)

6. Most important is safety. To dispatch a plow truck from the other end of town to plow for an ambulance or fire truck is ridiculous. By the time the plow truck is dispatched to plow, the delay in response time could result in fatality due to a medical or fire emergency, with devastating consequences. The tax paying residents deserve to have this service by the town. Please consult the Wayland fire chief how many minutes does a firetruck need to get to a home that is burning in order to save a life and put a fire out. Time is critical when saving lives. Placing this worry and undue hardship on Dunster Ave is morally wrong.
7. The Dunster Ave residents will continue to allow, the students, residents and DPW to use Dunster. We hope that this information will help the Selectman to make the right decision and continue to plow Dunster Ave.

On behalf of all the Dunster Ave Residents,



Donna Goddard

14 Dunster Ave

From: **Oak Tree Management** oaktreemanagement@verizon.net
Subject: **Town letter**
Date: **May 1, 2018 at 1:13 PM**
To: **goddard14@comcast.net**



Attn: Town of Wayland Selectman

Our understanding is that the town is considering terminating the snow plowing services for Dunster avenue. Please be aware that this would create a hardship for our property. Although our address is 50 East Plain Street, we have no curb cut from East Plain street and are forced to enter our property from the Dunster avenue side. Additionally there was insufficient service of process and we have not been formally notified or made aware of the town's intent. We would appreciate being kept informed.

Please find out contact information below.

J.M. O'Connor
Dudley Pond Properites, LLC

OAK TREE MANAGEMENT, INC.
PROPERTY MANAGEMENT SERVICES
10 Sibley Road | Weston | MA 02493
OFFICE: 781.893.3000 | FAX: 781.893.9506
www.OakTreeManagement.com



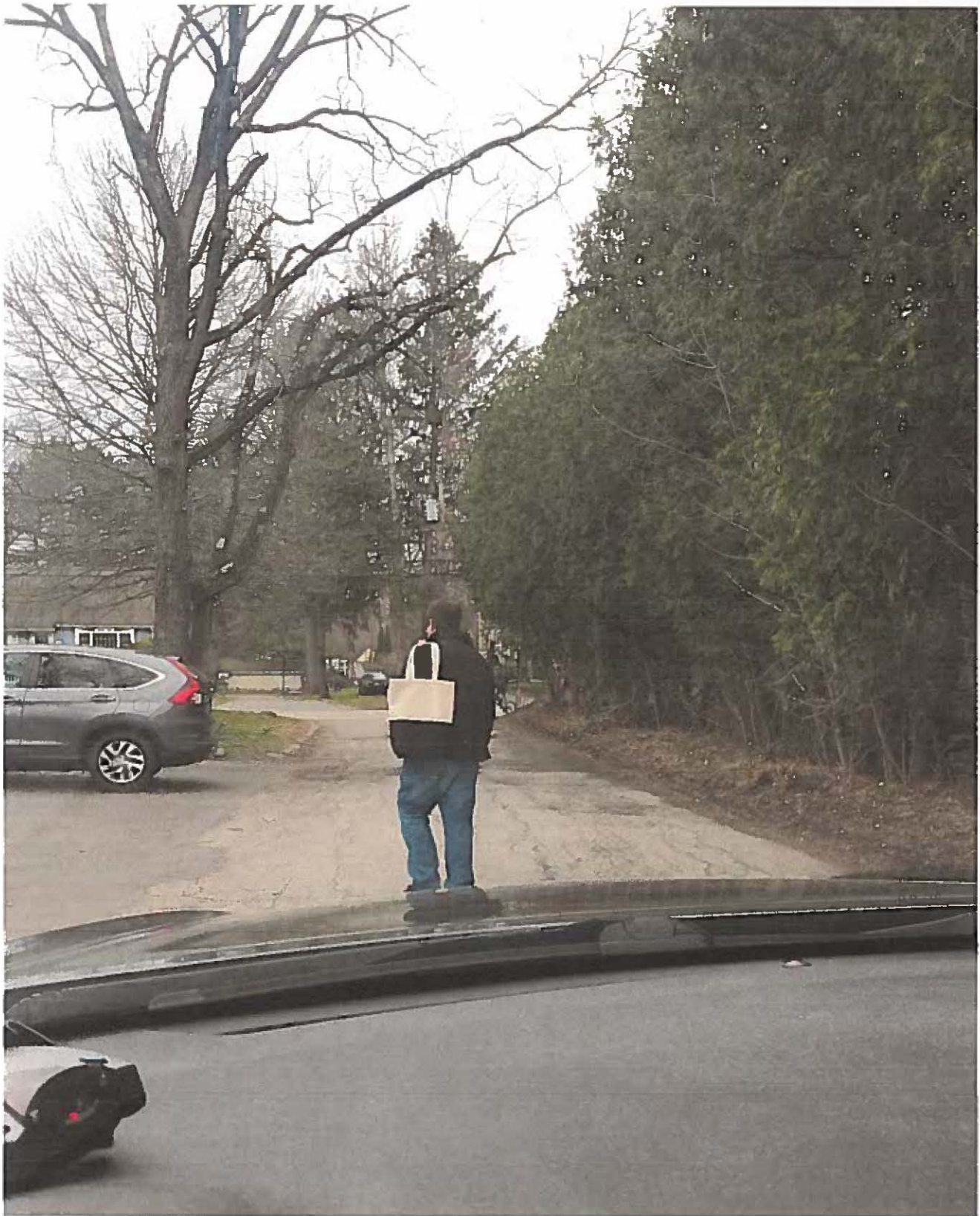
From: 7742704149@mms.att.net
Subject:
Date: May 5, 2018 at 4:11 PM
To: goddard14@comcast.net

M



From: **Donna Goddard** goddard14@comcast.net 
Subject:
Date: **May 5, 2018 at 10:02 PM**
To: **Donna Goddard** goddard14@comcast.net

DG



From: **Donna Goddard** goddard14@comcast.net 
Subject:
Date: **May 10, 2018 at 9:13 AM**
To: **Donna Goddard** goddard14@comcast.net


DG



From: **Donna Goddard** goddard14@comcast.net
Subject: 11/2017 Residents walking on a crisp beautiful November day to access middle school field
Date: May 2, 2018 at 5:19 AM
To: **Donna Goddard** goddard14@comcast.net


DG



From: **Donna Goddard** goddard14@comcast.net 
Subject: 10/2106 Wayland residents using Dunster Ave to access middle school
Date: May 2, 2018 at 5:28 AM
To: **Donna Goddard** goddard14@comcast.net

DG



From: **Donna Goddard** goddard14@comcast.net 
Subject: Resident of Wayland walking dog via Dunster to access field to middle school
Date: May 2, 2018 at 5:17 AM
To: **Donna Goddard** goddard14@comcast.net

DG



From: 7742704149@mms.att.net
Subject:
Date: May 5, 2018 at 4:10 PM
To: goddard14@comcast.net

M



From: 7742704149@mms.att.net
Subject:
Date: May 5, 2018 at 4:11 PM
To: goddard14@comcast.net

M



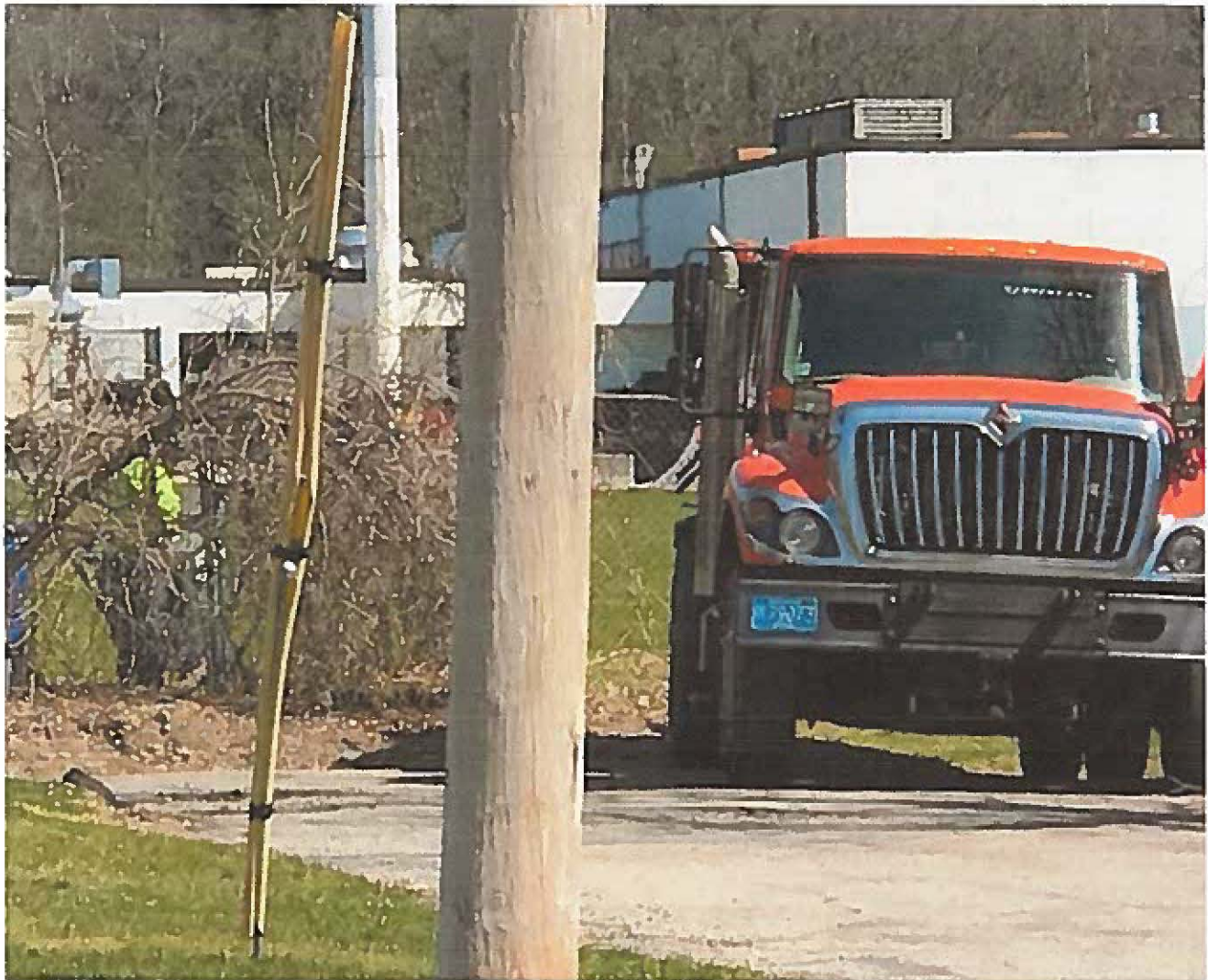
From: 7742704149@mms.att.net
Subject:
Date: May 5, 2018 at 4:11 PM
To: goddard14@comcast.net

M



From: Donna Goddard goddard14@comcast.net
Subject: IMG_1565.jpg
Date: May 6, 2018 at 7:42 AM
To: Donna Goddard goddard14@comcast.net

DG



From: **Donna Goddard** goddard14@comcast.net
Subject: **IMG_1591.jpeg**
Date: **May 2, 2018 at 5:36 AM**
To: **Donna Goddard** goddard14@comcast.net

DG



From: **Donna Goddard** goddard14@comcast.net
Subject: **DPW 4/2018**
Date: **May 2, 2018 at 5:12 AM**
To: **Donna Goddard** goddard14@comcast.net

DG



From: **Donna Goddard** goddard14@comcast.net 
Subject:
Date: **May 10, 2018 at 9:27 AM**
To: **Donna Goddard** goddard14@comcast.net

DG



From: **Donna Goddard** goddard14@comcast.net 
Subject:
Date: May 10, 2018 at 9:29 AM
To: **Donna Goddard** goddard14@comcast.net

DG

