

PACKET

JUNE 4

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

Monday, June 4, 2018
7:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road

Proposed Agenda

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

- 7:00 pm 1.) Call to order by Chair
- Review agenda for the public
- 7:02 pm 2.) Announcements and public comment
- 7:10 pm 3.) Swear in Fire Fighter: Andrew Welch
- 7:20 pm 4.) Proclaim Race Amity Day on June 10, 2018
- 7:30 pm 5.) Meet with Public Buildings Director: Review status of Town and School capital projects; Response from Raytheon to letter
- 7:40 pm 6.) Line Item Transfers - Vote to approve line item transfers and refer to Finance Committee for concurrence
- 7:50 pm 7.) Private Roads: Discuss appeal process
- 8:00 pm 8.) Town Organization – Review next steps:
- 1) FY 20 Budget Process
 - 2) Special Act on Town Manager
- 8:20 pm 9.) Town Administrator search update
- 8:30 pm 10.) Review suggested changes in board procedure: 1) Authorize Chair to sign accounts payable and payroll warrants, 2) BOS approval or ratification of Town contracts over \$5,000, 3) Votes taken on consent would be listed on meeting minutes, 4) Correspondence will be a separate packet available to the public after the meeting, 5) Board packet will be posted to the website on Monday rather than Friday before a Monday meeting
- 8:50 pm 11.) Annual Town Meeting: Vote dates
- 9:00 pm 12.) Town Administrator Report
- 1) Correspondence
 - 2) Review Summer Meeting Schedule
- 9:10 pm 13.) Minutes: Review and vote to approve the minutes of May 16, 2018

BOARD OF SELECTMEN

Monday, June 4, 2018

7:00 p.m.

Wayland Town Building

Selectmen's Meeting Room

41 Cochituate Road Wayland

Proposed Agenda Page Two

- 9:15 pm 14.) Consent Calendar: Review and vote to approve (*see separate sheet*)
- 9:20 pm 15.) Correspondence: Review
- 9:25 pm 16.) Selectmen's reports and concerns
- 9:30 pm 17.) Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any
- 9:35 pm 18.) Adjourn



TOWN OF WAYLAND
41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

Race Amity Day Proclamation

WHEREAS racism is a major barrier to the achievement of a just and peaceful world and a blight to human progress; and,

WHEREAS the United States has made great progress in racial justice in the past century, but still faces many challenges in the 21st century; and,

WHEREAS our national motto, *E Pluribus Unum* (from many, one), points us to move beyond mere tolerance to genuine friendship across racial lines; and,

WHEREAS starting in 2011 the National Center for Race Amity, on the second Sunday in June, began celebrating *The Other Tradition* – the history of cross racial, cross cultural friendships that brought people together to advance equity and social justice; and,

WHEREAS in 2016 the Massachusetts legislature passed a bill, signed into law by Governor Baker, making the second Sunday in June always “Race Amity Day” in the Commonwealth of Massachusetts; and

WHEREAS in 2018 each town in the Commonwealth is encouraged to celebrate “Race Amity Day” in its own way;

NOW THEREFORE, BE IT RESOLVED that the Wayland Board of Selectmen recognizes the second Sunday in June as “Race Amity Day” and encourages the citizens of Wayland to celebrate the racial, cultural, and religious diversity of our community on Sunday, June 10, 2018.

Lea T. Anderson, Chair

Cherry C. Karlson, Vice Chair

Mary M. Antes

Louis M. Jurist

Douglas A. Levine

DATE: JUNE 4, 2018
 TO: LEA ANDERSON, CHAIR, BOARD OF SELECTMEN
 FROM: ELIZABETH DOUCETTE, ASSISTANT TOWN ADMINISTRATOR
 SUBJECT: VOTE TO APPROVE LINE ITEM TRANSFERS AND REFER TO FINANCE COMMITTEE FOR CONCURRENCE

BOARD ACTION REQUESTED

VOTE TO APPROVE LINE ITEM TRANSFERS OF \$79,000 AND REFER TO FINANCE COMMITTEE FOR CONCURRENCE

AUTHORITY TO MAKE LINE ITEM TRANSFERS

This request for *Line Item Transfers* is pursuant to G.L. c. 44, Section 33B(b), as amended by the Municipal Modernization Act of 2016 and allows that the Board of Selectmen may vote to request that the Finance Committee approve a transfer of any funds that are available at the end of the year from one budgeted item to another. The revised statute provides: "A town may, by majority vote at any meeting duly held, transfer any amount previously appropriated to any other use authorized by law. Alternatively, the selectmen, with the concurrence of the Finance Committee" ... may transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year to apply to the previous fiscal year, any amount appropriated, other than for the use of a municipal light department or a school department, to any other appropriation."

Note that *Line Item Transfers* differ from *Reserve Fund Transfers* and do not require that the expenditure is extraordinary and/or unforeseen.

REQUESTED LINE ITEM TRANSFERS **

	Department	Description	Amount	Funding Source	Amount
1	Town Office Expenses	Human Resources Consultant	\$10,000	Landfill Services Expenses	\$10,000
2	Town Counsel Expenses	Legal: Cable Negotiations	\$20,000	Treasurer Expenses	\$20,000
3	IT Expenses	IT Consultant	\$30,000	IT Personnel Services	\$30,000
4	Building Expenses	Building Temporary Staff	\$4,000	Building Personnel Services	\$4,000
5	Facilities Supplies	Replacement Chairs	\$15,000	Facilities Utilities	\$15,000
			<u>\$79,000</u>		<u>\$79,000</u>

** Funding sources recommended by Finance Director.

\$10,000 **HUMAN RESOURCES CONSULTANT**
 Following the HR Director's retirement in February and an unsuccessful search for a replacement, a Human Resources consultant was engaged to provide these services.

\$20,000 **LEGAL SERVICES: CABLE NEGOTIATIONS**
 Cable negotiations will begin in fiscal year 2018 and continue through fiscal year 2019.

\$30,000 **INFORMATION TECHNOLOGY CONSULTANT**
 After the IT Director resigned in February a consultant was engaged to provide technical and managerial oversight of the IT Department. This solution provides continuity and specific technical expertise required for the successful completion of projects, and the opportunity to explore this solution long-term, previously recommended by technical community members. The Town was recently awarded an IT Community Compact Grant to implement an electronic

permitting process in fiscal year 2019; the IT budget will fund the initial design required for this project.

- \$ 4,000** **BUILDING DEPARTMENT TEMPORARY STAFF**
A Building Department staff member had an extended, unplanned absence requiring the services of temporary office staff.
- \$15,000** **REPLACEMENT CHAIRS**
The Council on Aging and Selectmen's meeting room chairs have exceeded their useful life, are soiled and some have exposed sharp edges that are hazardous, in particular to the elderly. Replacement of these chairs was not budgeted in Fiscal Year 2019 and will not otherwise be available until fiscal year 2020 or later.
- \$79,000** **TOTAL REQUEST**

RECOMMENDATION

I recommend a vote to approve the requested line item transfers and refer to the Finance Committee for concurrence. The approval of this request provides funding for critical expenses in the Town Office, Legal, Information Technology, Building and Facilities departments.

CC: Dave Watkins, Chair, and members of the Finance Committee



**DEPARTMENT OF PUBLIC WORKS
TOWN OF WAYLAND**

*Entrusted To
Manage The
Public
Infrastructure*

Thomas M. Holder
Director

Joseph Doucette
Superintendent

Don Millette
Superintendent

Paul Brinkman
Town Engineer

To: Selectmen
From: Thomas Holder | DPW Director
Date: May 30, 2018
Subject: Private Ways Plowing – Appeal Process
Copy: Nan Balmer | Town Administrator
Board of Public Works

The purpose of this writing is to offer suggestions toward implementing an appeals process whereby Wayland residents can formally appeal to the Board of Selectmen to have plowing services of their Private Ways be performed by DPW. In the recently approved Private Ways Plowing Policy, there is a provision to enable residents to make this appeal.

This Private Ways Plowing Policy states the Selectmen shall direct DPW to plow private ways that can be demonstrated are:

- a) *not a driveway, and*
- b) *open to public use, and*
- c) *connect two public roads or has more than three homes, and*
- d) *can be plowed without undue risk*

Residents who reside on Private Ways not receiving Town plowing services and believe their private ways meet the Policy criteria as outlined above may exercise the appeal provision. A suggested appeal approach would include:

- o An Appeal Application to be completed by resident(s) advocating for plowing services
- o A review by DPW of justification elements claimed on Application (property ownership records, use of road, access to Town amenities etc.). This would be new information not previously presented during the May 2018 evaluation process.
- o DPW would reply back to Selectmen with comments made on the Application stating its findings.
- o Selectmen would compile Applications submitted by an established date on any given year; consider each application justification along with DPW comments and then make their annual determination of Private Ways to receive plowing services.

Please let me know if I can provide anything additional to assist with this process.

Respectfully

HIGHWAY - WATER - PARKS - CEMETERIES - TRANSFER STATION - ENGINEERING

RESIDENTIAL PRIVATE ROAD SNOW & ICE POLICY

TOWN OF WAYLAND, MASSACHUSETTS

Accepted by Board of Public Works October 10, 2017

Accepted by Board of Selectmen May 16, 2018

Policy Effective November 1, 2018

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 Roads Open to Public Use' 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.
- '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 its 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
 - a) is not a driveway, and
 - b) is open to public use, and
 - c) connects two public roads or has more than three homes, and
 - d) 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 Selectmen 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.

⑩ Suggested changes in
Board Procedure

DATE: JUNE 4, 2018
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: SUGGESTED CHANGES IN BOARD PROCEDURE

The following are suggested recommendations on Board procedure:

1. Designate a Selectman to review and approve payment warrants and provide a report at the next meeting. The Board may wish to designate a Selectman to review and sign warrants on a weekly basis; or the Board may wish to designate a Selectman to review and sign payment warrants only for a week the Board is not meeting and approval of payment warrants is required so the Town can meet its obligations.
 - a. Current Practice: The Board approves and signs payment warrants at its meetings. When there is no meeting, the warrants are signed by the Town Administrator for whom delegation of authority to sign warrants is unclear. Designation of one Selectman to review and sign payment warrants increases scrutiny of the payment warrants.
2. Board ratification of contracts: Current Town Counsel recommends that the Board approve and sign most contracts. The contracts would be reviewed by Town Counsel, the TA and staff prior to presentation to the Board and would appear as a listing on the Consent agenda.
 - a. Current practice: The Town Administrator approves all purchase orders (considered contracts) and signs all written contracts, usually for goods and services of \$5,000 or more. Town Counsel, advised that as Chief Executive, the Board should sign contracts. As a practical matter, the TA would continue signing contracts less than \$5,000 and would continue to approve purchase orders.
3. Votes taken on consent would be listed specifically in meeting minutes
 - a. Current Practice: Until recently minutes incorporate these votes by consent by reference to another document.
4. Correspondence would be a separate packet available to the public after the meeting.
 - a. Current practice: Correspondence is posted to the website before the Board or staff have thoroughly reviewed all documents. The Board and staff need time to avoid inadvertently posting confidential or sensitive communications of a legal or

personal basis, some which should never be published on the Internet. There is no obligation of the town to publish correspondence on the Internet even when the correspondence is a public record. Some individuals have not communicated with the Board upon learning their correspondence will be posted on the website.

5. Board Packet would be posted to the website on the day of the meeting rather than the Friday before. The meeting agenda will continue to be posted with the Town Clerk as required. The agenda would be posted to the website by Friday at 12: 30.
 - a. Current practice: The Board's agenda is posted with the Town Clerk on Thursday before a Monday meeting. The agenda is posted by Friday to the website. The packet is posted on the website by Friday at 12:30 if possible. Many materials for the Board's packet arrive Thursday or Friday and sometimes cannot be fully reviewed prior to posting to the website on Friday. A delay will allow for the packet to be reviewed by Board and staff before publication on the website. There have been occurrences when sensitive information, such as home addresses, e-mails, etc. are inadvertently published on the Internet due to insufficient time for review. The Board is under no obligation to publish any documents on the Internet especially days before a meeting.

DATE: JUNE 4, 2018
TO: BOARD OF SELECTMEN
FROM: ELIZABETH DOUCETTE, ASSISTANT TOWN ADMINISTRATOR
SUBJECT: UPDATE ON SPRING 2019 ANNUAL TOWN MEETING DATE

Recommended Action

Discuss updated information from town departments and the schools related to Annual Town Meeting date

Background

At the Board of Selectmen meeting held on May 23, 2018 a vote was taken for the Election to be held on Tuesday April 23 and the Town Meeting to begin on Monday April 29, 2019.

Update

Updated information from town departments and the schools for the period of April 29 through May 10 is provided here for consideration:

- The High School will most likely need the fieldhouse for AP exams on Monday May 6 and Friday May 10, 2019. There may be other exams that get enough students to require the fieldhouse but based on past demand they anticipate only those two days.
- Facilities can reconfigure the fieldhouse to accommodate both AP exams and Town Meeting.
- The High School Boys' Volleyball games and practices will be held during that time period, since spring sports start the first Monday in May. The Athletic Director indicates that he can work around any ATM schedule with adequate notice.
- There is an electronic voting cost of \$1,475 per day for each day that Town Meeting is NOT held once started.

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

◀ ▶ April 2019 Search Town Meeting Fall 2018 - Annu...

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Mar 31 - Apr 6	1	2	3	4	5	6	
Apr 7 - 13	7	8	9	10	11	12	13
						SCHOOL VACATION	
Apr 14 - 20	14	15	16	17	18	19	20
			SCHOOL VACATION			EASTER WEEK PASSOVER	
Apr 21 - 27	21	22	23	24	25	26	27
	SCHOOL VACATION EASTER WEEK PASSOVER					PASSOVER	

◀ ▶ May 2019 Search Town Meeting Fall 2018 - Annu...

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Apr 28 - May 4	28	29	30	May 1	2	3	4
	ORTHODOX EASTER COPTIC EASTER						
May 5 - 11	5	6	7	8	9	10	11
		AP SPANISH EXAM		AP EXAMS		AP US HISTORY EXAM	
May 12 - 18	12	13	14	15	16	17	18
	MOTHER'S DAY	AP BIOLOGY EXAM		AP EXAMS AP ENGLISH EXAM			
May 19 - 25	19	20	21	22	23	24	25
May 26 - Jun 1	26	27	28	29	30	31	Jun 1

⑫ Town Administrator's Report

TOWN ADMINISTRATOR'S REPORT WEEK ENDING JUNE 1, 2018

1. CORRESPONDENCE

No comments.

2. SUMMER MEETING SCHEDULE

Please see attached suggested schedule through week ending 9/7/18.

BOARD OF SELECTMEN - MEETING DATES - 6/1/18 - 9/7/18

365 January 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

365 February 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

365 March 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

365 April 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

365 May 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

365 June 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

365 July 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

365 August 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

365 September 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

365 October 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

365 November 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

365 December 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

- | | | | | |
|--------------------------------|--------------------------|-------------------------|----------------------------|-----------------------------|
| 1 Jan New Year's Day | 17 Mar St. Patrick's Day | 19 May Armed Forces Day | 3 Sep Labor Day | 31 Oct Halloween |
| 15 Jan Martin Luther King Day | 30 Mar Good Friday | 20 May Pentecost | 11 Sep September 11th | 4 Nov Daylight Saving (End) |
| 12 Feb Lincoln's Birthday | 1 Apr April Fool's Day | 21 May Pentecost Monday | 17 Sep Citizenship Day | 11 Nov Veterans' Day |
| 13 Feb Mardi Gras Carnival | 1 Apr Easter | 28 May Memorial Day | 28 Sep Native American Day | 22 Nov Thanksgiving |
| 14 Feb Valentine's Day | 2 Apr Easter Monday | 14 Jun Flag Day | 8 Oct Columbus Day | 7 Dec Pearl Harbor |
| 19 Feb Presidents Day | 5 May Cinco de Mayo | 17 Jun Father's Day | 16 Oct Boss's Day | 25 Dec Christmas Day |
| 11 Mar Daylight Saving (Start) | 13 May Mother's Day | 4 Jul Independence Day | 20 Oct Sweetest Day | 31 Dec New Year's Eve |

Calendar & Holidays

2018

Calendar-365.com



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

May 16, 2018

7:00 p.m.

Senior Center

41 Cochituate Road, Wayland

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Douglas A. Levine (arrived at 7:21 p.m.)

Absent: Louis M. Jurist

Also Present: Town Administrator N. Balmer

A1. Call to Order by Chair L. Anderson called the meeting of the Board of Selectmen to order at 7:00 p.m. in the Senior Center of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

A2. Announcement and Public Comment The Library book sale is this weekend.

George Harris, Holiday Road, discussed the latest Supreme Judicial Court ruling regarding Wayland's Open Meeting Law violation, the Town's increased violations of the OML, and suggested the Town hold OML information sessions for boards and committees.

Linda Segal, Aqueduct Rd., discussed the scheduling conflict with the Recreation Commission holding a public forum the same night as a discussion about the town's potential reorganization. She also commented on the format of feedback for the proposed Special Act.

A3. Open Meeting Law complaint regarding minutes of March 26, 2018: Review and authorize response N. Balmer described the Open Meeting Law complaint. Town Counsel prepared a draft response for the Board to discuss and approve. D. Levine stated the draft was very thorough. C. Karlson suggested edits. The Board agreed they would go back to amend and approve revised minutes for March 26, 2018.

D. Levine moved, seconded by C. Karlson, to authorize the Board to send, as amended, the letter drafted by Carolyn Murray from KP Law dated May 16, 2018 to the Director of the Attorney General's Office of the Division of Open Government. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A4. Memorial Day: Discuss Selectmen's roles The Board discussed attendance at the ceremony and delivering the welcoming address. D. Levine and L. Anderson will coordinate the role for the Board.

A8. Race Amity Day: Discuss response The Board decided to annually announce Wayland's Race Amity Day Proclamation each June. L. Anderson said she sees value in doing this every year since members of the Board change.

A10. Minutes: Vote to approve and release minutes of April 30, 2018 C. Karlson moved, seconded by D. Levine, to approve the minutes of April 30, 2018. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A11. Consent Calendar: Review and vote to approve

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

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.

A12. Review Correspondence: (See Separate Index Sheet) M. Antes sent Houghty's Heroes to the paper. N. Balmer stated the recent Open Meeting Law decision will impact some boards and how they conduct their evaluations of department heads. She will distribute the ruling to those boards.

A5. 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 M. Lowery, Chair of the Board of Public Works, came before the Board with a presentation of a draft private roads policy regarding snow and ice removal. He went through the presentation and discussed each slide topic including a history of the issue, comparisons to other towns, safety, legalities, and equity. He described the BoPW's recommended policy.

Cathy Balben, Quincy Rd., discussed her concern of the safety of the taxpayer. She discussed safety and financial issues. T. Holder, DPW Director, addressed her concerns about safety.

Dan Burke, 143 Boston Post Rd., discussed the issue from a budget and policy perspective and asked the Board for a policy that's more inclusive than exclusive.

Gail Shapiro, 201 West Plain St., discussed the importance of the town plowing the access road that connects to her property for safety reasons.

Peter Johnson, 8 Pine Rd., asked how the Board feels about having two classes of citizens in town and if they are prepared to compensate citizens who won't get the plowing service.

David Noble, 4 Winthrop Place, asked the Board for basic maintenance of the roads from a safety point of view.

Cliff Lewis, Claypit Hill Rd., speaking for himself, addressed the safety issues that have been brought up during public comment and noted the similar safety concerns that occur throughout town with major storms.

Marie Larionne, 244 Main St., discussed her concern about safety as a senior citizen in town.

Malcolm Astley, 147 Boston Post Rd., discussed past practices and the possibility of the pooling of services. He asked the Board to reconsider its previous decision.

Cynthia Sheppard, 40 Mitchell St., wanted some clarification about her property and a definition of public use.

Gil Wolin, 201 West Plain St., asked the board to consider a reversal of the 2015 decision and stated the draft policy is not a fair and appropriate decision.

Lynne Lipcon, 14 Audubon Rd., stated her concern about access to Conservation land, safety of walkers on the road and her concern if it wasn't plowed.

Nadia Guryanova, 11 Cormans Lane, discussed her wishes to keep Wayland a family friendly community and discussed the safety issue of not plowing Corman's Lane. She asked about the process of making a road a public way. M. Lowery explained that the DPW has a process and ultimately a town meeting vote is needed. BoPw has to be given the plan of layout and then the Board decides the layout is acceptable and in most cases asks for it to be brought to paving standards.

C. Balben explained the process of obtaining a CDL license and the safety measures town employees have to go through in order to drive the bigger vehicles.

M. Lowery noted that the town has accepted dirt roads in the past. DPW Director T. Holder stated firefighters are exempt from a required CDL license. He also noted it takes many of them to back up a fire truck.

D. Levine asked if the Board was provided an exhaustive list of private roads in Wayland. M. Lowery said yes. C. Karlson asked how many roads have long shared driveways with less than 3 houses or more than 3 houses. M. Lowery said he doesn't have that data but it would include roads the town has never plowed and roads the Town may not legally be able to plow. A discussion about equity ensued amongst members of the Board. D. Levine suggested residents appeal to the Board of Selectmen for their particular circumstances if this policy is adopted. He said the Board needs to make a decision with the community in mind. D. Levine discussed the state's distinction between public and private ways and said he's supportive of the draft policy. C. Karlson stated she will support the policy as well and suggested the board be prepared for appeals and develop an evaluation process. M. Antes stated she believes the Town needs to be fair to everyone. L. Anderson stated she supports the policy.

L. Segal, Aqueduct Rd., proposed asking Town Counsel if there is a way the Board of Assessors could help residents financially.

D. Levine suggested the Board clarify the definition of public use. Board members suggested several edits to the policy.

D. Levine moved, seconded by M. Antes, to adopt the policy that was submitted to the Board of Selectmen in October of 2017 as amended by various modifications made today regarding the plowing of certain private ways. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

C. Karlson moved, seconded by D. Levine, to vote to designate the private roads as shown in the packet on page 15 as private roads for public use for snow removal. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A7. Meet with Finance Committee: Discuss FY2020 budget process and discuss process for Town Administrator Special Act The Board left at 8:58 p.m. to attend the Finance Committee meeting to review and hear feedback on the proposed process for the FY2020 budget and discuss next steps for the proposed TA Special Act. The Board returned to the Senior Center at 10:10 p.m. to continue its agenda.

A6. Town Administrator Search: Review and vote to approve profile from Community Paradigm Several edits to the profile were suggested by members of the Board. N. Balmer gave her opinion as a potential candidate looking at the profile and reiterated that the candidate must have municipal finance experience.

C. Karlson moved, seconded by D. Levine, to approve the Town profile with the suggestions made tonight with an understanding that the chair will make the edits. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A9. Town Administrator's Report

1. **Correspondence:** None
2. **Governance Guidelines** N. Balmer added two more significant updates and said she will put the draft on the consent calendar for approval at the next meeting.
3. **2018 Special and 2019 Annual Town Meeting: Discuss Potential Dates** E. Doucette recommended that the Special Town Meeting in the fall be held on November 14, 2018 and listed several options for the 2019 Annual Town Meeting. The Board provided input.

A13. Selectmen's Reports and Concerns D. Levine attended an emergency management meeting yesterday and described the exercise in which he participated. D. Levine said he sent an email to MassDot and confirmed that Verizon has completed its work at the Rte. 27/30 intersection. Eversource is supposed to take down the poles in the next two days. M. Antes attended the Opening Meeting Law training in Sudbury. The next Board meeting will be Wednesday, May 23, 2018.

A14. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any: None.

A15. Adjourn D. Levine moved, seconded by C. Karlson, to adjourn the meeting at 10:38 p.m. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of May 16, 2018.

1. Draft letter from Carolyn Murray, Town Counsel, to Jonathan Sclarsic, Director of the Division of Open Government, Office of the Attorney General, re: Response to May 8, 2018 Open Meeting Law Complaint of George Harris
2. PowerPoint slides prepared by the Board of Public Works and the Department of Public Works, dated October 23, 2017 and May 16, 2018, re: Draft Private Roads Policy: Snow & Ice Removal
3. List of Private Roads prepared by the Department of Public Works, version: January 8, 2018
4. Email from Kara Harvey, 8 Wampum Path, re: Private Roads – Tonight's meeting
5. Draft of proposed Town Manager Act
6. Memorandum from Lea Anderson and Cherry Karlson to the Finance Committee, dated May 16, 2018, re: Agenda Item – Discuss FY2020 Budget Process and Discuss Process for Town Administrator Special Act
7. Open Meeting Law Presentation Handout, prepared by the Office of Attorney General Maura Healey

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

**Monday, June 4, 2018
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road**

CONSENT CALENDAR

1. Vote the question of approving and signing the weekly payroll and expense warrants
2. Vote to approve request of Garden Club for Native Plant Demonstration Garden at Depot
3. Vote to authorize the Chair to execute Annual Contributions Amendment for 2018 Capital Fund Program Funding for Wayland Housing Authority
4. Vote the question of approving the invoice for KP Law, dated May 23, 2018, Invoice No. 116196, for legal services rendered through April 30, 2018: \$518.20
5. Vote the question of approving the invoice for KP Law, dated May 24, 2018, Invoice No. 116226, for legal services rendered through April 30, 2018: \$7,365.71

May 17, 2018

To: Board of Selectman
Wayland MA

From: Jean Milburn, Horticulture Chairperson
Wayland Garden Club

Re: Request to use 144 sq. ft. of Town-owned land near the Wayland Depot
For the Purpose of Installing and Maintaining a Native Plant Demonstration Garden

Request: The Wayland Garden Club asks for the Selectman's permission to create and maintain a 144 sq. ft. Native Plant Demonstration Garden next to the new Rail Trail in the Railroad Interpretive Area.

Why: When the Garden Club accumulates some savings, the board spends those funds for the betterment of our community in various ways. The completion of the rail trail provides an opportunity for public education about the beauty and utility of native plants. When people walk and bike, they stop and notice their surroundings in a way that they cannot when zooming past in a car. Signage will be placed adjacent to the plants to explain the benefits of using these plants in both home gardens and on public lands to strengthen the health of our local ecosystem.

What: A flower bed will be created and planted with native plants that have been selected to support:

1. Butterflies and Moths
2. Native Bees and Honey Bees
3. Hummingbirds
4. Native Birds (who eat the larvae and caterpillars)

Budget: This project is fully funded by the Wayland Garden Club, its members, and generous members of the community-at-large who have volunteered to donate plants and/or labor.

Duration: WGC asks for use of this plot for a period of three years. Use of the plot does not confer any property rights to the WGC. The garden will be removed by the WGC at any time in response to a request from the BOS. If, at the end of three years, both WGC and BOS wish to continue the project, the timeline will be extended by mutual agreement.

Community Outreach to Stakeholders

Meetings/phone calls were held to discuss this project with the following people:

Gretchen Schuler. Historic District Commission Board Member. Provided letter of support.

Sarkis Sarkisian. Town Planner. Contacted & Obtained permission from DCR.
Larry Kiernan. Rail Trail Committee
Rick Conard. Railroad Interpretive Plan
Molly Faulkner. President. Wayland Historical Society.
Sherre Greenbaum. Chair. Wayland Conservation Commission
Joe Doucette. DPW Superintendent
Linda Hanifin. President. Wayland Depot
Denise M. Bartone, Sr. Environmental Engineer, Eversource - Licensing & Permitting
Paul Jahnige, MA Dept. of Conservation and Recreation

Plant Selection Criteria

Natives of New England
Known Sources of food or reproduction sites for local fauna
Perennials. No shrubs.

Plant Care Plan

No use of herbicides or pesticides.
Watering in first year to establish plants. There is no water on this site, so it will be carried in.
Maintain edge of garden to accommodate DPW mowing
All plants cut to the ground in winter.

Timeline.


To begin immediately upon approval:
Sod Removal
Soil improvement with Compost
Plant Installation
Mulching
Watering and Weeding care.
Educational sign installation & plant labels.

Below. Image of planting bed location. Photo taken from west side of Depot building.



Wayland Housing Authority
106 Main Street
Wayland, MA 01778

Memo

To: Nan Balmer, Wayland Town Administrator
From: Brian Boggia, WHA Executive Director 
Date: May 24, 2018
Re: HUD Capital Fund Program Annual Contributions Amendment

REQUESTED ACTION:

EXECUTE THE HUD ANNUAL CONTRIBUTIONS AMENDMENT FOR 2018 CAPITAL FUND PROGRAM FUNDING.

BACKGROUND

The WHA has been approved to receive a HUD grant in the amount \$249,632 from the HUD Capital Fund Program (CFP) for fiscal year 2018. These funds will be used for capital improvements at WHA federal properties as per the WHA five-year plan.

Under Massachusetts State Law (M.G.L.c.121B Sec.11), Housing Authorities (HA) are required to obtain the signature of the local approving official and the seal of their town when executing an Annual Contributions Contract (ACC) Amendment.

Next Steps

The endorsement by the local approving official and seal is necessary to receive these funds. Enclosed are three original Annual Contribution Contracts (ACC). Please sign, seal and attest three original documents. The local approving official should retain a copy for their records and two (2) signed and sealed copies must be returned to the HUD field office.

Please process these contracts at your earliest convenience. All ACC documents must be executed by the Board of Selectmen/Town Administrator. Please call if you have questions or require further clarification.

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2577-0075. There is no personal information contained in this application. Information on activities and expenditures of grant funds is public information and is generally available for disclosure. Recipients are responsible for ensuring confidentiality when disclosure is not required. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

Whereas, Public Housing Authority (as identified in the attached Addendum) (herein called the "PHA") and the United States of America, Secretary of Housing and Urban Development (herein called "HUD") have entered into Annual Contributions Contract(s) (ACC(s)) (HUD-53012), this CFP Amendment to the ACC(s) and the attached Addendum (collectively the Consolidated Annual Contributions Contract).

Whereas, HUD has agreed to provide CFP assistance, to the PHA in the amount specified in the attached Addendum for the purpose of assisting the PHA in carrying out development, capital and management activities at existing public housing projects in order to ensure that such projects continue to be available to serve low-income families. HUD reserves the right to provide additional CFP assistance in this FY to the PHA. HUD will provide a revised CFP Amendment with Addendum authorizing such additional amounts.

Now Therefore, this CFP Amendment with the attached Addendum amends the ACC(s) as follows:

1. This CFP Amendment with Addendum is a part of the ACC(s).

2. The PHA must carry out all development, capital and management activities in accordance with the United States Housing Act of 1937 (the Act), 24 CFR Part 905 (the Capital Fund Final rule) as well as other applicable HUD requirements, except that the limitation in section 9(g)(1) of the Act is increased such that of the amount of CFP assistance provided for under this CFP amendment only, the PHA may use no more than 25 percent for activities that are eligible under section 9(e) of the Act only if the PHA's HUD-approved Five Year Action Plan provides for such use; however, if the PHA owns or operates less than 250 public housing dwelling units, such PHA may continue to use the full flexibility in section 9(g)(2) of the Act.

3. The PHA has a HUD-approved Capital Fund Five Year Action Plan and has complied with the requirements for reporting on open grants through the Performance and Evaluation Report. The PHA must comply with 24 CFR 905.300 of the Capital Fund Final rule regarding amendment of the Five-Year Action Plan where the PHA proposes a Significant Amendment to the Capital Fund Five Year Action Plan.

4. For cases where HUD has approved a Capital Fund Financing Amendment to the ACC, HUD will deduct the payment for amortization scheduled payments from the grant immediately on the effective date of this CFP Amendment. The payment of CFP funds due per the amortization

scheduled will be made directly to a designated trustee within 3 days of the due date.

5. Unless otherwise provided, the 24-month time period in which the PHA must obligate this CFP assistance pursuant to section 9(j)(1) of the Act and 48-month time period in which the PHA must expend this CFP assistance pursuant to section 9(j)(5) of the Act starts with the effective date of this CFP amendment (the date on which CFP assistance becomes available to the PHA for obligation). Any additional CFP assistance this FY will start with the same effective date.

6. Subject to the provisions of the ACC(s) and paragraph 3, and to assist in development, capital and management activities, HUD agrees to disburse to the PHA or the designated trustee from time to time as needed up to the amount of the funding assistance specified herein.

7. The PHA shall continue to operate each public housing project as low-income housing in compliance with the ACC(s), as amended, the Act and all HUD regulations for a period of twenty years after the last disbursement of CFP assistance for modernization activities for each public housing project or portion thereof and for a period of forty years after the last distribution of CFP assistance for development activities for each public housing project and for a period of ten years following the last payment of assistance from the Operating Fund to each public housing project. However, the ACC shall remain in effect for so long as HUD determines there is any outstanding indebtedness of the PHA to HUD which arose in connection with any public housing project(s) under the ACC(s), and provided further that, no disposition of any project covered by this amendment shall occur unless approved by HUD.

8. The PHA has accepted all CFP assistance provided for this FY. If the PHA does not comply with any of its obligations under this CFP Amendment and does not have its Annual PHA Plan approved within the period specified by HUD, HUD shall impose such penalties or take such remedial action as provided by law. HUD may direct the PHA to terminate all work described in the Capital Fund Annual Statement. In such case, the PHA shall only incur additional costs with HUD approval.

9. Implementation or use of funding assistance provided under this CFP Amendment is subject to any corrective action order(s) in effect.

10. The PHA is required to report in the format and frequency established by HUD on all open Capital Fund grants awarded, including information on the installation of energy conservation measures.

11. If CFP assistance is provided for activities authorized pursuant to agreements between HUD and the PHA under the Rental Assistance Demonstration Program, the PHA shall

follow such applicable statutory authorities and all applicable HUD regulations and requirements. For *total conversion* of public housing projects, the provisions of the ACC shall remain in effect for so long as HUD determines there is any outstanding indebtedness of the PHA to HUD which arose in connection with any public housing projects(s) under the ACC(s), and provided further that, no disposition or conversion of any public housing project covered by these terms and conditions shall occur unless approved by HUD. For *partial conversion*, the PHA shall continue to operate each non-converted public housing project as low-income housing in accordance with paragraph 7.

12. CFP assistance provided as an Emergency grant or a Safety and Security grant shall be subject to a 12-month obligation and 24-month expenditure time period. CFP assistance provided as a Natural Disaster grant shall be subject to a 24-month obligation and 48-month expenditure time period. The start date shall be the date on which such funding becomes available to the PHA for obligation. The PHA must record the Declaration(s) of Trust within 60 days of the effective date or HUD will recapture the funds.

**Capital Fund Program
(CFP) Amendment – MA PHA mayor/selectman sign-off
to the Consolidated Annual Contributions Contract
(reference form 52840-A)**

**2018 Formula Funding Massachusetts Approval to fulfill the requirements of M.G.L.c.121B
Sec.11 (k)**

**Signoff below indicates approval from the local governing body for the local Public
Housing Authority (PHA) to accept HUD's 2018 Capital Fund Program formula grant to
carry out work activities identified in the PHA's 5 Year Capital Action Plan, in the amount
specified in the funding announcement published on HUD's website at:
https://www.hud.gov/program_offices/public_indian_housing/programs/ph/capfund/2018pi**

(SEAL)
Attest:

TOWN/CITY _____

BY: _____

TITLE: _____

DATE: _____

Consent 4

RECEIVED

MAY 29 2018

Board of Selectmen
Town of Wayland

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

INVOICE NO: 116196

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

IN REFERENCE TO: PROFESSIONAL SERVICE
THROUGH

April 30, 2018

May 23, 2018

TOTAL FEES:	\$259.00
TOTAL COSTS:	<u>\$259.20</u>
BALANCE DUE:	<u>\$518.20</u>

MS

Consent 5

RECEIVED

MAY 25 2018

Board of Selectmen
Town of Wayland

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

INVOICE NO: 116226

WAYLAND TOWN HALL
41 COCHITUATE ROAD
WAYLAND, MA 01778

IN REFERENCE TO: PROFESSIONAL SERVICE
THROUGH

April 30, 2018

May 24, 2018

TOTAL FEES:	\$7,011.50
TOTAL COSTS:	<u>\$354.21</u>
BALANCE DUE:	<u>\$7,365.71</u>

AKV

PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMEN FROM MAY 19, 2018, THROUGH AND INCLUDING JUNE 1, 2018, OTHERWISE NOT LISTED AND INCLUDED IN THE CORRESPONDENCE PACKET FOR JUNE 4, 2018

Items distributed to the Board of Selectmen – May 19, 2018-June 1, 2018

1. None

Items distributed for information and use by the Board of Selectmen at the Meeting of May 23, 2018

1. Flyer for the information session on the Pros and Cons of Marijuana Legalization in Wayland, hosted by the Marijuana Working Group on June 5, 2018
2. Memorandum from Mike Lowery, Chair of the Board of Public Works, dated May 22, 2018, re: Draft Financial Management Structure Review – October 2017
3. Draft of *An Act Establishing the Position of Town Manager in the Town of Wayland*
4. Memorandum from David Porter to Board of Selectmen dated May 23, 2018 re: Accounts Payable Warrant dated May 29, 2018

Items included as part of Agenda Packet for discussion during the June 4, 2018 Board of Selectmen's Meeting

1. Race Amity Day Proclamation
2. Memo from Elizabeth Doucette, Assistant Town Administrator, to Lea Anderson, Chair, Board of Selectmen, dated June 4, 2018, re: Vote to approve line item transfers and refer to Finance Committee for concurrence
3. Memo from Thomas Holder, DPW Director, to Board of Selectmen, dated May 30, 2018, re: Private Ways Plowing – Appeal Process
4. Residential Private Road Snow & Ice Policy, Effective November 1, 2018
5. Memo from Nan Balmer, Town Administrator to Board of Selectmen, dated June 4, 2018, re: Suggested changes in board procedure
6. Memo from Elizabeth Doucette, Assistant Town Administrator, to the Board of Selectmen, dated June 4, 2018, re: Annual Town Meeting 2019
7. Town Administrator's Report for the week ending June 1, 2018
8. Calendar of Board of Selectmen meeting dates, June 1, 2018 through September 7, 2018
9. Draft minutes of the Board of Selectmen meeting held on May 16, 2018

BOARD OF SELECTMEN
Monday, June 4, 2018
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

1. Correspondence from Karyn E. Polito, Lieutenant Governor, to Nan Balmer, Town Administrator, dated May 29, 2018 re: Congratulations on finalizing the Review Financial Management Structure and Financial Policies best practices
2. Correspondence from KP Law to Kerry Anne Kilcoyne, Esq., Assistant Attorney General, Division of Open Government, Office of the Attorney General, dated May 18, 2018, re: Open Meeting Law Complaint Against Wayland Board of Selectmen (George Harris)
3. Correspondence from KP Law to Jonathan Sclarsic, Esq., Director, Division of Open Government, Office of the Attorney General, dated May 18, 2018, re: Town of Wayland Board of Selectmen – Response to May 8, 2018 Open Meeting Law Complaint of George Harris from the Board's March 26, 2018 meeting
4. Correspondence from Kaitlin Maher, Paralegal, Division of Open Government to George Harris, Esq., dated May 29, 2018, re: Open Meeting Law Complaint
5. Correspondence from Commonwealth of Massachusetts, Executive Office of Energy & Environmental Affairs, Department of Conservation and Recreation to Lea Anderson, Chair, Board of Selectmen, dated May 21, 2018, re: National Flood Insurance Program, Community Assistance Contact, December 14, 2018
6. Correspondence from Gordon Cliff to Lea Anderson, Chair, Board of Selectmen and Nan Balmer, Town Administrator, dated May 22, 2018, re: State grant for library construction
7. Correspondence from William Steinberg to Lea Anderson, Chair, Board of Selectmen, dated May 22, 2018 re: Resigning from Member of the Wayland Finance Committee upon the end of this term on June 30, 2018
8. Correspondence from William Steinberg to Lea Anderson, Chair, Board of Selectmen dated May 22, 2018 re: Request to be considered as a new member of the Wayland Economic Development Committee for the next fiscal year beginning July 2018
9. Correspondence from Joseph Russo, Legislative Aide to Representative Carmine L. Gentile, dated May 29, 2018, re: 2018 Municipal Vulnerability Preparedness (MVP) Program Planning Grants from the Department of Energy and Environmental Affairs
10. Slide presentation from Office of Attorney General Maura Healey re: Open Meeting Law: Balancing Government Transparency with Government Efficiency
11. Monthly Report from Wayland Police Department, dated April 2018



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

RECEIVED

MAY 31 2018

Board of Selectmen
Town of Wayland

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

May 29, 2018

Nan Balmer
Wayland Town Administrator
41 Cochituate Road
Wayland, MA 01778

Dear Town Administrator Balmer:

I am writing to congratulate the Town of Wayland on having completed the best practices chosen as part of your Community Compact, which we signed together on January 27, 2017. Fostering a strong partnership with our municipalities continues to be a top priority for the Baker-Polito Administration, and it is exciting to have the Community Compact program available for our partners in local government. As you know, Community Compacts create clear mutual standards, expectations, and accountability for both the state and municipalities as together we seek to create better government for our citizens.

I want to applaud the Town for choosing and finalizing the Review Financial Management Structure and Financial Policies best practices. With assistance from two Community Compact grants, Wayland was able to complete these best practices and make improvements in these key areas.

The Governor and I appreciate Wayland participating in the Community Compact program and we look forward to partnering with you again in future rounds of the Compact program.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karyn E. Polito".

Karyn E. Polito
Lieutenant Governor

cc: Sean Cronin, Senior Deputy Commissioner of Local Services



May 18, 2018

RECEIVED

MAY 21 2018

Board of Selectmen
Town of Wayland

Carolyn M. Murray
cmurray@k-plaw.com

Kerry Anne Kilcoyne, Esq.
Assistant Attorney General
Division of Open Government
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Re: Open Meeting Law Complaint Against Wayland Board of Selectmen (George Harris)


Dear Ms. Kilcoyne:

Pursuant to your letter dated May 11, 2018, enclosed please find a redacted copy of the draft minutes of the Wayland Board of Selectmen executive session held on February 26, 2018. Please note I have redacted the portion pertaining to an unrelated discussion, which was also the basis for convening the executive session.

I understand your office will maintain the confidentiality of these minutes, as the matters discussed remain unresolved and are ongoing.

If you have any questions, please contact me.

Very truly yours,


Carolyn M. Murray

CMM/man

Enc.

cc: Board of Selectmen
Mr. George Harris (w/o enc.)

625726/WAYL/0051

RECEIVED

MAY 21 2018

Board of Selectmen
Town of Wayland

101 Arch Street, Boston, MA 02110
Tel: 617.556.0007 | Fax: 617.654.1735
www.k-plaw.com

Carolyn M. Murray
cmurray@k-plaw.com

May 18, 2018

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

Re: Town of Wayland Board of Selectmen –
Response to May 8, 2018 Open Meeting Law Complaint of George Harris

Dear Mr. Sclarsic:

Please be advised that this office serves as Town Counsel to the Town of Wayland. On or about May 8, 2018, the Wayland Board of Selectmen (“Board”) received an Open Meeting Law complaint from Mr. George Harris (“Complaint”) involving minutes from the Board’s March 26, 2018 meeting. A copy of the Complaint is attached. The Board listed the Complaint on the meeting notice for its May 16, 2018 meeting, discussed the substance of the Complaint and voted to authorize this response following its deliberation.

In particular, the Complaint alleges that the March 26, 2018 minutes are lacking because the portion related to the Annual Town Meeting Warrant Hearing, (topic A.5), does not contain a summary of suggestions or questions presented by speakers or responses to questions or related discussion. The Complaint further alleges that the Annual Town Meeting Warrant and Motions should be included in the list of documents in the minutes. While the Board agrees that the Annual Town Meeting Warrant and Motions should be included in the list of documents, it asserts that its minutes are otherwise accurate and include a summary of the discussions on each topic. In the interest of transparency and ensuring compliance with the Open Meeting Law, however, the Board intends to vote at its May 23, 2018 meeting to amend its March 26 meeting minutes to add further detail to topic A.5 related to the Annual Town Meeting Warrant Hearing and to add the Annual Town Meeting Warrant and Annual Town Meeting Motions to the list of documents used at the meeting.

The Open Meeting Law requires a public body to “create and maintain accurate minutes of all meetings, . . . setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents . . . used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.” G.L. c.30A §22(a). The Attorney General’s Office has advised that “while minutes must include a summary of the discussion on each topic, a transcript is not required and the minutes do not need to include every remark or opinion presented.” OML 2013-64. When reviewing minutes for compliance with the Open Meeting Law, the Attorney General’s Office looks for substantial compliance with the accuracy requirement and in particular, that the minutes contain enough detail and accuracy “so 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 2013-64. The content of meeting minutes is left to the discretion of the public body so long as it substantially complies with the requirement that the minutes be accurate and provide a summary of the discussion of each topic. See OML 2011-55.

Jonathan Sclarsic, Esq.
Director, Division of Open Government
May 18, 2018
Page 2

Furthermore, the Attorney General's Office has previously determined that minutes reflecting statements made during the public comment period are not required to include every remark, but must offer a concise summary of the statements. See OML 2016-40. The Board is not required to produce a transcript of the discussion or include every comment or opinion presented during the Annual Town Meeting Warrant Hearing. The minutes describe the process of reviewing the Warrant page by page, describe that residents made suggestions and asked questions on the Warrant articles, and provides that the chair of the Board noted that corrections would be included in an updated errata sheet available at the Annual Town Meeting. As such, the Board submits that its minutes include a summary of the discussion, complying with the Open Meeting Law, and thus, the content is left to the discretion of the Board. A listing of the audience's suggestions or comments, along with responses from officials or article sponsors, would essentially constitute a transcript of the Hearing, which as noted above is not required to comply with §22. As mentioned previously, however, in its commitment to transparency and to ensure compliance with the Open Meeting Law, the Board intends to vote at its May 23, 2018 meeting to amend its March 26 minutes to add further detail related to topic A.5, the Annual Town Meeting Warrant Hearing.

To the extent that the March 26, 2018 minutes would be viewed as insufficient in accordance with the Open Meeting Law, it is the Board's position that any inadvertent violation has been cured by the Board's intent to vote at its May 23, 2018 meeting to amend its March 26 minutes to include further detail regarding the discussion of the Annual Town Meeting Warrant Hearing and to add the Warrant and Motions to the list of documents. Pursuant to established case law, an inadvertent violation of the law may be remedied by including the matter on a properly posted meeting notice and addressing it in open session. See, e.g., Pearson v. Board of Selectmen of Longmeadow, 49 Mass.App.Ct. 119 (2000); Benevolent & Protective Order of Elks, Lodge No. 65 v. Planning Bd. of Lawrence, 403 Mass. 531 (1988); OML 2011-14. Accordingly, no further remedial action is required at this time.

Please feel free to contact me with any questions.

Very truly yours,



Carolyn M. Murray

CMM/KRG/bp
Enc.
cc: George Harris
Board of Selectmen
625813/WAYL/0001



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.

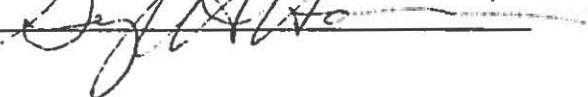
II. Consulting With a Private Attorney.

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: May 8, 2018

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.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

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.

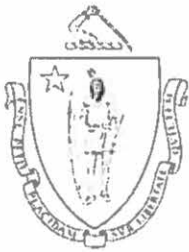
A14. Adjourn L. Jurist moved, seconded by D. Levine, to adjourn the meeting at 9:11 pm. YEA: C. Karlson, L. Anderson, M. Antes, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

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



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

MAURA HEALEY
ATTORNEY GENERAL

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

May 29, 2018

RECEIVED

MAY 31 2018

Board of Selectmen
Town of Wayland

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

RE: Open Meeting Law Complaint

Dear Attorney Harris:

Thank you for contacting the Attorney General's Office. On May 24, 2018, we received your Open Meeting Law complaint, which was originally received by the Wayland Board of Selectmen on or about April 4, 2018. We will review your complaint and will contact you in the event that we require additional information. We will notify you of our determination following our Office's review.

Your complaint may be resolved through either a formal order or informal action. Formal orders contain a detailed discussion of the alleged violation, applicable legal requirements, and may order any of the remedies provided in G.L. c. 30A, § 23(c). If a complaint is appropriate for informal action, we will attempt to resolve the matter by speaking to the parties, followed by a brief letter noting whether or not there was a violation and what remedial action was taken.

For additional information on the Open Meeting Law and the complaint process, please visit our website at www.mass.gov/ago/openmeeting. Please do not hesitate to contact the Division of Open Government with any further questions.

Sincerely,

A handwritten signature in black ink that reads "Kaitlin Maher".

Kaitlin Maher
Paralegal
Division of Open Government

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



6/6
MEET
w DHEADS

RECEIVED

MAY 23 2018

Board of Selectmen
Town of Wayland



May 21, 2018

Lea Anderson
Chairperson, Board of Selectmen
41 Cochituate Rd.
Wayland, MA 01778

Re: National Flood Insurance Program
Community Assistance Contact
December 14, 2018

Dear Ms. Anderson:

On the above referenced date, I met with Building Commissioner Geoffrey Larsen to discuss Wayland's floodplain management procedures as part of its participation in the National Flood Insurance Program (NFIP). The Flood Hazard Management Program (FHMP) is funded by the Federal Emergency Management Agency (FEMA) to provide technical assistance to local officials in communities that participate in the National Flood Insurance Program (NFIP).

It appears from our conversation that Mr. Larsen has a good working knowledge of floodplain management. It is important that local officials review permit applications to determine whether proposed activity is within the 100-year floodplain, as delineated on the Flood Insurance Rate Map. Officials must ensure that projects that are within the floodplain meet NFIP standards, as well as applicable state regulations (e.g., the State Building Code and the Wetlands Protection Act, Section 10.57).

After the meeting I reviewed the floodplain district Section in Wayland's Zoning Bylaw, and also the Wetlands Protection Bylaw. These local regulations are required in order to be compliant with National Flood Insurance Program minimum standards. The regulations that were available on-line are not those that were reviewed and accepted by this office in 2014 which is when the Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) for Middlesex County were updated for the Concord River Watershed. If those regulations were updated in 2014 and simply not updated on-line that should be fixed. If the zoning and the wetlands protection regulations were in fact not updated to reference the current effective FIRM and FIS, this needs to be corrected as soon as possible in order to remain compliant with NFIP requirements. Please have the appropriate town official contact me in order to correct this.

Wayland's participation in the National Flood Insurance Program guarantees the availability of flood insurance to property owners who would not otherwise be able to

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation
251 Causeway Street, Suite 600
Boston MA 02114-2119
617-626-1250 617-626-1351 Fax
www.mass.gov/orgs/department-of-conservation-recreation



Charles D. Baker
Governor

Karyn E. Polito
Lt. Governor

Matthew A. Beaton, Secretary, Executive
Office of Energy & Environmental Affairs

Leo Roy, Commissioner
Department of Conservation & Recreation

Lea Anderson
May 21, 2018
Page 2

have that protection. There are currently 60 policies effective in Wayland providing about \$ 17.9 million in coverage.

If you or other town officials have further questions about the NFIP, please contact me at (617) 626-1362.

Sincerely,

A handwritten signature in cursive script that reads "Eric Carlson". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Eric Carlson, Assistant Director
Flood Hazard Management Program



Porter, David

From: Balmer, Nan
Sent: Tuesday, May 22, 2018 9:29 AM
To: Porter, David
Subject: FW: 5 Concord Road restriction

Correspondence

From: Gordon Cliff [<mailto:gordoncliff59@gmail.com>]
Sent: Tuesday, May 22, 2018 8:40 AM
To: Anderson, Lea; Balmer, Nan
Cc: aida gennis; Fay, Tom; Lowery, Mike
Subject: 5 Concord Road restriction

Lea/Nan,

fyi we have a definitive email from a person at the MBLC that there is zero chance of us getting a state grant for library construction from the current round of money.

any effort at a new/expanded library town would need to cover the full cost or must wait until a new round of state money is raised. minimum of 3 years. likely considerably longer.

if the BoS is spending additional money to challenge the restriction on 5 Concord it could only make sense if we have already spent a lot of money and a bit more has a high probability of succeeding and would be worthwhile because we are confident that 2/3 of voters will eventually approve a plan to move the library (vs. expand at the current site). Seems wrong to me.

Regards and thanks,
Gordon

Regards and thanks,
Gordon

✓

**William Steinberg
49 Highland Circle
Wayland, MA 01778**

May 22, 2018

Ms. Lea Anderson
Chairperson, Wayland Board of Selectmen
Wayland Town Building
Wayland, MA 01778

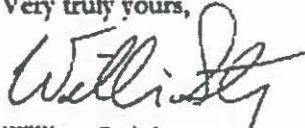
Re: Wayland Finance Committee – My Tenure

Dear Chairperson Anderson:

I am writing to inform the Board of Selectmen that I will not be submitting my name for an additional term as a Member of the Wayland Finance Committee upon the end of this term, on June 30, 2018. I have now served on the Wayland Finance Committee for seven of the past eight years, and it is now time for others to serve the Town and to provide their input into the various tasks performed by the Finance Committee. In addition, I made it clear when I was reappointed in June of 2017, that I would only serve for the remaining one-year term.

I appreciate the opportunity to have worked with the Board of Selectmen and the other boards and committees in Wayland over the past several years.

Very truly yours,


William Steinberg

Cc: Nan Balmer, Town Administrator

William Steinberg
49 Highland Circle
Wayland, MA 01778

May 22, 2018

Ms. Lea Anderson
Chairperson, Wayland Board of Selectmen
Wayland Town Building
Wayland, MA 01778

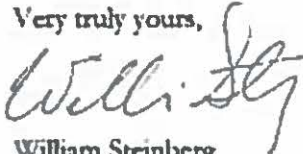
Re: Wayland Finance Committee – My Tenure

Dear Chairperson Anderson:

I am writing to request that the Board of Selectmen might consider me as a new Member of the Wayland Economic Development Committee. I believe that there are at least two open positions on the current Committee. My request would be to join the Committee in the next fiscal year, which begins in July 2018.

I have served in multiple positions with the Town over the past several years, and I believe that I would bring an informed perspective to the Economic Development Committee. My work for the Town includes two years as a Member of the Wayland Planning Board, serving as the Chair in both of those years, which included the permitting process for the Wayland Town Center project. I have served for seven years on Wayland's Finance Committee (in the process of completing my current tenure upon June 30, 2018). I have been a Member of the River's Edge Committee, the 2010 Town Meeting Procedures Committee and helped to write the mission statement for the WRAP committee.

I believe that I can add value to the Economic Development Committee and look forward to the opportunity of working with the members of that Committee.

Very truly yours,

William Steinberg

Cc: Nan Balmer, Town Administrator

Porter, David

From: Balmer, Nan
Sent: Tuesday, May 29, 2018 3:02 PM
To: Porter, David; Gantwerk, Roslyn
Subject: FW: 2018 Municipal Vulnerability Preparedness (MVP) Program Planning Grants

AWARD OF GRANT

Correspondence

From: Russo, Joseph (HOU) [<mailto:Joseph.Russo@mahouse.gov>]
Sent: Tuesday, May 29, 2018 2:34 PM
To: Gentile, Carmine - Rep. (HOU)
Subject: 2018 Municipal Vulnerability Preparedness (MVP) Program Planning Grants

Good Afternoon,

On behalf of Rep. Gentile, I would like to extend congratulations on the announcement that your community will receive a Municipal Vulnerability Preparedness (MVP) program planning grant from the Department of Energy and Environmental Affairs. Your is one of only 10 communities in the Metrowest and 79 municipalities overall to receive this grant.

If Rep. Gentile or I can be of further assistance in any way, please do not hesitate to reach out.

Best,

Joe

Joseph Russo | Legislative Aide
Representative Carmine L. Gentile | 13th Middlesex
State House, Room 167 | 24 Beacon Street Boston, MA 02133
617-722-2810 | joseph.russo@mahouse.gov



Open Meeting Law:

Balancing Government Transparency
with Government Efficiency



Who the AGO Serves & How

Who: The Commonwealth

Residents of the Commonwealth
and their public interests

State departments, officers, and
commissions

Groups of consumers

How: Four Major Ways this Work is Executed





Public Protection & Advocacy Bureau

Description

Protecting students against predatory for-profit schools;
Ensuring that workers are paid the wages they are owed;
Combating discrimination by landlords and employers;
Keeping struggling homeowners in their homes through loan modifications; and
Fighting for consumers against scams and other deceptive business practices.

Divisions of the Public Protection & Advocacy Bureau



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Where the AGO is located

Attorney General Maura Healey and her staff engage with every city and town of the Commonwealth. The Attorney General's Office also runs a statewide Consumer Advocacy and Response Division and supports over thirty regional local consumer and face to face mediation programs, which you may choose to contact.



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Purpose of Open Meeting Law (OML)

Government
Accountability



Government
Efficiency

Ensures transparency by public bodies by requiring:

- Notice
- Open Deliberations
- Public Access

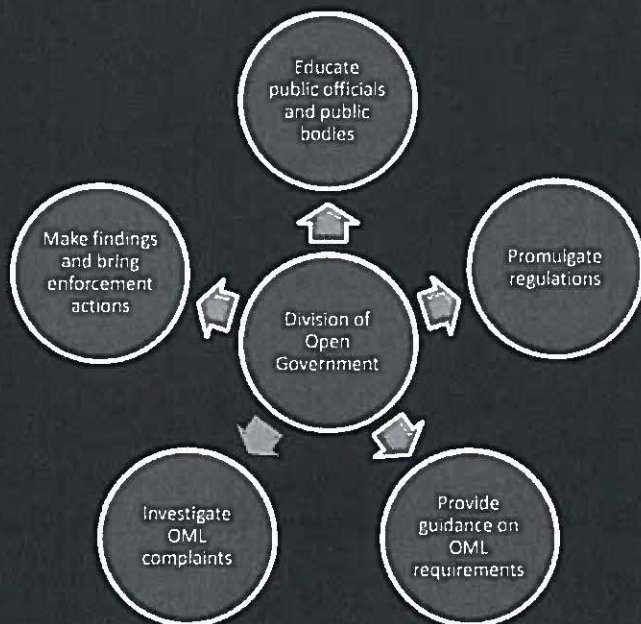
Allows government to efficiently manage operations by:

- Providing for certain deliberations in executive session
- Maintaining confidentiality of certain records of executive session

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only



Attorney General's Role



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only



Certification

CERTIFICATE OF RECEIPT OF OPEN MEETING LAW MATERIALS

I, _____ who qualified for the office of _____ (Name)

_____ on _____ (Date), certify pursuant to G.L. c. 30A, § 20B(1), that I have received copies of the following Open Meeting Law materials:

- 1) the Open Meeting Law, G.L. c. 30A, §§ 18-25;
- 2) regulations promulgated by the Attorney General under G.L. c. 30A, § 25; and
- 3) educational materials promulgated by the Attorney General under G.L. c. 30A, § 19(B), explaining the Open Meeting Law and its application.

I have read and understand the requirements of the Open Meeting Law and the consequences of violating it. I further understand that the materials I have received may be revised or updated from time to time, and that I have a continuing obligation to implement any changes in the Open Meeting Law during my term of office.

(Name)

Name of Public Body

(Date)

Pursuant to G.L. c. 30A, § 20B(1), an inscribed copy of this certificate shall be retained according to the relevant records retention schedule by the appointing authority, any or her or him, or the executive director or other appropriate administrator of a state or regional body, or their designee.

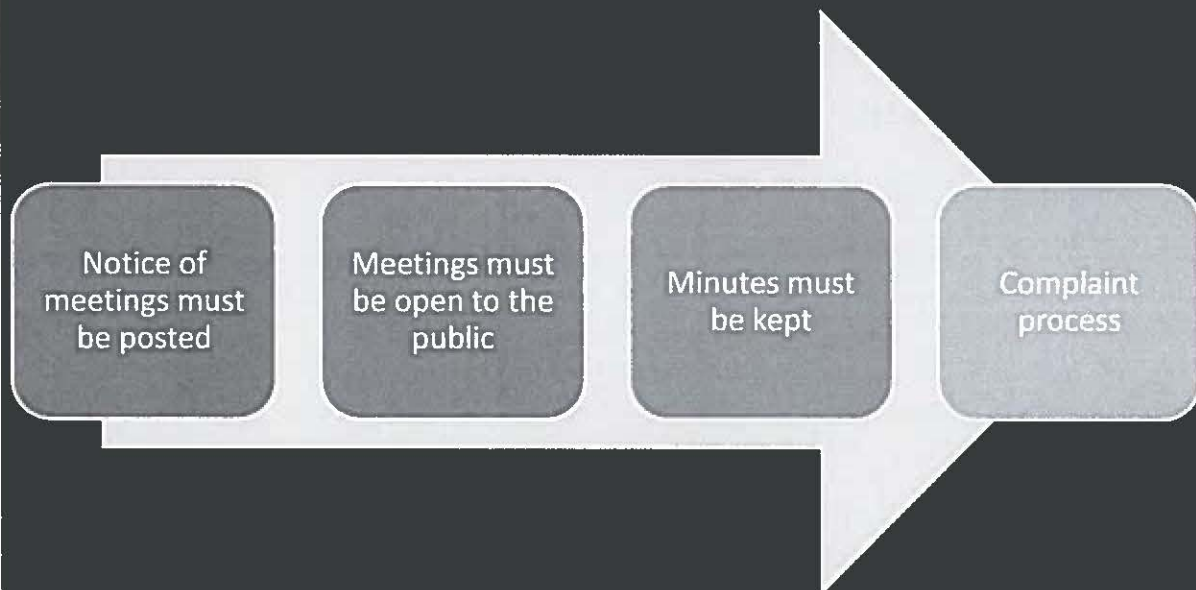
Members must sign certification within two weeks of receipt:

- Read and understand requirements of the law and consequences for violating it
- Educational Materials:
 - OML Guide Book
 - Last 5 Years of OML Determinations

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Open Meeting Law Basics



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Public Body

Definition

A multi-member board, commission, committee or subcommittee ... however created, elected, appointed or otherwise constituted, established to serve a public purpose ... subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.

Connelly exception

Where a public official creates a group to advise that public official on a decision that he or she has sole responsibility for, the group is not subject to the Open Meeting Law. See Connelly v. School Committee of Hanover, 409 Mass. 232 (1991)

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Exclusions

State Legislature



Massachusetts House of Representatives

Judicial Branch



Massachusetts Supreme Judicial Court

Not-for-Profit Organizations



The Greater Worcester Land Trust

Focus Groups



No Public Purpose



Constitutional Officers



Massachusetts Governor Charlie Baker

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Examples: Public Bodies

State:



University of Massachusetts Board of Trustees

Local:



Town of Brookline, MA Board of Selectmen

Regional:



Martha's
Vineyard
Airport
Commission

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Examples: NOT Public Bodies

State:



Regional:



Algonquin Regional High
School Boosters Club

Local:



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Quorum and Deliberation

"An oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction."



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Deliberation

Not deliberation:



- Agenda
- Scheduling



- Reports or documents



- Subquorum, but not subcommittee



- Recess a Town Meeting for emergency

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Meeting

Definition: Deliberation by public body with respect to any matter within the body's jurisdiction

Excludes:



On-site Inspections



State Quasi-Judicial Boards



Town Meetings (Tewksbury Town Meeting)



Events

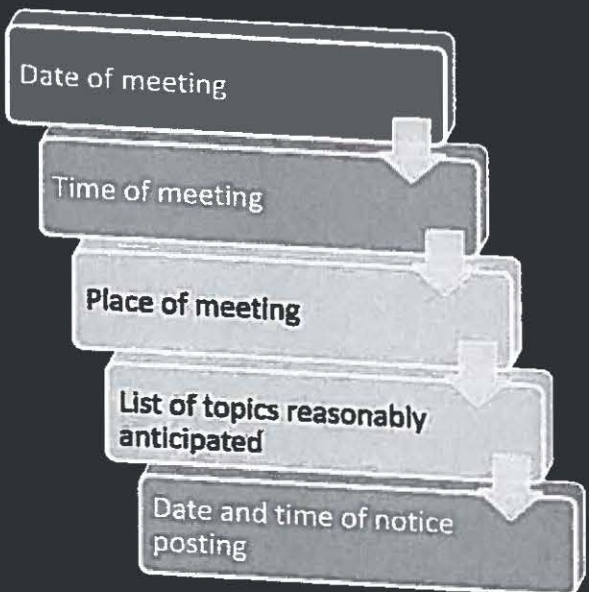
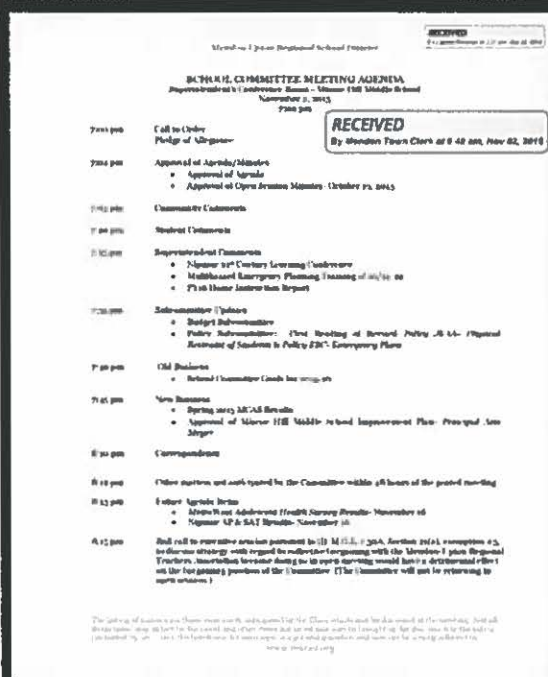


Attendance at Meetings of other Public Bodies

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Meeting Notices



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Meeting Notices

Emergency Meeting

Unexpected



Requires
immediate
action

© 2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Meeting Notices: Local Public Bodies



File with Municipal Clerk

Or



Bulletin Board



Municipal Website

© 2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Meeting Notices: County, District and Regional Public Bodies

Hampshire
Council Of
Government
Board Of
Councilors



Plymouth Board of County
Commissioners



Amherst-Pelham
Regional School
Committee

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only



Meeting Notices: State Public Bodies

Post to the public body's
website or the website of its
parent agency



William Francis Galvin
Secretary of the Commonwealth
of Massachusetts

Notify the Attorney General
of the location of the
website

Send a copy of the meeting
notice to the Regulations
Division of the Secretary of
the Commonwealth's Office

regs@sec.state.ma.us

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only



Notice Posting: Common Concerns



What if a new topic arises after notice is posted?



What if the clerk can't post notice in time?



Cancelling a meeting?

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



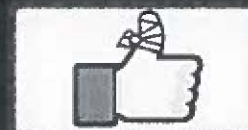
Meeting Notices: Websites

Finding notices

- Notices should be easy to find on the website; listed either in a central page or at each public body's page
- Avoid posting in multiple locations unless linked to same document/page

Webpage outages

- 6 business hours to fix website, otherwise must cancel noticed meetings within 48 hours of outage



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Accessibility

Reasonable efforts to accommodate crowds

Accessible to the disabled

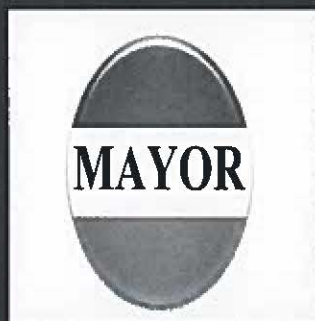
Americans with Disabilities Act, federal Rehabilitation Act of 1973,
state constitutional provisions

The Attorney General's Civil Rights Division can assist -
Contact the Civil Rights Division at (617) 963-2939

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Remote Participation Authorization



Local Public Bodies

- Mayor or board of selectmen approval



County Public Bodies

- County commissioners must authorize



State/Regional Public Bodies

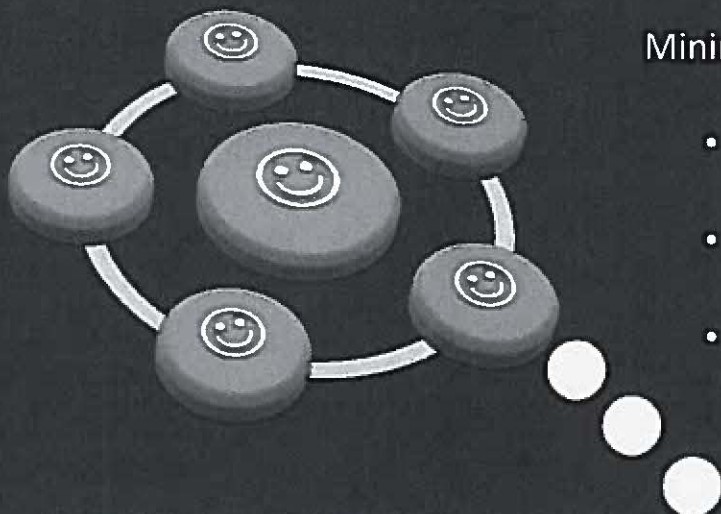
- Simple majority vote

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Remote Participation

Permissible reason for Remote Participation: physical attendance at the meeting must be unreasonably difficult.



Minimum Requirements:

- Clearly Audible
- Quorum Present
- Remote participants may vote

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Remote Participation

Procedures for Remote Participation

Notify chair

Announcement

Roll call votes

Documents

Executive session
declaration

Technical difficulties



Technology



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Public Participation



Public may attend open session

Addressing the public body

Recording/Informing

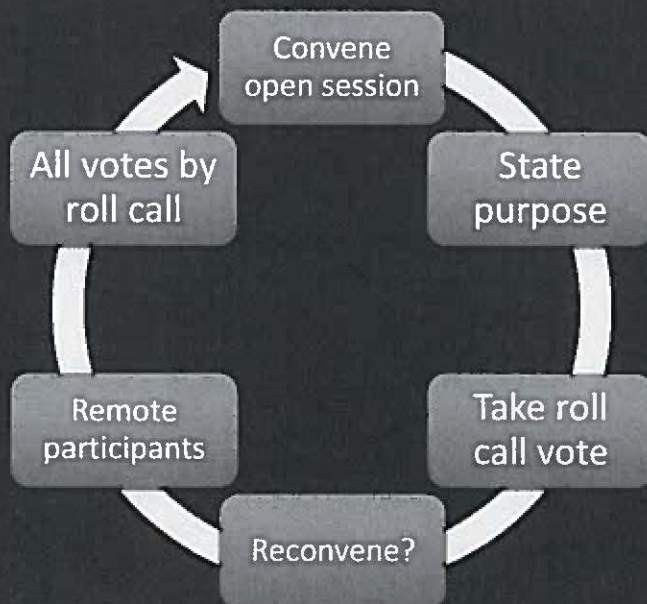
Removal

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Executive Session

Procedural requirements for entering executive session



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Executive Session Purpose: 1

"To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual."



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Executive Session Purpose: 2

"To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel."



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Executive Session Purpose: 3

"To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares."



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Executive Session Purpose: 4 & 5

4. Security personnel or devices



5. Criminal misconduct



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Executive Session Purpose: 6

“To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.”



Wellfleet, MA

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only



Executive Session Purpose: 7

“To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.”



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only



Executive Session Purpose: 8

"To consider or interview applicants for employment or appointment by preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening."

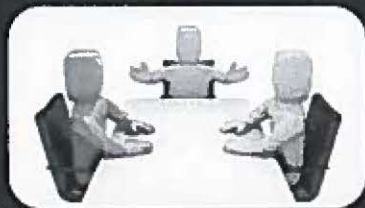


©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Executive Session Purposes 9 & 10

9. Confer with mediator on litigation or decision



10. Trade secrets in the course of activities conducted by a public body as an energy supplier



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Meeting Minutes

BOARD OF HEALTH MONTHLY MEETING
Monday, December 2, 2013
2 to 4:00 PM, Ralstonville, MA

Present members: Richard Tridick, Donald Toungay, and E. Lee Cowles
Absentees: _____
Health Director: Phil Lopez
Administrative Assistant: Deana Morrison

• Meeting called to order at 6:00 pm by Chairman Tridick
• Chairman's Report: Mr. Tridick stated that next meeting will be held in the May election.
• Member's Report: _____
• Minutes of meeting of October 6, 2013: Mr. Toungay made the motion to accept minutes of the November 7 meeting with one correction, Add "y" to the word appear in the Emergency Call Down Response List under new business. Mr. Lee has seconded for motion passing unanimously.

Old Business:

- Budget Update:** Mr. Lopez presented to the BOH the budget for FY 14 the approval. Mr. Lopez further stated that the salary has risen. He applied a 1.7% raise as well as a step raise for eligible employees to take effect on their respective dates. With the exception of Annual Inspector Inpatient at \$1500.00 and Annual Inspector Outpatient at \$1500.00. The rest of the budget request is for level funding. There was a brief discussion of funding the contract report to Well 8 in the Lowell in the spring. Mr. Toungay asked Mr. Lopez that there is a funding source available from the Lowell Clean Air Agency. Mr. Lopez will speak to Lowell Department to see if possible to use their money to cover Well 8. Mr. Toungay continued to accept the budget as presented and Mr. Cowles seconded the motion, motion passing unanimously.
- Office Update:** Ms. Morrison informed the BOH that the 00 hour work week has begun and going well. Ms. Morrison further stated that the team expectations have progressed, with only three hours left for completion. Mr. Lopez informed the BOH that Debbie Dumas resignation is moving rapidly. The Anna committee will work long on a solution for the grave site. Renee's Team on East 1 completion will be using an aerial crane rig.
- Region 1 FY C meeting Update:** Mr. Lopez stated that the report had a forwarded meeting today regarding DMCC Features. The drive is to coordinate administrative and resource coordination. Region 2 has already implemented some of the necessary changes needed. That also would mean less grant funding for local grants.
- AFIPN Update:** Mr. Lopez informed the BOH that all 11 towns have signed the SAA making the grant writing no longer task as 11 towns is also network is improving.
- Handing Update:** Mr. Lopez stated that there were 2 housing cases for month both have been resolved and will be followed up.

New Business:

- Former Lily Chemical Response Database Update:** Mr. Lopez informed the BOH that the site is still being monitored, with very low risk level of contamination. The site is one out of the Zone 2 delineation for the town south.

Other Business:

Adjournment:

A motion was made by Mr. Toungay to adjourn at 7:29 pm, seconded by Mr. Cowles. The motion passed unanimously.

Chair's signature: _____
Date approved: 01-11-2014

- Minutes must state the date, time, place of the meeting, and list of members present or absent
- Minutes must include:
 - A summary of discussion of each topic
 - Decisions made and actions taken, including a record of all votes - Secret ballots prohibited
 - List of documents and other exhibits used by the body at the meeting, including by remote participants



Meeting Minutes

Approving Minutes

Upon Request

- Latest of 3 meetings or 30 days BUT whenever possible, approve at the next meeting
- Documents and exhibits used by public body must be retained by the public body but do not need to be physically stored with the meeting minutes
- Open session minutes provided within 10 days of request
 - Whether in draft or approved form
- For all other records – Consult Supervisor of Records in the Secretary of State's Office



Executive Session Minutes

Minutes must be reviewed periodically by the chair or public body to determine if the purpose for executive session remains. The determination must be announced during the next meeting and be included in the minutes

Public body must respond within 10 days to request for executive session minutes

Provide minutes if no longer exempt from disclosure;
or

Review at next meeting or within 30 days, whichever comes first.

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only



Document Used at a Meeting

Documents used by a public body during an open meeting are public records!

But, the following materials are exempt from public disclosure:



Performance evaluations
NOT created by members
of the public body



Application materials,
other than resumes

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only



Complaint Process

Step 1: The Complainant

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 _____ Last Name _____
Address _____
City _____ State _____ Zip Code _____
Phone Number _____ Ext. _____
E-Mail _____
Organization or Media Affiliation (if any) _____

Are you filing this complaint in your capacity as an individual, representative of a large business, or a bar? (check appropriate box)

Individual Organization Bar

Public Body that is the subject of this complaint:

City/Town County Regional District None

Name of Public Body (including if you think, county or region, if applicable) _____

Date of complaint _____

Description of alleged violations
Describe the act and identify the violation and address if you believe it is a violation. Attach any supporting evidence to the right of the public body supporting your claim.

Note: This form has a maximum of 8000 character limit.

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

Note: This area has a maximum of 1000 character limit.

Review, sign, and submit your complaint

A. Dismissal of your Complaint
Please Note: Under most circumstances, your complaint will only be dismissed if submitted with your consent, without a finding of a public body violation. In any instance of a public body violation, the public body generally will not be dismissed unless otherwise noted.

B. Escalation to a Free Attorney
This field confirms that you have access to a free attorney. If you are unable to obtain a free attorney, you may request a public body attorney. If you have any questions regarding your individual legal rights or responsibilities, you should consult a private attorney.

C. Submit Your Complaint to the Public Body
The complaint must be filed with the public body (city/town or regional district) or the Commission of District Attorneys by calling 413-783-7243 or by mail to: complaint@state.ma.us

By signing below, I acknowledge that I have read and understood the provisions about how my information is protected. I have provided a true and accurate copy of the complaint.

Signatures: _____ Date: _____

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Complaint Process

Step 2: The Public Body

- Chair disseminates the complaint for response within 14 business days
- May delegate responsibility for responding after public body review
- Public body may request an extension of time to respond for good cause

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Complaint Process

Step 3: The Attorney General's Office

If the complainant is not satisfied with the resolution of the complaint by the public body, he/she may file the complaint with the Division 30 days after the complaint is filed with the public body

Complaints must be filed with the AGO within 90 days of the date of the original alleged violation or reasonably discovery of violation

- The AGO will not review allegations that were not raised in the initial complaint filed with the public body
- Complaints filed with the Attorney General's Office, and documents submitted with the complaint, are considered a public record

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Complaint Process

The Division of Open Government

Review complaint

Conduct investigation

Finding

Appeal

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Remedies



Compel immediate and future compliance



Compel attendance at training



Release minutes



Other appropriate relief



Nullify action



Reinstate employee



\$1000 civil penalty

A public body found in violation of the OML must certify to the Attorney General its compliance with a remedial order.

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Judicial Complaint Process

Attorney General or 3 or more registered voters may initiate a civil action to enforce the Open Meeting Law



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Review

Notice must be posted for meetings

Meetings must be open to the public,
unless public body enters executive session

Minutes must be kept for open and
executive sessions

Public body member certification

Complaint process

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Resources

Attorney General's Open Meeting Law Website

<http://www.mass.gov/ago/openmeeting>

- Open Meeting Law: G.L. c. 30A, §§ 18-25
- Regulations: 940 CMR 29.00
- Guide
- FAQs
- Checklists
- Determination Letters

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Contact Information

Office of Attorney General
Division of Open Government
One Ashburton Place
Boston, Massachusetts 02108
openmeeting@state.ma.us
(617) 963-2540

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Contact Us

www.mass.gov/ago

617-727-2200



File a Complaint about an Unfair or Deceptive Trade Practice

617-727-8400

www.eform.ago.state.ma.us

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Resources

Have a Complaint or Question?

General Assistance

Consumer Hotline: (617) 727-8400

E-Complaint form: www.eform.ago.state.ma.us

Specific Hotlines

HomeCorps (617) 573-5333

Elder Hotline (888) 243-5337

Fair Labor Division (617) 727-3465

Civil Rights Division (617) 727-2200

Medicaid Fraud Tipline (617) 963-2360

Insurance Fraud Tipline (617) 537- 5330

Insurance & Health Care Consumer Helpline (888) 830-6277

©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



Thank You from the Attorney General

Attorney General

Maura Healey is the chief lawyer and law enforcement officer of the Commonwealth of Massachusetts.



©2018 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



PATRICK SWANICK
CHIEF OF POLICE

Monthly Report - April 2018

On May 1st Wayland Police Officers responded to the TD Bank on Boston Post Road to investigate a complaint that someone was attempting to cash a counterfeit check. The person handed the teller the fraudulent check along with his Massachusetts Identification Card. The person passing the check had left the building prior to the arrival of the police.

The officer took the report and seized the check and Identification card. Detectives compared the photograph of the Massachusetts Identification Card with the surveillance camera pictures from the bank and determined that it was the same person. The suspect, a 33-year-old man from Boston, was summoned to court for Attempted Larceny.

On Saturday May 5th at 11:50 p.m., Officer Kullich observed a small dark colored SUV heading east on Commonwealth Road. The vehicle was travelling well below the speed limit and crossed the double yellow center line on several occasions. Several opened bottles of alcohol were located inside the vehicle.

The operator, a 49-year-old female from Wayland was placed under arrest and charges with; Marked Lanes Violation, Operating Under the Influence of Alcohol.

On May 10th at approximately 5:36 AM, an officer responded to a motor vehicle accident in the area of 66 Shermans Bridge Road. The vehicle travelled across the center lane, then off the roadway and crashed into a tree. The operator, a 20-year-old male from Lincoln, stated that he fell asleep while driving. He was summonsed to court for Marked Lanes violation and Negligent Operation.

On May 11th the Wayland Police took a report concerning a larceny from the Rite Aid located at 35 Main Street in Wayland. The Asset Protection Manager reported that more than \$2,000 was missing from store bank cash deposits. The Asset Protection Manager suspected that the larceny was committed by an employee who had not returned to work. He was unable to contact or locate the employee since the theft was committed.

Wayland Detectives took over the investigation and were able to locate the suspect. Detectives interviewed the suspect and obtained a full confession for the theft. The suspect, a 24-year-old female from Framingham, was charged with Larceny Over \$250.

Shortly after 7:00 a.m. on May 11th officers responded to a call in the area of Rice Road for a family matter/mental health issue. An adult male who lives with his elderly mother was verbally abusive and

acting irrationally. He took his mother's car and drove to a parking area off Rice Road. Wayland Officers located the vehicle and noticed that a rock was thrown through the driver's side window. Several Wayland Police officers responded to the area and searched for the distraught individual. After approximately 30 minutes the subject was located on one of the trails in the wooded area. The man was escorted back to the parking area and was subsequently transported to the hospital to be evaluated.

The Wayland Police continue to work with the Wayland Schools to increase student safety. This month Officers continued to teach Rape Aggression Defense (RAD) to female students. The classes will continue through the end of the school year. This month the Wayland Police conducted an A.L.I.C.E. Safety Drill at the Wayland Middle School. On Friday May 25th the Wayland Police Association hosted a breakfast for the graduating senior class to celebrate their last day of school. On Wednesday the Police Department hosted a Pizza and Cops event at the Wayland Middle School.

New Officers – Our two new officers, Kristin Oberlander and Tyler Reeves will start their police training at the Reading Police Academy on Monday June 4th. They will spend the next 22 weeks learning, training and preparing to become police officers.

Emergency Management:

Local Emergency Planning Committee Chair Doug Leard, Fire Department Chief David Houghton and I hosted an exercise to simulate a real life disaster event in Wayland. Department heads, school officials and Town Selectmen participated in the event. The event included opening the Emergency Operations Center (EOC) at the Public Safety Building.

Our goal was to start to prepare department heads and town leaders to develop plans for handling disasters in Wayland. Each working group was given the task to come up with their three concerns during each phase of the exercise and develop realistic action plans. We are planning for more training of this type in the future.



Patrick Swanick

Chief of Police



Memorial Day Parade 2018



Pizza and Police at the Wayland Middle School

Wayland Police Department Detective Division Report for May 2018

INVESTIGATIONS

Rite Aid Pharmacy – Larceny over \$250
Larceny over \$250 – Old Tavern Road
Attempted Suicide/Sexting Case
Check Fraud – TD Bank
Check Fraud
Sexual Assault - Wayland
Sexual Assault – Boston Post Road
Domestic/Section 12 – Magnolia Drive

MEETINGS/TRAININGS

Firearms Training – Level 2 Instructor
Firearms Qualifications
CJIS Training
In-Service Training - Make up days
Advanced Detective Training
Open Meeting Law Training
MILO Firearm Training
Quarterly meeting w/DVSN
Youth Advisory Committee Meeting

MISCELLANEOUS

Framingham District Court – MV/Criminal Hearings
DOJ Bullet Proof Vest Grant Application
PBT/BT to OAT for certifications

COMMUNITY SERVICES

RAD Class – WHS
Council on Aging – Prescription take back
Council on Aging Luncheon
Wayland High School Prom
ALICE drill – Wayland Middle School
Wayland Middle School Cape Cod Trip
Wayland Middle School Pizza Day
Memorial Day Parade

*Wayland Police Department
Monthly Training Report*

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

CJIS and NCIC Training

DCJIS

Wayland Ma Police Department

Patrick Swanick	May 16, 2018
Charles Akins	May 16, 2018
William Smith	May 16, 2018
Redmund Walsh	May 16, 2018
Jaime Berger	May 16, 2018
Tyler Castagno	May 16, 2018
Sean Fitzgerald	May 16, 2018
Lynnet Sloan	May 16, 2018
Justen Kazan	May 16, 2018
Colin Fitzpatrick	May 16, 2018
Ken Davis	May 16, 2018
Sean Gibbons	May 17, 2018
Christopher Custodie	May 17, 2018
Mark Hebert	May 17, 2018
Christopher Cohen	May 17, 2018
Seanna Lombardo	May 17, 2018
Christopher Hanlon	May 17, 2018
Mark Wilkins	May 17, 2018
Shane Bowles	May 17, 2018
Jarod Kullich	May 17, 2018
Timothy Henderson	May 17, 2018

Advanced Detective Clinic

Commonwealth Police Services

Wakefield Ma Police Department

Seanna Lombardo

May 9-10, 2018

In-Service

MPTC

Reading Academy

Colin Fitzpatrick

May 7-10, 2018

Police Chief & Command Staff Managerial Skills

Martha's Vineyard Law Enforcement Council

Edgartown Ma

Sean Gibbons

May 21-25, 2018

Christopher Custodie

May 21-25, 2018

Executive Police Leadership School (4 day)

Commonwealth Police Services

Sudbury Ma Police Department

Patrick Swanick

May 4 & 11 & 18, 2018

Sean Gibbons

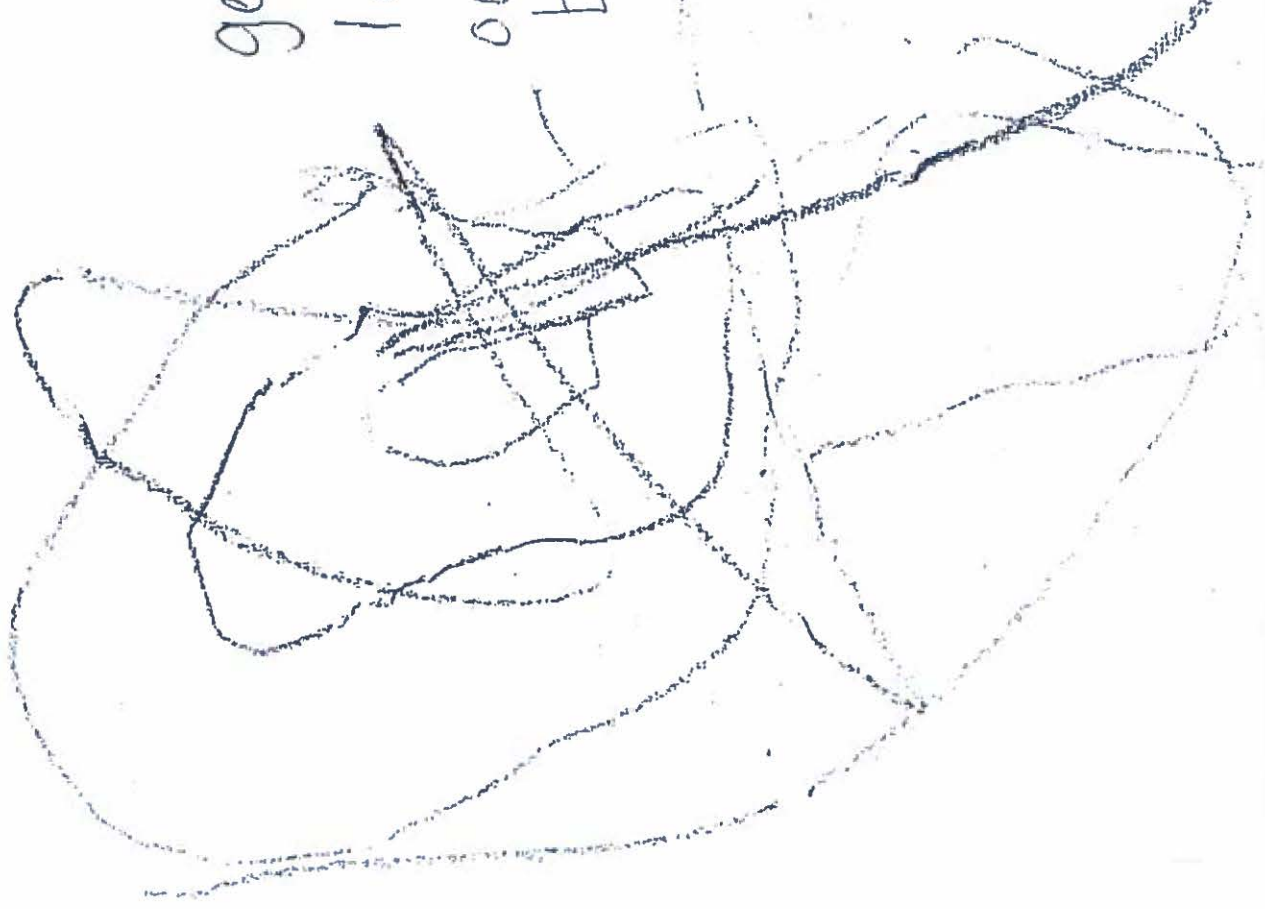
May 4 & 11 & 18, 2018

Dear Lt. Gibbons,

Thank you for
getting our street
light! It will make
our neighborhood
bright and safe!

From,

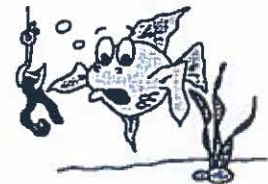
Tommy Lemire
Parkland Dr.



TO WMLK

THANKS FOR YOUR
GREAT SUPPORT!

Wayland Youth Fishing Derby



Thank you from all the children and families that took part in the Wayland Youth Fishing Derby! And the Vernon Cancer Center at Newton Wellesley Hospital wants to extend their gratitude for your generous donation which helped raise money for its programs that serve patients and their families.

CHECK US OUT ON FACEBOOK!

100% of proceeds from the Derby went to the VCC.

Tom Antonellis, Sponser and Organizer

www.carpentrybytomantonellis.com

www.waylandfishingderby.com

<http://www.nwh.org/departments-and-services/vernon-cancer-center/>