

PACKET

JULY 23

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, July 23, 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 of agenda for the public
- 7:10 pm 2. Executive Session: Enter into Executive Session:
- I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real property with respect to the Town's agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road, and pursuant to Section 21 (a) (3) to discuss strategy with respect to litigation regarding the Agreement with Twenty Wayland, LLC and the Town of Wayland, and
 - II. Pursuant to Massachusetts General Laws Chapter 30A, Section 21, (a) (2) to conduct a strategy session in preparation for contract negotiations with non-union personnel, the new Town Administrator Louise Miller
- 7:25 pm 3. Announcements and public comment
- 7:30 pm 4. Marijuana Discussion with Town Planner: Review Working Group memo and the schedule to place zoning articles on the Special Town Meeting warrant, potential vote to set date for Special Election

BOARD OF SELECTMEN
Monday, July 23, 2018
7:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road

Proposed Agenda – Page Two

- 7:40 pm 5. Special Act: Update on Selectmen's work with boards and committees, discuss next steps
- 8:00 pm 6. 2018 Special Town Meeting: Review list of Town Meeting Articles, Discuss articles to be sponsored by Board of Selectmen, Review STM Schedule and Warrant Article Form
- 8:20 pm 7. Town Administrator's Report
1. Correspondence
 2. Town Administrator Vacation/Acting Town Administrator
 3. Private Roads – Final Package
- 8:25 pm 8. Minutes (None)
- 8:30 pm 9. Consent Calendar: Review and vote to approve (see separate sheet)
- 8:35 pm 10. Correspondence Review
- 8:40 pm 11. Selectmen's reports and concerns
- 8:45 pm 12. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any
- 8:50 pm 13. Adjourn



Sarkis Sarkisian
Wayland Town Planner

TOWN OF WAYLAND
MASSACHUSETTS
01778
PLANNING DEPARTMENT

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3615
FAX: (508) 358-4036

DATE: July 19, 2018
TO: Board of Selectmen
FROM: Sarkis Sarkisian, Town Planner
Julia Junghanns, R.S., C.H.O., Director of Public Health
RE: Commercialization of Marijuana in Wayland

For the past several months the Marijuana Working Group has been meeting regularly to understand the new State law that will legalize the cultivation, personal use and retail sales of recreational marijuana throughout the Commonwealth and how Wayland will be impacted. As you know, the Town of Wayland voted to extend a moratorium, which is effective through December 31, 2018. Once this date expires it will open up the potential for recreational marijuana business in Wayland. Ultimately the temporary moratorium was passed to allow time for State Regulations to be finalized and to allow the Town to have a community discussion before making a final decision on whether we should allow the commercialization of marijuana in our community. The legal use of recreational marijuana is not in question; we are addressing commercialization only.

The Marijuana Working Group consists of the following: Department Heads: Sarkis Sarkisian (Town Planner), Julia Junghanns (Health Director), Pat Swanick (Police Chief), Jason Verhoosky (Director Youth and Family Services), Beth Klein (Town Clerk), Geoff Larsen (Building Commissioner); Committee members: Sarah Greenaway (Chair Youth Advisory Committee), Ira Montague (Vice Chair of Planning Board), Lea Anderson (Chair Board of Selectmen), John Schuler (Chair Board of Health); and residents: Tom Sciacca and James Winokur.

The Working Group consulted with other towns to gather information for review and consideration, and to determine potential strategies. We also reviewed the final regulations that were recently approved by the Cannabis Control Commission. A Marijuana Forum was organized by the working group and held on June 5, 2018.

Outline of Working Group activities on Commercialized Recreational Marijuana:

1. Working Group meetings were held on the following dates in 2018:

- April 24, April 30, May 14, May 21, June 12 and July 9
2. Town of Lincoln Pot Forum presented by the Selectmen's Marijuana Study Committee and held on April 25, 2018; attended by Julia Junghanns (Health Director) and Sarah Greenaway (member of Youth Advisory Committee). Information gathered from the forum was shared with the group, considered for a Wayland forum and added to the town website including a video of the forum.
 3. Board of Health meeting on May 7th, 2018, for discussion and presentation by Town Planner Sarkis Sarkisian, including representatives of the Youth Advisory Committee and Jason Verhoosky, Director of Y&F Services.
 4. May 8th, 2018 Planning Board meeting; presentation and discussion.
 5. Wayland Forum on Marijuana, held June 5, 2018.
 6. Update provided to Board of Selectmen, May 23, 2018.
 7. Board of Health voted unanimously (5-0) to ban Commercialized Recreational Marijuana on June 11, 2018.
 8. Updates to the Board of Selectmen from the Health Director, Board of Health, and Town Planner, June 25, 2018.

- **At this time the Marijuana Working Group is presenting to the Board of Selectmen three possible courses of action to consider as outlined below.**

Do Nothing -- Least Restrictive Option

- Wayland Moratorium ends on December 31, 2018
- No further BOS action necessary
- No protection-this option leaves the Town open to Commercial Recreational Marijuana business in Wayland

The Town of Wayland's current moratorium will expire at the end of December 2018. If this option is chosen, after December 31, 2018 any entity wishing to establish cultivation, processing and/or retail dispensing of Recreational Marijuana in Wayland would be permitted to do so under the regulations of the State, unless the Town of Wayland adopts local regulations through a zoning article. The basic restriction on locations for any of these functions is that they may not be located within 500 feet of any pre-existing private or public school. All other State rules would apply. Note: Federal Law still prohibits Commercialized Recreational Marijuana.

Enact Wayland Zoning Regulations, stricter than State Law -- More Restrictive Option

- Draft a Zoning Bylaw and create a district for the Commercialization of Marijuana
- Planning Board holds public hearing

- Requires a 2/3 vote at Town Meeting
- Would be enacted by the end of 2018

Under this option, the BOS would need to create a Zoning Bylaw which would allow marijuana cultivation, processing and/or retail dispensary locations in Wayland, containing more restrictive conditions and controls than those established by state law. Other restrictive conditions could include the set back from playgrounds and parks, potential restrictions on site locations, additional security requirements, signage and local licenses. An amendment to the Zoning Bylaw would necessitate taking the marijuana issue through the Planning Board with the required public hearings. Under this option we could allow all functions in one location or within a new overlay district. This option would require a 2/3 vote at Town Meeting. I have enclosed a draft Zoning Bylaw which is based on the Attorney General's approval from the Town of Windsor and Berkshire Planning Commission. This will be discussed at the Planning Board meeting on July 17, 2018.

Fully prohibit all functions of Commercialized Recreational Marijuana -- Most Restrictive Option (recommended option by BoH and Working Group)

- No regulations or Bylaws needed
- BOS must vote to place a question on the ballot for a full ban, language to be provided by Town Counsel.
- Timing for the ballot question must be scheduled (requires simple majority vote at the polls)
- A warrant article must be provided by the Planning Board for Special Town Meeting to approve the ban (requires a 2/3 vote). Language to be provided by Town Counsel.

The Board of Selectmen have the ability under state law, to submit a ballot question to fully prohibit and ban all functions of Commercialized Recreational Marijuana cultivation, processing, and/or retail dispensing of marijuana in Wayland. The ballot question would be a simple majority. The prohibition also needs a zoning article to be enacted by Town Meeting requiring a 2/3 vote. This amendment would require a zoning article through the Planning Board with the required public hearings. (If this article fails to pass, then a zoning article for a marijuana commercial district will be considered at STM.)

Board of Health recommendation: After a full discussion, the Board of Health voted unanimously 5-0 at their meeting on June 11, 2018 to recommend that the town fully ban the Commercialization of Recreational Marijuana in Wayland.

Marijuana Working Group recommendation:

The Marijuana Working Group is also recommending that the Board of Selectmen fully prohibit cultivation, processing, and dispensing of commercialized marijuana in Wayland. A total ban of commercialization of marijuana will help prevent potential negative secondary effects that could be caused by these operations. We have heard and read published reports from other states where marijuana is currently grown, processed and sold that it has caused a major shift impacting law enforcement and public health. *There is no additional funding from the Commonwealth or from the Town of Wayland to manage these potential secondary negative side effects.*

The working group learned that the origin of WaylandCares dates back to 1981 and was organized to address underage drinking and drug use, *the goal of which is to be a Drug Free Community.* We are very fortunate to have this organization in our community. The goals of this coalition are to raise community awareness about youth substance abuse and prevention through education, social marketing and advocacy and to strengthen the community infrastructure to address youth substance abuse. In 2005 Wayland Pubic Schools received a three-year grant from the MetroWest Health Care Foundation to build a community coalition, strengthen curricula for secondary school heath education and create new ways to intervene and support youth with substance abuse issues. In 2008, the Wayland Schools Substance Abuse Prevention Coalition received a five-year \$625,000 federal grant.

The commercialization of marijuana is still in conflict with Federal law and has not been removed from the Federal Schedule I drug list. Possession and use of medical marijuana in compliance with state law would be allowed; those individuals who desire to possess and use medical marijuana would be able to acquire it from nearby dispensaries in neighboring jurisdictions (e.g., Milford, Marlboro, Framingham).

If the BOS chooses a full ban on the Commercialization of Marijuana, the following options below show scheduling that must be considered before making a decision. On July 9, 2018, the Marijuana Working Group discussed all the options in detail with Town Counsel present, held a straw vote and recommends *Option 4.* This Option was chosen because of the timing sequence between votes and without the complications of a dual election as stated in the Town Clerk's memo dated July 9, 2018. We also considered the end of the moratorium, December 31, 2018, which leaves the town at risk if no action is taken before this date.

There are five scheduling options to consider to enact a full ban:

Option 1.

Special Fall Town Meeting Approval November 13, 2018 (2/3 vote)

Dual town wide and state election ballot on November 6, 2018

of times voters will be at polls in fall - 2

*Zoning Article still needed to protect Town (from the Planning Board)

Option 2.

Special Fall Town Meeting Approval November 13, 2018 (2/3 vote)

Dual Town wide and state election ballot on September 4, 2018

of times voters will be at polls in fall - 2

*Zoning Article still needed to protect Town (from the Planning Board)

Option 3. Special Fall Town Meeting Approval November 13, 2018 (2/3 vote)

Town wide election ballot in spring of 2019

of times voters will be at polls in fall - 2

*Zoning Article still needed to protect Town (from the Planning Board)

Option 4. (recommended by Working Group)

Special Fall Town Meeting Approval November 13, 2018 (2/3 vote)

Town wide election ballot in October of 2018

of times voters will be at polls in fall - 3

*Zoning Article still needed to protect Town (from the Planning Board)

Option 5.

Special Fall Town Meeting Approval November 13, 2018 2/3 vote

Town wide election ballot in December of 2018

of times voters will be at polls in fall - 3

*Zoning Article still needed to protect Town (from the Planning Board)

Below is information as provided by the Town Clerk in an updated memo dated July 9, 2018 for your consideration regarding the selection of dates that coincide with dual and single elections. The original memo was dated June 21, 2018.

	Date	Est Cost	Rank	Ballot Question due to TC by:
Dual Election – State Primary	September 4, 2018	\$8,000	Second	July 31, 2018
Dual Election – State Election	November 6, 2018	\$14,512	Fourth	Oct. 2, 2018
Special Local Election	October 2, 2018	\$12,000	First	Aug. 28, 2018
Annual Town Election	April 23, 2019	No additional cost	Third	Feb. 20, 2019

Planning Board Action

If the Board of Selectmen chooses the full ban option the Planning Board is still prepared to have a zoning article in place to give the Town of Wayland further control and protection. ***The Zoning Article can always be passed over if the ban passes.** Enclosed is a draft zoning amendment that the Planning Board will be discussing at their next meeting on July 17. The Planning Board would like to schedule the first public hearing for August 14. The zoning amendment is based on the Attorney General's Approval of the zoning amendment for the Town of Windsor Massachusetts which was prepared by the Berkshire County Planning Commission.

TO: Ms. Beth Klein, Town Clerk (*By Electronic Mail Only*)
FROM: Lauren F. Goldberg, Esq.
RE: Holding Local Election on Same Date as State Election
DATE: July 3, 2018

Questions

You have requested an opinion as to whether the Town may place a G.L. c.94G, §3 question on the September 4, 2018 primary or the November 6, 2018 state election ballot regarding the adoption of a bylaw limiting or prohibiting marijuana establishments in Town. You have also inquired as to potential legal and practical issues should the Board instead vote to hold a special local election on the same date as the November 6, 2018 State Election.

Short Answer

In my opinion, where G.L. c.94G, §3 does not authorize placement of a local question on the state election ballot, no such question may so appear. While special legislation could authorize the same, the state has been consistent in disfavoring the same except under very limited circumstances. The Town may, in my further opinion, hold a special election on the same date as the primary or the biennial state election, but should be aware of the administrative challenges and burdens associated therewith.

Detailed Analysis

1. Access to the Ballot Generally

Similar to access to the ballot for candidates, access to the ballot for questions is strictly regulated by law. A question may be included on the ballot for a local or state election only if authority therefor is found in the General Laws, or a special act or charter. See, e.g., G.L. c.59, §21C (Proposition 2 ½ allows a municipality to place up to three questions on state ballot and unlimited number of questions on local ballot); G.L. c.43B, §11 (charter amendment question to be placed on regular election ballot at least two months after approval by Attorney General, with summary); G.L. c.44B, §3 (adoption of Community Preservation Act with question on Town election ballot more than 30 days after Town Meeting action or on state election ballot more than 60 days after Town Meeting action, whichever occurs first, with summary); G.L. 40, §6D (placement of question on annual town election ballot to allow plowing of private ways, provided that petition of 200 registered voters is received); G.L. c.53, §18A (nonbinding public opinion ballot question may be placed on annual town election ballot by vote of Board of Selectmen)

2. General Laws c.94G, §3 Authorizes Placement of Question on Local Ballot Only

At this time, G.L. c.94G, §3 requires communities that voted “yes” on Question 4 at the 2016 State election to approve bylaws and ordinances limiting or prohibiting non-medical marijuana establishments by a vote of the legislative body (i.e., Town Meeting or City Council) and the voters at an election. After December 2019, regardless of how a municipality voted at the 2016 State Election, they will be required to submit such a bylaw or ordinance to the voters at an election.

The relevant portion of G.L. c.94G, §3 provides:

A ballot question under this subsection may be placed on the ballot at regular or special election held by the city or town by a vote of the board of selectmen or by the city or town council, with the approval of the mayor or chief executive officer of a city that does not have a mayor, and subject to a municipal charter, if applicable. (Emphasis added).

There is nothing else in G.L. 94G or elsewhere in the General Laws that allows a municipality to place a question on the state election ballot. Accordingly, in our opinion, pursuant to G.L. c.94G, §3, the ballot question may appear only at a regular or special Town election.

As noted above, special legislation could be used to authorize/direct that the Secretary of the Commonwealth print a local question on the state ballot. In recent years, however, the office has strongly disfavored the same in light of the tight deadlines and enormous task of creating, proofing and printing ballots statewide, particularly in light of the number of overseas voters requiring ballots. In our experience, it is unlikely that any effort by the Town would be successful to have a G.L. c.94G question appear on the state ballot.

3. Holding Special Election on Date of Primary or State Election

There is nothing in state law that would prohibit a town from holding a special election on the same date as the state primary or election, although such simultaneous elections places significant additional administrative burdens on the Town Clerk, office staff, and poll workers. Thus, any decision as to how to proceed should take into consideration the following matters.

A. *Pre-election Issues*

i. Warrant—In accordance with G.L. c.39, §10, the warrant for the state election and special town election would be required to be posted no later than 7 days prior to the election. The Town’s by-laws, Section 36-1, require notice of the time and place of a special election to be posted on the Town sign boards at least two weeks prior to the election and remain posted until the election is held.

ii. Ballots; form. Separate ballots would be required for the local and state election. The Town would be responsible for the printing the special election ballots and the Secretary’s office would print the state election ballots. To minimize confusion, the special election ballots would need to be different colors than the state ballots. Note that this issue would be even more

complicated if the special election were scheduled for the date of the state primary where there are different colored ballots for each party primary.

iii. Ballots; testing. The printer pack for the voting machines would have to be programmed to accept both the state and local ballots. A separate “test deck” would be required to be created and tested for each ballot type to ensure that the computer program has been adequately tested and that ballots for each election are tabulating correctly.

iv. Absentee ballots. Printed applications for absentee ballots allow a voter to request a ballot for a single election or for all elections. Each such ballot will need to be mailed separately, with a white “outside envelope”, a ballot, and the “inside envelope”, the brown envelope that contains the voter affidavit. The inside envelopes must be pre-marked by the Clerk’s office to specify the appropriate election so that the ballots may be appropriately tracked and to ensure proper processing at the polls.

If the voter does not select “all elections” on the pre-printed form, or provides a handwritten request, the Town Clerk may wish to include an informational insert indicating that the voter selected “an election” on their application, that there are two elections taking place that day so that the voter will be receiving one ballot for each such election, and that such ballots must be returned separately in the envelope provided for such purposes.

It is imperative to have a good system in place to accurately track all absentee ballots for both elections.

v. Voter Registration. In accordance with G.L. c. 51, §26, the last day to register to vote is 20 days prior to any election. Thus, the voter registration deadlines will be the same.

vi. Early Voting. At this time, it does not appear as if there will be early voting in connection with the state primary in September. G.L. c.54, §25B. However, beginning 11 days prior to the state election and until the close of business on the business day preceding the business day before the election, voters may cast ballots in the state election. Note that early voting is made applicable to a local election held on the same date as the state election. This, of course, will require meticulous tracking, use of two voter lists and the like. See below.

B. Election Day Procedures

i. Voters Lists. Two voters lists will be required, one for the state election and one for the local election, unless the Town prints an extra column on a single voters list. If a separate list is used, an extra set of poll workers will be required at both the check-in and check-out tables. Otherwise, workers for the special Town election may be shared with those working the state election. It is essential that poll workers properly check in and check out voters; this issue can be significant in the event a recount is required.

i. Voter Eligibility. Different rules apply to voter eligibility at a state and local election. At the state election, voters who have moved from the Town but who have not registered to vote

in any other city or town are eligible to vote in the state election. No similar rule applies to local elections, however, and if a person has removed from the Town they are not eligible to vote in the local election. Thus, it will be essential for poll workers to be trained on this distinction.

ii. Casting Ballots. A voter is not required to complete and deposit the ballot for one election prior to checking in and receiving a ballot for the second election, in my opinion. However, in order to vote in both elections, a voter must separately check-in and check-out for each election. The poll workers must be diligent in carefully checking people in and out for each election.

iii. Counting Absentee Ballots. Pursuant to G.L. c.54, §99, absentee ballots mailed from outside the U.S and postmarked on or before election day may be counted if received within 10 days of the election. Absentee ballots for the local election must be received by the close of polls on the day of the election or they cannot be counted.

C. Post-Election and Recount Issues

i. Closing Procedures. Following the close of the polls, ballots from the two elections must be carefully segregated. They must then be reviewed in detail, and be separately secured. This is essential so as to avoid complicating a recount.

ii. Ballot Retention Requirements. Ballots containing a federal office must be securely maintained without review for a period of 23 months. Local election ballots can be destroyed after 30 days. As such, separate storage containers will be required. In addition, I recommend using numbered tags with such containers to ensure integrity of the ballots and reduce concerns about the same. Consideration will also need to be given as to where such materials will be securely stored.

iii. Recounts. Where these are separate elections, a petition for a recount may be filed with respect to either election within 10 days of the election pursuant to G.L. c.54, §135. At a recount, the parties review the election with a microscope. Any state election is complicated, and it is easy to omit what appears at the time to be administratively burdensome obligations, such as, for example, checking in persons on both lists or ensuring that inactive voters sign affirmations of current and continuous residency and show identification or be challenged, etc. Such issues can, however, be critical in the event of a recount.

Summary,

While there are additional obligations imposed by holding a special Town election on the same date as the state election, the two can be conducted simultaneously. While a special election can be held on the date of the state primary, the nature of the primary itself is complicated, and there is more room for administrative error, in our opinion. If the decision is made, therefore, to instead hold a special election on the date of the State election in November, consideration may be given to the following: (1) issuing a formal press release notifying voters

of relevant information such as the check-in and check-out process, absentee ballot procedures, early voting and directing voters to the website or the Clerk's office for additional information such as sample ballots; (2) reviewing and updating poll worker manuals and policies to ensure compliance with current law and to enhance their usability; and (3) requiring mandatory training for all poll workers, provided on several dates, to ensure their familiarity with all election laws applicable to their responsibilities.

640231/WAYL/0001

Hegarty, Teri

From: Katherine D. Laughman <klaughman@k-plaw.com>
Sent: Monday, June 25, 2018 4:18 PM
To: 'Junghanns, Julia '; Sarkisian, Sarkis; Balmer, Nan; Carolyn M. Murray; Amy E. Kwesell; Klein, Beth
Cc: Jeffrey T. Blake
Subject: RE: Marijuana ballot question

Julia and Nan –

Just wanted to follow up with you on the issue of holding a local election with the marijuana ballot question coincident with the November state election. I know that Beth has had a follow up conversation with Lauren Goldberg from our office, who is our elections expert, about the issues surrounding such an undertaking. As we discussed at the working group, there are a number of potentially complicating factors with holding two elections at the same time. Among the concerns are the necessity of two different ballots, different voter lists (with differing eligibility standards as to who can vote based on current residency), different recording standards for early voting and absentee ballots, and different ballot counting and segregation requirements. There will, unquestionably be a significant burden on the Town Clerk to find and adequate train sufficient poll workers and administer two elections (state and local) at the same time, if the Town decided to proceed in this manner. We are working on our end to prepare a comprehensive summary of the issues that would need to be addressed should the Town decide to proceed in this manner. We anticipate being able to provide Beth with a complete list of these requirements by the middle of this week, at which point the Town can weigh the benefits of having potentially higher voter turnout on this issue verses the burden that would be placed on the Town by proceeding in this manner.

I note that there is nothing in the statute that requires that the ballot vote precede the Town Meeting action, and if the Town decided to hold the ballot vote after Town Meeting, we could certainly draft the Town Meeting Articles in such a way as to make any vote to regulate marijuana establishments be contingent on the failure of a full ban to obtain the requisite vote at the ballot.

Best regards,

~Katie

Katherine D. Laughman, Esq.
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Beth R. Klein

Beth R. Klein, CMC
Town Clerk
Town of Wayland
41 Cochituate Road,
Wayland, MA 01778
508-358-3631
bklein@wayland.ma.us
www.wayland.ma.us/pages/waylandma_clerk/index

Meeting Notices must be received in the Town Clerks office 30 minutes before the close of business to insure that they will be posted that day. Please email notices to townclerk@wayland.ma.us.

From: Katherine D. Laughman [<mailto:klaughman@k-plaw.com>]
Sent: Monday, June 25, 2018 4:18 PM
To: 'Junghanns, Julia '; Sarkisian, Sarkis; Balmer, Nan; Carolyn M. Murray; Amy E. Kwesell; Klein, Beth
Cc: Jeffrey T. Blake
Subject: RE: Marijuana ballot question

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I note that there is nothing in the statute that requires that the ballot vote precede the Town Meeting action, and if the Town decided to hold the ballot vote after Town Meeting, we could certainly draft the Town Meeting Articles in such a way as to make any vote to regulate marijuana establishments be contingent on the failure of a full ban to obtain the requisite vote at the ballot.

Best regards,

~Katie

June 21, 2018

Dear Board of Selectmen,

Questions have been raised on holding a special election regarding the marijuana question. Below is a narrative on the pros and cons of holding a dual vs single election. Possible dates and deadlines are provided should you decide to schedule a special election.

Although it may appear that holding the local election at the same time as the State Primary or State Election would be more economical and convenient for voters, the potential for ballot confusion and potential shortage of election staff (especially for the State Primary) could result in a high likelihood that issues may arise with the election process.

Below are four options for acting on a Local Ballot Question:

	Date	Est Cost	Rank
Dual Election – State Primary	September 4, 2018	\$8,000	Third
Dual Election – State Election	November 6, 2018	\$14,512	Least Desirable
Special Local Election	October 2, 2018	\$12,000	Second
Annual Town Election	April 23, 2019	No additional cost	Most Desirable

Attached are details on each of the options and narrative on the challenges of holding local dual elections. I would strongly urge you to consider use of the Annual Town Election or holding a Special Local Election; conducting a dual election with the State Primary or State Election may lead to significant voter confusion and cost issues.

I am available to discuss this with you at any time.

Sincerely,

Beth R. Klein, CMC
Town Clerk
Attachments (4 pages)

Challenges in Holding a Dual Election

- If a local election occurs at the same time as a state election, we cannot piggy back on the state ballot; there will have to be a separate ballot for which the Town will incur costs as well as the cost of extra staff.
- There will have to be separate absentee ballots and early voting ballots if the election occurs in November. Additional staff will be needed for early voting to process town ballots. All these ballots have to be kept separate from the state ballots and will have to be stored in a secure place before and after the election.
- There has to be separate voter lists, Separate check in and check out tables and additional staff to man the tables. There will need to be room in each precinct for additional tables and staff. At least 8 additional staff per precinct for a total of 24 extra staff. This is required by law.
- There may be more confusion when voting absentee, because the voter has to specify which ballot they want and if they want both they have to return it in the correct envelopes or it cannot be counted.
- Some voters will be eligible to vote in the state election but not in town election. Voters who moved out of town within the last 6 months but have not registered in another town can vote in Wayland at the state election but not at local elections.
- There will need to be extra training for poll workers. Poll workers will need to ensure that the ballots are separated after they are counted, and kept separate after the election is completed in case there is a recount.
- During the presidential election because there were so many early voting ballots which were folded by the voters, the voting machines were constantly jamming. There is a concern that this will happen again because there will be twice as many ballots.
- Voters will have to wait on separate lines to get each ballot, which will take longer since voters will be checking in twice and checking out twice. They must be watched closely to make sure both ballots are correctly put into the voting machine.
- There is a higher likelihood of voter confusion and frustration having two ballots, especially if there are other ballot questions on the state ballot.
- Wayland has only held one dual election since 2007 and only during a town election or primary, never during a state election with early voting.
- I have spoken to many other Towns, including Concord, Sudbury and Needham, and they have all said they would not hold a dual election during a state election.

**Option 1: Hold a Special Election during the State Primary
On September 4, 2018**

Estimate for Additional Costs of Special Election = \$8,000

	Pro	Con	Comment
Early Voting Costs	No Early Voting		Some Cost Savings
Ballots – Quantity & Cost		Currently 3 Separate Ballots. Special Election will result in a 4 th Ballot.	1) Four Ballots may be confusing to voters. 2) The Special Election Ballot printing (regular and absentee) cost will be borne by the Town.(\$3500) 3) Election machines will need additional programming / coding (\$1000)
Election Worker Availability		Will be difficult getting qualified workers as any Election Workers may still be away on vacation. Will still need additional workers or some workers will have to work a double shift	1)The state requires additional check in and check-out clerks)\$2100) 2) Will also need special training. Additional costs \$1400
Voter Turnout	Lower Voter turnout predicted		
Required Actions by Board of Selectmen			1) Ballot Question would need to be filed with Town Clerk by July 31

**Option 2: Hold a Special Election during the State Election
On November 6, 2018**

Estimate for Additional Costs of Special Election = \$14,512

	Pro	Con	Comment
Early Voting Costs		Would require Early Voting from Oct 22 – Nov 2.	1) Additional Costs for election workers for 10 additional days. (\$4,000) 2) Will need additional space beside the "Tot" Room for two weeks to conduct EV.
Ballots – Quantity & Cost		Currently one Ballot. Special Election will result in a 2nd Ballot.	1) The Special Election Ballot (Early Voting, Regular, and Absentee) printing cost will be borne by the Town. (\$4-6,000) 2) Election machines will need additional programming / coding (1,000)
Election Worker Availability		Will need additional workers and special training	16 additional workers – on election day(\$2,112) Training-\$1400
Voter Turnout		Anticipate larger turnout due to Governor's race	Will need a larger than usual election staff.
Required Actions by Board of Selectmen			1) Ballot Question would need to be filed with Town Clerk by Oct 2

**** Least Desirable Option ****

**Option 3: Hold a Separate Special Town Election
On October 2, 2018**

Estimate for Additional Costs of Special Election = \$10,000 to \$12,000

	Pro	Con	Comment
Early Voting Costs	No Early Voting		Cost Savings
Ballots – Quantity & Cost		Single Question Ballot	1) The Special Election Ballot printing (regular and absentee) cost will be borne by the Town as well as the cost of programming election machines.
Required Actions by Board of Selectmen			2) Need to vote to hold election 64 days in advance (by July 27 for an Oct. 2, election) 3) Ballot Question would need to be filed with Town Clerk by August 28

**Option 4: Vote on Ballot Question during Annual Town Election
On April 23, 2019**

Additional Costs of Special Election = \$0

**** Most Desirable Option ****

**DRAFT – AN ACT ESTABLISHING THE POSITION OF TOWN MANAGER IN THE
TOWN OF WAYLAND – DRAFT**

Be it enacted, etc., as follows:

SECTION 1. DESIGNATION OF ELECTED OFFICIALS

(a) Upon the effective date of this act, the registered voters of the town of Wayland shall, in accordance with any applicable laws, bylaws, votes of the town or inter-local agreement continue to elect the following:

- (i) members of the select board;
- (ii) town moderator;
- (iii) town clerk;
- (iv) school committee members;
- (v) assessors;
- (vi) planning board members;
- (vii) board of health members;
- (viii) commissioners of trust funds;
- (ix) library trustees;
- (x) members of the board of public works;
- (xi) recreation commissioners; and
- (xii) housing authority members.

(b) The powers, duties and responsibilities of elected and appointed officials shall be as provided by applicable General Laws, special acts, bylaws, and votes of the town, except as otherwise expressly provided herein.

(c) Notwithstanding the election by the voters of the town of the officers named in this section, such officers shall be available at reasonable times to the select board or town manager for consultation, conference, and discussion on matters relating to their respective offices.

SECTION 2. POWERS AND DUTIES OF THE SELECT BOARD

(a) The executive powers of the town shall be vested in the select board, who shall have all the powers given to boards of selectmen in the General Laws.

(b) The select board shall consist of 5 persons elected by the voters of the town. The term of each member of the select board shall be 3 years. The select board shall annually elect a chairperson from among its members.

(c) The select board shall serve as the chief goal-setting and policy-making body of the town. The select board shall set guidelines and policy directives that are to be implemented by the town manager and by other officers and employees appointed by or under its authority. The select board shall have the power to enact rules and regulations to implement policies and to issue interpretations of the rules and regulations.

(d) The select board shall exercise, through the town manager, general supervision over all matters affecting the interests or welfare of the town. The select board shall not normally administer the day-to-day affairs of the town.

(e) The select board shall appoint the town manager, town counsel, independent auditor, assistant or

special counsels, and all members of committees, boards, and commissions, except those positions that are elected by the voters or as otherwise expressly provided herein. The select board may make appointments to all positions and committees the select board creates for special or general purposes.

(f) The select board shall have oversight of such boards, committees, positions, or commissions appointed by the select board.

(g) The select board shall have the responsibility and authority for licenses and other non- personnel related functions as provided by the General Laws and the bylaws of the town.

(h) The select board shall be responsible for and shall approve the form and content of all town meeting warrants before such warrants are issued.

(i) The select board shall be responsible for establishing and maintaining written procedures for the preparation of the budget. The selectmen shall annually issue 1 or more written budget messages, including fiscal guidelines and the timeline, at the beginning of each budget cycle or at a time established by the town bylaws.

(j) The select board shall review the annual proposed budget prepared by the town manager and make revisions the select board deems advisable. The town manager shall present the budget as approved by the select board to the finance committee. The finance committee shall consider the budget proposed, shall establish the amounts which should, in its opinion, be appropriated for the ensuing fiscal year, shall add thereto such explanations and suggestions as it deems expedient, and shall report to the town meeting, in print or otherwise, such recommendations as it deems best for the interests of the town.

SECTION 3. APPOINTMENT OF THE TOWN MANAGER

(a) The select board shall appoint, by an affirmative vote of at least 4 members, a town manager who shall be the chief administrative officer of the town. The select board shall appoint the town manager solely on that person's executive and administrative qualifications. The town manager shall be a professionally qualified person of proven ability, especially fitted by education, training, and previous experience to perform the duties of the office. The town may from time to time, by by-law, establish such additional qualifications as seem necessary and appropriate.

(b) The town manager shall devote full time to the duties of the office and shall not engage in any other business or occupation during the term of employment by the town, unless such action is approved in advance, in writing, by the select board. The town manager shall hold no elective office in the town while serving as town manager, but the select board may appoint the town manager to any non-elective office or position consistent with the responsibilities of the town manager.

(c) The select board may enter into a formal contract with the town manager and may set contract terms that shall have precedence over any town personnel bylaws. The select board shall set the compensation for the town manager, not to exceed an amount appropriated by the town meeting.

(d) No member or former member of the select board shall be eligible to be appointed to the position of the town manager within 15 months of termination of such member's service.

(e) Before entering upon the duties of the office, the town manager shall be sworn, in the presence of a majority of the members of the select board, to the faithful and impartial performance thereof by the town clerk or a notary public.

(f) The town manager shall execute a bond in favor of the town for the faithful performance of the town manager's duties in such sums and with such sureties as may be fixed and approved by the select board, the cost for which will be borne by the town.

(g) The select board shall provide for an annual review of the job performance of the town manager.

SECTION 4. REMOVAL OF TOWN MANAGER

- (a) The select board, by an affirmative vote of at least 4 members, may remove the town manager. At least 30 days before such removal shall be effective, the select board shall file a preliminary written resolution with the town clerk setting forth reasons, if any, for the proposed removal, a copy of which shall be delivered to the town manager.
- (b) The town manager may reply in writing to the resolution and may request, in writing, a public hearing; provided, however, that the request for a hearing shall be received by the town clerk not later than 10 days after the town manager's receipt of the resolution. If the town manager so requests, the select board shall hold a public hearing not earlier than 10 days nor later than 20 days after the filing of such request.
- (c) Following the public hearing or, if none, at the expiration of 30 days following the filing of the preliminary resolution, the select board may adopt a final resolution of removal.
- (d) As part of the preliminary resolution, the select board may suspend the town manager from duty.
- (e) Nothing contained herein shall limit the authority of the select board to suspend or remove the town manager as provided by the laws of the commonwealth.
- (f) The select board shall determine if such suspension shall be with or without pay.

SECTION 5. ABSENCE OR VACANCY OF TOWN MANAGER

- (a) During a temporary absence, not to exceed 30 days, the town manager shall designate by a letter filed with the chair of the select board, a temporary town manager to perform the duties of the office. Such delegation shall be limited to those matters not allowing for delay during the town manager's absence.
- (b) If, in the sole opinion of the select board, the town manager's designee is unable to effectively perform the duties of the office during the temporary absence of the town manager, the select board shall appoint a person to perform the duties of the office; provided, however, that those duties shall be limited to those matters not allowing for delay during the town manager's absence.
- (c) During an absence of the town manager for 30 or more days, due to disability, illness, or other similar circumstance, the select board shall appoint an acting town manager for the duration of the extended absence. Such designation will cease upon the return of the town manager.
- (d) If the individual serving as acting town manager is a town officer or employee, the individual shall return to the position held prior to being appointed as the acting town manager.
- (e) No member of the select board shall serve as acting town manager.
- (f) If the select board determines, by majority vote of the full membership, that the town manager will be unable to resume the duties of the job for any reasons, including, but not limited to, resignation, termination, or illness, the office of town manager shall be filled as soon as practical by the select board, provided that the select board may appoint an acting town manager to serve until a town manager is appointed. The duties of an acting town manager shall be limited to those matters not allowing for delay and shall include the authority to make temporary, emergency appointments or designations to town office or employment, but not to make permanent appointments or designations.

SECTION 6A. ADMINISTRATIVE RESPONSIBILITIES AND POWERS OF THE TOWN MANAGER

- (a) The town manager shall be the chief administrative officer of the town and shall be responsible to the select board for the effective management of all town affairs placed in the town manager's charge

by this act, by the select board, by bylaws, or by vote of the town meeting, and for the implementation of town policies placed in the town manager's charge by the select board.

(b) The town manager shall supervise all town departments, with the exception of the school department, and shall direct day-to-day affairs of the town.

(c) The town manager shall be responsible for assuring that the budget is administered as adopted by town meeting and in accordance with the General Laws, this act, and the town bylaws.

(d) The town manager shall advise the select board of all matters requiring action by the select board or by the town.

(e) The town manager shall, in consultation with the personnel board, oversee the town's personnel system and staff in accordance with the town bylaws, and shall oversee personnel evaluation policies and practices, enforcement of labor contracts, labor relations, collective bargaining, and all applicable state and federal regulations relating to employment. The town manager may appoint a human resources director to assist with these human resources duties.

(f) The town manager shall attend all meetings of the select board, except when excused, and shall have the right to speak but not vote. The town manager shall attend all annual and special town meetings and shall be permitted to speak when recognized by the moderator.

(g) The town manager shall administer, either directly or through a person appointed by the town manager in accordance with this act, the General Laws and special acts applicable to the town, all town bylaws, and all rules and regulations established by the select board.

(h) The town manager shall have access to all information necessary for the proper performance of the duties of town manager in accordance with the town bylaws, except for attorney-client privileged information that is provided to or by the select board, unless the select board specifically authorizes such access.

(i) The town manager may, without notice, cause the affairs of any division or department, except the school department, or the conduct of any officer or employee thereof, to be examined.

(j) The town manager shall keep the select board fully informed regarding all departmental operations, fiscal affairs, town priorities and concerns, and administrative actions, and shall submit periodic reports summarizing such matters to the select board.

(k) The town manager shall coordinate the activities among boards, commissions, and committees concerned with long-range municipal planning, including physical or economic development and environmental or resource protection of the town.

(l) The town manager shall be responsible for the maintenance all town buildings, property, and facilities, except those under the jurisdiction of the school department, unless requested by the school committee. The town manager shall develop, keep, and annually update a full and complete inventory of all property of the town, both real and personal.

(m) Under subsection (h) of section 2, the town manager shall be responsible for the preparation of all town meeting warrants in accordance with the town bylaws and distribute, or cause to be distributed, copies of town meeting warrants to the residences of all registered voters of the town.

(n) Upon request, and with the approval of the select board, the town manager shall prosecute, defend, or compromise all litigation to which the town is party.

(o) The town manager shall keep full and complete records of town manager's office and annually submit to the select board a full written report of the operations of the office.

(p) The town manager may authorize any subordinate officer or employee to exercise any power or perform any function or duty which the town manager is authorized to perform; provided, however, that all acts which are performed under any such delegation shall be deemed to be acts of the town manager.

SECTION 6B. FINANCIAL RESPONSIBILITIES AND POWERS OF THE TOWN MANAGER

- (a) The town manager shall be the chief financial officer of the town.
- (b) The town manager may, at the town manager's discretion and with the approval of the select board, establish a consolidated department of finance responsible for the coordination and overall supervision of all fiscal and financial affairs of all agencies of town government and may appoint a director of finance; provided, however, that the terms of persons holding the position of accountant, treasurer/collector, and director of assessing on the effective date of this act shall not be reduced by reason of the consolidation.
- (c) The town manager shall be responsible for controlling all appropriated budget expenditures, which includes the power to approve or reject all warrants, including payroll, for the payment of town funds prepared by the town accountant in accordance with section 56 of chapter 41 of the General Laws.
- (d) The town manager shall be responsible for the preparation of the proposed operating budget to be included in the annual town meeting warrant. The proposed budget shall be prepared in accordance with the most current budget process by the date set pursuant to subsection (i) of section 2 as approved by the select board.
- (e) The town manager shall submit to the select board, by the date established pursuant to subsection (i) of section 2, a written proposed budget for the ensuing fiscal year.
 - (1) The proposed budget shall describe all actual or estimated revenue from all sources, and all actual or proposed expenditures, including debt service, for the previous, current, and ensuing fiscal years.
 - (2) The proposed budget shall detail all estimated expenditures for current operations during the ensuing fiscal year, detailed by agency, department, committee, purpose, and position.
 - (3) In addition, the town manager shall prepare a 5-year forecast, and include both as part of the proposed annual budget.
 - (4) For the purpose of preparing the budget for the ensuing fiscal year, the town manager shall include an estimate of revenues to be collected and free cash available at the close of the current fiscal year, including estimated balances in special accounts.
 - (5) The town manager shall report on the estimated funds required to be levied and raised by taxation to defray all expenses and liabilities of the proposed budget together with an estimate of the tax rate necessary to raise such amount and include the information in the proposed budget.
- (f) The town manager shall submit a preliminary budget to the select board and the finance committee pursuant to the budget process set forth in subsection (i) of section 2. The preliminary budget shall be submitted not later than 70 days prior to the date of the annual town meeting.
- (g) To assist the town manager in preparing the proposed annual budget of revenue and expenditures, all boards, officers, and committees of the town, including the school committee, shall furnish all relevant information in their possession and submit to the town manager, in writing, in such form as the town manager shall establish, a detailed estimate of the appropriations required and available funds.
- (h) The town manager shall keep the select board informed regarding the availability of federal and state funds and how such funds might relate to the town's current and long-range needs.
- (i) The town manager shall be responsible for filing all grant applications.
- (j) After the close of each fiscal year and after the certification of free cash by the department of revenue, the town manager, as soon as practicable, shall cause to have prepared audited financial statements. Upon completion of the audit, the town manager shall promptly distribute the statements to the select board and the finance committee.

SECTION 6C. APPOINTMENT RESPONSIBILITIES AND POWERS OF THE TOWN MANAGER

(a) The town manager shall appoint, based upon merit and qualifications alone, and may remove, all department heads, officers, subordinates, and employees for whom no other method of selection is provided in the charter, except employees of the school department and employees identified in subsection (c) of this section.

(b) Appointments proposed by the town manager, except as noted in subsection (e) of this section, shall become effective on the 15th day following the day on which notice of the proposed appointment is filed at a select board meeting, unless the select board shall, within such period and by a majority vote, vote to reject such proposed appointment, or has sooner voted to affirm it.

(c) The town manager shall appoint, based upon merit and qualifications:

- i. a director of assessing, with the consent of the board of assessors;
- ii. a town planner, with the consent of the planning board;
- iii. a director of public health, with the consent of the board of health;
- iv. a library director, with the consent of the board of library trustees.
- v. a recreation director, with the consent of the recreation commission; and
- vi. a director of public works, with the consent of the board of public works.

For the purposes of this section, consent shall mean that each multiple-member body cited herein shall interview job candidates and make appointment recommendations to the town manager. The town manager shall not make an appointment under this section without the consent of the multiple-member body cited herein. In the case of employees appointed under this section, the town manager shall inform the chair of the appropriate multiple-member body prior to the commencement of any disciplinary action or termination process, except in cases of an emergency, and provide an opportunity to the chair to confidentially comment on the proposed action directly to the town manager.

(d) Relative to appointments made by the town manager under subsection (c) of section 5-5, the policies established by each multiple-member body derived directly from statutory authority shall be the non-administrative policy adhered to by the town manager and the town manager's staff.

(e) Appointments made by the town manager under subsection (c) of this section shall be effective immediately and shall not be subject to rejection by vote of the select board.

SECTION 6D. COLLECTIVE BARGAINING RESPONSIBILITIES AND POWERS OF THE TOWN MANAGER

(a) The town manager shall negotiate collective bargaining contracts on behalf of the select board; provided, however, that such contracts shall be subject to approval, ratification, and execution by the select board.

(b) The select board may authorize use of additional counsel or persons to assist the town manager in the negotiations at its discretion.

SECTION 6E. PROCUREMENT RESPONSIBILITIES AND POWERS OF THE TOWN MANAGER

The town manager shall be the chief procurement officer, pursuant to chapter 30B of the General Laws and all other applicable statutes, procedures, and bylaws, shall be responsible for purchasing for all

town functions and departments, and shall award all contracts needed for the operation of all town functions and departments, except for the school department, unless otherwise specifically requested by the school committee.

SECTION 7. ORGANIZATION OF AGENCIES

The town manager may reorganize, consolidate, establish, or abolish any department or position under the town manager's direction or supervision at the town manager's discretion and with the select board's approval. With the approval of both the select board and finance committee, the town manager may transfer all or part of any unexpended appropriation of a discontinued department, board, or office to any other town department, board, or office under the select board's jurisdiction.

SECTION 8. CONTINUATION OF EXISTING LAWS, CONTRACTS, AND EMPLOYMENT

(a) All laws, bylaws, votes, rules and regulations whether enacted by authority of the Town or any other authority, which are in force in the Town of Wayland on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue in full force and effect until otherwise provided by other law, bylaws, votes, rules and regulations, respectively.

(b) No contract existing and no action at law or suit in equity, or other proceeding pending on the effective date of this act, or the time of revocation of such acceptance, shall be affected by such acceptance or revocation of this act.

(c) Any person holding a town office or employment under the Town shall retain such office or employment and shall continue to perform the office or employment's duties until provisions shall have been made in accordance with this act for the performance of said duties by another person or agency. No person who continues in the permanent full-time service or employment of the Town shall forfeit pay grade or time in service.

SECTION 9. DISPOSITION OF CERTAIN SPECIAL LAWS

The following special laws, and any amendment thereto, which were enacted for special purposes and were limited in time by their own provisions, are hereby recognized as obsolete and are to stand repealed, but all acts taken under the authority of the said special laws is hereby preserved: [put list here]

SECTION 10. SUBMISSION TO VOTERS

This act shall be submitted to the voters of the Town of Wayland for acceptance at an annual or special town election in the form of the following question:

"Shall an act passed by the General Court in the year 2018 titled 'An Act Relative To The Position Of Town Manager In The Town Of Wayland,' be accepted?"

The Town shall include below the ballot question a fair and concise summary thereof prepared by town counsel and approved by the select board. If a majority of votes cast in answer to this question is in the

affirmative, Sections 1 through 9 of this act shall take effect sixty (60) days following acceptance by the voters.

SECTION 11. TIME OF TAKING EFFECT

Section 10 of this act shall take effect upon its passage.

DRAFT

1) POTENTIAL 2018 STM
ARTICLES

6.2018
Special
Town
Meeting

LIST OF POTENTIAL ARTICLES FOR NOVEMBER 13, 2018 SPECIAL TOWN MEETING

	November 2018 Article Name	Sponsor
A	Pay Previous Year Unpaid Bills	Board of Selectmen
B	Current Year Transfers	Board of Selectmen
C	Initial Year Funding of Successor Town Collective Bargaining Agreement	Personnel Board
D	High School Stadium Complex Renovation	School Committee
E	High School Tennis Courts / Softball Field Reconstruction	School Committee
F	CPA: Uncommitted – Partial Construction of WHS Athletic Facilities	School Committee
G	Construction of Synthetic Turf Athletic Field at Loker Conservation and Recreation Area	Recreation Commission
H	CPA: Fund Loker Field Trail, Trailheads	Recreation Commission
I	Full Marijuana Ban	Board of Selectmen or Planning Board
J	Zoning By-Law: Overlay District - Marijuana	Planning Board
K	Zoning By- Law: Amend Flood Plain Maps	Planning Board
	Zoning By Law: Extension of Moratorium – Marijuana	Planning Board
	Revise 2008 Circuit Breaker Special Act	Board of Assessors
L	Convert Access Easement to Access & Utility Easement on Happy Hollow Access Road off Stonebridge Road	Board of Public Works
M	Purchase and Implement Automated Water Meter Reading Infrastructure	Board of Public Works
N	Affordable Housing	Affordable Housing Trust
O	Automated Meter Reading	Board of Public Works

July 23, 2018

2018 SPECIAL TOWN MEETING SCHEDULE
Schedule for fall STM to begin on TUESDAY, NOVEMBER 13, 2018

- August 6** **VOTE TO CALL SPECIAL TOWN MEETING AND OPEN WARRANT:** The Board of Selectmen will vote on Monday August 13th to call a Special Town Meeting for Tuesday November 13, 2018 and to open the warrant for at least seven days beginning Wednesday, August 22, 2018 at 8:30 am.
- August 8** **NOTICE:** Notice of the Board's action will be sent to all Town boards and committees. Per Town Code Chapter 36: 1) Within 48 hours of calling a Special Town Meeting, notice of the closing date of the warrant shall be posted at the Town Building, at the public library in Wayland Center, at the Cochituate Fire Station or Cochituate Post Office and at the Happy Hollow School; and 2) Prior to the closing of the warrant, notice of the time and place of the Special Town Meeting shall be published in the Wayland Town Crier and will also be posted at the above locations.
- August 20** **PETITIONERS' WORKSHOP:** The Board of Selectmen will conduct an information session for individuals considering submission of petitioned articles. Please see separate information sheet on the warrant article process for petitioners.
- August 20** **BOARD VOTE ON ARTICLES:** Date by which the Board of Selectmen will vote to approve and submit any articles it wishes to sponsor.
- August 20** **PLANNING BOARD:** The Planning Board meets with the Board of Selectmen on zoning articles and provides the timeline for the Planning Board's hearings and provides the date by which the Board of Selectmen must vote to refer articles back to the Planning Board.
- August 22** **WARRANT OPENING:** Warrant opens **Wednesday, August 22, 2018** at 8:30 a.m. and closes **Thursday August 30, 2018** at 4:30 p.m. Articles must be submitted in complete form with all exhibits to the Office of the Board of Selectmen and will be stamped with the date and time received. Articles must be signed by the chair of the sponsoring board or committee or its designee, as authorized by a vote of each public body. (Please refer to additional information for submission and preparation of articles by public bodies of the town and by petitioners.)
- August 30** **WARRANT CLOSING:** Last day at 4:30 pm for article sponsors and petitioners to submit articles to the Board of Selectmen's Office for Special Town Meeting.
- August 31** **DISTRIBUTION OF ARTICLES:** Articles will be draft ordered by the Town Administrator and distributed to each member of the Board of Selectmen and the Finance Committee, and to the Moderator, Town Clerk and Town Counsel and will be posted to the Town Meeting page of the website.
- September 5** **FINANCE COMMITTEE SPECIAL TOWN MEETING ARTICLE HEARING:** Per Town Code, Chapter 19 - 3, the Finance Committee meets with all parties proposing or commenting on all Special Town Meeting articles. The Chair of the Finance Committee will contact the Board of Selectmen's Office to arrange for public notice of this meeting.

Note – Dates not required by Massachusetts General Laws and Town Code are subject to change.

- September 12 SELECTMEN BEGIN ARTICLE REVIEW AND VOTES TO INCLUDE ARTICLES IN WARRANT: Through October 19th, the Board of Selectmen will: 1) include discussion about proposed articles on every agenda, 2) will vote on whether to include articles in the warrant, 3) will vote on the order the articles will appear in the warrant, and 4) will consider a vote on the Board's position on each article.
- September 14 TOWN COUNSEL REVIEW OF ARTICLE TEXT: Approximate date by which Town Counsel completes review of submitted articles and any re-drafting of the text of each article, providing the article text in final form. Article text is then transmitted in PDF by the Town Administrator to each Article Sponsor and to the Chairs of the Board of Selectmen and Finance Committee for distribution as appropriate.
- September 14 SPONSOR'S REPORT: Date by which any governmental body or lead petitioner sponsoring an article may submit to the Office of the Board of Selectmen a 150 word report which will be included in the warrant only if the Finance Committee also provides comment.
- October 1 PERMANENT MUNICIPAL BUILDING COMMITTEE REPORT: Date by which reports are requested to the Board of Selectmen from the PMBC about the status of any capital projects assigned to the PMBC.
- October 9 PLANNING BOARD REPORT: Deadline by which the Planning Board must vote to approve and submit to the Board of Selectmen's Office the Planning Board's approved report on zoning articles.
- October 12 FINANCE COMMITTEE DEADLINE (12:30 pm, close of business) FOR SUBMISSION, THROUGH ITS CHAIR, TO THE BOARD OF SELECTMEN'S OFFICE ALL FINANCE COMMITTEE COMMENTS ON SPECIAL TOWN MEETING ARTICLES - No changes will be made after this date.
- October 12 MODERATOR'S RULES: All changes are due from Moderator by this date.
- October 19 WARRANT COMPLETED: Date by which the compilation of the warrant is completed. The final warrant is scanned, posted on the website and delivered to the members of the Board of Selectmen, the Moderator, the Chair of the Finance Committee, the Town Clerk, Town Counsel and the Finance Director. Warrant sent to printer.
- October 26 MOTIONS COMPLETED AND POSTED: A motion on each article is drafted by the Town Administrator and reviewed and finalized by this date by Town Counsel and provided to the Chair of the Board of Selectmen who will distribute to the Town Clerk, Moderator, Finance Committee Chair and article sponsors. Draft motions provided by Town Counsel must be posted on the website for public review and marked with the date of the draft.
- October 29 WARRANT SIGNED: The Board of Selectmen will meet to vote to sign the warrant.
- October 30 WARRANT POSTED: Date by which the warrant will be posted at locations listed above and deadline for mailing of the warrants to all households. (Town Code 36-2A, MGL c. 39, s. 10 - No later than 14 days before STM)

- November 1 **PRE-HEARING PLANNING:** On or about this date, the Chair of the Board of Selectmen meets with Town Counsel, the Town Administrator, the Moderator, and the Town Clerk to review motions on each article before the 11/5/18 warrant hearing.
- November 1 **LEAGUE OF WOMEN VOTERS ISSUES FORM ON SPECIAL TOWN MEETING**
- November 2 by 8:00 p.m. **VOTER REGISTRATION DEADLINE:** Last day before Town Meeting to register to vote. (This date is scheduled no earlier than 10 days before STM).
- November 5 **WARRANT HEARING:** The Board of Selectmen will convene a hearing to review the warrant and each article. In addition to the general public, Article Sponsors, the Moderator, Town Counsel and the Town Clerk are invited to participate. The Board of Selectmen will also review motions on each article. The Office of the Board of Selectmen will provide at least 10 days advance notice of the Warrant Hearing to the public.
- November 7 **DEADLINE FOR SUBMISSION OF SLIDES:** Any illustrative slides will be submitted to the Assistant Town Administrator who will submit them to the Moderator for approval to show at Town Meeting. (See Town Moderator's requirements for slides)
- November 13 **FINAL PREPARATIONS:** Moderator's instructions to tellers and list of non-resident employees provided to Moderator and Town Clerk. Warrants, final errata sheets and supplemental material prepared, printed and delivered to Town Meeting site for distribution.
- November 13 **SPECIAL TOWN MEETING, TUESDAY 7:00 PM WAYLAND HIGH SCHOOL**
- November 20 **MODERATOR'S FEEDBACK SESSION:** Location and time to be decided.

OTHER IMPORTANT DATES:

- | | |
|-----------------|---------------------------------------|
| Monday 9/3/18 | LABOR DAY |
| Tuesday 9/4/18 | STATE PRIMARY |
| Monday 9/10/18 | ROSH HASHANAH |
| Tuesday 9/11/18 | ROSH HASHANAH |
| Monday 9/19/18 | YOM KIPPUR |
| Monday 10/8/18 | COLUMBUS DAY |
| Tuesday 11/6/18 | GENERAL ELECTION |
| Sunday 11/11/18 | VETERANS DAY (CLOSED MONDAY 11/12/18) |

OTHER DATES THAT MAY BE SET BY THE BOARD OF SELECTMEN:

- Dates for Board of Selectmen to approve any special election or approve ballot questions.
 Dates for Board of Selectmen to schedule any additional Special Town Meetings.

MEETINGS AND OFFICIAL ACTIONS WHICH REQUIRE SPECIAL NOTICE TO THE PUBLIC INCLUDING BUT MAY NOT BE LIMITED TO FOLLOWING:

- Petitioners Workshop, Date of Town Meeting, Opening and Closing of the Warrant, Finance Committee Article Hearing, Board of Selectmen Warrant Article Hearing, Planning Board Hearings on zoning articles, and budget presentations by Town Administrator and Finance Committee, Moderator's Feedback Session*

ANNOUNCEMENT:
OPENING OF THE SPECIAL TOWN MEETING WARRANT
2018 SPECIAL TOWN MEETING
TUESDAY NOVEMBER 13, 2018

1. WARRANT OPENING AND CLOSING: The Annual Town Meeting Warrant opens Wednesday August 22, 2018 at 8:30 am and closes Thursday August 30, 2018 at 4:30 pm.
2. ARTICLE FORM: Attached is the form for governmental bodies to submit a warrant article for Special Town Meeting. Please feel free to use additional pages.
3. SUBMISSION PROCEDURE: The article form must be submitted in hard copy to the Town Administrator's Office **and** via e-mail in "Word" to thegarty@wayland.ma.us no later than Thursday August 30, 2018 at 4:30 pm. The form must be signed by the Chair (or designee) of the sponsoring body and state the date of the vote of the governing body.
4. ARTICLE TEXT: The article text is drafted and approved by the Article Sponsor's governing body and may not be changed except by Town Counsel, or by a vote of the governing body or the Board of Selectmen. If you require legal assistance developing an article, please contact the Town Administrator at nbalmer@wayland.ma.us After submission of the article, Town Counsel will review the article text and will make any edits required for legal form.
5. DRAFT FINANCE COMMITTEE COMMENTS, PROS and CONS: The Finance Committee asks that Article Sponsors draft the section of the article form for the Finance Committee's Comments and Pro and Con Arguments to help the Finance Committee with its work. Please include these draft comments with the article upon submission. Each article will be assigned to a liaison from the Finance Committee which will vote to approve the Finance Committee's Comments, Pro's and Con's for the warrant.
6. SPONSORING BODY'S COMMENTS: Article Sponsors may, at their discretion, submit comments of up to 150 which will be included in the warrant if the Finance Committee includes comments.
7. FINANCE COMMITTEE ATM WARRANT WORKSHOP: The Article Sponsor must attend the Finance Committee's ATM Article Workshop on Tuesday September 5, 2018 to make a brief presentation. Please be in touch with your Finance Committee liaison to discuss your article. As new information becomes available, you may be asked to attend additional meetings with the Finance Committee and with the Board of Selectmen.
8. MAPS, EXHIBITS: The Article Sponsor will provide maps and exhibits upon the submission of the article. Please contact the Assistant Town Administrator in the Town Administrator's Office if you require assistance from Town staff to create a map. Preparation of maps and exhibits are the responsibility of the Article Sponsor and will not be accepted without a vote of approval of the governing body sponsoring the article.

Please call me any time for assistance with your article through Town Meeting. I am happy to help.

Nan Balmer, Town Administrator

(508) 358-3620 – Office (508) 237-1330 – cell

TOWN OF WAYLAND
REQUEST FOR TOWN MEETING ARTICLE FROM TOWN SPONSORING BODY
(USE EXTRA SHEETS IF REQUIRED)

Sponsor & Contact Information

1. TOWN SPONSORING BODY:	
2. DATE RECEIVED:	
3. CONTACT PERSON:	
4. TELEPHONE/DAY:	
5. TELEPHONE/EVENING:	
6. TOWN SPONSORING BOARD VOTE AND DATE:	
7. PROPOSED FUNDING SOURCE:	

Article Information

8. ARTICLE TITLE:	
9. COST:	
10. NO COST:	<input type="checkbox"/>
11. DATE COST ESTIMATE AVAILABLE:	

Article Text

12. SPONSOR'S ARTICLE TEXT PROPOSED FOR WARRANT, SUBJECT TO TOWN COUNSEL REVIEW :

13. DRAFT FINANCE COMMITTEE COMMENTS* -- SUGGESTED BY SPONSORING BODY (UP TO 500 WORDS):

14. DRAFT FINANCE COMMITTEE ARTICLE PROS --- SUGGESTED BY SPONSORING BODY (4-6 POINTS):

15. DRAFT FINANCE COMMITTEE ARTICLE CONS --- SUGGESTED BY SPONSORING BODY (4-6 POINTS)

16. CHAIR (OR DESIGNEE) SIGNATURE & DATE: _____

**SPONSORING BODY'S COMMENTS: Article Sponsors may, at their discretion, submit comments of up to 150 which will be included in the warrant if the Finance Committee includes comments.*

WARRANT ARTICLE PROCESS: Guide for Petitioners

Citizens have the right to submit articles for consideration by the Town Meeting. Such articles must be in writing and signed by ten or more registered voters for Annual Town Meeting (ATM) or 100 or more registered voters for Special Town Meeting (STM), using the attached form.

All petitioners' articles must be submitted in accordance with the law on or before January 15 or such time as may be fixed by the Board of Selectmen, and all such articles for Special Town Meeting must be so presented on or before the date fixed by the Selectmen for closing of the warrant for such meeting. All petitioners' articles having the required number of qualified signatures must be included in the Town Meeting Warrant by state statute.

STM Time Line and Process

Date	Action	Responsibility
August 20	<i>Hold a workshop for citizens interested in submitting petition for Annual Town Meeting. Potential articles and the submission process may be discussed with the Selectmen.</i>	Board of Selectmen
August 22 – August 30 at 4:30 pm	<i>Submit petitioners' articles for Town Meeting both on paper with signatures and by email (to thegarty@wayland.ma.us) in Microsoft Word. Articles are collected and numbered, and copies are given to the Board of Selectmen, Finance Committee, Moderator, and Town Counsel. Petitioners are encouraged to provide the Finance Committee with draft comments, arguments in favor, and arguments against their articles at the time of submission. Signatures on the petition are verified by the Town Clerk.</i>	Town Administrator
September 5	Finance Committee Warrant Article Hearing	Finance committee
September	<i>Review articles, determine their order, vote positions on most articles; may meet with petitioners. The Board will discuss substantive articles with petitioners. And attend the Finance Committee's meeting with petitioners.</i>	Board of Selectmen
September	<i>Study each petitioner's article and prepare a report for the Warrant. The Finance Committee meets with petitioners to discuss articles at a public meeting. The Committee may explore alternative means for accomplishing the article's objective. A member of the Committee is assigned to the article to prepare a report for the Warrant, including comments and pro and con arguments and the Committee's recommendation to Town Meeting.</i>	Finance Committee
September - October	<i>Meet with Finance Committee and/or Board of Selectmen to discuss article; write report of no more than 150 words to be printed in the warrant if desired and if the Finance Committee prepares a report. Such discussions help to identify issues that require further work on the part of the petitioner as well as to identify arguments for and against passage.</i>	Petitioners
September	<i>Town Counsel will review articles for form, legislative intent, and procedural compliance and will provide main motion and the quantum of vote required for passage. Town Counsel will not render written opinions or give advice to petitioners about substantive legal issues and will not advise petitioners when there is a potential conflict of interest between the petitioners and the town.</i>	Town Counsel
November 5	<i>Attend Board of Selectmen warrant article hearing. Petitioners should attend this hearing to review their warrant articles.</i>	Selectmen with Moderator and Finance Committee
November 13 (Day one)	<i>Move the article and make a brief presentation on the merits of the article. Movers of articles have a limited amount of time to explain and present arguments in favor of passage of the article (currently 10 minutes). This presentation is made at the procedural (center) microphone. Petitioners may prepare handouts and slides. (Check for deadline for submission). If the motion differs substantially from the article printed in the warrant, printed copies must be prepared for the moderator and made available for people attending Town Meeting.</i>	Lead Petitioner
STM	<i>Consider each article at Annual Town Meeting. Citizens are encouraged to debate the merits of articles, ask questions, and make amendments when appropriate. Main motions in excess of 25 words that differ significantly from the warrant and amendments in excess of 10 words must be legibly written for submission to the moderator and made available to people attending Town Meeting. Please refer to the Moderator's Rules in the warrant for more detailed guidance.</i>	Town Meeting attendees

PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING*

LEAD PETITIONER _____ DATE RECEIVED _____

DAY PHONE _____ EVENING PHONE _____

TITLE _____

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE _____

ESTIMATED COST _____

ARTICLE: To determine whether the Town will vote to:

Add comments and pro and con arguments on the next page. Thank you.

#	Print Name Legibly	Signature	Print Street Address
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			

* This document is available in WORD by e-mailing thegarty@wayland.ma.us

PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING

Page 2

DRAFT FINANCE COMMITTEE COMMENTS – SUGGESTED BY PETITIONER’*

DRAFT FINANCE COMMITTEE PRO ARGUMENTS– SUGGESTED BY PETITIONER

DRAFT FINANCE COMMITTEE CON ARGUMENTS– SUGGESTED BY PETITIONER

** SPONSORING BODY’S COMMENTS: Article Sponsors may, at their discretion, submit ADDITIONAL comments of up to 150 which will be included in the warrant if the Finance Committee includes comments.*

INSTRUCTIONS FOR COMPLETING PETITIONERS ARTICLE FORM

Lead Petitioner: The lead petitioner will serve as spokesperson for the article and will be the contact person for the Finance Committee and the Board of Selectmen, and for the Planning Board if the petition is a zoning issue.

Date Received: The date received will be stamped on the petition when it is received by the Town Administrator and forwarded to the Town Clerk for certification.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

Public Notice
Finance Committee
Special Town Meeting Warrant Article Workshop
September 5, 2018

The Finance Committee will hold its Special Town Meeting Warrant Article Workshop on Tuesday, September 5, 2018 at ----- pm in the Wayland Town Building. The workshop is held to facilitate public discussion and understanding of the articles submitted for Special Town Meeting to be held on Tuesday, November 13, 2018 at 7:00 pm at the Wayland High School Field House. This workshop is held in conformance with Wayland's Bylaws §19-3, and the public is encouraged to attend.

The Finance Committee requires at least one member of each sponsoring board or a petitioner to attend the workshop to present a brief synopsis of the article and be available for questions from the Finance Committee and the public.

The workshop allows each article sponsor to summarize the purpose for the article and respond to brief questions from the Finance Committee and the public. The workshop is not the place to debate the merits of the articles but to introduce the Finance Committee members (who will do the write-ups, if any) and the public to the articles up for discussion.

Articles will be discussed in the order submitted.

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING JULY 20, 2018**

1. CORRESPONDENCE

No comments.

2. PRIVATE ROAD PACKAGE

Please see attached which will be hand delivered to affected residents, released to local media outlets and posted on the website.

3. TA VACATION / APPOINTMENT OF ACTING TA (CONSENT AGENDA)

The Town Code reads that the Board may designate an acting TA caused by "absence" . I will be on vacation from Wednesday 7/26 through Monday 8/6. Since the ATA job description says that position supervises staff in the TA absence, the ATA is the logical choice. The Board has not taken this action in the past 4 years. This will be the first time that I am both away and not be responding to town business

§ 60-4 Acting Town Administrator.

The Board of Selectmen may designate a qualified person to serve as the Acting Town Administrator and to perform the duties of the Office of the Town Administrator during the period of any vacancy caused by the Town Administrator's absence, illness, suspensions, removal or resignation. The appointment shall be for a period not to exceed six months, but such appointment may be extended by an additional two months by majority vote of the Board of Selectmen



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

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

July 20, 2018

RE: PRIVATE ROAD PLOWING:

BOARD OF SELECTMEN'S PROCESS TO APPEAL A DECISION NOT TO PROVIDE SNOW PLOWING SERVICE

Dear Wayland Resident,

On July 16, 2018, the Board of Selectmen approved an appeal process for residents living on private roads to appeal the Board's decision not to plow a private road in the Town of Wayland.

If you would like to submit an appeal of the Board's decision not to plow a private road on which you reside, please:

1. Complete the attached application form along with any supporting documentation. In completing the appeal application, please refer to the Residential Private Road Snow & Ice Policy.
2. Submit your application no later than Tuesday September 4, 2018 to the Office of the Board of Selectmen, located in Town Building, 41 Cochituate Road Wayland, MA 01778.

The Board of Selectmen will compile submittals, solicit Department of Public Works' findings, and make a determination on the appeal no later than Monday November 5, 2018.

Please contact Tom Holder, Director of Public Works at (508) 358-3678 for information and guidance

Best Regards,

Nan Balmer
Town Administrator

Attachments:

1. Residential Private Road Snow & Ice Policy
2. Appeal Application



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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DOUGLAS A. LEVINE

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

RESIDENTIAL PRIVATE ROAD SNOW & ICE POLICY

APPEAL APPLICATION

(Please refer to attached policy)

Please provide the information below as your basis for an appeal of the Town's decision not to plow a private road. Please attach additional sheets as necessary. Appeals are due to the Office of the Board of Selectmen, 41 Cochituate Road Wayland no later than Tuesday September 4, 2018. Please attach any property information that would help in the evaluation of this appeal such as deeds, special permits, Planning Board decisions etc.

.....
I. CONTACT INFORMATION:

Name: _____ Date: _____
Address: _____ Email: _____
Phone Number: _____ Private Road Name: _____

II. BASIS FOR APPEAL:

- a) Do you live on a residential private road as defined in the Town's "**Residential Private Road Snow & Ice Policy**"? (Y/N) _____ If Yes, please provide the road name and your interest in the road (homeowner / tenant?)
- b) Is your private road a driveway as defined under the policy? (Y/N) _____
- c) Is your private road open to public use as defined under the policy? (Y/N) _____
If Yes, please explain:
- d) Does your private road connect two public roads? (Y/N) _____
If Yes, please name the two connecting public roads:

e) Does your road have more than three homes? (Y/N)_____

If Yes, please list the house numbers located on your private road:

f) In your opinion can the private road be plowed without hazard to snow plow driver? (Y/N)_____

Please describe any hazards and how to address them:

g) Is there an allowable means to turn a vehicle around while remaining within the private roadway? (Y/N)_____

If Yes, please describe the size and location of the turnaround. (Attach schematic with dimensions of turnaround)

III. ACTION BY TOWN (for Town office use only)

A. Department of Public Works

Findings:

DPW Director's Signature: _____ Date: _____

B. Board of Selectmen

Findings:

Board of Selectmen: _____ Date: _____

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 is
 - a) *not a driveway, and*
 - b) *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.

**PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMENT
FROM JULY 13, 2018 THROUGH AND INCLUDING July 23, 2018,
OTHERWISE NOTE LISTED AND INCLUDED IN THE CORRESPONDENCE
PACKET FOR JULY 23, 2018**

Items distributed to the Board of Selectmen – July 13, 2018 – July 23, 2018

None

**Items distributed for information and use by the Board of Selectmen at the
Meeting of July 16, 2018**

1. Draft of Act Establishing the Position of Town Manager in the Town of Wayland
2. Key Points of Discussion for Discussion with Town Counsel about Special Act
3. Comment on proposed amendment to April 10, 2001 site plan approval for 97 Concord Road, Congregation Or Atid from resident Marlene Mailloux
4. Comment on petition to Attorney General's office about the new library from resident Michael Lowery.

**Items included as part of the Agenda Packet for discussion during the
July 16 Board of Selectmen's Meeting**

1. Correspondence from Sean Hildenbrandt, Legal Analyst II, Non-Profit Organizations/Public Charities Division, Office of the Attorney General, to Attorney Carolyn Murray, KP Law, dated June 25, 2018 re: Wayland Free Public Library
2. FY 2020 Draft Budget Policy
3. Draft of Town Manager Special Act
4. Correspondence from Dave Watkins, Chairman of the Finance Committee, to the Board of Selectmen, dated June 28, 2018 re: Finance Committee comments regarding Special Act.
5. Correspondence from Brian Levey, Counsel to Congregation Or Atid, to Lea Anderson, Board of Selectmen, dated July 9, 2018 re: 97 Concord Road – Request for Traffic Commission Recommendation to Planning Board.
6. Traffic Commission Authority information
7. Correspondence from Attorney Carolyn Murray, KP Law, to Sarkis Sarkisian, Town Planner, dated Jun 21, 2018 re: Wayland Modification of Site Plan Approval - Congregation Or Atid.
8. Correspondence from Chief Patrick Swanick to Nan Balmer, Town Administrator, dated July 12, 2018 re: 97 Concord Road – Congregation Or Atid
9. Correspondence from Thomas Holder, Director of Department of Public Works to Wayland Board of Selectmen, dated July 12, 2018 re: Private Ways Plowing – Appeal Process
10. Town Administrator's Report for week ending July 13, 2018
11. Board of Selectmen's Meeting Minutes (Draft) for June 25, 2018
12. Board of Selectmen's Meeting Minutes (Draft) or July 2, 2018

**BOARD OF SELECTMEN
Monday, July 23, 2018
7:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road**

CONSENT CALENDAR

1. Vote the question of approving and signing the weekly payroll and expense warrants
2. Vote the question of appointing Elizabeth Doucette, Assistant Town Administrator, to serve as Acting Town Administrator for the period of July 26, 2018 – August 6, 2018 consistent with Chapter 60-4 of the Town Code
3. Vote the question of approving Town Committee Re-appointments:
Vote for three-year term beginning 7/1/2018 and ending June 30, 2021.
 1. Senior Tax Relief Committee: Pauline DiCesare
Vote for two-year term beginning 7/1/2018 and ending June 30, 2020
 1. Cultural Council: Kara Brewton and Barbara Holtz
4. Vote the question of approving a One-day Liquor License for an event at Good Sheperd Parish's St. Zepherin Center, 99 Main Street, Wayland, MA 01778 on Sunday, August 5, 2018 from 2 p.m. to 9:00 p.m.



TOWN OF WAYLAND
MASSACHUSETTS
01778
TOWN CLERK

BETH R. KLEIN
TOWN CLERK

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3631
FAX: (508) 358-3627

To: Board of Selectmen

Cc: Nan Balmer, Town Administrator

Date: July 19, 2018

Subject: Changes to Certain Board Terms and Update on new Board and Committee Software (BCA)

The Town Clerk along with the Town Administrator's office is in the process of implementing a new Board and Committee software program. After reviewing all of the board and committee charges, it was determined that the following committee member terms were incorrectly listed and therefore not timely reappointed:

- 1) Cultural Council has a 2 yr. term, but members were mistakenly appointed to 3 year terms.
 - a. Kara Brewton: Prior term was 2016-2019. Should have been 2016-2018. New term should be 2018-20.
 - b. Barbara Holtz: Prior term 2016-2019. Should have been 2016-2018. New term should be 2018-2020.
- 2) Senior Tax Relief Committee – 3 yr. term
 - a. Pauline DiCesare: prior term was 2015-2018. New term is 2018-2021 (Was inadvertently left off of reappointment list)

The new software program--scheduled to be up and running the beginning of September--will do the following:

- 1) Establish one centralized database for all Board/Committee/Commission memberships. The database will be populated with current data initially. The town may add historical data depending on resource availability.
- 2) Allow residents to apply on-line for positions. The data from this on-line form will automatically post to the database.
- 3) Provide for an Administrative Portal to track upcoming membership expiries and other board member information (ie: Sworn-In Dates; Ethics Training Completion, etc.). Easy to vacate a volunteer from a position and maintain a record of reasons vacated.
- 4) Generate standard reports that can be downloaded into Excel. Unformatted data may also be downloaded into an Excel file for custom analysis as needed.
- 5) Volunteer data needs to be entered only once even if they hold multiple positions.
- 6) Integration with Town website for automatic updating of Board/Committee homepages with the data in the BCA database.

NUMBER
628

FEE
\$25.00

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wayland

This is certify that Stephen Anthony's, Inc., 999 Boston Post Road, Marlborough, MA 01752
(Gregorio Amparo, Manager)

IS HEREBY GRANTED A LICENSE

For a One-day Liquor License for an event (Wedding) at Good Shepherd Parish's St. Zepherin Center, 99
Main Street, Wayland, MA 01778 on Sunday, August 5, 2018 from 2:00 p.m. to 9:00 p.m.

This license is granted in conformity with the statutes and ordinances relating thereto, and expires on
August 5, 2018 at 9:00 p.m., unless sooner suspended or revoked.

July 23, 2018



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

TEL. (508) 358-7755
www.wayland.ma.us

APPLICATION FOR ONE DAY LIQUOR LICENSE

CHECK ONE

- Application by a manager for a one-day liquor license for the sale or service of BEER & WINE to be drunk on the premises
- Application by a manager of a nonprofit organization for a one-day liquor license for the sale or service of ALL ALCOHOLIC BEVERAGES OR BEER & WINE to be drunk on the premises

DATE OF EVENT BEING APPLIED FOR: 8-5-18
 Exact times of the license: FROM 2 PM am/pm TO 9 P.M. am/pm

The undersigned hereby applies for a License for a One Day Liquor License in accordance with the provisions of the Statutes relating thereto:

Full name, address, phone(s), and email of the organization making this application:

Stephen Anthony's Inc
999 Boston post Rd.
Marlboro ma 01752

Full name, address, phone (s), and email of the manager who shall be responsible for this license:

Gregorio Amparo

Is the Applicant or Caterer TIPS Certified? Yes No If yes, please attach documentation.

Description of Event: wedding

Number of Attendees 60 *If number of attendees exceeds 150 people, a police detail will be required*



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

07/17/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER D. Francis Murphy Ins Agcy Inc Marlboro Office 200 Main Street Marlboro, MA 01752 Michael Murphy x5121	CONTACT NAME: Michael Murphy x5121 PHONE (A/C, No, Ext): 508-485-8211 FAX (A/C, No): 508-485-4557 E-MAIL ADDRESS: <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 80%;">INSURER(S) AFFORDING COVERAGE</th> <th style="width: 20%;">NAIC #</th> </tr> <tr> <td>INSURER A : Main Street America Assurance</td> <td>29939</td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Main Street America Assurance	29939	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															
INSURED Stephen Anthony's, Inc. Anthony J. Scerra 999 Boston Post Rd Marlborough, MA 01752															

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURED	SUBROGATION WAIVED	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Business Owners GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER			BPT08041	05/06/2018	05/06/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH. ER E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$
A	Liquor Liability			BPT08041	05/06/2018	05/06/2019	Occurrence 1,000,000 Aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

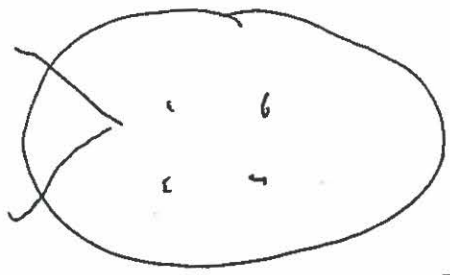
CERTIFICATE HOLDER**CANCELLATION**

WAYL005 Town of Wayland Teri Hegarty 41 Cochituate Road Wayland,, MA 01778	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Dennis F. Murphy</i>
---	--

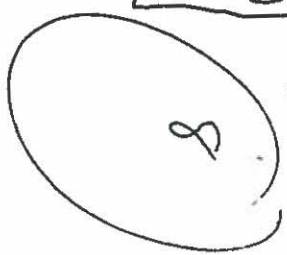
Apple table
508 653 6342
cone set

Boke
Ginger
Spices

IT
Floor
Pool
Serve At 3:30



mm cake table



1/2

I



1/2



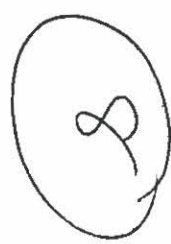
1/4

Place
A B A B A B A B

Table Skirts



6 PM



bag



Bring
1 Pound tub
Pink white bag

Cake

2000.00
Deposit

12 total



Good Shepherd Parish

RECEIVED

JUL 18 2018

Board of Selectmen
Town of Wayland

July 17, 2018

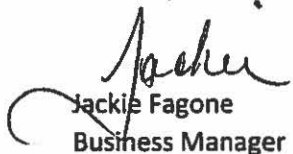
Town of Wayland
Board of Selectman
41 Cochituate Road
Wayland, MA 01778

RE: liquor license

To Whom It May Concern:

Good Shepherd Parish gives permission for liquor to be served in the St. Zepherin Center, 99 Main Street, Wayland, MA on Sunday, August 5, 2018.

Sincerely,


Jackie Fagone
Business Manager
Good Shepherd Parish

Office: Pastoral Center 99 Main Street Wayland, MA 01778

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

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

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

BOARD OF SELECTMEN
Monday, July 23, 2018
7:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road

CORRESPONDENCE

1. Correspondence from Beth Klein, Town Clerk, dated July 16, 2018
re: Resignation of Linda Segal from Wayland Zoning Board of Appeals
2. Correspondence from Attorney Carolyn Murray, KP Law, to Margaret Hurley,
Esq., Chief, Central Massachusetts Division, Director, Municipal Law Unit of
the Attorney General's Office, dated July 16, 2018 re: Wayland Annual Town
Meeting of April 2, 2018 Warrant Article 32