

PACKET

Aug 9

2021



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

LOUISE L. E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-3620
www.wayland.ma.us

BOARD OF SELECTMEN

THOMAS J. FAY
ADAM G. GUTBEZAHL
CHERRY C. KARLSON
CAROL B. MARTIN
DAVID V. WATKINS

BOARD OF SELECTMEN
Monday, August 9, 2021
7:00 p.m.
Wayland Town Building
Council on Aging Room
41 Cochituate Road, Wayland, MA

Proposed Agenda

Note: Items may not be discussed in the order listed or at the specific time estimated. Times are approximate.

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and via remote means, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting in person, or via virtual means. In person attendance will be at the meeting location listed above, and it is possible that any or all members of the public body may attend remotely, with in-person attendance consisting of members of the public. The meeting may also be accessed remotely via zoom at the link below:

<https://zoom.us/j/95721725414?pwd=RVVKcG9qMXRVcXNlc1pMWVRXY1JLQT09>

Password: 346818

When required by law or allowed by the Chair, persons wishing to provide public comment or otherwise participate in the meeting, may do so by in person attendance, or by accessing the meeting remotely, as noted above. We request public comment be limited to two minutes per person.

Additionally, the meeting will be broadcast live, in real time, via WayCAM which can be viewed online at <https://www.waycam.tv/live> or on one of their cable channels (Comcast 8, 9, or 99 & Verizon 37, 38 or 39). This meeting will also be recorded which will be made available to the public at the link above as soon after the meeting as is practicable.

Everyone in attendance should adhere the MA Department of Public Health's July 30 Mask Advisory that advises all unvaccinated individuals to wear masks in indoor settings and when they cannot socially distance. It also recommends vaccinated individuals to wear masks in indoor settings if you have a weakened immune system, are at increased risk for COVID-19 or if someone in your household is at increased risk or unvaccinated. <https://www.mass.gov/info-details/covid-19-mask-requirements>

- 7:00 pm 1. Call to Order, Review Agenda for Public
- 7:03 pm 2. Announcements and Public Comment
- 7:10 pm 3. 2022 Annual Town Meeting: discuss potential dates; potential vote to set date
- 7:15 pm 4. Propane License Application: Hearing for application filed by Jeffrey Mushnick on behalf of Michael and Tracy Roberge of 29 High Rock Road.
TO BE POSTPONED AND READVERTISED FOR AUGUST 30, 2021 AT 7:15PM
- 7:17 pm 5. Marijuana Dispensary Presentation by Earth Well Farms, LLC

BOARD OF SELECTMEN
Monday, August 9, 2021
7:00 p.m.
Wayland Town Building
41 Cochrane Road, Wayland, MA

- 7:50 pm 6. Committee Appointments: Interview, discuss and potential vote to appoint:
- | Committee | Potential Appointee | Term End Date |
|---|---------------------|---------------|
| Board of Registrars
<i>1 vacancy</i> | Kristopher Aleksov | April 1, 2022 |
- 7:55 pm 7. Annual Report: Discuss Board of Selectmen submission to the 2021 Annual Report
- 8:05 pm 8. Governance Guidelines: continuation of discussion and potential vote
- 8:15 pm 9. Town Administrator update
- | | |
|--|--|
| <ul style="list-style-type: none"> a. COVID-19 b. River’s Edge c. Capital Projects – School, CPA funded d. Per- and polyfluoroalkyl substances (PFAS) e. School Bus Parking f. Reprecincting g. Departmental Reports: Library h. Private Road Snow Plow Policy i. CIP Process | <ul style="list-style-type: none"> j. Regionalization Opportunities k. Housing Production Plan l. Documents provided for information: <ul style="list-style-type: none"> – Regional Housing Services Office FY2021 4th Quarter Report – Memo to Board of Public Works re: Spencer Circle – Cascade Wayland Revised 40B Decision as issued by the Housing Appeals Committee |
|--|--|
- 8:45 pm 10. Police Chief Search Process
- 9:05 pm 11. Minutes – July 12, 2021 and July 26, 2021; review and vote to approve
- 9:10 pm 12. Consent: review and vote to approve
- 9:15 pm 13. Correspondence
- 9:20 pm 14. Selectmen’s Reports and Concerns
- 9:25 pm 15. Topics not Reasonably Anticipated 48 hours in advance, if any
- 9:30 pm 16. Executive Session:
- I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with:
 - The Wayland Library Staff Association MFT, AFT, AFL-CIO
 - International Association of Firefighters, AFL-CIO Local 178;
 - II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate with respect to the Town's agreement with Twenty Wayland, LLC. relative to property and development located off 400-440 Boston Post Road;

BOARD OF SELECTMEN
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- III. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of July 12, 2021 and July 26, 2021

Approve and Hold: Executive Session minutes of July 12, 2021 and July 26, 2021

10:00pm 17. Adjourn



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

MEMORANDUM

To: Board of Selectmen
From: Seath Crandall, Management Analyst
Cc: Louise Miller, Town Administrator
Date: August 9, 2021
Re: 2022 Annual Town Meeting Proposed dates and input received

This memorandum summarizes the discussion that has taken place so far regarding possible dates for 2022 Annual Town Meeting as well as input from various stakeholders regarding those dates.

On July 12, 2021 the Board of Selectmen reviewed the document "Potential Dates for ATM 2022 draft 7.12.2021" and identified two ranges of dates as possibilities for the 2022 Town Election and Annual Town Meeting. These dates were:

- April 26, 2022 Election; Potential Meeting Dates April 28, 29, 30, May 1, 2, 3
- May 10, 2022 Election; Potential Meeting Dates May 12, 13, 14, 15, 16, 17

The School Department, Town Moderator and the Wayland Interfaith Leadership Association (WILA) was approached and were asked for their input regarding the two range of dates above. Below are their comments.

School Department

The School Fine Arts Department has scheduled the Middle school One Act Play on April 27-29.

The School Fine Arts Department also scheduled the High School Spring Play for May 12-14. The play will only run in the evenings and start at 7:30pm. Facilities Director, Ben Keefe, indicated that as long as there is adequate time between the adjourning of Town Meeting and start of Spring Play, no issues would arise.

The School Athletic Director noted that neither of the dates are better or worse for the Athletics Department. They only wished to know as soon as possible in order to work on clearing the game schedules for the days in which Annual Town Meeting Occurs.

Town Moderator

The Town Moderator had no strong opinion related to the two range of dates, but, if given a choice, would prefer the later dates. He also stressed that the decision ultimately resides with the Board of Selectmen and that he is willing to go with any date chosen.

WILA

WILA noted that the dates of April 26 –May 3 overlaps with the end of Ramadan for Muslims while May 12-17 had no conflicts with any world religions' holy days.

WILA did note a concern of having Town Meetings occur on Friday into Saturdays as it conflicts with the Sabbath time (sunset Friday to sunset Saturday). They noted that Wayland has three Jewish Temples in Town.

It was requested that the Board of Selectmen consider starting Annual Town Meeting on Sunday Afternoons and continue into Mondays to avoid the Sabbath and allow time for Christian services held on Sunday mornings.




Potential Dates for ATM 2022 Draft 7.26.2021

Wayland Code Requirements (section 36-1 and 36-3)

- 1) Last day to close ATM Warrant is January 15
- 2) Town Meeting must start between April 1 – May 15
- 3) Annual Town Election must be held 2-7 days before the start of ATM

Assumptions

1. Town Clerk: Elections should be held on a Tuesday
2. Facilities begins set up of the fieldhouse on the Friday before a Monday or Sunday start. If starting on a Saturday, facilities would need to start setting up on a Thursday which potentially impacts High School programs
3. Potential School Conflicts:
 - April 27-29 – Middle School One Act Play
 - May 12-15 – High School Spring Play
 - Spring Athletic Notes – neither dates are better or worse but would prefer to know as soon as possible to work on clearing game schedules for the days.




KEY	
	Potential Election
	Potential TM
	Less desirable dates due to holidays

Potential Final 2022 Annual Town Meeting Dates Identified:

- April 26, 2022 Election; Potential Meeting Dates April 30, May 1, 2, 3
- May 10, 2022 Election; Potential Meeting Dates May 14, 15, 16, 17

APRIL 2022						
S	M	T	W	TH	F	S
27	28	29	30	31	1	2
3 start of Ramadan	4	5	6	7	8	9
10 Palm Sunday	11	12	13	14	15 Good Friday Spring Recess	16 Passover
17 Easter	18 Patriots Day	19 Spring Recess	20 Spring Recess	21 Spring Recess	22 Spring Recess	23 Last Day of Passover
24 Orthodox Easter	25	26 	27	28	29	30 

Potential Dates for ATM 2022 Draft 7.26.2021

MAY 2022						
S	M	T	W	TH	F	S
1 End of ramadan	2 Eid al-Fitr 12 th day of Ridvan	3 	4	5	6	7
8 Mother's Day	9	10 	11	12	13	14 
15 	16 	17 	18	19	20	21
22	23	24	25	26	27	28
29	30 Memorial Day	31				



TOWN OF WAYLAND
41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

MEMORANDUM

To: Louise Miller, Town Administrator
From: Jordan Remy, Management Analyst
Date: August 5, 2021
Re: Host Community Agreements

On May 11, 2021, the Massachusetts Legislature's Joint Committee on Cannabis Policy conducted a public hearing regarding host community agreements (HCAs), with a focus on community impact fees (CIFs) contained within an HCA. HCAs are currently required for prospective marijuana treatment centers (MTCs) to execute with municipalities in which the MTC wishes to locate under M.G.L. ch. 94G § 3(d).

HCAs have been heavily scrutinized by the marijuana industry, who assert municipalities demand, without sufficient evidence, a maximum CIF (a total of 3% of the MTC's gross sales) and far exceed any actual costs imposed onto municipalities. Similarly, they argue municipalities require additional payments beyond CIFs for purposes unrelated to the MTC in order to entice officials to enter into an agreement, arguing that it creates barriers to those looking to enter the industry, and has produced an inequitable process that disadvantages small businesses and economic empowerment applicants who lack access to financial resources that larger, established business have.

Concerning pending bills S. 67, S. 68, S.72, S. 77, H. 150, H. 151, H.169, H. 174, and H. 181, respectively, are proposed measures of reform that seek, in various forms, to address the issues surrounding HCAs and CIFs. The bills predominately look to clarify issues surrounding how municipalities collect CIFs, allowable uses of CIFs, and the elimination of additional financial obligations beyond a CIF.

It is uncertain which bill, if any in present form, would be favored by the Committee. As of Thursday, August 5, 2021, the Committee has not scheduled a follow-up hearing or indicated any potential timeframe for when/if a vote to support a particular bill or combination of bills will occur.

It is likely that if any legislative reforms are passed, it would increase the authority of the Cannabis Control Commission (CCC) to oversee and regulate HCAs, specifically concerning the procedure for how municipalities demand CIFs from MTCs.

Two critical takeaways from the public hearing are:

1. CIFs are supposed to be "reasonably related to the costs imposed upon the municipality"

CIFs are designed to provide monetary relief to municipalities who bear the burden of managing unknown issues surrounding public safety, and meant to cover incurred costs such as traffic and police presence. CIFs only last five years. They do not include permit fees, sewer and water connection fees, public outreach fees, engineering fees, etc., as these fees are required of any business as part of a typical municipal permitting procedure.

Additionally, many municipalities have required payments beyond the allowable 3% of the MTC's gross sales. M.G.L. ch. 94G § 3(d) states CIFs "... shall be reasonably related to the costs imposed upon the municipality

by the operation of the ... [MTC]”, but many HCAs have required donations to local charities, drug treatment programs, etc., that are not direct costs borne by the municipality.

S. 72, H. 151, and H. 174 would eliminate any required payments beyond the CIF by adding language to M.G.L. ch. 94G § 3(d):

The community impact fee shall encompass all payments and obligations, including, but not limited to monetary payments, in kind contributions and charitable contributions by the [... MTC] to the municipality or any other organization pursuant to negotiations with the host community. Any other contractual financial obligation that is explicitly or implicitly a factor considered in or is a condition of an agreement shall not be enforceable...

2. Negotiated CIFs greater than actual costs incurred by the municipality could be rebated or severable

M.G.L. ch. 94G § 3(d) already requires municipalities to track costs imposed by the operation of an MTC, but reform advocates have long argued that municipalities do not properly track costs and grossly exaggerate them. At an MTC’s expense, S. 68 and H. 181 allow for CIFs demanded by the municipality to be audited by an independent certified public accountant, and “...the sum difference between the fees collected and the costs imposed shall be rebated to the [MTC]”.

S. 72, H. 151, and H. 174 contain a provision that requires the municipality to annually report incurred costs directly to the CCC and the MTC. Although these bills do not give the CCC the explicit authority to require municipalities to return any unspent funds, they include a provision in which the CCC can sever “...terms and conditions related to community impact fee...”; likewise, significant discrepancies between CIFs demanded by the municipality and actual costs imposed by the MTC would likely invite litigation.

Other proposed bills

S. 77 proposes different changes to M.G.L. ch. 94G § 3(d). Municipalities would be given more flexibility in HCA negotiations by extending the minimum HCA length to five years (the current maximum is five years) if gross income exceeds \$250,000 and allows HCAs to be effective for an indefinite length. It allows for additional fees or donations no greater than 2% of gross income after five years.

H. 169 rewrites M.G.L. ch. 94G § 3(d) and eliminates the required HCA and CIF, and simply imposes a 3% local option excise tax on the MTC’s gross sales. Currently, there is no local option excise tax available for medical marijuana sales, however, there is a 3% local option excise tax for the sale of recreational marijuana sales.

The Board of Selectmen may want to consider supporting this bill.

Conclusion

The proposed agreement as submitted includes a 3% CIF. The Town should review anticipated costs to determine reasonable costs based on the opening and operation of the proposed medical dispensary.



Timeline of Legalization in MA and Wayland

2008, Nov. Decriminalization of marijuana in MA

The Massachusetts Sensible Marijuana Policy Initiative decriminalized the possession of <1 oz. of marijuana only punishable by fine of \$100.

State election: YES: 53% NO: 37%

Wayland voters: YES: 69% (5577) NO: 29.8% (2435) BLANK: 1.9% (156)

2012, Nov. Medical marijuana legalized in MA

MGL Ch. 369, An Act for the Humanitarian Medical use of Marijuana, permitted medical marijuana up to 60-day supply for patients with state registration card.

Note: Communities were not permitted to prohibit marijuana treatment centers.

Note: Federal gov't still lists marijuana as Sched. 1 controlled substance with no medical value.

State election: YES: 63% NO: 37%

Wayland voters: YES: 62.6% (5199) NO: 33.4% (2778) BLANK: 3.9% (330)

2016, Nov. Recreational marijuana legalized in MA

Chapter 334 of the Acts of 2016 and MGL Ch. 94G *Regulation of the Use and Distribution of Marijuana Not Medically Prescribed*

State election: YES: 53.6% NO: 46.4%

Wayland voters: YES: 49.5% (4268) NO: 48.6% (4189) BLANK: 1.7% (151)

2016, Dec. Legislature delays implementation of Recreational Marijuana Act

Chapter 351 of the Acts of 2016 revises the Act

Timeline of Legalization in MA and Wayland

(cont'd)



- 2017, April** **Wayland Annual Town Meeting rejects temporary moratorium**
on Marijuana Treatment Centers to allow time for:
- the State Department of Public Health to finalize the regulations,
 - the Town to study the potential impacts on health, safety, and welfare; and
 - the Town to develop appropriate regulations for use.
- First vote: YES: 63.6% (159) NO: 36.4 % (91) motion does not pass by 2/3*
 Second vote: YES: 62.9% (185) NO: 37.1% (109) motion does not pass by 2/3
- 2017, July** **Massachusetts legislature passes comprehensive revision of Act** (Chapter 55 of the Acts of 2017)
- 2017, Nov.** **Wayland Special Fall Town Meeting accepts temporary moratorium through December 31, 2018**
 Vote: YES: 85.0% (549) NO: 15 % (97) motion passes by 2/3
- 2018, Mar.** **Cannabis Control Commission (“CCC”) finalizes regulations**
- 2018, April** **Applications scheduled to be accepted by CCC**
- 2018, June** **CCC will begin issuing licenses**
- 2019, April** **Wayland Town Meeting revises Zoning Bylaws to only allow for marijuana treatment centers**
 Vote: YES: 80.1% (241) NO: 19.9 % (60) motion passes by 2/3

	Wayland Earth Well Farms DRAFT	Boston Mayflower March 2021	Boston Union Twist March 2021	Somerville Liberty Cannabis November 2020	Somerville Revolutionary Clinics November 2020	Boston Patriot Care September 2020	Framingham Cultivate July 2019	Framingham Temescal May 2019	Shrewsbury Prime Wellness July 2018	Newton Garden Remedies April 2018	Brookline NETA April 2018
Community Impact Fee (CIF) = 3% Gross Sales Revenue	X	X	X	X	X	X	X	X	X	X	X
Building, sewer, and water connection fees offset against CIF	X						X	X ¹	X ¹		X ¹
Local facility compliance costs offset against CIF	X										
Public meeting and community outreach costs offset against CIF	X										
5% penalty for late CIF payment	X										
Independent audit costs offset against CIF	X								X ²		
Real and personal property taxable regardless of nonprofit or charitable status	X	X	X	X ³	X ³	X	X	X	X ⁴	X	X
Police detail costs offset against CIF	X										
Pro-rated final CIF payment	X	X ⁵	X ⁵			X ⁵			X	X	X ⁵
HCA non-transferable	X	X	X			X	X	X		X	X
Operator bears legal costs associated with HCA disputes	X										X
Operator indemnifies the town against 3rd party disputes	X								X ⁶		X
Charital payments										X ⁷	X ⁸
Contributions to local community foundation offset against CIF ⁹											X ¹⁰
Operator provides employees with MBTA subsidy											X
Operator includes Town as additional insured on relevant policies											X
Operator pays deposit prior to opening, credited to first CIF payment							X ¹¹	X ¹¹			
Operator pays Town a bond for winding down business							X ¹²	X ¹²			
	1. NOT offset against 3% payment										
	2. TOWN bears cost of audit										
	3. Operator will not seek NPO Exemption										
	4. Operator will not challenge taxability										
	5. CIF pro-rated for any partial calendar year of operation										
	6. Indemnification against federal enforcement action										
	7. \$2,500 first year, 5% increase yearly										
	8. \$25,000 annually to local drug programs										
	9. Foundation contribution may be reduced to ensure Operator's payment to Town exceeds certain benchmarks										
	10. \$300,000 in 2018, \$325,000 in 2019, \$350,000 in 2020										
	11. \$50,000 deposit										
	12. \$5,000 bond										

TOWN OF WAYLAND AND
EARTH WELL FARMS, LLC

HOST COMMUNITY AGREEMENT

(For Discussion Purposes – August 9, 2021)

This Host Community Agreement ("Agreement") is entered into this day of _____, 2021, by and between the Earth Well Farms, LLC with a principal office at 526 Boston Post Road, Wayland, MA 01778 ("the Company"), and the Town of Wayland, a Massachusetts municipal corporation with a principal address of 41 Cochituate Road, Wayland, MA 01778 (the "Town"), acting by and through its Board of Selectmen, in reliance upon all of the representations made herein (collectively referred to herein as the "Parties").

WHEREAS, the Company wishes to locate a Medical Marijuana Treatment Center to engage in the cultivation, manufacturing, and sale of medical marijuana ("Facility") at 526 Boston Post Road, Wayland MA 0 1778 (the "Property") in accordance with the laws, regulations, and policies of the Commonwealth of Massachusetts ("MA Law") and the ordinances, rules, regulations, and policies of the Town ("Local Law"); and

WHEREAS, the Company intends to provide certain benefits to the Town in the event that it receives the requisite licenses from the Cannabis Control Commission or such other state licensing or monitoring authority, as the case may be, to operate the Facility and receives all required local permits and approvals from the Town;

NOW THEREFORE, in consideration of the of the provisions of this Agreement, the Company and the Town agree to the following:

1. Definitions. As used in this agreement, terms shall have the following meaning.
 - a. Gross Sales Revenue means the total revenue actually derived from cultivation, manufacturing, processing and/or sales of marijuana and marijuana related products at the Marijuana Facility.
 - b. Calendar Year means a period of days running from January 1st until and through December 31st of the same year.
 - c. Commencement Date means the date the Company commences sales at its Marijuana Facility.
2. Annual Payments

In the event that the Company obtains the requisite licenses and/or approvals as may be required for the operation of the Facility, and receives any and all necessary and required permits and licenses of the Town, and at the expiration of any final appeal period related thereto, said matter not being appealed further, which permits and/or licenses allow the Company to locate, occupy and operate the Facility in the Town, then the Company agrees to provide the following Annual Payments:

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TOWN OF WAYLAND AND
EARTH WELL FARMS, LLC

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A. Community Impact Fee

The Company anticipates that the Town will incur additional expenses and impacts on the Town's road and other infrastructure systems, law enforcement, fire protection services, inspectional services, and permitting and consulting services, as well as unforeseen impacts on the Town. Accordingly, in order to mitigate the financial impact on the Town and use of Town resources, the Company agrees to pay an Annual Community Impact Fee (CIF) to the Town, in the amount and under the terms provided herein.

1. Company shall annually pay an Annual Community Impact Fee in an amount equal to three percent (3%) of Gross Sales Revenue at the Facility (the "Annual Payments")
2. The Annual Payments shall be made on a quarterly basis in each calendar year on or before the last day of January, April, July and October, beginning on the first of such dates after the execution of this Agreement, which payment shall be for the quarter immediately preceding the payment. By way of example, a payment made on or before January 31 shall be for the immediately preceding October through December, inclusive. The Annual Payments shall continue for the term of this Agreement, payable on a quarterly basis.

The initial quarterly payment will not be due until the Company has been in operation for a time greater than a full quarter; however, the calculation of the initial payment will include the first quarter in addition to any earlier partial quarter. Payments should be sent to:

Town of Wayland Tax Collector
PO Box 655
Medford, MA 02155

Commented [RJ1]: Add: proposed language would clarify when and how payments shall be made

3. While the Town has the sole discretion for determining how to spend the Annual Payments, the Parties understand and acknowledge that, as required by M.G.L. c. 94G, § 3(d), the Annual Payments are reasonably related to the costs imposed upon the Town by the Company's operation of a Marijuana Retailer at the Property.

B. Additional Costs, Payments and Reimbursements

1. Permit and Connection Fees: The Company hereby acknowledges and accepts, and waives all rights to challenge, contest or appeal, the Town's building permit fee and other permit application fees, sewer and water connection fees, and all other local charges and fees generally applicable to other commercial developments in the Town. Provided, however, that any upfront payment for such fees and costs shall be offset against the annual payment of CIF.
2. Facility Consulting Fees and Costs: The Company shall reimburse the Town for any and all reasonable consulting costs and fees related to any land use applications concerning the Facility, negotiation of this and any other related agreements, and any review concerning the Facility, including planning, engineering, legal and/or environmental professional consultants and any related reasonable disbursements at standard rates

Commented [RJ2]: Negotiable whether permit and connection fees are offset against 3% CIF

TOWN OF WAYLAND AND
EARTH WELL FARMS, LLC

charged by the above- referenced consultants in relation to the Facility. Provided, however, that any payment for such fees and costs shall be offset against the annual payment of CIF.

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Commented [RJ3]: Negotiable whether fees discussed in this section are offset against 3% CIF

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3. Other Costs: The Company shall reimburse the Town for the actual costs incurred by the Town in connection with holding public meetings and forums substantially devoted to discussing the Facility and/or reviewing the Facility and for any and all reasonable consulting costs and fees related to the monitoring and enforcement of the terms of this Agreement, including, but not limited to independent financial auditors and legal fees. Provided, however, that any payment for such fees and costs shall be offset against the annual payment of CIF.
4. Late Payment Penalty: The Company acknowledges that time is of the essence with respect to their timely payment of all funds required under Section 2 of this Agreement. In the event that any such payments are not fully made within ten (10) days of the date they are due, the Town shall provide the Company with written notice of such failure to make a timely payment. The Company shall have a ten (10) day period to cure such failure to make timely payment from the date of receipt of such notice., For any payment made after the due date, the Company shall also be required to pay the Town a late payment penalty equal to five percent (5%) of such required payments.

Commented [RJ4]: Negotiable whether fees discussed in this section are offset against 3% CIF

C. Annual Reporting for Host Community Impact Fees and Benefit Payments

1. The Company shall notify the Town when the Company commences sales at the Facility pursuant to laws and regulations.
2. The Company shall, at least annually, provide the Town with copies of all reports which are required to be submitted to the Commonwealth, regarding the Company's operations at the Facility.
3. At the time the Company submits each payment to the Town, the Company shall submit financial records to the Town with a certification of gross sales with respect to such Payment. The report shall specify the Payment(s) as calculated under this section and shall be prepared by the Company in accordance with generally accepted accounting principles ("GAAP") consistently applied. The Company shall maintain its books, financial records, and other compilations of data pertaining to all requirements of this Agreement in accordance with standard GAAP consistently applied and all applicable state laws and regulations. The Company shall retain such records for a period of at least seven (7) years.
4. Upon request by the Town, the Company shall provide the Town with the same access to its financial records (to be treated as confidential, to the extent allowed by law) as it is required by the CCC and Department of Revenue for purposes of obtaining and maintaining a license for the Facility.
5. In addition to the above referenced reports, the Company shall also provide to the Town such other information as may reasonably be requested by the Board of Selectmen of the Town of Wayland.

TOWN OF WAYLAND AND
EARTH WELL FARMS, LLC

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6. Financial Records Compliance with Local Law. The Company shall work cooperatively with all necessary Town agencies, departments, boards, committees, and officers to ensure that the Company's operations are compliant with Local Law. The Company shall comply with the conditions of any special permit, licenses or other permits issued by the Town, including but not limited to conditions concerning security. This Agreement does not waive, limit, control, or in any way affect the legal authority of any Town agency, board, committee, or official to regulate, authorize, restrict, inspect, investigate, enforce against, or issue, deny, suspend, or revoke any permit, license or other approval with respect to, the Company or the Site, nor does it waive, limit, control, or in any way affect the legal authority of the Wayland Police Department to investigate, prevent, or take action against any criminal activity with respect to the Company or the Site. Nothing in this Agreement presumes, implies, suggests, or otherwise creates any promise either that the Company shall obtain or retain any or all local permits, licenses, and other approvals that are required in order to operate at the Site.
7. Independent Audit. During the term of this Agreement and for three years following the termination of this Agreement the Company shall agree, upon request of the Town to have its financial records examined, copied and audited by an Independent Financial Auditor, the expense of which shall be borne by the Company. Provided, however, that any payment for such fees and costs shall be offset against the annual payment of 3% of gross sales. The Independent Financial Auditor shall review the Company's financial records for purposes of determining that the Annual Payments are in compliance with the terms of this Agreement. Such examination shall be made not less than thirty (30) days following written notice from the Town and shall occur only during normal business hours and at such place where said books, financial records and accounts are maintained. The Independent Financial Audit shall include those parts of the Company's books and financial records which relate to the payment, and shall include a certification of itemized gross sales for the previous calendar year, and all other information required to ascertain compliance with the terms of this Agreement. The independent audit of such records shall be conducted in such a manner as not to interfere with the Company's normal business activities.

3. Local Vendors and Employment

To the extent such practice and its implementation are consistent with federal, state, and municipal laws and regulations, the Company will make every effort in a legal and non-discriminatory manner to give priority to local businesses, suppliers, contractors, builders and vendors in the provision of goods and services called for in the construction, maintenance and continued operation of the Facility when such contractors and suppliers are properly qualified and price competitive and shall use good faith efforts to hire Town residents.

TOWN OF WAYLAND AND
EARTH WELL FARMS, LLC

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4. Local Taxes

At all times during the Term of this Agreement, property, both real and personal, owned or operated by the Company shall be treated as taxable, and all applicable real estate and personal property taxes for that property shall be paid either directly by the Company or by its landlord and neither the Company nor its landlord shall object or otherwise challenge the taxability of such property and shall not seek a non-profit or agricultural exemption or reduction with respect to such taxes.

Notwithstanding the foregoing, (i) if real or personal property owned, leased or operated by the Company is determined to be non-taxable or partially non-taxable, or (ii) if the value of such property is abated with the effect of reducing or eliminating the tax which would otherwise be paid if assessed at fair cash value as defined in G.L. c. 59, §38, or (iii) if the Company is determined to be entitled or subject to exemption with the effect of reducing or eliminating the tax which would otherwise be due if not so exempted, then the Company shall pay to the Town an amount which when added to the taxes, if any, paid on such property, shall be equal to the taxes which would have been payable on such property at fair cash value and at the otherwise applicable tax rate, if there had been no abatement or exemption; this payment shall be in addition to the payment made by the Company under this Agreement.

5. Security

The Company shall maintain security at the Facility and Property in accordance with a security plan approved by any required state and/or Town licensing and monitoring authority(ies). In addition, the Company shall at all times comply with MA Laws, Local Law, and any Town special permit or other permit/approval regarding security of the Site. Further, the Company shall coordinate with the Wayland Police Department in the development and implementation of required security measures, including without limitation the determination of the placement of security cameras and the sharing of security information. The Company will maintain a cooperative relationship with the Wayland Police Department, including but not limited to, periodic meetings to review operational concerns and communication with the Wayland Police Department of any incidents and suspicious activities at the Facility and Property. To the extent requested by the Town's Police Department, and subject to the security and architectural review requirements of the CCC, or such other state licensing or monitoring authority, as the case may be, the Company shall work with the Town's Police Department in determining the placement of exterior security cameras. In addition, at the discretion of the Town's Police Chief in the interest of public safety, the Police Chief may require the presence of a police detail, and the costs of any such detail shall be the responsibility of the Company. Provided, however, that any payment for such fees and costs shall be offset against the annual payment of 3% of gross sales.

The Company agrees to cooperate with the Police Department, including but not limited to periodic meetings to review operational concerns, security, delivery schedule and procedures, cooperation

TOWN OF WAYLAND AND
EARTH WELL FARMS, LLC

in investigations, and communications with the Police Department of any suspicious activities at or in the immediate vicinity of the Facility, and with regard to any anti-diversion procedures.

To the extent requested by the Town's Police Department, the Company shall work with the Police Department to implement a comprehensive diversion prevention plan to prevent diversion, such plan to be in place prior to the commencement of operations at the Establishment.

The Company agrees to comply with all the CCC's requirements, regulations, and laws of the Commonwealth, including but not limited to Criminal Offender Record Information ("CORI") review for any personnel or employees.

6. Community Impact Hearing Concerns

The Company agrees to employ its best efforts to work collaboratively and cooperatively with its neighboring businesses and residents to establish written policies and procedures to address mitigation of any reasonable concerns or issues that may arise through its operation of the Facility, including, but not limited to any and all reasonable concerns or issues raised at the Company's required Community Outreach Meeting relative to the operation of the Facility; said written policies and procedures, as may be amended from time to time, shall be reviewed and approved by the Town and shall be incorporated herein by reference and made a part of this Agreement, the same as if each were fully set forth herein.

7. Support

The Town agrees to submit to the CCC, or such other state licensing, registering or monitoring authority, as the case may be, the required certifications relating to the Company's application for a license or certificate of registration to operate the Facility where such compliance has been properly met, but makes no representation or promise that it will act on any other license or permit request, including, but not limited to any zoning application submitted for the Facility, in any particular way other than by the Town's normal and regular course of conduct and in accordance with its rules and regulations and any statutory guidelines governing them.

8. Term; Termination of Agreement

This Agreement shall take effect on the date first set forth above (the "Effective Date"), and shall continue in effect for so long as the Company operates the Facility, or five (5) years from the date upon which the Facility commences operations at the Property, whichever is earlier.

At the conclusion of the term of this Agreement, in the event that the Company wishes to continue to operate at the Site, the Parties shall renegotiate a new Agreement in accordance with the current prevailing regulations and laws as such regulations and laws may be amended or replaced. Thereupon, the Town and the Company shall negotiate the amount and calculation of annual

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TOWN OF WAYLAND AND
EARTH WELL FARMS, LLC

payments to the Town. To the extent permitted by law, this Agreement shall remain in effect until execution of a new successor agreement.

In the event that the Company no longer does business in the Town or loses or has any license(s), approvals, and/or permit(s) to operate the Facility revoked, then this Agreement shall become null and void, and the Company shall pay to the Town any payment amounts due upon the termination date, and in no event shall the Town be responsible for the return of any funds provided to it by the Company. Payments due to Town shall be pro-rated based upon the period of operation within the Town.

9. Successors/Assigns

The Company shall not assign, sublet, or otherwise transfer its rights nor delegate its obligations under this Agreement, in whole or in part, without the prior written consent from the Town, and shall not assign any of the monies payable under this Agreement, except by and with the written consent of the Town. Neither the City nor the Company shall assign, sublet, or otherwise transfer any interest in the Agreement without the written consent of the other.

Events deemed an assignment include, without limitation: (i) Company's final and adjudicated bankruptcy whether voluntary or involuntary; (ii) the Company's takeover or merger by or with any other entity; (iii) the Company's outright sale of assets and equity, majority stock sale to another organization or entity for which the Company does not maintain a controlling equity interest; (iv) or any other change in majority ownership or status of the Company; and/or (v) any assignment for the benefit of creditors.

10. Notices

Any and all notices, consents, demands, requests, approvals or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, and shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service, or, if sent by private overnight or other delivery service, when deposited with such delivery service.

To the Town:

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

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TOWN OF WAYLAND AND
EARTH WELL FARMS, LLC

To Company:

Zachary Hap Seligman Karen
Jonathan R. Watkins
Earth Well Farms
526 Boston Post Rd
Wayland, MA 01778
Email: legal@earthwellfarms.com

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11. Severability

If any term of condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless the Town would be substantially or materially prejudiced. Further, the Company agrees that it will not challenge, in any jurisdiction, the enforceability of any provision included in this Agreement; and to the extent the validity of this Agreement is challenged by the Company in a court of competent jurisdiction, the Company shall pay for all reasonable fees and costs incurred by the Town in enforcing this Agreement.

12. Governing Law

This Agreement shall be governed and construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, without regard to the principles of conflicts of law thereof. The Parties expressly waive any defense to enforcement based upon nonconformance with federal law regarding the legality of marijuana. The Company submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

13. Entire Agreement

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the Company and the Town with respect to the matters described herein. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

14. Amendment/Waiver

Amendments, or waivers of any term, condition, covenant, duty or obligation contained in this Agreement may be made only by written amendment executed by all signatories to the original Agreement, prior to the effective date of the amendment.

15. Headings

TOWN OF WAYLAND AND
EARTH WELL FARMS, LLC

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The article, section, and/or paragraph headings in this Agreement are for convenience of reference only, and shall in no way affect, modify, define or be used in interpreting the text of this Agreement.

16. Counterparts

This Agreement may be signed in any number of counterparts all of which taken together, each of which is an original, and all of which shall constitute one and the same instrument, and any party hereto may execute this Agreement by signing one or more counterparts.

17. Signatures

Facsimile signatures affixed to this Agreement shall have the same weight and authority as an original signature.

18. No Joint Venture

The Parties hereto agree that nothing contained in this Agreement or any other documents executed in connection herewith is intended or shall be construed to establish the City, or the City and any other successor, affiliate or corporate entity as joint ventures or partners.

19. Indemnification

The Company shall indemnify, defend, and hold the Town harmless from and against any and all claims, demands, liabilities, actions, causes of actions, defenses, proceedings and/or costs and expenses, including attorney's fees, brought against the Town, their agents, departments, officials, employees, insurers and/or successors, by any third party arising from or relating to the development of the Property and/or Facility. Such indemnification shall include, but shall not be limited to, all reasonable fees and reasonable costs of attorneys and other reasonable consultant fees and all fees and costs (including but not limited to attorneys and consultant fees and costs) shall be at charged at regular and customary municipal rates, of the Town's choosing, incurred in defending such claims, actions, proceedings or demands. The Company agrees, within thirty (30) days of written notice by the Town, to reimburse the Town for any and all costs and fees incurred in defending itself with respect to any such claim, action, proceeding or demand.

20. Third-Parties

Nothing contained in this agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Town or the Company.

TOWN OF WAYLAND AND
EARTH WELL FARMS, LLC

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first written above.

Town of Wayland

By: _____

Earth Well Farms, LLC

By: _____

DRAFT

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**Town of Wayland
Board/Committee Appointments
Status as of August 3, 2021**

Most volunteer positions have a term that ends on June 30. All positions with openings as of July 1, 2021 are listed below. Incumbents may reapply, and all interested volunteers will be considered.

Information on each board and committee (purpose, responsibilities, Chair) can be found on its web page. All board and committee pages are linked here: <https://www.wayland.ma.us/boards>.

Volunteers interested in serving on one of the committees or boards listed below, please send an email explaining your interest and qualifications and a resume/CV to the Board of Selectmen c/o Teri Hegarty at thegarty@wayland.ma.us. All positions are appointed by the Board of Selectmen unless otherwise noted.

Committee	Term Ending Date
Audit Committee	
School Committee	June 30, 2022
Cable Advisory Committee	completion of negotiations
Cultural Council (multiple vacancies)	3-year terms
Dog Control Appeals Board	June 30, 2024
Local Emergency Planning Committee	
Selectmen (3 positions)	June 30, 2022, 2023 and 2024
Municipal Affordable Housing Trust Fund Board	
Selectmen (Real Estate Law Specialist)	June 30, 2022
Housing Authority	June 30, 2023
Personnel Board	June 30, 2026
Registrars of Voters	April 1, 2022
Appointment done in compliance with MGL Ch 51, section 15.	
Senior Tax Relief Committee	
Board of Assessors	June 30, 2024
Youth Advisory Committee	
Selectmen	June 30, 2023
Board of Health	June 30, 2023
Zoning Board of Appeals	June 30, 2023

KRISTOPHER K. ALEKSOV, ESQ.

PROFESSIONAL EXPERIENCE

LAW OFFICE OF KRIS ALEKSOV

FRAMINGHAM, MA

Attorney at Law, November 2013-Present

Trial attorney representing clients in civil litigation and probate litigation.

EDUCATION

UNIVERSITY OF MASSACHUSETTS SCHOOL OF LAW

DARTMOUTH, MA

Juris Doctor, May 2013

Honors: Winner, University of Massachusetts Roundtable Symposium Law Journal Writing Competition

Honors, UMass Law Review Award Based on Excellent Academic Performance 2L and 3L years

Activities: Business Editor, University of Massachusetts Law Review Editorial Board

Officer, Delta Theta Phi Law Fraternity Executive Board (Larkin Senate)

Moderator, University of Massachusetts Law Review Symposium

Member, UMass Law Review Submissions Committee

Research Assistant, Professor Thomas Workman, *The Science Behind Breath Testing Ethanol*, 7 U. MASS. L. REV. 110 (2012)

Publication: Independent Contractor Misclassification of Exotic Dancers in Massachusetts: Making it Rain Legislatively

WESTERN MICHIGAN UNIVERSITY

KALAMAZOO, MI

Bachelor of Arts, Philosophy with concentration in Professional and Applied Ethics, August 2009

Honors: Recipient, Michigan Merit Scholarship Award

Activities: President, Henry Residence Hall Council

Treasurer, Russian Club

OTHER EDUCATION AND CERTIFICATIONS

- Certificate of Mastery, HarvardX: The Ancient Greek Hero
- Certificate of Mastery, HarvardX: Ethical Reasoning, Justice
- Certificate of Completion, HarvardX: Health and Society
- Certificate of Completion, UTAustinX: Age of Globalization
- Honor Code Certificate, CornellX: American Capitalism: A History
- Honor Code Certificate, WellesleyX: Was Alexander Great?
- MCLE, A Practical Guide: Introducing Evidence in Massachusetts
- Honor Code Certificate, UQx: The Science of Everyday Thinking
- Honor Code Certificate, UQx: Biomedical Imaging

MISCELLANEOUS

PRO BONO/VOLUNTEER WORK

- Democratic Nominee for the Massachusetts State Senate; Norfolk, Bristol and Middlesex Senate District, 2016

PUBLICATIONS

- *Using Medical Specialty Societies Codes of Ethics in Examining Medical Expert Witnesses.*
Chicago Medicine Magazine
- *Understanding the Role of Medical Specialty Societies in Policing Medical Expert Testimony and Using it to your Advantage as an Attorney,* ABA Health Journal vol. 11, iss. 12.

Part I	ADMINISTRATION OF THE GOVERNMENT
Title VIII	ELECTIONS
Chapter 51	VOTERS
Section 15	BOARD OF REGISTRARS IN CERTAIN CITIES AND TOWNS; APPOINTMENT; TERM OF OFFICE

Section 15. Except as provided in section seventeen, there shall be in every city, other than one having a board of election commissioners or an election commission, and in every town a board of registrars of voters consisting of the city or town clerk and three other persons who shall, in a city, be appointed by the mayor, with the approval of the aldermen, and in a town, by a writing signed by the selectmen and filed with the town clerk. When a board of registrars is first appointed, the registrars shall be appointed in February or March for terms respectively of one, two and three years, beginning with April first following. In February or March in every year after the original appointment, one registrar shall be appointed for the term of three years, beginning with April first following.

As the terms of the several registrars expire, and in case a vacancy occurs in the board of registrars of voters, the selectmen or the appointing authority shall so appoint their successors that as nearly as possible the members of the board shall represent the two leading political parties, as defined in section one of chapter fifty; provided, that a city or town clerk need not be enrolled in a political party; and provided further, that in no

case shall an appointment be made as to cause a board to have more than two members, including the city or town clerk, of the same political party. Every such appointment shall be made in a town by the selectmen or the appointing authority from a list to be submitted to them by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the town, selected by a majority vote at a duly called meeting, at which a quorum is present, of such committee; and every member of a board of registrars of voters shall serve until the expiration of his term and until his successor has qualified; provided, however, if the chairman of the town committee has not submitted such list to the selectmen or the appointing authority within forty-five days after a notification to said chairman by certified mail, the selectmen or the appointing authority shall make said appointment without reference to such a list.



**TOWN OF WAYLAND
BOARD OF HEALTH**
41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

Julia Junghanns, R.S., C.H.O.
DIRECTOR OF PUBLIC HEALTH
TEL. (508) 358-3617

Ruth Mori, MSN, R.N.
PUBLIC HEALTH NURSE
TEL. (508) 358-3617

Wayland COVID-19 Vaccination Update – July 27, 2021

The Wayland Health Department is actively monitoring the status of the COVID-19 pandemic in Wayland. The reporting structure below is designed to balance the privacy of affected individuals as much as possible while keeping the public informed about COVID-19 activity in Wayland.

Age Group	Population	Proportion of town population	Individuals with at least one dose	Individuals with at least one dose per capita	Fully vaccinated individuals	Fully vaccinated individuals per capita
12-15 Years	805	6%	810	>95%	671	83%
16-19 Years	704	5%	747	>95%	688	>95%
20-29 Years	891	7%	1,041	>95%	949	>95%
30-49 Years	3,044	23%	2,886	95%	2,697	89%
50-64 Years	3,158	24%	2,852	90%	2,678	85%
65-74 Years	1,525	12%	1,549	>95%	1,446	95%
75+ Years	1,220	9%	1,178	>95%	1,069	88%
Total	13,218	100%	11,063	84%	10,198	77%

***Notes on Age:** As of 5/20/21, the 0-19 years population category was split into 12-15 and 16-19 years to more closely reflect the population currently eligible for vaccines (12+). The total population for a given town includes all residents, including those ages 0-11. Total doses may include a small number of doses with ages incorrectly marked as 0-11 and thus sum of age group doses may not match total town doses

Notes on Population Data

Source: “Population Estimates 2011-2020, version 2019, Massachusetts Department of Public Health, Bureau of Environmental Health. Version 2019 years 2017-2019 apply updates from U.S. Census Bureau’s County Population by Characteristics, vintage 2019; all previous years apply updates from U.S. Census Bureau’s County Population by Characteristics, vintage 2018 or earlier. These estimates were developed by the University of Massachusetts Donahue Institute (UMDI) in partnership with the Massachusetts Department of Public Health, Bureau of Environmental Health.

UMDI detailed population estimates at fine levels of geography and demographic strata are prone to estimation error. UMDI Estimated error was best described by age and population size and was used to adjust final population numbers, however a margin of error exists for all estimates.

Note about Totals: The difference in the MA state population total created by summing the age categories and by summing the race categories is expected due to the manner in which the estimates were created; the discrepancy is due to unknown races and small, compounded rounding.



**TOWN OF WAYLAND
BOARD OF HEALTH**
41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

Julia Junghanns, R.S., C.H.O.
DIRECTOR OF PUBLIC HEALTH
TEL. (508) 358-3617

Ruth Mori, MSN, R.N.
PUBLIC HEALTH NURSE
TEL. (508) 358-3617

Wayland COVID-19 Case Update – July 30, 2021

****Cases are from Fri July 23, 2021-Thurs July 30, 2021****

The Wayland Health Department is actively monitoring the status of the COVID-19 pandemic in Wayland. The reporting structure below is designed to balance the privacy of affected individuals as much as possible while keeping the public informed about COVID-19 activity in Wayland.

	Total Cases to date	Cases as of previous report date	New Cases since last report	Cases Removed from Isolation	Total Current Active Cases
Confirmed (LAB) COVID-19 cases	648	639	9	2	10

The information below is regarding Lab Confirmed Covid-19 cases only

Sex	To Date	New
Female	355	5
Male	293	4

Total Cases as of 7/30/2021

Active Non-Hospitalized	10
Active Hospitalized	0
Recovered	614
Deceased	24
Total	648

Total Ages per Category	New	Deceased
<19	156	1
20-29	85	1
30-39	49	3
40-49	84	3
50-59	86	1
60-69	51	5
70-79	42	1
80-89	49	-
90-99	43	-
100-109	3	-

New Confirmed and Probable Cases

	Confirmed	Probable
Live/work within Wayland Long Term Care Facilities (LTC)	1	0
Live/work within the Wayland General Community	8	0

School Based Information Year to Date as of 6/25/2021 (This section no longer utilized until late Aug)

School	Confirmed Student	Confirmed Staff	In school Student Close Contact	In school Staff Close Contact	Out of school Student Close Contact
Loker	18	2	18	5	4
Happy Hollow	7	1	4	3	8
Claypit	15	2	72	2	10
Middle	22	3	10	3	3
High School	27	9	99	8	6



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

MEMORANDUM

To: School Committee
From: Louise Miller, Town Administrator
Ben Keefe, Public Buildings Director
Date: July 27, 2021
Re: Status Update School Capital Projects

Below is an update of currently outstanding Facilities Department capital projects for the School Department. Priority order for school building projects was determined by School Department staff and the Finance Subcommittee of the School Committee. At the meeting of the Finance Subcommittee, the Town Administrator clarified that the purpose of the prioritization was to allow the Public Buildings Director to focus attention as needed on higher priority projects as issues develop during the course of design, bidding, and construction. This year has been particularly challenging due to the impacts of COVID. There are supply chain disruptions, labor shortages, and transportation delays throughout the country. Wayland is not immune from these same challenges.

Priority Order 1:

Loker Roof:

Town Project Manager: Ben Keefe

Project Manager: ACG

Architect: Tighe and Bond

Contractor: Tower

Current Status: The project is postponed to summer of 2022 due to supply chain delays, most significantly in roofing material for this project. The contractor will provide the Town with a no-cost change order extending to next summer. This means that the contractor will absorb all costs as a result of the one-year delay for all subcontractors. Electric Roof Top Units design is complete. As a reminder, these were changed from gas to electrical to comply with new energy reduction requirements. The contractor will be providing pricing for the units and all associated structural and electrical upgrades. Given COVID and the uncertainty regarding supply chain going forward, some materials have already been delivered and are being stored by the contractor.

Loker Solar and Resiliency:

Town Project Manager: Louise Miller / Ben Keefe

Consultant: EC&C

Contractor: Solect

Negotiations of the relevant Power Purchase Agreement and Payment In Lieu Of Taxes are ongoing. When this project is complete, the Loker School will be self-sufficient for electricity bringing the electricity bills to \$0.

Claypit Hill Roof Top Units:

Town Project Manager: Ben Keefe

Architect: Tighe & Bond

Contractor: TBD

The project is postponed until summer of 2022 due to supply chain delays, most significantly in metals necessary for the production of the RTUs. Depending upon the pricing of the Loker RTUs, this project may be reviewed to determine whether electrical RTUs should be installed. The price of electrical RTUs is significantly higher than gas-fired RTUs. There may also need to be additional structural and electrical work to be completed.

Priority Order 2:

Happy Hollow Chairlift:

Town Project Manager: Ben Keefe

Architect: DiGiorgio

Contractor: Kneeland Construction

Design work began in FY2021 due to timing of the project for construction during the 2021 summer. The design work in FY2021 must be paid with FY2021 funds because the ATM funding was not available until FY2022. The bid was anticipated for mid-July. The bid was issued and received on schedule. The total cost of the project, however, exceeds the Annual Town Meeting appropriation. The construction contract has been signed by the Board of Selectmen after discussion of the funding sources for the project. The project cost breaks down as follows:

Design: \$40,000 (paid with Town Facilities Department and Town Administrator FY2021 operating funds)

Construction: \$105,000 (paid with \$75,000 ATM appropriation - \$30,000 TBD)

Contingency: \$15,000 (Funding TBD)

We understand that there will be discussions with the School Department and School Committee on potential sources of funds for the TBD amounts.

Loker Chair Lift:

Town Project Manager: Ben Keefe

Architect: DiGiorgio

Contractor: Garaventa

The chair lift is functioning and has passed annual inspection. We are still identifying contractors. Quotes will be obtained once contractors have been identified.

Priority Order 3:

Playgrounds for Happy Hollow and Claypit Hill:

Town Project Manager: Steve Vitello

Architect/Engineer: Beta

Contractor: Green Acres

The project was voted at the September 2020 Town Meeting and was designed and bid. No bids were received with the first bid. After contacting contractors, the total cost for the amount of Poured-In-Place (PIP) bid was too high for the approved budget. To increase the likelihood of obtaining bids, the total surface area for the PIP was reduced with 2 levels of add alternates for additional areas of the playground, and the bid was reissued. Bids were received after the bid reissuance. The bids received were still higher than budget. The contract was signed with the first add alternate only. The total project cost with the first add alternate is \$413,152, which will be funded as follows:

\$315,660 (CPA Funds)

\$ 25,800 (Gifts)

\$40,000 (Recreation FY2022 operating funds)

\$32,000 (School funding)

We strongly recommend additional funding for contingency and additional PIP surfacing. Again, we understand there will be discussions with the School Department and School Committee on potential sources of additional funds.

Priority Order 4:

Loker Egress Doors:

Town Project Manager: Steve Vitello

Architect: TBA

Contractor: Infrastructures

The project is currently being scheduled and should be completed before school start.

Priority Order 5 – moved to Priority Order 1 in June:

School Space Study and Construction:

Town Project Manager: Ben Keefe

Architect: TBA

Contractor: Staples

The project is currently being scheduled. Hon, the supplier, is experiencing labor shortages and transportation disruptions, resulting in a recent change this week in the delivery date for the office panels. They are now anticipated during the first week of September. The Town has indicated that it is willing to pay a premium to accelerate delivery, if possible.

A question was raised regarding the project timeline. The Town Administrator, Public Buildings Director, School Superintendent and the School Director of Finance and Operations meet weekly to review and update all facilities projects, both operating and capital. At that time, all projects are discussed. For this project, the former School Department Director of Finance and Operations prepared a project timeline and assignments for completion of each task.

Prepare a Statement of Work/Specifications: 5/24/2021

Conduct Bid: 6/7/2021

Execute Contract: 6/14/2021

Schedule Project: 6/14/2021

Begin Project: 6/21/2021

The School Committee should first note that no funds can be expended for a FY2022 capital appropriation until July 1, 2021. Since State law, as confirmed by the Attorney General's office, requires that all contracts must have an encumbrance, the contract could not be executed and no funds could be encumbered until July 1, 2021 at the earliest. When this information was conveyed to the School Department, the School Department expended FY2021 funds to pay for architectural services for a Statement of Work rather than bid specifications. In addition, bids require a minimum of 3 weeks from the time a bid is advertised to signature. If the bid period started on June 7, the earliest bid opening would have been June 17. Under no circumstance could the project have begun on June 21, 2021.

An email with a link to a dropbox, with drawings (constituting a Statement of Work), were forwarded to the Public Buildings Director and School Superintendent on 5/24/2021. The Public Buildings Director opened the link but, due to formatting differences over different computer platforms, was unable to see a Statement of Work. The Town Administrator's mailbox was searched again in preparation of this memorandum. No copy of this email has been found in the Town Administrator's mailbox. On June 3,

2021, at the regularly scheduled meeting, when reviewing this project, both the Public Buildings Director and the Town Administrator indicated that no specifications for the project had been received. At that time, the email was forwarded to the Town Administrator who was also unable to see any Statement of Work. The Director of Finance and Operations provided a hard copy of the documents shortly thereafter.

At the meeting of June 10, the Town Administrator and Public Buildings Director explained that the Statement of Work was not sufficient to constitute bid specifications. A Statement of Work is sufficient for a State Contract. However, research needed to be done to confirm whether a State Contract would allow for this work.

The Town Administrator and Public Buildings Director meet regularly outside of meetings with the various Town departments and committees. After reviewing the Statement of Work, the Public Buildings Director discussed with the Town Administrator that this project should be moved to Priority Order 1. Of all the projects on the School Department's list, not completing this project prior to school start would cause the greatest disruption. The Town Administrator informed the Chair of the School Committee as well as the Superintendent and Director of Finance and Operations of the reprioritization. The Town Administrator and Public Buildings Director also discussed the procurement of the project. The Public Buildings Director was tasked with finding a State Contract that would allow for the work and with contacting OSD, if necessary, to determine if the project value could be considered by school rather than as a single project, avoiding a bid process that could delay the project by 4-6 weeks.

On June 16, the Public Buildings Director reported that procurement could legally be conducted through a State Contract, and that Staples had been identified as a vendor and that a schedule for the project would be available in the next few days.

On June 23, the Public Buildings Director reported to the Town Administrator that Staples provided for a 6-week lead time for the items needed for this project and that the work was anticipated to begin on August 16. The project was reported to the Finance Subcommittee of the School Committee on June 29 as well as the reprioritization to Priority Order 1. The Town Administrator's notes were not sufficient to determine the substance of any discussion of this project on June 29.

No meetings took place with the School Department for a couple of weeks in July due to staff being out for various reasons. The Public Buildings Director and Town Administrator continued their regular meetings. On July 7, they determined that the construction supervision of the project would be assigned to the Town's Construction Project Manager, since it was due to occur at the same time as schools were being readied for the fall, which would demand the Public Building Director's attention.

Between July 7 and July 21, the project start date was firmed up with Staples and set to August 19.

On July 23, Staples contacted the Public Buildings Director to inform him that the manufacturer of the needed office space furnishings and dividers was experiencing labor shortages and transportation delays. Staples estimated the start date of the project at September 1.

On July 27, the Town Administrator and Public Buildings Director met with the Finance Subcommittee of the School Committee with an update on the project.

Priority Order 6:

Elementary School Fire Alarms:

Town Project Manager: Ben Keefe

Architect: BTA

Contractor: TBD

A meeting took place among the architect, the Fire Chief and the Public Facilities Director. All school fire alarm systems are currently code-compliant. Based on the initial estimate developed by the architect, there may not be sufficient funding for all the schools. The work to be done was prioritized by the Fire Chief in the following order: 1. Happy Hollow, 2. Loker, 3. Claypit Hill. The architect is developing bid specifications.

Priority Order 7:

School Intercoms/PA Systems (all elementary schools and middle school):

Town Project Manager: Leisha Simon/Ben Keefe/Louise Miller

Architect: None

Contractor: TBD

The written statement of work provided by the School Department was provided to the vendor of the preferred PA system. The vendor is helping develop the bid specifications. The bid must be issued with the proprietary equipment "or equal" under State law. We believe that this project can be completed during the school year.

Priority Order 8:

Replacement of Elementary School Student Storage System:

Town Project Manager: Ben Keefe

Architect: TBA

Contractor: TBD

The materials storage system has been specified and ordered. We are waiting to hear when they will be shipped. The storage units for students have been specified and designed. These units are not yet scheduled for delivery nor has a contractor been found to install them. They can be installed during the school year once they are received.

Loker Tile Replacement:

Town Project Manager: Ben Keefe/Steve Vitello

Architect: None

Contractor: Liberty

Tiling will be completed this summer. All appropriated funds are anticipated to be expended. Funds will need to be appropriated in future years to continue replacement of the floor tile at Loker.

Middle School Tiling and Locker Replacement:

Town Project Manager: Ben Keefe

Architect: TBA

Contractor: J.C. Floor Covering

The tiling planned for the summer of 2021 will be completed. The lockers will be replaced in the summer of 2022 due to the unavailability of stamped steel.

Priority Order 9:

Happy Hollow Walk-Ins:

Town Project Manager: Ben Keefe

Architect: BTA

Contractor: TBD

The infrastructure preparation for the units will be completed. A slab needs to be poured and the wall cut to allow for installation of the units. Once delivered, the installation will require 2 days and can be completed during the school year.

Capital Projects Funded with Operating/Maintenance Budget:

School Ventilation:

Town Project Manager: Ben Keefe

Architect: TBA

Contractor: Cooling and Heating Specialists and Daikin

School ventilation inspection and repairs are scheduled for August prior to school start. All interior filters will be replaced by school custodians. All exterior filters will be replaced by a contractor. An issue has arisen at the High School where the rooftop ventilation units have been found open and it appears that someone has been going into the units. A camera will be placed on the roof to determine what is happening.



TOWN OF WAYLAND
41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

MEMORANDUM

To: Board of Selectmen
School Committee
Cc: Dr. Omar Easy, School Superintendent
Ellen Whittemore, School Department Director of Finance and Operations
From: Louise Miller, Town Administrator
Ben Keefe, Public Buildings Director
Date: August 9, 2021
Re: Status Update School Capital Projects

Below is an update of currently outstanding Facilities Department capital projects for the School Department. Priority order for school building projects was determined by School Department staff and the Finance Subcommittee of the School Committee. At the meeting of the Finance Subcommittee, the Town Administrator clarified that the purpose of the prioritization was to allow the Public Buildings Director to focus attention as needed on higher priority projects as issues develop during the course of design, bidding, and construction. This year has been particularly challenging due to the impacts of COVID. There are supply chain disruptions, labor shortages, and transportation delays throughout the country. Wayland is not immune from these same challenges.

Following each project is a note whether the project status has been updated since July 28, the date of the last memorandum. Updates are bolded.

Priority Order 1:

Loker Roof: Update

Town Project Manager: Ben Keefe
Project Manager: ACG
Architect: Tighe and Bond
Contractor: Tower

Current Status: The project is postponed to summer of 2022 due to supply chain delays, most significantly in roofing material for this project. **The contractor has agreed to provide the Town with a no-cost change order extending to next summer. This means that the contractor will absorb all costs as a result of the one-year delay for all subcontractors. In exchange, the Town will provide a limited waiver of liquidated damages due to the one-year delay. To ensure that the project is able to proceed next summer, given COVID and the uncertainty regarding supply chain, the contractor is purchasing items needed for the project and has instructed all subcontractors to do the same. The materials will be inventoried and stored at no cost to the Town until next summer.** In the meantime, work on the electric Roof Top Units cost estimates continues.

Loker Solar and Resiliency: No Change

Town Project Manager: Louise Miller / Ben Keefe

Consultant: EC&C

Contractor: Solect

Negotiations of the relevant Power Purchase Agreement and Payment In Lieu Of Taxes are ongoing. When this project is complete, the Loker School will be self-sufficient for electricity bringing the electricity bills to \$0.

Claypit Hill Roof Top Units: No Change

Town Project Manager: Ben Keefe

Architect: Tighe & Bond

Contractor: TBD

The project is postponed until summer of 2022 due to supply chain delays, most significantly in metals necessary for the production of the RTUs. Depending upon the pricing of the Loker RTUs, this project may be reviewed to determine whether electrical RTUs should be installed. The price of electrical RTUs is significantly higher than gas-fired RTUs. There may also need to be additional structural and electrical work to be completed.

Priority Order 2:

Happy Hollow Chairlift: Update

Town Project Manager: Ben Keefe

Architect: DiGiorgio

Contractor: Kneeland Construction

Work starts the week of August 9. The construction work is scheduled to be finished before school starts. The delivery date for the new lift is still not firm but anticipated between October 1 and October 15. In the meantime, the portable chair lift can and will be used, meeting ADA requirements.

Design work began in FY2021 due to timing of the project for construction during the 2021 summer. The design work in FY2021 must be paid with FY2021 funds because the ATM funding was not available until FY2022. The bid was anticipated for mid-July. The bid was issued and received on schedule. The total cost of the project, however, exceeds the Annual Town Meeting appropriation. The construction contract has been signed by the Board of Selectmen after discussion of the funding sources for the project. The project cost breaks down as follows:

Design: \$40,000 (paid with Town Facilities Department and Town Administrator FY2021 operating funds)

Construction: \$105,000 (paid with \$75,000 ATM appropriation - **\$30,000 School Department**)

Contingency: \$15,000 (Funding TBD)

Loker Chair Lift: Update

Town Project Manager: Ben Keefe

Architect: DiGiorgio

Contractor: Garaventa **and contractor TBD**

Garaventa has been contacted and will work with a contractor provided by the Town once the Town is able to identify a suitable contractor. The work will require 1 day for demo and 1 ½ to 2 days for installation. This can be done over a weekend or a short school holiday. The chair lift is functioning and has passed annual inspection.

Priority Order 3:

Playgrounds for Happy Hollow and Claypit Hill: Update

Town Project Manager: Steve Vitello

Architect/Engineer: Beta

Contractor: Green Acres

The work on the Happy Hollow playground will begin August 9, with a current anticipated completion date of September 3. The work at Claypit Hill is scheduled to begin immediately following, with preconstruction work beginning August 31 and anticipated completion before October 15.

The project was voted at the September 2020 Town Meeting and was designed and bid. No bids were received with the first bid. After contacting contractors, the total cost for the amount of Poured-In-Place (PIP) bid was too high for the approved budget. To increase the likelihood of obtaining bids, the total surface area for the PIP was reduced with 2 levels of add alternates for additional areas of the playground, and the bid was reissued. Bids were received after the bid reissuance. The bids received were still higher than budget. The contract was signed with the first add alternate only. The total project cost with the first add alternate is \$413,152, which will be funded as follows:

\$315,660 (CPA Funds)

\$ 25,800 (Gifts)

\$40,000 (Recreation FY2022 operating funds)

\$32,000 (School funding)

Based on the August 28, 2021 School Committee vote, an additional \$38,000 will be available to increase PIP coverage of the playgrounds. This will enhance the playgrounds.

Priority Order 4:

Loker Egress Doors: Update

Town Project Manager: Steve Vitello

Architect: TBA

Contractor: Infrastructures

At this time, the Town has sought quotes from contractors. **Quotes have been obtained but are far higher than reasonable for the work being performed. While the project is currently being scheduled and should be completed before school start, the price of the contract is being negotiated.**

Priority Order 5 – moved to Priority Order 1 in June:

School Space Study and Construction: Update

Town Project Manager: Ben Keefe

Architect: TBA

Contractor: Staples

The project is currently being scheduled. **The delivery date for the office panels (space divider units) has been moved out to September 8, 2021. We anticipate that the date may be moved out again. The Public Buildings Director has worked with the School Department on a temporary solution pending installation of the permanent office panels.** The permanent panels are made to order based on the architectural plans developed. Hon, the supplier, is experiencing labor shortages and transportation disruptions, resulting in another change this week in the delivery date for the office panels.

The project includes storage units. The delivery date for the storage units has also been pushed out. At this time, the storage units will not be delivered until early October. The Public Buildings Director is provided a temporary alternative until the units are delivered.

Priority Order 6:

Elementary School Fire Alarms: No Change

Town Project Manager: Ben Keefe

Architect: BTA

Contractor: TBD

A meeting took place among the architect, the Fire Chief and the Public Facilities Director. All school fire alarm systems are currently code-compliant. Based on the initial estimate developed by the architect, there may not be sufficient funding for all the schools. The work to be done was prioritized by the Fire Chief in the following order: 1. Happy Hollow, 2. Loker, 3. Claypit Hill. The architect is developing bid specifications.

Priority Order 7:

School Intercoms/PA Systems (all elementary schools and middle school): Update

Town Project Manager: Leisha Simon/Louise Miller

Architect: None

Contractor: TBD

The written statement of work provided by the School Department was provided to the vendor of the preferred PA system. **The vendor has provided the Town Administrator with technical specifications. The bid must be issued with the proprietary equipment “or equal” under State law. The Town Administrator will meet with the School Department IT Director to develop bid specifications for each school.** We believe that this project can be completed during the school year.

Priority Order 8:

Replacement of Elementary School Student Storage System: No Change

Town Project Manager: Ben Keefe

Architect: TBA

Contractor: TBD

The materials storage system has been specified and ordered. We are waiting to hear when they will be shipped. We still have not had a confirmation of shipment for the materials storage. The current estimate we received in end of September. The storage units for students have been specified and designed. These units are not yet scheduled for delivery nor has a contractor been found to install them. They can be installed during the school year once they are received.

Loker Tile Replacement: Update

Town Project Manager: Ben Keefe/Steve Vitello

Architect: None

Contractor: Liberty

Tiling has been completed. All appropriated funds will be expended. Funds will need to be appropriated in future years to continue replacement of the floor tile at Loker. The Facilities Department will wax the new floors and move all furniture back into the spaces that were tiled prior to the start of school.

Middle School Tiling and Locker Replacement: Update

Town Project Manager: Ben Keefe

Architect: TBA

Contractor: J.C. Floor Covering

The tiling planned for the summer of 2021(roughly half of the 7th grade wing and half of the 8th grade wing) have been completed. The lockers will be replaced in the summer of 2022 due to the unavailability of stamped steel. The Facilities Department will wax the newly tiled floors. After the waxing is completed, the moving company hired by the Town will move all furniture back prior to the start of school.

Priority Order 9:

Happy Hollow Walk-Ins: No Change

Town Project Manager: Ben Keefe

Architect: BTA

Contractor: TBD

The infrastructure preparation for the units will be completed. A slab needs to be poured and the wall cut to allow for installation of the units. Once delivered, the installation will require 2 days and can be completed during the school year.

Capital Projects Funded with Operating/Maintenance Budget:

School Ventilation: Update

Town Project Manager: Ben Keefe

Architect: TBA

Contractor: Cooling and Heating Specialists and Daikin

School ventilation inspection and repairs are ongoing and will be completed prior to school start. All interior filters will be replaced by school custodians in the week prior to school start. All exterior filters will be replaced by the contractors. An issue has arisen at the High School where the rooftop ventilation units have been found open and it appears that someone has been going into the units. A camera will be placed on the roof to determine what is happening.



Sarkis Sarkisian
Wayland Town Planner

TOWN OF WAYLAND
MASSACHUSETTS
01778
PLANNING DEPARTMENT

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3778

DATE: August 6, 2021
TO: Louise Miller, Town Administrator
FROM: Sarkis Sarkisian, Town Planner
RE: Bus Parking at Town Building 41 Cochituate Road

The Town of Wayland has been working with BETA Engineering to prepare design concepts for the Town Building front and rear parking lot to maximize parking spaces and improve traffic safety circulation patterns and crosswalk areas in order to accommodate 16 School Buses. An estimate of probable construction costs will also be prepared for each of the design concepts. At this time BETA has prepared two concepts for the rear parking lot (see enclosed plans). BETA will have concepts for the front of Town Building by early next week.

The Design options for the rear parking lot is based on the assumption that approximately 20 additional staff parking spaces would have to be replaced. As you know, the Town of Wayland has a good working relationship with the Trinitarian Church when it involves shared parking for special events at Town Buildings. Examples include: election days, council on aging events, flu clinics and regional meetings. I have reached out to a member of the Trinitarian Church Board and it was recommended that the Town of Wayland submit a formal request in writing.

Lastly, the permitting and engineering costs for final design of the front of Town Building will exceed \$17,000. This does not include the cost for the proposed construction improvements for sidewalks and curbing in front of Town Building. This is in addition to the previous Task Order for the project development and design of the Town Hall parking lot layout reconfiguration and circulation improvements that was at a cost not to exceed \$8,500. Once we have a preferred design concept a more detail estimate will be developed. I recommend that we present these options/preliminary site plans to the Planning Board before a preferred design concept is selected. The next Planning Board meeting is scheduled for August 17. I have discussed this matter with the Chair of the Planning Board.

BETA GROUP, INC. - TEMPLATE (BETA - STANDARD TEMPLATE - 4.0.2020) CIVIL_3D (09/20) PLOTSTYLE (BETA STB BVI STB) USER(LFEENEY)
 FILE PROPOSALS\2021\1768 WAYLAND, MA - TOWN HALL PARKING LAYOUT\BETA\SDWG
 8/4/2021 3:49 PM



EXISTING PARKING SPACES
 BUSES: 17
 PASSENGER VEHICLES: 96
 ACCESSIBLE: 4

NUMBER	DATE	MADE BY	CHECKED BY	REVISIONS

DRAWN BY:
INITIALS

DESIGNED BY:
INITIALS

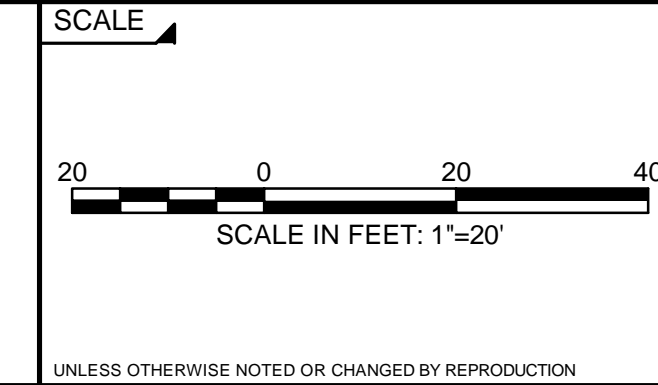
CHECKED BY:
INITIALS

REGISTERED PROFESSIONAL

PREPARED BY

BETA
www.BETA-Inc.com

SUBCONSULTANT



TITLE

Town Hall Parking Lot
Wayland, Massachusetts
 EXISTING CONDITIONS

BETA JOB NO. 10017

ISSUE DATE 8/4/2021

SHEET NO.

BETA GROUP, INC. - TEMPLATE (BETA - STANDARD TEMPLATE - 4.0.2020) CIVIL_3D (2020) PLOTSTYLE (BETA STB.BW.STB) USER(LFEENEY)
 FILE PROPOSALS\2021\1768-WAYLAND, MA - TOWN HALL PARKING LAYOUT\OPTION 1.DWG
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PROPOSED PARKING SPACES
 BUSES: 16
 PASSENGER VEHICLES: 107
 ACCESSIBLE: 4

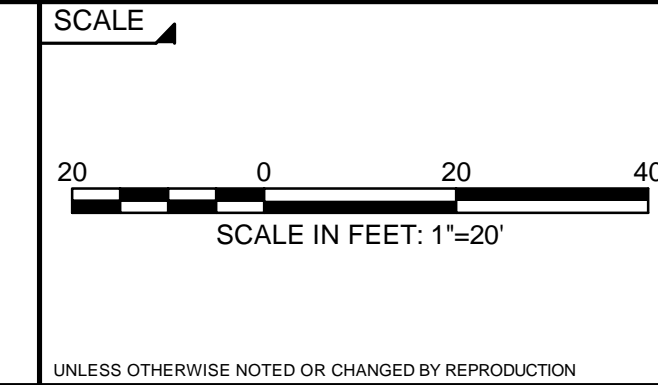
NUMBER	DATE	MADE BY	CHECKED BY	REVISIONS

DRAWN BY:
INITIALS
 DESIGNED BY:
INITIALS
 CHECKED BY:
INITIALS

REGISTERED PROFESSIONAL
 PREPARED BY

 www.BETA-Inc.com

SUBCONSULTANT



TITLE

Town Hall Parking Lot
Wayland, Massachusetts
 OPTION 1

BETA JOB NO. 10017
 ISSUE DATE 8/4/2021
 SHEET NO.

BETA GROUP, INC. - TEMPLATE (BETA - STANDARD TEMPLATE - 4.0.2020) CIVIL_3D (09/20) PLOTSTYLE (BETA STB-BW.STB) USER(L'FEENEY)
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 8/4/2021 2:59 PM



PROPOSED PARKING SPACES
 BUSES: 16
 PASSENGER VEHICLES: 112
 ACCESSIBLE: 4

NUMBER	DATE	MADE BY	CHECKED BY	REVISIONS

DRAWN BY:
INITIALS

DESIGNED BY:
INITIALS

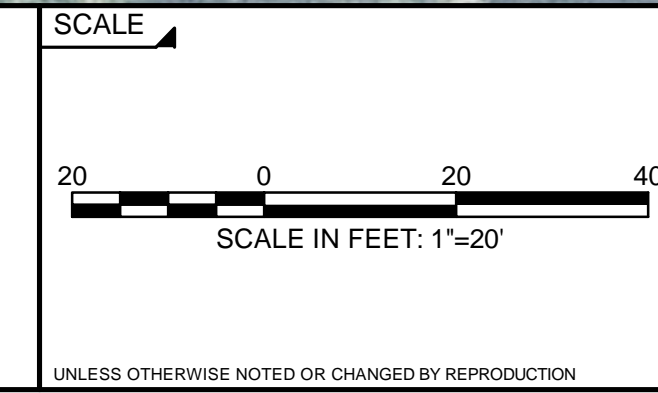
CHECKED BY:
INITIALS

REGISTERED PROFESSIONAL

PREPARED BY

BETA
www.BETA-Inc.com

SUBCONSULTANT



TITLE

Town Hall Parking Lot
Wayland, Massachusetts
 OPTION 2

BETA JOB NO. 10017

ISSUE DATE 8/4/2021

SHEET NO.

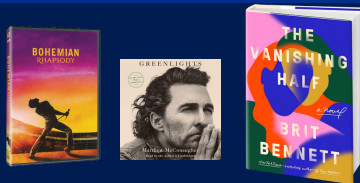


IN A YEAR OF ISOLATION WE CONNECTED

Our Adult, Teen, and Children's virtual and live programs included book groups, Great Presenters, Wayland Reads, concerts, art, storytimes, crafts, trivia, and much more.

PROGRAMS **More than 600**

More than 4,400 PROGRAM PARTICIPANTS



MATERIALS CIRCULATED **More than 157,000**

More than 20,000 CURBSIDE PACKAGES



DIGITAL BOOKS, MOVIES & MUSIC



More than 7,000 Hoopla visits
2,400 Kanopy visits
44,000 Libby/OverDrive visits

A GREAT RETURN ON INVESTMENT

In just five months, we circulated **over \$1 million** worth of materials, more than **5 TIMES** the library's annual Books and Materials budget.



THE GREAT POTATO CAPER OF 2021

We made national news this year! Potatoes mysteriously showed up on our front lawn, creating buzz in local and social media, and even made it onto the Stephen Colbert show!



WAYLAND FREE PUBLIC LIBRARY

Director's Report - July 21, 2021

For your information, not discussion before our meeting.

I. BUILDING AND GROUNDS

- A. We were designated a "Cooling Center" on 6/28/2021 by the town administration.
- B. Please consider furniture acquisition, repair, and cleaning? Specifically, we would love to replace the five dated red velvet chairs formerly situated in the north wing with something similar to the four leather bound chairs that are actually round room chairs? Valdo performed a decent repair of one of the two round room couches. We would also appreciate either getting the leather furniture professionally cleaned or perhaps just instructions obtained from the vendor as to how to clean them safely.
- C. Phones - This project began April 27. The network/telecomm project has hit some supply chain snags so our server is still in the Raytheon Room, but we hope to be able to move it back into its old location by the end of summer.
- D. The DPW came out and spruced up our grounds.
- E. A second infant changing table is to be installed in one of the public restrooms.
- F. The carpets were professionally cleaned on 7/4/21.
- G. A leak developed in the apse during the heavy rains on 7/9/21. One ceiling tile disintegrated.

II. STAFF - We have lost seven staff members who retired or resigned due to concerns surrounding the pandemic. If we cannot fill at least some of these positions, we may need to consider reducing our hours, perhaps in the evening when attendance is quite sparse. Volunteers are trickling back in. It's not only lovely to see them, but it frees circ staff to do other tasks.

III. BUDGET AND ADMINISTRATIVE

- A. FY21 budget update: The Books & Materials line item was overspent and we have asked Finance to use some of our COVID CARES Act reimbursement funds to cover the ~\$444.18 deficit. We also received 6 FY21 Ingram invoices after 6/30/21 totaling \$2,194.93 that still need to be paid. Since our budget is depleted, we suggest using State Aid funds for payment.
- B. Data gathering for the annual ARIS report is well underway. It is due to MBLC by 8/27/21.
- C. We are still awaiting approval from HR for the 2% FY21 and FY22 COLA increases to be given to part-time non-union employees.

IV. PROGRAMS AND SERVICES

- A. With the reopening of our Children's Room in late June, all areas of the building have reopened to the public. Only the Raytheon Room and the CR play area and restroom remain closed.
- B. Tutors are back! The ESL training program will be starting back in person in September.
- C. Summer reading participation is more than double what it was last summer.
- D. Weekly attendance is now well over 1,000 and continues to rise.
- E. Curbside pick-ups continue to decline. The recent 30 day tally is now just about a thousand. Speaking of circulation, the value of Wayland circulated materials reached a six month high (that's as far back as the data is available), \$270,341.60! In just the last six months of FY2021, we surpassed our entire budget for that fiscal year, including personnel (\$1,377,586.15). Adult and Children's books remain our most popular formats.
- F. We continue to reclaim the Raytheon Room. Friends' materials are in their book sale carts and celebrations were heard throughout the land. Half the room is now accessible for staff use and we are well on the way to our goal of offering in-person programming in that space as of September 1.

G. Adult Programming

Standalone Programs:

6/24 Adult Craft Kit/Tutorial: Mini Macrame Plant Hanger - 15 ppl

7/1 What, to the American slave, is the 4th of July? Community Reading - 28 ppl

Ongoing Programs:

6/11 Noon Book Group - 10 ppl

6/17 Social Justice Book Group - 4 ppl

6/18 Great Decisions - 9 ppl

Coming up: 7/12 10 Essentials for Hiking, 7/13 Agate Painting (full)

D. Youth Services Programming

Standalone Programs:

6/22 Meet a Red Panda Zookeeper chat -- 30 ppl

6/24 Comics Making Workshop with Jarrett Lerner -- 16 ppl

6/29 Meet a Screech Owl Zookeeper chat -- 30 ppl

7/6 Outreach Storytime to Wayland Summer School Program -- 30 ppl

7/8 Virtual Creepy Crawlies with Joy Marzolf -- 17 ppl

Ongoing Programs:

- FB Live Programs -- met two times this month with 9-12 ppl each time
- Outdoor Storytime with Ms. Pam -- met 4 times this month with 5-30 ppl each time
- Weekly Outdoor Scavenger Hunts with 45-50 ppl participating each week
- Weekly Take and Make kits for kids with 30-39 ppl participating each week
- Weekly Take and Make kits for teens with 12-18 ppl participating each week
- Outdoor Storytime with Ms. Elise - met 3 times this month with 5-12 ppl each time

Coming up: Virtual programs -- Teens Cooking Green: Blueberry Hand Pies (7/13); Virtual Meet and Greet: Reptiles on zoom with Roger Williams Zoo (7/15); Meet a clownfish and other sea creatures virtual zookeeper visit from Buttonwood Park Zoo (7/20); Ocean Tides Wall Hanging Craft for teens (7/29). In-person outside programs -- Make a Dinosaur Skeleton (7/12); Make a Birdfeeder (7/15) (rescheduled); Make Woven Yarn Butterflies (7/16 rescheduled); Make a Carp Windsock (7/22); Make a Gallon Milk Piggy Bank (8/3); Make a House for your Stuffie (8/12); Tie Dye Techniques for Teens (8/10).

Summer Reading: More than 350 children have signed up so far, and families are still registering. We already have more than twice as many participants as last year. Parents are grateful that we have such a strong summer reading program, especially since there are not as many camp options as in years pre-COVID. Challenging to hold programs outside; we have had to reschedule two programs and cancel one program, due to weather.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

LOUISE L.E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

BOARD OF SELECTMEN
THOMAS J. FAY
ADAM G. GUTBEZAHL
CHERRY C. KARLSON
CAROL B. MARTIN
DAVID V. WATKINS

July 26, 2021

**RE: PRIVATE ROAD PLOWING
BOARD OF SELECTMEN'S PROCESS TO APPEAL A DECISION NOT TO PROVIDE SNOW
PLOWING SERVICE**

Dear Wayland Resident,

The Board of Selectmen has 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 7, 2021 to the Office of the Board of Selectmen, located in Town Building, 41 Cochituate Road Wayland, MA 01778. If you are dropping off your application please call ahead 508-358-7701.
3. *Please note:* If you submitted an appeal that was previously denied, please include additional/new information on which your appeal is based. Without such information your appeal may be denied.
4. It is anticipated the Board of Selectmen will review the appeal process on August 9, 2021. If any changes to this process is made an update will be issued.

The Board of Selectmen will compile submittals, solicit Department of Public Works' findings, and make a determination on the appeal no later than Monday, September 27, 2021. Please contact Louise Miller at (508) 358-3620 for information and guidance

Best Regards,

Louise L.E. Miller
Town Administrator

Attachments:

1. Residential Private Road Snow & Ice Policy
2. Appeal Application 2021



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

LOUISE L.E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

BOARD OF SELECTMEN
THOMAS J. FAY
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CHERRY C. KARLSON
CAROL B. MARTIN
DAVID V. WATKINS

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 7 2021.** Please attach any property information that would help in the evaluation of this appeal such as deeds, special permits, Planning Board decisions etc. **Please note: If you submitted an appeal that was previously denied, please include additional/new information on which you base your appeal. Without this information, your appeal may be denied.***

.....
I. CONTACT INFORMATION:

Name: _____ Date: _____
Address: _____ Email: _____
Phone Number: _____ Private Road Name: _____
Was a prior appeal denied? _____

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.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

LOUISE L.E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-3620
lmiller@wayland.ma.us

To: Ms. Louise Miller, Town Administrator
From: John Bugbee, Asst. Town Administrator
Date: August 9th, 2021
RE: Housing Production Plan Update

The Town consultant (Barrett Planning Group) hired to assist with an update of the Housing Production Plan (HPP) held an update meeting on Monday, August 2nd, 2021. The meeting included a small group of Town officials, staff and relevant housing experts / advocates. The purpose of the meeting was to bring the Town up to date on the progress of the housing production plan, talk about the timeline going forward, and discuss how the Town can assist in supporting the consultant's efforts to construct the Housing Production Plan..

Progress Update

To date, the Barrett Planning Group have been working on collecting economic, demographic, and housing market trends data for the purposes of identifying the housing needs, the barriers to development, creating a fair housing assessment and presenting a issues analysis. The issues analysis will identify and document, "the key issues and findings from research and analysis tasks performed above and generate a discussion document and maps for review and comment by the Town."

The consultant has also been conducting a series of activities related to the public engagement portion of the process. While public engagement will continue throughout the development of the HPP, the work to engage the public at the start of the process helps to frame the research necessary for the needs assessment part of the HPP. The community engagement currently happening includes a series of public engagement activities including individual and small-group interviews with people knowledgeable about the Town's housing conditions and needs.

From here, the consultant will next create a survey questionnaire specific to the housing needs of Wayland. The Barrett Planning Group will work closely with the Town to formulate a set of survey questions that is appropriate for our community and will maximize the opportunity for survey responses. In addition to the forthcoming community survey, the consultant has also identified a number of additional "low-tech" participation methods that they are being considered such as placing large comment board in public places where residents can respond to the survey questions. These survey responses will help to gauge, "the community needs, wants and concerns related to housing and development." Beyond the survey, a webinar will be scheduled to report on survey findings and further engage the public on housing.

Timeline

The consultant also discussed the timeline for completion of the HPP, which as of this point in time appears to be mid-December, 2021 with a draft presentation to the BOS in anticipated to be held in early November, 2021.

Town Assistance / Working Group

Part of our discussion with the consultant on Monday revolved around the need for a working group. The consultant highlighted the need for a direct point of contact within the Town that is focused on assisting with the HPP. It was discussed at length and in the end it was agreed by all that the creation of a working group to assist with the creation of the housing production plan was a prudent next step. This working group can assist with the collection of data, they can act as a sounding board for community engagement ideas and can serve as an immediate point of contact for the consultant.

I feel that with the creation of this working group, the HPP process will become a bit more formalized and efficient. I also think that having a working group for the consultant to refer to will pay dividends down the road in the form of a more comprehensive and relatable HPP.



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July 31, 2021

To: John Mangiaratti, Sarah Stanton, Stephen Crane, James Malloy, Timothy Higgins, Greg Johnson, Henry Hayes, Louise Miller, Leon Gaumond, Janet Adachi, Kristen Guichard, Robert Hummel, Alyssa Sandoval, Marcia Rasmussen, Heather Gill, Lee Smith, Carol Kowalski, Amanda Loomis, Paula Vaughn, Megan Zammuto, Adam Duchesneau, Cynthia Howe, Sarkis Sarkisian, Imai Aiu, Sarah Rhatigan

CC: Jody Kablack, Lara Plaskon, Liz Valenta

From: Elizabeth Rust

RE: Regional Housing Services Office – FY21 Q3, Status Report

This is the FY21 status report for activity from 4/1/21 through 6/30/21 (FY21 Q4) for Regional Housing Services Office, the inter-municipal collaboration between the nine towns of Acton, Bedford, Concord, Lexington, Lincoln, Maynard, Sudbury, Wayland and Weston. Please let me know if you have any comments or questions.

RHSO Administration:

We resumed the annual municipal leadership meeting, and met in person with the town managers and administrators to recap the RHSO program year, and plans for FY22. The leadership agreed to continue the practice of executing an annual IMA Amendment and having it reviewed and voted by each Select Board, and signed by each member community. This keeps the RHSO on the agenda of municipal leadership annually, to retain support and awareness. We attended Select Board meetings in Acton, Concord, Maynard and Sudbury to assist in the approvals.



In FY21, we delivered an additional 20% in supplemental services, receiving additional funding for those services. This necessitated an increase in the RHSO Revolving Fund expense limit.

Looking forward to FY22, we are starting the recruiting to hire a 5th RHSO staff, which was deferred for this fiscal year due to on boarding difficulties in COVID times.

The Advisory committee met in June and reviewed Fair Housing plans for FY22 and community exchange.

Regional Activities:

Regional activities provide general housing resources, including trainings, reports, information and the website.

We held a homeowner information session, covering the particulars of the deed restriction, capital improvements, living in a condo and refinancing/resale procedures. We invited 428 owners, and 75 attended – 18% - higher than in past years probably due to the convenience of zoom.

For FY22, we plan to have another homeowner session; a session aimed at owners in small self-managed condominium developments, training in April for Fair Housing month, and a roundtable for the social workers.



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With the new Census data coming out this coming fall, we are planning to create new one-page Infographic sheets for each member community, with simple to read graphs and charts hitting the high points in the new demographic and housing data available. We'll work with the Advisory Committee on a standard format.

The RHSO model continues to attract interest from other communities, and we spoke at the Cape Cod Housing Institute on the benefits for regional housing administration – including proactive monitoring, resource efficiency through access to shared technical resources, and regional support. We were also a panelist on the CHAPA Metrowest Regional Meeting.

The RHSO is winding down the Emergency Rental and Mortgage Assistance Programs with the increased state and federal funds available.

Rental Assistance completed FY21				Mortgage Assistance completed FY21			
	AMOUNT ALLOCATED	HOUSEHOLDS ASSISTED	AMOUNT COMMITTED		AMOUNT ALLOCATED	HOUSEHOLDS ASSISTED	AMOUNT COMMITTED
Acton	\$100,000	47	\$83,900	Acton	\$60,000	10	\$23,012
Bedford	\$60,000	11	\$38,450	Maynard	\$50,000	5	\$14,089
Maynard	\$70,000	16	\$53,450				
Sudbury	\$60,000	8	\$64,650				
Weston	\$100,000	6	\$38,900				
TOTAL	\$390,000	88	\$279,350	TOTAL	\$110,000	15	\$37,101

SHI, 40B Safe Harbor and Inventory Administration

For the first time since the inception of the RHSO, all communities are in 40B Safe Harbor! Though delays in building permits and the coming 2020 Census will likely change the 40B Safe Harbor status for a number of communities.

Managing the SHI inventory is a key component of the RHSO services provided. A total of 1,430 units have been added to the Subsidized Housing Inventory for the members since joining the RHSO and 665 in FY21 alone.

	Housing Units, 2010	Published SHI	SHI%	+/- 10%	FY21 adds	FY22 Pipeline	40B Safe Harbor
Acton	8,475	896	10.57%	49	239	Craftsman Village (2), Mass Ave (31)	>10%, HPP Certified
Bedford	5,322	981	18.43%	449	0	Village at Bedford Woods (6)	>10%
Concord	6,852	721	10.52%	36	0	Riverbend (1), Junction Village (83), Gerow (2), 930 Main St (2)	>10%
Lexington	11,946	1,335	11.18%	141	4	186 Bedford St (13), Waterstone Lexington (21)	>10%
Lincoln	2,130	298	13.99%	85	0		>10%
Maynard	4,430	419	9.46%	-24	24	Coolidge (12), Old Bay Road (1)	HPP Certified
Sudbury	5,921	669	11.30%	77	0	Cold Brook Crossing (26)	>10%
Wayland	4,957	548	11.06%	53	218		HPP Certified
Weston	3,952	331	8.38%	-65	180		HPP Certified
total	53,985	6,198	11.48%	800	665		



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Monitoring:

The monitoring program is a core service of the RHSO with almost 6,000 units of SHI rental and ownership restricted housing across the communities, of those, the RHSO monitors 388 ownership units, and 838 rental units.

This quarter we sent referral letters to 12 homeowners behind on payments.

Ownership Units: The ownership monitoring is finishing up for FY21, with the following steps:

- Self-certifications to each owner, 93% response rate (same as FY20)
- Review the registry of deeds, complete
- Review owner mailing address versus town database, complete
- Review on-line sites for rentals, on-going
- Provide annual certification reports to DHCD, 8 of 9 communities complete (awaiting Wayland)
- Send quarterly Welcome Letters to new owners – 20 letters to date.

6/30/2021	FY21 Self-Declaration			
	Sent	Rec'd	Open	% rec'd
Acton	67	61	6	91%
Bedford	59	55	4	93%
Concord	73	71	2	97%
Lexington	32	32	0	100%
Lincoln	54	48	6	89%
Maynard	6	6	0	100%
Sudbury	35	34	1	97%
Wayland	36	33	3	92%
Weston	26	22	4	85%
<i>total</i>	<i>388</i>	<i>362</i>	<i>26</i>	<i>93%</i>

Resales: One of the primary responsibilities of the monitoring agent is to locate eligible buyers upon resale of deed restricted ownership units. This falls to the municipality for units in the LIP Program, 40B units where the town is the named agent, or other locally restricted units.

Resales	FY20	FY21	FY22
Acton	1	1	
Bedford		2	
Concord	2	3	2
Lexington	1		
Lincoln	1	3	2
Maynard			1
Sudbury	1	2	1
Wayland		1	
Weston	1	1	
	7	13	6
Resale Fee	\$31,321	\$64,682	\$23,484

This year have brought an unprecedented number of resales in the RHSO area, with 13 resale units closing in FY21, compared to 7 in FY20 (which was a substantial increase over FY19). FY22 is starting strong, with 2 new units starting to market in the upcoming month, and inquiries from many owners.

The RHSO provides these resale services as part of its core monitoring efforts, and the town receives the resale fee associated with the transaction, which is sometimes used

to offset RHSO membership fees. Municipalities can also purchase additional hours if the work on resales extend past the contracted support level.

Rental Projects: The RHSO monitors Local Initiative Program (LIP) rental units and units funded with HOME funds on behalf on the member communities, as required by the funding Regulatory Agreements.

In general, the monitoring review includes:

1. Reviewing that the rents are assessed in accordance with the Regulatory Agreement.
2. Reviewing sample tenant files to ensure that tenant income is recertified using source documents according to the regulations.



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3. Verifying that tenants are selected in accordance with Fair Housing requirements and current Affirmative Fair Housing Marketing Plans (AFHMP) including advertising requirements.
4. Verification that the units are maintained in accordance with applicable standards.
5. Providing Town certification to DHCD, as required.
6. Follow-up during the year on compliance findings and recommendations.
7. Reviewing annual rent increase requests and recommending approvals. [on hold during COVID, with guidance coming for 2021 rent increases.]

The below table provides the detail schedule for the rental monitoring. There is some shift in schedule and scope due to COVID, including desk reviews in lieu of site visits. There is a moratorium of both rent increases and evictions, per DHCD guidance and rental re-certifications are slower and delayed.

	Town	Rental Development Name	SHI units	Restricted Units	Subsidy Program	FY21 status
1	Acton	Scattered sites (AHA)	8	8	LIP 40B	Complete (to DHCD)
2	Acton	Inn at Robbins Brook	3	3	LIP-LAU	FY22
3	Acton	Avalon	86	22	LIP-40B	Complete (to DHCD)
4	Bedford	Village at Concord Road	12	3	LIP 40B	Incomplete
5	Bedford	20 Railroad	8	8	HOME	Complete (to Consortium)
6	Bedford	Patriot Place	10	7	LIP 40B	Complete (to DHCD)
7	Bedford	Village at Taylor Pond	200	50	LIP-LAU	Complete (to DHCD)
8	Bedford	Bedford Village	96	96	CPA	FY22
9	Bedford	447 Concord Road	14	12	HOME	FY22, with Bedford Village
	Bedford	Ashby	4	4	HOME	In Process
10	Concord	Concord Prescott	350	88	LIP 40B	Under Review
11	Concord	Concord Park	16	16	Local	FY22
12	Concord	405 Old Bedford Road (CHA)	4	4	LIP LAU	Complete (to DHCD)
13	Concord	Brookside Square	74	8	LIP-LAU	Stalled by property
14	Concord	Warner Woods	80	16	MH NEF	
15	Concord	Thoreau St (CHA)	1	1	HOME	FY22
16	Concord	Peter Bulkeley (CHA)	28	28	HOME	FY22
17	Lexington	Avalon at Lexington Hills	387	97	LIP 40B	Complete (to DHCD)
18	Lexington	Avalon Lexington	198	56	Local	Complete (to DHCD)
19	Lexington	LexHAB Scattered Sites	48	48	various	Complete (to DHCD)
20	Lexington	Pine Grove Village	5	5	HOME	In Process
21	Lexington	Keeler Farm	1	1	HOME	FY22
22	Lincoln	Commons	30	8	LIP 40B	FY22
23	Lincoln	Oriole Landing	60	15	LIP LAU	FY22
24	Maynard	Maynard Crossing, Vue	180	22	LIP LAU	Complete (to DHCD)
25	Sudbury	Willis Lake (SHA)	1	1	LIP-LAU	FY22
26	Sudbury	Avalon	250	63	LIP 40B	Under Review
27	Sudbury	Coolidge (I and II)	120	120	HOME	In Process
28	Wayland	Residences At Wayland Center	12	12	LIP-LAU	Complete (to DHCD)
29	Weston	Church, Jones, Pine, Viles	6	6	LIP LAU	FY22
30	Weston	Warren Ave	7	5	LIP 40B	FY22
31	Weston	Merriam Village	62	5	LIP LAU	On hold
			2361	838		



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Town-Specific Monitoring

Other monitoring efforts include assisting residents with refinancing as well as maintaining the inventory with new projects, new owners, and other general updates.

In Acton: Assisted the town with inquiries on a foreclosure at Brewster, completed monitoring for the Acton Housing Authority owned LIP units.

In Bedford: Escalated rental monitoring compliance of Village at Concord Road, completed monitoring for Village at Taylor Pond and Patriot Place, supported the closing of the resale unit at Carter Way, reviewed refinancing information for an owner at Evergreen.

In Concord: Recommended approval for 2 refinances at Finigan's Way, supported the closing at Emerson Annex including the town and DHCD funding for the buy-down and repairs; assisted with the resale unit at Riverbend by marketing the unit, locating and approving an eligible purchaser, preparing a release of the local restriction and regulating the unit under LIP (to include on the SHI), completed for the Concord Housing Authority owned LIP units, started monitoring Brookside Square and Prescott.

In Lexington: Added Wright Farm to the SHI, worked with LexHAB and the Town on transferring the role of Muzzey Administrator to the Town (with the RHSO assisting), completed monitoring for the two Avalon properties.

In Lincoln: Starting marketing for the resale at Minuteman Commons; assisted owner at Battle Road Farm in submitting the information to start the resale process

In Maynard: Completed monitoring for the Vue.

In Sudbury: Responded to inquiries on Maximum Resale Prices at Grouse Hill; recommended approval for a refinance at Snowberry Lane; started monitoring at Avalon, conducted a site visit to damaged property on Dutton Road with Habitat

In Wayland: No monitoring activities this period.

In Weston: Assisted with sending a residency violation letter to an owner, worked with owner on condo association required exterior capital improvement.

HOME Support:

The HOME support category assists participating HOME communities (Bedford, Concord, Lexington, Sudbury and Wayland) commit and expend their available Program funds, develop HOME funded programs, as well as completing their administrative requirements. To date, the RHSO has assisted the member communities commit ~\$2,400,000 since FY13.

In this reporting period the RHSO attended the quarterly HOME meeting in May, facilitated completion of the annual sub-recipient agreements (except Wayland) and completed requisitions for administration, as well as:

- Analysis of Impediments: Final document published in April, including the Action Plan. Prepared a proposal for the Consortium for funding of a comprehensive testing program, and received approval for \$100,000 of competitive pool funds.
- Bedford: The Ashby Place project, renovations in the community building, has completed construction and the final requisition and project close out process is in process. The Bedford Initial Rental Assistance Program (TBRA) is funded for FY21 for \$15,550 with no cases received to date.



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- Concord: Christopher Heights - Received HUD approval for release of funds and starting to prepare the commitment funding agreement. Gerow Property – Received HOME funds award from the consortium competitive funds and started to complete the environmental review materials.
- Lexington: Lexington has \$30,040 of FY21 funds available with no projects in the pipeline.
- Sudbury: Coolidge II HOME project has completed construction, final requisition processed and project closeout complete.
- Wayland: Wayland Initial Rental Assistance Program (TBRA) is funded for FY21 for \$8,280.

Local Support:

The local support category enables each municipality to have some amount of hours to support priority items not covered under other service categories. The following local support activities were performed for each community in this reporting period:

Acton: Assisted with the Tavernier Place development as it moves towards closing, assisted in safe harbor discussions and supported the ACHC by attending meetings, taking minutes, and following up as needed.

Bedford: Attended Bedford Housing Partnership and Bedford Municipal Affordable Housing Trust meetings, supported the Small Grant Program by preparing the applications for review and approval, drafting the award materials, continued review for 330 South Street with updated materials.

Concord: Facilitated a Housing Roundtable with presentation by the League of Women Voters on potential town-owned sites for affordable housing. Assisted a research project on 40B developments conducted by students at Tufts University looking at concerns from the community and whether they materialized after a project was completed. The project focuses on four specific 40B developments, one of which is the Shaw Farm development at 1257 Elm Street in Concord. For Christopher Heights at Junction Village: continued monthly status meetings, supported Open Space Task Force by preparing a timeline, facilitating a meeting with the DOC, preparing the contract for the Open Space Landscape Architect. Assisted the Concord Housing Authority as a member on their executive director search committee. Assisted the CHDC by preparing agendas and meeting materials, supporting the CPC proposal for buy-down funds through town meeting, assisting with the 930 Main St development sewer payment and ground breaking, submitting a CPA reimbursement for Junction Village eligible expenses.

Lexington: Assisted with the discussion on creating a Municipal Affordable Housing Trust and a housing development corporation to advance housing production; continued discussion on the comments for National Development Waterstone affordable housing materials.

Lincoln: Supported Small Grant Program materials to all owners at Battle Road Farm for the Lincoln Foundation's pilot program, started review of Accessory Apartment program materials.

Maynard: Reviewed materials and spoke to attorney for property at 16 Waltham; assisted with the LIP application review for Old Bay Road; continued administration of ERAP and MAP with review of new and renewed applicants, and submission of monthly rent invoices.

Sudbury: Continued administration of ERAP with expanded program guidelines, review of applicants, and submission of monthly rent invoices. Supported the Sudbury Housing Trust by: preparing agendas, supporting annual financial audit, packets and Town Annual Report; supporting the proposal for CPC funds; and Small Grant Program by reviewing and presenting applications for consideration, drafting the award



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documents and processing invoices for awarded funds. In addition, under the Sudbury Trust umbrella, the RHSO performed lottery and monitoring services for other entities in the region, as follows:

- MassHousing monitoring contract: Reviewed deed restriction errors with MassHousing for transferred legacy units. Completed the annual MassHousing compliance report for the 68 units in the program. Started marketing, held lottery, certified buyer, facilitated P&S signing for Westford unit.
- Cold Brook Crossing: Continued review of the affordable housing restriction, and Affirmative Fair Housing Plan.
- Accepted new contract for resale units in Sherborn, and lottery in Natick.
- Completed Affirmative Fair Housing Marketing Plan for Lexington Meadows
- Started marketing for Village at Bedford Woods, Lexington Meadows.
- Held lottery for Harvard Trail Ridge.
- Supported contracts and remaining closings for Harvard Trail Ridge Sherborn Fields at Sherborn Falls, Acton Post Office Square, and Reading Postmark Square.

Wayland: No support this period.

Weston: Continued administration of ERAP with review of new and renewed applicants, and submission of monthly rent invoices. Assisted the HPP effort by supporting the HPP Steering Committee and Town with project administration. Initial review of HPP with Select Board and Planning Board with plan adoption anticipated for FY22 Q1. Assisted the Weston Affordable Housing Trust with its projects and programs, including: preparing meeting agendas and packets; ongoing asset management of Warren Avenue housing development; and continued support the development at 0 Wellesley, working with Habitat to develop six-affordable homes. Prepared comment letter for the Housing Trust for proposed 40B development including letter to MassHousing requesting limits on rent increases at lease renewal. Started to assist the Elderly Housing Committee with plans to expand Brook School and apply for CPC funds



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FY21 Tracking:

The final FY21 hours are shown in the table to the right.

We monitor the hours for each community monthly and work together as the year closes to ensure that the over/under is +/- 10 hours (which are forgiven), and which monies can be rolled over to next fiscal year.

	FY21 Actual	FY21 Budget	Actual v Budget
Acton			
Monitoring	85.75	80.00	5.75
40B Monitoring	20.75	0.00	20.75
Local Support	324.50	331.00	(6.50)
ACHC	51.50	104.00	(52.50)
Regional Activities	26.50	20.00	6.50
Admin	37.75	20.00	17.75
Total	546.75	555.00	(8.25)
Bedford			
Monitoring	152.50	179.00	(26.50)
HOME administration	42.00	40.00	2.00
Local Support	198.75	200.00	(1.25)
Regional Activities	26.50	20.00	6.50
Admin	37.75	20.00	17.75
Total	457.50	459.00	(1.50)
Concord			
Monitoring	181.75	80.00	101.75
HOME administration	84.25	80.00	4.25
Local Support	185.25	250.00	(64.75)
CHDC	101.00	165.00	(64.00)
Regional Activities	26.50	20.00	6.50
Admin	37.75	20.00	17.75
Total	616.50	615.00	1.50
Lexington			
Monitoring	112.50	140.00	(27.50)
HOME administration	37.25	40.00	(2.75)
Local Support	175.00	164.00	11.00
Regional Activities	26.50	20.00	6.50
Admin	37.25	20.00	17.25
Total	388.50	384.00	4.50
Lincoln			
Monitoring	146.25	160.00	(13.75)
Local Support	60.25	77.00	(16.75)
Regional Activities	26.50	20.00	6.50
Admin	37.75	20.00	17.75
Total	270.75	277.00	(6.25)
Maynard			
Monitoring	44.75	40.00	4.75
Local Support	76.50	175.00	(98.50)
Maynard AHT	84.50	20.00	64.50
Regional Activities	26.50	20.00	6.50
Admin	37.75	20.00	17.75
Total	270.00	275.00	(5.00)
Sudbury			
Monitoring	106.75	80.00	26.75
HOME administration	36.50	50.00	(13.50)
Local Support	95.75	200.00	(104.25)
Sudbury AHT	625.00	565.00	60.00
Regional Activities	26.50	20.00	6.50
Admin	37.75	20.00	17.75
Total	928.25	935.00	(6.75)
Wayland			
Monitoring	27.75	30.00	(2.25)
HOME administration	30.25	54.00	(23.75)
Local Support	35.50	30.00	5.50
Regional Activities	26.50	20.00	6.50
Admin	37.75	20.00	17.75
Total	157.75	154.00	3.75
Weston			
Monitoring	46.00	40.00	6.00
Local Support	64.00	90.00	(26.00)
HPP	215.50	233.00	(17.50)
Weston AHT	204.50	200.00	4.50
Regional Activities	26.50	20.00	6.50
Admin	37.75	20.00	17.75
Total	594.25	603.00	(8.75)
Totals	4230.25	4257.00	(26.75)



TOWN OF WAYLAND
41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

MEMORANDUM

To: Board of Public Works, Board of Selectmen
From: Louise Miller, Town Administrator
Cc: Sarkis Sarkisian, Town Planner; Tom Holder, Public Works Director
Date: August 9, 2021
Re: Spencer Circle Easement and Order of Taking as a Public Road

This memorandum summarizes the final steps that have been and need to be taken for the accepting of Spencer Circle as a public way.

1. Layout

On March 16, 2021, The Planning Board voted to move forward with acceptance of Spencer Circle as a public way (vote: 4-0-1).

On April 13, 2021, the Board of Public Works voted to layout Spencer Circle as a public way (vote: 3-0-2).

On April 15, 2021, the Layout Description was filed with the Town Clerk, completing the Layout step of the process to accept Spencer Circle.

2. Acceptance

On May 15, 2021, Wayland Annual Town Meeting Article 14: Accept Spencer Circle passed by a vote of 186-22. Article voted to:

- Authorize the Board of Public Works to take Spencer Circle
- Authorize the Board of Selectmen to obtain easements from property owners of 4 and 6 Spencer Circle for drainage structures.

Upon passing, the Town of Wayland has 120 days to complete the Acquisition of Interest in Spencer Circle which includes the Easements and Order of Taking.

3. Acquisition of Interest in Spencer Circle

The Easement, as prepared by Town Counsel and negotiated between the Board of Selectmen and the residents of 4 Spencer Circle and 6 Spencer Circle, was approved and signed by the Board of Selectmen at their meeting held on June 14, 2021. This Easement Agreement contained no substantive changes to the draft Easement Agreement provided to the Board of Public Works for their meeting held on April 13, 2021.

Upon approval and signature by the Board of Selectmen, both owners of 4 Spencer Circle and 6 Spencer Circle, as well as the developer, signed the agreement. Enclosed is a copy of the executed Easement and Conveyance Agreements for 4 and 6 Spencer Circle.

The Consent and Subordination agreement of the Easements documents have not been completed by the owners' mortgage companies. While ultimately required, Town Counsel has advised they do not need to be obtained within 120 days upon the close of Annual Town Meeting. The Owners are in the process of obtaining the Consent and Subordination agreement and will provide them to the Town once completed.

The final step to complete the acceptance of Spencer Circle as a Public Way is for the Board of Public Works to vote to approve and sign the Order of Taking (enclosed).

BOARD OF SELECTMEN
Monday, August 9, 2021
7:00 p.m.
Wayland Town Building
41 Cochituate Road, Wayland, MA

Agenda Item 9.I: Documents provided for information

A link to the Cascade Wayland Revised 40B Decision as issued by the Housing Appeals Committee can be found on the Town of Wayland website at the link below

<https://www.wayland.ma.us/zoning-board-appeals/pages/affordable-housing-projects>



LOUISE L. E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-3620
www.wayland.ma.us

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN
THOMAS J. FAY
ADAM G. GUTBEZAHL
CHERRY C. KARLSON
CAROL B. MARTIN
DAVID V. WATKINS

DRAFT Meeting Minutes
BOARD OF SELECTMEN
Monday, July 12, 2021
7:00 p.m.
Wayland Town Building
Council on Aging Room
41 Cochituate Road, Wayland, MA

Attendance: Thomas J. Fay, Cherry C. Karlson, Carol B. Martin **Remote Participation:** David V. Watkins.

Absent: Adam G. Gutbezahl

Also Present: Town Administrator Louise Miller, Assistant Town Administrator John Bugbee, and Management Analyst Seath Crandall.

A1. Call to Order by Chair, Review the Agenda for the Public: At 6:05 p.m., T. Fay called the meeting of the Board of Selectmen to order when a quorum was present. T. Fay announced that the meeting would be held in-person, live-streamed and recorded for later broadcast on the local WayCAM Government Channel. T. Fay announced each member by full name and that D. Watkins would participate remotely. T. Fay announced that members of the public were invited to attend and participate in-person or remotely through video-teleconference via a Zoom "hand raise." T. Fay reminded the public of the state's mask advisory and reviewed the agenda.

A2. Executive Session: I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with: □ The Wayland Library Staff Association MFT, AFT, AFL-CIO II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate with respect to the Town's agreement with Twenty Wayland, LLC. relative to property and development located off 400-440 Boston Post Road; III. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Stephen Cass v. John Ritchie; IV. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of June 29, 2021 Approve and Hold: Executive Session minutes of June 29, 2021:

At 6:09 p.m., Chair T. Fay moved, seconded by C. Karlson, that the Board of Selectmen enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the Wayland Library Staff Association MFT, AFT, AFL-CIO, pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate with respect to the Town's agreement with Twenty Wayland, LLC. relative to property and development located off 400-440 Boston Post Road; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Stephen Cass v. John Ritchie; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of June 29, 2021 with the intent to approve and hold said executive session minutes of June 29, 2021.

T. Fay declared that a public discussion of these matters may have a detrimental effect on the litigating, negotiating, or bargaining position of the Town. Roll Call Vote: YEA: T. Fay, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: A. Gutbezahl. ABSTAIN: none. Adopted 4-0.

T. Fay invited attendance by Town Administrator L. Miller, Assistant Town Administrator J. Bugbee, and Management Analyst S. Crandall. T. Fay announced that the Board would reconvene in open session in approximately forty minutes.

At 7:04 p.m., the Board reconvened in open session.

A3. Announcements and Public Comment: D. Watkins announced that he would host an information session at the July 19 meeting of the Electronic Voting Implementation Subcommittee on the topic of Remote Participation at Annual Town Meeting.

Gretchen Schuler, Old Connecticut Path, joined in person to comment on item #13 of the Consent Calendar and discouraged the Board from disregarding the work that had already been accomplished by the Historical Commission and the Planning Board through the 2005 Master Plan for the Wayland Railroad Interpretive Site.

Judy Ling, Concord Road, joined in person to express opposition to the Site Plan Approval application scheduled to be heard by the Zoning Board of Appeals (ZBA) regarding the Loker Turf Field project, stating the project was not approved at Annual Town Meeting (ATM) and this practice sets bad precedent.

Clifford Lewis, Chair of the Board of Public Works (BoPW) joined in person to request that the Board take no action on item #5 on the Consent Calendar: Solar at the Landfill. C. Lewis read a statement indicating that the authority to enter into an agreement for the Transfer Station landfill rested with the Board of Public Works and solar power generation was not permissible under the zoning bylaws.

Mary Ann Bukowski, Lakeshore Drive, joined by teleconference to request an update from the Board regarding the upcoming Police Chief hiring process.

Michael Lowery, Lakeshore Drive, member of the BoPW, but speaking on his own behalf, joined in person to request that the Board take no action on item #5 on the Consent Calendar: Solar at Landfill. M. Lowery read a statement indicating that the authority to enter into an agreement for the Transfer Station landfill rested with the Board of Public Works and authorizing an agreement would strain the relationship between the BPOW and Board of Selectmen. He added solar power generation is not an allowable use of the land under the zoning bylaws.

Hope Podell, Jennison Ave, joined by teleconference to express opposition to the Site Plan Approval application to be heard by ZBA regarding the Loker Turf Field project. She stated that it seemed unreasonable for the Recreation Commission to continue the permit process, in view of the fact that ATM had twice rejected the project. She added she was concerned that private funding efforts were underway, possibly as a means to circumvent the capital budget process.

Kay Gardner-Westcott, Chair of the Historical Commission joined by teleconference and commended the Scouts for their Rail Trail survey that was discussed at the previous meeting. She expressed concern on the agenda topic of Eversource Vegetation Maintenance Activity.

David Bernstein, Glezen Road, joined by teleconference to express opposition to the Site Plan Approval application to be heard by the ZBA regarding the Loker Turf Field project. D. Bernstein stated the Loker Turf Field project was rejected by Town Meeting, the Town Administrator is still seeking a permit for this project from ZBA, the Lab report on project's rubber infill shows the presence of multiple dangerous chemicals that could adversely impact the health of field users and The Board of Health (BoH) has not opined on the Lab report. D. Bernstein added because of this, he initiated an online petition asking the BoS to direct the Town Administrator to withdraw the Loker turf field application until BoH reviewed the Lab report and determined whether the field would pose a threat to public health. He stated the petition currently has over 300 signatures.

A5. Committee Appointments: discuss and potential vote to appoint:

Committee	Potential Appointee	Term End
Senior Tax Relief Committee	Pauline DiCesare	June 30, 2024

Committee Appointments: Interview, discuss and potential vote to appoint:

-Wayland Housing Partnership	Christine McKenna Lok	June 30, 2024
Human Rights, Diversity, Equity and Inclusion	Steven Wynne	June 30, 2022
Human Rights, Diversity, Equity and Inclusion	Kara Brown	June 30, 2022

The Board interviewed the C. McKenna Lok, reviewing her experience and interest in serving on the Wayland Housing Partnership. C. Martin moved, seconded by C. Karlson that the Board appoint C. McKenna Lok to the Wayland Housing Partnership for a three year term ending June 30, 2024. Roll Call Vote: YEA: T. Fay, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: A. Gutbezahl. ABSTAIN: none. Adopted 4-0.

C. Karlson moved, seconded by C. Martin that the Board appoint Pauline DiCesare to the Senior Tax Relief Committee for a three year term ending June 30, 2024. C. Martin amended the motion to re-appoint Pauline

DiCesare to Senior Tax Relief Committee for a three year term ending June 30, 2024, upheld by C. Karlson. Roll Call Vote: YEA: T. Fay, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: A. Gutbezahl. ABSTAIN: none. Adopted 4-0.

The Board interviewed K. Brown and S. Wynne, who participated via video-teleconference, to serve on the Human Rights, Diversity, Equity and Inclusion Committee (HRDEI). D. Watkins moved, seconded by C. Martin that the Board appoint S. Wynne to the Human Rights, Diversity, Equity and Inclusion Committee for a one-year term ending June 30, 2022. Roll Call Vote: YEA: T. Fay, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: A. Gutbezahl. ABSTAIN: none. Adopted 4-0.

A4. 2022 Annual Town Meeting: discuss potential dates, timing of holding Petitioner's information

session: The Board reviewed the proposed potential dates for the 2022 ATM. C. Karlson noted there were cost efficiencies to holding ATM sessions on consecutive dates. There was a discussion about the calendar and the schedule for petitioner's articles.

A6. Twenty Wayland: Discuss and report on discussion with the Town's agreement with Twenty Wayland, LLC and/or KGI Properties relative to the property and development located of 400-440 Boston Post Road. T. Fay reported that there was no further discussion for the topic for open session.

At 8:18 p.m., T. Fay announced that the meeting would be in recess for approximately three minutes.

At 8:21 p.m., the meeting resumed in open session.

A7. Local Emergency Planning Committee: discuss and potential vote: The Board reviewed and discussed the revised proposal to reconstitute the Local Emergency Planning Committee (LEPC). L. Miller summarized the proposal that would re-constitute the LEPC to meet federal requirements of the Federal Emergency Planning and Community Right-To-Know Act (EPCRA). A discussion ensued regarding the membership of the LEPC, the appropriate number of community members, the charge and committee leadership. L. Miller suggested increasing voting members from eight to nine and installing the Fire Chief or designee as permanent chair.

C. Martin moved, seconded by D. Watkins, that the Board approve the Local Emergency Planning Committee charge, as amended. In discussion, C. Karlson thanked D. Leard, D. Watkins and L. Miller for assistance with the LEPC. Roll Call Vote: YEA: T. Fay, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: A. Gutbezahl. ABSTAIN: none. Adopted 4-0.

A8. Governance Guidelines: continuation of discussion and potential vote: D. Watkins recommended the governance guidelines be divided into two parts, one section for personnel and another for boards, committees, and commissions. T. Fay noted that the topic would be discussed at future meeting.

A9. Town Administrator Update: a. River's Edge b. Capital Projects – Conservation & Recreation c. Potential Technology Upgrades in Town Departments d. Land Use Staffing e. Per- and Polyfluoroalkyl substances (PFAS) – grant application f. Departmental Reports: Human Resources, Conservation g. Spencer Circle h. Solar at Loker i. Solar at Transfer Station Landfill j. Eversource Vegetation Maintenance Activity Notice

A9.a. River's Edge: L. Miller reported the project was on track to meet the upcoming deadlines. An engineering update would be provided at the next meeting.

A9.b. Capital Projects – Conservation & Recreation: L. Miller provided a status update on the outstanding Conservation and Recreation capital projects. C. Karlson asked L. Miller to describe the Site Plan Approval application process for the Loker Turf Project before the ZBA. L. Miller reported that she had submitted an application to the ZBA in February on behalf of the Recreation Commission for Site Plan Approval and Special Permit for sports lighting. L. Miller stated the hearing remained open through ATM, the project was not approved and the Recreation Commission has taken no action to withdraw the application. T. Fay reported that it was his understanding the intent of the elected Recreation Commission to finish the permitting process for the project. L. Miller noted that the ZBA decision is adjudicatory and would determine whether the project was in compliance with the Zoning regulations, adding it would not be a decision to determine if or how the Town would fund or construct the project.

C. Karlson asked L. Miller if private funding was raised, how would that affect the project. L. Miller noted the acceptance and expenditure of any gift funds and/or a license to construct on the land would require Board approval.

L. Miller reviewed the Conservation Department's Capital Project Report, including the Snake Brook Dam repairs and discussed the potential to rethink some of the open capital projects. C. Martin noted the total of outstanding current capital projects to sixty-four.

A9.c. Potential Technology Upgrades in Town Departments: L. Miller reported she would like to streamline communication between residents and town officials, and suggested the Town budget for the use of a non-emergency 311 service for residents to share information about services, make complaints, or report problems. L. Miller also reviewed the potential to use technology to track public records requests as well as the use of e-permitting software for liquor licensing and other permits issued by the Board. L. Miller and J. Bugbee also reported that there was a potential need to add a contracts module in the MUNIS platform to better track projects.

A9.d. Land Use Staffing: L. Miller reported she would provide a proposal to consolidate functions among the Building, Health, Planning and Conservation Departments. The proposal would reallocate some personnel, consolidate some of the administrative work related to e-permitting as well as reorganize the physical spaces that the departments use.

A9.e. Per- and Polyfluoroalkyl substances (PFAS) – grant application: L. Miller reported that the Town had recently applied for up to \$700,000 in state grants.

A9.f. Departmental Reports: Human Resources, Conservation: L. Miller reported that the Human Resources and Benefits Manager report was included in the packet, and the Conservation Department would provide an update at a future meeting. There was a discussion about employee appraisals and compensation studies.

A9.g. Spencer Circle: L. Miller reported that the two easements were signed by residents, but still needed a signature from the developer to proceed. L. Miller reported the documents related to the Order of Taking were being prepared for the August meeting of the Board of Public Works. C. Karlson noted that the Town Meeting action would expire 120 days from the May 16 ATM approval.

A9.h. Solar at Loker: L. Miller updated the Board on the Loker School Solar project and presented a slide deck summarizing the status of the letter of intent, the ATM authorization, and the engineering design. L. Miller noted that the project construction was delayed to 2022. L. Miller described how the project would be self-sufficient and cover Loker's electricity costs. T. Fay recommended the Board discuss its interest in a resiliency design at a future meeting. John Harper, associate member of the Energy and Climate Committee, joined the meeting and described the resiliency design features as well as the shared savings agreement.

A9.i. Solar at Transfer Station Landfill: L. Miller reported that the Town had received a proposal from Ameresco for a solar and storage project at the landfill at the Transfer Station. L. Miller summarized the project and proposed timeline of the approvals needed. J. Harper summarized how the proposed solar agreement would create Eversource credits that would ultimately reduce Wayland's municipal electric bills by approximately \$60,000 annually. M. Lowery, Lakeshore Drive, member of the Board of Public Works, commented on the challenges of the topography of the site.

A9.j. Eversource Vegetation Maintenance Activity Notice: C. Martin reported that there were concerns the prior vendor had not being mindful of the mile markers during maintenance. L. Miller reported that she had been in contact with the involved parties.

A10. Route 20 Corridor Survey: discuss and potential vote regarding proposed town survey on topics that include the Route 20 Corridor: D. Watkins reviewed the proposed surveys and survey timeline which is intended to assist the Board with identifying a scope of work for the improvements of the Route 20 Corridor. The Board discussed the draft surveys and proposed non-substantive revisions.

A11. Minutes - June 14, 2021 and June 29, 2021; review and vote to approve: C. Martin moved, seconded by C. Karlson, to approve the minutes of June 29, 2021, as amended. Roll Call Vote: YEA: T. Fay, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: A. Gutbezahl. ABSTAIN: none. Adopted 4-0.

A12. Town Beach Private Event Request: review and potential vote to approve request to use Town Beach for private event: T. Fay noted that the Recreation Department typically considers and approves event requests, and the event request before the Board included a one-day liquor license request. D. Watkins expressed concern for alcohol consumption at the beach. T. Fay concurred. T. Fay asked for the sense of the Board on its propensity to approve a one-day liquor license on the Town's waterfront, C. Martin expressed an inclination to support; all others members expressed opposition.

A13. Consent: review and vote to approve:

1. Vote the question of designating and approving signing authority to Louise Miller, Town Administrator on items listed below.
2. Vote the question of approving and signing the weekly payroll and expense warrants.
3. Vote the question of approving and signing Task Order No. 4 to Contract Agreement number 19-1062 with BETA Group, Inc. for Professional Engineering Services related to the Route 20 Corridor Study.
4. Vote the question of approving and signing Task Order No. 5 Contract Agreement number 19- 1062 with BETA Group, Inc. for Professional Engineering Services related to Construction Supervision of the Wastewater Sewer Project.
5. Vote the question to approve and sign a letter of intent with Ameresco, Inc. or another provider for the purpose of installing and supplying Solar at the Transfer Station landfill.
6. Vote the question of approving and signing Task Order No. 16 to Contract Agreement number 18-2006 with Tighe & Bond, Inc. for Landfill Monitoring.
7. Vote the question of approving and signing agreement with Massachusetts Audubon Society for Professional Services related to the development of the conservation land management plan of the Sedge Meadow Conservation Area.
8. Vote the question of approving and ratifying the Town Administrator's signature to the amendment, effective July 1, 2021, to the agreement by and between the Towns of Acton, Bedford, Concord, Lexington, Sudbury, Wayland and Weston, originally dated June 1, 2017 to share services of a Regional Housing Services Office. Amendment to replace Exhibit B with new Membership Fee Schedule Chart for FY2022.
9. Vote the question of granting permission for Wayland resident Marbo Hansen, One Lake Road Terrace, to rent the Town Beach for a private Event to be held on Saturday, September 18, 2021 from 2:30 pm – 6:00 pm for approximately 45-50 people. If approved, the rentee would have to apply for permits from the Selectmen, for a one-day liquor license; to the Building Department, for a permit for the tent and any electrical needs; to the Health Department, for the food being served; and agree to work with the Recreation Department on additional needs, including hiring a traffic detail, custodial staff, lifeguards, and Recreation staff to provide access to the Beach House bathrooms, including the refrigerator and freezer. The rentee would also need to check with the Fire Department in case a Fire permit is required. When/if approved the rentee will also be required to provide all necessary Certificates of Insurance and a site plan for parking and the actual event. The rentee would also be required to advise the abutters of the upcoming event.
10. Vote the question of approving and ratifying the Town Administrator's signature to the Massachusetts Department of Public Health Office of Local & Regional Health Public Health Excellence Grant Program for Shared Services RFR #21433 Municipality Statement of Commitment
11. Vote the question of approving invoice #132280 from KP Law, PC dated June 30, 2021 in the amount of \$1,463.00 for legal services through June 30, 2021.
12. Vote the question of approving invoice #132281 from KP Law, PC dated June 30, 2021 in the amount of \$290.00 for legal services through June 30, 2021.
13. Vote to question to grant the Town Administrator to enter into an agreement(s) with the Massachusetts DCR relative to the rail trail within Wayland's town borders, including, but not limited to, local signage, user parking, historical education, enhanced bicycle and pedestrian safety, recreational access and art.
14. Vote the question of approving and signing agreement with Koch Separation Solutions, Inc. for the purchase of replacement filtration cartridges for Baldwin Pond Water Treatment Facility.
15. Vote the question of approving and signing agreement with N. Cibotti, Inc. for Waterline Replacement project located on Sedgemoadow Road.
16. Vote the question of approving and signing agreement with Mass Installation, Inc. for the Automated Meter Installation project to include all materials and labor needed for implementation.

C. Karlson moved, seconded by D. Watkins, to approve the Consent Calendar with the exception of items #3, #4, #5, #6 and #9. There was a discussion on item #13 with the Board acknowledging the need to gather input before implementing any changes or updates to the Rail Trail. Roll Call Vote: YEA: T. Fay, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: A. Gutbezahl. ABSTAIN: none. Adopted 4-0.

A14. Correspondence: The Board reviewed the Correspondence without comment.

1. Correspondence from Heather Pineault to Board of Selectmen dated June 24, 2021 re: Desire for an update regarding the Police Chief Search and interest in community being involved in process.
2. Correspondence from George Harris to Board of Selectmen dated June 30, 2021 re: Concern of audio quality during the latest Board of Selectmen Meeting.
3. Correspondence from Elaine Donnelly to Board of Selectmen dated June 28, 2021 re: Interest in community involvement for the Police Chief Search and request for transparency in the process.
4. Correspondence from Sonia Ali of Islamic Center of Boston to Town Administrator dated June 30, 2021 re: A thank you for the help in searching for a workable venue in Town for the upcoming Eid-al-Adha Holiday.
5. Correspondence from Eversource Energy to Board of Selectmen dated July 6, 2021 re: notice of vegetation management service in the right-of-way.

A15. Selectmen's Reports and Concerns: C. Karlson requested that L. Miller post the budget schedule, as well as provide a future status update on the Racial Justice Advisory Group and the 'Ask the TA' initiative. T. Fay reported on a recent discussion with state officials. L. Miller updated the Board on the preparations for the Police Chief hiring process. L. Miller reported that the consultant, Bernie Lynch, from Community Paradigm Associates, LLC was preparing a survey and revising the Town profile description based on the Board's previous discussion. L. Miller reported that the consultant firm had expressed concern with broad public participation, L. Miller concurred, and added that public participation had the potential to politicize the selection of a department head in the Police Department.

A16. Topics Not Reasonably Anticipated by the Chair 48 Hours In Advance, If Any: There were none.

A17. Adjourn: At 10:25 p.m., C. Martin moved, seconded by C. Karlson, to adjourn the meeting. Roll Call Vote: YEA: T. Fay, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: A. Gutbezahl. ABSTAIN: none. Adopted 4-0.

Items included in the packet during the Board of Selectmen Meeting of July 12, 2021:

1. Potential Dates for ATM 2022 Draft 7.12.2021
2. 2021 Annual Town Meeting Warrant Article Process: Guide for Petitioners
3. Town of Wayland Board/Committee Appointments Status as of July 1, 2021
4. Human Rights, Diversity, Equity, and Inclusion Committee Application from K. Brown
5. Wayland Housing Partnership Application from C. McKenna Lok
6. Human Rights, Diversity, Equity, and Inclusion Committee Application from S. Wynne
7. Memorandum To: Board of Selectmen From: Town Administrator cc: Conservation Administrator Re: Conservation Capital Projects dated July 12, 2021
8. Memorandum To: Board of Selectmen From: Town Administrator cc: Recreation Director Administrator Re: Recreation Capital Projects dated July 12, 2021
9. Human Resources & Benefits Report to the Board of Selectmen re: Joint Tasks - HR Manager and Benefits Manager, dated Monday, July 12, 2021
10. Eversource Vegetation Maintenance Activity Notice from Eversource Energy, dated July 7, 2021
11. Draft v1.4 Re-envisioning Route 20 Corridor Survey, dated July 5, 2021
12. Draft Board of Selectmen Minutes of June 29, 2021
13. Permit Application from Marbo Hansen for Recreation Department Special Event at Town Beach

Items Distributed for Information and Use by Board during the Meeting of July 12, 2021 Otherwise Not Included in The Packet (Handouts):

1. PowerPoint Slide presentation dated July 12, 2021 prepared by Town Administrator re: Loker School Solar Project Update
2. PowerPoint Slide presentation dated July 12, 2021 prepared by Town Administrator re: Proposed Solar Project at Landfill at Transfer Station
3. Memorandum from Town Administrator to Board of Selectmen dated July 11, 2021 re: Recommendation for Re-Issuance of Mission/Charge for Local Emergency Planning Committee,

Appointment of Committee, and Role FY2022 CIP and Funding Recommendations for Five-Year CIP Departmental Requests.

4. Handout from resident Doug Leard with comments on Memorandum on Recommendation for Reissuance of Mission/Charge for Local Emergency Planning Comm

BOARD OF SELECTMEN
Monday, August 9, 2021
7:00 p.m.
Wayland Town Building
41 Cochituate Road, Wayland, MA

CONSENT CALENDAR

1. Vote the question of designating and approving signing authority to Louise Miller, Town Administrator on items listed below.
2. Vote the question of approving and signing the weekly payroll and expense warrants.
3. Vote the question of approving and signing Task Order No. 4 to Contract Agreement number 19-1062 with BETA Group, Inc. for Professional Engineering Services related to the Route 20 Corridor Study.
4. Vote the question of approving and signing Task Order No. 5 Contract Agreement number 19-1062 with BETA Group, Inc. for Professional Engineering Services related to Construction Supervision of the Wastewater Sewer Project.
5. Vote the question of approving the additional documents requested by the Alcoholic Beverages Control Commission (ABCC) for the amendments to the liquor license application for Donelan's Supermarkets, Inc., ABCC License Number 00021-PK-1340, located at 177 Commonwealth Road, Wayland, MA, for a Change of Manager of Record; Change of Officers/Directors/LLC Managers, and Issuance/Transfer of Stock/New Stockholder.
6. Vote the question of approving and signing contract agreement number 21-1023 with J.C. Floor Covering Co., Inc. for the installation of vinyl flooring at the Wayland Middle School.
7. Vote the question of approving and signing contract agreement number 21-1024 with Liberty Floor Covering, LLC. for the installation of vinyl flooring at the Loker School.
8. Vote the question of approving and signing contract agreement number 21-1025 with Premier Abatement & Labor Services, Inc. for the asbestos abatement and related work at the Loker School.

BOARD OF SELECTMEN
Monday, August 9, 2021
7:00 pm
Wayland Town Building
41 Cochituate Road, Wayland, MA

CORRESPONDENCE

1. Correspondence from Xfinity to Board of Selectmen dated July 21, 2021 re: Xfinity TV Service Changes
2. Correspondence from Massachusetts Department of Public Utilities dated July 16, 2021 and received July 26, 2021 re: Petition of NSTAR Electric Company d/b/a Eversource Energy for Approval of Deferral of Major Storm Threshold Amounts for 2020 Storms.
3. Correspondence from the MBTA Advisory Board to Tom Fay, Board of Selectmen Chair, dated July 23, 2021 and received July 26, 2021 re: Town Vacancy in the MBTA Advisory Board.
4. Correspondence from Massachusetts Department of Housing & Community Development to Board of Selectmen dated June 29, 2021 re: Approval of Project Eligibility under the Local Initiative Program (LIP), 12 Hammond Road.
5. Correspondence from Doug Stotz to Board of Selectmen dated July 28, 2021 re: Proposed 104, 106, and 110 Plain Road Conservation Restriction.
6. Correspondence from Mary Antes, Chair of Municipal Affordable Housing Trust, to Board of Selectmen dated July 23, 2021 re: The MAHT's interest in considering the parcel of land located at 212 Cochituate Road if available.
7. Correspondence from Mary Ann Borkowski to Board of Selectmen dated July 26, 2021 re: Seeking an update on Wayland Police Chief Search process.
8. Correspondence from Brian O'Herlihy to Board of Selectmen dated August 6, 2021 re: Municipal Affordable Housing Trust's interest in considering the parcel of land located at 212 Cochituate Road if available.