

PACKET

Sep 13

2021



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

LOUISE L. E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-3620
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BOARD OF SELECTMEN

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

BOARD OF SELECTMEN Monday, September 13, 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=RyVVKcG9qMXRVcXNlc1pMWVRXYjJlOT09>

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 must adhere the Town of Wayland's new mask requirement dated August 11 that requires the wearing of masks within municipal buildings for all members of the public and for staff when interacting with the public. <https://www.wayland.ma.us/home/news/august-11-2021-announcement-covid-19-update-and-new-mask-requirement-wayland-town>

7:00 pm 1. Call to Order, Review Agenda for Public

7:05 pm 2. Executive Session:

- I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6), discuss the acquisition, by gift, purchase or otherwise, interest in all or part of the parcels of land, on and off Elissa Avenue, north of the current X Golf business, and bounded by Elissa Avenue on the west and on the north by 185 Elissa Avenue, owned by the Town, from Boston Retail I, LLC.
- II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of September 2, 2021

Approve and Hold: Executive Session minutes of September 2, 2021

7:35 pm 3. Announcements and Public Comment

BOARD OF SELECTMEN
Monday, September 13, 2021
7:00 p.m.
Wayland Town Building
41 Cochituate Road, Wayland, MA

- 7:45 pm 4. Comcast Renewal License: Joint meeting with the Cable Advisory Committee to discuss recommendation on a Renewal License Agreement with Comcast, and potential vote
- 8:15 pm 5. Committee Appointments: Discuss and potential vote to appoint:
- | Committee | Potential Appointee | Term End Date |
|---|---------------------|---------------|
| Municipal Affordable Housing Trust
<i>I vacancy representing Housing Authority</i> | Susan Weinstein | June 30, 2023 |
| Youth Advisory Committee
<i>I vacancy representing Board of Health</i> | Lisa Raferty | June 30, 2024 |
- 8:20 pm 6. 2021 Special Town Meeting: Review, discuss and potential vote on aspects of Special Town Meeting to include but not limited to: articles to insert in warrant, Board position on articles, determine article order and logistics including location and start time
- 8:45 pm 7. Annual Report: Discuss Board of Selectmen submission to the 2021 Annual Report
- 9:05 pm 8. Discussion of Town Administrator’s statement to Board of Selectmen on Sept 2, 2021
- 9:15 pm 9. Fiscal Year 2023 Budget Update
- 9:30 pm 10. Town Administrator update
- | | |
|--|--|
| <ul style="list-style-type: none"> a. COVID-19 b. River’s Edge c. Per- and polyfluoroalkyl substances (PFAS) d. Reprecincting e. Council on Aging/Community Center f. Spencer Circle | <ul style="list-style-type: none"> g. Departmental Reports: Treasurer, Assessors h. Regionalization Opportunities i. Surveys: Police Department and Housing Production Plan j. Facilities Concerns |
|--|--|
- 10:15pm 11. Minutes –August 30, September 1 and September 2, 2021; review and vote to approve
- 10:20pm 12. Consent: review and vote to approve
- 10:25pm 13. Correspondence
- 10:30pm 14. Selectmen’s Reports and Concerns
- 10:35pm 15. Topics not Reasonably Anticipated 48 hours in advance, if any
- 10:40pm 16. Adjourn

September 10, 2021

William Hewig III
whewig@k-plaw.com

BY ELECTRONIC MAIL
AND FIRST CLASS MAIL

Hon. Thomas J. Fay and
Members of the Board of Selectmen
Wayland Town Hall
41 Cochituate Road
Wayland MA 01778

Re: Executive Summary of Proposed Comcast Cable Television Renewal License

Dear Members of the Board of Selectmen:

This letter is intended to give you an executive summary of the terms of the final cable television renewal license which is being proposed by Comcast. The proposed license is the product of our recent negotiations with Comcast.

(a) Term (Sec. 2.2):

The proposed term is ten (10) years from August 1, 2021, to expire on July 31, 2031. This is the maximum term available for a renewal license under state law (M.G.L. c.166A, §13).

(b) Level Playing Field (Sec. 2.6 (a) – (g)):

Level playing field provisions are standard provisions recognized in contract law, and upheld by courts of law. In the cable television licensing context, they typically provide that if the town issues a license to another cable operator, that additional license must contain approximately equivalent economic burdens and benefits. The level playing field provisions proposed by Comcast in this renewal license are lawful, have become standard in the industry and were reviewed and revised by me. As worded in this renewal license, this section is acceptable as to legal form.

(c) Service Area (Sec. 3.1 (a))

The service area will be all residential dwellings within the town, where the density is at least thirty (30) dwelling units per aerial mile, or sixty (60) dwelling units per underground mile, and for dwelling units that are located within 150 feet of Comcast's Trunk and Distribution System.

(d) Protections for the Town/Public Rights:

- (i) Police Powers (sec. 2.5): Any conflicts between the terms of the license and the Town's lawful police powers are to be resolved by a competent court of law.

Hon. Thomas J. Fay and
Members of the Board of Selectmen
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(ii) System Maintenance (Sec. 4.1(b)): The construction, maintenance, operation and repair of the cable system will at all times conform to all applicable state and federal laws, and specifically to FCC Regulations.

(ii) Strand Maps (Sec. 4.5): Comcast will maintain a complete set of plant maps and make them available to the town upon written request, in written or digital form if such form exists.

(iii) Dig Safe (Sec. 4.7): Comcast will comply with all applicable Dig Safe provisions under state law, M.G.L. c.82, sec. 40)

(iv) Indemnification (Sec. 9.1): Comcast will indemnify the town for all claims or suits arising as a result of Comcast's operation of the cable system pursuant to the license.

(v) Insurance (Section 9.2): Comcast will provide insurance as follows: comprehensive general liability - \$1 Million/\$5 Million; automobile liability - \$1 Million; and worker's comp. Comcast will provide the town with certificates of insurance for all required policies. The town will be carried as an additional insured in all persona injury or property damage policies.

(vi) Performance Bond (Sec. 9.3): Comcast will provide a bond in the amount of \$50,000 to guarantee satisfactory construction, installation, operation and, if necessary, the removal of the cable system, and the restoration of pavements and roads, and indemnity to the town.

(vii) License Fees (Sec. 9.4): Comcast will pay the standard \$.50 per subscriber license fee to the town on an annual basis. Under state law and Cable Division rulings, expenditure of this money is not restricted to cable-related matters but may be used for any public purpose.

(e) Subscriber Rights and Consumer Protection:

(i) Parental Control Option (Sec. 3.3): Upon request subscribers are entitled to receive the capability to control reception of any channel. The capability may be part of a leased converter box.

(ii) FCC Customer Service Regulations (Sec. 7.1): Comcast will comply with all FCC Customer service regulations regarding telephone response time, repairs, and initial installation of service, and the Massachusetts Billing Practice Standards.

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Members of the Board of Selectmen
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(iii) Consumer Complaint Procedures (Sec. 7.2): Comcast will forward to the town and to the state Cable Division copies of any complaints it receives. Comcast will also provide the town with its annual complaint report.

(iv) Protection of Subscriber Privacy (Sec. 7.3): Comcast will provide the protections of subscriber privacy required by the federal Cable Act.

(f) PEG Access Support:

(i) PEG Access Channels (Sec. 6.1 (b)); 6.3 (d): Comcast will continue to provide three (3) Standard Definition PEG channels. Upon written request from the Town, Comcast will activate one (1) High Definition (HD) channel for PEG access use, within 24 months of the request, in exchange for the surrender on one SD channel, and upon payment by the Town for HD interconnect equipment.

(ii) Annual Operating Support (Sec. 6.4 (a)): Comcast will make an annual grant of five percent (5%) of its Gross Annual Revenues from the effective date through the license term, paid to the town in quarterly installments.

(iii) PEG Access Capital Contribution (Sec. 6.4 (b)): Comcast will pay a capital grant to the town totaling One Dollar and Four Cents (\$1.04) per subscriber per month, payable annually each November 1. In the first year this will amount to approximately \$25,000. The number will vary in subsequent years, of course, depending on the number of subscribers.

(g) License Enforcement (Sec. 9.8 and 9.9):

(i) License Default and Public Hearing (Section 9.8): If the Issuing Authority believes that Comcast is in default of a material provision of the license, it must first notify Comcast in writing by certified mail, and if Comcast has not satisfactorily responded within thirty (30) days, the Issuing Authority may then call a public hearing (Section 9.8 (a) - (c)).


(ii) Enforcement of License by Revocation or Liquidated Damages (Sections 9.7, 9.8 and 9.9): If, after a hearing, the Issuing Authority finds that Comcast is in material breach of any of the specified sections, it may, following notice and opportunity to cure, revoke the license under Sec. 9.7, or assess liquidated damages under Sec. 9.9.

Hon. Thomas J. Fay and
Members of the Board of Selectmen
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Conclusion

I have reviewed the Comcast proposed renewal license. It represents the product of sustained negotiations by the Town's Cable Advisory Committee and Comcast. In my opinion, the proposal meets the town's future community cable-related needs as established during our ascertainment period, and I recommend it for your approval and execution.

I trust that this will be of assistance to you at the present time. If you have any further questions regarding the Comcast license, please do not hesitate to contact me. Thank you for the opportunity to be of service to the town.

Very truly yours,

William Hewig, III

WH/caa
Enc.
cc: Town Administrator
Cable Advisory Committee

EXECUTIVE SUMMARY OF CABLE TELEVISION LICENSING PROCEDURES
UNDER 47 USC sec. 521 et seq, and MGLA c. 166A sec 1-22.

(1) OVERVIEW

Cable licensing in the United States is governed by both federal and state statutes. The two do not overlap or conflict.

- (a) The federal statute at 47 USC sec. 521 et. seq., provides the structural framework requiring a license [called a “franchise” in the federal scheme] to deliver cable service, and the procedure for the granting of initial or renewal licenses. It also provides that issuing authorities may require so-called Public, Educational and Governmental [“PEG”] access support cash payments up to 5 % of the cable company’s gross annual revenues from operations in that market [“GAR”], and capital, which is excluded from the 5% ceiling [both payments are collectively known as the “franchise fee”], and further provides that states may regulate cable rates if the local market is non-competitive.
- (b) The state statute at GL c. 166A, sec. 1-22, fills in where the federal statute is silent. It identifies local municipal executives as the “issuing authority” for ”licenses” in Massachusetts [each state names its own issuing authority, and in many other places, the state itself issues the license]; it fixes maximum terms on Massachusetts licenses [15 years for initial licenses and 10 years for renewal licenses]; and it establishes requirements for additional obligations in the licenses beyond just the PEG Access funding support requirements set forth in federal law [requiring, for example, insurance, bonds, indemnities, cooperation with municipalities for street and other building and construction projects, street repairs avoidance of tree damage, conditions of revocation, and the payment of fees to the municipality and the state [called “License fees”]. And finally, the state regulatory authority may regulate the rates of a cable operator’s “basic service” tier if the market in the municipality is non-competitive [defined by the percentage of market share held by one operator, verses either another cable operator, or a satellite carrier].
- (c) Both federal [FCC] and state [DTC] regulatory agencies provide more details into the two spheres of oversight through their own separate sets of regulations, but again, they do not overlap. In fact, the federal and state oversight schemes complement each other and work together reasonably well.

(2) ORIGINAL PHILOSOPHY UNDERPINNING FEDERAL REGULATION

In 1984, when the federal cable act was being enacted, Congress recognized that it was going to be the nature of the business to be monopolistic because the initial capital outlay to construct a cable system was going to be so large that no operator would be able to expect to make a profit with less than about 50% of the market. As compensation to the communities affected by the impending cable monopoly they were about to enable, Congress granted municipalities the right to get financial and other forms of support for local access initiatives in exchange for the granting of a license.

This is an important point to remember because although cable companies today love to complain about being over-regulated, they have enjoyed the financial benefit of operating in or close to a monopolistic environment, in many cases for more than 30 years.

(3) NEGOTIATING STRATEGY NOTES

• WHAT YOU CANNOT GET IN LICENSE RENEWAL NEGOTIATIONS

- (a) A new cable company. Cable licenses holders have, like liquor license holders, a presumptive right to renewal, meaning that the law is configured to make it very difficult to deny a renewal license and have the denial survive a legal challenge. This is, however, offset by the fact that cable licenses are non-exclusive, meaning that the issuing authority can grant as many cable licenses as there are applicants. But because of the economies of cable plant construction noted above, unless the applicant already has spent capital for poles and wires for other than cable purposes [like Verizon, for example, or RCN], you won't get another pure cable company interested in coming in and seeking a competitive license.
- (b) Programming changes. Here, FCC regulations say that an issuing authority cannot negotiate for specific programming in exchange for the granting of a license. That means when a person shows up at a hearing irate because he can't get the golf channel, we can't help him. The only requirements we can make are for "general categories" of programming, such as "news", "family" "sports", etc. The cable companies always include that laundry list in their licenses anyway, so we have no entitlement to discuss programming whatsoever. The FCC says that the "market" is supposed to drive programming decisions.
- (c) Coverage of specific over-the-air markets. The FCC regulations, in response to pressure from local TV stations, have long required that cable operators be required to offer in their basic service tiers the over-the-air channels [that is, those channels you could receive with an antenna] from the CLOSEST large market [known as the "are of dominant influence".] This becomes a hardship for municipalities near state boundaries because it may mean that the only over-the-air signals they are given in their basic service tiers come from a city in another state [such as, for example, Providence, R.I., instead of Boston]. This has all kinds of implications for election coverage, local or state-specific news, or national sports team coverage. In western Massachusetts, for example, cities or towns closer to Albany NY [or to Hartford, CT, for that matter] than to Springfield have to watch the Yankees and the Giants, instead of the Red Sox and the Patriots. Cable companies COULD offer over-the-air signals from more than one city if they chose to, but that costs them money, so they rarely ever do. This is entirely the product of flawed FCC regulations – skewed by industry lobbying - and there is no remedy for it, other than for the FCC or Congress to act to change the rule.]

- (d) Rate reductions. Rates are either regulated by the state DTC [basic service only], or they are unregulated in markets where there is “effective competition”. The issuing authority, and the leverage of license renewals, have no power to force any change in cable rates.
- (e) Technical obligations. Once again, this is governed by an FCC rule, and it says the issuing authority may not require specific equipment or technical requirements or improvements in exchange for granting a license. That, too, is supposed to be driven by the market.
- (f) Prohibition against the cable operator “passing through” costs to the subscriber in the forms of a surcharge to the monthly cable bill. Cable companies are allowed to pass directly through to subscribers all costs arising from obligations imposed upon them in a license. This includes not just the PEG support cash payments, but also required plant construction and maintenance costs for INETs, and all PEG access lines and equipment.
- (g) An obligation to provide cable service to every household in the municipality. Line extension obligations are generally negotiable, but the increased costs incurred must be “reasonable”, and that means that if there is a particular neighborhood which, due to its configuration or topography, its lot sizes, or its remoteness from nearby cable plant, has become prohibitively expensive to cable, the issuing authority will not likely have the power to compel the cable company to extend cable service to such a neighborhood.

- WHAT YOU CAN GET IN LICENSE RENEWAL NEGOTIATIONS

- (a) Cash funding grants to support local PEG programs. The federal cable act permits issuing authorities to require cable companies to pay up to 5 % of its GAR [earned in the municipalities in question] for annual PEG operating costs, and to pay for reasonable future capital cost requirements, as identified by the local authority. But as noted above, these required costs may all be passed through to subscribers.
- (b) Construction or upgrading of PEG lines, and additions or upgrades to local origination sites, or studio configurations, etc. But again, these costs may be passed through directly to the subscribers.
- (c) Some limited technology upgrades such as an HD channel for PEG services [this seems to be an exception to the FCC prohibition on bargaining for equipment or technology].
- (d) Local customer service offices.
- (e) Senior Citizen Discounts.
- (f) License compliance and enforcement tools such as requirements for public hearings, reports, and liquidated damages for repeated failures to cure a license breach.

(4) CONCLUSIONS

Cable licensing is a fairly comprehensively regulated field. What we can and can't get from a cable company, and the limitations on our powers to bargain and to compel concessions during negotiations, are limited, and are restricted by statutes and regulations, both federal and state. Members of the public should be informed of the rules that limit our bargaining powers, and cautioned not to raise their expectations based on promises beyond our legal power to deliver.

673418/8000/0018

RENEWAL
CABLE TELEVISION LICENSE
FOR
THE TOWN OF WAYLAND,
MASSACHUSETTS

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WAYLAND RENEWAL LICENSE

INTRODUCTION

WHEREAS, Comcast Cable Communications Management LLC (hereinafter "Licensee"), is the duly authorized holder of a renewal license to operate a cable television system in the Town of Wayland, Massachusetts (hereinafter the "Town"), said license having commenced on November 30, 2010;

WHEREAS, Licensee filed a written request for a renewal of its license by letter dated March 13, 2017 in conformity with the Cable Communications Policy Act of 1984 ("Cable Act") and filed a renewal proposal dated July 31, 2020;

WHEREAS, there has been an opportunity for public comment, as required by Section 626(h) of the Cable Act;

WHEREAS, the Issuing Authority has determined that the financial, legal, and technical ability of Licensee is reasonably sufficient to provide services, facilities, and equipment necessary to meet the future cable-related needs of the community, and desires to enter into this Renewal License with Licensee for the construction and continued operation of a cable system on the terms and conditions set forth herein; and

WHEREAS, the Town's Select Board, as the Issuing Authority, finds that Licensee has complied with the terms of its previous license.

NOW THEREFORE, after due and full consideration, the Issuing Authority and Licensee agree that this Renewal License is issued upon the following terms and conditions:

ARTICLE 1

DEFINITIONS

SECTION 1.1 - DEFINITIONS

For the purpose of this Renewal License, capitalized terms, phrases, words, and abbreviations shall have the meanings ascribed to them in the Cable Communications Policy Act of 1984, as amended from time to time, 47 U.S.C. §§ 521 et seq. (the “Cable Act”), and Massachusetts General Laws Chapter 166A (M.G.L.c.166A), as amended from time to time, unless otherwise defined herein.

(a) Access Provider – shall mean the person, group or entity, for non-profit, designated by the Issuing Authority for the purpose of operating and managing the use of Public, Educational and Governmental Access funding, equipment and channels on the cable television system in accordance with this Renewal License and 47 U.S.C. 531.

(b) Basic Cable Service – shall mean the lowest tier of service which includes the retransmission of local television broadcast signals.

(c) Cable Act – shall mean the Cable Communications Policy Act of 1984, Public Law No. 98-549, 98 Stat. 2779 (1984), 47 U.S.C. 521 et. seq., amending the Communications Act of 1934, as further amended by the 1992 Cable Consumer Protection and Competition Act, Public Law No. 102-385 and the Telecommunications Act of 1996, Public Law No. 104-458, 110 Stat. 56 (1996) and as may be further amended.

(d) Cable Division – shall mean the Competition Division of the Massachusetts Department of Telecommunications and Cable established pursuant to Massachusetts General Laws Chapter 166A (M.G.L. Chapter 166A) or its successor

(e) Cable Service – shall mean the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

(f) Cable System or System – shall mean the facility owned, constructed, installed, operated and maintained by Licensee in the Town of Wayland, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designated to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (a) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (b) a facility that serves subscribers without using any public right-of-way; (c) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Cable Act, except that such facility shall be considered a cable system (other than for purposes of section 621(c) of the Cable Act) to the extent such facility is used in the transmission of video programming directly to subscribers unless the extent of such use is solely to provide interactive on-demand services; or (d) an open video system that complies with section 653 of this title, or (e) any facilities of any electric utility used solely for operating its electric utility systems.

(g) Drop – shall mean the coaxial cable that connects a home or building to the Subscriber Network

(h) Effective Date – shall mean August 1, 2021.

(i) FCC – shall mean the Federal Communications Commission or any successor governmental entity.

(j) Franchise Fee – shall mean the payments to be made by Licensee to the Issuing Authority, the Town of Wayland and or any other governmental subdivision, such as an Access Provider, which shall have the meaning as set forth in Section 622(g) of the Cable Act.

(k) Gross Annual Revenues – means the Cable Service revenue derived by the Grantee from the operation of the Cable System in the Franchise Area to provide Cable Services, calculated in accordance with generally accepted accounting principles (“GAAP”). Cable Service revenue includes monthly basic, premium and pay-per-view video fees, leased access fees, advertising and home shopping revenue, installation fees and equipment rental fees. Gross Revenue shall not include refundable deposits, bad debt,

late fees, investment income, programming launch support payments, advertising sales commissions, nor any taxes, fees or assessments imposed or assessed by any governmental authority.

(l) Issuing Authority – shall mean the Select Board of the Town of Wayland, Massachusetts, or the lawful designee thereof.

(m) Licensee – shall mean Comcast Communications Management LLC., or any successor or transferee in accordance with the terms and conditions in this Renewal License.

(n) License Fee – shall mean the payments to be made by Licensee to the Issuing Authority, the Town of Wayland and or any other governmental subdivision, which shall have the meaning as set forth in M.G.L .c. 166A, § 9.

(o) Modulator shall mean CATV modulator or equivalent device used for video signal transport.

(p) Multichannel Video Programming Distributor – shall mean a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming.

(q) Normal Operating Conditions – shall mean those service conditions which are within the control of the Franchisee. Those conditions which are not within the control of the Franchisee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the Franchisee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the Cable System.

(r) Outlet – shall mean an interior receptacle that connects a television set to the Cable Television System.

(s) PEG Access User – shall mean a Person utilizing the Cable Television System, including all related facilities for purposes of production and/or transmission of PEG Access Programming as opposed to utilization solely as a Subscriber.

(t) Person – shall mean any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for profit, but shall not mean the Issuing Authority.

(u) Public, Educational and Government (PEG) Access Programming – shall mean non-commercial programming produced by any Wayland residents or organizations, schools and government entities and the use of designated facilities, equipment and/or channels of the Cable System in accordance with 47 U.S.C. 531 and this Renewal License.

(v) Public Buildings – shall mean those buildings owned or leased by the Issuing Authority for municipal government administrative purposes, and shall not include buildings owned by Issuing Authority but leased to third parties or buildings such as storage facilities at which government employees are not regularly stationed.

(w) Public Way – shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way, lane, public way, drive, circle or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the Issuing Authority in the Town of Wayland, which shall entitle Licensee to the use thereof for the purpose of installing, operating, repairing, and maintaining the Cable System. Public Way shall also mean any easement now or hereafter held by the Issuing Authority within the Town of Wayland for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle Licensee to the use thereof for the purposes of installing, operating, and maintaining Licensee’s Cable System over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to the Cable System.

(x) Renewal License or License – shall mean this Agreement and any amendments or modifications in accordance with the terms herein.

(y) Signal – shall mean any transmission which carries Programming from one location to another.

(z) Standard Installation – shall mean the standard one hundred fifty foot (150') aerial Drop connection to the existing distribution system.

(aa) Subscriber – shall mean a Person or user of the Cable System who lawfully receives Cable Service with Licensee's express permission.

(ab) Subscriber Network – shall mean the trunk and feeder signal distribution network over which video and audio signals are transmitted to Subscribers.

(ac) Town – shall mean the Town of Wayland, Massachusetts.

(ad) Trunk and Distribution System – shall mean that portion of the Cable System for the delivery of Signals, but not including Drop Cable(s) to Subscriber's residences.

(ae) Video Programming or Programming – shall mean the programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

ARTICLE 2

GRANT OF RENEWAL LICENSE

SECTION 2.1 - GRANT OF RENEWAL LICENSE

(a) Pursuant to the authority of M.G.L. c. 166A, and the Cable Act the Issuing Authority hereby grants a non-exclusive Renewal License to Comcast Cable Communications Management LLC, a Delaware Corporation, authorizing and permitting Licensee to construct, operate and maintain a Cable System in the Public Way within the municipal limits of the Town of Wayland. Nothing in this License shall be construed to prohibit Licensee from offering any service over its Cable System that is not prohibited by federal or state law.

(b) This Renewal License is granted under and in compliance with the Cable Act and M.G.L.c. 166A, and in compliance with all rules and regulations of the FCC and the Cable Division in force and effect during the period for which this Renewal License is granted.

(c) Subject to the terms and conditions herein, the Issuing Authority hereby grants to Licensee the right to construct, upgrade, install, operate and maintain a Cable System within the Public Way.

SECTION 2.2 - TERM: NON-EXCLUSIVITY [SEE M.G.L. c. 166A §3(d) and 13]

The term of this non-exclusive Renewal License shall be for a period of ten (10) years and shall commence on August 1, 2021, following the expiration of the current license, and shall expire at midnight on July 31, 2031.

SECTION 2.3 - POLE AND CONDUIT ATTACHMENT RIGHTS [SEE M.G.L. c. 166 §22-25]]

Pursuant to M.G.L. c. 166, §§22-25, permission is hereby granted to Licensee to attach or otherwise affix including, but not limited to cables, wire, or optical fibers comprising the Cable System to the existing poles and conduits on and under public streets and ways, provided Licensee secures the permission and consent of the public utility companies to affix the cables and/or wires to their pole and conduit facilities.

By virtue of this License the Issuing Authority grants Licensee equal standing with power and telephone utilities in the manner of placement of facilities on Public Ways.

SECTION 2.4 - RENEWAL [SEE M.G.L. c. 166A §13]

(a) In accordance with the provisions of federal law, M.G.L. c. 166A, § 13 and applicable regulations, this Renewal License shall be subject to additional renewals for the periods not to exceed ten (10) years or such other periods as allowed by law.

(b) In accordance with applicable law, any such renewal or renewals shall be upon mutual written agreement by Licensee and the Issuing Authority and shall contain such modified or additional terms as Licensee and the Issuing Authority may then agree.

SECTION 2.5 - RESERVATION OF AUTHORITY

Nothing in this Renewal License shall (A) abrogate the right of the Issuing Authority to perform any public works or public improvements of any description, (B) be construed as a waiver of any codes or ordinances of general applicability and not specific to the Cable System, Licensee, or this License, or (C) be construed as a waiver or release of the rights of the Issuing Authority in and to the Public Ways. This License is a contract and except as to those changes which are the result of the Issuing Authority's lawful exercise of its general police power, the Issuing Authority may not take any unilateral action which materially changes the explicit mutual promises in this License. Any changes to this License must be made in writing signed by the Licensee and the Issuing Authority. Any conflict between this License and any Issuing Authority ordinance or regulation that is not generally applicable, shall be resolved by a Court of appropriate jurisdiction. Notwithstanding any other provision of this License, Licensee reserves the right to challenge provisions of any ordinance, rule, regulation, or other enactment of the Issuing Authority that conflicts with its contractual rights under this License, either now or in the future.

SECTION 2.6 - NON-EXCLUSIVITY OF LICENSE

(a) Licensee acknowledges and agrees that the Issuing Authority reserves the right to grant one or more additional licenses or other authorizations to other Cable Service providers or wireline based video service providers within the Town for the right to use and occupy the Public Ways or streets within the Issuing Authorities jurisdiction. If any such additional or competitive license or other authorization is granted by the Issuing Authorities which, in the reasonable opinion of Licensee, contains more financially favorable or less burdensome terms or conditions than this Renewal License, including, but not limited to: franchise fees; payment schedules, insurance; system build-out requirements; performance bonds or similar instruments; public, education and government access channels and support; customer service standards; required reports and related record keeping; and notice and opportunity to cure breaches; the Issuing Authority agrees that it shall amend this Renewal License to include any more favorable or less burdensome terms or conditions.

(b) In the event an application for a new cable television license or other authorization is filed with the Issuing Authority, proposing to serve the Town, in whole or in part, the Issuing Authority shall serve a copy of such application upon any existing Licensee or incumbent cable operator by registered or certified mail or via nationally recognized overnight courier service within a reasonable time thereafter.

(c) To the extent allowed by applicable law(s), the grant of any additional cable television license(s) or other authorization shall be on equivalent terms and conditions as those contained in this Renewal License.

(d) The issuance of additional license(s) shall be subject to all applicable federal and state laws, including M.G.L. c. 166A and applicable regulations promulgated thereunder.

(e) In the event that Licensee believes that any additional license(s) or other authorization has been granted on terms or conditions more favorable or less burdensome than those contained in this Renewal License, the Issuing Authority shall convene a public hearing on such issue, within not more than thirty (30) days of receipt of a hearing request from Licensee. Along with said written request, Licensee shall provide the Issuing Authority with written reasons for its belief. At the public hearing, the Issuing

Authority shall afford Licensee an opportunity to demonstrate that any such additional license(s) or other authorization are on terms more favorable or less burdensome than those contained in this Renewal License. Licensee shall provide the Issuing Authority with such financial or other relevant information as is reasonably requested.

(f) Should Licensee demonstrate that any such additional license(s) or other authorizations have been granted on terms and conditions more favorable or less burdensome than those contained in this Renewal License, the Issuing Authority shall make equitable amendments to this Renewal License within a reasonable time.

(g) In the event that Licensee demonstrates that an existing or future Cable Service provider or wireline based video service provider in the Town has been provided relief by the Issuing Authority from any obligation of its license, then Licensee shall be awarded an equivalent amount of relief from the material obligations herein. Such relief shall be in writing and in the form of an amendment to this License. The Issuing Authority shall convene a public hearing on the issue within sixty (60) days of Licensee's notification to the Issuing Authority requiring such relief, unless otherwise mutually agreed to. Licensee shall provide reasons for its belief in the notification. At the public hearing, the Issuing Authority shall afford Licensee an opportunity to demonstrate that any existing or future service providers in the Town have been provided relief by the Issuing Authority from any obligation of its cable television license or other similar lawful authorization. Licensee shall provide the Issuing Authority with such financial or other relevant information as is reasonably requested to justify its belief; provided, however, that the parties' counsel mutually and reasonably deem said information is non-proprietary.

ARTICLE 3

SYSTEM SPECIFICATIONS AND CONSTRUCTION

SECTION 3.1 - AREA TO BE SERVED [SEE M.G.L. c. 166A §3(a)]

(a) Licensee shall upon request make Cable Service available to every residential dwelling unit within the Town where the minimum density is at least thirty (30) dwelling units per aerial mile and sixty (60) dwelling units per underground mile providing however, that any request for plant extension is measured from the existing Trunk and Distribution System and Licensee is able to obtain from property owners any necessary easements and/or permits in accordance with Cable Act. Licensee shall make service available to multiple dwelling units (MDU) upon request and where economically feasible and providing that Licensee is able to obtain from the property owners any necessary easements, permits and agreements to provide Service to said MDU. Subject to the density requirement, Licensee shall upon request offer Cable Service to all new homes or previously unserved homes located within one hundred fifty feet (150') of Licensee's Trunk and Distribution System. For non-Standard Installations Licensee shall offer said Service within ninety (90) days of a Subscriber requesting such for aerial installations and one hundred eighty (180) days, weather permitting, of a Subscriber requesting such for underground installations. With respect to areas of the Town which are currently served by Licensee from a contiguous cable television system or currently unserved but could be served by abutting Town(s) served by Licensee, Licensee shall have the option to serve such areas from its cable television system in such abutting Town.

(b) Installation costs shall conform with the Cable Act. Any dwelling unit within an aerial one hundred fifty feet (150 ft.) of the Trunk and Distribution System shall be entitled to a Standard Installation rate in accordance with applicable federal and state laws. Underground installs are considered non-standard installations. All non-standard installations shall be provided at a rate established by the Licensee in accordance with applicable federal and state laws.

(c) Provided Licensee has at least ninety (90) days' prior written notice concerning the opening of residential subdivision trenching, or of the installation of conduit for the location of utilities, it shall install

its cable in such trenching or conduits or may seek permission to utilize alternative trenching or conduits within a comparable time frame. If a substantial quantity of cable is required for a large subdivision and said quantity is not in stock, Licensee shall be allowed additional time for said installation. The Issuing Authority, or its designee, shall exercise reasonable efforts to have the Planning Board and developers give timely written notice of trenching and underground construction to Licensee. Developer shall be responsible for the digging and back-filling of all trenches.

SECTION 3.2 - SUBSCRIBER NETWORK

Licensee shall maintain a Cable Television System, fully capable of providing Cable Service in accordance with applicable law.

SECTION 3.3 - PARENTAL CONTROL CAPABILITY

(a) Pursuant to applicable law, upon request, and at no separate, additional charge, Licensee shall provide Subscribers with the capability to control the reception of any channel on the Cable System.

(b) The Issuing Authority acknowledges that the parental control capability may be part of a converter box and Licensee may charge Subscriber for use of said box.

SECTION 3.4---EMERGENCY ALERT OVERRIDE CAPACITY

Licensee shall comply with the FCC's Emergency Alert System ("EAS") regulations.

ARTICLE 4

TECHNOLOGICAL AND SAFETY STANDARDS

SECTION 4.1 - SYSTEM MAINTENANCE [SEE M.G.L. c. 166A §5]

(a) In installing, operating and maintaining equipment, cable and wires, Licensee shall avoid damage and injury to trees, structures and improvements in and along the routes authorized by the Issuing Authority, except as may be approved by the Issuing Authority if required for the proper installation, operation and maintenance of such equipment, cable and wires.

(b) The construction, maintenance and operation of the Cable System for which this Renewal License is granted shall be done in conformance with all applicable state and federal laws, ordinances, codes and regulations of general applicability and the rules and regulations of the FCC as the same exist or as same may be hereafter changed or amended.

(c) Operating and maintenance personnel shall be trained in the use of all safety equipment and the safe operation of vehicles and equipment. Licensee shall install and maintain its equipment, cable and wires in such a manner as shall not interfere with any installations of the Town or any public utility serving the Town.

(d) All structures and all equipment, cable and wires in, over, under, and upon streets, sidewalks, alleys, and public rights of ways of the Town, wherever situated or located shall at all times be kept and maintained in a safe and suitable condition and in good order and repair.

SECTION 4.2 - REPAIRS AND RESTORATION [SEE M.G.L. c. 166A §5(g)]

Whenever Licensee takes up or disturbs any pavement, sidewalk or other improvement of any public right of way or public place, the same shall be replaced and the surface restored in as good condition as possible as before entry as soon as practicable. If Licensee fails to make such restoration within a reasonable time, the Issuing Authority may fix a reasonable time for such restoration and repairs, and shall notify Licensee in writing of the restoration and repairs required and the time fixed for the performance

thereof. Upon failure of Licensee to comply within the time specified, the Issuing Authority may cause proper restoration and repairs to be made and the expense of such work shall be paid by Licensee upon written demand by the Issuing Authority. Prior to such repair or restoration the Town shall submit a written estimate to Licensee of the actual cost of said repair or restoration.

SECTION 4.3 - CABLE LOCATION

(a) In all areas of the Town where all of the transmission and distribution facilities of all public or municipal utilities are installed underground, Licensee shall install its Cable System underground, provided that such facilities are actually capable of receiving the Licensee’s cable and other equipment without technical degradation of the Cable System’s signal quality.

(b) In all areas of the Town where public utility lines are aerially placed, if subsequently during the term of the Renewal License such public utility lines are required by the Issuing Authority or State to be relocated aerially or underground, Franchisee shall similarly relocate its Cable System if it is given reasonable notice and access to the public and municipal utilities facilities at the time that such are placed underground. Any costs incurred by Licensee for relocating the Cable System shall be entitled to reimbursement of such relocation costs in the event public or private funds are raised for the project and made available to other users of the Public Way. In the event that funds are not made available for reimbursement, Licensee reserves the right to pass through its costs to Subscribers.

(c) Nothing in this Section shall be construed to require Licensee to construct, operate, or maintain underground any ground-mounted appurtenances such as customer taps, line extenders, system passive devices, amplifiers, power supplies, pedestals, or other related equipment.

SECTION 4.4 - TREE TRIMMING [SEE M.G.L. c. 166A §5(a)]

Licensee shall have authority to trim trees upon and overhanging public streets, alleys, sidewalks and ways and places of the Town so as to prevent the branches of such trees from coming in contact with

the wires, cables and equipment of Licensee, in accordance with MGL c. 87 and any Town ordinances and regulations.

SECTION 4.5 – STRAND MAPS

Upon written request, the Licensee shall file with the Issuing Authority strand maps of the Cable System plant installed. Upon written request said strand maps shall also be provided in electronic format if they exist in said electronic format. The Licensee shall not be required to provide a particular type of electronic format which is different from the electric format the Licensee maintains.

SECTION 4.6 - BUILDING MOVES [SEE M.G.L. c. 166 §39]

(a) In accordance with applicable laws, Licensee shall, upon the written request of any Person holding a building moving permit issued by the Town, temporarily raise or lower its wires to permit the moving of the building(s). Licensee shall be given not less than thirty (30) days' advance written notice to arrange for such temporary wire changes. The cost to raise or lower wires shall be borne by the Person(s) holding the building move permit.

(b) Licensee shall have the right to seek reimbursement under any applicable insurance or government program for reimbursement.

SECTION 4.7 - DIG SAFE [SEE M.G.L. c. 82 §40]

Licensee shall comply with applicable "dig safe" provisions pursuant to M.G.L. c. 82, § 40.

SECTION 4.8 - DISCONNECTION AND RELOCATION [SEE M.G.L. c. 166 §39]

(a) In accordance with applicable law, Licensee shall, at its sole cost and expense, protect, support, temporarily disconnect, relocate in the same street, or other Public Right of Ways, or remove from any street or any other Public Ways and places, any of its property as required by the Issuing Authority by reason of traffic conditions, public safety, street construction, change or establishment of street grade, or

the construction of any public improvement or structure by any Town department acting in a lawful governmental capacity.

(b) In requiring Licensee to protect, support, temporarily disconnect, relocate or remove any portion of its property, the Issuing Authority shall treat Licensee the same as, and require no more of Licensee, than any other similarly situated utility.

(c) In either case, Licensee shall have the right to seek reimbursement under any applicable insurance or government program for reimbursement. All cable operators or public or municipal utility companies shall be treated alike if reimbursed for such costs by the Town.

SECTION 4.9 - EMERGENCY REMOVAL OF PLANT

(a) If, at any time, in case of fire or disaster in the Town, it shall be necessary in the reasonable judgment of the Issuing Authority to cut or move any of the wires, cable or equipment of the Cable Television System, the Town shall have the right to do so without cost or liability, provided however that, wherever possible, the Issuing Authority shall give Licensee written notice and the ability to relocate wires, cable or other equipment.

(b) In either case, Licensee shall have the right to seek reimbursement under any applicable insurance or government program for reimbursement. All cable operators or public or municipal utility companies shall be treated alike if reimbursed for such costs by the Town.

SECTION 4.10 – PROHIBITION AGAINST RESELLING OF SERVICE

No Person shall resell, without the express prior written consent of Licensee, any Cable Service, program or signal transmitted over the Cable System by Licensee.

ARTICLE 5
PROGRAMMING

SECTION 5.1 - BASIC CABLE SERVICE

Licensee shall make available a Basic Cable Service tier to all subscribers in accordance with 47 U.S.C. 534.

SECTION 5.2 - PROGRAMMING

(a) Pursuant to 47 U.S.C. 544, Licensee shall maintain the mix, quality and broad categories of Video Programming as set forth in **Exhibit A**. Pursuant to federal law, all Video Programming decisions, excluding PEG Access Programming, are at the sole discretion of Licensee.

(b) Licensee shall comply with 76.1603(c) of the FCC Rules and Regulations as well as 207 CMR 10.02 of the Massachusetts Cable Television Division Rules and Regulations regarding notice of programming changes.

SECTION 5.3 - STEREO TV TRANSMISSIONS

All Broadcast Signals that are transmitted to Licensee's headend in stereo shall be transmitted in stereo to Subscribers.

SECTION 5.4 – CABLE CHANNELS FOR COMMERCIAL USE

Pursuant to 47 U.S.C. 532, Licensee shall make available channel capacity for commercial use by persons unaffiliated with Licensee. Rates for use of commercial leased access channels shall be negotiated between Licensee and the commercial user in accordance with federal law.

ARTICLE 6

PEG ACCESS CHANNEL(S) AND SUPPORT

SECTION 6.1 - PEG ACCESS CHANNEL(S)

(a) Use of a video channel for PEG Access Programming shall be provided in accordance with federal law, 47 U.S.C. 531, and as further set forth below. Licensee does not relinquish its ownership of or ultimate right of control over a channel by designating it for PEG use. A PEG Access User – whether an individual, educational or governmental user – acquires no property or other interest by virtue of the use of a channel so designated, and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use. Licensee shall not exercise editorial control over any public, educational, or governmental use of a PEG Access Channel, except Licensee may refuse to transmit any Public Access program or portion of a Public Access program that contains obscenity, indecency, or nudity pursuant to Section 611 of the Cable Act. The Issuing Authority shall be responsible for developing, implementing, interpreting and enforcing rules for PEG Access Channel use which shall ensure that PEG Access Channel(s) and PEG Access equipment will be available on a first-come non-discriminatory basis.

(b) Licensee shall designate three (3) channel(s) for a PEG Access Programming purposes. A PEG Access Channel may not be used to cablecast for-profit, political or commercial fundraising programs in any fashion. Unused capacity may be utilized by Licensee subject to the provisions set forth in subsection (c) below.

(c) In the event the Issuing Authority or other PEG Access User elects not to fully program its Channel(s) with original PEG Access Programming, Licensee may reclaim any unused time on those channels, following six (6) months' written notice to the Issuing Authority.

SECTION 6.2 - PEG ACCESS PROVIDER

Beginning on the Effective Date, the Access Provider shall provide services to PEG Access Users and the Town as follows:

- (1) Schedule, operate and program the PEG Access channels provided in accordance with Section 6.3 below;
- (2) Manage the annual funding, pursuant to Section 6.4 below;
- (3) Purchase, maintain and/or lease equipment, with the funds allocated for such purposes in Section 6.4 below;
- (4) Conduct training programs in the skills necessary to produce PEG Access Programming;
- (5) Provide technical assistance and production services to PEG Access Users;
- (6) Establish rules, procedures and guidelines for use of the PEG Access Channels;
- (7) Provide publicity, fundraising, outreach, referral and other support services to PEG Access Users;
- (8) Assist PEG Access Users in the production of Video Programming of interest to Subscribers and issues, events and activities; and
- (9) Accomplish such other tasks relating to the operation, scheduling and/or management of the PEG Access Channels, facilities and equipment as appropriate and necessary.

SECTION 6.3 PEG ACCESS CABLECASTING

(a) In order that PEG Access Programming can be cablecast over Licensee’s downstream PEG Access Channel, all PEG Access Programming shall be modulated, then transmitted from an origination location to Licensee-owned headend or hub-site on a Licensee-owned upstream channel made available, without charge, to the Town for its use. At Licensee-owned headend, said PEG Access Programming shall be retransmitted in the downstream direction on one Licensee-owned Subscriber Network downstream PEG Access Channels.

(b) Licensee shall provide and maintain all necessary switching and/or processing equipment located at its hub-site or headend in order to switch upstream signals carrying PEG Access Programming to the designated Licensee-owned Subscriber Network downstream PEG Access Channel.

(c) Licensee shall own, maintain, repair and/or replace any Licensee-owned headend or hub-site audio and/or video signal processing equipment. The Town and/or PEG access provider shall own, maintain, repair and/or replace studio and/or portable modulators and demodulators. The demarcation point between Licensee's equipment and the Town's or PEG Access provider's equipment shall be at the output of the Town's and/or the PEG Access provider's modulator(s) or equivalent device.

(d) Subject to written request and payment by the Town or its Access Provider as set out herein, the Licensee shall, within twenty-four (24) months of the Effective Date of this License, purchase, install and operate standard definition serial digital interface (SD/SDI) equipment at the PEG Access video return hub for two (2) SD PEG Access Channels and one (1) HD PEG Access Channel. One of the existing SD PEG Access Channels will be reclaimed when the HD PEG Access Channel is provided. Said equipment shall be used for transport of said PEG Access signal(s) to Comcast's headend facility to enable the Issuing Authority, its designee(s) and/or the Access Provider to cablecast their PEG Access Programming over the Subscriber Network PEG Access Downstream Channels. The Licensee shall provide the Town with an invoice for the cost of the project. Prior to making any payment to the Licensee, the Licensee shall provide the Issuing Authority with a written invoice detailing the cost for said serial digital interface equipment. The Licensee shall own, maintain and repair and/or, if necessary, replace, said equipment for the entire term of this Renewal License

SECTION 6.4 – PEG ACCESS SUPPORT

(a) Licensee shall provide a Franchise Fee to the Issuing Authority, or its designee, for PEG Access purposes, equal to five percent (5%) of its Gross Annual Revenues, less applicable License Fees and assessments from any state or other governmental agencies. Said Franchise Fee shall be used for salaries, operating and other expenses related to PEG Access programming operations, equipment and/or facilities.

Said five percent (4 %) Franchise Fee shall be made to the Issuing Authority, or its designee, on a quarterly basis. Licensee shall provide payments each February 15th, May 15th, August 15th and November 15th based on revenues from the previous calendar quarter.

(b) The Licensee shall provide capital funding to the Issuing Authority or its Access Designee for capital costs for public, educational or governmental (PEG) access facilities (the “PEG Access Capital Funding”) in the amount of One Dollar and Four Cents (\$1.04) per subscriber, per month, payable annually on November 1 each year of the term of this Renewal License, beginning with November 1, 2021, with a final payment due on November 1, 2030.

SECTION 6.5 - PROGRAMMING EXCLUSIVITY AND NON-COMPETITION

The Issuing Authority, or its designee, agrees that it will not use its designated PEG Access channel(s), equipment, or other facilities to provide for-profit commercial services which have the effect of competing with Licensee’s business. In addition, any Video Programming produced under the provisions of this Article 6 shall not be commercially distributed to a competing Multichannel Video Programming Distributor without the written consent of Licensee.

SECTION 6.6 – INTERCONNECTION WITH COMPETING CABLE LICENSEE

In the event a License is issued by the Issuing Authority to a competing Licensee, the competing Licensee may not connect its system to Licensee’s Cable System for purposes of obtaining PEG Access Programming from the Licensee’s PEG Access channels without the prior written consent of Licensee.

SECTION 6.7 - PEG ACCESS PROGRAMMING INDEMNIFICATION

To the extent permitted by law, the Issuing Authority and/or the Access Provider shall indemnify the Licensee for any liability, loss or damage it may suffer due to violation of the intellectual property rights of third parties or arising out of the content of programming aired on any PEG channel and from claims arising out of the Issuing Authority’s rules for or administration of PEG Access Programming.

SECTION 6.8 – VIDEO RETURN LINES

Licensee shall continue to maintain all video return lines identified in Exhibit B.

ARTICLE 7

CUSTOMER SERVICE AND CONSUMER PROTECTION

SECTION 7.1 - CUSTOMER SERVICE

- (a) Licensee shall comply with all customer service regulations of the FCC (47 CFR §76.309), and the regulations of the Massachusetts Department of Telecommunications and Energy, Cable Division, governing billing practices, at 207 CMR §10.01, et. seq., as they exist or as they may be amended from time to time. Likewise, Licensee shall comply with the customer service regulations promulgated by the Cable Division as they exist or as they may be amended from time to time.
- (b) The Licensee shall maintain and operate a customer service call center twenty-four (24) hours a day, seven (7) days a week, including holidays. The Licensee shall comply with all state and federal requirements pertaining to the hours of operation of its customer service call center.

SECTION 7.2 - CONSUMER COMPLAINT PROCEDURES [SEE M.G.L. c. 166A §10]

Complaints by any Person as to the operation of the Cable System may be filed in writing with the Cable Division or with the Issuing Authority, each of which shall within ten (10) days forward copies of such complaints to the other. The Issuing Authority and the Cable Division shall be notified by Licensee on forms to be prescribed by the Cable Division not less than annually, of the complaints of subscribers received during the reporting period and the manner in which they have been met, including the time required to make any necessary repairs or adjustments.

SECTION 7.3 - PROTECTION OF SUBSCRIBER PRIVACY

Licensee shall comply with applicable federal and state privacy laws and regulations, including 47 U.S.C. 551.

SECTION 7.4 - EMPLOYEE IDENTIFICATION CARDS

All of Licensee's employees, including repair and sales personnel, entering private property shall be required to carry an employee photo identification card issued by Licensee.

ARTICLE 8

PRICES AND CHARGES

SECTION 8.1 - PRICES AND CHARGES

(a) All rates, fees, charges, deposits and associated terms and conditions to be imposed by Licensee or any affiliated Person for any Cable Service as of the Effective Date shall be in accordance with applicable FCC's rate regulations [47 U.S.C. 543]. Before any new or modified rate, fee, or charge is imposed, Licensee shall follow the applicable FCC and State notice requirements and rules and notify affected Subscribers, which notice may be by any means permitted under applicable law. Nothing in this Renewal License shall be construed to prohibit the reduction or waiver of charges in conjunction with promotional campaigns for the purpose of attracting or retaining Subscribers.

(b) The Issuing Authority acknowledges that under the Cable Act, certain costs of Public, Educational and Governmental ("PEG") Access and other license/franchise requirements may be passed through to the Subscribers in accordance with federal law.

ARTICLE 9

REGULATORY OVERSIGHT

SECTION 9.1 - INDEMNIFICATION

Licensee shall indemnify, defend and hold harmless the Issuing Authority, its officers, employees, and agents from and against any liability or claims resulting from property damage or bodily injury (including accidental death) that arise out of Licensee's construction, operation, maintenance or removal of the Cable System, including, but not limited to, reasonable attorney's fees and costs, provided that the Issuing Authority shall give Licensee timely written notice of its obligation to indemnify and defend the Issuing Authority within the timely receipt of a claim or action, sufficient to avoid entry of a default judgment against the Issuing Authority. If the Issuing Authority determines that it is necessary for it to employ separate counsel, the costs for such separate counsel shall be the responsibility of the Issuing Authority.

SECTION 9.2 – INSURANCE

(a) Licensee shall carry Commercial General Liability insurance throughout the term of this Renewal License and any removal period pursuant to M.G.L. c. 166A, § 5(c) with an insurance company authorized to conduct business in Massachusetts protecting, as required in this Renewal License, Licensee and listing the Town as an additional insured, against any and all claims for injury or damage to persons or property, both real and personal, caused by the construction, installation, operation, maintenance or removal of its Cable System. The amount of such insurance against liability for personal injury and property damage shall be no less than One Million Dollars (\$1,000,000) as to any one occurrence. The amount of such insurance for excess liability shall be Five Million Dollars (\$5,000,000) in umbrella form. (b) Licensee shall carry insurance against all claims arising out of the operation of motor vehicles in the amount of One Million Dollars (\$1,000,000) combined single limit for bodily injury and consequent death and property damage per occurrence;

(c) All insurance coverage, including Workers' Compensation, shall be maintained throughout the period of this Renewal License. All expenses incurred for said insurance shall be at the sole expense of Licensee.

(d) Licensee shall provide the Issuing Authority upon request with certificate(s) of insurance for all policies required herein upon expiration of policies.

SECTION 9.3 - PERFORMANCE BOND

(a) Licensee has submitted and shall maintain throughout the duration of this Renewal License and any removal period pursuant to M.G.L. c. 166A, § 5(c) a performance bond in the amount of Fifty Thousand Dollars (\$50,000) running to the Town with a surety company satisfactory to the Issuing Authority to guarantee the following terms:

- (1) the satisfactory completion of the installation and operation of the Cable System in the time schedule provided herein and otherwise of M.G.L. c. 166A, § 5(a), (m) and (n);
- (2) the satisfactory restoration of pavements, sidewalks and other improvements in accordance with M.G.L. c. 166A, § 5(g);
- (3) the indemnity of the Town in accordance with M.G.L. c. 166A, § 5(b); and
- (4) the satisfactory removal or other disposition of the Cable System in accordance with M.G.L. c. 166A, § 5(f).

SECTION 9.4 - LICENSE FEES

(a) During the term of the Renewal License the annual License Fee payable to the Issuing Authority shall be the maximum allowable by law, per Subscriber served as of the last day of the preceding calendar year, payable on or before March 15th of the said year. Pursuant to M.G.L. c. 166A, § 9, this fee is currently fifty cents (\$.50) per Subscriber

(b) In accordance with Section 622(b) of the Cable Act, Licensee shall not be liable for a total financial commitment pursuant to this Renewal License and applicable law in excess of five percent (5%) of its Gross Annual Revenues; provided, however, that said five percent (5%) shall include (i) the PEG Access Annual Support (Section 6.4, and (ii) any amounts included in the term “Franchise Fee” pursuant to Section 622(g)(1) of the Cable Act), but shall not include the following: (i) PEG Access Capital Support (Section 6.4(B)); (ii) interest due herein to the Issuing Authority because of late payments; and (iii) any other exclusion to the term “Franchise Fee” pursuant to Section 622(g)(2) of the Cable Act.

(c) All payments by Licensee to the Town pursuant to this Section shall be made payable to the Town unless otherwise agreed to in writing by the parties.

SECTION 9.5 - REPORTS

(a) Licensee shall file annually with the Cable Division on forms prescribed by the Cable Division, a sworn statement of its revenues and expenses for official use only. In addition, Licensee shall also file with the Cable Division, a financial balance sheet and statement of ownership which shall be supplied upon written request of the Issuing Authority. These requirements shall be subject to the regulations of the Cable Division.

(b) In addition, Licensee shall maintain for public inspection all records required by the FCC and as specified in 47 CFR §76.305 in the manner prescribed therein.

(c) Upon written request, Licensee shall make available to the Issuing Authority all reports required by this section, and subject to requirements of confidentiality for proprietary information.

SECTION 9.6 - EQUAL EMPLOYMENT OPPORTUNITY

Licensee is an Equal Opportunity Employer and shall comply with applicable FCC regulations with respect to Equal Employment Opportunities.

SECTION 9.7 - REVOCATION OF LICENSE

The License issued hereunder may, after due written notice and hearing per Section 9.8 (Notice and Opportunity to Cure), be revoked by the Issuing Authority or the Cable Division for any of the following reasons:

- (a) For false or misleading statements in, or material omissions from, the application submitted under M.G.L. c. 166A, § 4;
- (b) For failure to file and maintain the performance bond as described in Section 9.3 (Performance Bond) or to maintain insurance as described in Section 9.2 (Insurance);
- (c) For repeated failure to comply with the material terms and conditions herein required by M.G.L. c. 166A, §5;
- (d) For repeated failure, as determined by the Cable Division, to maintain signal quality pursuant to the standards provided for by the FCC and/or Cable Division;
- (e) For any transfer or assignment of the Renewal License or control thereof without consent of the Issuing Authority in violation of Section 9.9 herein; and
- (f) For failure to complete construction in accordance with the provisions of the Renewal License.

SECTION 9.8 - NOTICE AND OPPORTUNITY TO CURE

In the event that the Issuing Authority has reason to believe that Licensee has defaulted in the performance of any or several material provisions of this Renewal License, except as excused by Force Majeure, the Issuing Authority shall notify Licensee in writing, by certified mail, of the material provision or provisions which the Issuing Authority believes may have been in default and the details relating thereto. Licensee shall have thirty (30) days from the receipt of such notice to:

- (a) respond to the Issuing Authority in writing, contesting the Issuing Authority's assertion of default and providing such information or documentation as may be necessary to support Licensee's position; or

(b) cure any such default (and provide written evidence of the same), or, in the event that by nature of the default, such default cannot be cured within such thirty (30) day period, to take reasonable steps to cure said default and diligently continue such efforts until said default is cured. Licensee shall report to the Issuing Authority, in writing, by certified mail, at forty-five (45) day intervals as to Licensee's efforts, indicating the steps taken by Licensee to cure said default and reporting Licensee's progress until such default is cured.

(c) In the event that (i) Licensee fails to respond to such notice of default; and/or (ii) Licensee fails to cure the default or to take reasonable steps to cure the default within the required forty-five (45) day period; the Issuing Authority or its designee shall promptly schedule a public hearing no sooner than fourteen (14) days after written notice, by certified mail, to Licensee. Licensee shall be provided reasonable opportunity to offer evidence, question witnesses, if any, and be heard at such public hearing.

(d) Within thirty (30) days after said public hearing, the Issuing Authority shall issue a written determination of its findings. In the event that the Issuing Authority determines that Licensee is in such default, the Issuing Authority may determine to pursue any lawful remedy available to it.

(e) In the event that (i) the Issuing Authority fails to issue a written reply within 30 days accepting or rejecting Licensees' response pursuant to 9.8(a) above; (ii) the Issuing Authority fails to issue a written acknowledgement after Licensee's notice that it cured said default pursuant to 9.8(b) above; and/or (iii) the Issuing Authority fails to schedule a public hearing no later than thirty (30) days of having sent a written notice consistent with Section 9.8(c) above and/or (iv) the Issuing authority fails to issue a written determination with thirty (30) days after the public hearing pursuant to Section 9.8(d) above , then the issue of said default against Licensee by the Issuing Authority shall be considered null and void.

SECTION 9.9 – LIQUIDATED DAMAGES

For the violation of any of the following material provisions of this Renewal License, liquidated damages shall be paid by the Licensee to the Town, subject to Section 9.8 (*Notice and Opportunity to Cure*) above. Any such liquidated damages shall be assessed as of the date that the Licensee receives written notice, by certified mail, pursuant to Section 9.8 (*Notice and Opportunity*

to Cure) above, of the provision(s) which the Issuing Authority believes to be in default, unless cured pursuant to Section 9.8 (*Notice and Opportunity to Cure*) above.

1. For failure to extend service to any resident in accordance with Article 3 (*Area to be Served*) herein, One Hundred and Fifty Dollars (\$150.00) per day, for each day that such non-compliance continues.
2. For failure to comply with the FCC's Customer Service Obligations, 47 CFR §76.309, and the Massachusetts Department of Telecommunications and Energy ("DTE"), Cable Division, Billing Practices Regulation, 207 CMR §10.01 et seq., as each may from time to time be amended, and in compliance with Sections 7.1 and 7.2. Fifty Dollars (\$50.00) for each day that any such non-compliance continues.
3. For failure to operate and maintain the Cable Television System, in accordance with Section 4.1 (*System Maintenance*) herein, Fifty (\$50.00) per day, for each day such non-compliance continues.
4. For failure to comply with the PEG access commitments contained in Article 6 (*PEG Access Channels and Support*) herein, Fifty (\$50.00) per day, for each day such non-compliance continues longer than 30 days.
5. For failure to maintain the bonds and insurance required by Sections 9.2 and 9.3 (*Insurance and Bonds*) herein, One Hundred Dollars (\$100.00) per day, for each day of non-compliance.

All similar violations or failures from the same factual events affecting multiple Subscribers shall be assessed as a single violation, and each violation or a failure may only be assessed as a single material violation.

SECTION 9.10 - TRANSFER OR ASSIGNMENT

In accordance with applicable law, this Renewal License or control hereof shall not be transferred or assigned without the prior written consent of the Issuing Authority, which consent shall not be arbitrarily or unreasonably withheld. The consent of the Issuing Authority shall be given only after a hearing upon written application therefor on forms prescribed by the Cable Division. Pursuant to 207 CMR 4.01(2), a transfer or assignment of a license or control thereof between commonly controlled entities, between

affiliated companies, or between parent and subsidiary corporations, shall not constitute a transfer or assignment of a license or control thereof under M.G.L. c.166A Section 7. Under 207 CMR 4.00, an “affiliated company” is any person or entity that directly or indirectly or through one or more intermediaries, controls, is controlled by, or is under common control with another person or entity. The application for consent to an assignment or transfer shall be signed by Licensee and by the proposed assignee or transferee or by their representatives, evidence of whose authority shall be submitted with the application. Within thirty (30) days of receiving a request for consent, the Issuing Authority shall, in accordance with State and FCC rules and regulations, notify Licensee in writing of the additional information, if any, it requires to determine the legal, financial, technical and managerial qualifications of the transferee or new controlling party. If the Issuing Authority has not taken action on Licensee’s request for consent within one hundred twenty (120) days after receiving such request, consent shall be deemed given.

SECTION 9.11 - REMOVAL OF SYSTEM

Upon termination of this Renewal License or denial of any renewal hereof by passage of time or otherwise in accordance with applicable law and after all appeals from any judicial determination are exhausted and final, Licensee shall remove its supporting structures, poles, transmission and distribution systems and other appurtenances from the streets, ways, lanes, alleys, parkways, bridges, highways, and other public and private places in, over, under, or along which they are installed and shall restore the areas to their original condition. If such removal is not completed within six (6) months of such termination, the Issuing Authority or property owner may deem any property not removed as having been abandoned. Notwithstanding the above, Franchisee shall not be required to remove its Cable System, or to relocate the Cable System, or to sell the Cable System, or any portion thereof as a result of termination, denial of renewal, or any other lawful action to forbid or disallow Franchisee from providing Cable Service, if the Cable System is actively being used to facilitate any other services not governed by the Cable Act. Notwithstanding the above, the Licensee shall not be required to remove its Cable System, or to relocate

the Cable System as a result of revocation, denial of renewal, or any other lawful action to forbid or disallow Comcast from providing Cable Services, if the Cable System is actively being used to facilitate any other services as allowed by applicable law

SECTION 9.12 - INCORPORATION BY REFERENCE

(a) All presently and hereafter applicable conditions and requirements of federal, state and generally applicable local laws, including but not limited to M.G.L. c. 166A, and the rules and regulations of the FCC and the Cable Division, as they may be amended from time to time, are incorporated herein by reference, to the extent not enumerated herein. However, no such generally applicable local laws, rules, regulations and codes, as amended, may alter the obligations, interpretation and performance of this Renewal License to the extent that any provision of this Renewal License conflicts with or is inconsistent with such generally applicable local laws, rules or regulations.

SECTION 9.13 - NO THIRD PARTY BENEFICIARIES

Nothing in this Renewal License is intended to confer third-party beneficiary status on any member of the public to enforce the terms of this Renewal License.

ARTICLE 10
MISCELLANEOUS

SECTION 10.1 - SEVERABILITY

If any section, subsection, sentence, clause, phrase, or other portion of this Renewal License is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 10.2 - FORCE MAJEURE

If for any reason of force majeure Licensee is unable in whole or in part to carry out its obligations hereunder, said Licensee shall not be deemed in violation or default during the continuance of such inability. Unless further limited elsewhere in this Renewal License, the term "force majeure" as used herein shall have the following meaning: strikes; acts of god; acts of public enemies, orders of any kind of the government of the United States of America or of the Commonwealth of Massachusetts or any of their departments, agencies, political subdivisions, or officials, or any civil or military authority; insurrections; riots, epidemics; public-health emergencies; landslides; lightning; earthquakes; tornados; fires; hurricanes; volcanic activity; storms; floods; washouts; droughts, environmental restrictions, arrests; civil disturbances; explosions; partial or entire failure of utilities; unavailability of materials and/or essential equipment, environmental restrictions or any other cause or event not reasonably anticipated or within Licensee's control.

SECTION 10.3 - NOTICES

(a) Every notice to be served upon the Issuing Authority shall be sent by certified mail, nationally recognized overnight courier service or other means as allowed by applicable law and providing for a receipt as proof of delivery to the following address or such other address as the Issuing Authority may specify in writing to Licensee.

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

(b) Every notice served upon Licensee shall be delivered or sent by certified mail (postage prepaid) or nationally recognized overnight courier service to the following address or such other address as Licensee may specify in writing to the Issuing Authority.

Comcast Cable Communications Management, LLC,
Attn: Government Relations
5 Omni Way
Chelmsford, MA 01824

with copies to:

Comcast Cable Communications Management, LLC,
Attn: Vice President, Government Relations
676 Island Pond Road
Manchester, NH 03109

Comcast Cable Communications Management , LLC,
Attn: Government Affairs
One Comcast Center
Philadelphia, PA 19103

(c) Delivery of such notices shall be equivalent to direct personal notice, direction or order, and shall be deemed to have been given at the time of receipt.

SECTION 10.4 - ENTIRE AGREEMENT

This instrument contains the entire agreement between the parties, supersedes all prior agreements or proposals except as specifically incorporated herein, and cannot be changed without written amendment signed by the Issuing Authority and the Licensee.

SECTION 10.5 - CAPTIONS

The captions to sections throughout this Renewal License are intended solely to facilitate reading and reference to the sections and provisions of the Renewal License. Such sections shall not affect the meaning or interpretation of the Renewal License.

SECTION 10.6 - WARRANTIES

Licensee warrants, represents and acknowledges that, as of the Effective Date of this Renewal License:

- (a) Licensee is duly organized, validly existing and in good standing under the laws of the State;
- (b) Licensee has the requisite power and authority under applicable law and its by-laws and articles of incorporation and/or other organizational documents, is authorized by resolutions of its Board of Directors or other governing body, and has secured all consents which are required to be obtained as of the date of execution of this Renewal License, to enter into and legally bind Licensee to this Renewal License and to take all actions necessary to perform all of its obligations pursuant to this Renewal License;
- (c) This Renewal License is enforceable against Licensee in accordance with the provisions herein;
and
- (d) There is no action or proceedings pending or threatened against Licensee which would interfere with performance of this Renewal License.

SECTION 10.7 - APPLICABILITY OF RENEWAL LICENSE

All of the provisions in this Renewal License shall apply to the Town, Licensee, and their respective successors and assigns.

WITNESS OUR HANDS AND OFFICIAL SEAL, THIS _____ DAY OF _____, 2021.

TOWN OF WAYLAND, MA
By: BOARD OF SELECTMEN

Thomas J. Fay, Chair

Dave V. Watkins

Cherry C. Karlson

Adam Garrett Gutbezahl

Carol B. Martin

COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC
By:

Trevor Arp Sr. Vice President
Greater Boston Region

#779059/WAYL/0126

EXHIBIT A

PROGRAMMING

Licensee shall provide the following broad categories of Video Programming:

- News Programming;
- Sports Programming;
- Public Affairs Programming;
- Children’s Programming;
- Entertainment Programming; and
- Local Programming.

EXHIBIT B

VIDEO ORINATION LOCATIONS

Wayland Community Television Studio

Wayland Town Hall

**Town of Wayland
Board/Committee Appointments
Status as of August 31, 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 (2 positions)	completion of negotiations
Conservation Commission	June 30, 2022
Cultural Council (multiple vacancies)	3-year terms
Design Review Advisory Board Planning Board	June 30, 2024
Local Emergency Planning Committee Selectmen (3 positions)	June 30, 2022, 2023 and 2024
MBTA Advisory Board	
Municipal Affordable Housing Trust Fund Board Selectmen (Real Estate Law Specialist) Housing Authority	June 30, 2022 June 30, 2023
Personnel Board	June 30, 2026
Route 20 South Landfill Visioning Committee Conservation Commission	November 1, 2023
Senior Tax Relief Committee Board of Assessors	June 30, 2024
Surface Water Quality Committee	June 30, 2022
Youth Advisory Committee Selectmen Board of Health	June 30, 2023 June 30, 2023
Zoning Board of Appeals	June 30, 2023

ARTICLE LIST 2021 SPECIAL TOWN MEETING

Proposed Article Order	Article Name	Sponsor	BoS Liaison	FinCom Liaison	Tasks to be completed
1	Town Code § 95.1 Moratorium on Synthetic/Artificial Turf	Petitioner		Steve Correia	
2	Grass Field at Loker Conservation & Recreation Area Design Fees	Board of Selectmen		Bill Steinberg	
3	Feasibility Study for a Grass Field at 195/207 Main Street	Board of Selectmen		Bill Steinberg	
4	Feasibility Study for Review of Potential Third Site for a Grass Field	Board of Selectmen		Bill Steinberg	

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AUG 23 2021

Board of Selectmen
Town of Wayland

PETITIONERS ARTICLE FOR SPECIAL TOWN MEETING

LEAD PETITIONER Paul Dale DATE RECEIVED _____

DAY PHONE 617 794-0851 EVENING PHONE 617 794-0851

TITLE Town Code § 95.1 Moratorium on Synthetic/Artificial Turf

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE Board of Selectmen

ESTIMATED COST \$ 0

ARTICLE: To determine whether the Town will vote to add a new Chapter 95 to the Town Bylaws entitled, "Moratorium on Synthetic/Artificial Turf" as shown below prohibiting the construction of synthetic or artificial turf on Town land for three years. This bylaw will not affect the use or maintenance of the existing synthetic turf field at the high school.

Town Code § 95.1 Moratorium on Synthetic/Artificial Turf

Purpose: The use of synthetic/artificial turf on athletic playing fields entails myriad public health and safety, environmental, and climate concerns. Wayland must carefully evaluate whether such use, even where privately funded, is consonant with Wayland's athletic needs, the health and safety of its children, residents in general, and the environment, and the Climate Emergency Resolution adopted by town meeting in May 2021. This moratorium allows the Town the opportunity (a) to examine the extent to which synthetic/artificial turf is injurious to public health and safety, the environment and the climate compared to natural grass solutions, and (b) to determine if natural grass solutions based on the use of the latest techniques for grass field construction and organic maintenance create viable alternatives for Wayland.

"Synthetic/artificial turf" means any of various artificial, synthetic or partially synthetic carpetlike materials made to resemble grass, including the infill and liners, used as a surface for athletics, sports or other recreational activities.

The Town of Wayland shall neither install nor authorize or allow the installation of synthetic/artificial turf on any real estate owned by the Town, for a period of three years from the effective date of this moratorium.

This restriction shall not apply to the use or maintenance of the synthetic/artificial turf field at Wayland High School installed prior to the adoption of this bylaw amendment.

#	Print Name Legibly	Signature	Print Street Address
1	Paul Dale		
2	Karen Dale		
3	Marie W Thompson		
4			
5			
6			
7			
8			
9			
10			

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Article Page 1 of 32

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AUG 23 2021

Board of Selectmen
Town of Wayland

PETITIONERS ARTICLE FOR SPECIAL TOWN MEETING

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DAY PHONE 617 794-0851 EVENING PHONE 617 794-0851

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TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE Board of Selectmen

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#	Print Name Legibly	Signature	Print Street Address
1	Margarita Cardenas		
2	HOLLY LAPP		
3	TAN HARRINGTON		
4	Elizabeth Newton		
5	Evelyn Woffson		
6	HENDRIK BROEKMAN		
7	MAL-LAN BROEKMAN		
8	Margaret G. Hutton		
9	Edward J. Collins		
10	Anne C. Hurston		

Anne C. Hurston

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Town of Wayland

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#	Print Name Legibly	Signature	Print Street Address
1	Phillip L. Radoff	[Redacted]	[Redacted]
2	Norma L. Radoff	[Redacted]	[Redacted]
3	Carol Shirey	[Redacted]	[Redacted]
4	TERRY SHIREY	[Redacted]	[Redacted]
5	DAVID HATFIELD	[Redacted]	[Redacted]
6	Lafene P. Adams	[Redacted]	[Redacted]
7	Karen A. Fahrner	[Redacted]	[Redacted]
8	IAN RUSSELL	[Redacted]	[Redacted]
9	Timothy McLoughlin	[Redacted]	[Redacted]
10	Barbara A. Heffner	[Redacted]	[Redacted]

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Town of Wayland

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LEAD PETITIONER Paul Dale DATE RECEIVED _____

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#	Print Name Legibly	Signature	Print Street Address
1	ANNE PRITCHER	[Redacted]	[Redacted]
2	Lisa Breger	[Redacted]	[Redacted]
3	Ronnie T Bodkin	[Redacted]	[Redacted]
4	JAMES L. BODKIN	[Redacted]	[Redacted]
5	LEN ABERBACH	[Redacted]	[Redacted]
6	RITA ABERBACH	[Redacted]	[Redacted]
7	STEVE ENGLER	[Redacted]	[Redacted]
8	Marcia Filimin	[Redacted]	[Redacted]
9	Michael Filimin	[Redacted]	[Redacted]
10	Margo Melnicove	[Redacted]	[Redacted]

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Town of Wayland

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#	Print Name Legibly	Signature	Print Street Address
1	GAIL R. SHAPIRO		
2	Michael Brian Murphy		
3	GILBERT T. WOLIN		
4	Frances Strigler		
5	Charles A. Strigler		
6	MITSUE M. FREY		
7	ERIKA FREY		
8	Alice Boelter		
9	Linda Smith		
10	Robert Smith		

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PETITIONERS ARTICLE FOR SPECIAL TOWN MEETING

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AUG 23 2021

Board of Selectmen
Town of Wayland

LEAD PETITIONER Paul Dale DATE RECEIVED _____

DAY PHONE 617 794-0851 EVENING PHONE 617 794-0851

TITLE **Town Code § 95.1 Moratorium on Synthetic/Artificial Turf**

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE Board of Selectmen

ESTIMATED COST \$ 0

ARTICLE: To determine whether the Town will vote to add a new Chapter 95 to the Town Bylaws entitled, "Moratorium on Synthetic/Artificial Turf" as shown below prohibiting the construction of synthetic or artificial turf on Town land for three years. This bylaw will not affect the use or maintenance of the existing synthetic turf field at the high school.

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#	Print Name Legibly	Signature	Print Street Address
1	DAVID BERNSTEIN	<i>[Signature]</i>	
2	Kathleen Bernstein		
3	Richard Lippmann		
4	Carolyn Lippmann		
5	Daryl Mark		
6	DAVID NELSON		
7	Richard P. Bosne		
8	Doug Schorr		
9	Patricia Abeamson		
10	Minnette Harrington		

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#	Print Name Legibly	Signature	Print Street Address
1	TIMOTHY HARRINGTON		
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#	Print Name Legibly	Signature	Print Street Address
1	Susan Koffman		
2	Thomas Cooper		
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#	Print Name Legibly	Signature	Print Street Address
1	JUDY BENNETT		
2	Jim Smith		
3	Lesley Ormunde		
4	DAVID PROUTEN		
5	Margy Barton		
6	G. Achenbach		
7	EVAN HADINGTON		
8	Janet Hadkinson		
9	Sarah J. Barton		
10	Sarah E. Barton		

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#	Print Name Legibly	Signature	Print Street Address
1	James W Ashker	[Signature]	[Redacted]
2	Michael J. Brien	[Signature]	[Redacted]
3	Barbara Brien	[Signature]	[Redacted]
4	George Hecker	[Signature]	[Redacted]
5	Phyllis Kido Sadagursky	[Signature]	[Redacted]
6	JOEL SADAGURSKY	[Signature]	[Redacted]
7	CONRAD SPANN	[Signature]	[Redacted]
8	Barbara Mae Dowd	[Signature]	[Redacted]
9	Ann Maguire	[Signature]	[Redacted]
10	Heben Gieseler	[Signature]	[Redacted]

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#	Print Name Legibly	Signature	Print Street Address
1	Edward Greitzer	[Signature]	[Redacted]
2	Ellen Silvius	[Redacted]	[Redacted]
3	Ethan Silvius	[Redacted]	[Redacted]
4	Michèle Orzechowski	[Redacted]	[Redacted]
5	Jim Orzechowski	[Redacted]	[Redacted]
6		[Redacted]	[Redacted]
7		[Redacted]	[Redacted]
8		[Redacted]	[Redacted]
9		[Redacted]	[Redacted]
10		[Redacted]	[Redacted]

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#	Print Name Legibly	Signature	Print Street Address
1	Deborah Aaron	[Redacted]	[Redacted]
2	Dana Aaron		
3	Nancy Haysmerton		
4	PIERRE J. CAUQUET		
5	Marcia Auguier		
6	ISAAC AARON		
7	ARNOLD GOLDBERMAN		
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#	Print Name Legibly	Signature	Print Street Address
1	Nicky PATTERSON		
2	Maureen Patterson		
3	Patricia Starfield		
4	Lisa DiMaggio		
5	Joseph DiMaggio		
6	Barbara Howell		
7	Gomya Lergy ←		
8	Thomas Lergy		
9	Alison Webber		
10	Katharine Hecksher		

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1	Judith A Young		
2	Elizabeth A. Patterson		
3	Regina Mandl		
4	ALAN MANDL		
5	Dennis B Stotz		
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1	Sherrre Greenbaum		
2	Stephen Greenbaum		
3	Sylvia C. Diaz		
4	Maria Teresa Diaz		
5	Margaret Thornley		
6	Theodore F. Hatch		
7	MARY TINKER HATCH		
8	Marlene D. Newberg		
9	Jane H. Sciacca		
10	Thomas Sciacca		

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1	Alan B. Cohen		
2	Helaine H. Cohen		
3	HOWARD A COHEN		
4	Phyllis Cohen		
5	Carol A. Sax		
6	John Sax		
7	Marjorie Lee		
8	Anthony D. Lee		
9	ROBIN SKLAR		
10	CAROL FRANKLIN		

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2	Janet L. Lilienthal		
3	V. Renée Uveges		
4	George Uveges		
5	Susan Reed		
6	STUART EDELMAN		
7	Rosemond D. Geller		
8	Judith C. Sleeper		
9	MARTIN E SLEEPER		
10	TOM MAGLIONE		

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2	FELICIA F PAYAN		
3	BRYAN S. PAYAN JR		
4	DAVID T. GLENN		
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PETITIONERS ARTICLE FOR SPECIAL TOWN MEETING

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LEAD PETITIONER Paul Dale DATE RECEIVED _____

AUG 23 2021

DAY PHONE 617 794-0851 EVENING PHONE 617 794-0851

Board of Selectmen
Town of Wayland

TITLE **Town Code § 95.1 Moratorium on Synthetic/Artificial Turf**

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE Board of Selectmen

ESTIMATED COST \$ 0

ARTICLE: To determine whether the Town will vote to add a new Chapter 95 to the Town Bylaws entitled, "Moratorium on Synthetic/Artificial Turf" as shown below prohibiting the construction of synthetic or artificial turf on Town land for three years. This bylaw will not affect the use or maintenance of the existing synthetic turf field at the high school.

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"Synthetic/artificial turf" means any of various artificial, synthetic or partially synthetic carpetlike materials made to resemble grass, including the infill and liners, used as a surface for athletics, sports or other recreational activities.

The Town of Wayland shall neither install nor authorize or allow the installation of synthetic/artificial turf on any real estate owned by the Town, for a period of three years from the effective date of this moratorium.

This restriction shall not apply to the use or maintenance of the synthetic/artificial turf field at Wayland High School installed prior to the adoption of this bylaw amendment.

#	Print Name Legibly	Signature	Print Street Address
1	PAUL SALVUCCI	[Redacted]	[Redacted]
2	JUDITH SALVUCCI	[Redacted]	[Redacted]
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#	Print Name Legibly	Signature	Print Street Address
1	Christine Tierney		
2	Paul Grasso		
3	Thomas Turner		
4	Lynne Deenbrack		
5	Alan Mandol		
6	ALAN MANDOL		
7	Eileen Agnes		
8	Peter W. AGNES		
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#	Print Name Legibly	Signature	Print Street Address
1	Steven M. Wyman	[Redacted]	[Redacted]
2	Joseph N. Giblin	[Redacted]	[Redacted]
3		[Redacted]	[Redacted]
4		[Redacted]	[Redacted]
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#	Print Name Legibly	Signature	Print Street Address
1	JENNIFER D. RILEY		
2	KARL R. KLAPPER		
3	ALEXANDRA MCCONEGAL		
4	TOM MCGONEGAL		
5	EARLE LANE		
6	Jane Lane		
7	Robin Borgestadt		
8	Mats Borgestadt		
9	Nancy Seward		
10	Collin Hess		

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#	Print Name Legibly	Signature	Print Street Address
1	GRANT KRISTOFEK		
2	Emily Kristofek		
3	Thomas P. Black		
4	Virginia M. Slep		
5	Gary M. Slep		
6	Kathy Z. Allan		
7	Gabriele Mezger		
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#	Print Name Legibly	Signature	Print Street Address
1	ANN BRAKER		
2	JUDY LING		
3	JANAI MENDLER de SUAREZ		
4	PHYLLIS JEAN MILBURN		
5	ROGER C WEGAND		
6	STEVEN P. KIRTGORD		
7	RAHUL RAY		
8	ANAPUA RAY		
9	MARLOWE MILLER		
10	DAVID KEEVIL		

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#	Print Name Legibly	Signature	Print Street Address
1	SUZAN S AGER		
2	RODNEY HAGER		
3	SUSAN THORSON		
4	Marcia J Berger		
5	Lois Doerr		
6	PAUL DOERR		
7	ANDREW NIERENBERG		
8	KAREN BLUMENFELD		
9	Bonnie Jones		
10	Elaine Bossels		

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#	Print Name Legibly	Signature	Print Street Address
1	Lawrence Orloff	[Redacted]	[Redacted]
2	Elaine F Gossels		
3	Bonnie Gossels		
4	WERNERT F. GOSSELS		
5	Philip L Cohen		
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1	Mary R. Upton		
2	Beverley A. Daniel		
3	David M. Hill		
4	CYNTHIA NICK		
5	DONNA BOUCHARD		
6	Fiona McHarg		
7	FRANK KENNEDY		
8	Regina Kennedy		
9	JUDITH F. CURRIER		
10	Carolyn Bernard		

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#	Print Name Legibly	Signature	Print Street Address
1	George Bernard		
2	Bret Leifer		
3	Nancy Leifer		
4	Sheila Carel		
5	Roland Carel		
6	Elodie Carel		
7	Tristan Carel		
8	BETTY SALZBERG		
9	Lawrence Morris		
10	CAROLE PLUMB		

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2	Peter Bochnan		
3	Timothy LAHEY		
4	Lois Stevens		
5	Waylon Wojcik		
6	PAVEL OZHOGIN		
7	Heather Ozhogin		
8	LORING L. Stevens		
9	Jennifer Stybel		
10	Maryanne Peabody		

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#	Print Name Legibly	Signature	Print Street Address
1	GEORGE H. HARRIS		
2	BARBARA HARRIS		
3	Michelle Galicia		
4	Paul Fyfe		
5	Maury Todd		
6	David Todd		
7	Ann Drowler		
8	JAMES OGLETREE		
9	Paul Dima		
10	Paul Dima		

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1	Alan Fitch	[Redacted]	[Redacted]
2		[Redacted]	[Redacted]
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LEAD PETITIONER Paul Dale DATE RECEIVED _____

DAY PHONE 617 794-0851 EVENING PHONE 617 794-0851

TITLE Town Code § 95.1 Moratorium on Synthetic/Artificial Turf

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE Board of Selectmen

ESTIMATED COST \$ 0

RECEIVED

AUG 23 2021

Board of Selectmen
Town of Wayland

ARTICLE: To determine whether the Town will vote to add a new Chapter 95 to the Town Bylaws entitled, "Moratorium on Synthetic/Artificial Turf" as shown below prohibiting the construction of synthetic or artificial turf on Town land for three years. This bylaw will not affect the use or maintenance of the existing synthetic turf field at the high school.

Town Code § 95.1 Moratorium on Synthetic/Artificial Turf

Purpose: The use of synthetic/artificial turf on athletic playing fields entails myriad public health and safety, environmental, and climate concerns. Wayland must carefully evaluate whether such use, even where privately funded, is consonant with Wayland's athletic needs, the health and safety of its children, residents in general, and the environment, and the Climate Emergency Resolution adopted by town meeting in May 2021. This moratorium allows the Town the opportunity (a) to examine the extent to which synthetic/artificial turf is injurious to public health and safety, the environment and the climate compared to natural grass solutions, and (b) to determine if natural grass solutions based on the use of the latest techniques for grass field construction and organic maintenance create viable alternatives for Wayland.

"Synthetic/artificial turf" means any of various artificial, synthetic or partially synthetic carpetlike materials made to resemble grass, including the infill and liners, used as a surface for athletics, sports or other recreational activities.

The Town of Wayland shall neither install nor authorize or allow the installation of synthetic/artificial turf on any real estate owned by the Town, for a period of three years from the effective date of this moratorium.

This restriction shall not apply to the use or maintenance of the synthetic/artificial turf field at Wayland High School installed prior to the adoption of this bylaw amendment.

#	Print Name Legibly		
1	Lynd Domb		
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4			
5			
6			
7			
8			
9			
10			

Article Page 32 of 32





TOWN OF WAYLAND

SPONSORING BOARD ARTICLE REQUEST FOR SPECIAL TOWN MEETING

Attach extra pages if necessary

RECEIVED

SEP 07 2021

Board of Selectmen
Town of Wayland

Handwritten signature and date

Article Title: **Grass Field at Loker Conservation & Recreation Area** Estimated Cost: **\$65,000**
Design Fees

Article Description (final language to be provided by Town Counsel based on description provided):

To determine whether the Town will vote to:

- a) Appropriate a sum of money of up to \$65,000 to be expended under the direction of the Wayland Board or Selectmen for the design, permitting, and engineering for the development of a multi-purpose, rectangular, natural grass field athletic field at the Loker Recreation site, including lighting, drainage, landscaping, recreational amenities, irrigation system and any and all other costs incidental or related thereto; and
- b) determine whether said appropriation should be provided by taxation, transfer from un-appropriated funds, transfer from available funds already appropriated for other purposes, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise.

Background Information (to be used by Finance Committee to draft its report. Please explain the intent of the article, why it should be supported now, as well as known reasons the article may be opposed):

Proposer’s Comments (if needed, 150-word limit per Town Code):

DRAFT

During an August 30, 2021 Board of Selectmen public forum on athletic field needs, a consensus was confirmed that the most appropriate manner to address the shortage of playing fields was to focus on grass, not turf, fields. This article is one of three STM warrant articles sponsored by the Board of Selectmen and the Recreation Commission to help address the needs. Specifically, this articles seeks monies to design a grass field, not a turf field. Since 2000, Wayland has invested almost \$2,000,000.00 in the purchase and design of the Loker site. Land was dedeed specifically for recreational use and continues to lie vacant for over 20 years. Access to outdoor



TOWN OF WAYLAND

SPONSORING BOARD ARTICLE REQUEST FOR SPECIAL TOWN MEETING

Attach extra pages if necessary

recreation is valuable to both individuals and the Wayland community at large, now more than ever. This site is ideal given its distance from homes, compared to other potential sites, and will help address the ongoing playing field shortage.

Contact Information for Publication in Warrant

Contact Person Name: Louise M. Miller **Contact Person Phone:** 5083583620

Contact Person Town Email: lmiller@wayland.ma.us

Proposing Board Information

Board Name: Board of Selectmen and Recreation Commission

Board Vote (Quantum) to Submit BOS 5-0; Rec 5-0 **Date of Board Vote:** BOS 9.1.21; Rec 9.3.21

Article: BOS 5-0; Rec 5-0 **Date of Board Vote:** Rec 9.3.21

Signature of Board Chairperson(s):  **Date:** 9.7.21



TOWN OF WAYLAND

SPONSORING BOARD ARTICLE REQUEST FOR SPECIAL TOWN MEETING

Attach extra pages if necessary

RECEIVED

SEP 07 2021

Board of Selectmen
Town of Wayland

@
10:30 AM

Article Title: Feasibility Study for a Grass Field at 195/207 Main Street

Estimated Cost: \$75,000

Article Description (final language to be provided by Town Counsel based on description provided):

To determine whether the Town will vote to:

- a. Appropriate a sum of money, not to exceed \$75,000, to be expended under the direction of the Board of Selectmen for a feasibility study for a multi-purpose, natural grass athletic playing field at 195 and 207 Main Street, Wayland, Massachusetts, including, but not limited to, lighting, drainage, landscaping, recreational amenities, irrigation, access and parking areas, and any and all other costs incidental or related thereto; and
- b. determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority.

Background Information (to be used by Finance Committee to draft its report. Please explain the intent of the article, why it should be supported now, as well as known reasons the article may be opposed):

Proposer's Comments (if needed, 150-word limit per Town Code):

DRAFT

During an August 30, 2021 Board of Selectmen public forum on athletic field needs, a consensus was confirmed that the most appropriate manner to address the shortage of playing fields was to focus on grass, not turf, fields. This article is one of three STM warrant articles sponsored by the Board of Selectmen and the Recreation Commission to help address the needs. The old DPW site, located at 207/195 Main Street, at the town's Middle School, is an excellent location for a grass athletic field. Access to outdoor recreation is valuable to all individuals, no matter their age. This article simply seeks a study that will advise the town whether this site is appropriate for placement of a grass field.



TOWN OF WAYLAND

SPONSORING BOARD ARTICLE REQUEST FOR SPECIAL TOWN MEETING

Attach extra pages if necessary

Contact Information for Publication in Warrant

Contact Person Name: Louise M. Miller **Contact Person Phone:** 5083583620

Contact Person Town Email: lmiller@wayland.ma.us

Proposing Board Information

Board Name: Board of Selectmen and Recreation Commission

Board Vote (Quantum) to Submit 9.1.21 BOS;

Article: BOS 5-0; Rec 5-0 **Date of Board Vote:** 9.3.21 Rec

Signature of Board Chairperson(s):  **Date:** 9.7.21



TOWN OF WAYLAND

SPONSORING BOARD ARTICLE REQUEST FOR SPECIAL TOWN MEETING

Attach extra pages if necessary

RECEIVED

SEP 07 2021

Board of Selectmen
Town of Wayland

10:30
am

Article Title: Feasibility Study for Review of Potential Third Site for a Grass Field Estimated Cost: \$65,000

Article Description (final language to be provided by Town Counsel based on description provided):

To determine whether the Town will vote to:

- a. Appropriate a sum of money, not to exceed \$65,000, to be expended under the direction of the Board of Selectmen for a feasibility study to investigate and identify a site for a multi-purpose, natural grass playing field in Wayland, Massachusetts, and those sites to be considered shall include, but shall not be limited to, Greenways, the Route 20 South Landfill, and Orchard Lane/Holiday Road, and
- b. to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise.

Background Information (to be used by Finance Committee to draft its report. Please explain the intent of the article, why it should be supported now, as well as known reasons the article may be opposed):

Proposer's Comments (if needed, 150-word limit per Town Code):

DRAFT

During an August 30, 2021 Board of Selectmen public forum on athletic field needs, a consensus was confirmed that the most appropriate manner to address the shortage of playing fields was to focus on grass, not turf, fields. This article is one of three STM warrant articles sponsored by the Board of Selectmen and the Recreation Commission to help address the needs. Even if future Town Meetings vote to install a grass field at the Loker Recreation Area and the old DPW site, located at 207/195 Main Street, the need for a third grass field will exist. Access to outdoor recreation is valuable to all individuals, no matter their age. This article simply seeks a study that will advise the town whether certain sites are appropriate for placement of a grass field, the likely cost, and the likely hurdles in doing so.



TOWN OF WAYLAND


SPONSORING BOARD ARTICLE REQUEST FOR SPECIAL TOWN MEETING

Attach extra pages if necessary

Contact Information for Publication in Warrant

Contact Person Name: Louise Miller **Contact Person Phone:** 5083583620
Contact Person Town Email: lmiller@wayland.ma.us

Proposing Board Information

Board Name: Board of Selectmen and Recreation Commission
Board Vote (Quantum) to Submit BOS 4-1; Rec 5-0 **Date of Board Vote:** BOS 9.1.21;
Article: BOS 4-1; Rec 5-0 Rec 9.3.21
Signature of Board Chairperson:  **Date:** 9.7.21



Please visit the Town's website www.wayland.ma.us for the ADA notice & ADA compliance coordinator contact information, Be Prepared Statement, COVID19 & Field Protocols, The Moderator's Rules and Regulations, How to Vote Electronically, additional information on the articles, possible appendices and any other additional Town Meeting Materials. **Town Meeting is expected to be "Bring Your Own Chair"**

To any of the Constables of the Town of Wayland, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Wayland who shall be qualified to vote in accordance with the provisions of Massachusetts General Laws, Chapter 51, Section 1, to meet in the High School **Stadium (or TBD)** on:

SUNDAY, OCTOBER 3, 2021 AT 12:30 P.M.

to act on the following Articles:

Article 1. Grass Field at Loker Conservation & Recreation Area Design Fees

Proposed by: Board of Selectmen

Estimated Cost: \$65,000

To determine whether the Town will vote to:

a) appropriate a sum of money of up to \$65,000 to be expended under the direction of the Wayland Board of Selectmen for the design, permitting, and engineering for the development of a multi-purpose, rectangular, natural grass athletic field at the Loker Recreation site, including lighting, drainage, landscaping, recreational amenities, irrigation system and any and all other costs incidental or related thereto; and

b) determine whether said appropriation should be provided by taxation, transfer from un-appropriated funds, transfer from available funds already appropriated for other purposes, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise. (If borrowing, the article should include standard authorization language for Treasurer and to apply bond premium.)

Quantum of Vote: 2/3 vote if borrowing funds under —See- General Laws, Chapter 44, Sections 7 and 8; 2/3 vote to appropriate funds from Stabilization Fund pursuant to General Laws, Chapter 40, Section 5B. Majority vote to appropriate funds pursuant to General Laws Chapter 40, Section 5.

For more information about this article, contact Louise Miller, Town Administrator at lmiller@wayland.ma.us

Article 2. Feasibility Study for a Grass Field at 195/207 Main Street

Proposed by: Board of Selectmen

Estimated Cost: \$75,000

To determine whether the Town will vote to:

a) Appropriate a sum of money, not to exceed \$75,000, to be expended under the direction of the Board of Selectmen for a feasibility study for a multi-purpose, natural grass athletic playing field at 195 and 207 Main Street, Wayland, Massachusetts, including, but not limited to, lighting, drainage, landscaping, recreational amenities, irrigation, access and parking areas, and any and all other costs incidental or related thereto; and

b) determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority. (If borrowing, the article should include standard authorization language for Treasurer and to apply bond premium.)

Quantum of Vote: 2/3 vote if borrowing funds under General Laws, Chapter 44, Sections 7 and 8; 2/3 vote to appropriate funds from Stabilization Fund pursuant to General Laws, Chapter 40, Section 5B. Majority vote to appropriate funds pursuant to General Laws Chapter 40, Section 5. 2/3 vote — See General Laws, Chapter 44, Sections 7 and 8; General Laws, Chapter 40, Section 5B.

For more information about this article, contact Louise Miller, Town Administrator at lmiller@wayland.ma.us

Article 3. Feasibility Study for Review of Potential Third Site for a Grass Field

Proposed by: Board of Selectmen

Estimated Cost: \$65,000

To determine whether the Town will vote to:

a) Appropriate a sum of money, not to exceed \$65,000, to be expended under the direction of the Board of Selectmen for a feasibility study to investigate and identify a site for a multi-purpose, natural grass playing field in Wayland, Massachusetts, and those sites to be considered shall include, but shall not be limited to, Greenways, the Route 20 South Landfill, and Orchard Lane/Holiday Road, and

b) to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise. (If borrowing, the article should include standard authorization language for Treasurer and to apply bond premium.)

Quantum of Vote: 2/3 vote if borrowing funds under General Laws, Chapter 44, Sections 7 and 8; 2/3 vote to appropriate funds from Stabilization Fund pursuant to General Laws, Chapter 40, Section 5B. Majority vote to appropriate funds pursuant to General Laws Chapter 40, Section 5. 2/3 vote — See General Laws, Chapter 44, Sections 7 and 8; General Laws, Chapter 40, Section 5B.

For more information about this article, contact Louise Miller, Town Administrator at lmiller@wayland.ma.us

Article 4. Town Code § 95.1 Moratorium on Synthetic/Artificial Turf

Proposed by: Petitioners

Estimated Cost: \$0

To determine whether the Town will vote to:

Add a new Chapter 95 to the Town Bylaws entitled, "Moratorium on Synthetic/Artificial Turf" as shown below prohibiting the construction of synthetic or artificial turf on Town land for three years. This bylaw will not affect the use or maintenance of the existing synthetic turf field at the high school.

Town Code § 95.1 Moratorium on Synthetic/Artificial Turf

Purpose: The use of synthetic/artificial turf on athletic playing fields entails myriad public health and safety, environmental, and climate concerns. Wayland must carefully evaluate whether such use, even where privately funded, is consonant with Wayland's athletic needs, the health and safety of its children, residents in general, and the environment, and the Climate Emergency Resolution adopted by town meeting in May 2021.

This moratorium allows the Town the opportunity (a) to examine the extent to which synthetic/artificial turf is injurious to public health and safety, the environment and the climate compared to natural grass solutions, and (b) to determine if natural grass solutions based on the use of the latest techniques for grass field construction and organic maintenance create viable alternatives for Wayland.

"Synthetic/artificial turf" means any of various artificial, synthetic or partially synthetic carpetlike materials made to resemble grass, including the infill and liners, used as a surface for athletics, sports or other recreational activities.

The Town of Wayland shall neither install nor authorize or allow the installation of synthetic/artificial turf on any real estate owned by the Town, for a period of three years from the effective date of this moratorium.

This restriction shall not apply to the use or maintenance of the synthetic/artificial turf field at Wayland High School installed prior to the adoption of this bylaw amendment.

Quantum of Vote: *Majority – see General Laws Chapter 39, Section 16, and General Laws Chapter 40, Section 21.*

For more information about this article, contact Paul Dale, Lead Petitioner at 617-794-0851

In Town Counsel's opinion, the proposed bylaw amendment is not repugnant to Massachusetts or federal law

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

You are required to serve this Warrant by posting copies thereof, attested by you, at the Town Building, at the Public Library in Wayland Center, at the Cochituate Fire Station or the Cochituate Post Office, and at the Happy Hollow School, and by mailing or delivering a copy thereof addressed to each residence in the Town fourteen (14) days, at least, before the time appointed for the Special Town Meeting.

Hereof, fail not and deliver this Warrant with your return thereon to the Town Clerk on or before September 17, 2021.

Given under our hands and seals this 17th day of September, 2021.

Thomas J. Fay, Chair
Cherry C. Karlson, Vice Chair
Adam G. Gutbezahl
Carol B. Martin
David V. Watkins
Selectmen of the Town of Wayland



Town of Wayland
Board of Selectmen
41 Cochituate Road
Wayland, MA 01778
www.wayland.ma.us

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Wayland MA

POSTAL PATRON WAYLAND, MA 01778



Wayland Special Town Meeting

Sunday, October 3, 2021

12:30 p.m.

Doors Open at 11:30 a.m.

Wayland High School Stadium

264 Old Connecticut Path

Wayland, MA 01778

BOARD OF SELECTMEN

The Board of Selectmen's role within is to serve as the Chief Policy-making board. The Board works with other Town Boards and Committees to evaluate, develop, or improve the Town's overall policy relating to the operation of Wayland's Town government. Per Town by-law, the Board of Selectmen call for Town Meetings, set the warrant and sponsor articles. The Board of Selectmen grants licenses to individuals or establishments for alcohol sales, entertainment and for common victualler (food service). Town government in Wayland is largely government by committee, and the legal authority of Board of Selectmen is limited to actions taken by the board at a legally called, posted meeting with a majority of the board present. The Board of Selectmen participated in approximately 60 meetings over 240 hours.

Fiscal Year 2021 challenged municipal government due to COVID-19. First there was a call to develop and create Town services and augment existing processes that affected every Town department. Then there was a real time need to understand how services were paid for while waiting for guidance from state and federal government. Responsibilities were assigned to Town staff in addition to their normal day-to-day responsibilities of the Town to accommodate extra work.

Administrative and Regulatory

Due to COVID-19 and State regulations regarding group gathering concerns, the Annual Town Meeting was postponed. There were two Annual Town Meetings held outside for the first time in Fiscal Year 2021 and 2022. At the 2020 Special Town Meeting the Board of Selectmen proposed the River's Edge development, access, and drainage easement within the 2020 Annual Town Meeting. At the 2020 Annual Town Meeting, the Board of Selectmen proposed the reallocation of previously appropriated funds for Council on Aging/Community Center and to allow certain contracts up to 5 years, to Accept Massachusetts General Laws Chapter 200A, Section 9A. At the 2021 Annual Town Meeting the Board of Selectmen proposed the establishment of the capital stabilization fund, to accept Spencer Circle, remote participation at Town Meeting, community choice aggregation of electricity, Loker Elementary School solar agreement, Select Board/Town Manager Act, acquisition of land for Council on Aging / Community Center.

The Board of Selectmen called for elections in May 2021, in coordination with Annual Town Meeting.

Because of the inability to sit elected officials who were elected in May 2020, the Board of Selectmen had a joint meeting to fill vacancies for the School Committee, Board of Public Works, and the Board of Assessors. Additionally, they submitted a Governor's Bill for the Seating of Elected Officials. Appointments were made to Audit Committee, Cable Advisory Committee, Community Preservation Committee, Conservation Committee, Council on Aging Board, Conservation Commission, Cultural Council, Design Review Advisory Board, Economic Development Committee, Energy & Climate Committee, Finance Committee, Historic District Commission, Municipal Affordable Housing Trust Fund Board, Route 20 South Landfill Advisory Committee, Senior Tax Relief Committee, Surface Water Quality Committee, Wastewater Management District Commission, Wayland Housing Authority, Wayland Housing Partnership, Youth Advisory Committee, and the Zoning Board of Appeals.

In Fiscal Year 2021 the Board of Selectmen issued licenses that approved outdoor service

applications for local restaurants.

The Board of Selectmen were responsible for the disposition of the property at 490 Boston Post Road also known as River's Edge. They finalized the agreement between Alta River's Edge and the Town for the sale of the Wayland property at 490 Boston Post Road. The result of the sale netted the Town additional one time and recurring revenues, wastewater treatment infrastructure, and affordable housing.

The Selectmen held a Grant of Location Hearing for Eversource regarding Rice Road.

The Board of Selectmen began the discussion to comply with the requirement and to locate the town boundary markers and record them with the Town Clerk.

Financial Management

The Board of Selectmen participated in the budget process and helped to develop budget guidelines at a September Financial Summit, reviewed budgets and evaluated proposals for the expenditure of funds.

The Board of Selectmen authorized the refinancing of bonds for \$_____. The Board of Selectmen agreed to the tax rate of \$___ and to maintain one tax rate for all tax classifications (residential and commercial).

Through September, because the Town had not held an Annual Town Meeting, budgeting was based on an allocation of Fiscal 2020 budget amount based on a state authorization.

Many of the Town's capital projects were delayed or not started. The pandemic caused delays in contracting, availability of labor and a diminished supply chain.

For the River's Edge project, the Selectmen approved a Bond Anticipatory Note (BAN).

Human Resources Personnel and Labor Relations

The Board of Selectmen established strategies, goals and parameters for contract negotiations and supported Town representatives who negotiated with International Association of Firefighters, AFL-CIO Local 178, Local 690 Wayland – 2 American Federation of State, County, and Municipal Employees (AFSCME 690 – 2), Local 690 Wayland-1 American Federation of State, County and Municipal Employees (AFSCME 690 Wayland -1), New England Police Benevolent Association (NEPBA)/Wayland Police Officers Union (WPOU) Local 176, AFT, AFL-CIO, All bargaining units pursuant to Public Employee Committee (PEC) agreement, Wayland DPW Association, Teamsters Local 170, and the Wayland Teachers Association.

The Selectmen worked with the Town Human Resources manager to administer a public performance appraisal to the Town Administrator.

The Selectmen authorized the review and update of Town policies on anti-discrimination and anti-harassment.

Public Safety and Emergency Services

COVID-19 continued to test the Town's resolve by affecting the delivery and execution of all

Town services. State and local protocols were unpredictable in duration requiring the Town to work under emergency protocols for extended periods. This affected the accessibility of Town buildings, conservation areas, and the running of Annual and Special Town Meeting amongst other things.

The Town Administrator appointed Lt. Sean Gibbons as Interim Police Chief, effective November 30, 2020.

The Selectmen accepted the 2020 Hazard Mitigation Plan.

The Selectmen voted to re-establish the Local Emergency Planning Committee with a revised mission and additional members.

The Town Administrator was authorized by the Board of Selectmen to appropriate and install ventilation modifications to School Buildings to protect building occupants from the transmission of COVID 19.

The Board of Selectmen reviewed recommendation to modify the routing of school traffic at the Happy Hollow Elementary, Loker Elementary and Claypit Hill Elementary Schools. They also authorized the study and potential reconfiguration of the intersection of Route 126 and Route 27.

The Board of Selectmen authorized support of additional signage at cemeteries because of complaints about animals.

The Town voted not to opt-out of the State Reclamation and Mosquito Control Board (SRMCB) spraying.

Land Use and Community Development

The Board of Selectmen were involved in community development. The George Floyd movement resulted in the Board of Selectmen publishing a statement on racism and their support of a community-wide discussion forum. They established the Human Rights, Diversity Equity, and Inclusion Committee.

The Board of Selectmen established the Route 20 South Landfill Advisory Committee to create a coordinating mechanism so that the town can present a unified and harmonious view of its land-use preferences.

The Board of Selectmen authorized the Town Administrator to apply and receive grants which contributed over \$____ to the Town's Omnibus Budget including MassWorks Grant, Shared Streets Grant, FEMA Safer Grant, DOER Green Communities Grant, FEMA and Cares Act funding.

The Board of Selectmen initiated the procurement of Solar technology on the Loker School Roof and authorized the Town to deploy resources toward the development of a Climate Mobilization Action Plan.

The Selectmen approved of a contract that support a special use permit that removed invasive species of Tapegrass from Heard Pond.

Health and Human Services

The Board of Selectmen helped to coordinate meetings with the Board of Health and Schools to work through town-wide issues regarding COVID 19 and classroom occupancy.

The Selectmen authorized the Town Administrator to educate Town residents on the services available during COVID 19. The communication was provided via the Town website, email and reverse 411 calls.

The Selectmen authorize the establishment of a gift account so that the schools could accept funding for testing of COVID-19.

Legal Services Responsibilities

The Board of Selectmen are involved in legal decisions that bind the Town including the identification and procurement of Town Counsel. The Selectmen authorized the use of three (3) firms that specialized in various municipal areas of law for approximately twenty-four (24) subjects.

The Selectmen authorized The Vertex Companies to be responsible for the reporting required for the River's Edge Petition for Public Involvement Plan (PIP).

Special Projects

The Selectmen authorized work on the Route 27 Bridge and requested that further analysis be performed on the allocation of the expenses related to the Potter-Stone Bridge Road Bridge.

The Selectmen decided that the Wayfinding and Branding effort did not meet Town needs.

Closing Remarks

The Board of Selectmen recognizes and thanks Town Staff at all levels for continue to carry out the COVID-19 Response Plan. The priority has been the health, wellness and safety of our residents, staff, and community. The Board recognizes and thanks everyone for their cooperation in adjusting to life in a pandemic.

The Board of Selectmen wish to thank all the volunteers, boards, committees who donate time to work on behalf of and in the best interest of the community. Their dedication and tireless efforts make this government work. Thank you, residents and businesses of Wayland, for entrusting us to serve you.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

For Immediate Release
September 3, 2021

Contact: John Bugbee
jbugbee@wayland.ma.us

Wayland Issues PFAS Testing Data

Wayland, Massachusetts – On Thursday September 2nd, 2021, the Town of Wayland issued the latest round of test data related to the presence of certain per- and polyfluoroalkyl substances (PFAS6) in the Town’s public water supply. Yesterday’s data release represents the result of water samples taken from numerous test wells and surface water locations in and around the area of the Wayland High School Stadium. The purpose of testing these particular wells is part of a wider effort to gain a better understanding as to the potential source(s) of PFAS or correlation between PFAS levels and our groundwater.

The Town’s contracted engineering firm of Weston & Sampson performed the latest round of testing and results are posted the Town of Wayland website:

www.wayland.ma.us/pfas. A brief narrative was included with the test results that gauged possible reasons for the most recent numbers and what they may signify. There were two sources cited as possibilities for the background concentrations of PFAS within the subbasin. The first source cited was the former Wayland High School septic system. The rationale included the fact that the two (2) wells located “downgradient” of the Wayland High School former septic system appear to, “exhibit higher than background concentrations for PFAS and are increasing in concentration. This observation indicates that the former septic system may

be a point source.” The second possible point source mentioned was more environmental in nature. Specifically stated, “The upward trend in concentration may be a result of anomalously high precipitation in summer 2021.”

Town Administrator Louise Miller stated, “The Town will continue with a multi-faceted approach to tackling the PFAS issue. This approach includes the treatment of all three (3) wells at the Happy Hollow wellfield while also investigating the possible point source(s) of PFAS in the groundwater.”

###



Town of Wayland
41 COCHITUATE ROAD
WAYLAND MASSACHUSETTS 01778
www.wayland.ma.us TEL 508-358-3788

OFFICE STAFF

Robert Leroux, MAA, Director of Assessing
Mary-Ann Wohlfarth, Senior Administrative Assistant

BOARD OF ASSESSORS

Zachariah L Ventress, Chair
Philip Parks, Vice Chair
Molly Upton, Secretary
Sharon Burke, Member
Massimo Taurisano, Member

Date: 25 August 2021
To: Louise Miller, Town Administrator
From: Rob Leroux, Director of Assessing
Subject: Assessors' Report to BoS; Month of August 2021

DAILY / WEEKLY ACTIVITIES

- Motor Vehicle Abatement Applications / Processing; Recurring.
- Change of Address Requests / Data Entry; Recurring.
- Deed Research / Data Entry; Recurring.
- Abutter's List Requests: Research / Report; Recurring.
- Taxpayer Questions & Answers: Phone Calls / Office Visits / Correspondence; Recurring.

MONTHLY ACTIVITIES

- Change of Address Request Spreadsheet for Distribution / Coordination; Ongoing.
- Site Inspections: Sales, Building, Cyclical; Vendor Coordination; Ongoing.
- Site Inspections: Data Entry / Analysis; Ongoing.
- Accounting: Invoice Processing; Consultants, Vendors; Ongoing.
- Warrants / Commitments; Ongoing.
- RE Exemption Application Mailings / Tracking / Processing; Ongoing.
- Board of Assessors' Meetings: ZOOM / Agendas / Minutes; Ongoing.

ANNUAL ACTIVITIES (CURRENT ACTIVITY)

- FY 2021 Reconciliation with Finance; Finalizing.
- FY 2021 Abatement / Exemption Reporting; Finalizing.
- FY 2022 RECAP Preparation / Coordination; Ongoing.

ANNUAL ACTIVITIES (CURRENT ACTIVITY) - CONTINUED

Annual Town Report: Assessors; Finalizing.

FY 2023 Chapter Land Applications: Courtesy Mailers (25AUG2021) / Tracking (Due: 01OCT2021)

/ Processing; Ongoing.

FY 2021 Review of I&E Non-Respondents / Create Invoices for Fines; Preliminary.

SPECIAL PROJECTS

Master dba Business Certificate Spreadsheet: Coordination with Town Clerk; Continuing.

Master Certified Street Index: Coordination with Town Clerk; Continuing.

Master Tax Title Spreadsheet: Coordination with Town Treasurer; Continuing.

END OF DOCUMENT.

r.



Wayland

MASSACHUSETTS

Office of the Treasurer/Collector

Maura O'Connor - CMMT

Direct Line (508) 358-3635 Fax (508) 358-4175

TREASURER/COLLECTOR DEPARTMENT

Summary of duties

Treasurer -

1. Emails: Read and answer any inquiries
2. Check the bank balances and see if any wires/payments or transfers need to be made
3. Post ALL receipts into quickbooks
4. Payroll – funding – retirement – transfers – ach wires – Mass Teachers payments
5. Vendor Warrants funding and post wire transfers from warrant into quickbooks
6. Cash reconciliations – Bank to Quickbooks and then Quickbooks to General Ledger
7. Tax Title accounts
8. Guaranteed Deposits
9. Trust Fund transfers and/or payments
10. Trust Fund Meetings with Committee (approx.. 3-4 per year)
11. Quarterly tax filings for 941, 941B, 941M, and Unemployment wage reporting
12. Monthly meal tax filings
13. Medicare/Medicaid monthly disbursements (send pymts. via. ach wire)
14. Sentinel Payments (every payroll period)
15. Prepare bills to be sent to accounting
16. End of year reporting into Gateway
17. Prepare debt payments and monitor debt schedules
18. Prepare information for any and all borrowings (BAN's and GOBs)
19. Billing – Send out tax bills quarterly, send out demand bills as needed, put into tax title as needed
20. Billing – Send out excise tax bills – approx..7-8 commitments per year, send to demand as needed, send to warrant as needed, mark at registry as needed
21. Send out supplemental bills as needed
22. Put subsequents into tax title accounts (as needed)
23. File tax title and betterment lien redemptions as needed with South Middlesex Registry of Deeds
24. Prepare Town Clerk, Athletics, (2) Ambulance accounts turn-ins from on line payments and prepare all (52) bank accounts interest payments for turn-in
25. Prepare entry for guaranteed deposits monthly interest
26. Review and sign all MLC's (weekly)
27. Prepare COA and Recreation credit card payment bills to accounting
28. Prepare Town Admins. And Treasurer credit card bills to accounting
29. Responsible for the borrowing and investment of funds
30. Assist as needed with the daily postings of receipts
31. Supervise staff of two full time employees
32. Submit weekly payroll time sheets
33. Check positive pay when given notice
34. Many other misc. tasks as needed

Assistant Treasurer:

1. Accounts receivable monthly reconciliations
2. Daily postings of receipts
3. Voided checks – send to bank and void with accounting and prepare notice to Treasurer
4. Prepare monthly Kelley & Ryan bills
5. Prepare monthly Century Bills
6. Process abatements and refunds
7. Service window as needed
8. File all bank statements in binder for Treasurer
9. Open mail and organize
10. Check email and return messages and/or inquiries
11. Century Bank (every Weds & Friday) takes returns and gives them our collections
12. Revenue adjustments as needed
13. Water abatements and adjustments as needed
14. Takes phone calls for tax inquiries as needed and attorney calls
15. Processes all turn-ins checks through the Unibank Check easy deposit
16. Any other tasks as needed

Department Assistant:

1. Unlocks Safe, change date stamp and date in office
2. Checks for positive pay notices
3. Daily postings of receipts
4. Prepares MLC's for Treasurer to sign
5. Does VendorWeb payments and prepares turn-in
6. Downloads City Hall and Century files for turn-in and posting
7. Century Bank (every Weds & Friday) takes returns and gives them our collections
8. Prepares police detail turn-in
9. Services window as needed
10. Takes all phone calls for tax inquiries as needed and attorney calls
11. Does cash deposits to bank – as needed
12. Opens mail and distributes/organizes
13. Prepares monthly waster zero turn-in for DPW
14. Processes all turn-ins checks through the Unibank Check easy deposit
15. Check email and return messages and/or inquiries
16. Many other misc. tasks as needed

Since COVID-19, my department has had staffing issues so now that we are fully staffed with a Great Staff – I am working on designating more responsibilities over to both the Assistant Treasurer and the Department Assistant so I can concentrate solely on Treasury duties and responsibilities. As you can see from above, many of the duties overlap between the Assistant Treasurer and the Department Assistant – and actually - myself. We all help each other out as needed.



TOWN OF WAYLAND
41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

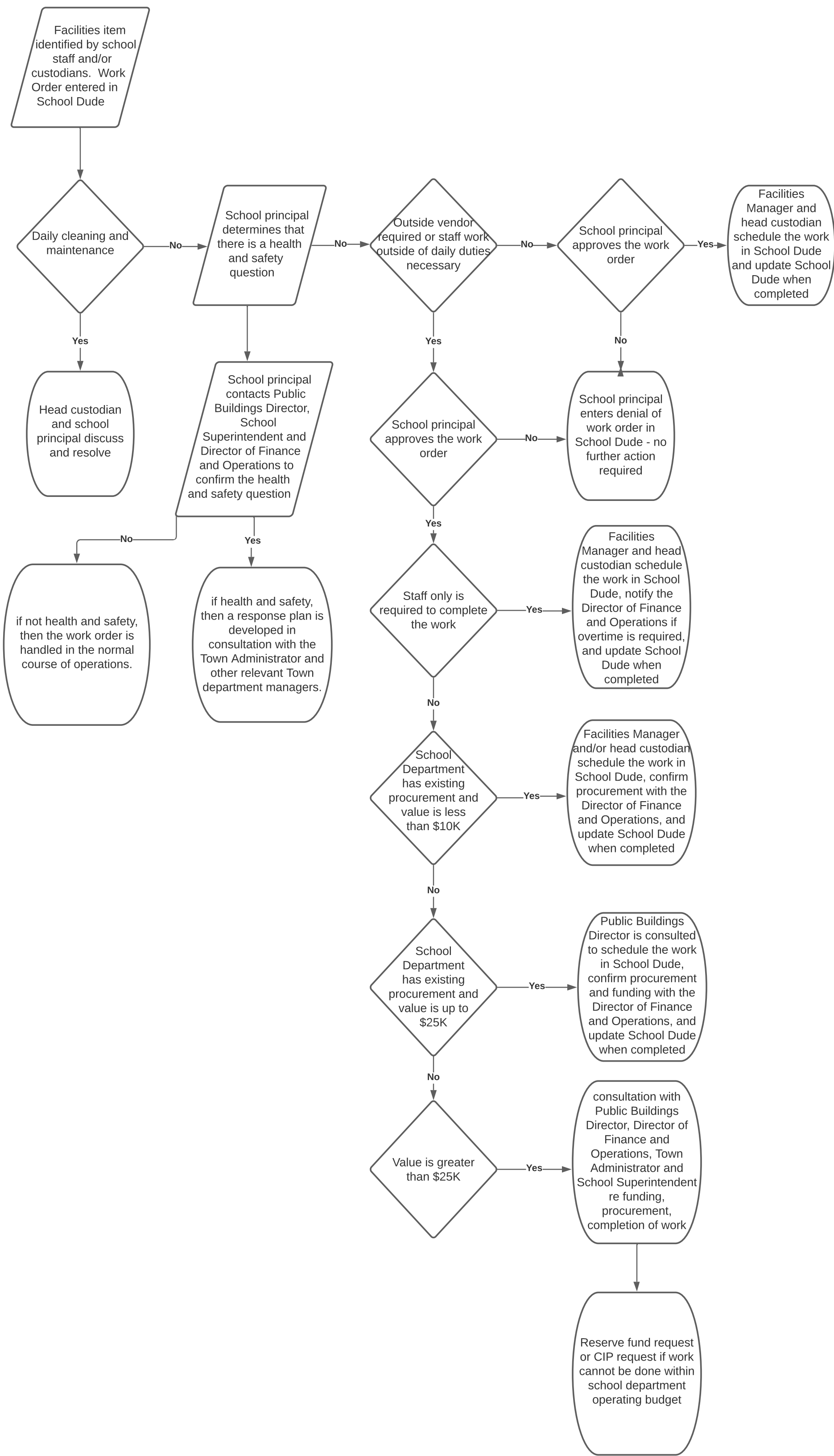
MEMORANDUM

To: 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: September 7, 2021
Re: School Buildings Work Order Process

In preparation for our meeting Thursday, September 9, 2021, and following our conversation that took place on Thursday, September 2, 2021, about the work order process for requests for work in the school buildings, and to ensure proper maintenance of buildings and an efficient handling of work orders, we propose the following work order process for this school year. Once we have received your feedback, we will finalize the flowchart attached. Ben will then update the workflow in School Dude and will work with the Facilities Manager and Head Custodians on their roles and responsibilities.

1. Head custodians are responsible for the daily cleaning and ordinary daily maintenance in the school buildings. School principals and head custodians will communicate as necessary and are expected to resolve issues with respect to daily cleaning and ordinary daily maintenance. If an item is not handled to the satisfaction of the school principal or is a recurring item, then the school principal will enter a work order request in School Dude. All work orders that fall within the normal operating maintenance of the school department and within the school department budget will be assigned by the Facilities Manager or head custodian within 24 hours with an estimated date of completion. Head custodians are responsible for ensuring completion of the work order.
2. All items of maintenance that are identified by school staff or custodians and not taken care of during daily cleaning and maintenance work will be entered as a work order. All work order requests must be approved by the school principal before work is done.
3. For work orders that can be handled as part of the daily operation of the schools and which are within the school department budget will be assigned by the Facilities Manager or head custodian within 24 hours with an estimated date of completion. Head custodians are responsible for ensuring completion of the work order.
4. For work orders that are outside of ordinary daily maintenance (those that require an outside vendor or require taking staff away from their ordinary daily duties) and have been approved by the school principal, will be assigned by the Facilities Manager. The head custodian will ensure prompt completion of the work.
5. All work orders that require overtime should be reviewed with the School Department Director of Finance and Operations prior to assignment.
6. For work orders that require outside contractors or vendors, the School Department Director of Finance and Operations will review work orders periodically to ensure that purchase orders have been entered, that contracts exist and all other procurement related items are in compliance (prevailing wages, insurance certificates, etc.)
7. For work orders up to \$25,000 that require work outside of the normal operating maintenance of the School Department and beyond the anticipated School Department budget, the work order will be referred to the Public Buildings Director and a plan for resolving the issue will be jointly developed with the appropriate school staff. The School Department Director of Finance and Operations will ensure compliance with public procurement requirements and will maintain the procurement files. The School Department Director of Finance and Operations will consult as necessary with the Town Administrator regarding procurement.
8. For work orders that require expenditures in excess of \$25,000 (capital project threshold) or that involve health and safety or other legal compliance issues, the Public Buildings Director will confer with the School Superintendent and Town Administrator, as needed, and a plan for addressing the issue identified will be jointly developed, including a work plan, financing plan, and communication plan, if appropriate.

The next page depicts the anticipated workflow in more detail. The flowchart will be updated with your feedback. It may also be updated during the school year as needed once the workflow is put into practice.





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, August 30, 2021
7:00 p.m.

Wayland Town Building
Large Hearing Room
41 Cochituate Road, Wayland, MA

Attendance: Thomas J. Fay, Adam G. Gutbezahl, Cherry C. Karlson, Carol B. Martin, David V. Watkins

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

A1. Call to Order by Chair, Review the Agenda for Public: At 7:00 p.m., T. Fay called the meeting of the Board of Selectmen to order when a quorum was present. T. Fay announced each member by full name and that A. Gutbezahl would participate remotely by video-teleconference. T. Fay announced that pursuant to Chapter 20 of the Acts of 2021, the meeting would be conducted in-person with remote access, live-streamed and recorded for later broadcast on the local WayCAM Government Channel. T. Fay announced that members of the public were invited to attend and participate in-person or remotely on Zoom. T. Fay reviewed the agenda for the public.

A2. Announcements and Public Comment: T. Fay recognized the passing of John Dyer, a Wayland resident who served the for Town over 40 years and was also a US Armed Forces veteran.

Clifford Lewis, Claypit Hill Road, Chair of the Board of Public Works, commented on behalf of the BoPW in reference to the Governance Guidelines and expressed the BoPW's willingness to work with the Board.

Margo Melnicove, Lakeshore Drive, shared her rationale for signing a petition for a Special Town Meeting, to avert the possibility of construction of an artificial turf field at the Loker Recreation Site.

Jane Purser, Brooks Road, member of the Cultural Council encouraged the Board to approve the utility box art project, for two utility boxes at the Fire Station #2 and at the Library. She noted that the state had already approved art on two other boxes within its jurisdiction.

Tom Sciacca, Rolling Lane, encouraged the Board to take coordinated action with the upcoming westward expansion of the Rail Trail project in an effort to remedy flooding in Wayland. L. Miller asked for additional information.

Alice Boelter, Lakeshore Drive, opined that the PFAS contamination in the wells was emanating from the crumb rubber infill at the artificial turf field and implored the Board not to allow it to happen again.

A3. Governance Guidelines: continuation of discussion and potential vote: There was a discussion regarding the draft Town of Wayland 1.0 Principles of Organization for Elected Boards and Appointed Bodies. The Board suggested revisions to sections 1.3 Role of Members, 1.4 Role of Chair and Vice Chair, 1.6 Social Media, 2.8.1 E-Mail and Public Records Law.

C. Karlson moved, seconded by A. Gutbezahl, to approve the Town of Wayland Principles of Organization of Elected Board and Appointed Bodies, as amended. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin. NAY: D. Watkins. ABSENT: none. ABSTAIN: none. Adopted 4-1.

A4. Propane License Application: Hearing for application filed by Jeffrey Mushnick on behalf of Michael and Tracy Roberge of 29 High Rock Road: At 7:42 p.m., T. Fay opened the hearing for the propane license application filed by Jeffery Mushnick, President and Owner, Medway Oil & Propane of Medway, MA on behalf of Michael and Tracy Roberge of 29 High Rock Road. T. Fay read the posted legal notice. Jeffery Mushnick, Medway Oil & Propane appeared before the Board and described the intent of the application to expand the current 500 gallon underground tank to three 1,000 gallon tanks. In response to Board questions, J. Mushnick explained his experience in installing propane tanks. There was no public comment. T. Fay closed the hearing at 7:55 p.m.

C. Karlson moved, seconded by D. Watkins, that the Board of Selectmen approve the application for License from Jeffrey Mushnick on behalf of applicants Michael & Tracy Roberge to store a maximum quantity of 3,000 gallons of LP-gas, utilizing three 1,000 gallon underground tanks, at the residential address of 29 High Rock Road for personal residential use only. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Town of Wayland Fields Presentation, and Community Forum to discuss current and future field needs, and how best to address those needs in an efficient, cost-effective, and timely manner. The format will primarily involve listening to residents' ideas, feedback and suggestions on the topic: T. Fay announced that the objective of the forum was to take a step forward toward solving an ongoing issue of field availability. T. Fay acknowledged that the Recreation Commission had previously voiced its intention to not pursue turf fields, and its commitment to proceed with grass fields. T. Fay acknowledged concerns raised by residents purporting that there were back-channel efforts to raise private funds to build a field at the Loker Recreation area after the article was defeated at 2021 ATM. T. Fay asked the Board to opine if any Board member would support or accept any hypothetical private funds without a Town Meeting vote. D. Watkins pledged not to accept any gifts or enter into a license agreement for the purpose of installing artificial turf on any property without Town Meeting action. C. Karlson voiced support for Town Meeting approval of any type of project of this magnitude, and indicated that she had no knowledge of any private-fundraising efforts. A. Gutbezahl expressed support for a grass field at the Loker Recreation Area, and expressed that he was troubled by the fact that many residents have expressed on social media they do not trust the Board. C. Martin reported that some residents had told her that fundraising efforts were happening and expressed support for Town Meeting approval of any type of gift before accepting any such gift.

Recreation Director, Katherine Brenna joined the meeting by video-teleconference and presented a slidedeck via screen share that summarized the current inventory of fields in Wayland, the demand on fields, the conclusions of several field studies, and the parcels that had been identified for development of new grass fields to expand the inventory.

John Sax, Willowbrook Drive, commented that there was a report from UMass Lowell which asserts that their maintenance strategies provide more hours per field than Wayland fields. J. Sax also suggested the Recreation Department use sports field scheduling software. J. Sax also commented that the field development analysis be expanded to review size, accessibility, parking, environmental impacts and the impact on the neighborhood. K. Brenna commented that the Recreation Department and the Athletic Department both use field scheduling software to manage field reservations.

Paul Dale, Grace Road, Lead Petitioner for 2021 Special Town Meeting and for the synthetic turf moratorium article, commented that the Town should only proceed with natural grass fields in consideration of health, safety and climate impacts.

Sean Donohue, Main Street, asked about the amount of funds that have been spent on surveys and studies that concluded that Wayland needed more fields. He also reported that his daughter fractured her foot on Claypit due to poor conditions.

David Bernstein, Glezen Lane, asked about the difference between reservation hours and usage hours, why the number of field hours jumped 26% since 2019, and what percentage of fields have all the optimal field characteristics. K. Brenna noted that the discrepancy between reservation hours and usage hours will never be exact, but stated with confidence the data is more accurate now than it has ever been, given that many field users pay for reservations and would not be motivated to pay for field time is not needed. K. Brenna reported that the number of field hours increased about 26% over 2019 hours because 2019 field hours were reduced to protect residents from the risks related to mosquito-borne illnesses caused by Eastern equine encephalitis virus (E.E.E.). K. Brenna did not have the complete inventory of field characteristics at the time of the forum, but noted that only two fields can be rotated, two are lit, and she named a few sites that have sand layers where sand layers are appropriate.

Joe Berkowitz, Highgate Road, suggested that fields be built with concession stands to help offset the costs, suggested artificial turf fields be used to expand usage hours, and to assess the environmental risks of chemicals on grass fields versus the risks of artificial turf materials.

Brud Wright, Jeffrey Road, Co-Chair of the Recreation Commission, acknowledged that Town residents voted against building an artificial turf field at the 2021 ATM meeting. B. Wright reported that each member of the

Recreation Commission acknowledged at a public meeting that they were not aware of any fundraising efforts and never sought any alternative way to build an artificial turf field. B. Wright also reported that the ZBA permit was a lengthy two-year process that began before the vote and finished after the ATM vote. He indicated that approval was an important step to inform the Town in a way that was not possible without getting the permit and asked for the Board's support when there is a need to work with neighbors of the potential grass field sites.

Carole Plumb, Bald Rock Road, commented that there was a need for a long-term capital plan, that many Town initiatives pursue the same vacant sites, and the Board missed several opportunities to purchase more land.

Kate Taunton-Rigby, Old Connecticut Path, commented on the urgent need to resolve the field shortage now.

Anette Lewis, Claypit Hill Road, asked several questions regarding the soccer camp at the Claypit Hill Fields: why the Recreation Department allows an out-of-town soccer camp instead of allowing the fields to rest, how the field user fees are determined, and why no one checks the field conditions regularly. K. Brenna answered that the soccer camp at Claypit Hill serves Wayland children, the rates are reviewed annually and set to cover the associated expenses and that the field conditions are checked regularly by Recreation and DPW staff and fields are taken offline when conditions become unplayable. A. Lewis asked if sports could be set to a specific season as is typical for private schools, and repeated D. Bernstein's previous question regarding the discrepancy between usage hours vs. rental hours. K. Brenna answered that relegating sports to specific season's works at the high school level, but not so much for youth players, many sports have become multi-seasonal or offer year-round play. K. Brenna repeated that difference between reservation hours and usage hours will never be exact, mostly due to weather and that many field users pay for reservations and would not be motivated to pay for field time that they are not using. A. Lewis noted that she has seen people shooting golf balls at Claypit Hill, creating divots in the fields.

Scott Walters, Draper Road, expressed frustration with the number of studies and lack of resulting fields; he also expressed concern with residents alienating government officials. S. Walters said parents may not realize the field problem in Wayland until they start travelling to other communities for athletic events.

Asa Foster, Old Connecticut Path, Co-Chair of the Recreation Commission wanted to unequivocally refute recent accusations on social media that he was negotiating private funds to build a turf field at Loker.

A. Gutbezahl noted there was a clear interest in the topic, made apparent by the number of participants, and encouraged residents to seek answers to questions through public forums rather than Facebook forums. D. Watkins acknowledged the immediate need to develop at least three fields. C. Karlson stated that operating and maintenance funds should be reviewed during the budget process, as well as any capital needs both in terms of maintenance of existing fields and construction of new grass fields. C. Karlson said that the Town should move forward with one grass field immediately and establish a long-term plan. C. Martin noted that other communities like Newton are also reviewing the need for fields and planning for capital improvements. T. Fay closed the discussion forum at 9:05 p.m.

A6. Committee Appointments: Interview, discuss and potential vote to appoint:

Committee	Potential Appointee	Term End Date
Board of Registrars	Kristopher Aleksov	April 1, 2022
Dog Control Board	Susan Koffman	June 30, 2024

K. Aleksov joined the meeting via video-teleconference. The Board reviewed his application to join the Board of Registrars. D. Watkins asked if K. Aleksov was working on any legal matters that may affect the Town. K. Aleksov answered that he was not. C. Martin left the meeting at 9:14 p.m.

D. Watkins moved, seconded by C. Karlson, that the Board appoint Kristopher Aleksov to the Board of Registrars for a term ending, April 1, 2022. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, D. Watkins. NAY: none. ABSENT: C. Martin. ABSTAIN: none. Adopted 4-0.

C. Karlson moved, seconded by D. Watkins, that the Board appoint Susan Koffman to the Dog Control Board for a term ending, June 30, 2024. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, D. Watkins. NAY: none. ABSENT: C. Martin. ABSTAIN: none. Adopted 4-0.

A7. Fall 2021 Special Town Meeting: a. Discuss and potential vote to open Special Town Meeting Warrant for no less than 7 days. b. Discuss and potential vote to set Special Town Meeting date/time/location At 9:16 p.m., C. Martin returned to the meeting. There was a discussion regarding the calendar of events related to the

Special Town Meeting. A. Gutbezahl requested that the meeting be held outdoors. The Board agreed the meeting would be held outdoors rain or shine.

C. Karlson moved, seconded by D. Watkins, to vote to open Special Town Meeting Warrant to be on Sunday, October 3, 2021 at 12:30 p.m. at Wayland High School field, the warrant for said Special Town Meeting will be open from Tuesday, August 31, 2021 at 8:30 a.m. through September 7, 2021 at 4:30 p.m., in accordance with Chapter 36 Section 36-3 of the Code of the Town of Wayland all articles for consideration and inclusion in the warrant shall be submitted to the Selectmen's Office at 41 Cochituate Road by 4:30 p.m. on September 7, 2021. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board discussed the logistical aspects of town meetings related to chairs, sound systems, and electronic voting handsets, all estimated to cost \$70,000 for a one-day Town Meeting. C. Karlson noted the Town did not budget for a Special Town Meeting this year. The Board discussed if the electronic handsets were not available from the vendor then the voters could rely on paper ballots, audible votes, or standup votes. A. Gutbezahl announced that the Board was not aware of any mechanism to withdraw or cancel the Special Town Meeting once the petition was filed on August 23, 2021. C. Karlson reported a majority of the petitioners could change and or withdraw the warrant article, but the STM would need to convene.

Paul Dale, Grace Road, confirmed that a majority of the petitioners could change and or withdraw the petition for the article, and the Attorney General should opine if the STM would need to occur if there were no articles.

A8. Private Road Snow Plow Policy: discuss considering adding or developing an additional policy for Private Commercial roads/parking lots At 9:49 p.m., D. Watkins recused himself from the agenda topic and left the meeting as an owner of commercial property in Wayland who will submit an application. L. Miller reported that there were a couple of commercial sites in Town that might be interested in the Town plowing private commercial roads that serve as public ways. C. Martin wondered if a change would allow the condo complexes to apply. C. Karlson gave background on the genesis of the policy. T. Fay asked if any Board members were inclined to add commercial properties to the policy. None were, and no action was taken.

At 9:55 p.m., D. Watkins returned to the meeting.

A9. Town Administrator Update: a. OPEB b. Housing Production Plan DRAFT survey: review and approve c. Settlement Agreement regarding Happy Hollow playground: vote to approve:

A9.a. OPEB: L. Miller reported that the OPEB fund out-performed its benchmark last year and ended in a record all-time high position, resulting in the Town keeping on schedule to reach full-funding in FY2024 and is in full-compliance with requirements.

A9.b. Housing Production Plan DRAFT survey: review and approve: The Board discussed the draft survey and the timing of issuing it.

A9. c. Settlement Agreement regarding Happy Hollow Playground: C. Martin reported that the Board previously suggested edits to the settlement agreement that were not included in the draft. Minor edits were suggested.

C. Martin moved, seconded by D. Watkins, approval of the Settlement Agreement regarding the Happy Hollow Playground as appears in the packet, and amended as discussed. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Utility Box Art Project: discuss and potential vote: A. Gutbezahl commended the Cultural Council for its enthusiasm and for bringing this project forward.

C. Karlson moved, seconded by C. Martin, to approve the beautification of two utility boxes: one located in front of Fire Station #2 and one located at the Library, at the discretion of the Wayland Cultural Council. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A11. Minutes – July 12, 2021, July 26, 2021, August 9, 19 and 21, 2021; review and vote to approve:

C. Martin moved, seconded by D. Watkins, to approve the revised minutes of July 12, 2021. Roll Call Vote: YEA: T. Fay, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: A. Gutbezahl. Adopted 4-0-1.

C. Martin moved, seconded by D. Watkins, to approve the minutes of July 26, 2021, as amended. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson moved, seconded by C. Martin, to approve the minutes of August 9, 2021, August 19, 2021 and August 21, 2021, all as amended. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A12. 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 ratifying the Town Administrators signature on Amendment #1 of agreement with Pare Corporation to include 2021 Phase 1 Dam Inspection for Snake Brook Dam.
4. Vote the question of accepting, as a gift, the donation of 900 Extra Large and 250 Large EMS protective gowns from the David Scott Company of Franklin, Massachusetts.
5. Vote the question of approving and signing agreement with Biodrawiversity, LLC, for Freshwater Mussel Translocation in the Sudbury River for the Stone's Bridge Project.

C. Karlson moved, seconded by D. Watkins, to approve the Consent Calendar. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A13. Correspondence: The Board reviewed the correspondence included in the packet. A. Gutbezahl expressed concern with a pattern of resignations among members of boards, committees and commissions. C. Karlson acknowledged A. Gutbezahl's point and noted the frustration of some volunteers. C. Karlson suggested the Board review ways to be more responsive. L. Miller reported that committee members sometimes express frustration with "red tape" when trying to work outside open committee meetings, but there is a need to follow Open Meeting Law and legal government processes, as it is the only way a government can legally operate. C. Martin recommended more education for volunteers who meet less frequently.

A14. Selectmen's Reports and Concerns: D. Watkins requested an update on: the Oxbow Meadows field project, the petition to the state for remote participation at ATM, the meeting of the Finance Committee regarding the Reserve Fund Transfer Policy, the Health Departments report of a nurse shortage, the DCR request related to the Rail Trail, the Charles River Watershed and flood issues. C. Karlson asked about Spencer Circle. L. Miller reported that the Town was waiting for final signatures and that KP Law would finalize the matter. T. Fay noted that the draft of the Annual Report would be reviewed at the next meeting. A. Gutbezahl recommended that Town workgroups and their members be listed on the town website. A. Gutbezahl acknowledged active discussions on social media that are enthusiastic but also sometimes disrespectful. C. Karlson expressed concern for the same.

A15. Topics Not Reasonably Anticipated by the Chair 48 Hours In Advance, If Any: There were none.

A16. Adjourn: At 10:44 p.m., C. Karlson moved, seconded by D. Watkins, to adjourn the meeting. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items included in the packet during the Board of Selectmen Meeting of August 30, 2021:

1. Redline Draft: Town of Wayland 1.0 Principles of Organization for Elected Boards and Appointed Bodies
2. Application for License related to the installation and storage of propane for residential use only at 29 High Rock Road, Wayland MA as in accordance with the provisions of Massachusetts General Laws Chapter 148, Section 13; Included documents:
 - i. Legal Notice for 29 High Rock Rd, Wayland;
 - ii. 29 High Rock Rd Application for License;
 - iii. Dillis & Roy Civil Design Group, Proposed Conditions Plan C-2, dated June 26, 2020;
 - iv. Memorandum To: Town Administrator From: Fire Chief Date: August 8, 2021 Re: 29 High Rock Road - LP Tank License;
 - v. Correspondence from Wayland Building Commissioner's re: 29 High Rock Road
 - vi. Correspondence between Applicant and Building Commissioner re: 29 High Rock Road;

- vii. Letter from Jeffrey Mushnik, President Medway Oil & Propane Company, Inc. to G. Larsen Building Commissioner, re: 29 High Rock Road, July 12, 2021;
 - viii. M.G.L Part I, Title XX, Chapter 148, Section 13;
 - ix. Excerpt from CMR 52: Mass Comprehensive Fire Safety Code;
 - x. Guidelines for Municipal Officials on the Issuance and or Reconstruction of Licenses Granted under Massachusetts General Law, Chapter 148 § 13;
 - xi. A Guide For Municipal Officials On Licensing The Storage Of Flammables, Combustible And Explosives
3. Town of Wayland Board/Committee Appointments Status as of August 3, 2021
 4. Board of Registrars Application from Kristopher K. Aleksov, Esq.
 5. Dog Control Board Application from Susan F. Koffman
 6. Dog Control Board Application from Elizabeth Studley Nathans
 7. Potential Dates for STM 2021 Draft 8.24.2021
 8. Draft 2021 Special Town Meeting Schedule
 9. Petition for Special Town Meeting, received August 23, 2021 with signature pages
 10. Petitioners Article for Special Town Meeting, received August 23, 2021 with signature pages, titled Town Code §95.1 Moratorium on Synthetic/Artificial Turf
 11. Re: Private Road Plowing Board of Selectmen's Process To Appeal A Decision Not To Provide Snow Plowing Service, Dated July 26, 2021
 12. Residential Private Road Snow & Ice Policy Appeal Application
 13. Residential Private Road Snow & Ice Policy, Accepted by Board of Public Works October 10, 2017, Accepted By Board of Selectmen May 16, 2018, Policy Effective November 1, 2018
 14. Webpage "Ask the Town Administrator!" - Question & Responses, dated August 23, 2021
 15. Memorandum from Treasurer/Collector M. O'Conner regarding OPEB
 16. Massachusetts Pension Reserves Investment Management (MassPRIM) Fund Charts
 17. Agenda Fact Sheet: Agenda Item Utility Box Art Project, August 30, 2021
 18. Draft Board of Selectmen Minutes of Monday, August 9, 2021
 19. Draft Board of Selectmen Minutes of Thursday, August 19, 2021

Items Distributed For Information and Use By Board during the Meeting of August 30, 2021 Otherwise Not Included In The Packet (Handouts):

1. PowerPoint presentation prepared by Recreation Director, dated August 30, 2021 re: Fields Presentation and Community Forum to Discuss Current and Future Field Needs
2. Draft: Wayland Housing Production Plan Community Survey
3. Draft: Settlement Agreement and Release, re: Article 13 to appropriate funds for the purpose of making accessibility improvements at the Claypit Hill School and the Happy Hollow School playgrounds;
4. Letter: from Wayland Cultural Council, re: Wayland Utility Box Paint Program, dated 8/23/2021
5. Draft: Meeting Minutes, Board of Selectmen Meeting of Monday, July 26, 2021
6. Draft: Meeting Minutes, Board of Selectmen Meeting of Saturday, August 21, 2021
7. Draft: Meeting Minutes, Board of Selectmen Meeting of July 12, 2021
8. Draft: 2021 Annual Report of the Board of Selectmen, version 3

Correspondence:

1. Correspondence from Elizabeth Newton, Chair of Surface Water Quality Committee, to Board of Selectmen dated August 16, 2021 re: Resignation from the Surface Water Quality Committee.
2. Correspondence between Tom Fay, Chair of Board of Selectmen and Norm Marowitz, member of Surface Water Quality Committee dated August 22, 2021 re: Concerns regarding the Surface Water Quality Committee.
3. Correspondence from FEMA to Board of Selectmen dated August 13, 2021 re: Preliminary copies of the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Middlesex County.
4. Correspondence from Jared Nedzel to Board of Selectmen dated August 16, 2021 re: Route 20 Corridor Improvement Survey Critique.
5. Correspondence from Katherine Gardner-Westcott to Board of Selectmen dated August 19, 2021 re: Request for Board to recognize resident John Dyers' 50 years of dedication to Town.

6. Correspondence from MBTA Advisory Board to Board of Selectmen dated August 18, 2021 re: Municipal Elections to the Boston Region Metropolitan Planning Organization.



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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
Wednesday, September 1, 2021
7:00 p.m.
Wayland Town Building
Council on Aging Room
41 Cochituate Road, Wayland, MA

Attendance: Thomas J. Fay, Adam G. Gutbezahl, Cherry C. Karlson (joined at 7:08 p.m.), Carol B. Martin, David V. Watkins

Also Present: Town Administrator Louise Miller, Assistant Town Administrator John Bugbee, Public Works Director Tom Holder, Water Superintendent Don Millette, Public Works Superintendent Joe Doucette, Information Technology Director Mike McCann

Board of Public Works (BoPW): Clifford W. Lewis, Michael Wegerbauer, Sherre Greenbaum, Robert Goldsmith and Michael Lowery

A1. Call to Order by Chair, Review the Agenda for Public: At 7:04 p.m., T. Fay called the meeting of the Board of Selectmen to order when a quorum was present by video-teleconference. T. Fay announced each member by full name and that all would participate remotely by video-teleconference. T. Fay reviewed the agenda for the public.

At 7:05 p.m., Chair of the Board of Public Works, Clifford W. Lewis called to order the meeting of the Board of Public Works and announced that Michael Wegerbauer, Sherre Greenbaum, Robert Goldsmith and Michael Lowery would participate remotely by video-teleconference.

A2. Announcements and Public Comment: T. Fay thanked residents for participating in the August 30 Field Forum.

Tom Sciacca, Rolling Lane, joined by teleconference to offer public comment to the BoPW. T. Sciacca discouraged the BoPW from allowing the residents' need to irrigate lawns to influence any water supply strategy. T. Sciacca expressed that lawns were evil, and the Town should not encourage the maintenance of large lawns.

Kate Taunton-Rigby, Old Connecticut Path, joined by teleconference and thanked the Board for hosting the Fields Forum on August 30, and further encouraged the Board to continue the momentum and consider inserting a warrant article for the Special Town Meeting to design the needed grass fields.

Emory Ford, Hayward Road, joined by teleconference and expressed that the removal of PFAS from the water supply should be the Town's top priority, and there was a need to expedite efforts to acquire and install the approved PFAS removal system.

Judy Ling, Concord Road, joined by teleconference and requested the Board provide updated water sample results from the monitoring wells nearest Wayland High School.

A3. Per- and Polyfluoroalkyl substances (PFAS): Joint Meeting with members of the Board of Public Works for update and discussion of PFAS in Town Drinking Water Supply: T. Fay thanked several Town officials for the work they've done since the Commonwealth promulgated the new drinking water standards related to PFAS in October. T. Fay provided contextual background on the issue, specifically that the BoPW approved a treatment system for the Happy Hollow wellfield to reduce the level of PFAS to non-detectable levels in June, and that the Town was working closely with Massachusetts Department of Environmental Protection (MassDEP) and the Town's contractor, Tata & Howard, Inc. to execute the plan. C. Lewis requested that the comments and goals submitted to the PFAS workgroup by members of the BoPW become part of the record.

L. Miller offered a presentation via screen share which summarized the timeline events between January 2020 and August 2021, including the initial PFAS testing, public notifications, plans for short-term and long-term action plans, as well as financing and grant opportunities. L. Miller summarized the ongoing procurement process for the

short-term solution, which began on May 10, 2021, including the request for proposals (RFP) and the resulting MassDEP notifications regarding permits. L. Miller reported that MassDEP had approved the permit and the contract was subsequently expected to be awarded by September 10. L. Miller noted that the contract would not be awarded while the specifications were still under review. L. Miller noted that one outstanding issue was the definition of “non-detectable” and the second issue involved the vendors’ limitation on liability. The BoPW indicated it should have had an opportunity to opine on the definition of “non-detectable.”

T. Fay acknowledged the earlier public comment that suggested the Town had not prioritized the remediation of the PFAS issue. L. Miller reported that the remediation was being worked on daily by multiple Town officials and the PFAS workgroup, which included personnel as well as members of the BoS, BoPW and the Board of Health. L. Miller noted that some other communities in Massachusetts were able to move more quickly because they were able to shut down any number of wells; Wayland and other communities have needed several months to address the issue.

C. Lewis expressed concern that the BoPW goals and concerns were not being addressed. L. Miller noted that the slide deck was developed in response to the comments and concerns regarding procurement submitted by the BoPW. C. Lewis expressed frustration about the lack of specific dates and timing of the expected purchases. L. Miller noted that the specifics of the timeline would result from the contract, and that the contract was still being negotiated. L. Miller reported that the bid specifications would be completed by September 3. L. Miller stated that MassDEP advised the Town that it would be operating at its own risk if it proceeded without a MassDEP permit, and Town Counsel had advised the Town not to issue a purchase order for resin ahead of the contractual terms. There was a discussion about the contract negotiations and the decision about the risk.

L. Miller reiterated that the receipt of the bid specifications were expected on September 3, and subsequently the contract and purchase order would be awarded by September 10. T. Holder explained the 32 technical conditions required by the MassDEP permit, and specifically the requirement to rinse the resin, were being worked into the specifications and the contract. T. Holder reported that a permit from the Building Department and a water discharge permit from the Conservation Department would be required.

At 8:05 p.m., the meeting was paused for three minutes to resolve an interruption in the WayCAM broadcast.

L. Miller reported that there were grant opportunities from the Commonwealth, and that she has applied for the full cost of the short-term solution, up to \$750,000. The anticipated award would be up to \$150,000, and T. Fay had consulted with MassDEP to determine the expected timeline.

S. Greenbaum requested that the PFAS working group be more transparent and post minutes. T. Fay noted that a workgroup was not subject to open meeting laws, and such a workgroup was being utilized to expedite a solution for this specific problem. A. Gutbezahl requested that the workgroups and its members are posted publically. C. Karlson noted that the workgroup was not a decision making entity, and that the workgroup gathers information to inform a public body for a decision. L. Miller noted that she also issues memorandums periodically to update the public on the PFAS workgroups’ progress.

C. Lewis reported that the BoPW received written observations from a PFAS workgroup representative, and recommended that they be posted on the website, S. Greenbaum concurred. T. Fay suggested that even informal minutes should go through an approval process of the entire workgroup before posting. D. Watkins recommended a master schedule be provided. T. Holder agreed to update the existing schedule that was posted on the website. C. Karlson reminded participants that staff had said that the specifics of the timeline would result from the terms of the pending contract and should be available by September 10.

At 8:32 p.m., the members of the BoPW recessed the meeting of the BoPW unanimously.

A4. 2021 Fall Special Town Meeting: Review and potential vote to submit Articles, if any T. Fay reported that he was impressed by the contributions of the residents at the Fields Forum held on August 30, and that the general consensus was to move forward with grass fields and not artificial fields. T. Fay suggested that the Board consider sponsoring a warrant article solely, or jointly with the Recreation Commission, to fund the design of a grass field, and possibly a separate motion for construction of a grass field at the Loker Recreation Area, 410-414 Commonwealth Road. D. Watkins acknowledged the need for at least three grass fields and suggested the Board also consider the 195-207 Main Street/Old DPW site in front of the Middle School and the 471-473 Boston Post Road/Route 20S former landfill area.

C. Karlson suggested the Board first review a short-term effort at the Loker Recreation site and then longer-term effort at other sites. C. Karlson voiced support of funding a grass field design and to leverage the design that already existed for the Loker site. C. Karlson expressed that construction funding could wait until the 2022 ATM in May when the costs could be clearer, and the Town could budget for operating and maintenance funds.

T. Fay estimated that the redesign would cost approximately \$65,000. There was a discussion about how to sequence the identification, design and development of three areas: Loker Recreation Area, 410-414 Commonwealth Road, 195-207 Main Street/Old DPW site in front of the Middle School and the 471-473 Boston Post Road/Route 20S former landfill area. C. Karlson expressed concern with preempting the work of the Route 20 South Landfill Visioning Committee. T. Fay noted that fields were one of seventeen ideas the committee had considered for the property.

C. Karlson moved, seconded by A. Gutbezahl, that the Board authorize the chair to work with the Town Administrator to submit a warrant article for Special Town Meeting with two components: \$65,000 for design of a grass field at Loker Recreation Area and \$75,000 of a feasibility site at 195-207 Main Street/Old DPW site. D. Watkins offered an amended to the motion to include the 471-473 Boston Post Road/Route 20S former landfill area. C. Karlson declined the amendment. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

L. Miller reported that she had received a number of requests to not hold the Special Town Meeting on the turf field. The Recreation Director and the Facilities Director have assessed the property for alternate areas at Wayland High School in terms accessibility and meeting feasibility and suggested the JV Football field and the area where the Tennis Courts used to be located, both areas that would not disrupt the current activity schedule.

D. Watkins returned the discussion to field articles. D. Watkins moved, seconded by A. Gutbezahl, that the Board allocate \$65,000 in funds for a determination for the feasibility of a third location for field development. T. Fay clarified the motion, to authorize the chair of the Board of Selectmen to submit an article at Special Town Meeting, scheduled for October 3, 2021 where the Board asks the question to the Town to authorize \$65,000 for a feasibility study on a potential grass field location other than Loker Recreation Area and 195-207 Main Street/Old DPW site, A. Gutbezahl seconded the clarified motion. In discussion, the Board deliberated on whether the motion and article should specify a third location. C. Karlson expressed that it was too soon to review the Route 20S Landfill Area, the Route 20 South Landfill Visioning Committee was still reviewing the potential uses, and that there was more work to be done on identifying the third location.

A. Gutbezahl, offered an amendment to the motion to look at a third location at any spot previously identified by the Recreation Department at the August 30 Fields Forum, the amendment was seconded by D. Watkins.

D. Watkins further amended the motion to determine a third location for a field for the purpose of building a grass field and determine its feasibility focused on the list of fields provided by the Recreation Commission at the latest fields forum. T. Fay clarified that the intent of the motion was to explore the list of fields provided, and possibly others to identify a third location, and that motion was to authorize the chair to wordsmith the article language.

D. Watkins withdrew the initial motion, A. Gutbezahl withdrew his amendments.

D. Watkins moved to allocate \$65,000 for the purpose of supporting a feasibility study for a third location for a grass field and site in and amongst fields that were reported on in the August 30 Board Meeting provided by the Recreation Department Director, Katherine Brenna, but not limited to those sites, A. Gutbezahl seconded the motion. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: C. Karlson. ABSENT: none. ABSTAIN: none. Adopted 4-1-0. C. Karlson expressed support for a third field, but reiterated that there was not enough information or resources to move forward now.

A5. Adjourn: At 9:30 p.m., C. Martin moved, seconded by D. Watkins, to adjourn the meeting. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items included in the packet during the Board of Selectmen Meeting of September 1, 2021:

1. There were none.

Items Distributed For Information and Use By the Board during the Meeting of September 1, 2021 Otherwise Not Included In The Packet (Handouts):

1. PFAS Update, PowerPoint presentation prepared by Town Administrator dated September 1, 2021



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BOARD OF SELECTMEN
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DRAFT Meeting Minutes
BOARD OF SELECTMEN
Thursday, September 2, 2021
9:00 a.m.
Wayland Town Building
All Remote
41 Cochituate Road, Wayland, MA

Attendance: Thomas J. Fay, Adam G. Gutbezahl, Cherry C. Karlson, Carol B. Martin, David V. Watkins

Also Present: Town Administrator Louise Miller, Assistant Town Administrator John Bugbee, IT Director Mike McCann

A1. Call to Order by Chair, Review the Agenda for Public: At 9:00 a.m., T. Fay called the meeting of the Board of Selectmen to order when a quorum was present by video-teleconference. T. Fay announced each member by full name and stated that all would participate remotely by video-teleconference. No in person attendance is permitted; public comment will be taken via Zoom. T. Fay reviewed the agenda for the public.

A2. Announcements and Public Comment: There were no announcements from the Board.

Janot Mendler de Suarez, Orchard Lane, expressed concern that the Recreation department is including the Orchard Lane school site as a potential location for a field. She questions the legality of using the site for recreation purposes when the land donation was specifically for a school site.

A3. 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; Local 690 Wayland-1 American Federation of State, County and Municipal Employees (AFSCME 690 Wayland -1); Local 690 Wayland – 2 American Federation of State, County, and Municipal Employees (AFSCME 690 – 2); II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with all bargaining units pursuant to the Public Employee Committee (PEC) agreement; III. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation related to David Bernstein v. Planning Board of Wayland; IV. 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; V. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of August 9, 2021 and August 21, 2021, Approve and Hold: Executive Session minutes of August 9, 2021 and August 21, 2021:

At 9:03 a.m., Chair T. Fay moved, seconded by D. Watkins, 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; International Association of Firefighters; Local 690 Wayland-1 American Federation of State, County and Municipal Employees (AFSCME 690 Wayland -1); Local 690 Wayland – 2 American Federation of State, County, and Municipal Employees; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with all bargaining units pursuant to the Public Employee Committee (PEC) agreement; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation related to David Bernstein v. Planning Board of Wayland; 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; and pursuant to Massachusetts

General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of August 9 and August 21, 2021, with the intent to approve and hold said executive session minutes.

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, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: None. ABSTAIN: none. Adopted 5-0.

T. Fay invited attendance by Town Administrator L. Miller, Assistant Town Administrator John Bugbee, and IT Director Mike McCann. T. Fay announced that the Board would not reconvene in open session and would that the Board would adjourn from executive session.

The Board took a five-minute recess before entering executive session. The WayCAM recording continued.

A2. Announcements, continued: T. Fay returned to the Announcements portion of the agenda to allow L. Miller to address the Board. L. Miller updated the Board on two events that happened last night due to the heavy rains. The Snake Brook dam may have overflowed with the excess of water. Information is still coming in. The High School turf field was flooded again. Staff is on hand this morning and in efforts to help the water recede, there was migration of some crumb rubber. The Conservation Agent, DPW Director, Public Buildings Director and engineering firm are on site now. L. Miller will keep the Board updated as the day progresses.

L. Miller addressed issues raised during yesterday's joint meeting with the Board of Public Works. She clarified how working groups are used in an interdisciplinary approach to issues. In this instance, board members were included in the PFAS staff working group. Working groups deal with preliminary information that is not yet public and are an effort to bring real time information to the group for better advice. L. Miller noted that working in municipal government is a public situation, and residents and volunteers have the right to ask questions and request information. She hopes that all will remember that everyone is working toward the same goal and hoping that we work together as a team.

During the joint meeting on PFAS yesterday, the timeline of remediation was questioned. L. Miller reminded the Board of the interdependencies and multiple parties involved in the remediation project including the contract and purchase order process. A timeline was created to inform and set goals for the project. It was not meant to be the standard of performance.

L. Miller addressed the work atmosphere in Wayland for staff and volunteers. The work environment does not promote high morale. When L. Miller started in Wayland, staff morale was very low. She has worked hard to bring staff together through feedback and events. However, unfortunately, the tone of public discourse, the tone and statements made about town staff and by board members to each other are unprofessional and unacceptable. All volunteers are part of the professional organization of Wayland, and we should view each other as colleagues. The Town should think through how it would operate without key staff; low morale leads to turnover. It is difficult to fill municipal positions in general and specifically in Wayland.

L. Miller spoke to the knowledge, experience, education and expertise of staff. Volunteers bring their knowledge and expertise as well in conjunction with the work being done by the staff, not in lieu of the staff. She asked that volunteers/boards bring their own knowledge base to the decision being made – probe, question, ask for more data – but do not deny or denigrate staff expertise or knowledge. She suggests that boards engage in discussion regarding the data and leverage the abilities of all – residents and staff.

L. Miller asked that the Board begin productive discussions of how the Town can come together and view the government as the pathway to achieve a better Wayland. Not as an opponent, but a ways to reach the goals of board members and residents. The Town Administrator asked the Board of Selectmen, as the chief executive body in Wayland, to work with her to achieve this. She remains hopeful that we can achieve this.

T. Fay asked Board members to hold their comments until a future meeting. The Board went into executive session at 9:22 a.m.

A4. Adjourn: The Board adjourned from executive session at 10:30 a.m.

Items included in the packet during the Board of Selectmen Meeting of September 2, 2021:

There were none.

BOARD OF SELECTMEN
Monday, September 13, 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 accepting Federal Emergency Management Agency's Assistance to Firefighters Grant in the amount of \$43,333.00
4. Vote the question of accepting the Sudbury Valley Trustee's grant in the amount of \$2,333.00 for the purchase of panels at Conservation sites.
5. Vote the question of approving and signing Task Order no. 17 of contract agreement number 18-2005 with Tata & Howard for On-Call Engineering services related to Sedgemeadow Road Water Main Construction Administration Services.
6. Vote the question of approving invoice #132767 from KP Law for Professional Legal Services for the month of July 2021 in the amount of \$6,332.67
7. Vote the question of approving invoice #132768 from KP Law for Professional Legal Services for the month of July 2021 in the amount of \$120.00
8. Vote the question of approving and signing the Local Action Units Application for 81 West Plain Street to be submitted to the Department of Housing and Community Development.
9. Vote the question of ratifying the Town Administrator's signature on Contract No. 21-1020 with Clean Harbors Environmental Services, Inc. for services provided for Household Hazardous Waste Day held September 11, 2021.
10. Vote the question of approving a one-time discount for renewal of certain licenses for 2022 (listing provided).
11. Vote the question of accepting and expending earmark in the amount of \$15,000.00 for the purposes of hiring a consultant for zoning of outdoor dining assistance.
12. Vote the question of approving and signing Intermunicipal Agreement with the Towns of Sudbury, Lincoln, Bedford, Concord, and Carlisle for a cross-jurisdictional public health services sharing program.

BOARD OF SELECTMEN
Monday, September 13, 2021
7:00 pm
Wayland Town Building
41 Cochituate Road, Wayland, MA

CORRESPONDENCE

1. Correspondence from Katherine Schreiber to Wayland Town Clerk dated September 2, 2021 re: resignation from Conservation Commission, Design Review Advisory Board and Rte 20 South Landfill Visioning Committee.
2. Correspondence between Michael Lowery, Board of Selectmen and Town Administrator dated August 25, 2021 re: High School Stadium Crumb Rubber Migration due to recent torrential rain storms.
3. Correspondence between Glenn Davis, Board of Selectmen and Town Administrator's Office dated September 7, 2021 re: Request for Clarification regarding the ZBA permit application process for the Loker Field project.
4. Correspondence from Michael Lowery to Board of Selectmen dated August 28, 2021 re: High School Stadium Crumb Rubber Migration due to recent torrential rain storms.
5. Correspondence from Paul Dale to Board of Selectmen dated August 29, 2021 re: Public statement regarding the rationale for calling Special Town Meeting
6. Correspondence between Judy Ling and Board of Selectmen dated August 30, 2021 re: updated PFAS Test Results at the Monitoring Wells
7. Correspondence from Jessie Villatoro, WTA President to Board of Selectmen dated August 31, 2021 re: Concerns regarding the School Buildings.
8. Correspondence from Tom Sciacca to Board of Selectmen dated September 3, 2021 re: Link to presentation on the history of Flooding in Wayland from 1600s to present.
9. Correspondence between Jerry Tempesta and Town Administrator dated September 5, 2021 re: Snake Brook Dam Emergency Event and the need to access Dam through residential property.
10. Correspondence between Judy Ling and Board of Selectmen dated September 3, 2021 re: a Thank you and notice for the publication of PFAS Test Results at the Monitoring Wells on the Website.