

**PACKET**

**AUGUST 8**

**7:00 PM**



STEPHEN CRANE  
ACTING TOWN MANAGER  
TEL. (508) 358-3620  
www.wayland.ma.us

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## SELECT BOARD

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

**SELECT BOARD**  
**Monday, August 8, 2022**  
**7:00 p.m.**  
**Wayland Town Building, ZOOM**  
**41 Cochituate Road, Wayland, MA**

### Agenda

*Note: Items may not be discussed in the order listed or at the specific time estimated. Times are approximate. All topics may be subject to deliberation and vote*

One may watch or may participate remotely with the meeting link that can be found at <https://www.wayland.ma.us/public-body-meeting-information-virtual-inperson-and-hybrid>.

Pursuant to Chapter 107 of the Acts of 2022, this meeting will be conducted via remote participation. No in person attendance by members of the public will be permitted. This meeting may be recorded which will be made available to the public on WayCAM as soon after the meeting as is practicable.

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 accessing the meeting remotely, as noted above. We request public comment be limited to two minutes per person.

- |         |  |
|---------|--|
| 7:00 pm | 1. Call to Order, Review Agenda for Public   |
| 7:02 pm | 2. Announcements and Public Comment  |
| 7:10 pm | 3. Consent Calendar: review and vote approve   |
| 7:15 pm | 4. National Grid Grant of Location Hearing: 40-60 Shermans Bridge Road.<br>a. Petitioners request permission to install approximately 1840 feet of 4-inch Plastic from 40 to 66 Shermans Bridge Rd Wayland. Tie-in to existing 4-inch-Plastic from the intersection of Shermans Bridge and Oxbow Roads to approximately 66 Shermans Bridge Rd near the Wayland/Sudbury town-line. Relay services off Shermans Bridge Rd with Plastic services (5 anticipated: 40, 45, 47, 51, 66). |
| 7:35 pm | 5. Community Choice Aggregation of Electricity: presentation by Energy & Climate Committee and consultant Peregrine Energy; Board discussion and decisions on program name, categories for energy supply and name, operational adder   |
| 8:05 pm | 6. Appointments to Committees: Vote to confirm appointment of the following volunteers:  |

WAYLAND TOWN CLERK  
2022 AUG -4 PM 1:00

**SELECT BOARD**  
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<u>Committee</u>	<u>Potential Appointee</u>	<u>Term End Date</u>
Youth Advisory Committee	Brenda Ross	June 30, 2025

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

<u>Committee</u>	<u>Potential Appointee</u>	<u>Term End Date</u>
Zoning Board of Appeals	James Grumbach	1 Associate Member June 30, 2024
<i>3 Vacancies</i>	Thomas White	1 Associate Member June 30, 2025
	Duane Galbi	1 Full Member June 30, 2025
	Doug Levine	

- |         |   |
|---------|---|
| 8:30 pm | 7. 2022 Massachusetts State Primary & General Election: Polling Places: discussion and potential designation of the Town Building (precincts 1 & 4) and the Middle School (precincts 2 & 3) as the two polling locations  |
| 8:40 pm | 8. VOTES Act: Discussion and decision on assigning police detail at polling locations, per new law.   |
| 8:45 pm | 9. Preservation Act Grant Agreement for 89 Oxbow : discussion and potential approval of Agreement   |
| 8:50 pm | 10. Fence Viewing report: discussion and next steps   |
| 9:00 pm | 11. Annual Town Meeting 2023: process to select dates, discussion of weekend vs weeknight scheduling  |
| 9:15 pm | 12. Select Board Policies: discussion of plan to update, creation of financial policies   |
| 9:30 pm | 13. Town Manager Report: <ul style="list-style-type: none"> <li>a. 195 Main Street-update on PMBC report</li> <li>b. Bus parking-update on Planning Board meeting, next steps</li> <li>c. Hiring Update</li> <li>d. Personnel policies and employee handbook</li> <li>e. Private road snow plow appeal</li> <li>f. Work of Public Relations firm</li> </ul> |

**SELECT BOARD**  
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- 10:00 pm      14. Creation of Select Board Sub-committees:
- a. Finance Committee Appointment Study Group Sub-committee: review and approve charge; appoint two Select Board members
  - b. Capital Asset Planning Sub-committee: review and approve charge; appoint members
- 10:20 pm      15. Open Meeting Law: George Harris request for unredacted executive session minutes related to Duane Galbi v. Town of Wayland
- 10:25 pm      16. 51 Knollwood Lane: discussion and authorize the Acting Town Manager to sign license agreement; discussion of potential ATM article to relinquish or abandon
- 10:35 pm      17. Scenic Road Application; 202 Glezen Road: discuss and provide comments on application, if any
- 10:40 pm      18. Minutes:
- a. Review and vote to approve the minutes of July 18, 2022
  - b. Executive Session Minutes: vote to release with redactions the executive session minutes related to discussing strategy with respect to the Public Employee Committee (PEC) agreement: April 26, 2021, June 14, 2021, September 2, 2021, October 4, 2021, October 18, 2021, December 13, 2021, December 20, 2021, January 3, 2022, January 10, 2022, January 18, 2022, and March 14, 2022.
- 10:45 pm      19. Review Correspondence
- 10:50 pm      20. Select Board Members' Reports and Concerns
- 11:00 pm      21. Topics not Reasonably Anticipated by the Chair 48 hours in advance, if any
- 11:05 pm      22. Adjourn



**SELECT BOARD**  
**Monday, August 8, 2022**  
**7:00 p.m.**  
**Wayland Town Building, ZOOM**  
**41 Cochituate Road, Wayland, MA**

**CONSENT CALENDAR**

1. Vote the question of approving Change Order No. 5 for the Loker Elementary School Roof Replacement Project in the amount of \$215,709.81 with Contractor Tower Construction Corp. and engineer Tighe Bond. This Change Order will include "required scope for the electrical and HVAC improvements noted in RFP #2 and Change Order #4." The appropriation number is 41407948, the line item is 55480, and the project number is 3879.
2. Vote to ratify the contract with SHI International Corp. in the amount of \$106,323.01 to purchase public safety software called IMC for the Wayland Police Department.



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## Town of Wayland SELECT BOARD

### Public Hearing

The Wayland Select Board will hold a Public Hearing that can be viewed remotely on Zoom on Monday, August 8, 2022 beginning approximately at 7:15 PM regarding the following:

**7:15 PM. National Grid Grant of Location, 40-66 Shermans Bridge Road**

- a)  Petitioners request permission to Install approximately 1840 feet of 4-inch Plastic from 40 to 66 Shermans Bridge Rd Wayland. Tie-in to existing 4-inch-Plastic from the intersection of Shermans Bridge and Oxbow Roads to approximately 66 Shermans Bridge Rd near the Wayland/Sudbury town-line. Relay services off Shermans Bridge Rd with Plastic services (5 anticipated: 40, 45, 47, 51, 66).

Copies of the plans are available for public review on line at

<https://www.wayland.ma.us/select-board>

Zoom link can also be found above under the agendas. Reasonable accommodations and audio-visual aids and services will be available upon request.

The public is invited to attend remotely and give questions and comments.

Cherry C. Karlson  
Chair, Wayland Select Board

**PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS**

**Town of Wayland / Board of Selectmen:**

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **Town of Wayland** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

**Install approximately 1840 feet of 4-inch Plastic from 40 to 66 Shermans Bridge Rd Wayland. Tie-in to existing 4-inch-Plastic from the intersection of Shermans Bridge and Oxbow Roads to approximately 66 Shermans Bridge Rd near the Wayland/Sudbury town-line. Relay services off Shermans Bridge Rd with Plastic services (5 anticipated: 40, 45, 47, 51, 66).**

Date: May 25, 2022

By: \_\_\_\_\_  
Mary Mulroney  
Permit Representative

**Town of Wayland / Board of Selectmen:**

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **Town of Wayland** substantially as described in the petition date May 25, 2022 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **Town of Wayland** applicable to the enjoyment of said locations and rights.

Date this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I hereby certify that the foregoing order was duly adopted by the \_\_\_\_\_ of the City of \_\_\_\_\_, MA on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_

\_\_\_\_\_  
Title

**WO # 1465076**

**RETURN ORIGINAL TO THE PERMIT SECTION  
NATIONAL GRID  
40 SYLVAN RD, WALTHAM, MA 02451  
RETAIN DUPLICATE FOR YOUR RECORDS**





**BOARD OF PUBLIC WORKS**  
TOWN OF WAYLAND

*Entrusted To  
Manage The  
Public  
Infrastructure*

Cliff Lewis  
*Chair*

Mike Wegerbauer  
*Vice Chair*

Robert Goldsmith  
*Member*

Sherre Greenbaum  
*Member*

Michael Lowery  
*Member*

TO: Select Board

FROM: Board of Public Works

DATE: June 21, 2022

COPY: File

**RE: National Grid – Grant of Location for Gas Line Install on Shermans Bridge Road**

The purpose of this writing is for the Board of Public Works to provide a recommendation to the Select Board relative to the attached request from National Grid for a Grant of Location for a Gas Line with Services to be located within the Town Right-of-Way on Shermans Bridge Road from Oxbow Road westerly to near Town Line.

Department of Public Works staff have reviewed this request and find that this proposed gas line and services will not overly impede the use, operation and/or maintenance of the Town's Right-of-Way. It finds that these proposed lines are located in a manner to be consistent with other gas lines located in this subject vicinity. The Wayland Fire Department also finds this proposed work to be consistent with typical gas line installation.

It is with the above information that the Board of Public Works voted and recommends that the Select Board grant this location to National Grid for the installation of this proposed Gas Line with Services.

On \_\_\_\_\_ the Board of Public Works voted \_\_\_\_\_ to recommend to the Select Board that they grant the PETITION OF BOSTON GAS COMPANY dba NATIONAL GRID FOR LOCATIONS FOR DISTRIBUTION LINES as described in the attachments to this memo.

\_\_\_\_\_  
Cliff Lewis, Chair

\_\_\_\_\_  
Date

Attachments: National Grid Grant of Location Petition  
National Grid Plans (Sheets 5 & 6) on Shermans Bridge Road

HIGHWAY – WATER – PARKS – CEMETERIES – TRANSFER STATION – ENGINEERING

DPW FACILITY | 66 RIVER ROAD | WAYLAND, MASSACHUSETTS 01778 | TEL 508-358-3672


**PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS**

**Town of Wayland / Board of Selectmen:**

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **Town of Wayland** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

**Install approximately 1840 feet of 4-inch Plastic from 40 to 66 Shermans Bridge Rd Wayland. Tie-in to existing 4-inch-Plastic from the intersection of Shermans Bridge and Oxbow Roads to approximately 66 Shermans Bridge Rd near the Wayland/Sudbury town-line. Relay services off Shermans Bridge Rd with Plastic services (5 anticipated: 40, 45, 47, 51, 66).**

Date: May 25, 2022

By:   
Mary Mulroney  
Permit Representative

**Town of Wayland / Board of Selectmen:**

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **Town of Wayland** substantially as described in the petition date May 25, 2022 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **Town of Concord** applicable to the enjoyment of said locations and rights.  
*Wayland*

Date this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

I hereby certify that the foregoing order was duly adopted by the \_\_\_\_\_ of the City of \_\_\_\_\_, MA on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_

**RECEIVED**

Title

**MAY 25 2022**

Board of Selectmen  
Town of Wayland

**WO # 1465076**

**RETURN ORIGINAL TO THE PERMIT SECTION  
NATIONAL GRID  
40 SYLVAN RD, WALTHAM, MA 02451  
RETAIN DUPLICATE FOR YOUR RECORDS**



**BOARD OF PUBLIC WORKS**  
TOWN OF WAYLAND

*Entrusted To  
Manage The  
Public  
Infrastructure*

Cliff Lewis  
*Chair*

Mike Wegerbauer  
*Vice Chair*

Robert Goldsmith  
*Member*

Sherre Greenbaum  
*Member*

Michael Lowery  
*Member*

TO: Select Board

FROM: Board of Public Works

DATE: June 21, 2022

COPY: File

**RE: National Grid – Grant of Location for Gas Line Install on Shermans Bridge Road**

The purpose of this writing is for the Board of Public Works to provide a recommendation to the Select Board relative to the attached request from National Grid for a Grant of Location for a Gas Line with Services to be located within the Town Right-of-Way on Shermans Bridge Road from Oxbow Road westerly to near Town Line.

Department of Public Works staff have reviewed this request and find that this proposed gas line and services will not overly impede the use, operation and/or maintenance of the Town's Right-of-Way. It finds that these proposed lines are located in a manner to be consistent with other gas lines located in this subject vicinity. The Wayland Fire Department also finds this proposed work to be consistent with typical gas line installation.

It is with the above information that the Board of Public Works voted and recommends that the Select Board grant this location to National Grid for the installation of this proposed Gas Line with Services.

On 6.21.22 the Board of Public Works voted 5-0 to recommend to the Select Board that they grant the PETITION OF BOSTON GAS COMPANY dba NATIONAL GRID FOR LOCATIONS FOR DISTRIBUTION LINES as described in the attachments to this memo.

  
Cliff Lewis, Chair

6/23/22  
Date

Attachments: National Grid Grant of Location Petition  
National Grid Plans (Sheets 5 & 6) on Shermans Bridge Road

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



DEPARTMENT OF PUBLIC WORKS

*Entrusted To  
Manage The  
Public  
Infrastructure*

Thomas Holder  
*Director*

Anita Martin  
*Business Manager*

Joseph Doucette  
*Superintendent*

Don Millette  
*Superintendent*

Mark MacLean  
*Town Engineer*

June 21, 2022

National Grid – Permits Section  
40 Sylvan Rd.  
Waltham, MA 02451  
ATTN: Ms. Mary Mulroney

Dear Ms. Mulroney,

This letter is in response to three (3) gas permit applications submitted recently by your office:

- W.O. # 1465076 (1,840' of proposed plastic gas main on Sherman's Bridge Road – from #66 S.B. Rd. to Oxbow Rd.)
- W.O. # 1381182 (1,300' of proposed plastic gas main on Concord Rd. – from #162 Concord Rd. to near #112 Glezen Lane)
- W.O. # 1381225 (455' of proposed plastic gas main on Concord Rd. – from #322 Concord Rd. to Oxbow Rd. intersection)

The Wayland DPW and National Grid have come to a mutual agreement regarding the first permit mentioned above (W.O. # 1465076), and it is anticipated that the proposed Sherman's Bridge Road gas main will be installed sometime in the summer of 2022.

However, plans for both permit requests on Concord Road (W.O. #s 1381182 & 1381225), show the proposed gas main located too close to existing Town water mains. The Town requires a ten-foot (10') separation between utilities.

Please feel free to contact us if any questions come up during any redesign process for W.O. #s 1381182 & 1381225.

Sincerely,

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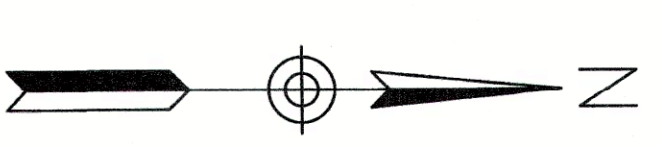
Mark MacLean, P.E.  
Town Engineer



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

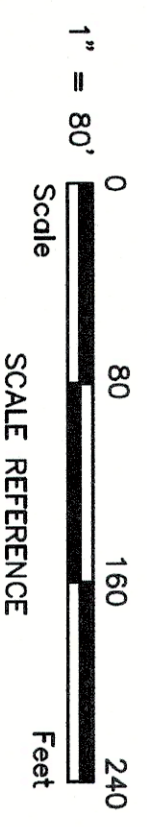
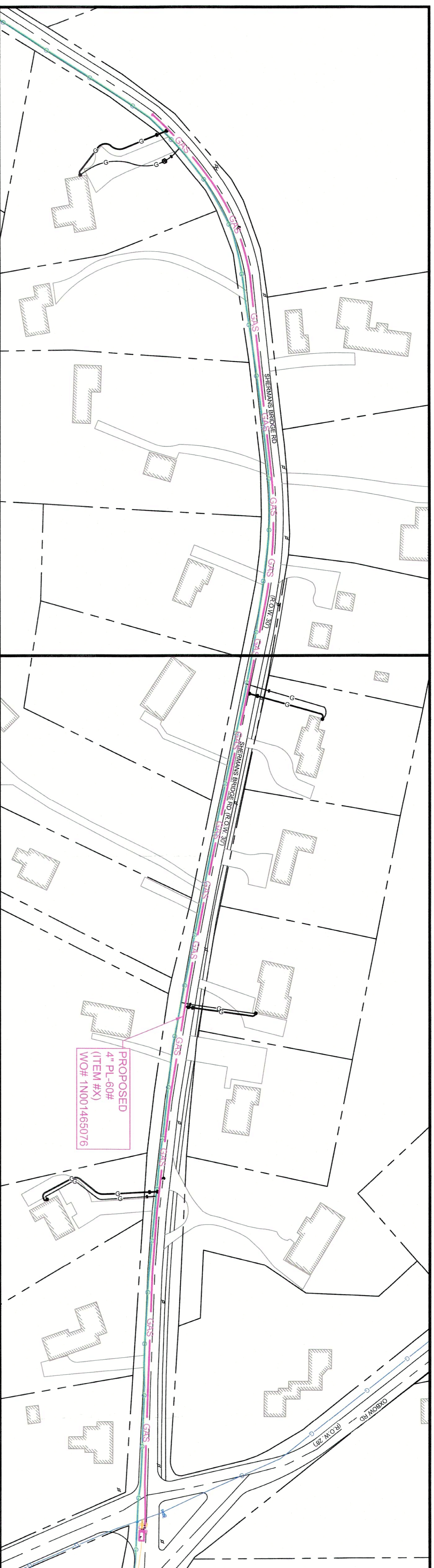
DPW FACILITY | 66 RIVER ROAD | WAYLAND, MASSACHUSETTS 01778 | TEL 508-358-3672





SHEET 05

SHEET 06



BOSTON GAS COMPANY  
d/b/a  
**nationalgrid**  
40 SULLIVAN ROAD  
WALTHAM, MA 02451

30%

REV. STAMP

NO.	DESCRIPTION	DATE	DRN BY	CHK BY	APP BY

40-66 SHERMAN'S BRIDGE ROAD  
GAS DISTRIBUTION MAIN REPLACEMENT  
SHERMAN'S BRIDGE ROAD  
WAYLAND, MA

**OVERALL SCOPE OF WORK**

DESIGNER	ENGINEER	DATE	ASSET ID	W.G. NO.
DOS COMPANIES	J. BUTEVITCH	4/13/2022	-	1N001465076

PAGE 04 OF 10	SHEET NO.
DRAWING NO.	04
C-001	













# Community Choice Aggregation for Wayland, MA

**Wayland Select Board Meeting  
August 8, 2022**

MASS  
**POWERChoice**

# Agenda

- ▶ Background
- ▶ Typical program timeline
- ▶ Key decisions
- ▶ Next steps

# Background

- ▶ Community Choice Aggregation (CCA) is a form of group electricity purchasing. CCA is authorized by state law and regulated by the state Department of Public Utilities (DPU).
- ▶ More than 150 Massachusetts communities have CCA programs, including Newton, Natick, Sudbury, Lincoln, Lexington, Worcester and Boston.
- ▶ Wayland Town Meeting authorized CCA in May 2021.
- ▶ The next step is to prepare a CCA plan for approval by the DPU. In order to prepare the plan, the Town must make a few decisions.
- ▶ The purpose of this presentation is to request those decisions.

# Key Wayland decisions for DPU filing

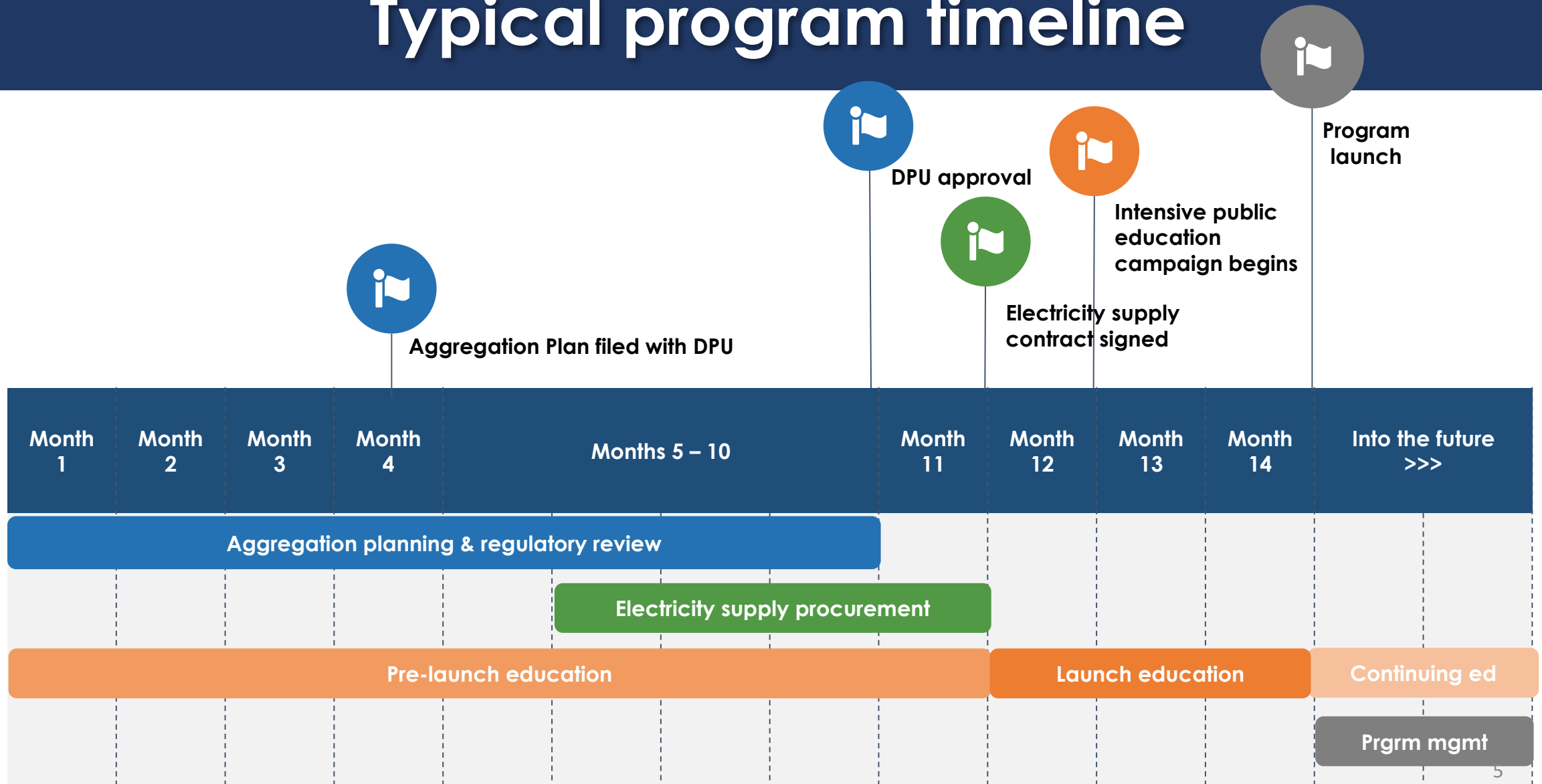
- ▶ **Program Name** – Wayland Electricity Choice
- ▶ **Program structure and option names.** We plan to follow a standard approach that is used by many other towns.
- ▶ Whether include authorization to collect an **operational adder** in the Aggregation Plan.

An operational adder is a small fee (roughly 65 cents per month per customer) that is added to the program price and which can be used to fund program-related expenses, such as providing salary support for our sustainability manager.

Including an adder in the Aggregation Plan gives Wayland the option to collect this fee, but it does not require Wayland to collect it.



# Typical program timeline



# Program name

Wayland needs to choose a program name, which will be used to refer to the program in the Aggregation Plan and in public education materials.

Most program names include some combination of words that incorporate the ideas of electricity or energy, choices, and some connection to the community.

The Energy and Climate Committee recommends: **Wayland Electricity Choice**

# Program structure and option names

Wayland can use aggregation to **increase the amount of renewable electricity** in the community's electricity supply and reduce the Town's carbon footprint

The program can offer the public a range of offerings, each with a different amount of renewable electricity and price. **The Energy and Climate Committee recommends the following structure and names.**

**This three-offering structure is similar to the approach used by other towns/cities:**

## Wayland Standard Green

### *Default offering*

Some additional renewable electricity above minimum state requirements\*

## Wayland 100% Green

### *Option*

100% renewable electricity

## Wayland Economy

### *Option*

No additional renewable electricity above minimum state requirements

\* The exact amount of renewable energy in the Standard will be decided when the Town gets price bids from suppliers

# Funding for the town

Wayland can collect a small fee through the program. The fee is known as an **operational adder**.

**The Energy and Climate Committee recommends that the Town request authorization from the DPU to collect an operational adder.** An operational adder can be used to fund program-related expenses, such as providing salary support for an energy/sustainability manager and expanded public education.

The adder is included in the price of electricity. It is typically 0.1¢ per kilowatt-hour, which comes to approximately 65¢ per month for an average residential customer. It would generate about \$50,000 per year for the Town.

The authorization would give Wayland the option to collect the adder, but it would not require Wayland to collect it. Wayland will decide at a later date whether to collect the adder.

# Next steps

- ▶ The Select Board's decisions will be reflected in the **CCA Plan** and other required program documents, which include:
  - ▶ Education & Outreach Plan
  - ▶ Exemplar automatic enrollment notification letter
  - ▶ Model electricity supply agreement
- ▶ The CCA Plan and related documents will be presented to the public for comment
- ▶ The final document versions will be filed with the DPU for review and approval
- ▶ After DPU approval, the Town will select an electricity supplier and launch the program

# Key Wayland decisions for DPU filing

The Wayland Energy and Climate Committee requests that the Select Board endorse the committee's recommendations:

▶ **Program Name:** Wayland Electricity Choice

▶ **Program structure and option names:** A three-offering structure using the names:

Wayland Standard Green

Wayland 100% Green

Wayland Economy

▶ **Funding for the town:** Authorization that gives Wayland the option to collect an operational adder, but it does not require Wayland to collect it.

**Questions / Other items?**

**Town of Wayland  
Board/Committee Appointments  
Status as of July 29, 2022**

Most volunteer positions have a term that ends on June 30. All positions with openings as of July 1, 2022 are listed below. Incumbents may reapply, and all interested volunteers will be considered.

The Board of Selectmen will interview, as needed, and appoint during June and July. 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 Chris Costello at ccostello@wayland.ma.us. All positions are appointed by the Board of Selectmen unless otherwise noted.

<b>Committee</b>	<b>Term Ending Date</b>
<b>Audit Committee</b>	
School Committee	June 30, 2025
<b>Community Preservation Committee</b>	
Select Board	June 30, 2025
Historical Commission	June 30, 2025
<b>Cultural Council</b> (multiple positions)	June 30, 2025
<b>Design Review Advisory Board</b>	
Planning Board	June 30, 2024
<b>Economic Development Committee</b>	
<b>Historic District Commission</b>	
Full Member	June 30, 2025
Alternate Member	June 30, 2025
<b>Human rights, Diversity, Equity, and inclusion</b>	
Non-voting member (4 Positions)	June 30, 2024
Voting Member	June 30, 2024
Voting Member	June 30, 2023
<b>Municipal Affordable Housing Trust Fund Board</b>	
<b>MWRTA Regional Transportation Authority</b>	
<b>Planning Board</b>	
Associate Member (Select Board and Planning Board Joint Appointment)	Annual Town Meeting, 2023
<b>Senior Tax Relief committee</b>	



Select Board June 30, 2025

Finance Committee June 30, 2025

**Youth Advisory committee**

Select Board June 30, 2025

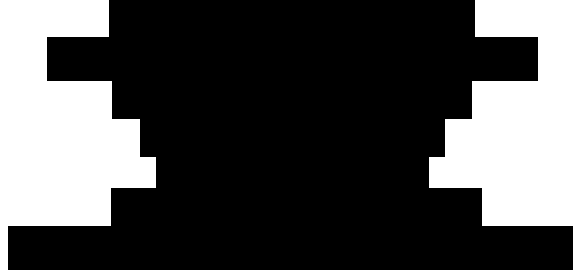
**Zoning Board of Appeals**

1 Position (Associate Member) June 30, 2024

1 Position (Associate Member) June 30, 2025

1 Position (Full Member) June 30, 2025

**JAMES EDWARD GRUMBACH  
BOSTON LAW COLLABORATIVE, LLC**



**EDUCATION**

BOSTON UNIVERSITY SCHOOL OF LAW, Boston, MA, J.D. 1977

YALE UNIVERSITY, New Haven, CT, A.B. (History of Art) 1973

**LEGAL  
EXPERIENCE**

BOSTON LAW COLLABORATIVE, LLC

Of Counsel: litigation, mediation, general representation (Since December 2015)

WILCHINS COSENTINO & FRIEND, LLP

Of Counsel: litigation, mediation, general representation (February 2013 through November 2015)

SEEGEL LIPSHUTZ & WILCHINS, LLP

Of Counsel: litigation, mediation, general representation (March 2009 to February 2013)

GRUMBACH & ROYAL, LLC

Partner: litigation, mediation, general representation (2007 to March 2009)

ROTHENBERG, ESTNER, ORSI, ARONE & GRUMBACH, LLP

Partner: litigation, mediation, general representation (2002 to 2007)

ZIMBLE & BRETTLER, LLP

Partner: litigation, mediation, general representation (1996 to 2002)

GARGILL, SASSOON & RUDOLPH, Boston, MA

Of Counsel: litigation, mediation, general representation (1993 to 1996)

SERINO, LEY, YOUNG & GRUMBACH, Boston, MA

Partner: litigation, mediation, general representation (1989 to 1993)

MORRISON, MAHONEY & MILLER, Boston, MA

Head of commercial litigation (1986 to 1989)

Litigation partner (1982 to 1989)

Litigation associate (1977 to 1982)

Trials, jury and non-jury, in state and federal courts; real estate and commercial representation

VOLUNTEER LAWYERS PROJECT, Boston, MA

Volunteer attorney (1977 to present)

**ADR  
EXPERIENCE**

COMMUNITY DISPUTE SETTLEMENT CENTER (formerly known as  
Cambridge Dispute Settlement Center)

Cambridge, MA

Volunteer mediator (1979 to present)

President (1988 to 1995)

President Emeritus, board member and board of advisors (1995 to present)

Community, neighborhood and family disputes

SUFFOLK SUPERIOR COURT, Boston, MA

Mediator and Case Evaluator (beginning 1990)

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

Mediator (1990)

MIDDLESEX SUPERIOR COURT MULTI-DOOR COURTHOUSE

Mediator and Case Evaluator (beginning 1990)

NORFOLK SUPERIOR COURT, Dedham, MA

Mediator (beginning 1992)

WORCESTER SUPERIOR COURT MULTI-DOOR COURTHOUSE

Mediator (beginning 1996)

AMERICAN ARBITRATION ASSOCIATION, Boston, MA

Mediation and arbitration panel member (beginning 1988)

U.S. ARBITRATION AND MEDIATION OF NEW ENGLAND, INC.,  
Boston, MA

Mediation and arbitration panel member (beginning 1991)

ADR/EQUIMAR, INC., Boston, MA

Mediation and arbitration panel member (beginning 1992)

NATIONAL ARBITRATION AND MEDIATION, INC., N. Easton, MA  
Mediation and arbitration panel member (beginning 2003)

CASE CLOSED, Natick, MA  
Mediation and arbitration panel member (2006 to present)

NORTHEAST MEDIATION AND ARBITRATION, INC., Quincy, MA  
Mediation and arbitration panel member (beginning 2007)

NEW ENGLAND DISPUTE RESOLUTION, Roslindale, MA  
Mediation and arbitration panel member (2008 to present)

BOSTON LAW COLLABORATIVE, Boston, MA  
Severance Appeal Hearing Officer and panelist (beginning 2007)

#### OTHER

Presenter and participant at numerous seminars  
Member of various screening panels for new mediators

#### **PROFESSIONAL AFFILIATIONS**

##### BAR MEMBERSHIPS

Massachusetts (since 1977)  
U. S. District Court, District of MA (since 1978)  
U. S. Court of Appeals, First Circuit (since 1980)

##### ASSOCIATION MEMBERSHIPS

Massachusetts Bar Association  
American Association for Justice  
Massachusetts Academy of Trial Attorneys  
Association for Conflict Resolution  
American Board of Trial Advocates (Massachusetts chapter)  
Frank Murray Inn of Courts

##### MISCELLANEOUS

Town of Wayland, Zoning Board of Appeals (associate member, regular member, chairman)(1999 to 2009, 2017 to present)  
Town of Wayland, Economic Development Committee (member)(2013-2017)  
Massachusetts Association of Public Insurance Adjusters, Executive Director (2005-2018)

#### **PUBLICATIONS**

Co-author of Massachusetts Procedure, *Alternative Dispute Resolution* (Shubow, Grillo, Grumbach & Stedman), West Group 1997. Reprinted in *Massachusetts Tort Law Manual* (1999).

Contributing author of *Massachusetts Tort Law Manual*, chapter 21,

Mediation, MCLE 1999 and revisions.

Contributing author of *Winning Through Settlement*, chapter 3, Settling the Case (Alternative Dispute Resolution), MCLE 2001.

Author of *A Practical Approach to Arbitration Under the Massachusetts Statute, G.L. c. 251*, Massachusetts Law Review, Vol. 94, No. 1 (September 2011).

REFERENCES AVAILABLE ON REQUEST

Name: Duane Galbi

Address:

Contact phone #:

contact email:

Board interested in: ZBA

time to dedicate to the board: I have sufficient time to dedicate to the board.

Statement:

I believe I can bring expertise and diversity of experience to the board.

Over the past few years, dealing with a potential cell tower in my neighborhood, I have developed expertise and experience with general zoning law as well as the specific Wayland zoning bylaws. I respect the existing zoning laws, the ability for the ZBA to make exceptions to the zoning bylaws, and the ability of people to appeal the ZBA decisions. I believe the ZBA has the unique charter to find a way to balance these in way which reduces the burden to the town, the people applying for a zoning exception, and the people affected by the zoning exception.

Dear Madam Chair and Mr. Costello:

I write to submit my candidacy for consideration as an associate member on the Wayland Zoning Board of Appeals. Having spoken with several members of the ZBA, it appears that my professional and volunteer experience would bring a helpful perspective to the Board. As an appointed and elected member on a number of our Town's boards and committees over the last several years, including the Select Board, and having served as an attorney in the public sector for two decades, I can bring a set of skills and understanding that will hopefully prove to be a meaningful contribution to the ZBA.

I was fortunate to have had substantive discussions recently with members of the ZBA, including the Chairman, to learn more about the work undertaken by the Board, its best practices, as well as the inevitable challenges that may arise on occasion. I gained a deeper understanding for the important charge ascribed to the members who operate as a quasi-judicial Board directly impacting our fellow residents. It is a critical balancing act to weigh the interests of a resident with that of the Town as each application is carefully considered and the Town's bylaws are appropriately applied.

I have served on multiple boards in town, currently on the Wastewater Management District Commission, and previously on the Select Board, the Cable Advisory Committee, the Town Administrator Screening Committee, and the Economic Development Committee. I am acutely familiar with our town government structure and have built many robust working relationships with fellow board members and Town staff over the last several years. In short, although the ZBA presents new subject matter, including a set of bylaws in which I will immerse myself, I am confident that I will hit the ground at a quick pace.

Attached please find a copy of my resume. Please let me know if I may provide any additional information. I look forward to the opportunity to discuss my candidacy further with members of the Select Board, and I thank you for your consideration.

Warmest Regards,  
Doug Levine

# DOUGLAS A. LEVINE

· Wayland, MA 01778 ·

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## PROFESSIONAL EXPERIENCE

**MASSACHUSETTS DEPARTMENT OF STATE POLICE**, Framingham, MA February 2019 – Present

### *Special Counsel*

Provide legal and policy guidance to the Department's leadership on matters involving legislation, rules and regulations, and investigations. Assist with development and implementation of new Department-wide programs such as the Cadet Program, for which one of the primary objectives is to enhance the diversity of the organization. Collaborate closely on matters involving the State Police Crime Laboratory, including creation of new policies resulting from court orders. Assist with the implementation of the criminal justice reform law and police reform legislation, including formulating policies regarding implementation of a statewide sexual assault evidence kit tracking system and revising the Department's use of force policies. Review and revise as necessary all Department general orders. Serve as counsel to the Promotional Exam Committee.

**EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**, Boston, MA July 2013 – February 2019

### *Special Counsel*

*General Counsel (September 2013 – April 2015)*

*Deputy General Counsel (July – September 2013)*

Over the course of two gubernatorial administrations, served as legal advisor to the secretaries, undersecretaries, and chiefs of staff for one of the largest cabinet offices within state government. With an annual budget in excess of \$1 billion dollars, the secretariat oversees 12 agencies, including the Department of Correction, State Police, Massachusetts Emergency Management Agency, Parole Board, and the National Guard. Helped manage legal team, including agency general counsel, and provided legal and policy guidance on criminal justice and homeland security issues. Served as in-house counsel for internal employment and labor matters, as well as administrative and regulatory issues. Formulated policy related to litigation, advised on legislation, and served as a liaison to the Governor's Office of Legal Counsel.

**UNITED STATES DEPARTMENT OF JUSTICE**, Washington, DC October 2009 – July 2013

### *Attorney Advisor, Office of Legislative Affairs*

Served as liaison between the Department and Congress and between the Department and Office of Management and Budget. Communicated with congressional staff on behalf of the Office of Justice Programs, the Department's grant-making component. Managed clearance of written testimony, legislative proposals, questions for the record, and white papers for the Department's criminal and law enforcement portfolios. Responded to congressional oversight requests. Coordinated negotiations among agencies to resolve conflicts and establish unified policy positions. Negotiated with other federal agencies to protect the Department's interests and advocate for the Department's legislative agenda. Held top secret level security clearance.

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY**, Washington, DC October 2008 – October 2009

### *Attorney Advisor, Office of the General Counsel*

Advised Department leadership on legislative matters, including bills, congressional testimony and Statements of Administration Policy regarding transportation security, infrastructure protection, and cyber security. Drafted legislation and memoranda providing guidance on Department authorities and legislative proposals. Served as legislative liaison to the Office of Management and Budget. Held secret level security clearance.

**BOSTON POLICE DEPARTMENT, OFFICE OF THE LEGAL ADVISOR**, Boston, MA March – September 2006

### *Staff Attorney*

Managed a diverse caseload representing police officers, civilian employees, and members of the Department's Command Staff. Successfully prosecuted complaints resulting from Internal Affairs investigations before administrative boards, and appeals before the Massachusetts Civil Service Commission.



**CLARK, HUNT & EMBRY**, Cambridge, MA  
*Associate, Litigation Department*

September 2004 – March 2006

Litigated complex caseload in general practice firm, including insurance subrogation matters, construction litigation, sexual harassment cases, and wrongful death claims.

**OFFICE OF THE MIDDLESEX COUNTY DISTRICT ATTORNEY**, Cambridge, MA September 2001 – September 2004  
*Assistant District Attorney*

Prosecuted felonies and misdemeanors in district and juvenile courts. Tried numerous jury and bench trials. Assisted and counseled victims of domestic violence. Drafted opposition to interlocutory motion to Massachusetts Supreme Judicial Court, and drafted and argued appeal to Massachusetts Court of Appeals.

## **EDUCATION**

**HARVARD UNIVERSITY – JOHN F. KENNEDY SCHOOL OF GOVERNMENT**, Cambridge, MA  
*Master in Public Administration*, June 2008

Activities: Elected President, Kennedy School Student Government; Senior Features Editor, *Kennedy School Review*; Served as leader of student delegation to Pakistan; Selected as orientation leader

Honors: Robert Kennedy Award for Excellence in Public Service; Presidential Management Fellow

**NORTHEASTERN UNIVERSITY SCHOOL OF LAW**, Boston, MA  
*Juris Doctor*, May 2001

Legal Clerkships (Full-time, three-month positions during law school):

- United States Eleventh Circuit Court of Appeals Mediation Office, Atlanta, GA
- Office of the Middlesex County District Attorney, Cambridge, MA
- Office of the United States Attorney, Organized Crime Strike Force Unit, Boston, MA
- Office of the Massachusetts Attorney General, Special Investigations & Narcotics Unit, Boston, MA

**MIDDLEBURY COLLEGE**, Middlebury, VT  
*Bachelor of Arts* in Political Science and Spanish, May 1996

## **VOLUNTEER SERVICE AND AWARDS**

- Commissioner, Town of Wayland's Wastewater Management District Commission (2020-Present)
- Elected to Town of Wayland's Board of Selectmen (2017-2020)
- Town of Wayland's Economic Development Committee (2016-2017)
- Kennedy School New England Alumni Board of Directors (2013 to 2016)
- Kennedy School's Julius Babbitt Memorial Award for Alumni Service (2014)
- Elected to Kennedy School Alumni Board of Directors (2010-2014)
- President of Kennedy School Washington, DC Alumni Network (2010 to 2013)
- Co-Chair of Northeastern Law School Washington, DC Alumni Association (2009-2013)
- Northeastern Law School Alumni Board (2006-2007)
- Served as volunteer attorney in New Orleans during summer 2007 as part of Harvard Kennedy School's Broadmoor Project. Established legal clinic serving low-income residents of the city's Broadmoor neighborhood impacted by Hurricane Katrina. Created and oversaw legal research project for Northeastern University law students to uncover and analyze systemic failures of the Road Home program, the largest housing recovery program in U.S. history.



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

ASSISTANT TOWN CLERK  
Kevin McLaughlin  
[kmmclaughlin@wayland.ma.us](mailto:kmmclaughlin@wayland.ma.us)  
508-358-3630

**DATE:** July 27, 2022

**TO:** Wayland Select Board

**FROM:** Kevin McLaughlin, Interim Town Clerk

**SUBJECT:** Polling Locations

---

Per Massachusetts General Law - Part I, Title VIII, Chapter 54, Section 24; the Select Board must designate polling locations at least twenty days before the biennial state election.

I request the Board vote to affirm the following locations for the upcoming September 6<sup>th</sup> State Primary and November 8<sup>th</sup> State Election:

<b>Wayland Town Building Gymnasium</b>	<b>Polling location for Precincts 1 &amp; 4</b>
<b>Wayland Middle School Gymnasium</b>	<b>Polling location for Precincts 2 &amp; 3</b>

# The Commonwealth of Massachusetts

## STATE PRIMARY DEMOCRATIC PARTY OFFICIAL EARLY / ABSENTEE BALLOT

WAYLAND  
Pcts. 1, 4

*William Francis Galvin*  
SECRETARY OF THE  
COMMONWEALTH OF MASSACHUSETTS

Tuesday, September 6, 2022

489

To vote for a candidate, fill in the oval  to the right of the candidate's name. To vote for a person not on the ballot, write the person's name and residence in the blank space provided and fill in the oval.

### GOVERNOR

Vote for ONE

**SONIA ROSA CHANG-DÍAZ** 3 Bremen Ter. Boston •••   
State Senator

**MAURA HEALEY** 17 Severy St. Boston ••••••••••   
Attorney General

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### LIEUTENANT GOVERNOR

Vote for ONE

**KIMBERLEY DRISCOLL** 16 Glen Ave. Salem •••••   
Current Salem Mayor; Former City Councilor

**TAMI GOUVEIA** 78 Arlington St. Acton ••••••••••   
State Representative

**ERIC P. LESSER** 41 Dover Rd. Longmeadow ••••••••••   
Current State Senator

DO NOT VOTE IN THIS SPACE.  
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WRITE IN SPACE ONLY

### ATTORNEY GENERAL

Vote for ONE

**ANDREA JOY CAMPBELL** 37 Groveland St. Boston ••••

**SHANNON ERIKA LISS-RIORDAN** 182 Walnut St. Braintree •••

**QUENTIN PALFREY** 683 Boston Post Rd. Weston ••••••••••   
Former Assistant Attorney General

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### SECRETARY OF STATE

Vote for ONE

**WILLIAM FRANCIS GALVIN** 46 Lake St. Boston •••   
Present Secretary, Candidate for Re-nomination

**TANISHA M. SULLIVAN** 79 Milton Ave. Boston •••••

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### TREASURER

Vote for ONE

**DEBORAH B. GOLDBERG** 37 Hyslop Rd. Brookline ••••   
Present Treasurer, Candidate for Re-nomination

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### AUDITOR

Vote for ONE

**CHRISTOPHER S. DEMPSEY** 257 Walnut St. Brookline   
Representative Town Meeting Member; Former Transportation Board Member

**DIANA DIZOGLIO** 30 Olive St., Methuen ••••••••••   
Current State Senator; Former State Representative

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### REPRESENTATIVE IN CONGRESS

Vote for ONE

**KATHERINE M. CLARK** 15 Dorset Park Ave. Revere ••••

DO NOT VOTE IN THIS SPACE.  
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WRITE IN SPACE ONLY

### COUNCILLOR

Vote for ONE

**MARILYN M. PETERO DEVANEY** 98 Westnashua Ave. Waltham   
Waltham Town Councilor; Candidate for Re-nomination

**MARA DOGAN** 1538 Main St. Concord ••••••••••

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### SENATOR IN GENERAL COURT

Vote for ONE

**JAMES B. ELDRIDGE** 267 Arlington St. Acton ••••••••••   
Middlesex & Worcester District; Candidate for Re-nomination

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USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### REPRESENTATIVE IN GENERAL COURT

THIRTEENTH MIDDLESEX DISTRICT Vote for ONE

**CARMINE LAWRENCE GENTILE** 33 Surrey Ln. Sudbury   
Candidate for Re-nomination

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### DISTRICT ATTORNEY

NORTHERN DISTRICT Vote for ONE

**MARIAN T. RYAN** 8 Bradford Rd. Belmont ••••••••••   
Candidate for Re-nomination; Current District Attorney

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### SHERIFF

MIDDLESEX COUNTY Vote for ONE

**PETER J. KOUTOUJIAN** 33 Harris St. Waltham •••••

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

# The Commonwealth of Massachusetts

## STATE PRIMARY REPUBLICAN PARTY OFFICIAL EARLY / ABSENTEE BALLOT

WAYLAND  
Pcts. 1, 4

*William Francis Bolger*  
SECRETARY OF THE  
COMMONWEALTH OF MASSACHUSETTS

Tuesday, September 6, 2022

489

To vote for a candidate, fill in the oval  to the right of the candidate's name. To vote for a person not on the ballot, write the person's name and residence in the blank space provided and fill in the oval.

### GOVERNOR

Vote for ONE

**GEOFF DIEHL** 10 Village Way, Whitman  Former State Representative

**CHRIS DOUGHTY** 35 MacDougal Dr, Wrentham

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### LIEUTENANT GOVERNOR

Vote for ONE

**LEAH V. ALLEN** 75 Water St., Danvers  Former State Representative

**KATE CAMPANALE** 109 Charlton Rd., Spencer  Former State Representative

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### ATTORNEY GENERAL

Vote for ONE

**JAMES R. McMAHON, III** 14 Canal Ave. Rt. 1, South

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### SECRETARY OF STATE

Vote for ONE

**RAYLA CAMPBELL** 397 High St. Whitman

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### TREASURER

Vote for ONE

WRITE IN SPACE ONLY

### AUDITOR

Vote for ONE

**ANTHONY AMORE** 247 Washington St. Winchester

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### REPRESENTATIVE IN CONGRESS

Vote for ONE

**CAROLINE COLARUSSO** 4 Patrick Cir. Stoneham

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### COUNCILLOR

Vote for ONE

WRITE IN SPACE ONLY

### SENATOR IN GENERAL COURT

Vote for ONE

**ANTHONY CHRISTAKIS** 32 Joyce Rd. Wayland

DO NOT VOTE IN THIS SPACE.  
USE BLANK LINE BELOW FOR WRITE-IN.

WRITE IN SPACE ONLY

### REPRESENTATIVE IN GENERAL COURT

Vote for ONE

WRITE IN SPACE ONLY

### DISTRICT ATTORNEY

Vote for ONE

WRITE IN SPACE ONLY

### SHERIFF

Vote for ONE

WRITE IN SPACE ONLY

The Commonwealth of Massachusetts

STATE PRIMARY
REPUBLICAN PARTY
OFFICIAL
EARLY / ABSENTEE
BALLOT

WAYLAND
Pcts. 2-3

William Francis Bellini
SECRETARY OF THE
COMMONWEALTH OF MASSACHUSETTS

Tuesday, September 6, 2022

488

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GOVERNOR

Vote for ONE

GEOFF DIEHL 10 Village Way, Whitman
Former State Representative

CHRIS DOUGHTY 35 MacDougal Dr, Wrentham

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WRITE-IN SPACE ONLY

LIEUTENANT GOVERNOR

Vote for ONE

LEAH V. ALLEN 75 Water St, Danvers
Former State Representative

KATE CAMPANALE 109 Charlton Rd, Spencer
Former State Representative

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WRITE-IN SPACE ONLY

ATTORNEY GENERAL

Vote for ONE

JAMES R. McMAHON, III 14 Canal View Rd

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WRITE-IN SPACE ONLY

SECRETARY OF STATE

Vote for ONE

RAYLA CAMPBELL 397 High St, Whitman

DO NOT VOTE IN THIS SPACE.
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WRITE-IN SPACE ONLY

TREASURER

Vote for ONE

WRITE-IN SPACE ONLY

AUDITOR

Vote for ONE

ANTHONY AMORE 247 Washington St, Winchester

DO NOT VOTE IN THIS SPACE
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WRITE-IN SPACE ONLY

REPRESENTATIVE IN CONGRESS

Vote for ONE

CAROLINE COLARUSSO 4 Patrick Cir, Stoneham

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WRITE-IN SPACE ONLY

COUNCILLOR

Vote for ONE

THIRD DISTRICT

WRITE-IN SPACE ONLY

SENATOR IN GENERAL COURT

Vote for ONE

ANTHONY CHRISTAKIS 32 Joyce Rd, Wayland

DO NOT VOTE IN THIS SPACE.
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WRITE-IN SPACE ONLY

REPRESENTATIVE IN GENERAL COURT

Vote for ONE

FIFTH MIDDLESEX DISTRICT

WRITE-IN SPACE ONLY

DISTRICT ATTORNEY

Vote for ONE

NORTHERN DISTRICT

WRITE-IN SPACE ONLY

SHERIFF

Vote for ONE

MIDDLESEX COUNTY

WRITE-IN SPACE ONLY

SAMPLE



The Commonwealth of Massachusetts

STATE PRIMARY
DEMOCRATIC PARTY
OFFICIAL
EARLY / ABSENTEE
BALLOT

WAYLAND
Pcts. 2-3

William Francis Galvin
SECRETARY OF THE
COMMONWEALTH OF MASSACHUSETTS

Tuesday, September 6, 2022

488

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GOVERNOR

Vote for ONE

SONIA ROSA CHANG-DIAZ 3 Brimen Ter Boston

MAURA HEALEY 17 Savoy St Boston

DO NOT VOTE IN THIS SPACE.
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WRITE-IN SPACE ONLY

LIEUTENANT GOVERNOR

Vote for ONE

KIMBERLEY DRISCOLL 16 Glen Ave Salem

TAMI GOUVEIA 78 Arlington St Acton

ERIC P. LESSER 41 Dover Rd Longmeadow

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ATTORNEY GENERAL

Vote for ONE

ANDREA JOY CAMPBELL 37 Groveland St Boston

SHANNON ERIKA LISS-RIORDAN 192 Walnut St Brookline

QUENTIN PALFREY 683 Boston Post Rd Weston

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SECRETARY OF STATE

Vote for ONE

WILLIAM FRANCIS GALVIN 46 Lake St Boston

TANISHA M. SULLIVAN 79 Milton Ave Boston

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TREASURER

Vote for ONE

DEBORAH B. GOLDBERG 37 Hyslop Rd Brookline

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AUDITOR

Vote for ONE

CHRISTOPHER S. DEMPSEY 297 Walnut St Brookline

DIANA DIZOGLIO 30 Olive St Methuen

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REPRESENTATIVE IN CONGRESS

Vote for ONE

KATHERINE M. CLARK 15 Ocean Pk Boston

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WRITE-IN SPACE ONLY

COUNCILOR

Vote for ONE

MARILYN M. PETITTO DEVANEY 88 Westmore Ave Waltham

MARA DOLAN 1538 Main St Concord

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WRITE-IN SPACE ONLY

SENATOR IN GENERAL COURT

Vote for ONE

JAMES B. ELDRIDGE 267 Arlington St Acton

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WRITE-IN SPACE ONLY

REPRESENTATIVE IN GENERAL COURT

Vote for ONE

DAVID PAUL LINSKY 31 South Main St Haverhill

DO NOT VOTE IN THIS SPACE.
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WRITE-IN SPACE ONLY

DISTRICT ATTORNEY

Vote for ONE

MARIAN T. RYAN 8 Bradford Rd Belmont

DO NOT VOTE IN THIS SPACE.
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WRITE-IN SPACE ONLY

SHERIFF

Vote for ONE

PETER J. KOUTOUJIAN 33 Harris St Waltham

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WRITE-IN SPACE ONLY

SAMPLE

**COMMONWEALTH OF MASSACHUSETTS  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH**

**WARRANT FOR 2022 STATE PRIMARY**

**MIDDLESEX SS.**

To the Constables of the City/Town of **WAYLAND**

**GREETINGS:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in Primaries to vote at:

**Precincts 1, 2 3, and 4**

**Wayland Town Building/Wayland Middle School**

On **TUESDAY, THE SIXTH DAY OF SEPTEMBER, 2022**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primaries for the candidates of political parties for the following offices:

GOVERNOR	For this Commonwealth
LIEUTENANT GOVERNOR	For this Commonwealth
ATTORNEY GENERAL	For this Commonwealth
SECRETARY OF STATE	For this Commonwealth
TREASURER	For this Commonwealth
AUDITOR	For this Commonwealth
REPRESENTATIVE IN CONGRESS	FIFTH DISTRICT
COUNCILLOR	THIRD DISTRICT
SENATOR IN GENERAL COURT	MIDDLESEX/WORCESTER DISTRICT
REPRESENTATIVE IN GENERAL COURT	THIRTEENTH DISTRICT (PRECINCTS 1 + 4)
REPRESENTATIVE IN GENERAL COURT	FIFTH DISTRICT (PRECINCTS 2 + 3)
DISTRICT ATTORNEY	NORTHERN DISTRICT
SHERIFF	MIDDLESEX COUNTY

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2022.  
(month)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Select Board Members of: Town of Wayland

\_\_\_\_\_  
(Service of warrant by Constable)

\_\_\_\_\_, 2022.  
Constable (month and day)

Warrant must be posted by **August 30, 2022** (at least *seven days* prior to the **September 6, 2022** State Primary).

From: McLaughlin, Kevin <kmmclaughlin@wayland.ma.us>

Date: Tuesday, June 28, 2022 at 11:36 AM

To: Select Board Members <sbmembers@wayland.ma.us>

Cc: Crane, Stephen <scrane@wayland.ma.us>, Costello, Christopher <ccostello@wayland.ma.us>, Pessimato, Joe <jpessimato@wayland.ma.us>

Subject: The VOTES Act, New Election Requirements (Police Detail)

Hello Everyone,

Per the VOTES Act, I have one more change I need to bring to your attention. The new law requires the Select Board to assign police officers at polling locations. Previously , this was the responsibility of the Police Chief. I am proposing this also be added to the next Select Board agenda to be sure it is taken care of before the September Primary.

Thank you,

Kevin McLaughlin

(He/him/his)

Interim Town Clerk

Town of Wayland

41 Cochituate Road

Wayland, MA 01778

kmmclaughlin@wayland.ma.us

508-358-3630



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# **The Commonwealth of Massachusetts**

William Francis Galvin, Secretary of the Commonwealth  
Elections Division

## **Election Advisory #22-01**

Changes to State Election Laws

June 23, 2022

---

The purpose of this Advisory is to familiarize local election officials with changes to state election laws that will impact the 2022 State Primaries and State Election, as well as upcoming local elections.

This Advisory includes a first-glance summary of changes that will directly affect how you, as a local election official, will carry out your duties. Additional information and specifics will be provided in the coming weeks and months, as different aspects of the new law go into effect and as new regulations are promulgated.

### **The VOTES Act**

On June 22, 2022, an election reform law titled “The VOTES Act” was signed into law. Among other things, the VOTES Act makes several of the temporary changes from the pandemic permanent, so many of these policies and procedures will be familiar to those of you administering elections in 2020. The new law also makes the absentee voting process and early voting by mail processes consistent.

### **Voter Registration Deadlines**

Beginning July 22, 2022, the voter registration deadline for all elections and town meetings will be 10 calendar days before the date of the meeting or election.

Local election officials will still be required to hold in-person registration sessions on the last day to register to vote, which for any Tuesday election will now be a Saturday, but the registration session will end at 5 p.m. instead of 8 p.m.

For cities and towns with more than 1,500 voters, the registration session must be held from 9 a.m. until 5 p.m. For towns with fewer than 1,500 voters, the registration session must be held from 9 a.m. until 11 a.m. and from 3 p.m. until 5 p.m.

## **Poll Worker Appointments**

Effectively immediately, there is additional flexibility for the appointment of poll workers.

If, six weeks before an election, it is determined that there are not enough election officers appointed, the appointing authority (board of selectmen, city council, board of election commissioners) may appoint poll workers without regard to political party affiliation, voter registration status, residence, or inclusion on a list from a local party committee.

If, three weeks before an election, there are still not enough poll workers appointed, the clerk will be able to fill vacancies by appointing any competent person, without regard to party, residence, or a list from a local party committee.

Further, you now have the option to eliminate the use of a check-out table if you choose to do so. If you do not use a check-out table, however, you must still have a poll worker stationed at the ballot box.

If poll workers are appointed without regard to party affiliation, the inspectors at the check-in table (and check-out, if used) cannot be of the same political party. If poll workers are appointed from lists from the parties, the inspectors must be of different political parties.

## **Police Officer Assignments**

Effective immediately, the law regarding assignment of police officers at polling places is amended to require the board of selectmen, town council, or city council to assign police officers and constables to polling places. Previously, this was the responsibility of the chief of police.

Since this change is taking effect before the primaries, you will need to communicate with your selectmen or council to make sure they detail officers at a summer meeting before September.

## **Vote by Mail**

Effective immediately, early voting by mail must be available for all state elections, state primaries, and presidential primaries.

Early voting by mail is also required for all local elections and preliminaries, unless the city or town opts out. In order to opt out of Vote by Mail for a local election, the selectmen, city council, or town council must hold a public hearing and public roll call vote to NOT allow Vote by Mail no later than 45 days before the date of the election. Cities and towns cannot opt out of Vote by Mail for a local election if the election is happening on the same day as a state election, state primary, or presidential primary.

## **Applications**

As in 2020, the Elections Division will be mailing Vote by Mail applications at least 45 days before every regular state primary, state election, and presidential primary. The applications will be sent to everyone registered to vote by the 60<sup>th</sup> day before the election who has not

already applied for a ballot. The applications will be pre-addressed to the local election office and postage pre-paid.

Unlike previous years, family members are now allowed to request an early Vote by Mail ballot on a voter's behalf, as they currently can with absentee ballots. Similarly, family members are now permitted to return an early Vote by Mail ballot for the voter as well.

Applications to Vote by Mail must be posted every city and town website, as well as on the Secretary of the Commonwealth's website.

Any form of written communication requesting a ballot is sufficient. Applications may be signed electronically, as long as the signature is written in substantially the same manner as a hand-written signature.

Effective immediately, you are required to include Vote by Mail applications with all acknowledgement notices sent to any new voter or anyone who has changed their address. Note that unlike 2020, these applications must be sent all year round, and not only to voters who register or move after the statewide application mailing has been sent.

### **Online Portals**

The Elections Division will also be required to establish an online ballot request portal for voters to use to request their ballots online. The law states that a wet signature cannot be required for this portal. Additional information on the portal will be provided after the Secretary's Information Technology Division is able to examine the requirements in the law.

A portal for UOCAVA voters to request their ballots and submit ballots electronically will also be required, though that part of the law does not go into effect this year. More information on that will be provided after the 2022 elections.

### **Application Deadlines**

The deadline to receive a request for any ballot (early or absentee) to be mailed is now 5 business days before the election. A business day is any weekday that is not a legal holiday, so this will typically fall one week before Election Day.

For the September 6<sup>th</sup> State Primary, because Labor Day is not a business day, the deadline for you to receive vote by mail applications is 5 p.m. Monday, August 29<sup>th</sup>.

For the November 8<sup>th</sup> State Election, the deadline for you to receive vote by mail applications is 5 p.m. Tuesday, November 1<sup>st</sup>.

No ballots can be mailed to any voter whose application has not been received by 5 p.m. on the 5<sup>th</sup> business day before the election. Remember, however, that in-person early voting is still available until the Friday before the election for applicable elections and in-person absentee voting is still available until noon on the day before the election (if that day isn't a holiday).

Additionally, voters admitted to a health care facility after 12pm on the 7<sup>th</sup> day before the election can request a hand-delivered absentee ballot up until the close of polls.

### **Accessible Vote by Mail**

Effective immediately, voters who have a disability which prevents them from being able to independently mark a paper ballot are allowed to request a reasonable accommodation. Additional information on accessible voting by mail will be forthcoming.

### **Ballot Envelopes**

Return ballot envelopes (AV-8s) for state primaries, state elections, and presidential primaries are now pre-addressed and postage pre-paid.

This means that any AV-8 return ballot envelopes provided by this office need to be printed specifically for your community. It will be very important for you to be aware of your inventory and provide as much notice as possible to the Elections Division if you are running low.

### **Ballot Return**

For most elections, all ballots will still have to be returned by close of polls on Election Day. Beginning with the 2022 State Election, ballots will be able to arrive up to 3 days after Election Day for biennial state elections only. This means that ballots mailed from inside the country can be counted if they are postmarked by Election Day and received by 5 p.m. on the Friday after Election Day. Again, this is only for biennial state elections, which are the November federal elections held in even-numbered years.

This year, because the Friday after the election is a holiday, the deadline for ballots to be received is 5 p.m. on Saturday, November 12<sup>th</sup>. We realize this deadline creates logistical issues and we are in the process of exploring our options. More information will be provided as soon as we have it.

Ballots returned by hand, to a drop box, or electronically still need to be received by your office by close of polls on Election Day for all elections.

### **Ballot Processing**

Similar to 2020, you now have the option of advance removing ballots from their envelopes and advance depositing ballots into the tabulator or ballot box ahead of Election Day. All ballot removal and depositing before Election Day will still need to happen in public sessions. The Elections Division will be issuing regulations, likely similar to those used in 2020, on advance processing and more information will be provided when that happens.

### **Deceased Voters**

Since ballots will begin to be processed before Election Day, the law prohibiting counting the ballot of anyone who dies before Election Day has been repealed. A voter's ballot can be counted as long as the voter was alive when it was cast, which means as of the postmark date or when it was hand-delivered or deposited into a drop box.

## **In-Person Early Voting**

In-person early voting must now be offered for all regular state primaries, state elections, and presidential primaries. It must also be offered for special elections and primaries to fill vacancies for U.S. Senate or Congress. In-person early voting must also be held for any municipal elections being held on the same day as one of the above listed elections.

### **In-Person Early Voting Dates**

In-person early voting for biennial state elections must be held from the 17<sup>th</sup> day through the 4<sup>th</sup> day before the election. In 2022, the early voting period for the November 8<sup>th</sup> State Election will begin on Saturday, October 22<sup>nd</sup> and end on Friday, November 4<sup>th</sup>.

Early voting for state and presidential primaries will begin on the 10<sup>th</sup> day before the primary and end on the 4<sup>th</sup> day before the primary. Early voting for the September 6<sup>th</sup> State Primary will begin on Saturday, August 27<sup>th</sup> (the same day as the voter registration deadline) and end on Friday, September 2<sup>nd</sup>.

### **In-Person Early Voting Hours**

The requirements for early voting hours have changed to require weekend hours and set standards for weekday hours. Please note that these are minimum hours and you can always increase the in-person early voting hours.

On weekends, the number of hours you must be open depends on the number of registered voters in your community. The required minimum hours for weekends are:

<b>Number of Voters</b>	<b>Required Weekend Early Voting Hours</b>
0 - 4,999	At least 1 day per weekend At least 2 hours each day you are open At least 4 hours total each weekend
5,000 – 24,999	At least 1 day per weekend At least 3 hours per day you are open At least 6 hours total each weekend
25,000 – 39,999	At least 4 hours each weekend day
40,000 – 74,999	At least 6 hours each weekend day
75,000+	At least 8 hours each weekend day

For weekdays, the required minimum early voting hours will vary depending on the size of your community and at what point it is during the in-person early voting period. By default, the early voting hours are during your regular business hours; however, your city council, board of selectmen, or town council may have the option to limit early voting hours on certain days, if your community is small enough.

The required weekday early voting hours are:

<b>Number of Voters</b>	<b>Required Weekday Early Voting Hours</b>
0 - 4,999	At least 25% of regular business hours
5,000 – 39,999	Primary: Regular business hours  State Election: Week 1: at least 50% of regular business hours Week 2: Regular business hours
40,000+	During your regular business hours

In order to limit your early voting hours, your board of selectmen, city council, or town council will need to vote to do so at a public meeting held no later than 20 days before early voting begins. For the November 8, 2022 State Election, the deadline to take that vote is Sunday, October 2, 2022.

### **Early Voting Locations**

Minor changes have been made to the law regarding the designation of early voting sites. As has been the case previously, your local election office is the default early voting site in your community. If your office is determined to be unsuitable or inaccessible, the registrars must vote to hold early voting in a different location. You can also designate additional early voting locations, which must also be accessible.

When assigning early voting sites, your city or town must now consider, to the extent feasible, diverse geographic locations and whether the sites would have an impact on access to the polls on the basis of race, national origin, disability, income, or age. Unlike the assignment of polling places in 2020, no written report on the impact of the early voting locations is required.

Your early voting sites must be designated no later than 2 weeks before early voting begins.

### **Notice Requirements**

You will also need to publish notice of the locations and schedule for early voting at least 5 business days before early voting begins and at least once during the early voting period.

Notice must be posted: in your office or on the city/town bulletin board; in any other public building considered necessary; on the city/town’s website; and on the Secretary’s website. Remember, you need to enter your hours and locations into VRIS (or notify the Elections Division by email, if that VRIS screen is locked) for them to be posted on our website.

The deadlines for early voting posting for 2022 are:

**State Primary**

Designate Early Voting sites & schedule: Saturday, August 13, 2022

Post 1<sup>st</sup> Notice: Monday, August 22, 2022

Post 2<sup>nd</sup> Notice: August 27 – September 2

**State Election**

Designate Early Voting sites & schedule: Saturday, October 8, 2022

Post 1<sup>st</sup> Notice: Monday, October 17, 2022

Post 2<sup>nd</sup> Notice: October 22 – November 4

**Local Elections**

For local elections, cities and towns may choose to have in-person early voting. To opt-in to early voting for local elections, at least two registrars need to recommend it, and the board of selectmen, town council, or city council must then vote to authorize in-person early voting.

The vote to opt-in to early voting must take place no later than 5 days before early voting would begin, and must include the early voting schedule. Early voting can begin no earlier than the 17<sup>th</sup> day before the election or preliminary and can end no later than 2 business days before the election. Early voting for local elections default to your usual business hours, unless the vote specifies otherwise.

Sites for early voting for local elections will be designated by the clerk. The location(s) and early voting schedule must be posted no less than 48 weekday hours before early voting begins.

**150 Foot Rule**

Beginning with early voting for the September 6<sup>th</sup> State Primary, the 150 foot rule prohibiting campaigning around polling places will be extended to early voting sites as well. This means that there shall be no campaigning for or against a candidate or question on the ballot for that election within 150 feet of the entrance to the early voting site during voting hours. Signature gathering of any kind will also be prohibited during the voting hours.

**Jail-Based Voting**

While voters who are incarcerated for a reason other than a felony conviction can already vote by absentee ballot, the new law contains provisions to make voting easier for those who are incarcerated, including adding requirements to correctional facilities to distribute information. Changes to jail-based voting take effect at the beginning of 2023 and more information will be provided after the 2022 elections.

**Automatic Voter Registration**

Beginning on January 1, 2023, applicants at the RMV will no longer have the option to opt out of automatic voter registration. Instead, the RMV will be required to transmit the names and



addresses of all ***eligible citizen*** applicants to local election officials for voter registration purposes.

Applicants who are automatically registered to vote will now be allowed to decline registration only after receiving the acknowledgment notice you send to them.

**WAYLAND, MASSACHUSETTS**  
**COMMUNITY PRESERVATION ACT**  
**GRANT AGREEMENT FOR**

**The Residences at 89 Oxbow Condominium Trust**

This Grant Agreement is made on this 19<sup>th</sup> day of JULY, 2022, by and between the Town of Wayland, a municipal corporation duly organized under the laws of Massachusetts and acting by and through its Select Board (the "Town"), having its usual place of business at Wayland Town Building, 41 Cochituate Road, Wayland, MA 01778, and The Residences at 89 Oxbow Condominium Trust, having its usual place of business at 408 Trout Brook Road, Wayland, MA 01778 (the "Grantee").

**WITNESSETH:**

WHEREAS, the condominiums at 89 Oxbow Road, Wayland, known as The Residences at 89 Oxbow Road (the "Property") were created in part using Community Preservation Funds;

WHEREAS, the Grantee is responsible for replacing the fire suppression (sprinkler) system throughout the condominiums;

WHEREAS, the Wayland Community Preservation Committee (the "CPC") invited submission of proposals for the grant of funds for purposes consistent with the Community Preservation Act, G.L. c. 44B (the "Act");

WHEREAS, the Grantee submitted a proposal in response thereto (the "Proposal"), and the CPC reviewed and approved the Proposal and recommended that Town Meeting vote to appropriate from the Community Preservation Fund Uncommitted Fund the sum of \$100,000 to be used for the purpose of replacement of the fire sprinkler system (dry system only), as set forth more particularly in the Proposal and referred to as the "Project;"

WHEREAS, the Wayland Town Meeting thereafter appropriated the funds recommended by the CPC for replacement of the dry system part of the fire sprinkler system, and authorized the Town to enter into a grant agreement with the Grantee for the purposes set forth in the Project.

NOW THEREFORE, the Town and the Grantee agree as follows:

1. **Funding.** As recommended by the CPC, and as appropriated by Town Meeting by the vote taken under Article 27 of the 2022 Annual Town Meeting, the Town hereby grants to the Grantee the sum of \$100,000 (the "Funds") on the condition that the Grantee shall use the Funds only for the purposes of the Project, as set forth more particularly in the Application, and in accordance with the terms of this Grant Agreement (collectively, the "Project Documents").

2. **Conditions.** Work on the Project must commence within twelve (12) months from the date this Grant Agreement is signed by the parties (the "Commencement Date"). The Work must be completed within two (2) years from the Commencement Date (the "Completion Date"). The Community Preservation Committee may grant an extension for good cause shown.
3. **Contact.** The Grantee shall identify in writing a contact person responsible for administration of the Project and a second person authorized to act if the contact person is unavailable.
4. **Budget/Other Sources of Funding.** Prior to the commencement of work on the Project, the Grantee shall submit a complete budget for the Project that accounts for the expenditure of the Funds awarded under this Grant Agreement, and which budget is sufficient to complete the Project as described herein. Reimbursement for funds spent will not commence unless the Project budget has been submitted to the Community Preservation Committee on behalf of the Town. If the Town determines that funds have been spent on goods and/or services not included in the Project budget or otherwise not authorized under the Act, reimbursement may not be authorized.
5. **Liability of the Town.** The Town's liability hereunder shall be to make the payment specified in Section 1 of this Grant Agreement. The Town shall be under no further obligation or liability. Nothing in this Grant Agreement shall be construed to render the Town or any elected or appointed official or employee of the Town, or their successors in office, personally liable for any obligation under this Grant Agreement.
6. **Indemnification.** The Grantee shall indemnify, defend, and hold the Town and its departments, officers, employees, representatives and agents harmless from and against any and all claims, demands, liabilities, actions, causes of actions, costs and expenses, including attorneys' fees, arising out of or relating to the Grantee's performance of the Project, the condition of the Property, and/or the actions or omissions of the Grantee and/or the Grantee's agents, employees, representatives, contractors and invitees.
7. **Final Report.** The Grantee shall submit a final report including digital photographs if appropriate and other documents within thirty (30) days of the Completion Date. All documents, including, but not limited to, photographs and videos, submitted to the Town through the Community Preservation Committee shall become the property of the Town and shall be available for use by the Town and available to the public under the Massachusetts Public Records Law.
8. **Payments.** The Town shall disburse to Grantee an amount equal to the cost of performing the Work, which disbursements shall be made and paid only upon the presentment of invoices from Grantee as well as proof of payment by the Grantee for work shown on the invoices. The Town shall reimburse the Grantee the Funds expended within thirty (30) days of receipt by the Town of proof of payment of invoices by Grantee, provided that no payment shall be made if it is determined that the Work is not substantially in compliance with the Project Documents and with legal requirements applicable to the Work.



9. **Successors and Assigns.** This Grant Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. The Grantee shall not assign, subcontract or otherwise transfer this Grant Agreement and/or its rights hereunder, in whole or in part, without the prior written consent of the Town.
10. **Termination.** In the event the Grantee fails to fulfill all obligations under the terms of this Grant Agreement, as reasonably determined by the Town, and such failure is not cured within forty-five (45) days after the Town has given written notice to the Grantee specifying such failure, the Town shall have the right, in its sole discretion, to terminate this Grant Agreement upon written notice to the Grantee. Upon receipt of said termination notice, the Grantee shall cease to incur additional expenses in connection with this Grant Agreement.
11. **Compliance with Laws.** The Grantee shall comply with all Federal, State and local laws, rules, regulations and orders applicable to the Project, such provisions being incorporated herein by reference, and shall be responsible for obtaining all necessary licenses, permits, and approvals required in connection with the Project. No local permit or license and no fee or charge is waived by the award of this grant.
12. **Notice.** Any and all notices, or other communications required or permitted under this Grant Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth on Page 1 or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if so mailed, three days after deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.
13. **Community Preservation Act Awareness.** During construction of the Project, the Grantee agrees to post, at a location mutually acceptable to the parties, a sign provided by the Town stating that the Project is being funded through the Community Preservation Fund program.
14. **Severability.** If any term or condition of this Grant Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality and enforceability of the remaining terms and conditions of this Grant Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
15. **Governing Law.** This Grant Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the Grantee submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Grant Agreement.

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

TOWN OF WAYLAND,  
By its Select Board

THE RESIDENCES OF 89 OXBOW  
CONDOMINIUM TRUST

\_\_\_\_\_  
Cherry C. Karlson, Chair

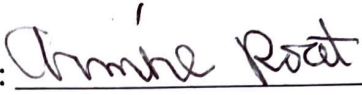
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David V. Watkins, Vice Chair

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Thomas J. Fay

\_\_\_\_\_  
Adam G. Gutbezahl

\_\_\_\_\_  
Carol B. Martin

By:   
Name: Lina Russo  
Title: Trustee

By:   
Name: Armine Roat  
Title: Trustee

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title VII** CITIES, TOWNS AND DISTRICTS

**Chapter 49** FENCES, FENCE VIEWERS, POUNDS AND FIELD DRIVERS

- Section 1** Fence viewers; appointment; tenure
- Section 2** Definition of fences
- Section 3** Maintenance of partition fences
- Section 4** Failure to maintain partition fence; proceedings by adjoining occupant
- Section 5** Remedy for repair of deficient fence
- Section 6** Disputes regarding repairs; arbitration
- Section 7** Remedy for repair of deficient fence assigned by fence viewers
- Section 8** Remedy for repairing more than just share of partition fence
- Section 9** Construction and maintenance of fences between lands divided by a river
- Section 10** Fences on lands owned in severalty and occupied in common; construction
- Section 11** Maintenance of fences surrounding land laying common

<b>Section 12</b>	Purchase of rights in fence
<b>Section 13</b>	Enclosing of formerly unenclosed land; liability of owner; exception
<b>Section 14</b>	Boundary disputes
<b>Section 15</b>	Rebuilding of fence on true boundary; duties of adjoining owners
<b>Section 16</b>	Fence viewers; jurisdiction where fence is on town boundary
<b>Section 17</b>	Water fences
<b>Section 18</b>	Fence viewers; powers
<b>Section 19</b>	Penalty for misfeasance
<b>Section 20</b>	Fees
<b>Section 21</b>	Fences deemed a private nuisance; right of action
<b>Section 22</b>	Pounds; establishment; appointment of keeper
<b>Section 23</b>	Pounds; penalty for injuring
<b>Section 24</b>	Duties of field driver; taking up untended animals
<b>Section 25</b>	Duties of keeper; impounding of untended animals
<b>Section 26</b>	Fees of field driver and pound keeper
<b>Section 27</b>	Payment of fees
<b>Section 28</b>	Use of premises of field driver for keeping impounded animals;

conditions

- Section 29** Remedies for damage done by untended animals
- Section 30** Care of distrained animals
- Section 31** Duties of distrainer
- Section 32** Release of distrained animals; conditions
- Section 33** Notice of impounding
- Section 34** Publication of notice of impounding
- Section 35** Determination of amount of damages in dispute
- Section 36** Procedure for settlement of claim
- Section 37** Sale of animals to satisfy claim
- Section 38** Disposition of proceeds
- Section 39** Escaped or rescued animals; right to retake
- Section 40** Penalty for rescuing distrained animals
- Section 41** Rights of owner in distress proceedings
- Section 42** Repealed, 1963, 185



**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title VII** CITIES, TOWNS AND DISTRICTS

**Chapter 49** FENCES, FENCE VIEWERS, POUNDS AND FIELD DRIVERS

**Section 1** FENCE VIEWERS; APPOINTMENT; TENURE

Section 1. The mayor of each city, subject to confirmation by the city council, and the selectmen of each town shall annually appoint two or more fence viewers, to hold office for one year and until their successors are qualified.



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## MEMORANDUM

To: Select Board  
From: Chris Costello, Management Analyst  
Cc: Stephen Crane, Acting Town Manager  
Date: August 4, 2022  
Re: 2023 Annual Town Meeting Proposed Dates

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This memorandum outlines the possible dates for 2023 Annual Town Meeting and summarizes the input received thus far regarding the dates.

The following dates were identified for both the Annual Town Election and Town Meeting:

- Choice 1: Election March 28 2023; Potential Town Meeting Dates: April 1, 2 and evening of April 3
- Choice 2: Election April 25, 2023; Potential Town Meeting Dates: April 29, April 30, and evening of May 1 if needed
- Choice 3: Election May 2, 2023; Potential Town Meeting Dates: May 6, 7 and evening of May 8 if needed
- Choice 4 (weekday): Election March 28, 2023; Potential Town Meeting Dates: April 3, 4 and 5.
- Choice 5 (weekday): Election April 25, 2023; Potential Town Meeting Dates: May 1, 2, and 3.
- Choice 6 (weekday): Election May 2, 2023; Potential Town Meeting Dates: May 8, 9 and 10.

Various stakeholders\* have been approached for feedback on these potential dates. Please see below for a summary of feedback received thus far:

### **WILA:**

In regards to choice 1 and 4, Passover begins in the evening on Thursday April 6<sup>th</sup> and having Town Meeting so close to the start date might be an inconvenience to some. WILA also noted that starting Town Meeting on a Saturday at noon will conflict with the Sabbath, and thus advocated for a weekday Town Meeting.

### **Town Moderator:**

The Moderator appreciated the courtesy of being able to provide input, but deferred to the Board to make the choice for Town Meeting dates. He will be available for any date the Select Board determines. The Moderator suggested that the Select Board continue on with having Town Meeting on Saturday and Sunday, as it has worked well. He also expressed a preference for Town Meeting to be held in late April or early May (choices 2, 3, 5, or 6) to give articles more time to be developed and refined.

### **Town Clerk:**

The Clerk's office said that the election should be held on a Tuesday. The office also felt that having an election on March 29 may be challenging to prepare for. An election in late April or early May would allow for more time to prepare.

**Electronic Voting Service Provider:**

Requires access to the venue two days prior to Town Meeting for physical setup and system test.  
Starting town meeting within two days after a holiday is not possible.

\*more feedback from various stakeholders, including the School Department, is expected in the near future

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

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

**Assumptions**

1. Town Clerk: Elections should be held on a Tuesday
2. Facilities begins set up of the fieldhouse on the Friday before a Monday or Sunday start. If starting on a Saturday, Facilities would need to start setting up on Thursday which potentially impacts High School programs.
3. Potential School conflicts: TBD

DARK GREEN: Potential Election Date LIGHT GREEN: Potential ATM Dates

April 2023						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		28 Annual Election				1
2	3	4	5	6 Holy Thursday Passover Begins	7 Good Friday Passover	8 Passover
9 Easter Passover	10 Passover	11 Passover	12 Passover	13 Passover Ends	14 Orthodox Good Friday	15 Spring Recess
16 Spring Recess Orthodox Easter	17 Spring Recess	18 Spring Recess	19 Spring Recess	20 Spring Recess	21 -Spring Recess -Eid al-Fitr -Ramadan ends	22 Spring Recess

April 2023						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
23 Spring Recess	24	25 Annual Election	26	27	28	29

May 2023						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
30	1 AP Exams	2 Annual Election Twelfth Day of Ridván AP Exams	3 AP Exams	4 AP Exams	5 AP Exams	6
7	8 AP Exams	9 AP Exams	10 AP Exams	11 AP Exams	12 AP Exams	13
14 Mother's Day	15	16	17	18 Ascension Day	19	20
21	22	23	24 Declaration of the Báb	25 Eastern Orthodox Ascension Day Shavuot	26 Shavuot	27 Shavuot
28 Memorial Day	29	30	31			



# TOWN OF WAYLAND

## BOARD OF SELECTMEN

### POLICIES AND PROCEDURES

This document represents the compilation of policies and procedures used by the Board of Selectmen in the conduct of its duties as described in law and as a guide in the performance of other customary practices of a municipal governing board. It supersedes any prior publication of these policies, either individually or collectively, in the form of the so-called "Selectmen's Policy Manual." To the extent the policies have been revised, the history of Selectmen action when known is footnoted. Future amendments will be so noted and appropriate pages replaced. A copy of this document is posted on the Selectmen's page of the Town of Wayland website and is available for public inspection in the Selectmen's Office in Town Building during regular business hours.

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STEPHEN CRANE  
ACTING TOWN MANAGER  
TEL. (508) 358-3620  
www.wayland.ma.us

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

July 29, 2022

## RE: PRIVATE ROAD PLOWING

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

Dear Wayland Resident,

The Select Board has approved an appeal process for residents living on private roads to appeal the Board's decision not to plow a private road in the Town of Wayland.

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

1.  Complete the attached application form along with any supporting documentation. In completing the appeal application, please refer to the Residential Private Road Snow & Ice Policy.
2.  Submit your application no later than Tuesday September 6, 2022 to the Office of the Select Board, located in Town Building, 41 Cochituate Road Wayland, MA 01778. If you are dropping off your application please call ahead 508-358-7755.
3.  *Please note:* If you submitted an appeal that was previously denied, please include additional/new information on which your appeal is based. Without such information your appeal may be denied.
4.  It is anticipated the Board of Selectmen will review the appeal process on August 15, 2022. If any changes to this process is made an update will be issued.

The Select Board will compile submittals, solicit Department of Public Works' findings, and make a determination on the appeal no later than Monday, September 26, 2022. Please contact Stephen Crane at (508) 358-3620 for more information.

Best Regards,

Stephen Crane  
*Acting Town Manager*

#### Attachments:

1.  Residential Private Road Snow & Ice Policy
2.  Appeal Application 2022



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

STEPHEN CRANE  
ACTING TOWN MANAGER  
TEL. (508) 358-7755  
www.wayland.ma.us

SELECT BOARD  
THOMAS J. FAY  
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CAROL B. MARTIN  
DAVID V. WATKINS

## RESIDENTIAL PRIVATE ROAD SNOW & ICE POLICY

### APPEAL APPLICATION

*(Please refer to attached policy)*

*Please provide the information below as your basis for an appeal of the Town's decision not to plow a private road. Please attach additional sheets as necessary. Appeals are due to the Office of the Select Board, 41 Cochituate Road Wayland no later than **Tuesday September 6 2022.** Please attach any property information that would help in the evaluation of this appeal such as deeds, special permits, Planning Board decisions etc. **Please note: If you submitted an appeal that was previously denied, please include additional/new information on which you base your appeal. Without this information, your appeal may be denied.***

.....  
**I. CONTACT INFORMATION:**

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

---

**II. BASIS FOR APPEAL:**

a)  Do you live on a residential private road as defined in the Town's "**Residential Private Road Snow & Ice Policy**?" (Y/N) \_\_\_\_\_ If Yes, please provide the road name and your interest in the road (homeowner / tenant?)

b)  Is your private road a driveway as defined under the policy? (Y/N) \_\_\_\_\_

c)  Is your private road open to public use as defined under the policy? (Y/N) \_\_\_\_\_  
If Yes, please explain:

d)  Does your private road connect two public roads? (Y/N) \_\_\_\_\_  
If Yes, please name the two connecting public roads:



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

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

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

Please describe any hazards and how to address them:

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

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

---

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

**A.** **Department of Public Works**

Findings:

DPW Director's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**B.** **SELECT BOARD**

Findings:

SELECT BOARD: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## RESIDENTIAL PRIVATE ROAD SNOW & ICE POLICY

### TOWN OF WAYLAND, MASSACHUSETTS

Accepted by Board of Public Works October 10, 2017

Accepted by Board of Selectmen May 16, 2018

Policy Effective November 1, 2018

#### **DEFINITIONS** for the purpose of this policy:

- ‘Road’ or ‘Way’           An open way for the passage of vehicles.
- ‘Residential’               Having at least half of the linear length of the road owned or rented for residential use.
- ‘Private Roads Open to Public Use’           It must be demonstrated that the private residential road under consideration is open to public use and is actually susceptible to use by the public other than for purposes that are merely incidental to the use of the private residential road by the owner or owners thereof. Furthermore, the private residential road must be open to the public at large for purposes of travel, not merely incidental to the use by the owner or owners thereof, in a manner similar to the ordinary use for purposes of travel of a public road of the same general nature.
- ‘Private Road’             A road or portion of a road where the abutters have deeded rights of ownership, access, control, and maintenance responsibility.
- ‘Public Road’              A road or portion of a road where right-of-way owned and maintained by the Town of Wayland or the Commonwealth of Massachusetts.
- ‘Driveway’                 A private access, owned by abutter(s) from a road to one to three properties.

#### **BACKGROUND:**

- The Town has accepted Massachusetts General Law Chapter 40, section 6C (and by reference, section 6D), which allows the Town to appropriate money for the purpose of plowing private ways that are open to public use and designated by the Select Board. These prerequisites indicate that not every private road will qualify for the expenditure of public funds for plowing and sanding.

- A road becomes a public road after its layout has been accepted by the Board of Public Works, and after it has been accepted as a public road by town meeting.
- The Town Clerk maintains a list of public and private Roads, which is updated after Town Meeting actions.
- The Town GIS has a layer of information which depicts public and private roads, and another layer which depicts driveways.
- The Town as a general matter has no power to expend municipal funds or to utilize funds for the benefit of a private road. If the Town uses public resources to repair or plow private roads the owner or owners of the road clearly receive a benefit. It follows from this restriction that the Town has no inherent power to spend municipal funds or use municipal resources to maintain private roads. The Department of Revenue holds that public funds may not be expended for the benefit of private parties unless there is a definite public purpose and/or benefit to the public at large.

**IN GENERAL:**

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

**SPECIFIC PROVISIONS:**

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

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

2. Not every private residential road in the Town will qualify for the expenditure of public funds. The Select Board may exercise its reasonable discretion in deciding how to expend the limited funds available for this purpose.
3. It must be demonstrated that the private residential road under consideration is open to public use and is actually susceptible to use by the public other than for purposes that are merely incidental to the use of the private residential road by the owner or owners thereof. Furthermore, the private residential road must be open to the public at large for purposes of travel, not merely incidental to the use by the owner or owners thereof, in a manner similar to the ordinary use for purposes of travel of a public road of the same general nature.
4. The designation by the Select Board must therefore, at least, be based upon the determination that by design and in fact, the private residential road is adequate to accommodate general public traffic, and does in fact carry such public traffic.
5. The Select Board will determine among the total number of private roads which qualify for care, maintenance, and snow removal, depending on available funding and public usage at the time of their decision.
6. Abutters who own private residential roads who believe their road qualifies as open for public use may apply, in writing, to the Select Board for snow and ice removal. The application should state the reasons why the road qualifies for the expenditure of Town funds for snow and ice removal in the next winter season.
7. Notwithstanding the above, snow and ice removal and maintenance of some private roads is controlled by special permit from the Town or development agreement with the Town. Such agreements are controlling.
8. DPW will continue its protocol to respond to a plowing request from Public Safety Officials for first response necessities.

## K.P. LAW - GUIDANCE TO THE SELECT BOARD

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

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

In determining sufficient design, the qualifying factors are:

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

## Wayland Select Board:

### Finance Committee Appointment Study Group Sub-Committee

The purpose of the Finance Committee Appointment Study Group Sub-Committee (the “Sub-Committee”) is to advise the Wayland Select Board with a recommendation for the process of appointing members to the Finance Committee.

Article 20 at the 2022 Annual Town Meeting, “Appointment of Finance Committee,” proposed a modification to the current process for appointing members to the Finance Committee. Pursuant to Section IV(C)(7)(b) of the Moderator’s Rules and Regulations Governing Wayland’s Town Meetings, Article 20 was referred to the Select Board for further study with a written report to Town Meeting by Annual Town Meeting 2023.

The Sub-Committee will report to the Select Board in order to inform the Select Board’s process of preparing and submitting a report for the 2023 Annual Town Meeting Warrant. The Sub-Committee’s report is due to the Select Board by January 31, 2023. The term end date for members to the Sub-Committee is March 1, 2023, unless extended by a Select Board vote.

On August 8, 2022, the Select Board voted to appoint **NAME** and **NAME** to the Sub-Committee.

DRAFT 8-4-22

Select Board Capital Planning Sub Committee

Recommend long term capital planning strategy for the Town of Wayland

Members: 2

Selection: Appointed

Term in Years: 6 months

The Charge of Capital Planning Sub-Committee is to draft a long-term capital planning policy and strategy consistent with the Town Manager Act for eventual review and vote by the Select Board.

The Term end date for the sub-committee members is February 28, 2023

From: George Harris <geoharris2@gmail.com>

Date: Thursday, July 28, 2022 at 9:28 AM

To: Karlson, Cherry <ckarlson@wayland.ma.us>

Cc: Townclerk <townclerk@wayland.ma.us>, Select Board Members  
<sbmembers@wayland.ma.us>

Subject: New OML Complaint

[NOTICE: This message originated outside of the Town of Wayland Email System -- DO NOT  
CLICK on links or open attachments unless you are sure the content is safe.]

Cherry,

I am attaching a new Open Meeting Law complaint against the Wayland Select Board. It consists of the following components: (1) signed OML complaint form, (2) the complaint, (3) Exhibits 1 and 2, (4) subject redacted minutes, and (5) settlement agreement. As you know, the Supervisor of Public Records has recommended that I seek a determination from the Attorney General's Office, which is the reason for this complaint.

Please let me know if you have any questions.

Best regards,

George





The Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108

## OPEN MEETING LAW COMPLAINT FORM

### Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

#### Instructions for filing a complaint:

- Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- To file the complaint:
  - For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
  - For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
  - Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

#### Instructions for a public body that receives a complaint:

- The chair must disseminate the complaint to the members of the public body.
- The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

#### Once the public body has responded to the complaint:

- If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20<sup>th</sup> Floor, Boston, MA 02108. Emails may be sent to: [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).
- When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).



## OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Ext. \_\_\_\_\_

Email: \_\_\_\_\_

Organization or Media Affiliation (if any): \_\_\_\_\_

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

(For statistical purposes only)

Individual       Organization       Media

### Public Body that is the subject of this complaint:

City/Town       County       Regional/District       State

Name of Public Body (including city/  
town, county or region, if applicable): \_\_\_\_\_

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

Date of alleged violation: \_\_\_\_\_

## Description of alleged violation:

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

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

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

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

## Review, sign, and submit your complaint

### **I. Disclosure of Your Complaint.**

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

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

### **II. Consulting With a Private Attorney.**

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

### **III. Submit Your Complaint to the Public Body.**

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

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

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

*For Use By Public Body  
Date Received by Public Body:*

*For Use By AGO  
Date Received by AGO:*

## **OPEN MEETING LAW COMPLAINT**

### **Wayland Select Board**

This is a complaint that the Wayland Select Board (“Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25, by impermissibly withholding several sets of unredacted executive session minutes from the public after the lawful purposes for the executive sessions had concluded.<sup>1</sup>

On June 14, 2022, I requested unredacted minutes of executive sessions held by the Board pursuant to Purpose 3 (to discuss strategy with respect to litigation) on the following dates: September 21, 2020;<sup>2</sup> February 1, 2021; July 26, 2021; October 4, 2021; and December 13, 2021.<sup>3</sup> See Exhibit 1 attached hereto. The subject litigation is known as Duane Galbi v. Louise Miller (Town of Wayland), Middlesex Superior Court Docket No. 1981CV02796. According to the docket, the court issued a Judgment of Dismissal on February 2, 2022, on the basis of a settlement agreement between the parties. The settlement agreement is a public record and is attached.

In response to my request for unredacted minutes, Chair Cherry Karlson informed me that my request would not be honored. See Exhibit 2. She explained: “Our standard is to redact strategic information that may be detrimental to the litigating, negotiating or bargaining position of the Town.” Id.

The burden of justifying continued nondisclosure of executive session minutes lies with the public body. Foudy v. Amherst-Pelham Regional School Committee, 402 Mass. 179, 184 (1988); OML 2020-157. Given that the Galbi court dismissed the lawsuit on February 2, 2022, the purpose for these executive sessions has concluded, since the Board no longer has a litigating position to protect. The Board has not justified the redactions other than to recite Purpose 3.

Failure to release unredacted executive session minutes after the lawful purposes for the executive sessions have ended is a violation of the Open Meeting Law.

### **ACTION REQUESTED**

The Board shall provide the requested unredacted executive session minutes.

---

<sup>1</sup> This complaint is separate and distinct from one against the Board dated March 4, 2022, previously submitted to the Division of Open Government for further review on May 2, 2022.

<sup>2</sup> I am herewith withdrawing the September 21, 2020, executive session minutes from this complaint.

<sup>3</sup> On March 21, 2022, the Board voted to release and did release the named minutes with redactions. The redacted minutes are attached.

**From:** Karlson, Cherry ckarlson@wayland.ma.us  
**Subject:** Re: Request for Unredacted Minutes  
**Date:** July 13, 2022 at 3:08 PM  
**To:** George Harris geoharris2@gmail.com  
**Cc:** Crane, Stephen scrane@wayland.ma.us

Exhibit 2

CK

George,

I am responding on behalf of the Select Board to your June 14, 2022 Open Meeting Law request for unredacted executive session minutes related to the Duane Galbi v. Town of Wayland litigation. Thank you for allowing an extension of the Select Board's response time to today, July 13, 2022.

At our meeting on June 27, 2022, the Select Board met in Executive Session to discuss the potential release of additional information on these five sets of Executive Session minutes: September 21, 2020; February 1, 2021; July 26, 2021; October 4, 2021; and December 13, 2021. The agenda for that meeting is [here](#).

After the Executive Session, the Select Board returned to open session to report that no additional information would be released on those same previously approved and released with redactions sets of minutes. Our standard is to redact strategic information that may be detrimental to the litigating, negotiating or bargaining position of the Town.

As you know, the Select Board voted on March 21, 2022 to release the named minutes with redactions, and they are posted on the Town's website.

Best,  
Cherry

Cherry Karlson  
Chair, Select Board  
Town of Wayland

*Please be advised that the Massachusetts Attorney General has determined that email is a public record unless the content of the email falls within one of the stated exemptions under the Massachusetts Public Records Laws.*

---

**From:** George Harris <[geoharris2@gmail.com](mailto:geoharris2@gmail.com)>  
**Date:** Tuesday, June 14, 2022 at 12:02 PM  
**To:** Karlson, Cherry <[ckarlson@wayland.ma.us](mailto:ckarlson@wayland.ma.us)>  
**Cc:** Crane, Stephen <[scrane@wayland.ma.us](mailto:scrane@wayland.ma.us)>  
**Subject:** Request for Unredacted Minutes

Exhibit 1

[NOTICE: This message originated outside of the Town of Wayland Email System -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Cherry,

Today's response (please see attached) from the Supervisor of Public Records to

my appeal for unredacted minutes advises that I should pursue this matter through the Attorney General's Office (Open Meeting Law).

Previously, I had asked the Select Board for all executive session minutes pertaining to a lawsuit known as Duane Galbi v. Town of Wayland, Middlesex Superior Court No. 1981CV02796. The Board provided the following redacted minutes: September 21, 2020; February 1, 2021; July 26, 2021; October 4, 2021; and December 13, 2021.

I am now requesting unredacted minutes for the above executive sessions. Thank you.

Best,  
George



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

RELEASED WITH  
REDACTIONS

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

BOARD OF SELECTMEN  
LEA T. ANDERSON  
MARY M. ANTES  
THOMAS J. FAY  
CHERRY C. KARLSON  
DAVID V. WATKINS

## BOARD OF SELECTMEN

Meeting Minutes

Executive Session

February 1, 2021

5:30 p.m.

Wayland Town Building, Council on Aging Room  
41 Cochituate Road, Wayland, MA

**Attendance:** Lea Anderson, Mary Antes, Tom Fay, Cherry Karlson, Dave Watkins

**Absent:** None.

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

**Purpose:** At 8:23 p.m. C. Karlson called the session to order by unanimous roll call vote of the Board (YEA: M. Antes, L. Anderson, T. Fay, D. Watkins, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0-0.) in open session as permitted by Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with Local 690 Wayland-1 American Federation of State, County and Municipal Employees (AFSCME 690 Wayland -1) and Local 690 Wayland – 2 American Federation of State, County, and Municipal Employees (AFSCME 690 – 2); and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Duane Galbi v. Town of Wayland et al.

All members and staff participated remotely via Zoom and confirmed that they were alone and could discuss confidential matters in privacy. Town Building was closed due to weather, so no one was present in the Council on Aging Room.

**AFSCME-1 and AFSCME-2 Negotiations:** L. Miller proposed the concept of negotiating a one-year MOA (memorandum of agreement) with these two unions which would provide for a COLA of 2% in line with other settlements and leave the option open to negotiate other items with a retroactive date to July 1, 2020. The primary reason is that both union presidents work in the Health Department (J. Junghanns, P. White) and have not had time to focus on negotiation preparation due to their work on the COVID-19 pandemic. AFSCME-1 and AFSCME-2 are also looking for classification and compensation studies for some of their positions. These unions cover staff, including some department heads, in Health, Building, Treasurer, Finance, Assessor, COA, Facilities and the TA's office. L. Miller went over the status of other Town union negotiations: Police and Teamsters have settled; Library is ongoing, and Fire has not started yet. The Schools have settled with the WTA and are close on the Custodians, WESA and Food Services.

The Board discussed recognizing employees who have worked hard throughout the year, particularly with COVID. D. Watkins asked if we could compensate with other recognition like vacation time. L. Miller cautioned about fairness across staff and unions. C. Karlson mentioned that many had not been able to use vacation they already have this past year. The sense of the Board was to move forward with a one-year MOA. L. Miller will begin those discussions.

**Galbi:** L. Miller reminded the Board that the basis of this case is a claim that the Town did not produce public records. The Town provided all documents requested and is in a situation of having to prove that documents don't exist. Town counsel will file a motion of summary judgement, but also asked the Town to consider a settlement [REDACTED]. L. Miller is named personally in the suit. T. Fay stated that settlement in this case sets bad precedent related to public records law. L. Anderson agreed. M. Antes asked which of Galbi's two public records complaints this pertains to – the community gardens or the cell tower. D. Watkins expressed interest in settling. Following the discussion, the Board agreed that counsel should file the motion rather than settle.

**Exit Executive Session:** At 8:53 pm, T. Fay moved, seconded by L. Anderson to exit Executive Session and adjourn the meeting. Roll call vote of the Board: YEA: M. Antes, T. Fay, L. Anderson, D. Watkins, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Documents provided:** None.





# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

RELEASED WITH  
REDACTIONS

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

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

## BOARD OF SELECTMEN

Meeting Minutes  
Executive Session

July 26, 2021  
7:00 p.m.

Wayland Town Building, Council on Aging Room  
41 Cochituate Road, Wayland, MA

**Attendance:** Tom Fay, Cherry Karlson, Dave Watkins (remote), Carol Martin, A. Gutbezahl  
**Absent:** None.

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

**Purpose:** At 11:07 p.m. T. Fay called the session to order by unanimous roll call vote of the Board (YEA: D. Watkins, C. Martin, C. Karlson, A. Gutbezahl, T. Fay. NAY: none. ABSENT: None. ABSTAIN: none. Adopted 5-0-0.) in open session pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with:

- 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);

pursuant to Massachusetts General Laws Chapter 30A, Section 21, (a) (3) to conduct strategy with respect to pending litigation following a Department of Labor Relations Complaint filed by the Wayland Library Staff Association MFT, AFT, AFL-CIO; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate with respect to the Town's agreement with Twenty Wayland, LLC. relative to property and development located off 400-440 Boston Post Road; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Duane Galbi v. Town of Wayland et al; and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of July 12, 2021 with the intent to hold said minutes.

All members attending in person and staff participated met in the Council on Aging room at Wayland Town Building. D. Watkins participated remotely and confirmed he could discuss confidential matters in private.

**AFSCME 1 and 2:** [REDACTED]

**Library Division of Labor Relations complaint:**

[REDACTED]

**Twenty Wayland:**

[REDACTED]

**Galbi:** The court denied the motion to dismiss. L. Miller explained that even if damages are not awarded, he might be entitled to attorney's fees under state law. She reminded the Board that this complaint addresses public records provided related to the cell tower at the Wayland Rod & Gun Club. Galbi has requested a jury trial. Town counsel needs guidance on how to respond. The Board discussed the various potential outcomes of the case and related financial exposures. All members agreed to seek settlement understanding that the complainant demands [REDACTED]

**Executive Session Minutes:** No action was taken given the late hour.

**Exit Executive Session:** At 11:33 pm, C. Karlson moved, seconded by D. Watkins, to exit Executive Session and adjourn the meeting. Roll call vote of the Board: YEA: D. Watkins, C. Karlson, C. Martin, A. Gutbezahl, T. Fay. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Documents provided:**

[REDACTED]



# TOWN OF WAYLAND

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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

Meeting Minutes

Executive Session

October 4, 2021

7:00 p.m.

Wayland Town Building, Council on Aging Room  
41 Cochituate Road, Wayland, MA

**Attendance:** Tom Fay, Cherry Karlson, Dave Watkins, Carol Martin (remote), Adam Gutbezahl (remote)

**Absent:** None

**Also Present:** Louise Miller, Town Administrator; John Bugbee, Assistant Town Administrator; Seath Crandall, Management Analyst; Sean Fair, Conservation Commission member.

**Purpose:** At 8:00 p.m. T. Fay called the session to order by unanimous roll call vote of the Board (YEA: D. Watkins, C. Martin, C. Karlson, A. Gutbezahl, T. Fay. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0-0.) in open session pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate with respect to the Town's agreement with Twenty Wayland, LLC relative to property and development located off 400-440 Boston Post Road; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to 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);

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 Kenneth Nelson v. Town of Wayland, et al.; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Duane Galbi v. Town of Wayland et al.; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of September 13, 2021 with the intent to hold said minutes.

Three members (T. Fay, D. Watkins, C. Karlson) and staff attended in person in the Council on Aging room at Wayland Town Building. A. Gutbezahl and C. Martin participated remotely and confirmed they could discuss confidential matters in private.

**Nelson:** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**TwentyWayland:** [REDACTED]

[REDACTED]

**Galbi:** L. Miller explained that the Town offered [REDACTED] to settle, and it was refused. Galbi's demand remains at [REDACTED]. L. Miller asked the Board for support to settle at [REDACTED]. C. Karlson moved, seconded by C. Martin, to authorize L. Miller to settle the litigation [REDACTED]

[REDACTED]. Roll call vote of the Board: YEA: D. Watkins, A. Gutbezahl, C. Karlson, C. Martin, T. Fay. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Library:** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Fire:** [REDACTED]

**AFSCME 1 and 2:** [REDACTED]

[REDACTED]

[REDACTED]

**Public Employee Committee (PEC):** [REDACTED]

**Executive Session Minutes:** The Board reviewed the draft minutes and suggested minor edits. C. Karlson moved, seconded by C. Martin, to approve as amended and hold the executive session minutes of September 13, 2021. Roll call vote of the Board: YEA: D. Watkins, C. Karlson, A. Gutbezahl, C. Martin, T. Fay. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Exit Executive Session:** At 9:26 pm, C. Karlson moved, seconded by D. Watkins, to exit Executive Session and adjourn. Roll call vote of the Board: YEA: D. Watkins, A. Gutbezahl, C. Karlson, C. Martin, T. Fay. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Documents provided:**

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



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BOARD OF SELECTMEN  
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DAVID V. WATKINS

## BOARD OF SELECTMEN

Meeting Minutes

Executive Session

December 13, 2021

7:00 p.m.

Wayland Town Building

Council on Aging Room

41 Cochituate Road, Wayland, MA

**Attendance:** Tom Fay, Cherry Karlson, Dave Watkins, Carol Martin

**Absent:** Adam Gutbezahl

**Also Present:** Louise Miller, Town Administrator; John Bugbee, Assistant Town Administrator.

**Purpose:** At 10:27 p.m. T. Fay called the session to order by unanimous roll call vote of the Board (YEA: D. Watkins, C. Martin, C. Karlson, T. Fay. NAY: none. ABSENT: A. Gutbezahl. ABSTAIN: none. Adopted 4-0-0.) in open session 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 Tower Lease agreement with Horizon Towers relative to property located on Reeves Hill located at 139 Old Connecticut Path and 0 Old Connecticut Path; 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; 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 collective bargaining with:

- 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);

pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (6) to consider the purchase, exchange, taking, lease or value of real estate in regard to the purchase of Launcher Way property; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation related to Trustees of the Residences of Oxbow v. Town of Wayland; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Duane Galbi v. Town of Wayland et al; pursuant to Massachusetts General Laws Chapter 30A, Section 21, (a) (2) to conduct a strategy session in preparation for contract negotiations with non-union personnel (Town Administrator); and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of September 27 and November 22, 2021 with the intent to hold said minutes.



[Redacted]

[Redacted]

**Galbi:** L. Miller announced that Duane Galbi accepted [Redacted] [Redacted] She provided a draft Settlement Agreement and Release. The Board thanked her for her work to reach settlement. C. Karlson moved, seconded by T. Fay, to authorize the Town Administrator to sign the Settlement Agreement and Release. Roll call vote of the Board: YEA: C. Martin, D. Watkins, C. Karlson, T. Fay. NAY: none. ABSENT: Gutbezahl. ABSTAIN: none. Adopted 4-0.

**Minutes:** The Board reviewed the draft minutes of November 22, 2021. C. Martin moved, seconded by C. Karlson, to approve and hold the executive session minutes of November 22, 2021. Roll call vote of the Board: YEA: D. Watkins, C. Karlson, C. Martin, T. Fay. NAY: none. ABSENT: Gutbezahl. ABSTAIN: none. Adopted 4-0.

J. Bugbee left the meeting at 11:15 p.m.

**TA Negotiations:** This topic is contained in a separate set of executive session minutes for confidentiality reasons.

**Minutes, continued:** The Board reviewed the previously approved executive session minutes of September 27, 2021. C. Karlson suggested edits to statements attributed to her. C. Karlson moved, seconded by D. Watkins, to reconsider the executive session minutes of September 27, 2021 and to approve as amended and hold said minutes. Roll call vote of the Board: YEA: C. Karlson, D. Watkins, C. Martin, T. Fay. NAY: none. ABSENT: Gutbezahl. ABSTAIN: none. Adopted 4-0.

**Exit Executive Session:** At 12:32 a.m., C. Karlson moved, seconded by D. Watkins, to exit Executive Session and adjourn. Roll call vote of the Board: YEA: D. Watkins, C. Karlson, C. Martin, T. Fay. NAY: none. ABSENT: Gutbezahl. ABSTAIN: none. Adopted 4-0.

**Documents provided:**

[Redacted]



## SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (“Agreement”) is entered into by and between the Town of Wayland and Town Administrator Louise Miller in her capacity as the Wayland Records Access Officer (collectively the “Town”), and Duane Galbi (the “Plaintiff” or “Mr. Galbi”), collectively referred to as the “Parties.” This Agreement shall become effective on the day that it is executed by the Parties (the “Effective Date”).

WHEREAS, a dispute arose between the Town and Mr. Galbi arising from the Town’s responses to his requests for public records under the Massachusetts Public Records Law;

WHEREAS, the Plaintiff filed a lawsuit against the Town, which is currently pending before the Massachusetts Superior Court for Middlesex County, in the case captioned as Duane Galbi v. Town of Wayland, Middlesex Sup. Ct. No. 1981CV02796 (the “Litigation”), alleging that the Town, by virtue of its responses to the Plaintiff’s requests for certain records, has violated the Massachusetts Public Records Law;

WHEREAS, the Town, and its current and former officials and employees deny any and all allegations against them contained in the Litigation;

WHEREAS, in order to avoid the significant time and expense of litigation, and without any admission of liability or wrongdoing by any of the Parties, the Parties desire to settle fully and finally all differences between them, including but not limited to any and all claims that were raised or could have been raised in this Litigation, any and all issues that could have been raised regarding the subject of this Litigation, and any and all defenses and counterclaims that were raised or could have been raised in this Litigation;

NOW THEREFORE, in consideration of the promises and covenants set forth below, including, but not limited to, the Release of Claims, and for other good and valuable consideration as set forth in this Agreement, the Parties agree as follows:

1. For and in consideration of the total sum of Five Thousand Dollars (\$5,000.00) paid to the Plaintiff by or on behalf of the Town, which sum is inclusive of all interest, attorneys' fees and costs, and other good and valuable consideration, the Plaintiff hereby releases and forever discharges the Town of Wayland and the Town Administrator, Louise Miller, in her capacity as the Wayland Records Access Officer and any of its past, present, and future elected or appointed boards, departments, officials, agents, employees, legal representatives and insurers, and any of the their agents, predecessors, successors, and assigns and each of their present, former or future officers, directors, shareholders, trustees, employees, servants, attorneys, and other legal representatives, whether in an individual or official capacity (collectively the "Releasees") from any and all claims, liabilities, complaints, and actions, of any nature, whether presently known or unknown, accruing at any time up to and including the date of execution of this Release, including for all claims were brought or could have been brought relative to this Litigation. ~~To the extent permitted by law, all payment amounts shall be confidential.~~ *Es.*

2. The Town agrees that a settlement check in the amount of the above-referenced sum will be made payable to "The Law Office of Kris Aleksov, as attorney for Duane Galbi," who shall take care of ensuring that the Plaintiff receives the Town's payment.

3. The Plaintiff acknowledges that if there should be any tax liability upon the monetary payment detailed above, that obligation shall be totally and exclusively his. The Plaintiff further acknowledges that no representations as to the taxability or non-taxability of the amount described above have been or are being made by the Releasees or any of the Releasees' representatives.

4. In the Litigation, the Plaintiff alleges that the Town, in its responses to the Plaintiff's requests for certain records, violated the provisions of the Massachusetts Public Records Law. The Plaintiff acknowledges and agrees that the payment referenced in Paragraph 1 shall not be construed as an admission of liability and/or wrongdoing on the part of the Releasees or anyone for whom they would be responsible, with liability and/or wrongdoing being expressly denied by the Releasees. The Plaintiff further acknowledges and agrees that the payment shall not be construed as an admission of liability and/or wrongdoing on the part of the Releasees or anyone for whom they would be responsible, and may not be used against the Releasees in other pending litigation that the Plaintiff has brought against the Town, including but not limited to, the case captioned as Duane Galbi v. Jonathan Sachs et al., Land Ct. No. 19 MISC. 000389.

5. The Plaintiff represents and warrants that he has the right, capacity, and all necessary authority to execute this Release on behalf of the Plaintiff and that he has not sold, assigned, or transferred any of the claims referred above to any person or entity.

6. The Plaintiff further represents and warrants that he has had the opportunity to review the terms of this Release and to obtain the advice of independent counsel prior to executing this Release, and that he executes this Release as his free act and deed.

7. The Plaintiff agrees that, after the payment referenced in Paragraph 1 has been made, he will execute and file a Stipulation of Dismissal of all claims against the Releasees in the Litigation, including all appeals, with said Stipulation providing for a dismissal of all claims with prejudice, without interest, without costs and/or an award of any attorneys' fees, and with all rights of appeal being waived.

8. This Release contains the entire agreement between the Parties hereto and the terms of this Release are contractual and not a mere recital. The Parties to this Agreement acknowledge that this Agreement made after thoughtful consideration and with the advice of

counsel. This Agreement voids any and all previous agreements, writings, or contracts whether written or oral.

Duane Galbi 11/24/21  
Duane Galbi

Kris Aleksov  
Kris Aleksov, Esq.  
Counsel for Duane Galbi  
The Law Office of Kris Aleksov  
2 Central Street #210  
Framingham, MA 01701  
Tel.: 508-322-1335  
[kris@kkalegal.com](mailto:kris@kkalegal.com)

Dated: 11/24/21

Town of Wayland and Town Administrator  
Louise Miller, as authorized

Janelle M. Austin, Esq.  
Town Counsel  
KP Law  
101 Arch Street, 12<sup>th</sup> Floor  
Boston, MA 02110  
Tel.: 617-556-0007  
[jaustin@k-plaw.com](mailto:jaustin@k-plaw.com)

Dated: \_\_\_\_\_

counsel. This Agreement voids any and all previous agreements, writings, or contracts whether written or oral.

Duane Galbi 11/24/21  
Duane Galbi

Kris Aleksov  
Kris Aleksov, Esq.  
Counsel for Duane Galbi  
The Law Office of Kris Aleksov  
2 Central Street #210  
Framingham, MA 01701  
Tel.: 508-322-1335  
[kris@kkalegal.com](mailto:kris@kkalegal.com)

Dated: 11/24/21

Louise Miller  
Town of Wayland and Town Administrator  
Louise Miller, as authorized

Janelle M. Austin  
Janelle M. Austin, Esq.  
Town Counsel  
KP Law  
101 Arch Street, 12<sup>th</sup> Floor  
Boston, MA 02110  
Tel.: 617-556-0007  
[jaustin@k-plaw.com](mailto:jaustin@k-plaw.com)

Dated: \_\_\_\_\_

To determine whether the Town will vote to accept an access easement at 51 Knollwood Lane, running between Knollwood Lane to the terminus of Lake Shore Drive, shown as “20.0’ New Location of 20’ Access Easement” on a plan entitled “Plan Showing Easement Relocation 51 Knollwood Lane Wayland, MA,” dated April 29, 2022, prepared by D. O’Brien Land Surveying, a copy of which is on file in the office of the Town Clerk, and to relinquish all right, title and interest on the same property shown as “Previous Location of 20’ Access Easement” on said plan, on such terms and conditions as the Select Board deems to be in the best interests of the Town, and to authorize the Select Board to take any and all related actions necessary or appropriate to accomplish the purposes of this Article and/or otherwise act thereon.

Two-third’s majority vote

## LICENSE AGREEMENT

This License Agreement (this "License") is entered into on this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the **Town of Wayland** (the "Town"), a Massachusetts municipal corporation acting by and through its Select Board, having an address of 41 Cochituate Road, Wayland, MA 01778 and **Roy J. Rotenberg and Noa Berlin** ("Licensee"), having an address of 51 Knollwood Lane, Wayland, MA 01778.

Whereas, the Licensee is the owner of property located at 51 Knollwood Lane, Wayland, Massachusetts acquired by a deed recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 79328, Page 557 (the "Property");

Whereas, the Town has an easement across the Property, providing access between Knollwood Lane and Lake Shore Drive (the "Easement") as described in a Grant of Easements recorded with the Registry in Book 11100, Page 62, and shown on a plan entitled "Subdivision of Land in Wayland, Mass.," dated September 13, 1965, recorded with the Registry as Plan 448 of 1966;

Whereas, Licensee is reconstructing the improvements at the Property, which improvements will encroach upon the Easement;

Whereas, Licensee desires to relocate the Easement from its current location to a new location as shown on a plan entitled "Plan Showing Easement Relocation 51 Knollwood Lane Wayland, MA Middlesex County," dated April 29, 2022, prepared by D. O'Brien Land Surveying (the "Plan"), a reduced copy of which is attached hereto as Exhibit A, and incorporated herein; and

Whereas, Wayland Town Meeting will not be held until a later date, which will authorize the relocation of the Easement, and the parties wish to enter into this License to allow Licensee to use a portion of the Easement for the foregoing purposes subject to the terms and conditions set forth herein.

Now therefore, for good and valuable consideration, the Town and Licensee agree as follows:

1. USE, PURPOSE. The Town hereby grants Licensee and its employees, contractors, subcontractors and agents the right to enter upon a portion of the Easement (the "Licensed Premises") for the installation and construction of a single-family residence (the "Permitted Uses"). Under no circumstances shall the residence or any other improvements be located upon the area identified as "New Location of 20' Access Easement" as shown on the Plan.

Licensee shall comply with, and shall cause all work performed under this License to comply with all applicable laws, rules, orders, regulations and bylaws, and the Licensee agrees that is shall be solely responsible for obtaining any and all permits and/or approvals necessary to carry out the activities permitted hereunder.

Licensee shall, at the Town's reasonable request and at Licensee's cost, take such measures reasonably necessary to ensure the safety of others using and accessing the area of the Licensed Premises and its reasonable vicinity. Licensee shall promptly repair any damages caused by or resulting directly or indirectly as a result of the acts or omissions of the Licensee, at its sole cost and

expense.

Licensee accepts the Licensed Premises in their "AS IS" condition, and acknowledges that the Town shall have no obligation to perform any work to make the Licensed Premises suitable for the Licensee's use, and that Licensee shall use the Licensed Premises at its sole risk.

In exchange for this License, Licensee grants the Town the right to use the area identified as "Location of 20' Access Easement" on the Plan for the purpose of traversing the Property, between Knollwood Lane and Lake Shore Drive, by vehicle, including heavy equipment (the "Town Access Right").

2. TERM. The rights granted to the Town and the Licensee, respectively, hereunder, may be exercised from the date of the execution of this License by both parties and shall continue until legislative authorization at Town Meeting is obtained to relocate the Easement from its current location to the relocated site shown on the Plan, and appropriate documentation reflecting the relocation of the Easement is recorded with the Registry, unless sooner terminated in accordance with this License (the "Term").

3. NO UNREASONABLE INTERFERENCE. Licensee agrees that it shall at all times conduct itself so as not to unreasonably interfere with the Town Access Right.

4. INDEMNIFICATION. Licensee shall indemnify, defend, and save the Town harmless from and against any and all liabilities, losses, damages, costs, expenses (including reasonable attorneys' expenses and fees), causes of action, suits, claims, demands or judgments of any nature whatsoever arising out of Licensee's exercise of its rights under this License, except and unless caused by the gross negligence or willful misconduct of the Town.

5. TERMINATION BY TOWN. This License may be terminated by the Town at any time for any reason by written notice of termination given at least six (6) months prior to the termination date stated within said notice and may terminate this License with at least two (2) business days prior notice if Licensee fails to comply with any of the material terms hereof and/or for public safety reasons. At the expiration of the Term of this License or its prior termination, Licensee shall forthwith remove all equipment, markings, materials, and any other personal property from the Licensed Premises at its sole expense and restore the Licensed Premises to its condition as of the date of this License, unless permitted to remain due to the relocation of the Easement.

6. NOTICE. Any notice required or permitted to be given under this License shall be in writing and signed by the party or the party's attorney or agent and shall be deemed to have been given: (a) when delivered by hand, or (b) when sent by Federal Express or other similar overnight courier service, or (c) when mailed by certified mail, return receipt requested, to the party at the address set forth above. These addresses are subject to change, and the parties hereto agree to inform each other of such changes as soon as practicable.

7. MISCELLANEOUS.



(a)  This License contains the entire agreement of the parties and there are no other agreements or understandings between the parties regarding the subject matter of this License. Nothing herein shall constitute a promise or a guaranty that Wayland Town Meeting will authorize the relocation of the easement.

(b)  Modifications or amendments to this License shall be in writing and duly executed by both parties hereto to be effective.

(c)  This License shall not be construed as creating or vesting in Licensee any estate in the Licensed Premises, but only the limited right of use as hereinabove stated.

(d)  Licensee is not authorized to bind or involve the Town in any contract or to incur any liability for or on the part of the Town.

(e)  If any portion of this License is declared to be illegal, unenforceable or void, then all parties to this License shall be relieved of all obligations under that portion; provided, however, that the remainder of this License shall be enforced to the fullest extent permitted by law.

(f)  The captions in this License are inserted for convenience of reference only and in no way define, describe or limit the scope or intent of this License or any of the provisions thereof.

(g)  All appropriate terms and provisions relating to indemnification and the restoration of the property affected hereby shall survive the expiration or termination of this License.

(h)  This License shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts, and any and all legal actions brought in connection with this License shall be brought in courts within the Commonwealth of Massachusetts.

(i)  This License is to take effect as a sealed instrument.

(j)  If prior to the termination or expiration of this License, Licensee shall sell or transfer the Property to a third party purchaser the Town agrees to review the request to issue a new License to the purchaser at similar terms. The Town agrees not to unreasonably deny such request.

[Remainder of Page Intentionally Blank; Signature Page Follows]

The parties hereto have caused this License Agreement to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

TOWN OF WAYLAND,  
By its Select Board

LICENSEE:

\_\_\_\_\_  
Cherry C. Karlson, Chair

\_\_\_\_\_  
Roy J. Rotenberg

\_\_\_\_\_  
Dave V. Watkins, Vice Chair

\_\_\_\_\_  
Noa Berlin

\_\_\_\_\_  
Thomas J. Fay, Member

\_\_\_\_\_  
Adam Garrett Gutbezahl, Member

\_\_\_\_\_  
Carol B. Martin, Member

Exhibit A

Plan



TOWN OF WAYLAND  
41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778  
PLANNING BOARD

TO: Cherry Karlson, Select Board Chair  
Sean P. Fair, Conservation Commission Chair  
Katherine Gardner-Westcott, Historical Commission Chair  
Tom Lashmit, Town Surveyor  
Tree Warden  
Clifford W. Lewis, Board of Public Works Chair

cc: Department of Public Works

FROM: Anette Lewis, Chair

DATE: July 27, 2022

RE: Scenic Road Application – Removal of Portion of Stone Wall at 202 Glezen Lane

The Planning Board has received the attached application for removal of a 14-foot portion of a stone wall in the right-of-way at 202 Glezen Lane for a new driveway opening. The applicant proposes to close off the existing driveway opening and relocate the wall to the abandoned driveway opening area. A Scenic Road Hearing on the matter has been scheduled for Tuesday, August 9, 2022 at 7:05 p.m.

Per Wayland's Scenic Road Bylaw Section 158-5, *et seq.*, a copy of the application and notice of hearing are being sent to you for any comments you may have. Especially with regard to the Board of Public Works, matters that may come in to play are sight lines from the new driveway and permission to place stones in the right-of-way at the abandoned driveway. Those are things outside of the purview of the Planning Board and Public Works insights would be most appreciated.

Please provide comments at your earliest convenience but prior to the August 9 hearing.

Attachments (notice and application materials)



Civil Engineering • Land Planning • Land Surveying

Engineering Solutions  
for Land & Structures

June 14, 2022

Wayland Planning Board  
41 Cochituate Road  
Wayland, MA 01778**Subject: Assessors Map #13 Parcel 21  
202 Glezen Lane, Wayland, MA  
Scenic Road Alteration**

On behalf of the owners, Alvaro & Elizabeth Pascual-Leone, Goldsmith, Prest & Ringwall, Inc. (GPR) respectfully requests permission from the Planning Board to relocate a 14-foot section of an existing stone wall within the Glezen Lane right of way in order to create a new driveway connection for the above referenced property. This proposed driveway connection is part of the site work that includes the razing, removal, and reconstruction of an existing single-family dwelling and driveway, as well as the reconstruction of a single-family dwelling and other associated site work.

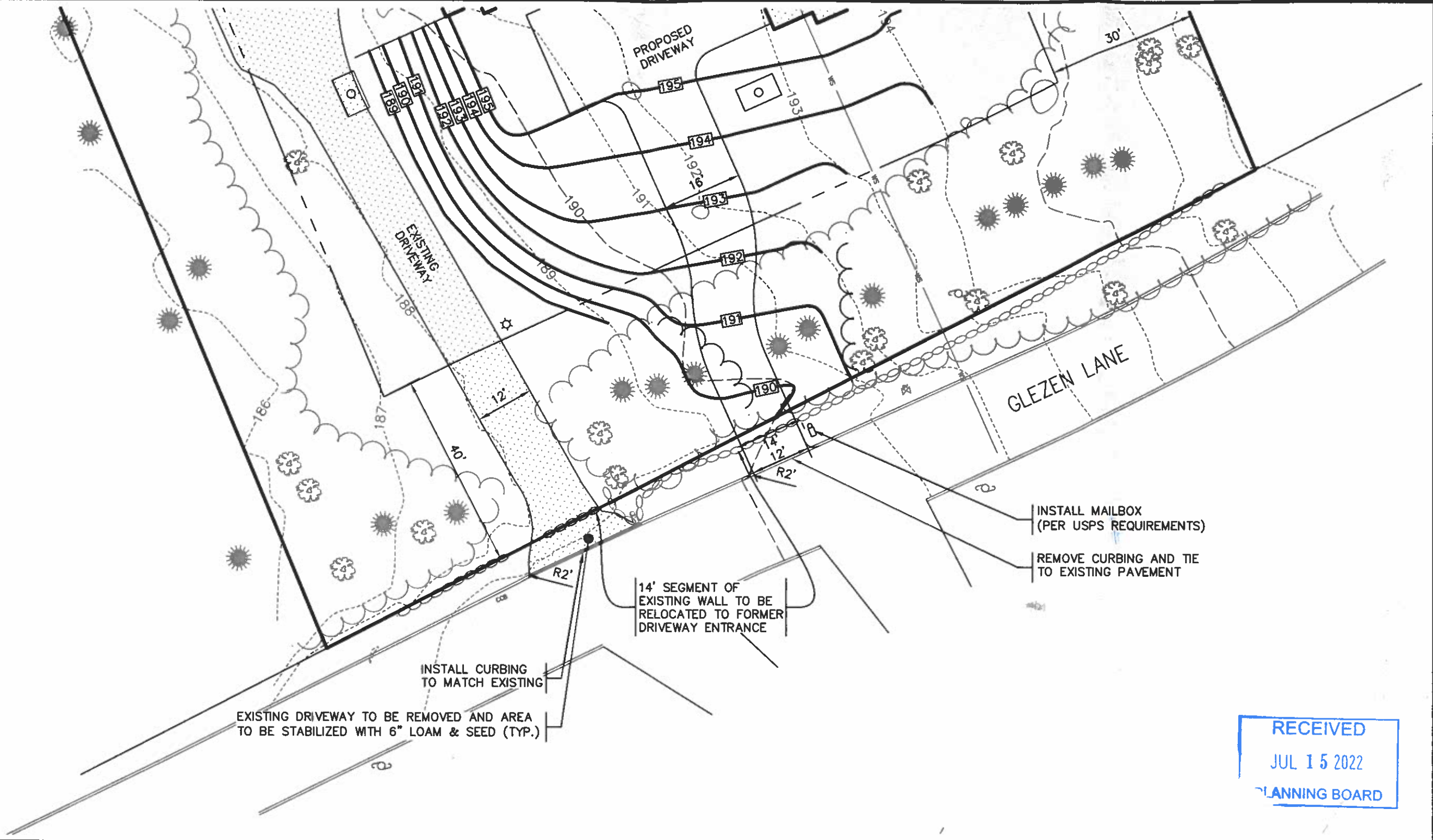
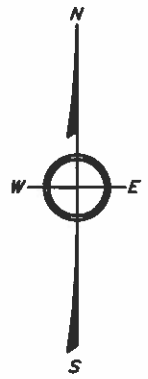
Glezen Lane is a Scenic Road subject to the Town of Wayland Scenic Roads Bylaw § 158-9. Paving work for the new driveway connection to Glezen Lane will require the removal and relocation of a 14-foot segment of existing stone wall. The new dwelling is centered on the lot, with an attached garage located on the east side, facing west. The owners prefer to have the driveway relocated so as to access the property through the middle of the frontage, providing the most direct access to the dwelling and garage. In doing so, the proposed driveway will have a smaller impervious area (2,148 SF±) compared to the larger existing driveway (2,920 SF±).

The reduced impervious area will allow for more yard/lawn in the front of the property and lead to an overall improvement of drainage on the site and to surrounding properties. The existing paved driveway surface is to be removed and the area is then to be loamed and seeded, with 5 trees to be planted (outside the Glezen Lane right-of-way), helping the existing driveway to match the surrounding lawn and wooded areas. The 14-foot segment of existing stone wall will be relocated approximately 40± feet to the west of its current location, tying into a portion of existing stone walls to block the former driveway.

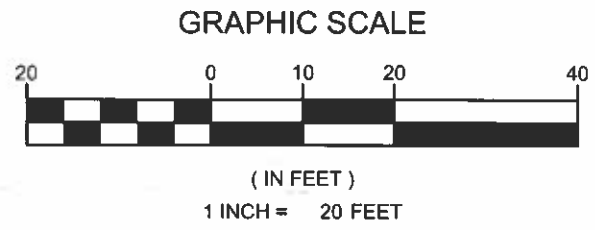
We look forward to reviewing this application with the Planning Board and request that you reach out with any questions about the documentation or materials provided within this application.

Respectfully,  
Goldsmith, Prest & Ringwall, Inc.James F. Basile, E.I.T.  
Staff Engineer

Goldsmith, Prest &amp; Ringwall, Inc.



RECEIVED  
 JUL 15 2022  
 PLANNING BOARD



**GPR**  
 Engineering Solutions  
 for Land & Structures

**GOLDSMITH, PREST & RINGWALL, INC.**  
 39 MAIN ST., SUITE 301, AYER, MA 01432  
 CIVIL ENGINEERING • LAND SURVEYING • LAND PLANNING  
 VOICE: 978.772.1590 FAX: 978.772.1591  
 www.gpr-inc.com

PREPARED FOR:  
 ALVARO & ELIZABETH PASCUAL-LEONE  
 202 GLEZEN LANE  
 WAYLAND MA 01778

DES'D BY: JFB      CHK'D BY: KFB

DATE: JULY 12, 2022

**SCENIC ROAD  
 ALTERATION PLAN**

202 GLEZEN LANE  
 WAYLAND, MA 01778

PROJECT: 201087      1 of 1





Existing Driveway

Google



OR #14

Existing Driveway

Google

Glezen Ln



C#14

202

Existing Driveway

Google



Glezen Ln

Existing Driveway

Google



Glezen Ln

Existing Driveway

Google





CR#1

Existing Driveway

Google



CR #14



Approximate  
Proposed Driveway

Google





Approximate  
Proposed Driveway

Google





Approximate  
Proposed Driveway

Google

## Public Notices

Originally published at [metrowestdailynews.com](https://metrowestdailynews.com) on 07/22/2022

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PL/SCENIC ROAD  
202 GLEZEN RD.  
LEGAL NOTICE  
TOWN OF WAYLAND  
PLANNING BOARD  
PUBLIC HEARING RE:  
DESTRUCTION OF STONE WALL

The Wayland Planning Board will hold a public hearing on Tuesday, August 9, 2022 at 7:05 p.m. to consider an application under the Town's Scenic Road Bylaw Section 158-5, et seq. to remove a 14-foot long portion of an existing stone wall in the Town's right-of-way in front of 202 Glezen Lane (Assessors Map 12, Parcel 021) and relocate that portion to the right-of-way area in front of the entrance to the existing driveway. The application was filed by Goldsmith, Prest & Ringwall, Inc. on behalf of Alvaro & Elizabeth Pascual-Leone, owners of 202 Glezen Lane. In accordance with Chapter 20 of the Acts of 2021, as amended by Ch. 107 of the Acts of 2022, the meeting will be conducted via virtual/remote means and the public may access the meeting via a link provided on the home page of the Town's web site <https://www.wayland.ma.us/public-body-meeting-information-virtual-inperson-and-hybrid> . The application may be viewed at the Planning Department Office, Town Building, 41 Cochituate Road during Town Office working hours and will be available on-line on the Planning Board's web page.

AD# 7555132

DN: 7/22, 7/29/2022





STEPHEN CRANE  
ACTING TOWN MANAGER  
(508) 358-3620  
www.wayland.ma.us

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## SELECT BOARD

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

## **DRAFT Meeting Minutes** **Select Board**

**Monday, July 18, 2022**  
**7:00 p.m.**

### **Remote Meeting/Council on Aging Room** **41 Cochituate Road, Wayland, MA**

**Present, participating remotely:** Thomas J. Fay, Adam G. Gutbezahl, Cherry C. Karlson, Carol B. Martin, David V. Watkins

**Also Present, participating remotely:** Acting Town Manager Stephen Crane, Assistant Town Manager John Bugbee

**A1. Call to Order, Review the Agenda for Public:** At 7:00 p.m., Chair, C. Karlson called the meeting of the Select Board to order when a quorum was present and announced that the meeting would be held remotely and recorded for re-broadcast. C. Karlson announced each member by full name and that all members would participate remotely. C. Karlson reviewed the agenda.

**A2. Executive Session:** At 7:03 p.m., Chair C. Karlson moved, seconded by D. Watkins, that the Board of Selectmen enter into Executive Session, but due to technological difficulties the Executive Session was not held until 10:50 p.m., the Board returned to open session.

**A3. Announcements and Public Comment:** C. Martin acknowledged the recent passing of Mr. Patterson. C. Karlson suggested the Board and Town Counsel hold a community forum on the recent Glezen Lane Traffic Mitigation Settlement Agreement resulting from the Bernstein, et al. v. Wayland Planning Board, et al lawsuit.

Daniel Dresner, Saddle Lane, joined via teleconference to comment on the Glezen Lane Traffic Mitigation Settlement Agreement and requested that the traffic data be released to the public.

Shelby Morss, Glezen Lane, joined via teleconference to comment on the Glezen Lane Traffic Mitigation Settlement Agreement, and concurred with the previous request for traffic data. S. Morss suggested that the Board host a community forum.

Lauren Zajac, Glezen Lane, joined via teleconference and concurred with the previous request for the traffic data and asked if the newly posted signage complied with local zoning bylaws.

Gregory Barchard, Marshall Terrace, joined by teleconference and compared the traffic patterns near the Carroll School as comparable to the Glezen Lane traffic pattern.

Chris Nicholas, Glezen Lane, joined by teleconference and commented on the Glezen Lane Traffic Mitigation Settlement Agreement. C. Nicholas suggested the traffic data was statistically inaccurate, requested more data and noted that over 100 Glezen residents have bought or sold homes since the case was initially filed. C. Nicholas noted that D. Bernstein had been unwilling to meet with neighbors.

Jackie Adleson, Saddle Lane, joined by teleconference and commented on the Glezen Lane Traffic Mitigation Settlement Agreement and its impact to school bus routes.

Jennifer Ray, Saddle Lane, joined by teleconference to comment on the Glezen Lane Traffic Mitigation Settlement Agreement and expressed concern with how the neighbors were not notified and its impact on property values.

Larina Mehta, Saddle Lane, joined by teleconference and requested more information on the traffic study conducted for the Bernstein, et al. v. Wayland Planning Board, et al appeal.

**A12. Consent Calendar: review and vote to approve:** C. Martin asked a question regarding Item #4 and suggested a revision. C. Karlson noted that item #4 was omitted from the revised posted agenda. S. Crane requested authorization to move forward with the related contract because it was time sensitive.

1.  Vote the question of approving the 2022 election worker list provided by the Interim Town Clerk.
2.  Vote the question of approving the grant awarded to the Wayland Police Department from the MetroWest Health Foundation in the amount of \$1,872.95.
3.  Vote the question of approving sign board requests by the Dudley Pond Association to promote the “Fun Run” event during the dates of 09/03/2022-09/10/2022 and 09/10/2022-09/17/2022 at Old Connecticut Path and Cochituate Road (Five Paths) and Fire Station Two in Cochituate.
4.  ~~Vote the question of approving a contract in the amount of \$106,323.01 to purchase public safety software called IMC for the Wayland Police Department through SHI International Corp.~~

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

**A4. Verizon Grant of Location Hearing: 141 Boston Post Road Existing utility pole located near 141 Boston Post Road and 234 Concord Road existing utility pole #42 located near 234 Concord Road a) petitioners request permission to attach, maintain and operate small cell communications equipment on utility poles located in the public right-of-way:**

At 7:42 p.m., C. Karlson opened the public hearing, and read the legal notice for the hearing as shown in the packet. Verizon petitioners Derek Mahew, Michael Patteson, Sean Conway, Stan Usovich, and Paula Foley joined the meeting video-teleconference to describe the two applications before the Board. P. Foley noted that using a small cell approach would be the most effective approach to improve coverage. C. Karlson opened the hearing for Public Comment:

Matthew Mills, Concord Road, joined by teleconference and asked if there would be any increased costs for Verizon customers. P. Foley answered there would be no additional cost.

Richard Turner, Nob Hill Road, joined by teleconference and asked if the cell signal would be improved. P. Foley noted there would be improved signal in a small area near the pole.

Gregory Barchard, Marshall Terrace, joined by teleconference and asked about the power output. P. Foley noted that the outputs were well within the Federal Communications Commission (FCC) regulations.

Steve Correia, Glezen Lane, joined by teleconference asked if the matter should be reviewed by the Cable Advisory Committee. S. Usovich answered that cable service was separate from the proposed wireless service that would be provided.

Diana Warren, Sudbury resident, and former long-time Wayland resident, joined by teleconference and commented on the wireless bylaw intended to protect the community, she noted the Town bylaws required a 900 foot setback and Town Counsel should review the matter.

Stan Robinson, Wheelock Road, joined via telephone and read Wayland zoning bylaw Chapter 198-1503.2.13 and described the application as disingenuous.

A. Gutbezah confirmed that Wayland zoning bylaw Chapter 198-1503.2.13 applies to wireless communications within the overlay district, and that the bylaw does not apply to the poles in question because they are not within the overlay district. C. Karlson confirmed the poles are in the Town’s right-of-way and the zoning bylaws do not apply. P. Foley also confirmed that the poles were not located within the overlay district. C. Martin asked how many pole requests could be expected. P. Foley noted that coverage evaluations happen continuously and it would be hard to predict future requests, she was aware of one other possible request. The Board discussed the comments and the petition. At 8:24 p.m., C. Karlson closed the hearing.

A. Gutbezah moved, seconded by T. Fay, to approve the applications to attach, maintain and operate small cell communications equipment on utility poles located in a public right-of-way near 141 Boston Post Road

and 234 Concord Road. In discussion, D. Watkins expressed concern with restrictions pertaining to overlay districts. A. Gutbezahl screen shared a map of Wayland overlay districts and reiterated that the poles in question are not in the overlay district. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

**A5. Local Initiative Program (LIP): discussion with Town Counsel to understand the Select Board role in a housing LIP:** Amy Kwesell, K-P Law, P.C., joined via video-teleconference to inform the Board of its role in a housing Local Initiative Program (LIP) and the benefits of the program. A. Kwesell described a LIP as similar to Chapter 40B, a state program that encourages the creation of affordable housing. A. Kwesell described the process to reach an agreement for affordable housing projects, and that a LIP regulatory agreement would be agreed to by the Town, developer, and Department of Housing and Community Development (DHCD). C. Karlson asked about the permitting process for a LIP project, A. Kwesell described the operational process involving Department heads. The Board discussed the LIP.

**A6. Appointments to Committee: Vote to confirm appointment of the following volunteers:**

**Appointments to Committee: Interview, Discuss and potential vote to appoint:**

Committee	Potential Appointee	Term End Date
Personnel Board (1 vacancy)	Jeff Kurtz	06/30/2025
Personnel Board (1 vacancy)	Jill Zukerman	06/30/2025
Surface Water Quality Committee	Carole Plumb	06/30/2025

The Board interviewed two potential appointees to the Personnel Board: J. Kurtz and J. Zukerman who both joined via video-teleconference. Each reviewed his/her/their intent to join the Personnel Board and related qualifications. The Board interviewed the candidates.

The Board interviewed C. Plumb who joined via video-teleconference, for the Surface Water Quality Committee. C. Plumb reviewed her intent to join the SWQC and her related qualifications.

C. Martin moved, seconded by A. Gutbezahl, that the Board appoint C. Plumb to the Surface Water Quality Committee for a term ending June 30, 2025. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: Adopted 5-0.

Appointing Entity	Committee	Potential Appointee	Term End
Police Chief	Youth Advisory Committee	Tyler Castagno	06/30/2025
Wayland Interfaith Leaders Association	Youth Advisory Committee	Louis Polisson	06/30/2025

C. Martin moved, seconded by A. Gutbezahl, that the Board vote to confirm the appointments of T. Castagno and L. Polisson to the Youth Advisory Committee for terms ending June 30, 2025. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: Adopted 5-0.

The Board discussed the potential appointees for the Personnel Board. C. Martin moved, seconded by T. Fay, that the Board appoint J. Zukerman to the Personnel Board for a term ending June 30, 2025. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: Adopted 5-0.

**A7. Select Board Goals: Review and accept goal document for 2022-2023:** The Board reviewed and accepted the goal document for 2022-2023. C. Karlson noted it would be posted to the website.

**A8. Acting Town Manager Report: a. Route 20 Revitalization - status of BETA Group contracts b. St Ann’s Church - potential affordable housing proposal c. Update on remote participation for meetings d. Glezen Lane signage e. Status of Earth Well Medical Marijuana Dispensary agreement:**

**A8.a. Route 20 Revitalization - status of BETA Group contracts:** S. Crane reported that there had been two contracts with BETA Group, Inc., one contract was referred to as the “curb-cut” and another that was a

master planning effort. S. Crane reported that there had been a recent departmental discussion about combining the contracts because there was some overlap and some duplication of efforts.

**A8.b. Saint Ann's Church - potential affordable housing proposal:** S. Crane reported that there was a discussion about a potential housing development at Saint Ann's Church, though there were currently no pending applications.

**A8.c. Update on remote participation for meetings:** S. Crane reported that the Lieutenant Governor recently signed an extension to allow certain exemptions for remote public meetings until March 2023.

**A8.d. Glezen Lane signage:** S. Crane expressed support for a public forum with the Glezen neighborhood.

**A8.e. Status of Earth Well Medical Marijuana Dispensary agreement:** S. Crane reported that he had been in contact with Earth Well Farms Inc.'s Attorney P. Silverman and reviewed the next steps.

S. Crane added that the Town had been in receipt of some funds related to the Statewide Opioid Settlement agreement, and the funds would be used toward substance education.

**A9. Remote Participation at Town Meeting: review of ATM 2021 article, discussion of language submitted to state, and discussion of and potential for Board confirming vote:** D. Watkins reviewed a history of revisions to House Bill 4985 filed by Representative C. Gentile and A. Peisch and recommended that the Board confirm the language with a vote. The Board discussed Bill 4985. A. Gutbezahl questioned if the Board's review and approval was needed if the Bill had already been filed by the representatives. The Board discussed options to move forward, one option to request that Bill 4985 be withdrawn and refiled with revised language or to create a separate bill and file that bill as well. A. Gutbezahl recommended the Board take action on the Bill 4985 as written before them, and review the language at a future meeting in order to provide revisions and refile in January, to comply with the ATM authorization.

D. Watkins moved, seconded by T. Fay, to approve House Bill 4985 an Act authorizing remote participation at town meetings in the Town of Wayland as filed on June 27, 2022. After discussion, D. Watkins withdrew the motion. D. Watkins moved, seconded by T. Fay, to approve the language of House Bill 4985, on page 57 of the packet, filed as an Act authorizing remote participation at town meetings in the Town of Wayland and ratify the filing on June 27, 2022, of said Bill. C. Karlson expressed support for remote participation, but not of the Bill as written. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: C. Karlson. ABSENT: None. ABSTAIN: Adopted 4-1.

**A10. Town Manager Search Process: update on contract; discussion of next steps; potential vote to sign contract:** C. Karlson reported that the firm, Community Paradigm Associates, to which the Board awarded the contract for a Town Manager Search had withdrawn its proposal after its representatives reviewed the recent Board meeting recording, and the firm also included written notice that it does not practice poaching of candidates. J. Bugbee reviewed the procurement options to secure a firm: to either negotiate with the one remaining firm that had submitted a RFP response or to repost the RFP to solicit more responses. T. Fay expressed disappointment with the process and was uncomfortable with a firm that had limited experience in the Commonwealth of Massachusetts.

D. Watkins moved, seconded by C. Martin, to move forward with negotiations with the remaining firm. In discussion, C. Karlson noted the Board needed to provide guidance regarding said negotiations. J. Bugbee noted only price could be negotiated, not the scope of services. D. Watkins withdrew the motion. D. Watkins moved, seconded by C. Martin, that Assistant Town Manager J. Bugbee negotiate the contract, complete the contract and authorize the Chair to sign said contract with HRGov. The Board expressed the need to act as one body. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: Adopted 5-0.

**A11. Annual Report: discuss and assign responsibility for creating a draft Annual Report for the September 6 meeting:** D. Watkins agreed to prepare a draft Annual Report for the Board's review at the September 6, 2022 meeting.

**A14. Review Correspondence:** The Board reviewed the correspondence in the packet.



**A15. Select Board's Reports and Concerns:** D. Watkins reported on the progress related to the evaluation of the 195-207 Main Street site for a potential grass field, and recommended the Board initiate the evaluation of a potential third site. C. Martin expressed support for a community forum on the recent Glezen Lane Traffic Mitigation Settlement Agreement.

**A13. Minutes: a. Review and vote to approve the regular session minutes of June 27, 2022 b. Executive Session Minutes: vote to release with redactions the executive session minutes related to discussing strategy with respect to the Public Employee Committee (PEC) agreement: April 26, 2021, June 14, 2021, September 2, 2021, October 4, 2021, October 18, 2021, December 13, 2021, December 20, 2021, January 3, 2022, January 10, 2022, January 18, 2022 and March 14, 2022:** The Board took no action on the listed Executive Session minutes.

D. Watkins moved, seconded by C. Martin, that the Board approve the regular session minutes of June 27, 2022, as amended. Roll Call Vote: YEA: T. Fay, A. Gutbezah, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: Adopted 5-0.

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

**A2. Executive Session: (revisited)**

- I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of June 27, 2022. Approve and hold: Executive Session Minutes of June 27, 2022.
- II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and consider for potential release the following executive session minutes related to discussing strategy with respect to the Public Employee Committee (PEC) agreement: April 26, 2021, June 14, 2021, September 2, 2021, October 4, 2021, October 18, 2021, December 13, 2021, ~~December 20, 2021~~, January 3, 2022, January 10, 2022, January 18, 2022 and March 14, 2022.

At 10:50 p.m., Chair C. Karlson moved, seconded by C. Martin, that the Board of Selectmen enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the Executive Session minutes of June 27, 2022 with the intent to approve and hold said minutes; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and consider for potential release the following executive session minutes related to discussing strategy with respect to the Public Employee Committee (PEC) agreement: April 26, 2021, June 14, 2021, September 2, 2021, October 4, 2021, October 18, 2021, December 13, 2021, January 3, 2022, January 10, 2022, January 18, 2022 and March 14, 2022.

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

Chair, C. Karlson invited attendance by Acting Town Manager S. Crane and Assistant Town Manager, J. Bugbee. C. Karlson announced that the Board would adjourn from the executive session and not return to open session.

**A17. Adjourn:** At 10:52 p.m., the Board entered Executive session.

**Items included in the packet and updated during the Board of Selectmen Meeting of July 18, 2022:**

1.  Revised Agenda: June 27, 2022; revised June 24, 2022 at 10:41 am.
2.  Massachusetts General Law - Part I, Title XXII, Chapter 166, Section 2: Consent of Municipal Officers to construct or alter lines
3.  Notice of Public Hearing: Verizon Grant of Location 141 Boston Post Road
4.  Notice of Public Hearing: Verizon Grant of Location 234 Concord Road



5.  Letter: From Verizon Re: Petition of Cellco Partnership d/b/a Verizon Wireless (“Verizon”) for Pole Attachment of Small Cell Communications Equipment: WAYLAND\_SC02\_MA, 141 Boston Post Road, Pole unmarked; dated April 21, 2022 with attachments
6.  Letter: From Verizon Re: Petition of Cellco Partnership d/b/a Verizon Wireless (“Verizon”) for Pole Attachment of Small Cell Communications Equipment: LINCOLN\_SC14\_MA, 234 Concord Road, Pole #42, dated April 21, 2022, with attachments
7.  Link: <https://www.mass.gov/service-details/local-initiative-program> re: Local Initiative Program
8.  Town of Wayland Board/Committee Appointments Status as of July 15, 2022
9.  Letter: From: E. Burman Re: Youth Advisory Committee appointment: T. Castagno, dated July 15, 2022
10.  Personnel Board Application: J. Kurtz
11.  Personnel Board Application: J. Zukerman
12.  Surface Water Quality Committee Application: Carole Plumb
13.  Select Board Goals 2022-2023
14.  Report to Wayland Housing Partnership about St. Ann’s Church Property – July 12, 2022 Notes by Rachel G. Bratt, Member Wayland Housing Partnership
15.  Warrant Article: 2021 ATM Article 16. Remote Participation at Town Meeting
16.  Letter: From: D. Watkins To: S. Crane Acting Town Manager re: Remote Participation draft, dated July 15, 2022
17.  House Docket, No. 5216 Filed: 6/27/2022, with House No. 4985, Revisions 1-4
18.  House Docket, No. 4450 Filed: 01/31/2022 Re: Act authorizing Brookline to hold hybrid meetings
19.  House Docket, No. 4802 Filed: 2/1/2022 Re: Act Authorizing Natick to hold hybrid Town Meeting.
20.  Email chain: From: Simon, R. (HOU) Sent: Wednesday, July 6, 2022 3:57 PM To: Watkins, D. Cc: Gentile, C. - Rep. (HOU) Subject: RE: Remote Participation
21.  Email: From: B. Lynch Paradigm Associates Sent: Sunday, July 10, 2022 5:37 PM To: Bugbee, J. Subject: Re: Town Manager Search
22.  Letter: From: B. Lynch Paradigm Associates, To: Bugbee, J. Subject: Re: Town Manager Search, dated July 8, 2022:
23.  Link: <https://www.wbur.org/radioboston/2022/07/07/july-7-2022-rb> re: WBUR Radio Boston July 7, 2022 ‘Why so many town managers are resigning’ 0 to 17 minutes elapsed
24.  Letter: From: Costello, C. Date: Friday, July 1, 2022 To: Board and Committee Chairs Subject: Annual Report Notice
25.  Draft: Select Board Minutes for the meeting of Monday, June 27, 2022

**Items Distributed For Information and Use By the Board during the Meeting of July 18, 2022 Otherwise Not Included In The Packet (Handouts):**

1.  Screen share: Map of Wayland Zoning Overlay districts  
[https://www.wayland.ma.us/sites/g/files/vyhlf4016/f/uploads/zoning\\_color\\_5.pdf](https://www.wayland.ma.us/sites/g/files/vyhlf4016/f/uploads/zoning_color_5.pdf)

**Correspondence:**

1.  Correspondence from Town of Wayland dated July 11, 2022 Re: Glezen Lane press release.
2.  Correspondence from Tap Maniar dated July 5, 2022 re: usage of the Boston Post corridor.
3.  Correspondence from Michael Delman dated June 30, 2022 re: endorsement of Climate Action Plan.
4.  Correspondence from Interim Town Clerk dated June 28, 2022 re: VOTES Act (Vote by mail).
5.  Correspondence from Interim Town Clerk dated June 28, 2022 re: VOTES Act (police detail).
6.  Correspondence from Michele Trucksis dated June 27, 2022 re: endorsing the Climate Action Plan.
7.  Correspondence from Gina and Drew Dallin dated July 11, 2022 re: Glezen Lane traffic.
8.  Correspondence from David Katz dated July 12, 2022 re: Glezen Lane Turn signs.
9.  Correspondence from Melanie Kosich dated July 14, 2022 re: Glezen Lane concerns.
10.  Correspondence from C. Karlson to George Harris re: request for unredacted minutes, dated June 14, 2022