

PACKET

AUG 15

7:00 PM



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

SELECT BOARD

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

REVISED AGENDA **PREVIOUS AGENDA POSTED 8/11/2022 AT 3:37 PM**

SELECT BOARD
Monday, August 15, 2022
7:00 p.m.
ZOOM
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. Executive Session

I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and consider for potentially release the following executive session minutes related to discussing strategy with respect to litigation Duane Galbi v. Town of Wayland et al: September 21, 2020; February 1, 2021; July 26, 2021; October 4, 2021; and December 13, 2021.

II. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, Open Meeting Law, G.L. c. 30A, § 23, pursuant to G.L. c. 30A, §21(a)(7) - Open Meeting Law complaint, George Harris, dated July 28, 2022; review of complaint and discussion.

7:20 pm 3. Announcements and Public Comment

WAYLAND TOWN CLERK
AUG 12 2022 12:16 PM

SELECT BOARD
Monday, August 15, 2022
7:00 p.m.
ZOOM
Wayland Town Building, ZOOM
41 Cochituate Road, Wayland, MA

- 7:25 pm 4. Verizon Grant of Location Hearing: 295 Concord Road –existing utility pole #15 located near 295 Concord Road

Petitioners request permission to attach, maintain and operate small cell communications equipment on a utility pole located in the public right-of-way (the “Petition”). The proposed small cell equipment installation included with this petition is to be located on existing utility pole #15 located near 295 Concord Road.

- 8:05 pm 5. Appointments to Committees: Vote to confirm appointment of the following volunteer:

<u>Appointing Board</u>	<u>Committee:</u>	<u>Potential Appointee:</u>	<u>Term End Date:</u>
Historical Commission	Community Preservation Committee	Katherine Gardner-Westcott	6/30/25

- 8:10 pm 6. Town Manager Search: meet with search consultant HRGov to discuss expectations, timeframe for search, and next steps; set date for community forum

- 8:40 pm 7. Update on Water Topics: meet with the DPW Director and Chair of the Board of Public Works to discuss PFAS and potential water sources; discuss timeline for decisions and implementation

- 9:10 pm 8. 2023 Annual Town Meeting (ATM): review and select date for election and start of ATM

- 9:25 pm 9. Launcher Way: authorize the Acting Town Manager to sign the Certificate of Municipality Bidder on behalf of the Select Board

- 9:35 pm 10. Acting Town Manager Report:
- a. Capital project update including but not limited to Loker Roof, Loker Field, Council on Aging/Community Center, PFAS treatment
 - b. Alta Oxbow update
 - c. Route 20 Beta consulting agreement
 - d. RHSO quarterly report

- 10:05 pm 11. Minutes:
- a. Review and approve the minutes of August 8, 2022
 - b. Executive Session Minutes: vote to release with redactions the executive session minutes related to discussing strategy with respect to litigation

SELECT BOARD
Monday, August 15, 2022
7:00 p.m.
ZOOM
Wayland Town Building, ZOOM
41 Cochituate Road, Wayland, MA

Duane Galbi v. Town of Wayland et al: September 21, 2020; February 1, 2021; July 26, 2021; October 4, 2021; and December 13, 2021.

- 10:10 pm 12. Open Meeting Law Complaint: review and approve response to George Harris' complaint of July 28, 2022 regarding a request for unredacted executive session minutes related to Duane Galbi v. Town of Wayland
- 10:20 pm 13. Warrant for 2022 State Primary Election: review and vote to sign
- 10:25 pm 14. Review Correspondence
- 10:30 pm 15. Select Board Members' Reports and Concerns
- 10:40 pm 16. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance, if any
- 10:45 pm 17. Executive Session
- I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and approve the executive session minutes of July 18, 2022.
- Approve and Hold: Executive Session minutes of July 18, 2022.
- II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7), to review and consider for potential release the following executive session minutes related to discussing strategy with respect to David Bernstein v. Planning Board of Wayland et al: July 8, 2008; July 2, 2008; June 23, 2008; June 16, 2008; June 9, 2008; June 2, 2008; May 5, 2008; April 28, 2008; March 17, 2008; February 25, 2008; February 19, 2008; February 11, 2008; March 23, 2009; January 19, 2010; January 12, 2015; February 10, 2015; March 16, 2015; April 13, 2015; May 18, 2015; June 24, 2015; July 13, 2015; September 8, 2015; September 11, 2015; October 5, 2015; February 1, 2016; March 21, 2016; May 23, 2016; August 3, 2016; July 24, 2017; September 18, 2017; April 30, 2018; February 4, 2019; March 25, 2019; July 15, 2019; September 2, 2021; November 8, 2021; January 10, 2022; January 18, 2022; January 24, 2022; February 9, 2022; February 28, 2022, and May 23, 2022.
- III. 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.
- 11:10 pm 18. Adjourn



STEPHEN CRANE
ACTING TOWN MANAGER
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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 15, 2022 beginning approximately at 7:15 PM regarding the following:

7:15 PM. Verizon Grant of Location, 295 Concord Road –Existing utility pole #15 located near 295 Concord Road

- a) *Petitioners request permission to attach, maintain and operate small cell communications equipment on a utility pole located in the public right-of-way (the "Petition"). The proposed small cell equipment installation included with this petition is to be located on existing utility pole #15 located near 295 Concord Road.*

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

July 25, 2022

Office of Town Manager and Select Board
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Re: Petition of Cellco Partnership d/b/a Verizon Wireless (“Verizon”) for
Pole Attachment of Small Cell Communications Equipment:
LINCOLN_SC11_MA, 295 Concord Road, Pole #15

Dear Honorable Members of the Select Board:

Enclosed please find a Petition to the Honorable Wayland Select Board for permission to attach, maintain and operate small cell communications equipment on a utility pole located in the public right-of-way (the “Petition”). The proposed small cell equipment installation included with this petition is to be located on existing utility pole #15 located near 295 Concord Road.

Verizon’s radio frequency engineers targeted the proposed location due to the high traffic and data demands on Verizon’s network in the area. Verizon’s existing macro and small cell sites are not providing adequate data capacity in this location due to population, vehicular traffic, multiple wireless devices being used simultaneously and other contributing factors. This small cell site will work to offload the demand of the macro sites and will allow for increased data capacity and speed within the vicinity of the proposed small cell location.

The small cell equipment will be installed using standard commercially acceptable methods in accordance with all applicable federal, state and local laws and regulations. The proposed attachment is to a utility pole jointly owned by Eversource and Verizon. Verizon has entered into a pole attachment agreement with Eversource and is authorized to attach its wireless facilities to the pole.

As shown on the attached detailed plans, the small cell installation on the utility pole will include fiber optic cables, an unobtrusive side-mount antenna measuring 35.4” in height and 14” in diameter; a remote radio head unit, conduits and cable protectors, and an electric meter with a shut-off switch. The attached plans show the proposed location, pole height, mounting height, equipment specifications and utility plan.

Without this installation, Verizon would be unable to provide specifically established coverage and capacity objectives. The utility pole is located within the limited geographic area where Verizon’s radio frequency engineers determined that a wireless facility is required.



The Telecommunications Act of 1996

The Telecommunications Act of 1996 (the “Act”) imposes restrictions affecting the standard for granting the requested relief, specifically (1) no laws or actions by any local government or planning or zoning board may prohibit, or have the effect of prohibiting, the placement, construction, or modification of communications towers, antennas or other wireless facilities in any particular geographic area, see 47 USC § 332(c)(7)(B)(i); (2) local government or planning or zoning boards may not unreasonably discriminate among providers of functionally equivalent service, see 47 USC § 332(c)(7)(B)(i); (3) health concerns may not be considered so long as emissions comply with the applicable standards of the FCC, see 47 USC § 332(c)(7)(B)(iv); and (4) decisions must be rendered within a reasonable period of time, see 47 USC § 332(c)(7)(B)(ii). The presumptively reasonable period of time established by the FCC in this instance is 60 days from the submission of a complete Petition, see 47 CFR § 1.6003(c)(1)(i).

The proposed small wireless facility will not be located within the Town’s designated Wireless Communications Services District (Article 15 of the Town’s Zoning Bylaws) or within the Planned Wireless Communications Services District (Article 15A of the Town’s Zoning Bylaws), rather it will be located within the public right of way. Accordingly, under Massachusetts General Laws Chapter 166, Sections 21, 22, 25A, and the Act, Verizon respectfully requests that the Wayland Select Board issue a Grant of Location Order to install and operate fixtures as specified herein. Verizon respectfully requests that the Petition be added to the Select Board agenda.

In accordance with the filing requirements, please find the following:

1. Petition for Pole Attachment;
2. Site Drawing;
3. Proposed Order; and
4. Authorization from Eversource to attach to the pole.

Verizon looks forward to presenting this Petition to the Wayland Select Board. Should you require any additional information, please don’t hesitate to contact me. Thank you very much.

Very truly yours,

Paula Foley

Paula Foley
Network Real Estate / Regulatory
M: 508.269.0172
Paula.foley@verizonwireless.com



PETITION FOR SMALL CELL POLE ATTACHMENT

To the Select Board of the Town of Wayland, Massachusetts

Cellco Partnership d/b/a Verizon Wireless hereby provides a petition to this Honorable Board for the location of a small cell wireless antenna, and the necessary sustaining and protecting fixtures, on a utility pole in Wayland, Massachusetts, as more particularly shown on the plans included herewith.

Pole Location

Pole Location: 295 Concord Road - Utility Pole #15

Proposed Equipment: Antenna, Remote Radio Heads, AC/DC Converter, associated wires, cables, meter and fiber demark box on a utility pole as shown on the attached Plans titled LINCOLN_SC11_MA prepared by Centerline Engineering Services with a date of 1/20/22.

Purpose: To address network coverage and capacity in the immediate area of the subject pole. Offload wireless traffic from macro sites and designed to increase throughput to customers in proximity to the pole.

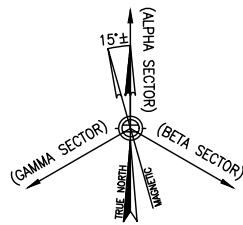
Respectfully submitted,

PETITIONER:

Cellco Partnership d/b/a Verizon Wireless

Paula Foley

Paula Foley
Network Real Estate / Regulatory
15 Chestnut Street, 4th Floor
Worcester, MA 01609
M: 508.269.0172
Paula.foley@verizonwireless.com



SITE NAME: LINCOLN_SC11_MA

CLUSTER: LINCOLN

UTILITY POLE #15
295 CONCORD ROAD
WAYLAND, MA 01778

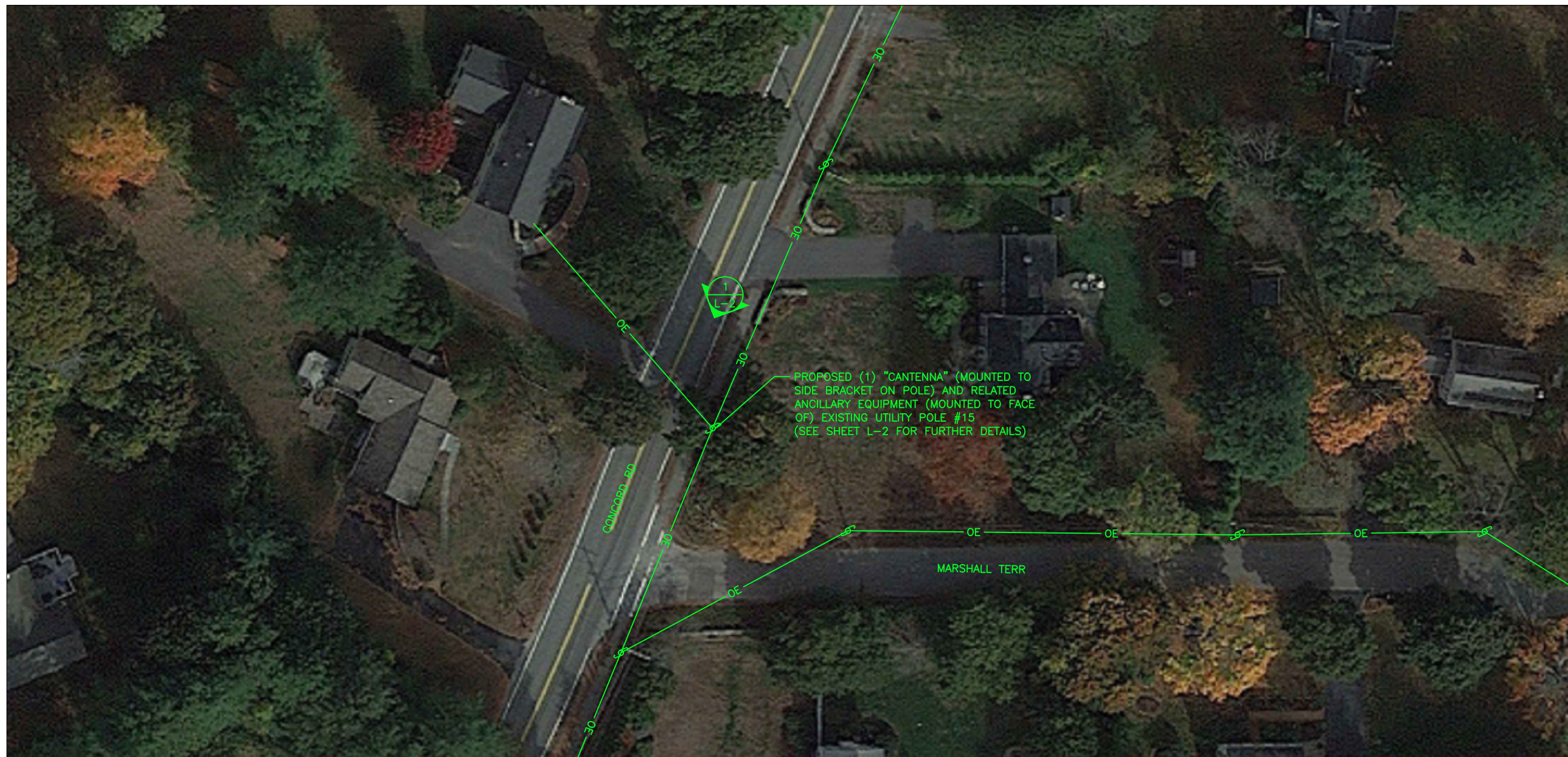
PRESIDING POWER COMPANY
EVERSOURCE

verizon

"Because Better Matters."



750 W CENTER ST, SUITE 301
WEST BRIDGEWATER, MA 02379
PHONE: 781.713.4725



IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

REVISIONS

NO.	DESCRIPTION	DATE
0	ISSUED FOR REVIEW	01/20/22

SITE NAME:
LINCOLN_SC11_MA

UTILITY POLE #15
295 CONCORD ROAD
WAYLAND, MA 01778

DRAWING TITLE:
LOCATION PLAN/
AERIAL IMAGE

DRAWING NO.:
L-1

**LEASE EXHIBIT
NOT FOR CONSTRUCTION**

SCALE: AS SHOWN	DESIGNED BY: DRAWN BY: KL CHECKED BY: MP	VZW LOCATION CODE: 402798
VENDOR PROJ. NO.: 2052260	ORIGINAL ISSUE DATE: 01/20/22	

SITE CONTROL POINT:
CENTER OF EXISTING UTILITY POLE #15
N 42.400242' (42'-24"-00.87")
W 71.346564' (71'-20"-47.63")
APPROXIMATE GROUND ELEVATION 170.28'± AMSL

LOCATION PLAN/AERIAL IMAGE 1
SCALE: 1" = 50'
L-1

SHEET INDEX

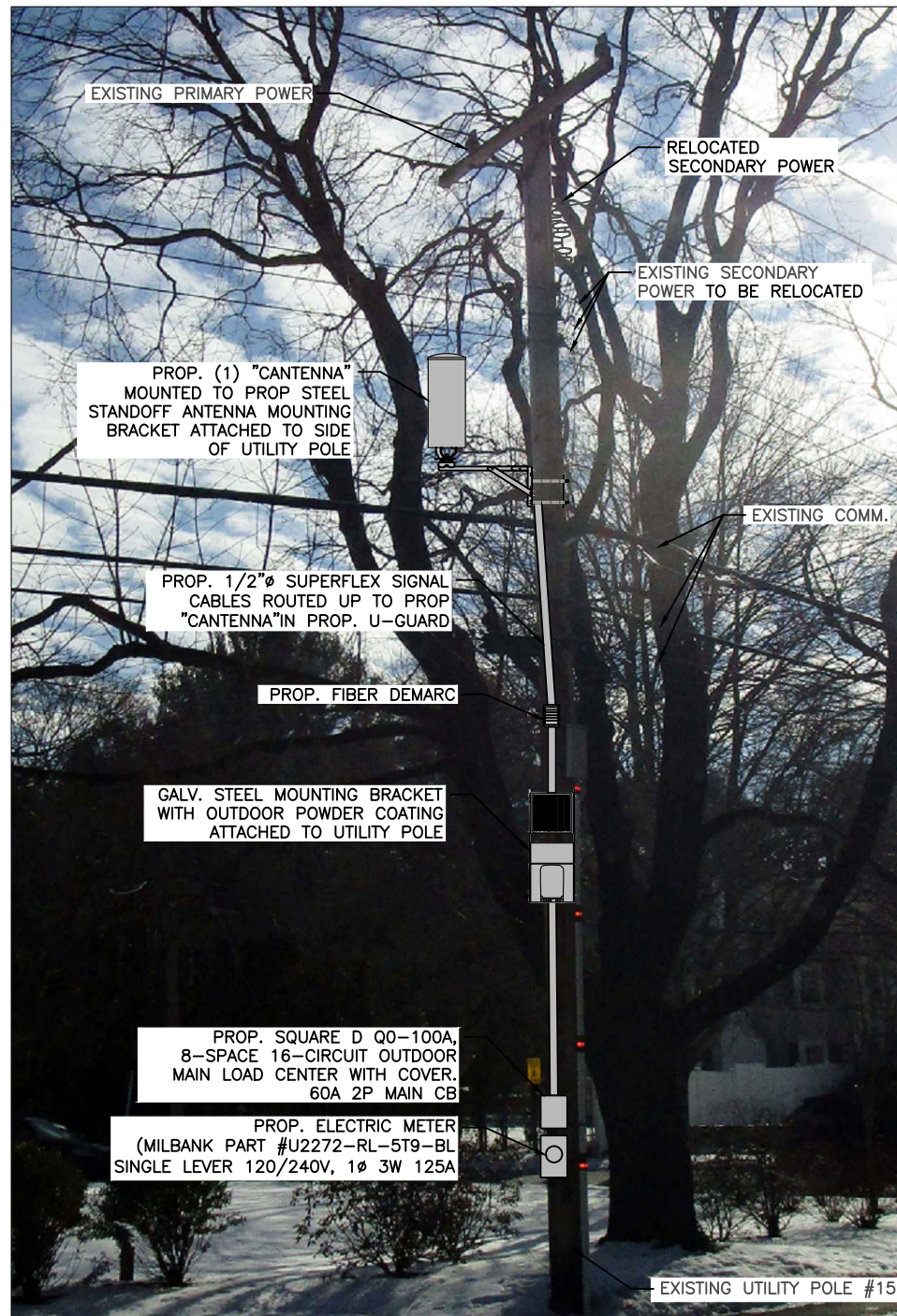
DWG.	DESCRIPTION	REV.
L-1	LOCATION PLAN/AERIAL IMAGE	0
L-2	UTILITY POLE PHOTOGRAPH AND ELEVATION	0
L-3	ANTENNA & ANCILLARY EQUIPMENT ORIENTATION PLANS AND MOUNTING DETAILS	0
L-4	ANTENNA & ANCILLARY EQUIPMENT SPECIFICATIONS AND ONE-LINE DIAGRAM	0

GENERAL NOTES:

1. THIS DRAWINGS ARE DIAGRAMMATIC IN NATURE AND ARE INTENDED TO PROVIDE GENERAL INFORMATION REGARDING THE LOCATION, SIZE AND ORIENTATION OF THE PROPOSED WIRELESS TELECOMMUNICATIONS EQUIPMENT INSTALLATION OF THE UTILITY POLE AND ARE NOT SPECIFICALLY INTENDED FOR CONSTRUCTION.
2. VERIZON WIRELESS SHALL PLACE WEATHER RESISTANT PHENOLIC ON UTILITY POLE AND ANCILLARY EQUIPMENT TO IDENTIFY EQUIPMENT OWNERSHIP AND CONTACT INFORMATION TO UTILIZED IN THE CASE OF EMERGENCY.
3. AN ANALYSIS OF THE CAPACITY OF THE EXISTING STRUCTURE TO SUPPORT THE PROPOSED LOADING HAS NOT BEEN COMPLETED BY CENTERLINE LLC. DRAWINGS ARE SUBJECT TO CHANGE PENDING OUTCOME OF A STRUCTURAL ANALYSIS.
4. VERIZON WIRELESS GENERAL CONTRACTOR SHALL EXTEND EFFORTS TO ENSURE THAT ALL PROPOSED EQUIPMENT MEETS THE REQUIREMENTS OF THE EXISTING UTILITY COMPANY OR COMPANIES CURRENTLY OCCUPYING THE UTILITY POLE AND THE 2017 NATIONAL ELECTRICAL SAFETY CODE.

ANTENNA AND MOUNT NOTE:

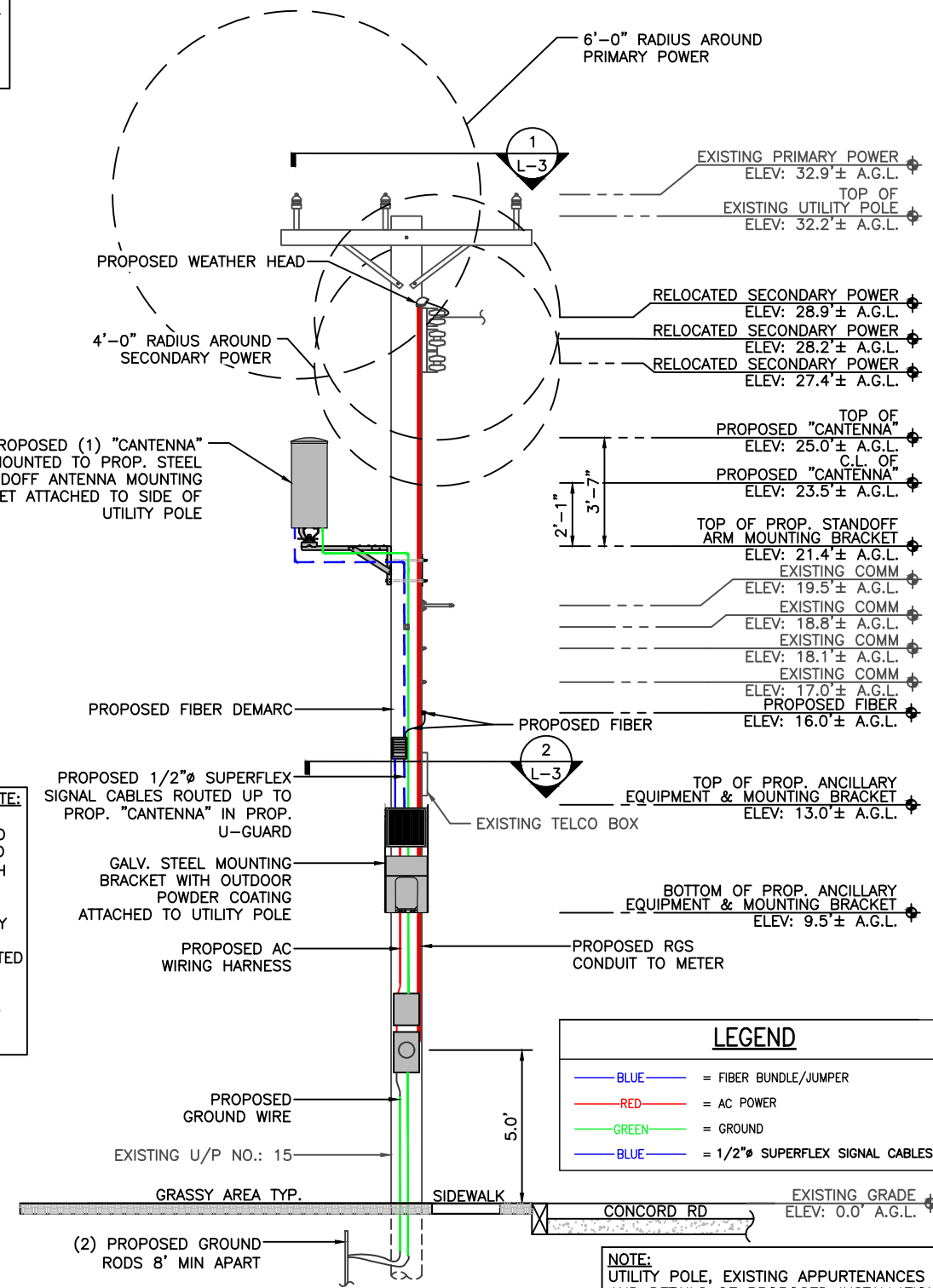
CONTRACTOR SHALL POSITION/ROTATE PROPOSED ANTENNA MOUNT/BACKET IN SUCH A WAY SO AS TO NOT INTERFERE WITH EXISTING STREET LIGHT, PRIMARY POWER CROSSARM(S) (IF PRESENT), BRACKET, BRACES, SECONDARY POWER SUPPORTS OR ANY OTHER MISCELLANEOUS APPURTENANCES AND RELATED SUPPORT BRACKET ENCOUNTERED LOCATED ON THE EXISTING UTILITY POLE



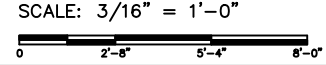
UTILITY POLE # 15 PHOTOGRAPH (EXISTING CONDITIONS/SCHEMATIC RENDERING)
N.T.S.

EQUIPMENT AND MOUNT NOTE:

CONTRACTOR SHALL POSITION/ROTATE PROPOSED EQUIPMENT AND ASSOCIATED MOUNTS/BACKETS IN SUCH A WAY SO AS TO NOT INTERFERE WITH EXISTING WIRES/PANELS ETC. OR ANY OTHER MISCELLANEOUS APPURTENANCES AND RELATED SUPPORT BRACKETS ENCOUNTERED LOCATED ON THE FACE OF THE EXISTING UTILITY POLE.



UTILITY POLE # 15 ELEVATION (PROPOSED CONDITIONS)
SCALE: 3/16" = 1'-0"



750 W CENTER ST, SUITE 301
WEST BRIDGEWATER, MA 02379
PHONE: 781.713.4725

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REVISIONS		
NO.	DESCRIPTION	DATE
0	ISSUED FOR REVIEW	01/20/22

SITE NAME:
LINCOLN_SC11_MA

UTILITY POLE #15
295 CONCORD ROAD
WAYLAND, MA 01778

DRAWING TITLE:

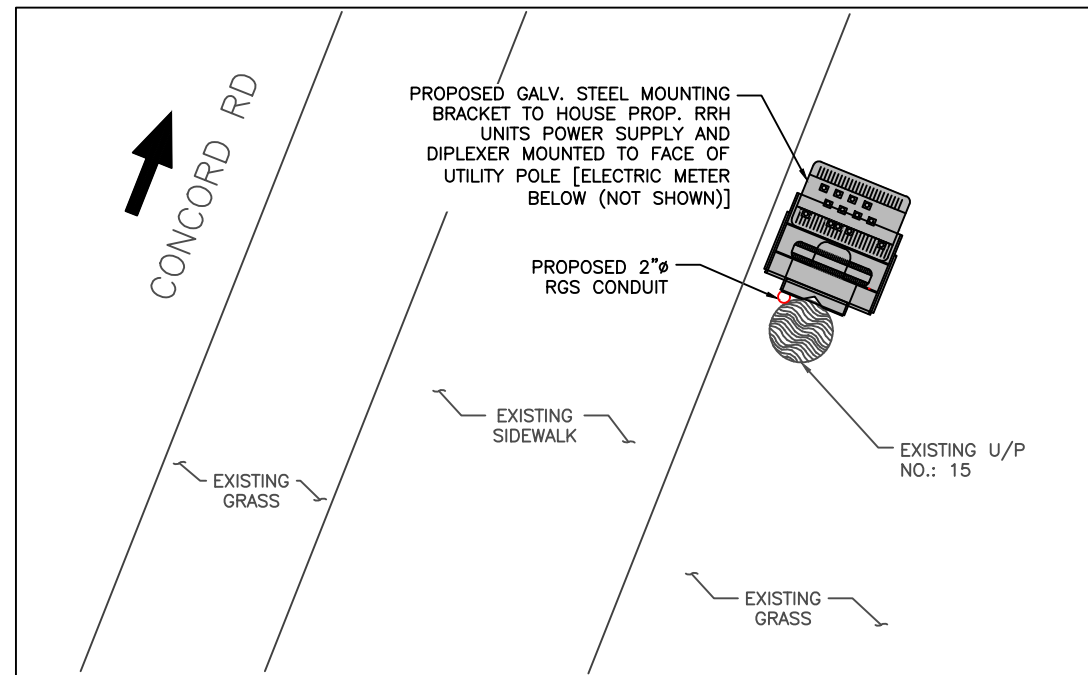
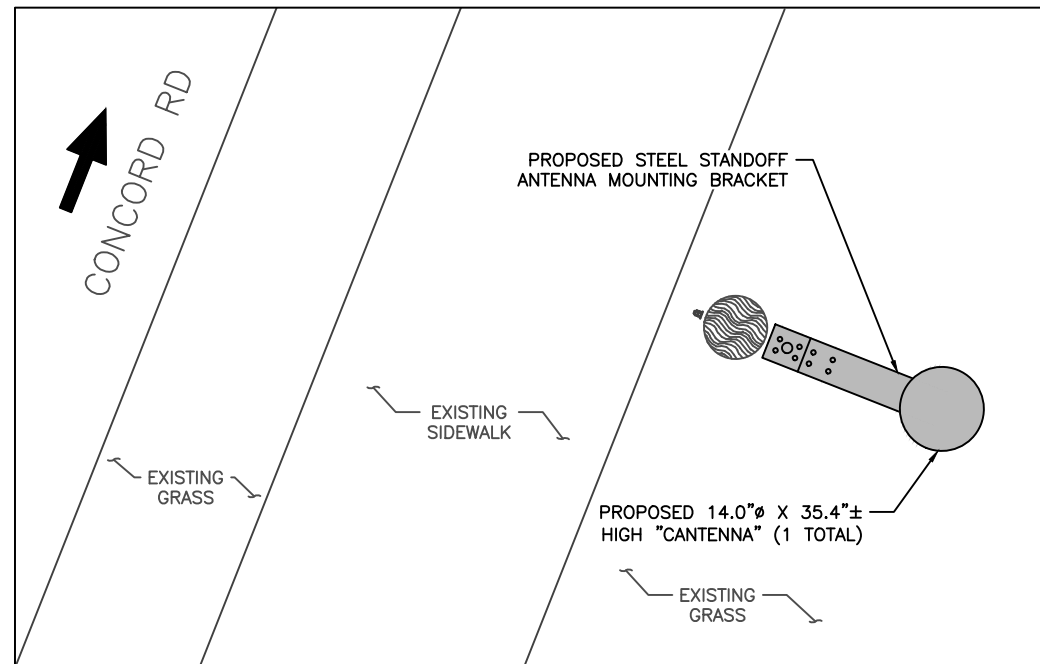
UTILITY POLE
PHOTOGRAPH AND
ELEVATION

DRAWING NO:

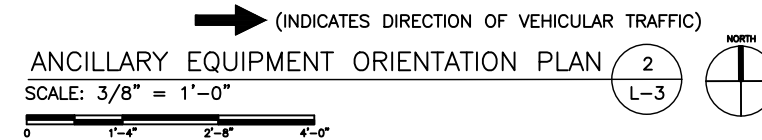
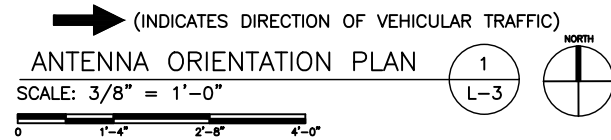
L-2

LEASE EXHIBIT
NOT FOR CONSTRUCTION

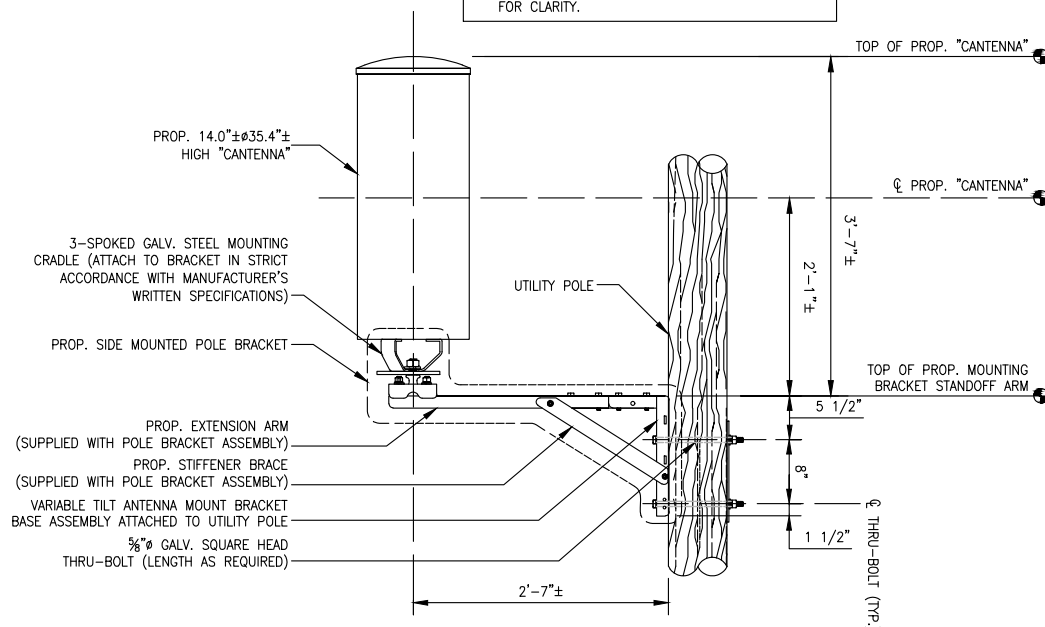
SCALE: AS SHOWN	DESIGNED BY: DRAWN BY: KL	VZW LOCATION CODE: 402798
VENDOR PROJ. NO.: 2052260	CHECKED BY: MP	ORIGINAL ISSUE DATE: 01/20/22



NOTE:
REFER TO THE RFDS FOR THE REQUIRED AZIMUTHS

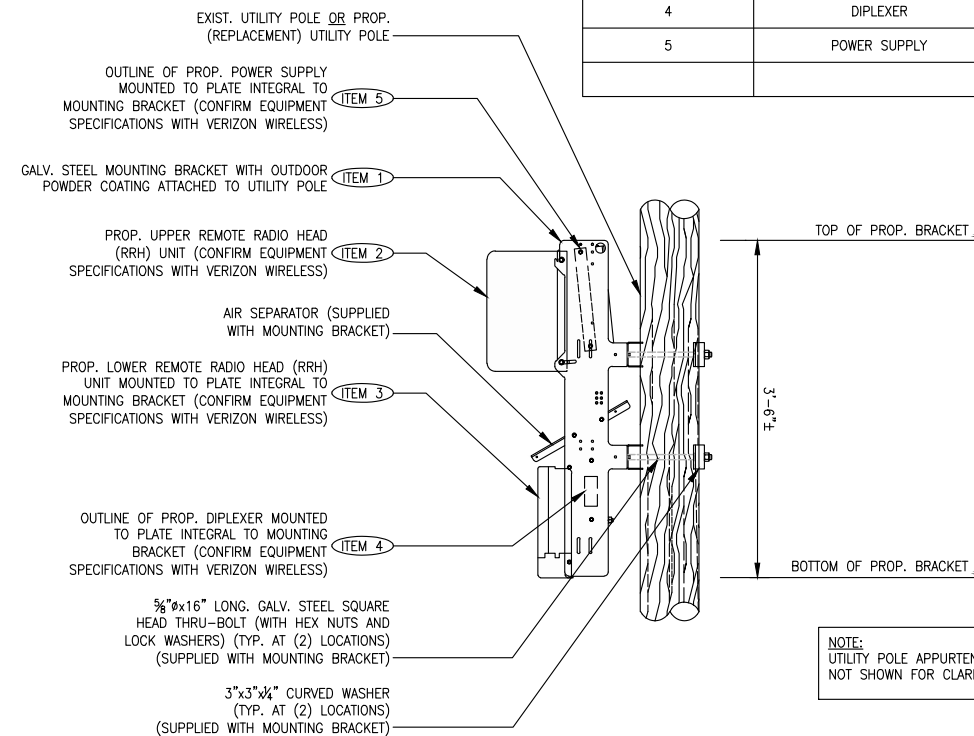


- NOTES:**
- 1.) CONFIRM DOWNTILT REQUIREMENTS (IF ANY) AND AZIMUTH SPECIFICATIONS WITH VERIZON WIRELESS RF ENGINEER AT TIME OF CONSTRUCTION.
 - 2.) MOUNT SHALL BE INSTALLED IN SUCH A WAY TO ENSURE PLUMB INSTALLATION OF "CANTENNA".
 - 3.) UTILITY POLE APPURTENANCES NOT SHOWN FOR CLARITY.



"CANTENNA" MOUNT DETAIL **3**
SCALE: N.T.S. L-3

ITEM ID (SEE DETAIL)	DESCRIPTION	WEIGHT (lbs)
1	MOUNTING BRACKET	32.2±
2	UPPER RRH UNIT	102.5±
3	LOWER RRH UNIT	21.4±
4	DIPLEXER	7.6±
5	POWER SUPPLY	25.6±
TOTAL -		189.3± lbs (SAY 190 lbs)



ANCILLARY EQUIPMENT MOUNTING BRACKET DETAIL **4**
SCALE: N.T.S. L-3



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PHONE: 781.713.4725

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REVISIONS		
NO.	DESCRIPTION	DATE
0	ISSUED FOR REVIEW	01/20/22

SITE NAME:
LINCOLN_SC11_MA

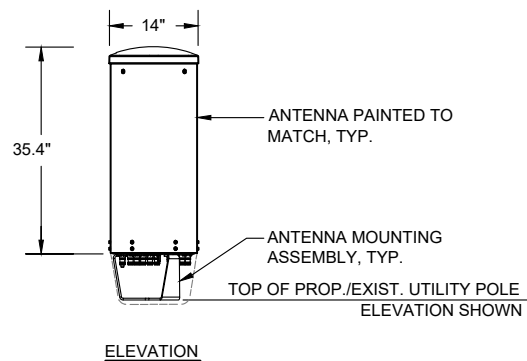
UTILITY POLE #15
295 CONCORD ROAD
WAYLAND, MA 01778

DRAWING TITLE:
ANTENNA & ANCILLARY
EQUIPMENT
ORIENTATION PLANS
AND MOUNTING DETAILS

DRAWING NO.:
L-3

LEASE EXHIBIT
NOT FOR CONSTRUCTION

SCALE:	DESIGNED BY:	VZW LOCATION CODE:
AS SHOWN	KL	402798
VENDOR PROJ. NO.:	CHECKED BY: MP	
2052260	ORIGINAL ISSUE DATE:	
	01/20/22	



TYPICAL ANTENNA	
DIMENSIONS:	35.4"±H X 14.0"±Ø
WEIGHT:	35.0± LBS EACH
QUANTITY:	TOTAL OF 1

"CANTENNA" DETAIL
SCALE: N.T.S.



REMOTE RADIO HEAD UNIT	
DIMENSIONS:	17.3"±H x 17.3"±W x 11.5"±D
WEIGHT:	102.5± LBS
QUANTITY:	TOTAL OF 1



REMOTE RADIO HEAD UNIT	
DIMENSIONS:	13.9"±H x 9.8"±W x 4.8"±D
WEIGHT:	21.4± LBS
QUANTITY:	TOTAL OF 1

TYPICAL REMOTE RADIO HEAD (RRH) UNIT DIMENSIONS
SCALE: N.T.S.



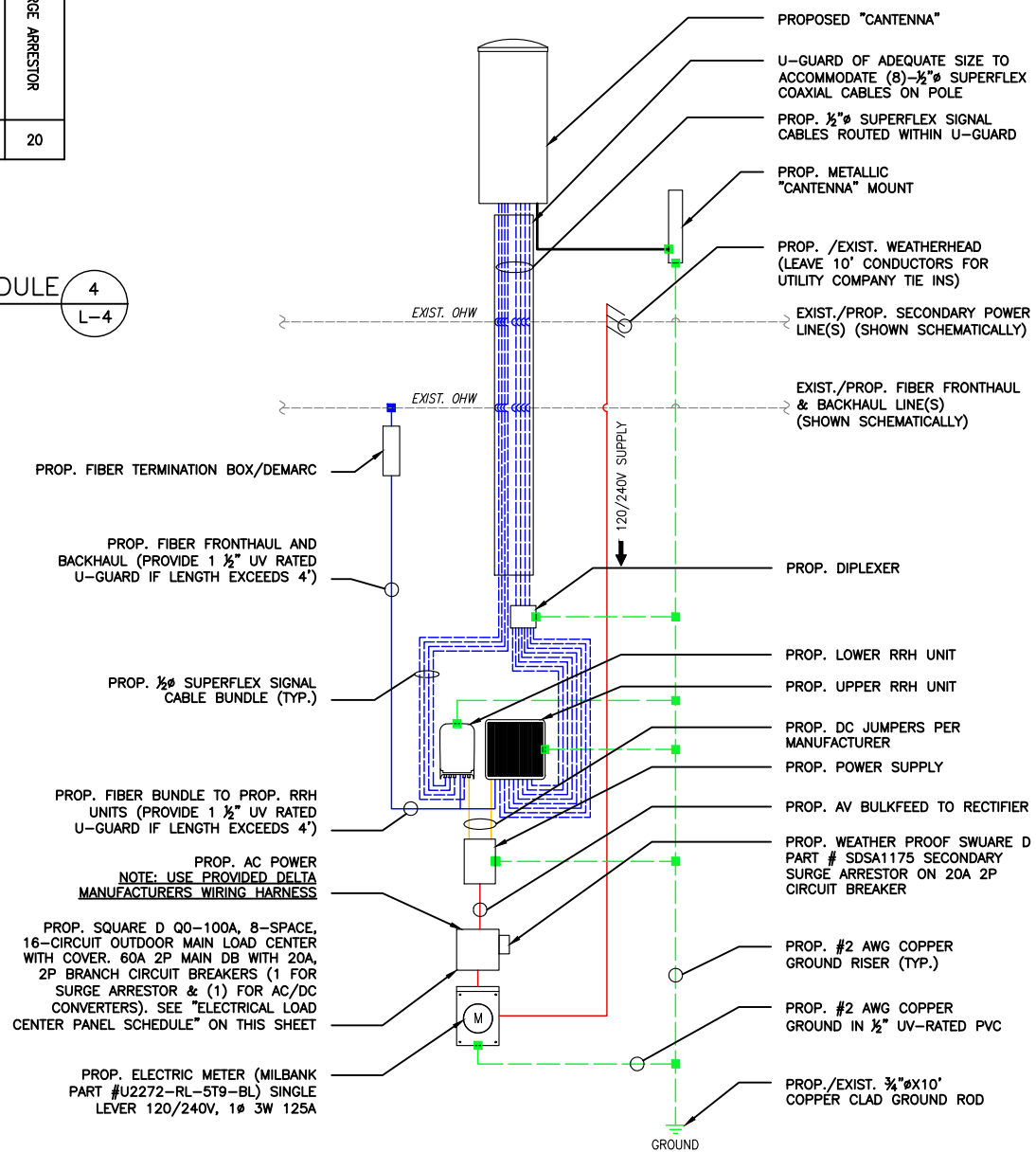
DIPLEXER	
DIMENSIONS:	4.8"±H x 7.9"±W x 3.3"±D
WEIGHT:	7.6 LBS
QUANTITY:	TOTAL OF 1

TYPICAL DIPLEXER DIMENSIONS
SCALE: N.T.S.

SQUARE D QO-100A, 8-SPACE,
16-CIRCUIT OUTDOOR MAIN LOAD
CENTER, SINGLE PHASE IN 3R ENCLOSURE

CKT #	1	2	3	4	5	6	7	8
DESCRIPTION	NR AU ANTENNAS	BLANK	BLANK	BLANK	BLANK	BLANK	BLANK	SURGE ARRESTOR
AMP	20	-	-	-	-	-	-	20

ELECTRIC LOAD CENTER PANEL SCHEDULE
SCALE: N.T.S.



ONE-LINE DIAGRAM NOTES:
1) PROVIDE WEATHER TIGHT SEAL CONNECTORS ON ALL CONNECTIONS EACH SIDE OF ENCLOSURE HOUSING.
2) COORDINATE ANY FURTHER MISCELLANEOUS WIRING AND CONDUIT REQUIREMENTS WITH VERIZON WIRELESS AND ELECTRIC COMPANY.

LEGEND	
—	= FIBER BUNDLE/JUMPER
—	= AC POWER
—	= DC POWER
—	= GROUND
- - -	= 1/2" SUPERFLEX SIGNAL CABLES

FIBER/ELECTRIC ON-LINE DIAGRAM
SCALE: N.T.S.



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PHONE: 781.713.4725

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REVISIONS		
NO.	DESCRIPTION	DATE
0	ISSUED FOR REVIEW	01/20/22

SITE NAME:
LINCOLN_SC11_MA

UTILITY POLE #15
295 CONCORD ROAD
WAYLAND, MA 01778

DRAWING TITLE:
ANTENNA & ANCILLARY EQUIPMENT SPECIFICATIONS AND ONE-LINE DIAGRAM

DRAWING NO.:
L-4

LEASE EXHIBIT NOT FOR CONSTRUCTION

SCALE:	DESIGNED BY:	VZW LOCATION CODE:
AS SHOWN	KL	402798
CHECKED BY:	MP	
VENDOR PROJ. NO.:	ORIGINAL ISSUE DATE:	
2052260	01/20/22	

ORDER FOR GRANT OF LOCATION

UNDER MGL c. 166, §§ 22 and 25A

By the Select Board of the Town of Wayland, Massachusetts

Notice having been given and public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That Cellco Partnership d/b/a Verizon Wireless (“Verizon”) be and is hereby granted a location for and permission to install and maintain telecommunications wires and wireless attachments and appurtenances, including fiber optic cable, remote nodes and pole-top antenna, to be attached to an existing Eversource / Verizon utility pole located in the Public Right of Way within the Town of Wayland, as substantially shown on the plans filed with said Petition for LINCOLN_SC11_MA.

The foregoing permission is subject to the following conditions:

See Plans filed with this order.

There may be attached to said pole:

- Antenna;
- Remote Radio Head(s);
- Mounting Brackets;
- Overhead Wires;
- Conduit;
- Cable;
- Diplexer;
- Meter;
- Converter;
- Disconnect; and
- Each sustaining and protecting fixtures as it may find necessary.

I hereby certify that the foregoing was adopted at a meeting of the Select Board of the Town of Wayland, Massachusetts, held on the _____ day of _____, 2022.

Clerk of Select Board

We hereby certify that on _____, 2022, at _____ o'clock __ M., at Wayland, Massachusetts, a public hearing was held on the petition of Celco Partnership d/b/a Verizon Wireless for permission to install a small cell wireless antenna, and the necessary sustaining and protecting fixtures on existing utility pole #15 described in the order herewith recorded, and that we mailed written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the way or parts of ways upon which said Company is permitted to install a small cell wireless antenna, and the necessary sustaining and protecting fixtures on utility pole #15 under said order and that thereupon said order was duly adopted.

Select Board of the Town of Wayland,
Massachusetts:

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order, and certificate of hearing with notice adopted by the Select Board of the Town of Wayland, Massachusetts, on the ____ day of _____, 2022 and recorded with the records of location orders of said Town, Book _____, Page _____. This certified copy is made under the provisions of Chapter 166 of the General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk

APPLICATION AND POLE ATTACHMENT LICENSE

ANTENNA / NODE LICENSE

Licensee VERIZON WIRELESS
Street Address ONE VERIZON WAY, MAIL STOP 4AW100
City, State and Zip BASKING, RIDGE NEW JERSEY 07920
Date 1/31/22

In accordance with the terms and conditions of the **CONSTRUCTION REQUIREMENTS FOR DISTRIBUTED ANTENNA SYSTEMS (DAS) ON DISTRIBUTION POLES AGREEMENT**, application is hereby made for a license to make 1 Antenna (Node) Attachment to pole and 1 Power Supply and 2 other attachments located in the municipality of Wayland in the State of Massachusetts.

This request will be designated **Pole Attachment License Application Number** LincolnSC11MA-2052260 **Attached are my power supply specifications if applicable. The cable's strand size is 0.5 and weight per foot of cable is 0.2.**

Licensee's Name (Print) Derek Maheux

Derek Maheux

Signature

NSTAR d/b/a EVERSOURCE
Power Company

Title _____

Tel. No. _____

Fax No. _____

E-mail _____

*******For licensor use, do not write below this line*******

Pole Attachment License Application Number _____ is hereby granted to make 1 Antenna / Node attachment described in this application to 1 attachments to JO¹ pole _____ attachment to FO² pole, _____ attachment to JU³ pole, _____ Power Supplies and _____ other attachments located in the municipality of _____, in the State of Massachusetts as indicated on the attached Form 3.

Licensor's Name (Print) Richard A. Comeau

Signature Richard A. Comeau

(AGREEMENT ID #)

Title Manager - Distribution Engineering - Single Pole Administration

Date 7/8/2022

Tel. No. _____

The Licensee shall submit an original copy of this application to NSTAR Electric Company d/b/a EVERSOURCE ENERGY.

AUTHORIZATION FOR FIELD SURVEY WORK

Licensee: Verizon Wireless

In accordance with Article III & Appendix I of the Pole Attachment Agreement, following is a summary of the charges which will apply to complete a field survey covering Pole Attachment License Application Number LincolnSC11MA-2052260 in the municipality of Wayland in the State of Massachusetts.

FIELD SURVEY CHARGES

<u>Field Survey</u>	<u>#Poles</u>	<u>Unit Rate</u>	<u>Total</u>
Field Survey Application Fee (includes 1st pole)	1 pole	\$139.00	\$ 139.00
Field Survey 2 -200 Poles	_____	\$ <u>13.45</u> per Pole	\$ _____
Additional Travel Time*	_____	\$ <u>200.00</u> per Day	\$ _____
TOTAL Charges			\$ \$139.00

* Based on average of 75 poles surveyed per day, add \$200.00 travel time for each additional day required to complete survey.

Please note, if you calculated the cost incorrectly, your check will be returned and a new check for the correct amount must be received by this office in order to schedule the survey. If you need assistance, please call the **HOTLINE on 800-340-9822**. The required field survey covering Pole Attachment License Application # LincolnSC11MA-2052260 is authorized. I am enclosing an advance payment in the amount of \$ 139.00.

Licensee's Name (Print) Derek Maheux

Signature *Derek Maheux*

Title Site Acquisition

Address 750 West Center St, Suite 301
W.Bridgewater, MA 02379

Tel. No. 508-649-2307

Date 1/31/22

FORM 3 Definitions

SURVEYORS: Name of Representative attending Survey from VERIZON, EVERSOURCE, and Licensee

Date of Survey : Date Survey is performed

CWO#: EVERSOURCE Custom Work Order Number

Munic: Municipality where pole is located **State:** State in which pole is located

Licensee Name: Name of Company or Entity applying for Pole Attachments

Exch Code: Verizon's Exchange Code = the Exchange in which the Municipality is located.

Munic Code: EVERSOURCE Municipality Code = the code for the Municipality in which the pole is located (tax purposes).

Application #: The number of the Licensee's Application = sequentially numbered by municipality.

ELCO NAME: The name of the Electric (power) Company in whose service area the pole is located.

Location: List each individual pole (ONE POLE PER LINE) you wish to attach to (multiple sheets may be used) and provide the following:

Street, Route, Circuit # and other information which indicates location of poles.

Indicate location by providing name of street, highway, route, etc., e.g., South Street, north of (N/O) Jones Road. Private Property Poles should be identified as such e.g., P.P. (Lead off pole 1234 South).

Pole #:

Tel = Telephone Company pole #

El= Electric Company pole #

ATT: Type of Attachment: F = Fiber C= Copper or Coaxial P.S. = Power Supply Riser = Riser Pole

Ownership: JO = Joint Owned 50%-50% Tel-Elco, **JU** = Joint Use - 100% Tel or 100% Elco, **FO** = 100% Fully owned by Tel or Elco (Other company not on pole)

Charge: Y or N = Y = Yes, there are make ready charges, **N** = No, there are no make ready charges to the Applicant.

Work Description: Short description of work operations required.

Task # should also be included and is defined as the number of the task or tasks required for make ready work. The Task # is associated with a Unit Price from the "Make Ready Unit Price Schedule" located in Appendix 1 of the new Pole Attachment Agreement.

• ***Licensee to complete bold italicized areas only. (Provide ownership information if known)***

EVERSOURCE - Work Order Application

FOR KEN KENDRICK:

Customer Request In-Service Date: 6/6/22 **WO Received Date:** _____
Service Address: _____ 295 Concord Rd _____ Town Wayland _____ 01778

Customer Of Record:

Customer Responsible for Payment of Monthly Electric Bills

- _____ M _____ Cellco Partnership
- _____ Verizon Wireless
- _____ P.O. Box 2375, Spokane, WA 99210-2375
- _____ 866-322-4547 _____ 22-3372889
- _____

Property Owner Name (if different from above): _____

Party Responsible for Construction costs associated with work order (if different from above)

- _____
- _____ 118 Flanders Road, 3rd Floor _____ M _____ 1 _____
- _____ 2 _____ 1 _____

Please Note that Articles of Incorporation are required for new commercial EVERSOURCE Customers

Type of Service Requested: (Circle Appropriate)

- _____ _____ _____ _____
- _____ _____ _____ _____
- _____ _____ _____ _____

Customer Loading

Type of Load	New Connected Load in KVA	
	Single Phase	Three Phase

Residential		

_____	14.4	
Motor/Generator		
Motor		
Totals	14.4	

Brief Description of Work

_____ 1 _____ 1 _____

_____ _____

Number of Meters Required:

- _____ _____ _____
- _____ _____ _____
- _____ _____ _____
- _____ _____ _____

ALL 480V SERVICES REQUIRE COLD SEQUENCE METERING (DISCONNECT SWITCH ON THE LINE SIDE OF THE METER)

_____ 1 _____ d _____ d _____ 2 _____

RADIO FREQUENCY COMPLIANCE

Verizon's telecommunications equipment and networks comply with FCC radiofrequency (RF) safety standards. This includes ensuring that equipment is placed a safe distance from individuals, homes, and other areas to which the general public has access, and confirming that the total level of RF emissions from licensed telecommunications equipment falls within FCC limits. The FCC developed these standards in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration. The standards have wide safety margins and are designed to protect everyone, including children.

The FCC adopted the standards after examining the RF research that scientists in the US and around the world have conducted for decades. The research continues to this day, and agencies continue to monitor it. Based on that research, federal agencies have concluded that equipment and networks that comply with the safety standards pose no known health risks. In December 2019, the FCC, after a lengthy proceeding, affirmed these safety standards and concluded that these standards continue to be appropriate. The decision was unanimous and bipartisan. Further information about the safety of RF emissions from wireless network equipment and devices on the FCC's website, accessible via this link: <http://www.fcc.gov/oet/rfsafety/rf-faqs.html>.

The international scientific consensus is that there are no known health risks from RF energy at the low levels approved for everyday consumer use. This includes the expert opinion of the World Health Organization (https://www.who.int/health-topics/electromagnetic-fields#tab=tab_1) and the Food and Drug Administration (<https://www.fda.gov/radiation-emitting-products/cell-phones/do-cell-phones-pose-health-hazard>). The World Health Organization has stated that "There is no convincing scientific evidence that the weak RF signals from base stations [cell towers] and wireless networks cause adverse health effects."

Additionally, Verizon strictly follows all federal, state and local laws and regulations during any deployment of wireless infrastructure, and will certainly do so in Wayland. Please refer to the attached **Verizon EME Compliance Letter and Radio Frequency Engineer Affidavit**.

Lastly, please note that federal law prohibits state and local authorities from basing wireless antenna regulations on perceived harmful effects of RF emissions to the extent that facilities comply with FCC regulations. See 47 U.S.C. § 332(c)(7)(B)(iv).



AFFIDAVIT OF RADIO FREQUENCY ENGINEER

The undersigned, in support of the application to install one (1) small wireless communications facility (SWF) consisting of one antenna and associated radio equipment on an existing utility pole located in the public right of way in Town of Wayland, Massachusetts, states the following:

1. My name is Farhan Chaudhry. I have a Bachelor of Science degree in Electrical Engineering from the University of Engineering & Technology, Lahore. I have been employed by Verizon Wireless for one (1) year as an RF (Radio Frequency) Engineer. I am responsible for network design in the area of Massachusetts that includes the Town of Wayland, MA.
2. Verizon Wireless is a federally licensed provider of wireless communications services with a national footprint.
3. The proposed small wireless facility is within an area where Verizon Wireless has identified a need to install an additional facility in order to provide reliable wireless service for customers and emergency responders. The search area for the proposed facility were determined with reference to Verizon's existing network serving the Wayland area and by identifying those areas in need of improved service. Furthermore, it was determined that the area served by the facility would interact well with those of existing and proposed facilities in the surrounding areas.

The following table provides details of the proposed site:

Site Name	Street Address	Pole #
LINCOLN_SC11_MA	295 Concord Road	15

4. Small cell deployments are intended to complement, not replace, macro network sites, and are typically target areas of heavy network usage (a.k.a "hotspots"). In doing so, small cells serve to offload the demand on the existing sites serving these hotspots. This not only improves service to the targeted area, but also improves overall system performance elsewhere in the network. In addition, small cells allow for Verizon's deployment of new technologies that will further enhance the network experience and reliability, including faster download time and lower latency.
5. Pursuant to its Federal Communications Commission (FCC) licenses, Verizon Wireless is required to ensure that all radio equipment operating at the proposed communications facilities and the resulting radio frequency exposure levels are compliant with FCC requirements as well as federal and state health and safety standards.
6. Providing wireless communications services is a benefit to the residents of the Town of Wayland, as well as to mobile customers traveling through the area. The proposed facilities reflect the locations and designs required to meet Verizon Wireless' network objectives with respect to capacity and coverage enhancement and deployment of new technologies. Without the proposed facilities, Verizon Wireless will be unable to provide reliable wireless communication services in

this area of Wayland; therefore, Verizon Wireless respectfully requests that the Town of Wayland act favorably upon the proposed facilities.

Signed and sworn under the pains and penalties of perjury this _12th___ day of August, 2022.



Farhan Chaudhry
RF Design Engineer
Verizon Wireless
20 Alexander Drive
Wallingford, CT 06492



August 12, 2022

To: **Town of Wayland**
41 Cochituate Road
Wayland, MA 01778

RE: Verizon Wireless Small Cell Sites

Dear Town of Wayland,

Verizon is installing additional wireless telecommunications facilities in order to meet the growing demand for Verizon Wireless service by residents, businesses, visitors, and emergency responders.

To ensure general public safety, it is important that you contact Verizon Wireless personnel at least 24 hours in advance should general maintenance need to be performed in areas of potential concern as marked on the next page of this document. This is required to comply with FCC guidelines and ensure the environment is safe for general maintenance workers who may require RF Safety & Awareness training. With notification, Verizon Wireless is able to evaluate appropriate actions needed relating to the antennas and proximity of the work location.

Verizon has a process to deactivate power on small cells (regardless of whether the small cell is 4G or 5G) while work is being done on the pole (including joint use poles). The information needed to have a small cell powered down for work to occur on the pole (including contact numbers and pole identifiers) is provided at a safe distance from the small cell on the pole itself. Please contact Verizon Wireless personnel at least 24 hours in advance if you need to perform maintenance at that site. If you have any additional questions, our point of contact in that area is Luis Teves.

The Federal Communications Commission (FCC) has developed safety rules for human exposure to RF emissions in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration. These rules can be found at 47 C.F.R § 1.1310. No matter which generation of technology we use, all Verizon equipment must comply with these safety requirements.

The FCC supported and adopted the standards after examining the RF research that scientists in the US and around the world conducted for decades. The research continues to this day, and agencies continue to monitor it. Based on that research, federal agencies have concluded that equipment that has been deployed in a manner that complies with the safety standards poses no known health risks. You can obtain further information about the safety of RF emissions from cell towers on the FCC's website, which you can access via this link: <http://www.fcc.gov/oet/rfsafety/rf-faqs.html>.

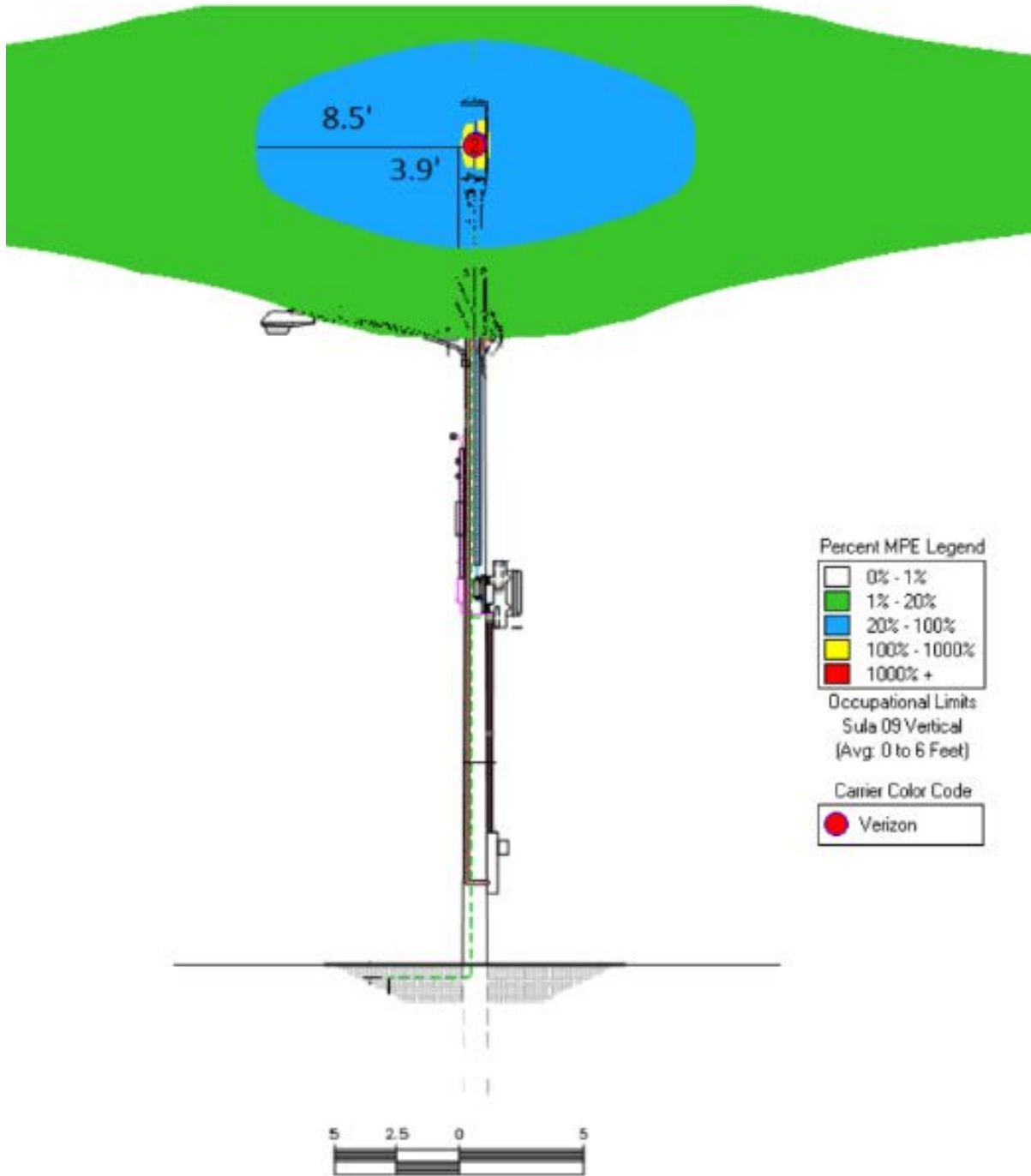
We appreciate the chance to explain our activities regarding the wireless facilities at issue. Questions related to compliance with federal regulations should be directed to VZWRFCCompliance@verizonwireless.com. Please contact your local Verizon Wireless resource below if you have any additional questions.

Contact Name	Contact Email	Contact Phone
Luis Teves	Luis.Teves@VerizonWireless.com	508-479-3197

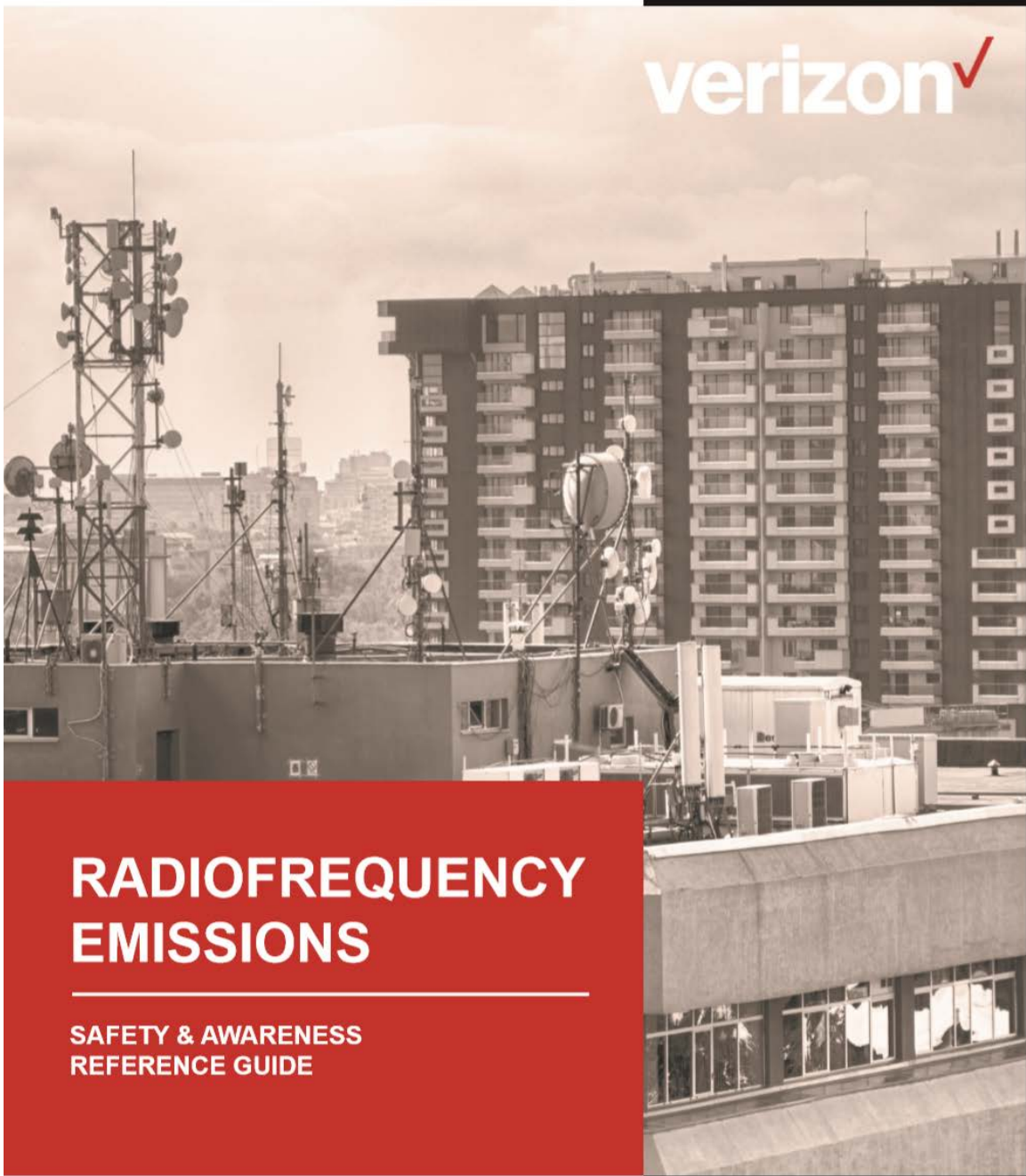
Sincerely,
Rabeya Ahmad
Senior Manager - RF Design
Verizon Wireless

Verizon Wireless (VZW) Radiofrequency (RF) Emissions Map

The following site layout represents a current snapshot in time of the predicted Verizon Wireless RF emissions from transmitting antennas on this facility. Contact Verizon Wireless should maintenance need to be performed in any non-green areas.



Color	% Occupational MPE	Instructions
Green	0 to 20	Safe In Relation to VZW. Contact Other Carriers Before Entering This Area
Blue	20 to 100	
Yellow	Greater Than 100	
Red	Greater Than 1000	



RADIOFREQUENCY EMISSIONS

**SAFETY & AWARENESS
REFERENCE GUIDE**

This handout is not intended to replace the FCC/OSHA mandated occupational requirement for RF Safety & Awareness Training

FEDERAL COMPLIANCE REQUIREMENTS

The Federal Communications Commission (FCC) has established safety guidelines relating to RF exposure from cell sites. The FCC developed those standards, known as Maximum Permissible Exposure (MPE) limits, in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration.

The standards were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects. The FCC explains that its standards incorporate prudent margins of safety.

CLASSIFICATIONS FOR EXPOSURE LIMITS

OCCUPATIONAL

Persons are “exposed as a consequence of their employment” and are “fully aware of the potential for exposure and can exercise control over their exposure”.

GENERAL POPULATION

Any persons that “may not be made fully aware of the potential for exposure or cannot exercise control over their exposure”.

Those in this category do not require RF Safety & Awareness Training.

ENSURING COMPLIANCE WITH FCC GUIDELINES

Areas or portions of any transmitter site may be susceptible to high power densities that could cause personnel exposures in excess of the FCC guidelines. Wireless Licensees are required by law to implement the following:

- Restrict access
- Post notification signage on every access point to increase awareness of the potential for exposure BEFORE one enters an area with antennas.
- Place additional notification signage and visual indicators in an area with antennas (beyond an access point) where RF exposure levels may start to exceed the FCC's limits.

MPE CHART

		Percent MPC	
		General Population Limits	Occupational Limits
10x	4	5000% +	1000% +
occupational Limit	3	500% - 5000%	100% - 1000%
General Population Limit	2	100% - 500%	20% - 100%
	1	0 - 100%	0% - 20%

RF Exposure Safety Program (RSEP, Catalog # 1-4-0000-004-005-2-2014)

EXPOSURE MANAGEMENT

- Assume that all antennas are active
- Obey all posted signs
- Do not stop in front of any antenna
- Recognize the type of antenna and approach at the safest angle
- Contact wireless operator to coordinate access if required
- Signage will indicate where potential RF conditions exist
- Understand pathways of safe egress

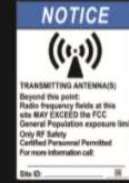
- If needed and possible wear personal protection equipment
- When using a personal monitor, remember the time averaging limits and monitor alarm thresholds if working in front of antennas
- If experiencing symptoms of heat exhaustion or nausea, remove yourself from the worksite and seek medical attention
- Power density decreases with distance so maintain distance between you and the antennas. The greater the distance you are from an antenna the bigger the reduction of RF exposure you will receive

PROPERTY OWNER RESPONSIBILITIES (M.E.N.U.)

RF exposure safety and the protection of every licensee's infrastructure are very important. Property owners and licensees have a shared responsibility in maintaining a safe and secure RF environment. Property owners can help in this significant endeavor by:

- **M**aintaining all necessary wireless licensee contact information.
- **E**nforcing restricted access (help maintain a Controlled Environment). Ensuring all building/maintenance personnel are trained in RF Safety, aware that the potential for exposure exists, and follow all appropriate entry and safety procedures.
- **N**otifying all licensees when any non-carrier requests access to any area with antennas at least 24 hours in advance.
- **U**nderstanding that compliance with the FCC and OSHA can be achieved with RF Exposure levels above the applicable limit if the proper signage, physical/indicative barrier, and access restrictions are implemented. Commitment to compliance and willingness to cooperate are essential.

NOTIFICATION SIGNS



A blue Notice sign is posted when levels (beyond posted signage) may exceed General Population MPE limits.



A yellow Caution sign is posted when levels (beyond posted signage) may exceed Occupational MPE limits.



An orange Warning sign is posted when levels (beyond posted signage) exceed 10 times the Occupational MPE limits.

TYPES OF ANTENNAS

MICROWAVE ANTENNA

- Highly directional antenna model used for point to point communications
- Approach from the rear and sides. Do not stand or walk in front of microwaves as they transmit at a high frequency.



PANEL ANTENNA

- Range from 1 to 8 feet in length
- Sled mounted or to a support structure on site (Rooftop)
- Approach these antennas from the rear.



OMNI ANTENNA

- Omni antennas have the appearance of a rod-shaped pole and radiate in a 360° pattern around the pole.
- At the antenna level, there is no approach angle that is safer than another. Typically, emissions directly below the antenna are less than in front of the antenna.



QUASI-OMNI ANTENNA

- Quasi-Omni antennas have the appearance of a cylinder and contain emitters that radiate in a 360° pattern around the pole.
- At the antenna level, there is no approach angle that is safer than another. Typically, emissions directly below the antenna are less than in front of the antenna.



YAGI ANTENNA

- Directional antenna model
- Approach from sides and rear.



RF SAFETY TRAINING CONTACTS

WATERFORD CONSULTANTS www.waterfordconsultants.com
 EBI www.ebiconsulting.com
 SITESAFE www.sitesafe.com
 DTECH COMMUNICATIONS..... www.dtech.com



CONTACT US

Email: VZWRFCompliance@vzw.com
Subject: "ATTN:RF Compliance"

For Emergency Maintenance:
1-800-264-6620



From: "Amy E. Kwesell" <AKwesell@k-plaw.com>

Date: Thursday, August 11, 2022 at 4:20 PM

To: "Crane, Stephen" <scrane@wayland.ma.us>

Cc: "Karlson, Cherry" <ckarlson@wayland.ma.us>, "Carolyn M. Murray" <CMurray@k-plaw.com>

Subject: WAYL small cell

[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.]

You have requested further information regarding Verizon's request for approval of "small cell wireless facilities" and appurtenances on utility poles in Wayland. The relief requested would be a grant of location under Chapter 166 of the General Laws, sections 21, 22 and 25A. The request also needs to be considered under the Federal Telecommunications Act of 1996 and the Declaratory Ruling and Third Report and Order in Docket No. 18-133 issued by the Federal Communications Commission in September of 2018 (the "FCC Order"), which concerned small wireless facilities and so-called 5G service.

In general, the FCC Order provides that municipalities may exercise local oversight of issues relating to aesthetics, undergrounding and minimum spacing requirements of small wireless facilities, provided those requirements are: a) "reasonable in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments"; b) not more burdensome than those applied to similar infrastructure deployments; c) objective - i.e., they must incorporate clearly-defined and ascertainable standards applied in a principled manner; and d) published in advance. In this instance, as is not uncommon, there are no such existing Town regulations for small wireless facilities. Therefore, in my view, a request to attach wireless facilities to existing utility poles (electric and telephone poles) in/at utility pole locations within the public right of way, such as that being presented by Verizon, would be subject to the pole location approval process specified in G.L. c.166, §§21 and 22.

Section 21 of Chapter 166 states:

A company incorporated for the transmission of intelligence by electricity or by telephone, whether by electricity or otherwise, or for the transmission of television signals, whether by electricity or otherwise, or for the transmission of electricity for lighting, heating or power, or for the construction and operation of a street railway or an electric railroad, may, under this chapter, construct lines for such transmission upon, along, under and across the public ways and, subject to chapter ninety-one, across and under any waters in the commonwealth, by the erection or construction of the poles, piers, abutments, conduits and other fixtures, except bridges, which may be necessary to sustain or protect the wires of its lines; but such company shall not incommode the public use of public ways or endanger or interrupt navigation. This section shall apply to a company incorporated under the laws of another state for the transmission of intelligence by electricity or by telephone, or television, whether by electricity or otherwise, and which is engaged in interstate commerce within the commonwealth. This section shall apply to a municipal lighting plant or cooperative that operates a telecommunications system outside the limits of its service territory pursuant to section 47E of chapter 164, but only for construction that is outside its service territory. G.L. c. 166, §21.

The first paragraph of section 22 includes the following:

A company desiring to construct a line for such transmission upon, along, under or across a public way shall in writing petition the board of aldermen of the city or the selectmen of the town where it is proposed to construct such line for permission to erect or construct upon, along, under or across said way the wires, poles, piers, abutments or conduits necessary therefor. A public hearing shall be held on the petition, and written notice of the time and place of the hearing shall be mailed at least seven days prior thereto by the clerk of the city or by the selectmen of the town to all owners of real estate abutting upon that part of the way upon, along, across or under which the line is to be constructed, as such ownership is determined by the last preceding assessment for taxation. G.L. c. 166, §22.

After the public hearing, the select board “may by order grant to the petitioner a location for such line, specifying therein where the poles, piers, abutments or conduits may be placed, and in respect to overhead lines may also specify the kind of poles, piers or abutments which may be used, the number of wires or cables which may be attached thereto, and the height to which the wires or cables may run.” Id.

Chapter 166 also includes the following provision, in section 25A:

A utility shall provide a wireless provider with nondiscriminatory access to any pole or right-of-way used or useful, in whole or in part, owned or controlled by it for the purpose of installing a wireless attachment. Notwithstanding this obligation, a utility may deny a wireless provider access to its poles, ducts, conduits, or rights-of-way, on a nondiscriminatory basis only for reasons of inadequate capacity, safety, reliability and generally applicable engineering standards; but upon denial of access for reasons of inadequate capacity, the utility shall, at the expense of the wireless provider, expand the capacity of its poles, ducts, conduits, or rights-of-way to allow access by the wireless provider where such capacity may be reasonably expanded by rearrangement or replacement. This paragraph shall not apply to municipal lighting plants. G.L. c. 166, §25A.

“Wireless provider” is defined as “any person, firm or corporation other than a utility, which provides telecommunications service.” *Id.*

Lawful use of the public way, which in my opinion would include the small cell wireless facilities installation being proposed, is as a general rule exempt from the application of zoning bylaws. *Harrison v. Textron, Inc.*, 367 Mass. 540, 549 (1975) (municipalities may not exercise their zoning powers to regulate the use of public ways); *Chaput v. Kane*, 26 LCR 557, 560 (2018) (Long, J.) (citing *Harrison*, 367 Mass. at 560 and rejecting plaintiffs' claim under G. L. c. 40A, § 17 that parking a car on the street violated the local zoning bylaw “because zoning bylaws do not and, as a matter of zoning law, cannot regulate public ways. The use of public ways can only be regulated by a town's general bylaws, which are outside the zoning board's jurisdiction.”). Therefore, in my opinion, Zoning Bylaw sections such as §198-1503.2.13. do not apply to the request before the Select Board. Finally, for telecommunications facilities placed on property outside of public ways, zoning provisions would typically come into play, though subject to limitations on municipal authority under federal and state law, such as the FCC Order.

Please let me know if you need anything further.

Thank you,

Amy

Amy E. Kwesell, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 654 1811

F: (617) 654 1735

C: (857) 378 9218

akwesell@k-plaw.com

www.k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

The following written communication was submitted as public comment for the Verizon hearing on August 15, 2022:

1. Email from Corey and Steve MacGregor to Select Board dated August 10, 2022
2. Follow up email from Corey and Steve MacGregor to Select Board dated August 11, 2022
3. Email From Stan Robinson (with attachments) to Select Board dated August 11, 2022

From: Corey MacGregor <corey.p.macgregor@gmail.com>

Sent: Wednesday, August 10, 2022 2:31 PM

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

Cc: Macgregor, Steve <steve.macgregor@takeda.com>

Subject: Feedback on Verizon's cell tower petition

[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.]

Dear Board of Selectmen,

We are writing in regards to Verizon's Grant of Location petition for a small cell
antenna at 295 Concord Road.

As the residents & owners of 295 Concord Road, we agree with Verizon's position
that cell service in the area is poor and could benefit from improvement. We also
have no objection with the physical specs provided in Verizon's plans.

We are concerned, however, that the only mention of physical health & safety in
Verizon's submission was to note that per the Telecommunications Act of 1996,
health concerns may not be considered so long as emissions comply with the
applicable standards of the FCC. There is no mention anywhere in their
submission regarding what analysis has been done to ensure compliance, what
the results of that analysis are, and what alternatives have been considered.

Our home is less than 90 feet from the proposed mini cell tower, and we have
two young boys. While the level of risk from cell 'towers' has been debated, there
is evidence to suggest that any risks are greater to children than adults. As the

closest homeowners to this proposed tower, we would like to better understand all of the associated safety considerations before this tower is approved.

In short, while we would like to support Verizon's proposed plans, we respectfully request that the Board of Selectmen deny Verizon's petition until the following information is provided:

1. Comprehensive analysis of the exposure levels and safety of the proposed tower, as prepared by an independent 3rd party (similar to the one found here).
2. Full report of alternate locations that have been considered, including locations in Lincoln and options further from residential properties. In their petition, Verizon refers to the antenna with the name 'Lincoln', yet wants to place it in Wayland. If the greatest unmet need is in Lincoln, then placements should be explored in Lincoln. If the greatest coverage gap is in Wayland, we would like to understand whether Verizon has fully considered all options that are a greater distance from a residential address, thereby achieving the same goals while minimizing the risks to any one residence.

We also plan to call into the meeting on 8/15 to share our thoughts and concerns with the Board during the meeting.

Thank you in advance for your consideration.

Respectfully,

Corey & Steve MacGregor, 295 Concord Rd

From: Corey MacGregor <corey.p.macgregor@gmail.com>

Date: Thursday, August 11, 2022 at 10:47 AM

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

Cc: "Macgregor, Steve" <steve.macgregor@takeda.com>, Select Board Members <sbmembers@wayland.ma.us>

Subject: Re: Feedback on Verizon's cell tower petition

[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.]

Many thanks for your reply and for this confirmation, Cherry.

Upon further review, I would also like to request the town lawyer's perspective on if & how this request complies with Article 15 of the town's zoning bylaws. Based on my reading, I see many potential issues with Verizon's request, including clear disregard for the following:

1503.2.13.

Any antenna for use as a wireless communications facility shall not be installed, nor mounted on, nor attached to a new monopole tower or existing structure in any location that is within 900 feet of a lot line defining a parcel on which exists a dwelling, a school, a day-care center, a nursing home or an assisted or independent living facility.

Our house is less than 90 feet from the proposed antenna.

The full bylaws related to this issue can be found here: <https://ecode360.com/12361243>

Thank you,

Corey MacGregor, 295 Concord Rd

On Wed, Aug 10, 2022 at 3:14 PM Karlson, Cherry <ckarlson@wayland.ma.us> wrote:

Dear Corey and Steve,

On behalf of the Select Board, thank you for your email.

The Open Meeting Law limits our Board's email communication on town issues, but each Board member has received your email and this response. Your email will be included in the Board's Correspondence packet for the August 15th meeting.

We will also share your email with Verizon in advance of Monday's scheduled hearing.

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: Corey MacGregor <corey.p.macgregor@gmail.com>

Date: Wednesday, August 10, 2022 at 2:31 PM

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

Cc: "Macgregor, Steve" <steve.macgregor@takeda.com>

Subject: Feedback on Verizon's cell tower petition

[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.]

Dear Board of Selectmen,

We are writing in regards to Verizon's Grant of Location petition for a small cell cantenna at 295 Concord Road.

As the residents & owners of 295 Concord Road, we agree with Verizon's position that cell service in the area is poor and could benefit from improvement. We also have no objection with the physical specs provided in Verizon's plans.

We are concerned, however, that the only mention of physical health & safety in Verizon's submission was to note that per the Telecommunications Act of 1996, health concerns may not be considered so long as emissions comply with the applicable standards of the FCC. There is no mention anywhere in their submission regarding what analysis has been done to ensure compliance, what the results of that analysis are, and what alternatives have been considered.

Our home is less than 90 feet from the proposed mini cell tower, and we have two young boys. While the level of risk from cell 'towers' has been debated, there is evidence to suggest that any risks are greater to children than adults. As the closest homeowners to this proposed tower, we would like to better understand all of the associated safety considerations before this tower is approved.

In short, while we would like to support Verizon's proposed plans, we respectfully request that the Board of Selectmen deny Verizon's petition until the following information is provided:

1. Comprehensive analysis of the exposure levels and safety of the proposed tower, as prepared by an independent 3rd party (similar to the one found here).
2. Full report of alternate locations that have been considered, including locations in Lincoln and options further from residential properties. In their petition, Verizon refers to the cantenna with the name 'Lincoln', yet wants to place it in Wayland. If the greatest unmet need is in Lincoln, then placements should be explored in Lincoln. If the greatest coverage gap is in Wayland, we would like to understand whether Verizon has fully considered all options that are a greater distance from a residential address, thereby achieving the same goals while minimizing the risks to any one residence.

We also plan to call into the meeting on 8/15 to share our thoughts and concerns with the Board during the meeting.

Thank you in advance for your consideration.

Respectfully,

Corey & Steve MacGregor, 295 Concord Rd

From: Stan Robinson <stanrob@fastmail.com>

Sent: Thursday, August 11, 2022 12:38 PM

To: Pessimato, Joe <jpessimato@wayland.ma.us>

Subject: Two documents for Monday's agenda package

[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.]

To John Pessimato, Select Board office:

Pursuant to Chris's instructions a few minutes ago, attached are two documents (totaling 6 pages, Word format) that I hope you will include in the agenda package for Monday's hearing for a Verizon antenna attachment. (The one-page one goes first.) Please let me know if there are steps that I've overlooked. My phone is 508-358-2282.

Respectfully submitted,

Stan Robinson

stanrob@fastmail.com

Why Verizon's "small cell" antennas on utility poles must be refused in Wayland: a List of Reasons

Adverse health effects have been proven by dozens of independent studies. If the Town does approve Verizon's application, it and its taxpayers become liable for any harm that a Court might find to be caused by the approved facility.

The FCC's radio frequency radiation limits are a sorry excuse for protection of the public. They are based on long-ago military experience with soldiers who could not function right at the moment they were sufficiently irradiated. European countries' radiation limits are 100 to 1000 times stricter. When Verizon says, or hints, that its radiation is safe because it's within the FCC limits, that is a serious lie.

The Town is not required by law to approve Verizon's proposed antenna attachments.

The law cited and quoted by Verizon, MA Chapter 166 §22, which is quite explicit, fails to mention or authorize any pole-mounted antenna. It could also be said that that statute is aimed at uses for the benefit of the general public. By contrast, Verizon cellular is a private for-profit enterprise, looking to increase its profit. It's more like a big soda pop ad permitted to face a public highway.

Verizon has several competitors in the wireless communication business. If the Town does approve, current law requires the Town and Verizon to accommodate, without discrimination, equivalent antenna siting for any Verizon competitor that applies.

Cell Towers & Antennas—How Close is Too Close?

A list of studies posted on Sunday, February 5, 2017

From <https://manhattanneighbors.org/cell-towers-and-antennas-have-health-and-cancer-risks-how-close-is-too-close/>

Explore what the science is telling us about electrosensitivity and cancer risks near antennas...and choose where you live carefully. The brief snapshot of studies below will give you a starting point.

Khurana, Hardell et al., Int. J Occup. Envir Health, Vol 16(3):263-267, 2010
“Epidemiological Evidence for a Health Risk from Mobile Phone Base Stations”
<http://www.ncbi.nlm.nih.gov/pubmed/20662418>

- Analysis of 4 studies were from Germany, and 1 each from Austria, Egypt, France, Israel, Poland, Spain
- 7 studies showed altered neurobehavioral effects near cell towers
- 3 studies showed increased cancer incidence
- Effects occurred < 500 meters from cell towers

Eger at al., “The Influence of Being Physically Near to a Cell Phone Transmission Mast on the Incidence of Cancer” (Umwelt·Medizin·Gesellschaft 17,4 2004).
<http://blog.cat/gallery/17983/17983-97698.pdf>

- the proportion of newly developing cancer cases is significantly higher among patients who live within 400 meters of a cell phone transmitter.
- relative risk of getting cancer increased by 200% after 5 years operation of the transmitter
- early age of cancer diagnosis

Wolf R, Wolf D, (April 2004) “Increased incidence of cancer near a cell-phone transmitter station”, International Journal of Cancer Prevention, 1(2) April 2004
http://www.powerwatch.org.uk/news/20050207_israel.pdf

Similarly found that within 350 meters of cell phone antennas there was:

- 300% increased incidence of cancer among men and women
- 900% cancer increase among women alone
- >4x risk of cancer after 3-7 yrs exposure <350 meters
- early age of cancer diagnosis

Abdel-Rassoul G et al, (March 2007) “*Neurobehavioral effects among inhabitants around mobile phone base stations*”, *Neurotoxicology*. 2007 Mar;28(2):434-40
<http://www.ncbi.nlm.nih.gov/pubmed/16962663>

Inhabitants living nearby mobile phone base stations were shown to be at risk for developing neuropsychiatric problems (headache, memory changes, dizziness, tremors, depressive symptoms, sleep disturbance), and some changes in the performance of neurobehavioral functions. Exposed inhabitants exhibited a significantly lower performance than controls in one of the tests of attention and short-term auditory memory [Paced Auditory Serial Addition Test (PASAT)]. Also, the inhabitants opposite the station exhibited a lower performance in the problem-solving test (block design) than those under the station.

Hutter HP et al, (May 2006) “*Subjective symptoms, sleeping problems, and cognitive performance in subjects living near mobile phone base stations*”, *Occup Environ Med*. 2006 May;63(5):307-13

<http://www.ncbi.nlm.nih.gov/pubmed/16621850>

- Found a significant relationship between some cognitive symptoms and measured power density; highest for headaches. Perceptual speed increased, while accuracy decreased insignificantly with increasing exposure levels. There was no significant effect on sleep quality.

Dode et al, “*Mortality by neoplasia and cellular telephone base stations in the Belo Horizonte municipality, Minas Gerais state, Brazil*”, *Science of the Total Environment*, [Volume 409, Issue 19](#), 1 September 2011, Pages 3649–3665

<http://www.sciencedirect.com/science/article/pii/S0048969711005754>

Cancer deaths in center of city:

- within 100m 4.342/1000 (35% increased cancer deaths within 100 meters)
- >1000m 3.212/1000

Santini R et al, (September 2003) “*Symptoms experienced by people in vicinity of base stations: II/ Incidences of age, duration of exposure, location of subjects in relation to the antennas and other electromagnetic factors*”, *Pathol Biol (Paris)*. 2003 Sep;51(7):412-5

<http://www.ncbi.nlm.nih.gov/pubmed/12948762>

Santini R et al, (July 2002) “*Investigation on the health of people living near mobile telephone relay stations: I/Incidence according to distance and sex*”, *Pathol Biol (Paris)* 2002 Jul;50(6):369-73

<http://www.ncbi.nlm.nih.gov/pubmed/12168254>

Santini et al found significant health effects on people living within 300 meters of mobile phone base stations. Fatigue, sleep disturbance, headaches, concentration problems, depression, memory problems, irritability, cardiovascular problems, hearing disruption, skin problems, dizziness, etc.

Eskander EF *et al*, (November 2011) “How does long term exposure to base stations and mobile phones affect human hormone profiles?”, Clin Biochem. 2011 Nov 27. [Epub ahead of print] <http://www.ncbi.nlm.nih.gov/pubmed/22138021>

–Showed significant decrease in volunteers’ ACTH, cortisol, thyroid hormones, prolactin for young females, and testosterone levels from RF exposures from both mobiles and cell towers.

Levitt & Lai, “*Biological Effects from Exposure to Electromagnetic Radiation Emitted by Cell Tower Base Stations and Other Antenna Arrays*”, Environmental Reviews, 2010

- □ Over 100 citations, approximately 80% of which showed biological effects near towers
- □ Built case for ‘setbacks’ and need for new exposure guidelines reflecting *multiple and cumulative* exposures

Sage & Pall, January 2014, Presentation to Washington State – Symptoms and RF levels in Various Cell Tower Studies

Table 1: RFR Levels in Cell Tower Studies Reporting Adverse Health Impacts
(RFR levels from cell towers are similar or lower than for WI-FI devices)

Study	RFR Level	Reported Health Impacts
Navarro (2003)	0.01 – 0.11 uW/cm ²	Fatigue, headaches, sleeping problems
Thomas (2008)	0.005 – 0.04 uW/cm ²	Headaches, sleep and concentration difficult
Heinrich (2010)	0.003 – 0.02 uW/cm ²	Headaches, irritation, concentration difficult
Thomas (2010)	0.003 – 0.02 uW/cm ²	Behavioral problems in children, adolescents
Mohler (2010)	0.005 uW/cm ²	Sleep disturbances
Hutter (2006)	0.05 – 1.0 uW/cm ²	Headache, sleep, concentration problems, other neurological problems.
Kundi (2009)	0.05 – 1.0 uW/cm ²	Review of 14 studies on cell tower-level RFR at and above 0.05 – 1.0 uW/cm ² impairs health
Buchner (2012)	0.006 – 0.01 uW/cm ²	Significant impact on stress hormones; children and chronically ill adults most at risk.
Oberfeld (2004)	0.01 uW/cm ²	Sleep and concentration disruption, fatigue and cardiovascular problems.
Zwamborn (2003)	0.13 uW/cm ²	Anxiety, hostility, impaired cognition
Avendano (2012)	0.5 – 1.0 uW/cm ²	Sperm damage (DNA fragmentation, low motility from laptop in wireless mode (in lap)

Carpenter, D. O. “Human disease resulting from exposure to electromagnetic fields”, Reviews on Environmental Health, **Volume 28, Issue 4, Pages 159-172**. Summarizes excessive RF radiation increases risk for cancer, male infertility and neurobehavioral abnormalities.

Netherlands Organization for Applied Scientific Research (TNO), Study for the Netherlands Ministries of Economic Affairs, Housing, Spatial Planning and the Environment and Health, Welfare and Sport, “*Effects of Global Communications System Radio-Frequency Fields On Well Being and Cognitive Function of Human Subjects With and Without Subjective Complaints*”, (September 2003)

— *Notes by Grahame Blackwell*: Found significant effects on wellbeing, according to a number of internationally-recognised criteria (including headaches, muscle fatigue/pain, dizziness etc) from 3G mast emissions well below accepted ‘safety’ levels (less than 1/25,000th of ICNIRP guidelines). Those who had previously been noted as ‘electrosensitive’ under a scheme in that country were shown to have more pronounced ill-effects, though others were also shown to experience significant effects.

Oberfeld, Portoles, Navarro et al, “*The Microwave Syndrome—Further Aspects of a Spanish Study*”, Public Health Department Salzburg, Austria, University Hospital La Fe. Valencia, Spain, Department of Applied Physics, University Valencia, Spain, Foundation European Bioelectromagnetism (FEB) Madrid, Spain, Presented at an International Conference in Kos (Greece), 2004

Notes by Grahame Blackwell: This study found significant ill-health effects in those living in the vicinity of two GSM mobile phone base stations. They observed that: “The strongest five associations found are depressive tendency, fatigue, sleeping disorder, difficulty in concentration and cardiovascular problems.” As their conclusion the research team wrote: “Based on the data of this study the advice would be to strive for levels not higher than 0.02 V/m for the sum total, which is equal to a power density of 0.0001 $\mu\text{W}/\text{cm}^2$ or 1 $\mu\text{W}/\text{m}^2$, which is the indoor exposure value for GSM base stations proposed on empirical evidence by the Public Health Office of the Government of Salzburg in 2002.”

Usfie, Israel (as shown in Documentary “Full Signal”). Cancer cases only found in vicinity of new cell towers with very few exceptions. See the film to hear about the study which was conducted by a local doctor who noticed increasing cancers following installation of cell towers on a ridge line in the city. <http://www.FullSignalMovie.com>

Naila Study, Germany (November 2004), Report by researchers (five medical doctors) “Following the call by Wolfram König, President of the Bundesamt für Strahlenschutz (Federal Agency for radiation protection), to all doctors of medicine to collaborate actively in the assessment of the risk posed by cellular radiation, the aim of our study was to examine whether people living close to cellular transmitter antennas were exposed to a heightened risk of taking ill with malignant tumors. The basis of the data used for the survey were PC files of the case histories of patients between the years 1994 and 2004. While adhering to data protection, the personal data of almost 1,000 patients were evaluated for this study, which was completed without any external financial support. It is intended to continue the project in the form of a register.

The result of the study shows that the proportion of newly developing cancer cases was significantly higher among those patients who had lived during the past ten years at a distance of up to 400 metres from the cellular transmitter site, which has been in operation since 1993, compared to those patients living further away, and that the patients fell ill on average 8 years earlier. In the years 1999-2004, i.e. after five years' operation of the transmitting installation, the relative risk of getting cancer had trebled for the residents of the area in the proximity of the installation compared to the inhabitants of Naila outside the area."



Wayland Town Water



©ORIGINALS

Where Are We?

Where Are We Going?

How Are We Going to Get There?

Wayland Town Water, Where Are We?



- **A Little History, from *A Puritan Village Evolves*:**
- **Since then, the water system has grown in small steps**
- **Each step being far cheaper than an entirely new system**
- **These steps have led us to our existing water system:**
 - **Predominate supply from Happy Hollow and Baldwin Pond**
 - **Lesser amounts from Chamberlain and Campbell**
 - **Reeves Hill Tower for storage and flow modulation**
 - **Underground water main distribution system \approx 4" diameter pipe to 16" diameter pipe – ages 1 to 100 years**
 - **Small number of employees at the Water Division of the DPW**
- **But the Mass DEP has changed the rules**
 - **Water use permits**
 - **Water contaminants**
- **Which, unfortunately, mean increasing the system's difficulty factors coupled to big choices for little towns**



Wayland Town Water, Where Are we Going?



- **First, and let me emphasize, we are going to provide quality water to the Town**
- **Second, we are going to need to look at our various options for various horizons:**
 - **To provide quality water immediately**
 - **To plan to provide quality water for the next 5 years**
 - **To plan to provide quality water for the subsequent 50 years**
- **Third, we need to realize that to provide quality water, each of these steps will require different equipment and to make the timeframes for working solutions, the decision-making steps need to start now and be completed in the next few months.**



Wayland Water, How are we going to get there?



- **First, for the immediate needs:**
 - **We will need to get the Happy Hollow PFAS treatment plant running**
 - **We will need to replace the the existing plastic pipe with welded steel**
 - **We need to complete procurement of the filtration membranes for the Baldwin Pond plant**
 - **We need to establish an emergency connection with Framingham**
 - **We need the Select Board and the acting Town Manager to initiate these conversations with Framingham**
 - **The Framingham conversations should start ASAP**
 - **The procurement conversations with ECT2 need to begin ASAP**



Wayland Water, How are we going to get there?



- **Second, for the water supply for the next five years**
 - **We cannot complete any “permanent” connection to the MWRA in under five years, so our choices are:**
 - **To continue to run the PFAS treatment plant at Happy Hollow wells, or**
 - **Supplement our water supply with MWRA water sourced from Framingham and idle the Happy Hollow wells periodically, or**
 - **Supplement our water supplies from an “emergency” tap into the Hultman aqueduct and idle the Happy Hollow wells periodically**
 - **We need the Select Board to initiate conversations with ECT2 regarding a continued lease of the Happy Hollow treatment plant. These conversations need to start ASAP**
 - **We need to convert the membrane filters at Baldwin Pond to accept filters currently in production. This conversion will require a capital project. The CIP should begin ASAP**



Wayland Water, How are we going to get there?



- **Third, for the subsequent 50 years**
 - **We need to complete our study of an MWRA conversion**
 - **The BoPW has been studying possible conversion options**
 - **The options are:**
 - **No conversion**
 - **Partial conversion**
 - **Full conversion**
 - **Pending the answers to the questions raised above, we should be able to narrow our recommendations and provide guidance shortly thereafter**
 - **We need the recommendation within the month to prepare for 2024 Town Meeting which will certainly require a capital project**
 - **We need confirmation from the MWRA of the offer to waive the initiation connection fee. The Select Board and the acting Town Manager will need to initiate these conversations with the MWRA and these conversations should begin ASAP. We expect a positive response from the MWRA which will lower capital costs by roughly \$7 million.**
 - **We need a realistic assessment from the Town of Natick as to their interest in using MWRA water. Any connection of Natick to MWRA supplies would almost certainly run through Wayland. We need the Select Board and the acting Town Manager to initiate these conversations immediately. A project constructed in concert with Natick will cut Wayland's capital cost and we guess by about \$5 million**



Wayland Water, How are we going to get there?



- **Items beyond our pay grade:**
 - **Conversations with Framingham on immediate tap into MWRA water connection**
 - **Conversations with ECT2 on plant modifications and on extending the lease on the Happy Hollow treatment plant**
 - **Confirmation from MWRA on connection fee waiver**
 - **Conversations with Natick on their desire to tie into MWRA water supply and a time frame of that desire**
- **Items within the purview of the BoPW**
 - **Recommendation on MWRA conversion options**
 - **Capital cost estimates and CIP's**





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 10, 2022
Re: 2023 Annual Town Meeting Proposed Dates

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:

Primary Choices (Sunday Start and Weekday Only)

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

Secondary Choices (Saturday and Sunday)

- 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

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 6th 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

April 2023						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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
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			



Regional Housing Services Office

Serving Acton, Bedford, Concord, Lexington, Lincoln, Maynard, Sudbury, Wayland, and Weston

Address: 37 Knox Trail, Acton, MA 01720

Website: WWW.RHSOhousing.org

Email: INFO@RHSOhousing.org

Phone: (978) 287-1092

July 30, 2022

To: John Mangiaratti, Sarah Stanton, Kerry LaFleur, James Malloy, Timothy Higgins, Greg Johnson, Maryanne Bilodeau, Stephen Crane, Leon Gaumond, Janet Adachi, Kristen Guichard, Jeff King, Marcia Rasmussen, Lee Smith, Carol Kowalski, Abby McCabe, Paula Vaughn, Rick Lefferts, Bill Nemser, Megan Zammuto, Adam Duchesneau, Carmine Gentile, John Bugbee, Imai Aiu, Sarah Rhatigan

CC: Jody Kablack, Lara Plaskon, Liz Valenta, Suzi Solomon

From: Elizabeth Rust

RE: Regional Housing Services Office – FY22 Q4, Status Report

This is the Q4 FY22 final status report for activity from 4/1/22 through 6/30/22 for the Regional Housing Services Office, the inter-municipal collaboration between the nine towns of Acton, Bedford, Concord, Lexington, Lincoln, Maynard, Sudbury, Wayland and Weston. Please let me know if you have any comments or questions.

RHSO Administration:

During the year, we added 7% of additional hours through supplemental services for Concord, Acton and Lincoln, and ended the year with delivery of 4,130 hours at \$326,796 - an hourly rate of \$79.13.

We sadly accepted the resignation from Liz Valenta, a senior staff of the RHSO staff, and have advertised for a new person.

The annual RHSO leadership meeting was held in May, and from there the FY23 budget was confirmed, the IMA amendment voted and then signed by all member communities. This is the last year of the 3-year IMA term, and a new term will be prepared for FY24, with any changes in membership or terms.

Regional Activities:

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

The RHSO continues to administer rental assistance programs for our member communities: the Sudbury Housing Trust implemented a rental relief program (Sudbury Rent Relief Program SRRP) to significant response. The RHSO is administering a Mortgage Assistance Program for Sudbury using ARPA funds.

Our annual homeowner training session (5/17/22) was well attended by 16% of the owners of restricted properties (75 people). We reviewed the provisions deed rider, process for refinancing and selling, overview from an attorney on condo ownership, and Q&A. We have joined the Community Associations Institute New England Chapter (CAI), which provides information, education and resources to condominium trustees and professionals. We have posted their information on our website, and are preparing a mailing to smaller self-managed associations.

The RHSO is investigating expanding our services to include broader tenant support services at the request from Acton and approval from the other town leaders. We are interviewing and reviewing current practices and will present findings and options to the Advisory Committee at their next meeting.

The RHSO is recognized for its expertise in the AFHMP, lottery and resident selection area, and assisted MassHousing/MHP with their training again this quarter.

SHI, 40B Safe Harbor and Inventory Administration

Managing the SHI inventory is a key component of the RHSO services provided. A total of 1,094 units have been added to the Subsidized Housing Inventory for the members since joining the RHSO. Most (seven of the



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nine) communities are in safe harbor through either meeting the 10% or through a certified Housing Production Plan, with the HPP safe harbor is temporary (one or two years).

This quarter the RHSO assisted member communities in responding to the DHCD Biennial SHI survey to verify the accuracy of the SHI report.

This quarter we broke out the number of market rate units on each communities SHI, reported that on our website, and have listed it here below.

	Housing Units	SHI units	SHI%	Market Rate Units on the SHI	FY22 SHI Change	FY23 SHI Pipeline	40B Safe Harbor
Acton	8,475	735	8.67%	300	-161 units: Tavernier Place (31), McManus Manor (41), DSS (5), Grandview (-8), Powder Mill (-230),	26 Carlisle Rd (1), Craftsman Village (2)	
Bedford	5,322	987	18.55%	400	6 units: DDS units (6)	Village at Bedford Woods (6)	Over 10%
Concord	6,852	713	10.41%	358	-8 units: Forest Ridge (1), DDS units (-9)	Junction Village (83), 930 Main St (2), Millrun (1)	Over 10%
Lexington	11,946	1,320	11.05%	657	-15 units: DDS units (-15)	186 Bedford St (13), Waterstone Lexington (21)	Over 10%
Lincoln	2,130	298	13.99%	120			Over 10%
Maynard	4,430	424	9.57%	18	5 units: DDS units (5)	Wisteria Lane (1), Maynard Square (26)	
Sudbury	5,921	775	13.09%	297	106 units: Cold Brook Crossing (101), DDS (5)		Over 10%
Wayland	4,957	477	9.62%	202	-71 units: Michaels Road (1), Cascade (-60), Windsor Place (-12)	Hammond Road (1)	Over 10%, HPP Certified to 5/17/23
Weston	3,952	151	3.82%	0	-180 units: Moderna Weston (-180)		HPP Certified to 11/23/22
total	53,985	5,880	10.89%	2352			

The SHI denominator is the total number of *year-round* housing units as reported in the latest Census. While the Census published the total housing units for each community, the number of seasonal units is not available now, and is not projected to be available until later in 2022, which delays the SHI recalibration. Using the 2010 seasonal units as an approximation, the 2020 SHI might look like this for each member community.



Regional Housing Services Office

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Further SHI Analysis	Current SHI		Using 2020 and 2010 data					
	SHI %	+/- 10%	2020 Housing Units	2010 Seasonal	2020 Estimate Denominator	Using SHI Numerator 6/2022	Estimated 2020 SHI %	+/- 10%
Acton	8.67%	-113	9,219	55	9164	735	8.02%	-182
Bedford	18.55%	455	5,444	46	5398	987	18.28%	448
Concord	10.41%	28	7,295	95	7200	713	9.90%	-7
Lexington	11.05%	126	12,310	73	12237	1,320	10.78%	97
Lincoln	13.99%	85	2,771	26	2745	298	10.85%	24
Maynard	9.57%	-19	4,741	17	4724	424	8.97%	-49
Sudbury	13.09%	183	6,556	30	6526	775	11.87%	123
Wayland	9.62%	-19	5,296	64	5232	477	9.11%	-47
Weston	3.82%	-245	4,043	56	3987	151	3.78%	-248

Monitoring:

The monitoring program is a core service of the RHSO with over 6,000 units of SHI rental and ownership restricted housing across the communities, of those, the RHSO monitors 366 ownership units, and 844 rental units.

The MassHousing 40B ownership units have a third-party monitor assigned, and the Sudbury Housing Trust (SHT) is one such monitor, monitoring 69 units across 11 developments, of which 59% are located in RHSO communities. We have broken out the RHSO-based units in the table.

Ownership Units: The ownership monitoring has completed for FY22, with the following steps:

- Self-certifications to each owner: The initial letters were mailed in October, second letters in January and third notices in March. We achieved a 93% response – same as last year.
- Review the registry of deeds: Complete in January. Violation letters sent in Q3.
- Review owner mailing address versus town database (Complete Q2)
- Review on-line sites for rentals (Complete Q3)
- Provide annual certification reports to DHCD (**All reports were sent to DHCD this quarter**)
- Send Welcome Letters to new owners (9 total)

6/30/2022	FY22 Self-Declaration				
	Sent from RHSO	Sent from SHT	Rec'd	Open	% rec'd
Acton	61	10	69	2	97%
Bedford	53	0	50	3	94%
Concord	72	2	70	4	95%
Lexington	25	0	25	0	100%
Lincoln	55	0	48	7	87%
Maynard	0	6	6	0	100%
Sudbury	9	23	31	1	97%
Wayland	22	0	18	4	82%
Weston	27	0	24	3	89%
<i>total</i>	<i>324</i>	<i>41</i>	<i>341</i>	<i>24</i>	<i>93%</i>

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



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	FY20	FY21	FY22	FY23 (IP)
Acton	1	1		1
Bedford		2	1*	
Concord	2	3	2	
Lexington	1			
Lincoln	1	3	3	2
Maynard				
Sudbury/SHT	1	2	3	2
Wayland		1	2*	
Weston	1	1		1
	7	13	11	9
	\$31,231	\$64,682	\$31,231	

FY22 ended with strong resale activity with 11 units closed.

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

The resales can be complicated based on the desirability and price of the unit, and other factors. Municipalities may also purchase additional hours if the work on resales extend past the contracted support level.

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

DHCD (and the subsidizing agencies) issued rent increase guidance in December, and in this quarter we worked with various property managers on their specific increases for town approval.

In general, the rental monitoring review includes:

1. Reviewing rent increase requests and recommending approvals, in alignment with the new guidance.
2. Reviewing that the rents are assessed in accordance with the Regulatory Agreement.
3. Reviewing sample tenant files to ensure that tenant income is recertified using source documents according to the regulations.
4. Verifying that tenants are selected in accordance with Fair Housing requirements and current Affirmative Fair Housing Marketing Plans (AFHMP) including advertising requirements.
5. Verification that the units are maintained in accordance with applicable standards.
6. Providing rental monitoring report to Town and DHCD, as required.
7. Follow-up during the year on compliance findings and recommendations.

The below table provides the detail schedule for the rental monitoring. There is some shift in schedule and scope due to COVID, including desk reviews in lieu of site visits.



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	Town	Rental Development Name	SHI units	Restrict ed Units	Subsidy Program	Rent Approval	FY23 Plan	Date of Last Report
1	Acton	Scattered sites (AHA)	8	8	LIP 40B		FY23	6/2021
2	Acton	Inn at Robbins Brook	3	3	LIP-LAU		Q4	7/14/2022
3	Acton	Avalon	86	22	LIP-40B	1/2022	Q1	6/2021
4	Bedford	Village at Concord Road	12	3	LIP 40B		Q2	10/2021
5	Bedford	20 Railroad	8	8	HOME		Q4	10/2020
6	Bedford	Patriot Place	10	7	LIP 40B	In process	Q3	3/2022
7	Bedford	Village at Taylor Pond	200	50	LIP-LAU	1/2022	Q1	4/2021
8	Bedford	Bedford Village	96	96	CPA			New Property
9	Bedford	447 Concord Road	14	12	HOME		Q4	06/2022
10	Bedford	Ashby	4	4	HOME		Q4	New Property
11	Concord	Concord Prescott	350	88	LIP 40B	1/2022	Q2	10/2021
12	Concord	Concord Park	16	16	Local		Q3	
13	Concord	405 Old Bedford Road	4	4	LIP LAU		Q4	1/2021
14	Concord	Brookside Square	74	8	LIP-LAU	5/2022	Q3	3/2022
15	Concord	Warner Woods	80	16	MH NEF			
16	Concord	Thoreau St (CHA)	1	1	HOME		FY24	3/25
17	Concord	Peter Bulkeley (CHA)	28	28	HOME		Q2	In Process
18	Lexington	Avalon at Lexington Hills	387	97	LIP 40B	2/2022	Q1	In Review
19	Lexington	Avalon Lexington	198	56	Local	2/2022	Q1	In Review
20	Lexington	LexHAB Scattered Sites	48	48	various		Q1	In Review
21	Lexington	Pine Grove Village	5	5	HOME		Q4	8/2020
22	Lexington	Keeler Farm	1	1	HOME		Q4	6/2022
23	Lincoln	Commons	30	8	LIP 40B	8/2017	Q3	3/2022
24	Lincoln	Oriole Landing	60	15	LIP LAU	2019	Q2	1/2022
25	Maynard	Maynard Crossing, Vue	180	22	LIP LAU	1/2022	Q1	5/2021
26	Maynard	42 Summer	24	6	LIP 40B	2/2022	Q1	New Property
27	Sudbury	Willis Lake (SHA)	1	1	LIP-LAU		Q1	In Review
28	Sudbury	Avalon	250	63	LIP 40B	1/2022	Q2	10/2021
29	Sudbury	Coolidge (I and II)	120	120	HOME		Q4	06/2022
30	Wayland	Residences @ Wayland Cntr	12	12	LIP-LAU	4/2019	Cancelled	3/2020
31	Wayland	Oxbow (River's Edge)	218	55	LIP-LAU		FY24	New Property
32	Weston	Church, Jones, Pine, Viles	6	6	LIP LAU			2018
33	Weston	Warren Ave	7	5	LIP 40B			2018
34	Weston	Merriam Village	62	5	LIP LAU			New Property
			2603	899				

Town-Specific Monitoring

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

In Acton: Assisted with resale process for home at Brewster Lane, recommended approval for a refinancing at High Street, started resale at Acton Meadows, completed monitoring for Inn at Robbins Brook, continuing to recommend stronger marketing.

In Bedford: Started outreach to Avalon to record a local restriction since the financing has been discharged, and with it the MassHousing regulatory agreement, though the units are protected through the



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Comprehensive Permit. Started working with the owners at Winterberry at resale, responded to owner inquiry at Shawsheen. Investigated assertion at the Bedford Veterans Quarter regarding Town HOME funds obligations, which turned out to be incorrect.

In Concord: Recommended approval for a refinancing at Shaw Farm Village, completed the resale at Finigans Way.

In Lexington: Assisted the owners at Muzzey School with numerous inquiries for unit values at for refinancing and resale purposes. Completed the monitoring research and analysis for the two Avalon properties, and the scattered LexHAB sites.

In Lincoln: Assisted the Commons with leasing a vacant unit in compliance with standards, completed the resale at 8D North Commons (the town received \$95k in exchange for releasing the restriction in this hard-to-sell unit), worked on the resale of 46D Indian Camp Lane (closing 7/20/22), continued to work with two owners of restricted units at Minuteman Commons who want to sell but need to wait for the septic issues to get resolved.

In Maynard: Supported the LIP Regulatory Agreement execution and closing at Old Bay Road/Wisteria Lane/150 Parker Street.

In Sudbury: Prepared the closing documents for a resale unit at Grouse Hill

In Wayland: Attended the lottery for Oxbow development (River's Edge), as part of local monitoring. Assisted an owner at Willowbrook with condominium-led capital improvements and attended a meeting of the condo association in that assistance.

In Weston: Worked on the resale at Dickson Meadows by preparing resale price, draft memos for the town and participating in discussion with the Town and Trust. Continued to discuss residency issue with owner at Dickson Meadows.

HOME Support:

The HOME support category assists participating HOME communities (Bedford, Concord, Lexington, Sudbury and Wayland) commit and expend their available Program funds, develop HOME funded programs, as well as completing their administrative requirements. To date, the RHSO has assisted the member communities commit ~\$2,700,000 since FY13.

In this reporting period the RHSO attended the quarterly HOME meeting in May, completed the annual CAPER plan documents in June as well as:

- Fair Housing: Worked with Newton and Suffolk University Housing Discrimination staff to host a well-attended Fair Housing event on April 26.
- Bedford: Completed two cases for the reinvigorated the Bedford Initial Rental Assistance Program (TBRA) program for a total of \$3,925, with a remaining balance of \$11,725. Completed 2022 HOME monitoring for 447 Concord Road.
- Concord: Christopher Heights –Further work on hold until project financing is firm. Completed the parking counts for the MAPC parking study. Started 2022 HOME monitoring for Thoreau Street – will finish once inspections issues are addressed (estimated in 6 months). Completed 2022 HOME monitoring for Peter Bulkeley.



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- Lexington: Continued discussions with Lexington Housing Authority to utilize the FY22 and FY23 HOME funds towards the extensive modernization project at Vynebrook Village, a 48 unit state-aided elderly/disabled public housing. The project includes complete kitchen and bath renovations, and other improvements including painting and flooring, as well as converting 3 units into fully accessible ADA units. The cost estimate of the project is over \$4.6million, funded through DHCD and CPA. Project commitment planned for the fall. Completed the parking counts for the MAPC parking study. Completed 2022 HOME monitoring for Keeler Farm.
- Sudbury: Completed 2022 monitoring for the Coolidge II.
- Wayland: Completed one case for the Wayland Initial Rental Assistance Program (TBRA) for \$1,600, with a remaining balance of \$6,850. Continued to provide information regarding the use of HOME funds for 12 Hammond Road, as a potential new project applying for the Competitive Pool in the summer.

Local Support:

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

Acton: Continued monthly status meetings. Supported the ACHC by attending meetings, taking minutes, and following up as needed as well as recommending enhancements to the Capital Improvement Program, which have been approved and implemented.

Bedford: Attended Bedford Housing Partnership and Bedford Municipal Affordable Housing Trust meetings and responded to inquiries on agenda items as requested. Supported the Small Grant Program by drafting updates to the current program application, and supporting the current grant cycle.

Concord: Continued monthly status meetings. For Christopher Heights at Junction Village: continued to support the town and CHDC in project status. Assisted the Town and CHDC with feasibility and due diligence on Assabet River Bluff project, an open space and housing joint initiative, supporting soil testing and engineering, CHDC tenant preparations, funding and town meeting support and weekly project team meetings. Assisted the CHDC by preparing agendas and meeting materials, and scheduling and convening meetings. Continued work on the Concord Housing Production Plan with presenting needs assessment information at a Public Forum in June, scheduling and convening the HPP Steering Committee, and continuing the drafting of the needs assessment chapter of the document with demographic research.

Lexington: Continued monthly status meetings. Continued support and review of DHCD LIP materials and Moderate income unit materials for the units at the National Development Waterstone and Bridges development. Supported the Affordable Housing Trust Study Committee by attending meetings and providing background information.

Lincoln: Supported the Lincoln Foundation Small Grant Program summer application funding round.

Maynard: Continued monthly status meetings.

Sudbury: Reviewed and qualified an applicant for the Frost Farm waiting list. Supported the Sudbury Housing Trust by: preparing agendas, financial tracking reports, packets, Annual Report, and Small Grant Program by processing invoices for awarded funds. Continued support for the Sudbury Rent Relief Program (SRRP) by qualifying an additional 4 application for payments, and processing payments for May/June/July rents – this program will provide \$190k of assistance to 56 tenants through November.



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Supported the implementation of Sudbury's Mortgage Assistance Program using state subsidy. In addition, under the Sudbury Trust umbrella, the RHSO performed lottery and monitoring services for other entities in the region, as follows:

- MassHousing Contract: Started resale at Tadmuck, send a residency violation letter to an owner at Southgate.
- Cold Brook Crossing: Monitored the lottery, reviewed and approved 2022 rents.
- Accepted contract for Pleasant Street in Ipswich, Cedar Hill in Westwood, Settler's Glen in Wareham
- Drafted marketing materials for Millrun in Concord
- Supported marketing for Graystone in Natick, Wellington Woods (Phase 2) Medford
- Supported contracts and closings for Wellington Woods.

Wayland: Continued to provide information on capital improvement programs.

Weston: Continued monthly status meetings. Assisted the Weston Affordable Housing Trust with its projects and programs, including: preparing meeting agendas and packets; ongoing asset management of Warren Avenue housing development; updated Weston Rental Housing listing, drafted Affordable Deed Restricted Home Preservation Fund CPC application, received Housing Trust financial statements, and continued support the development at 0 Wellesley, working with Habitat to develop six-affordable homes through the LIP Comprehensive Permit process.



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FY22 Tracking:

The final FY22 hours are shown in the table to the right.

The final tracking includes reduction of hours, with corresponding refunds towards FY23 fee, for Concord and Sudbury. All other communities were +/- 10 hours – which are forgiven in terms of settling up.

The overall netted out to the RHSO working 31.25 hours over the paid amounts – which generally worked out given the differing pay levels of the individual RHSO staff.

	FY22 Actual	FY22 Budget	Actual v Budget
Acton			
Monitoring	129.00	85.00	44.00
40B Monitoring	2.50	0.00	2.50
Local Support	198.75	166.00	32.75
ERAP	35.00	0.00	35.00
ACHC	47.50	180.00	(132.50)
Regional Activities	30.00	25.00	5.00
Admin	39.75	20.00	19.75
Total	482.50	476.00	6.50
Bedford			
Monitoring	88.75	125.00	(36.25)
HOME administration	92.00	40.00	52.00
Local Support	102.25	100.00	2.25
BHP/MAHT	60.75	103.00	(42.25)
Regional Activities	30.00	25.00	5.00
Admin	39.75	20.00	19.75
Total	413.50	413.00	0.50
Concord			
Monitoring	146.75	85.00	61.75
HOME administration	50.50	80.00	(29.50)
Local Support	242.50	250.00	(7.50)
CHDC	108.00	200.00	(92.00)
HPP	126.75	86.00	40.75
Regional Activities	30.00	25.00	5.00
Admin	39.25	20.00	19.25
Total	743.75	746.00	(2.25)
Lexington			
Monitoring	111.50	145.00	(33.50)
HOME administration	57.75	40.00	17.75
Local Support	167.75	170.00	(2.25)
Regional Activities	30.00	25.00	5.00
Admin	40.25	20.00	20.25
Total	407.25	400.00	7.25
Lincoln			
Monitoring	173.00	265.00	(92.00)
Local Support	89.75	40.00	49.75
Lincoln Board/MAHT	47.00	23.00	24.00
Regional Activities	30.00	25.00	5.00
Admin	40.25	20.00	20.25
Total	380.00	373.00	7.00
Maynard			
Monitoring	31.50	45.00	(13.50)
Local Support	44.50	35.00	9.50
Maynard AHT	10.00	25.00	(15.00)
Regional Activities	30.00	25.00	5.00
Admin	40.25	20.00	20.25
Total	156.25	150.00	6.25
Sudbury			
Monitoring	60.50	85.00	(24.50)
HOME administration	29.50	40.00	(10.50)
Local Support	62.50	150.00	(87.50)
Sudbury AHT	664.00	569.00	95.00
Regional Activities	30.00	25.00	5.00
Admin	40.25	20.00	20.25
Total	886.75	889.00	(2.25)
Wayland			
Monitoring	9.75	30.00	(20.25)
HOME administration	30.00	50.00	(20.00)
Local Support	48.25	30.00	18.25
Regional Activities	30.00	25.00	5.00
Admin	40.25	20.00	20.25
Total	158.25	155.00	3.25
Weston			
Monitoring	42.25	45.00	(2.75)
Local Support	147.50	100.00	47.50
HPP/EHC	73.50	0.00	73.50
Weston AHT	199.50	338.00	(138.50)
Regional Activities	30.00	25.00	5.00
Admin	40.25	20.00	20.25
Total	533.00	528.00	5.00
Totals	4161.25	4130.00	31.25

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 - 20th Floor, Boston, MA 02108. Emails may be sent to: 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.



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.

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.¹

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;² February 1, 2021; July 26, 2021; October 4, 2021; and December 13, 2021.³ 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.

¹ 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.

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

³ 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>
Date: Tuesday, June 14, 2022 at 12:02 PM
To: Karlson, Cherry <ckarlson@wayland.ma.us>
Cc: Crane, Stephen <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
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

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

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]



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

RELEASED WITH
REDACTIONS

LOUISE L. E. MILLER
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BOARD OF SELECTMEN
THOMAS J. FAY
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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.

Horizon Towers: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Boston Retail 1 LLC: [REDACTED]
[REDACTED]

PEC: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Fire: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

AFSCME I and 2: [REDACTED]

Launcher Way: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Oxbow: [REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[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]
 [REDACTED]
[REDACTED]
 [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

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, 12th Floor
Boston, MA 02110
Tel.: 617-556-0007
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

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, 12th Floor
Boston, MA 02110
Tel.: 617-556-0007
jaustin@k-plaw.com

Dated: _____

**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).