

TOWN OF WAYLAND

WARRANT



RESCHEDULED 2020 ANNUAL TOWN MEETING*

**Warrant previously mailed to each household*

Saturday, September 12, 2020 12:30 P.M.

2020 SPECIAL TOWN MEETING

Saturday, September 12, 2020 1:00 P.M.

PLEASE NOTE:

**The location of the Annual and Special Town Meetings
will be the**

WAYLAND HIGH SCHOOL STADIUM

GATES OPEN AT 10:30 A.M.

www.wayland.ma.us

NOTICE

The Town of Wayland does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. Wayland does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 (ADA).

Questions, concerns, complaints, or requests for additional information regarding the ADA may be forwarded to Wayland's designated Town Meeting ADA Compliance Coordinator.

Name:	Jason Adams
Title:	Management Analyst
Office Address:	41 Cochituate Road, Wayland MA 01778
Email:	jadams@wayland.ma.us
Phone Number:	(508) 358-3696
Fax Number:	(508) 358-3627
TDD:	711
Days/Hours Available:	Monday, 8:00 a.m. to 7:00 p.m. Tuesday to Thursday, 8:00 a.m. to 4:00 p.m. Friday, 8:00 a.m. to 12:30 p.m.

Individuals who need assistance in seating for more effective communication are invited to make their needs and preferences known to the Town Meeting ADA Compliance Coordinator. Notification prior to Annual Town Meeting would be helpful.

**This notice is available in large print and on audio tape
from the Town Meeting ADA Compliance Coordinator.**

**WARRANT BOOKS FOR BOTH ANNUAL AND
SPECIAL TOWN MEETINGS ARE AVAILABLE IN
THE FRONT LOBBY OF THE TOWN BUILDING
AND THE PUBLIC SAFETY BUILDING.**

Be Prepared

The 2020 Special Town Meeting and rescheduled Annual Town Meeting will look a little different due to COVID-19. Town Meeting will take place outdoors at the High School Stadium and conform to COVID-19 safety guidelines published on the next page. If you plan on attending Town Meeting, please be aware of the following:

1. Parking at the High School will be limited to the 475 marked parking and 15 marked handicapped spaces. There will be **NO** parking allowed on any roadway or grass within school grounds. There will be people on site to assist residents and to direct parking and help ensure that we remain socially distanced. Carpooling of household members is strongly encouraged.
2. Once the High School parking lots are full, drivers will be directed to offsite parking at the Town Building and other sites, as needed. Buses will transport residents from satellite parking lots to Town Meeting. Because of physical distancing requirements, the number of passengers on buses will be limited. There will be attendants to help with parking and loading and unloading of buses. Please follow their directions carefully.
3. The gates to the High School Stadium will open at 10:30 am to allow adequate time to check in and receive an electronic voting handset.
4. For everyone's safety, seating will be arranged to maintain physical distancing on the field. Seating will be monitored and strictly enforced. Non-voters will be asked to sit in the bleachers. If there is sufficient seating on the field, non-voters may sit in furthest section away from the stage that will hold the Moderator and Town Clerk.
5. Seating in the Stadium will be opened in sections, as needed. Handicapped accessible seating will also be available in designated areas. Ushers will direct you to a seat.
6. It is important to note that the handsets will **ONLY** work in the designated area for seating. Your vote matters, so please remain in the proper area.
7. If you arrive after Town Meeting has started, please be respectful and keep the noise from conversation to a minimum. Once you have received your handset, an usher will bring you to the next available seat. For everyone's safety, congregating at the entrance and exits will not be allowed.
8. It is very important that you plan to arrive and check in as early as possible. **We recommend that you allow at least 45 minutes to park, be shuttled if needed, and to be checked in and receive your electronic voting remote.** Please note that Town Meeting will not be delayed for residents who arrive late and may be waiting in line when an article important to them comes up for a vote. The welcome teams will do everything reasonably possible to get people in to Town Meeting as swiftly as possible.
9. Fire, Police, and EMS staff will be on duty at all times during Town Meeting. If you have any issues, please seek out one of them for assistance.

If you have specific questions on the logistics or attendance on September 12, 2020 (and 13th if necessary), please email the Fire Chief, Neil McPherson, nmcpherson@wayland.ma.us.

ANNUAL TOWN MEETING – COVID 19 AND TURF USE PROTOCOLS

Face Coverings/Masks

All those attending or working/participating at Town Meeting should wear face coverings/masks at all times unless seated. This includes from the time you exit your car until you are seated. In addition, face coverings/masks should be worn anytime you are not seated. Staff who are assisting attendees will wear face coverings/masks at all times.

Pre-Entry Health Check

Anyone who is ill or experiencing cold symptoms should not attend Town Meeting and should stay home and contact their primary care physician. A questionnaire is printed on the next page for individuals to assess their health prior to entering the Town Meeting area.

Parking

Parking spaces will be marked with cones at every other parking space to provide separation between cars for arrival. Cones will be removed as the lots fill in.

Bus Transportation

Bus transportation will be provided if the High School parking lots become full. Face coverings/masks must be worn by passengers and only designated seats may be occupied. Windows are to remain open on the bus.

Social/Physical Distancing

All attendees, workers and participants at Town Meeting, when not seated, are to follow physical distancing guidelines and provide at least 6 feet of space between themselves and others.

- There will be physical barriers for check in areas. Please do not cross any physical barriers.
- Please maintain 6 feet of distance when waiting in line. There will be visual physical distancing markers to allow you to remain 6 feet from the next person where we anticipate that lines may form (e.g., lines for equipment if applicable, checkout lines, lines to use the restroom).
- There will be directional pathways to manage the flow of foot traffic and to minimize contact (e.g., one-way entrance and exits, one-way pathways). These will be clearly visible and should be followed.
- Seating will be by household and will be configured to ensure at least 6 feet of distance between groups and space to allow for travel between groups.

Signage

Signage will be posted throughout the High School grounds that will explain physical distancing and face covering protocols.

Food and Water

Single serve snacks and water bottles will be available outside of the turf field seating area (snacks are not allowed in the turf field seating area). Bottled water can be brought into the turf field seating area. No beverages other than water are allowed.

Hand Sanitizing Stations

Hand sanitizing stations will be provided by the Town. Hand sanitizer is not allowed on the field. This will be strictly enforced as hand sanitizer destroys the turf.

Bathroom Use

The Town will provide at least 2 areas with bathrooms. Signage will be provided at bathroom entranceways with public bathroom use protocols. Face coverings/masks are required. Field House COVID-19 bathroom capacity will be posted and no more than the capacity will be allowed inside the bathroom to maintain proper physical distancing.

Microphone Use

Detailed protocols for microphone use are currently being drafted. In addition to stationary microphones, as is customary, there will be at least one boom microphone that can be brought to speakers.

Departure from Town Meeting

Once Town Meeting has concluded, areas will be dismissed in sections to prevent a large crowd gathering.

Mosquito Repellent Protocols

Attendees should apply mosquito repellent, if they wish, before they arrive at Town Meeting.

COVID-19 Health Screening Questionnaire

Please review the screening questions below prior to your arrival at Town Meeting. These questions are for your own use. If you reply yes to any of the questions, we strongly urge you to not attend. Please stay home if you are feeling unwell. This is for your safety and others. Thank you

Do you currently or recently have had:

Temperature above 100.4° Fahrenheit?

Atypical shortness of breath?

Unusual fatigue?

Atypical dry cough?

Atypical runny/stuffy nose?

Atypical sore or irritated throat?

Vomiting/diarrhea, nausea, abdominal pain?

Atypical headache or muscle aches?

Loss of sense of smell or taste?

**TOWN OF WAYLAND
2020 SPECIAL TOWN MEETING WARRANT**

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ADJOURNED MEETINGS

It is anticipated that if adjourned meetings are necessary to complete action on this warrant, they will be held on the following dates and times, subject to Town Meeting approval:

Sep 13 – Sunday 1:00 p.m.

and thereafter, as may be necessary, on dates as Town Meeting directs.

If you have any questions about the Articles, please attend **the Warrant Hearing on Tuesday, September 8, 2020 at 5:00 P.M.** at the Town Building (Via Zoom). You may also call the Town Administrator's office at (508) 358-3621 before Town Meeting.

NOTICE REGARDING MOTIONS

This warrant for Wayland Town Meeting is issued by the Board of Selectmen and is served upon all residents by mail to each household and by posting at the Town Building, the Wayland Public Library, the Cochituate Fire Station or the Cochituate Post Office, and at Happy Hollow School. It contains the agenda of subjects to be acted upon - the articles.

By state law, no action at the Town Meeting is valid unless the subject matter is contained in the warrant. This requirement means only that the subjects to be acted upon must be sufficiently stated in the warrant to apprise voters of the nature of the matters with which the meeting is authorized to consider. It does not require that the warrant contain an accurate forecast of the precise action that the meeting will take upon those subjects. A valid motion at Town Meeting may differ from the underlying article, but it must be within the scope of that article.

If you are in doubt about the action Town Meeting might take under an article, you should plan to attend Town Meeting.

TOWN MEETING PROCEDURES

Town Meeting functions best when all voters are familiar with its rules of procedure. A summary of those rules appears in the document, "The Moderator's Rules and Regulations Governing Wayland's Town Meetings" prepared by the Moderator and included as part of this warrant booklet. See rules at Appendix A. Copies of the pamphlet, "The Moderator's Handbook for Wayland Town Meetings," are available at the Selectmen's Office in the Wayland Town Building, or online at https://www.wayland.ma.us/sites/waylandma/files/uploads/moderators_handbook.pdf.

NO SMOKING NOTICE

Voters are reminded that no smoking is permitted on school grounds.

QUANTUM OF VOTE

The quantum of vote is specified in the warrant for each article.

For those articles involving appropriations which are anticipated to be provided by taxation or from available funds or transferred funds previously appropriated for another purpose, a majority quantum of vote is indicated. For articles which are anticipated to be funded by borrowing, a two-thirds quantum of vote is indicated.

Certain articles request the action of Town Meeting under its general legislative powers (i.e., to hear and accept reports, to appoint a committee, to adopt a resolution or “sense of the meeting” vote, etc.), and in such cases no particular statute is referenced. Town Counsel has advised that, as a matter of common law precedent in Massachusetts, such matters are decided by a majority vote.

HOW TO VOTE ELECTRONICALLY

**Special Town Meeting, Wayland High School,
Saturday, September 12 at 1:00 pm**
(Annual Town Meeting begins at 12:30 pm)

During the April 2018 Annual Town Meeting, Wayland’s citizens approved a resolution endorsing the use of wireless electronic voting for all sessions of all town meetings through fiscal year 2022. Instead of shouting out *Aye* or *No*, raising our hands, or standing to be counted, we’ll use electronic handsets to register our votes quickly, accurately, and privately during the upcoming Annual Town Meeting.

The handsets look a bit like a TV remote control, but instead of pushing buttons to change channels, we push buttons to vote: the 1 button for *Yes*, or the 2 button for *No*. Your vote is displayed on your handset’s screen and wirelessly transmitted to a computer that counts votes and displays results for the Moderator to announce. Nothing but these totals is permanently recorded, so your vote will remain private.



Town Meeting will be held at the High School Stadium. You can use any check-in station; waiting in one line based on the first letter of your last name is no longer required. As you’re checking in, you’ll be issued a handset for your **exclusive** use during that session. Voting with a handset issued to anyone else is **strictly forbidden**.

If your phone, tablet, or laptop supports Wi-Fi, please disable this feature, as doing so will enhance performance of the electronic voting system.

Before each vote, the Moderator will summarize the motion or amendment being decided. He’ll then announce the beginning of a 30 second interval during which you can convey your vote, and a

“voting light” near the Moderator will be illuminated. To vote *Yes*, push your handset’s 1 button while the “voting light” is illuminated. To vote *No*, push your handset’s 2 button while the “voting light” is illuminated. If you accidentally push the wrong button, you can change your vote by pushing the correct button while the “voting light” is illuminated. If you don’t want to participate in a particular vote, don’t push any buttons while the “voting light” is illuminated; if you don’t want to participate but accidentally push the 1 button or the 2 button, you can clear your unintentional vote by pushing the 3 button while the “voting light” is illuminated. When the 30 second interval is over, the “voting light” will be extinguished, and the Moderator will announce that the vote is complete; shortly thereafter, the Moderator will announce the results.

You should check-in at least 5 minutes before a vote to be certain that your handset can be used in that vote. If pushing your handset’s 1 button or 2 button during a vote produces a *can’t vote yet* message on its display, please alert the Moderator, and then go to the Help Desk, where you’ll be provided with a paper ballot to record your vote.

If you inadvertently turn your handset off by pushing the power button in its lower-right corner, its display will be blank; push the power button briefly to turn your handset back on. Pushing any of your handset’s other buttons during the voting interval will not change your vote, but for peace of mind, your handset will encourage you to *Re-Vote*; push the 1 button for *Yes* or the 2 button for *No*. If you temporarily leave your seat during the meeting, please keep your handset with you. If you’re visiting the restroom, you can leave your handset with the Exit Desk staff. When you leave the Stadium – either during a session or at the close of a session – please place your handset in one of the bins at the Exit Desks. If you forget to turn in your handset, we’ll give you a call the next day and ask you to return it.



Every handset will be tested before each session of Town Meeting, so the probability of a handset failing is very low. That said, if pushing your handset’s 1 button or 2 button during a vote does not produce an *Yes* or *No* on its display, please alert the Moderator, and then go to the Help Desk, where you’ll be provided with a paper ballot to record your vote, and you’ll be issued a new handset. We don’t expect this to happen, but like the Boy Scouts, we’ll be prepared.

If you’re physically unable to use a handset to vote, inform the person who checks you in, and you’ll be seated in an area where your votes will be manually counted by Help Desk personnel. If you’re wondering how much radio energy is used by a handset to convey your vote wirelessly, it’s less than 1% that of a typical cell phone and only for brief instants, employing the same frequencies used for Wi-Fi wireless internet access.

ELVIS: Wayland’s Electronic Voting Implementation Subcommittee

COMMONWEALTH OF MASSACHUSETTS*Middlesex, ss.**Town of Wayland**** * * WARRANT * * ***

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all such residents of Wayland to meet at the Stadium of the Wayland High School on

SATURDAY, SEPTEMBER 12, 2020, AT 1:00 P.M.

to act on the following Articles:

ARTICLE 1: RIVER'S EDGE DEVELOPMENT: ACCESS AND DRAINAGE EASEMENT

Proposed by: Board of Selectmen

To determine whether the Town will vote to transfer from the boards having the care, custody, control and management of certain property, located to the east of 490 Boston Post Road (Route 20), and shown as a "50.00' Wide Permanent Access Easement" and a "30.00' Wide Permanent Drain Easement" on a plan entitled "ALTA at River's Edge 490 Boston Post Road Wayland, MA," dated June 20, 2019, prepared by Allen & Major Associates, Inc., a copy of which is on file in the office of the Town Clerk, to the Board of Selectmen for the purposes for which said property is currently held and for the purpose of conveyance of non-exclusive easement for the benefit of the owner of 490 Boston Post Road, and appurtenant to 490 Boston Post Road, for access, drainage and such other purposes as deemed necessary or convenient for the development of 490 Boston Post Road, and to take any and all related actions necessary or appropriate to accomplish the purposes of this Article and/or otherwise act thereon.

FINANCE COMMITTEE COMMENTS: This Article addresses authorization of an easement required for the previously approved River's Edge project to move forward (see Appendix B). The River's Edge project entails the sale of Town owned land to a developer, WP East Acquisitions, LLC (Wood Partners), who proposes to build 218 rental units, of which 55 units (25%) will be affordable to low or moderate income households earning no greater than 80% of area median family income. The units are affordable in perpetuity. Additionally, 25% of the units will be age restricted for occupants aged 55 or over. A summarized history of the River's Edge project is outlined further below.

Specifically, the passage of this article will authorize the Board of Selectmen, on behalf of the Town, to grant an access, construction and drainage easement, including execution of required documents, to the purchaser of the River's Edge parcel upon land sale closing. The easement cannot be executed until the land sale from the Town to Wood Partners is complete, but authorization for the easement must be in place before Wood Partners will proceed with filing the building permit.

The need for an easement has been anticipated since the inception of the project given that access to the site is via the Transfer Station access road, over which the Town wanted to maintain ownership and control. The final locations of the easements were determined with the Zoning Board of Appeals (ZBA) site plan approval issued on December 30, 2019. The developer has already completed substantial work required prior to filing the building permit and has held a pre-permit review with relevant Town staff.

Following the completion of the ZBA decision appeal period, the Town and Wood Partners conducted a review of all outstanding items to be completed prior to submitting a building permit and moving to close on the sale of the land. At this time, the need for the easement was re-identified and prioritized; however, the time had already passed to call a Special Town Meeting within the originally scheduled April 2020 ATM. Wood Partners agreed to wait until a fall Special Town Meeting for discussion and vote on the required easement. This all occurred before the COVID-19 state of emergency was declared in early March 2020 delaying the 2020 ATM. Given the delay of the 2020 Annual Town Meeting to September and no pressing need for a separate fall Special Town Meeting, the Board of Selectmen called a Special Town Meeting within the Annual Town Meeting to address this matter most efficiently.

Access easement rights: The River's Edge project will use the same Route 20 curb cut as the Transfer Station access road, as required by the Massachusetts Department of Transportation. The site plan requires two entrance points from the access road to the River's Edge project. The second entrance point was an added requirement based on Fire Department review. The ZBA decision states "Access to the site is off of Boston Post Road via an access road to the Town's transfer station, which will be improved pursuant to the plans approved by the Board and listed herein." The ZBA determined, among other items, that the project will not over-tax the Town's access road to the transfer station.

Drainage and construction easement rights: The project requires drainage easement rights under the access road to drain on the eastern side of the road as part of its overall site drainage plan. The ZBA decision found that the site plan detailed the extensive erosion and sedimentation control measures that will be implemented and maintained for the project. A Long-Term Operation and Maintenance Plan has been developed for the proposed stormwater management system (SMS). The ZBA found, among other items, that the project will not contribute to the Town's stormwater system. Easement rights must also be provided for the developer to comply with conditions at its own expense, including but not limited to, roadway improvements, as approved by the ZBA. Some have suggested drainage easement rights were not previously anticipated; however, the draft Form of Access Easement included in the RFP contemplated "the right to install utilities therein or thereon or the right to make physical changes" (utilities/construction) based upon proper approvals of the work by appropriate Town boards and committees.

The easement is non-exclusive, therefore DPW operations can still continue in the easement zone, and transfer station operations, after moving the gate from Route 20 back to just beyond the River's Edge site, will continue as usual from that point forward, as intended. Any concerns of construction can be addressed in the permit review process.

The land under consideration for the easement is owned by the Town with jurisdiction potentially running to three Town boards: Board of Selectmen, Board of Public Works and Conservation Commission. The Conservation Commission has reviewed the proposed drainage system and included it as a recommended order of conditions in its report to the Zoning Board of Appeals. On July 29, 2020, the Conservation Commission voted in favor (6-0-0) of authorizing the Town to grant access and drainage easements for the River's Edge project. At the time the Warrant went to print, the Board of Public Works had voted its intent to support the easement (3-0-1) after three items were resolved: a traffic study of the access road's Saturday volume, clarification by town counsel of the motion language for the Board's vote, and confirmation that appropriate staff would review the easement language.

Consideration was given to alternative approaches to an easement. The Board of Selectman could grant a license to avoid the need for a Town Meeting vote on an easement; however, a license is held by a named licensee and does not transfer with the land. The purchaser has conveyed concern that its investors and lender(s) will not accept a license arrangement. Another alternative to avoid an easement might be to designate the Transfer station access road as a public way, therefore only needing a curb cut approval.

However, accepting a road as a public way makes it open to all traffic and also requires Town Meeting approval, which would push back any vote to Spring 2021 at the earliest. Both an easement and a public way would require a Town Meeting vote as well as recognition by the Town of utilities/construction improvements within the roadway; this article accomplishes both in a single transparent combined vote, using the originally intended form of an easement.

History of the River's Edge project: In 2012, Town Meeting funded study monies to evaluate the site for highest and best uses. This favorable vote was followed by a Town Meeting discussion and unsuccessful vote in 2013.

In 2014, Annual Town Meeting approved, by more than two-thirds margin, to allow for construction of rental housing with 25% affordable units that meet several Town goals and needs, economic and otherwise:

- Rental housing provides new affordable and market housing options in Wayland, currently in short supply, especially for seniors.
- Diversity in housing options may help to diversify Wayland's current demographics.
- With 25% of the units designated affordable and 100% rental, *all* 218 units will count toward Wayland's affordable housing inventory, which will vault the Town from 5% affordability to over 9%, nearly reaching our 10% state mandate.
- The project cleans up a prominent but neglected and contaminated site at Wayland's western gateway where the private developer will cover an estimated \$3+ million in environmental and demolition costs, which would otherwise be at the Town's expense.
- Substantial new annual tax revenues will be generated from the new \$40-50+ million project, all on previously non-revenue generating land. Tax revenues are estimated to approach \$1 million per year, with limited additional Town services required on the privately maintained property.
- The \$2.2 million land purchase price, as defined in the Land Disposition Agreement as amended, will be deposited by the Town at land sale closing and reserved for appropriation by a future Town Meeting.
- The project complements Town Center and the new bike path, and respects the natural beauty of the Sudbury River by staying within a previously disturbed site.

The Request for Proposals was issued in September 2015, reissued in January 2016, and a Land Development Agreement was signed with Wood Partners in July 2017. In the spring of 2019, due diligence was completed, after almost a year's delay due to mitigating measures for asbestos on the property. Subsequently, Wood Partners began the permitting process and appeared before the Planning Board, Design Review Board, Board of Health, Conservation Commission and, finally, the Zoning Board of Appeals (ZBA). The ZBA site plan review included information from applicable Town staff and boards, including a unanimous recommendation from the Planning Board. The ZBA issued its findings and site plan approval on December 30, 2019, with the appeal period closed in late January 2020.

The Board of Selectmen recommends approval. Vote: 5-0-0

ARGUMENTS IN FAVOR: After years of work on the River's Edge project, this procedural vote is one of the final steps to bring the long-awaited beneficial project to fruition. Timely passage of the easement at this Town Meeting is essential for the project to move forward now, for the Town to collect the project's sizable building permit fee (estimated at \$795,000), and by extension, for the Town to maintain its Safe Harbor status under Chapter 40B, which expires if a building permit is not filed by December 2020.

Given access to the River's Edge parcels is via the Transfer Station access road (which the Town opted to retain ownership of), an easement was always anticipated, is a natural extension of the 2014 Town

Meeting authorization of the Board of Selectman to “execute all necessary and appropriate documents” to convey the property, and is timely now that site plan approval has been granted. However, Massachusetts General Laws require a Town Meeting vote to grant an easement, hence the purpose of this article.

If construction, defined as issuance of a foundation or structure permit, has not commenced by December 2020 (one year after site plan approval), the site plan approval also expires. Delaying action on the easement could potentially stop the project and require the site plan approval process to start again – if the developer is still willing. Given market uncertainties due to COVID-19 and the years of effort which has brought the project to this point of completing the approved land transaction and finally starting construction, the Town should move expediently.

ARGUMENTS IN OPPOSITION: At the time the warrant went to print, the Board of Public Works had outstanding concerns with items that may impact its business including a traffic study of the access road’s Saturday volume, clarification by town counsel of the motion language for the Board’s vote to maintain the same custody and care of the access road, and confirmation that appropriate staff would review the easement language.

Opponents have expressed concern that traffic studies reviewed by the ZBA were Route 20 traffic studies based on weekday travel rather than access road traffic studies based on Saturday peak transfer station traffic.

Opponents have argued that the site plan used by town counsel to draft the easement is not sufficient for the easement, and a real plot plan should be prepared for the easement. However, Town Counsel has said the plan in Appendix B is sufficient.

Opponents may be concerned that addressing this article now will extend the length of September’s Town Meeting in light of COVID-19 pandemic-related health concerns.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 6-0-0

QUANTUM OF VOTE: 2/3 vote – see Massachusetts General Laws Chapter 44, Section 64

For more information about this article, contact Town Administrator, Louise Miller at 508-358-3620 or lmiller@wayland.ma.us.

ARTICLE 2: REPEAL CHAPTER 53 OF THE ACTS OF 2010

Proposed by: Petitioners

To determine whether the Town will vote to:

Instruct the Board of Selectmen to expeditiously petition the General Court of the Commonwealth of Massachusetts to repeal Chapter 53 of the Acts of 2010.

PETITIONERS’ COMMENTS: Wayland’s bylaws require that the annual town election take place “within seven days, but no fewer than two days, before annual town meeting”. While in other communities in Massachusetts, newly elected officials assume office on the day after their election, Wayland town officials cannot take office until the conclusion of the annual town meeting. That is because of a Special Act adopted in 2010 just for Wayland.

During the COVID-19 pandemic, the existence of the 2010 Special Act has prevented Wayland's newly elected officials from taking office for months and has deprived the residents of the benefit of their service in office. Such situations appear likely to occur in the future and most specifically in 2021 also due to COVID-19.

We need to simplify our processes and just follow the same legal requirements as every other community in Massachusetts and have our officials take office on the day following their election.

FINANCE COMMITTEE COMMENTS: The intent of this article is to allow newly elected officials in Wayland to take office on the day following their election and serve their full term. In Wayland, a Special Act was voted at 2009 Annual Town Meeting to provide that elected officials take office following the completion of Annual Town Meeting. When the 2009 Town Meeting was asked, the then Board of Selectmen noted that it would allow existing board members to finish their work for Town Meeting with an unhurried and orderly transition for incoming members.

In many communities, Town Meeting happens before the election. In other towns, like Wayland, town meeting happens after the election. This year due to COVID-19 health concerns, the election was delayed until June and the Town Meeting to September. For those elected officials who wanted to assume their posts prior to the conclusion of town meeting, there is a procedure under M.G.L Chp. 41 Sec. 11 that allows appointment to most elected boards if there is a vacancy. In July and August 2020, three newly elected officials have been appointed to their boards (School Committee, Board of Public Works, and Board of Assessors) as allowed under this law. The Board of Selectmen is held to a different standard under this state law. The filling of a vacancy on the Board of Selectmen requires a special election.

By voting the Special Act, known as Chapter 53 of the Acts of 2010, one unintended consequence of that decision is evident during the 2020 COVID-19 pandemic, which resulted in a delay of the election and town meeting. Newly elected officials have been delayed from taking their positions - from the usual April/May conclusion of Town Meeting to September.

The Annual Town Election, required by our Bylaws to occur "within seven days, but no fewer than two days, before Annual Town Meeting" (see Town Code Chapter 36-1), took place on June 9, 2020 (it was postponed from the originally scheduled date of March 31, 2020). At the time of the election, a definitive date for commencement of Annual Town Meeting still had not been established due to concern about gathering during the COVID-19 pandemic.

In order to make the change presented in this article effective, if approved, the Board of Selectmen must petition the General Court of the Commonwealth of Massachusetts to Repeal Chapter 53 of the Acts of 2010.

The Board of Selectmen has not taken a position on this article.

Note: On July 7, 2020, the Board of Selectmen voted to submit a Governor's Bill that would allow those elected at the June 9, 2020 Annual Town Election to be sworn into office before the adjournment of Annual Town Meeting. Further, in any year when Town Meeting is delayed past June 30, due to a State of Emergency, individuals elected shall be sworn into office as soon as practical following the election. This bill is still pending at the time this Warrant went to print.

ARGUMENTS IN FAVOR: Proponents may argue that this article would correct for shortcomings related to the 2010 Special Act that have prevented newly-elected officials from taking office in Wayland's government in recent months (due to the COVID-19 related delay in town meeting) and might do so again in the foreseeable future. This is not the intent of the voters. Additionally, Wayland's 2010

Special Act says nothing about extending the term of an outgoing official to account for the delay in the newly elected official's assumption of office.

Having elected officials take office the day following their election is a simple and straight-forward rule that aligns with the Massachusetts General Laws. Voters should feel assured that once they have chosen whom they want to serve in office, those individuals are not prevented from taking office or unreasonably delayed in doing so.

Most outgoing elected officials would likely be willing to fulfil their duties at Town Meeting even if newly elected replacements have taken their positions. However, they would no longer speak in an official capacity and cannot represent their board. For many years prior to the passage of the 2010 Special Act, Wayland's elected officials seemed quite capable of preparing for and carrying out their responsibilities at annual town meeting. There is nothing that prevents former officials whose terms have just ended from speaking on matters that they worked on while in office.

ARGUMENTS IN OPPOSITION: Opponents of this article may argue that the 2010 Special Act was enacted for a reason and that it should remain on the books as voted to allow outgoing elected officials to complete their terms through Town Meeting.

Opponents might argue that there may be other ways to respond to 'emergency' situations when town meeting does not occur within 2-7 days of town elections and that other mechanisms for installation of newly elected officials could be put into effect in those scenarios.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 4-1-0

QUANTUM OF VOTE: Majority – see Massachusetts General Laws, Chapter 40, Section 5 and Chapter 44, Section 33B.

For more information about this article, contact lead petitioner Gretchen Schuler at ggschuler126@gmail.com.

ARTICLE 3: RETURN UNUSED FUNDS

Proposed by: Petitioners

To determine whether the Town will vote to:

Instruct the Selectmen to immediately return to the General Fund – Unreserved Fund Balance the \$75,583 remaining from the amount appropriated under Article 26 at the 2015 Annual Town Meeting and the \$470,000 remaining from the amount appropriated under Article 20 at the 2018 Annual Town Meeting.

PETITIONERS' COMMENTS: The appropriated funds were to be used to come up with a design as well as construction and bid documents for a multi-use community center to be constructed on a specifically identified parcel of land (i.e., "the municipal parcel") that was to be donated to the Town for \$1.00. The Selectmen have spent \$74,417 of the appropriated funds for work tied to that specific land but still have not been successful in acquiring control of the land. They have given up trying to acquire it.

Because Town Meeting appropriated the funds years ago, Wayland property owners have already been taxed for those amounts that have been sitting, unused. The remaining \$545,583 of those appropriations are unavailable for another use and should be returned to the General Fund to increase our available reserves and to accommodate unbudgeted expenses associated with COVID-19.

Future requests, must clearly define a project and its location.

FINANCE COMMITTEE COMMENTS: Passage of this article will return to the General Fund \$545,583 of monies voted, but unspent, for the design, construction and bid documents for a Council on Aging/Community Center (CoA/CC). Funds returned to the General Fund under this article will not be available until the FY2022 budget, because the Department of Revenue must certify the General Fund balance before the funds can be appropriated for any use. These funds could not be used for operating expenses associated with COVID-19 during Fiscal Year 2021. Passage of this article would also foreclose Town Meeting discussion and vote on Annual Town Meeting Article 11: Reallocate Previously Appropriated Funds for a Community Center, because Article 11 looks to reallocate the same funds for feasibility, design, construction and bid documents of a COA/CC on a different site. Simply, if this article returns the unspent funds to the General Fund, then those same funds are not available for reallocation under Article 11 which comes up later.

The \$545,583 of unspent monies that are the subject of this Article were appropriated by Annual Town Meeting in 2015 (FY16 budget year) and 2018 (FY19 budget year). These articles appropriated money for funding Due Diligence, Feasibility Design, Construction and Bid documents for a proposed Council on Aging/Community Center (CoA/CC). The multi-use Community Center was envisioned to be constructed on four parcels of land, which is known as the “Municipal Parcel”, located on and off Boston Post Road and Andrew Avenue at the Wayland Town Center and shown as Lot 4-1, Parcel R20-1, Parcel R-21 and Lot 8-1. Specific parcels were listed to give the Town the most flexibility in negotiating the lease or purchase of these four parcels and in the placement of a CoA/CC building.

History: The Town of Wayland entered into a Development Agreement with the developer (Twenty Wayland LLC) of the Wayland Town Center project, which provides for the right of the Town to own or lease a parcel of land for \$1.00. This “Municipal Parcel” opportunity was to create a gathering place for residents of Wayland, as set forth in the Mixed Use Overlay District document that was signed by the Planning Board in January 2008.

The Board of Selectmen finalized negotiations with Twenty Wayland LLC in 2018 resulting in a proposed settlement to bring closure to the terms of the 2006 development agreement. One aspect of the agreement gifted the Town parcels of land for municipal and conservation purposes, totaling over 24 acres with approximately half for conservation. The settlement term expired without negotiations being completed.

The Council on Aging seeks to consider other locations within the Town to build a new community center as it remains unclear when the Town may acquire control of the four parcels needed at the Town Center. The Board of Selectmen recognized the importance to the community of a CoA/CC and in December, 2019 issued an RFP 20-10-Real Property Acquisition CoA/CC. RFP responses were received in February 2020. An evaluation committee was on schedule to complete its work prior to and present at the April 2020 Annual Town Meeting. However, the evaluation committee was not able to complete its work due to the COVID-19 health pandemic. Recently, discussions have resumed, and Article 11 is ready for discussion during Annual Town Meeting.

This year’s Annual Town Meeting Warrant Article 11: Reallocate Previously Appropriated Funds for a Community Center, reallocates the same \$545,583 that this article proposes to give back to the General Fund. Warrant Article 11 proposes that these funds be used to complete feasibility and design at a new proposed site for a CoA/CC. The Board of Selectmen and the Council on Aging are considering other site options to address concerns with the length of negotiations on the municipal parcel. Article 11 states that design funds are needed to insure all the identified requirements can be met within a new site.

The Town has spent \$74,417 of the originally appropriated \$620,000 for work tied to the specific parcel at the Town Center. It has been suggested that the remaining \$545,583 is encumbered and should be returned to the General Fund. This article suggests making the funds available to increase the Town's reserves and to accommodate unbudgeted expenses associated with COVID-19. Any monies returned to the General Fund would go into the Free Cash Reserve and would need to be certified before they could be appropriated for any operating use. Free Cash certification would not take place until the FY 2022 budget and could not be used for COVID-19 expenses this year.

Monthly financial reviews by the Town Administrator and Finance Director have managed the Town's revenue and expenditures during this pandemic, and the Town has seen minimal financial impact to date. State and Federal COVID-19 relief funds can be expected by the Town to offset certain non-budgeted capital and operating expenses.

The Board of Selectmen does not recommend approval. Vote: 0-5-0

ARGUMENTS IN FAVOR: These funds should be made available for other uses since negotiations with the Town Center developer have not progressed.

Prior year Warrants, as well as Town Meeting deliberations and votes, show support for expenditures of funds for a Council on Aging/Community Center only to be located on Town Center parcels including the one known as the "municipal parcel".

Proponents believe that funds should not be spent until the Town has a complete understanding of design features that will be required in a post COVID-19 era. All major projects should be reconsidered at this time.

Some believe that Town Meeting should not consider using funds for projects on land that is not under the control of the Town beforehand.

Funds should be made available to increase the Town's reserves and to accommodate unbudgeted expenses associated with COVID-19 if there should be any.

ARGUMENTS IN OPPOSITION: Town Meeting should have a discussion of the merits of reallocating the CoA/CC funds for another location under Annual Town Meeting Article 11. That article was submitted in January 2020 for Town Meeting discussion. Passage of this Article will eliminate the ability to have that discussion as the funds will no longer be available.

Opponents argue that these funds are needed to keep the Council on Aging/Community Center project moving forward.

The need for more space for the COA is acute and growing. Giving back these funds would put 15 years of work by many committees planning for new COA space back to Phase One.

Some believe that these funds, that are also for a multi-generational Community Center, specifically address the limited or lack of space for recreational programs needed today.

Prior Town Meeting articles detailed many uses of these funds including site reviews, feasibility design and due diligence.

RECOMMENDATION: The Finance Committee does not recommend approval. Vote: 2-4-0

QUANTUM OF VOTE: Majority – see Massachusetts General Laws, Chapter 40, Section 5 and Chapter 44, Section 33B.

For more information about this article, contact lead petitioner Nancy Funkhouser at nancyfunkhouser@verizon.net.

APPENDICES

APPENDIX A: The Moderator's Rules and Regulations Governing Wayland's Town Meetings (with highlighted revisions)

The following information may help you to participate fully in Wayland's town meetings, which have been held each year since 1639:

I. THE WARRANT

This booklet, which includes the Warrant for Wayland's **Special** Town Meeting, was compiled by the Selectmen and served upon all residents by mail and by posting in accordance with applicable provisions of the Code of the Town of Wayland. It contains the agenda of the subjects to be acted upon (articles), including the omnibus budget proposed (if this is an annual meeting), the report and recommendations of the Finance Committee, and additional information concerning the finances and administration of the Town to help us formulate our votes.

No action of this Town Meeting will be valid unless it shall have been taken under an article set forth in the Warrant.

Each article will be considered in the order in which it appears on the Warrant, unless the meeting shall have voted to do otherwise by a TWO-THIRDS vote.

II. THE VOTERS

A. All residents of Wayland, who have been duly registered as voters, are urged to attend, participate, debate and vote at all annual and special town meetings subject to laws of the Commonwealth of Massachusetts, the Bylaws of the Town and these rules and regulations.

B. The Town Administrator, Assistant Town Administrator, Town Counsel, Police Chief, Fire Chief, Finance Director, Director of Public Works, Public Buildings Director and Superintendent of Schools, shall have the right to attend and sit on the floor of town meetings, but they shall not be considered in determining the presence of a quorum unless they are registered voters of the Town. See paragraph IV.B.3 below.

C. All other persons, including members of the press, may attend and observe Wayland's town meetings so long as they remain seated in the special section reserved for non-residents, unless the Moderator shall have authorized them to sit among the registered voters.

D. A registered voter may bring his or her child(ren) to sit among the voters so long as the child(ren) sit(s) quietly beside his or her parent at all times. **All parents bringing children shall be responsible to see that all children maintain social distancing and other health related requirements of the meeting.**

III. THE MODERATOR

The Moderator is elected by ballot for a three year term at the annual election of town officers to preside at all Town meetings during his or her term of office and is authorized by state law to regulate the proceedings, decide all questions of order and make public announcement or declaration of all votes, subject to the Bylaws that Wayland has enacted to regulate the proceedings of town meetings. All rulings of the Moderator are final.

IV. THE MEETINGA. The Call to Order

1. The Moderator will call the session of Special Town Meeting commencing on September 12th 2020 to order at 1:00 p.m., or other time as determined by the Moderator acting under Mass. General Laws C. 39 Section 10A, or as soon thereafter as the Town Clerk has determined that a quorum of one hundred (100) registered voters has been checked into the meeting. (This Special Town Meeting is held within Annual Town Meeting, which begins at 12:30 pm)

2. The Moderator will announce the number of each article about to be considered and invite a motion thereunder; the Moderator will omit the reading of the articles, unless a MAJORITY of the meeting shall vote otherwise. The Moderator may in the alternative allow or invite the moving party to read the motion under the article.

B. To Address the Town Meeting

1. No person may address a town meeting until and unless he or she shall have been recognized by the Moderator. All persons shall, at the request of the Moderator, be silent.

2. All persons, who wish to be recognized, shall approach one of the three microphones placed at the front of the meeting or in front of their section if more than one set of microphones are installed, which most closely reflects the purpose for which they seek recognition:

- a. The Procedural Microphone (in the middle) will be available to those who have been recognized by the Moderator and wish to offer:
 - 1) The main motion under the article being considered and a presentation in support thereof;
 - 2) The principal presentation in opposition to the main motion.
See paragraph IV.C.2.b, below;
 - 3) An amendment to a main motion;
 - 4) A question seeking information concerning the motion or other matter then under discussion, or guidance from the Moderator as to procedure, including a point of order;
 - 5) An answer to a question seeking information; and
 - 6) A point of order or procedural motion, such as:
 - a) a motion to terminate debate;
 - b) a motion challenging the Moderator's declaration of a vote;
 - c) a motion questioning the presence of a quorum; and
 - d) a motion to adjourn.
- b. The "Pro" Microphone will be available to those persons recognized by the Moderator who wish to speak in support of

a motion on the floor.

- c. The “Con” Microphone will be available to those persons recognized by the Moderator who wish to speak in opposition to a motion on the floor.

The Moderator will normally recognize those persons, who are standing behind or seated near each microphone in a single file while maintaining social distancing, in the order of their entry into that file, alternating between the Pro and the Con mikes; but reserves the right to recognize any person at any time, including a person who has not approached a mike, a person who is handicapped or a person who has risen to a point of order. Any person whose remarks are not consistent with the purpose of the microphone that he has been permitted to use, shall yield the floor upon request of the Moderator.

3. Those individuals granted the right to sit on the floor under Section II B above, if non-residents, shall have the right to answer questions, but they do not have the right to vote or enter debate unless they are registered voters of the Town.

4. If a person, who has not registered to vote, seeks permission to address the meeting, the Moderator will ask whether there are any objections. If there are any, he will immediately call for a vote. If the majority shall vote to hear the non-resident, the Moderator will give him/her the floor.

C. The Debate

1. When you have been recognized by the Moderator, address the Chair as follows: “Mr. Moderator, I am (Name) of (Street Address).” Then proceed as follows:
 - a. “I move that . . .”;
 - b. “May I ask you . . .”; or
“May I ask through you (then state the question which you want a board, official, or previous speaker to answer);
 - c. “I rise to a point of order”;
2. Once you have been recognized, you may offer any motion, amendment, argument, comment, suggestion or question relevant to the article then under consideration, unless the Moderator shall have authorized debate or invited comments upon subjects not listed in the Warrant; but:
 - a. Any person who wishes to offer the principal presentation in support of the main motion under an article, must so notify the Moderator prior to the session at which that article is called and complete the same within five (5) minutes, or less, and yield the floor. A light, if available will warn you to conclude your remarks and yield the floor during the final minute. The Moderator may divide the time if more than one person indicates a desire to make a presentation in support. The aforesaid five minute limit does not apply to the principal motions under the omnibus budget article.
 - b. Any person wishing to offer a presentation in opposition to the main motion under an article must so notify the Moderator prior to the session at which that article is called and complete the same within the time used by the proponent, or within three (3) minutes, whichever is longer, and yield the floor. The same one (1) minute warning light if available will warn you to conclude your remarks. The Moderator may divide the time if more than one person indicates a desire to make a presentation in opposition.

- c. All other persons who wish to address the Town Meeting shall, when recognized, complete their remarks in two (2) minutes, or less, unless extended by leave of the Moderator and yield the floor. The same one (1) minute warning light **if available will be** turned on when you have used up the first minute.
- d. You may be interrupted only by a question of privilege, a point of order, a request that you speak more distinctly or by the Moderator.
- e. When you have completed your motion, question, or remarks, you relinquish your claim to the floor; and you must yield the floor upon request of the Moderator.
- f. The Moderator will rule, or take other appropriate action on any generally recognized incidental, subsidiary or privileged motion.

3. Abbreviated Presentation Procedure. With notice to and leave of the Moderator any person making a main motion under an article may present that motion under the Abbreviated Presentation Procedure. Under this procedure:

- a. The motion must be presented in or be substantially consistent with the words of the Article as printed in the Warrant, and without making further presentation in support of that article. The Moderator may allow minor or editorial variation from the words of the Article as printed in the Warrant.
- b. The Moderator will ask if anyone wishes to speak in opposition to the motion or if anyone has a question regarding the motion.
- c. Should there be a question, the questioner will be permitted to state his or her question and the presenter of the motion will be permitted to answer that question.
- d. Should any individual state that he or she is opposed to the motion, or if the Moderator determines that the questions are of significant depth or importance, the presentation and debate will revert to the normal course as set forth in these Rules.

4. If you have a question concerning the legality or propriety of the proceedings, you may approach the Procedural Microphone and address the Moderator without waiting to be recognized, saying: "Mr. Moderator, I rise to a point of order." When you have been recognized, you must state the reason for your point, which may include that a motion is beyond the scope of the article under consideration, that the person who has the floor is not addressing the merits of the motion or that a quorum is not present. The Moderator will then rule on the point and the Moderator's ruling is final.

5. If you wish to offer a motion within the scope of the article under consideration, follow the procedure outlined under paragraph IV. B. and C., above.

- a. If your motion is the main motion, you must then declare that it is identical word- for-word with the substantive portion of the article printed in the warrant which is then under consideration, or describe the substantive differences in wording between the article and the motion; otherwise the Moderator will permit no debate or action upon your motion. If your main motion is visually available to a reasonable extent throughout the hall, you may dispense with the description of substantive differences, unless directed to do so by the Moderator.

- b. If you plan to offer a main motion that contains more than twenty-five (25) words and differs significantly from the article printed in the Warrant such that in the view of the Moderator, the assembly may be confused, you must first print and distribute a copy thereof to those attending the session of town meeting at which said motion is presented.
 - c. A motion or an amendment of a motion that exceeds ten (10) words in length may be presented to the assembly only after it has been offered in writing to and accepted by the Moderator. The aforesaid requirement does not apply to main motions which are addressed by the immediately preceding subsection.
 - d. A motion that is not identical word-for-word with the substantive portion of the article printed in the warrant then under consideration will not be accepted, unless the Moderator shall determine that said motion is within the scope of the article; i.e., that it does not change the substantial character of the proposal described in that article or would not further restrict, if passed, the liberties of the residents of Wayland than the proposal set forth in the article.
 - e. The Moderator will accept no motion proposing a layout, taking, acceptance of gift, purchase, sale, lease or rezoning of land, unless the article under which the motion is offered contains a running description of the land in question, a description by metes and bounds or a reference to a plan suitable for recording that is available for public inspection at the office of the Town Clerk, the Town Surveyor, the Planning Board or another place to which the public has access during normal business hours.
 - f. The Moderator will accept no motion to appropriate and/or expend a sum of money, which exceeds the estimated cost set forth in the article then under consideration by fifteen (15%) percent, except for motions under the omnibus budget article and motions under a supplementary budget article that contemplates the appropriation of additional money for the current fiscal year to augment moneys previously appropriated and proposes to fund such appropriations by transfer from unappropriated funds, funds appropriated for another purpose or from funds received by the Town as grants or gifts.
 - g. The Moderator will accept no motion that in the Moderator's view would eviscerate or be completely opposite of the motion under the Article under consideration.
 - h. The Moderator may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.
6. You will not be recognized to speak on the merits of a motion if you have already spoken three times on its merits, but you may be recognized to answer a question put by another or to raise a procedural issue with respect to that motion.
7. Wayland's practice with respect to some common subsidiary motions is generally as follows:
- a. You may amend a motion by moving to add and/or delete words to and/or from the main motion or by substituting a new motion therefor; but the Moderator permits no more than two amendments to a main motion *at a time*. A motion to amend is debatable and requires only a MAJORITY vote, even though the main motion may require a TWO-THIRDS vote.
 - b. You may move to refer a matter for further study, if your motion identifies the official or committee who shall conduct such study, how it shall report, when and to whom. In the event that you wish to establish a new committee for this purpose, the

motion must specify the number of members who shall serve and who shall appoint them. A motion to refer is debatable and may be amended and requires a MAJORITY vote.

- c. You may move to advance or postpone to a time certain within the then current session of the meeting consideration of an article listed in the Warrant. Such a motion is debatable, may be amended and requires a TWO-THIRDS vote.
- d. You may move to lay an article on the table ("table"). Such a motion is NOT debatable or amendable and requires a TWO-THIRDS vote. A motion to remove such article from the table is also NOT debatable or amendable and requires a TWO-THIRDS vote.

You may ask the Meeting to take no action under an article by moving "that the article be passed over." Such a motion may be deemed a substitute for the main motion, is debatable, may not be amended, requires a MAJORITY vote and serves to dispose of the article under consideration.

8. Upon the expiration of **twenty-five (25)** minutes after the main motion under any article shall have been seconded, or put before the meeting by the Moderator, unless extended by leave of the Moderator, the Moderator will terminate debate thereon, unless the Town Meeting shall have voted by majority vote to extend the time available for further debate. The time needed to count the vote(s) upon the motion(s) under the article will not be included in the total time. The aforesaid time limit does not apply to debate under the omnibus budget article.

9. Although the Moderator has absolute authority to regulate the proceedings at town meetings, debate under a motion can be terminated by a TWO-THIRDS vote of the Town Meeting. Therefore, if you believe that debate under a motion has gone on long enough, approach the Procedural Microphone, and, when you have been recognized, make a motion to terminate debate (move the previous question). If your motion receives a second, the Moderator may, but need not, defer the termination of debate for a reasonable time to permit both sides of the issue to be heard. If a motion to terminate debate carries by a TWO-THIRDS vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a TWO-THIRDS vote, the Moderator will permit debate to continue.

10. If an article of the Warrant has been acted upon and disposed of, a motion to reconsider the article may be made at any time if the Moderator determines that the person offering the motion discloses significant new information to the Town Meeting concerning said article, which existed but had not been disclosed or made available to the Meeting when the motion under that article was debated, and the Moderator thereupon explains why such information satisfies the foregoing criteria; provided however, the debate and action on said motion shall be deferred until all other articles have been disposed of. In any event, a two-thirds vote shall be required for approval of a motion to return to an article.

11. Consent calendar: In order to accommodate the rapid disposition of articles for this meeting it may be moved by any person who has been recognized by the Moderator, that the assembly act on two or more articles in one vote. Under this procedure:

- a. Unless the offered articles are in order in the warrant the proponent must receive consent of the meeting by 2/3 vote to take such articles out of order, as referenced in under Section I of these Rules.
- b. The proponent will identify by number, or by number and title, each article to be considered for action by consent.
- c. Such action by consent is limited to adopting, rejecting, or passing over the indicated articles. Any adoption shall be in the unamended language of the Articles as printed in the Warrant.
- d. The Moderator may for clarity of the meeting subsequently read the number or number and title of each article to be considered for action by consent. The Moderator is under no obligation to so read the

articles referenced in the proponent's motion.

- e. Any three persons may remove an article from the list of those to be considered for action by consent, by use of a clearly audible vocal request to HOLD the article when read by the proponent or the Moderator. Articles so removed will be considered in their normal order as shown in the Warrant.

D. The Vote

Before calling for a vote, the Moderator will usually repeat the motion under consideration (as the same may have been amended), unless it is substantially identical to the article:

1. In the event that electronic handset voting equipment shall have been made available for use by voters at any Annual or Special Town Meeting, all votes shall be taken by secret ballot using such equipment, unless the Moderator shall decide otherwise for reasons he/she shall state publicly. When calling for an electronic vote, the Moderator will ask voters to press the number "1" if they wish to register an "aye" or the number "2" if they wish to vote "no". In the event that a voter wishes to abstain, he or she may (but need not) press "3". Voters may change their mind as many times as they wish, but the last vote recorded upon the expiration of thirty seconds will count. Any voter who believes that his or her keypad is not functioning properly or is failing to record his or her vote accurately should proceed to the designated help desk. If a vote is in progress, the voter should raise his or her hand; if seen by the Moderator, the Moderator will dispatch help desk staff to examine the handset for any defect. If it is determined by help desk staff that the handset is defective, the voter will be offered a paper ballot and pen or other writing instrument to record his or her vote on that question and will be provided with another handset for the next vote. Such paper vote shall be promptly relayed by help desk staff to the Moderator.

- a. If a voter cannot use the electronic handset offered by the Checkers, he or she will be directed to sit in a special section reserved for those who will not be using an electronic handset to vote. Whenever the Moderator shall call for a vote, tellers will provide a ballot to each voter in the special section(s), who, collect those ballots within thirty seconds and deliver them to the Moderator, who will add the total of the ballots to the vote received electronically and announce the vote on the motion before the meeting.
- b. Each person receiving a handset must retain and use only that handset until turned in at the Help Desk, given to a Teller or turned in at the end of the session. No person may lend or give that handset to another person, nor may any person vote with a handset originally given to another.

Voters with handsets may retain them if they wish to leave the room for any reason, but they must hand their handset to an exit attendant if they plan to leave the building.

2. In the event that electronic voting is for any reason not to be employed, the Moderator will first ask all those in favor to say, "Aye". He will then invite those opposed to say, "No". If the Moderator is in doubt as to whether the motion has carried, he or she may call for another voice vote; or may ask those in favor to stand, before he asks those opposed to stand. Sometimes, the Moderator will reverse this procedure before announcing the vote.

3. If the Moderator is still in doubt, or if seven (7) or more voters shall immediately question a voice or an uncounted vote taken by non-electronic means, the Moderator will call for the tellers to help him take a standing counted vote – two tellers for each section of the hall so that they may check each other's results. The Moderator will then repeat the motion and say, "All those in favor will rise and remain standing until counted." When the count has been completed, the Moderator will ask those who are opposed to stand and be counted. As

soon as each team of tellers has agreed upon the count in their section, they will be asked to report the number of voters they have counted from the Procedural Microphone. When all of the tellers have reported, the Moderator will declare the vote and his declaration of the vote is final, unless clear and convincing evidence shall have been submitted to the Moderator that fraud, errors by of one or more tellers or some other irregularity has infected the accuracy of the vote count just completed; in which event the Moderator will repeat the standing counted vote procedure outlined above.

4. If a vote taken by electronic means is questioned by seven (7) or more voters, the Moderator will audit the vote by choosing a set of voters to come forward and present their handsets in turn to the Town Clerk, who will compare the vote shown on each handset with the vote received by the Electronic Voting System for that handset. If the correlation is less than fully accurate, the Moderator shall discard the electronic vote and call for a standing counted non-electronic vote under the previously set out procedures.

5. In the event that the law requires a vote of TWO-THIRDS or more to carry a motion acted on by non-electronic means the Moderator will normally ask whether there is unanimous support for the motion; but if there is not such support, he will take a standing counted vote. If the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative the Moderator may by hand vote determine that the TWO-THIRDS majority was met.

6. If a TWO-THIRDS vote is required to carry a subsidiary or procedural motion, such as a motion to terminate debate ("move the previous question"), and the vote is not to be taken by electronic means, the Moderator need not take a count, even though the voice vote upon such motion was not unanimous, if the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative. The Moderator shall then declare that such motion has carried and the Clerk shall record such declaration together with a note that there was "a scattering of nos."

E. Adjournment

1. If you wish to adjourn a session of the Town Meeting before all of the articles have been disposed of, you must specify the date and time when the Meeting shall resume. Such motion may be made at any time, is debatable, may be amended and requires a MAJORITY vote, provided, however, that the Moderator will permit no such motion if it shall be offered after debate shall have been terminated upon a pending motion until the final declaration of the vote taken upon the motion then under consideration.

2. Each session of a Town Meeting shall be adjourned by the Moderator (a) at 10:30 p.m., or as soon thereafter as the Meeting has disposed of the article then under consideration or postponed action thereunder, or (b) voted to adjourn at a different time.

3. No motion to dissolve the Town Meeting (to adjourn *sine die*) is in order until every article shall have been duly considered, acted upon and declared as disposed of.

V. QUESTIONS

In the event that you have a question concerning the conduct of the meeting, you need further information to cast your vote, or the status of any motion being considered, you are invited to approach the Procedural Microphone and to address your question to the Moderator as soon as you have been recognized.

VI. MISCELLANEOUS RULES

Residents of the Town of Wayland may, with the prior permission of the Moderator, place and/or post documents intended and designed to inform and influence the action of voters at town meetings on the tables and wooden walls located behind and on either side of the tables occupied by the checkers at the entrance of Stadium and each other venue where town meetings are conducted, so long as said documents are germane to any of the

articles set forth in the warrant.

The Selectmen, the Chief of Police and the Chief of the Fire Department and other town officers and employees may also be permitted by the Moderator to post and place documents pertaining to the safety of the public in the aforesaid locations.

Thank you for joining us to do the Town's business.

Dennis J. Berry, Moderator
August 10, 2020

MODERATOR'S SUPPLEMENTAL RULES FOR TOWN MEETING SLIDES

(v 1.3)

If the Annual or Special Town Meeting commencing on September 12, or 13, 2020, or any day thereafter as determined by the Moderator, is held outdoors there will be no slides or other graphic displays and thus the following rules are inapplicable and shall be considered void.

Three types of slides are acceptable for visual display when speaking before Town Meeting:

1. Motion slides
2. Amendment slides
3. Illustrative slides

A Motion slide is displayed when presenting a Main Motion, and can be displayed when presenting an Amendment to a Main Motion. A Motion slide

- shall be presented in the "standard motion format"
- shall be limited to one page unless approved by the Moderator
- shall include the Article number, Warrant page #, Quantum of Vote, Article Title, Proposer, and Estimated Cost in the Header
- shall present the Header text in 20 point Arial font
- shall present the full text of the Motion in 18 point Arial font
- shall not include images
- is requested for both Board-sponsored and Petitioner-sponsored articles
- shall be submitted in Word Document format to the Selectmen's Office

At the Moderator's discretion, an Amendment slide may be created during Town Meeting by Town Meeting personnel digitally photographing a sheet of paper bearing an Amendment in legible handwriting, or in text printed in 18 point font. The text of an Amendment can optionally be submitted in Word Document format to the Selectmen's Office 3 full business days prior to the first session of Town Meeting for review and approval by the Moderator.

One or more Illustrative slides accompanying an Article, Main Motion or Amendment may be displayed during a speaker's presentation. An Illustrative slide shall

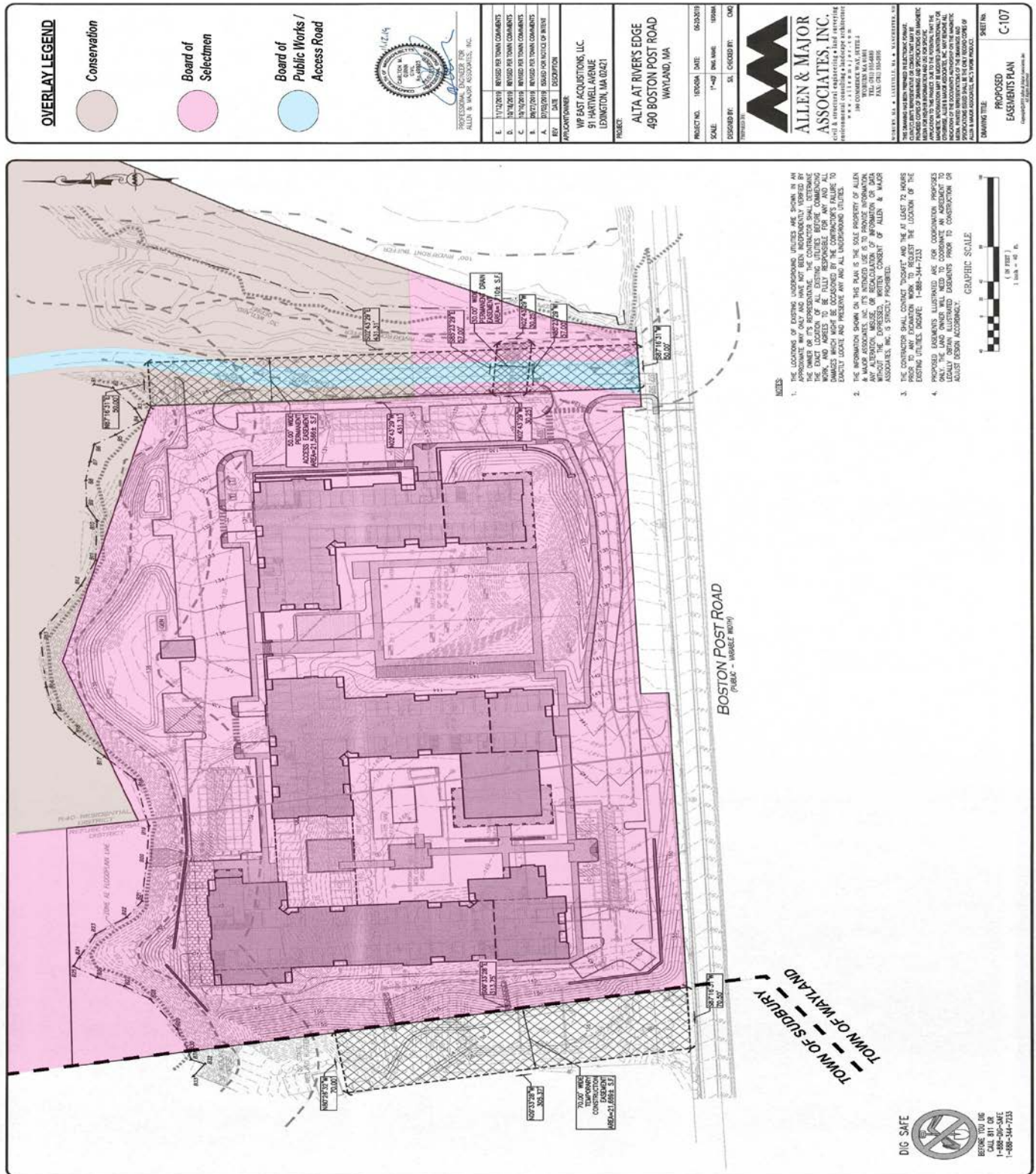
- contain pictures, charts, maps, or diagrams that enable voters to better understand a Motion or Amendment
- not restate the language contained in the Motion or found in the text of the Article
- employ text only for the purpose of labelling graphical elements
- be submitted in JPG or PowerPoint format

All Motion and Illustrative slides

- shall be submitted to the Selectmen's office no later than 3 full business days prior to the first session of Town Meeting
- will be reviewed by the Moderator for relevance, value, and compliance with the above requirements; submitters will be notified of approval or rejection
- shall be removed from the screen when the speaker concludes their presentation

During the meeting, the audiovisual system operator will display approved slides at the speaker's direction. Under no circumstances will the use of slides or any other audio/visual device extend the speaker's time.

APPENDIX B: Article 1, River's Edge Development Easement Plan





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

Hereof, fail not and deliver this Warrant with your return thereon to the Town Clerk on or before August 28, 2020.

Given under our hands and seals this 28th day of August, 2020.

Cherry C. Karlson, Chair
Douglas A. Levine, Vice Chair
Lea T. Anderson
Mary M. Antes
Thomas J. Fay
Selectmen of the Town of Wayland

Carol Martin, Chair
Steve Correia, Vice Chair
Adam Gutbezahl
Kelly Lappin
Pamela Roman
Dave Watkins
Finance Committee of the Town of Wayland

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SUGGESTIONS FOR A SUCCESSFUL TOWN MEETING:

BRING YOUR TWO WARRANTS (ANNUAL AND SPECIAL)

BRING AN UMBRELLA FOR PROTECTION FROM SUN OR RAIN

BRING A MASK TO COVER YOUR MOUTH AND NOSE

BRING WATER IN CASE IT IS A WARM DAY

REMEMBER TO SOCIALLY DISTANCE

READ YOUR WARRANTS

COME READY TO VOTE

SEE YOU THERE!



TOWN OF WAYLAND
Board of Selectmen
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www.wayland.ma.us

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