

PACKET

AUG 3

2016



NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
JOSEPH F. NOLAN

**BOARD OF SELECTMEN
Wednesday, August 3, 2016
Wayland Town Building
Selectmen's Meeting Room**

REVISED Proposed Agenda

Note: Items may not be discussed in the order listed or at the specific time estimated. Times are approximate. The meeting likely will be broadcast and videotaped for later broadcast by WayCAM.

- 7:00 pm 1.) Call to Order by Chair
- Announcements; Review Agenda for the Public
- 7:02 pm 2.) Public Comment
- 7:10 pm 3.) Enter into Executive Session (a) Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to Discuss Strategy with Respect to Pending Actions regarding 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission (two cases), Bernstein, et al v. Planning Board, et al, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, West Beit Olam Corporation v. Board of Assessors, and Green v. Police Chief; and
- (b) Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(7), to Review and Consider for Approval the Potential Release of the Executive Session Minutes of July 25, 2016, Pertaining to the Following Subjects, because a Public Discussion of These Matters will have a Detrimental Effect on the Bargaining, Negotiating, or Litigating Position of the Town: Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a Discussion of Strategy with Respect To Health Insurance in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association, and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a Discussion of Civil Service with Respect to the Police Union; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), the Consideration of the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to 8 Glezen Lane, and 107 Old Sudbury Road; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a Discussion of Discuss Strategy with Respect to Pending Action regarding Boelter et al v. Wayland Board of Selectmen
- 7:40 pm 4.) Carroll School: Update on Review Process and Vote to Forward Comment to Planning Board

BOARD OF SELECTMEN
Wednesday, August 3, 2016
Wayland Town Building
Selectmen's Meeting Room

Proposed Agenda Page Two

- | | | |
|---------|------|---|
| 8:00 pm | 5.) | Discuss Open Meeting Law Complaint with Town Counsel, Attorney General Decision 2016-98 |
| 8:15 pm | 6.) | Consider Adoption of Board and Committee Handbook; Discuss Volunteer Training and Relations; Review, Discuss and Vote Article about Volunteers for Media Distribution |
| 8:35 pm | 7.) | Review Status of Board Policies |
| 8:50 pm | 8.) | Review and Vote to Approve Minutes of July 25, 2016, and Vote to Release Redacted Executive Session Minutes of July 25, 2016 |
| 9:00 pm | 9.) | Review and Approve Consent Calendar (See Separate Sheet) |
| 9:05 pm | 10.) | Review Correspondence (See Separate Index Sheet) |
| 9:15 pm | 11.) | Report of the Town Administrator |
| 9:25 pm | 12.) | Selectmen's Reports and Concerns |
| 9:35 pm | 13.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 9:40 pm | 14.) | Adjourn |

DATE: AUGUST 3, 2016
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: CARROLL SCHOOL

REQUESTED ACTION:

VOTE TO FORWARD THE COMMENT TO THE PLANNING BOARD ON THE CARROLL SCHOOL PROJECT OF THE BOARD OF SELECTMEN, ACTING AS WAYLAND TRAFFIC AUTHORITY

Background:

The Planning Board seeks comment from the town's boards and committees by mid-August on the proposed Carroll School project. The Planning Board review provides input to the Building Commissioner who has primary zoning jurisdiction over the project. The project must also meet the requirements of Conservation Commission, and Board of Health.

Town Counsel Mark Lanza will attend to review the project approval process, the Selectmen's role as traffic authority and the context in which the Selectmen might request a voluntary gift to mitigate the effects of the project on the town. Besides physical impacts of the project on the town, the Director estimates the Town will lose \$150,000 in tax revenue in FY 18.

The Board of Selectmen, as traffic authority for the town, may wish to comment to the Planning Board on the traffic impacts of the project. The Board also may consider the request of a gift from the school to mitigate the effects on the town of the new development.

Attached are recommendations on the project's traffic impact from the Police Chief and Traffic Engineer Kevin Dandrade, both of whom will be present at your meeting.

Memorandum

7/18/2016

To: Ms. Nan Balmer, Town Administrator

From: Robert Irving, Chief of Police

Subject: Carroll School Impacts

I have reviewed the Application for Site Plan Review for the Carroll School. I have several recommendations for the Board of Selectmen, the traffic authority for the town, in regards to this application.

1. The town should consider either a separate traffic study or a review of the traffic study submitted by Bayside Engineering that was submitted on June 24, 2016. It is my understanding the services of Kevin Dandrade of TEC Engineering has been secured by the Planning Department to conduct a review.
2. The school will occasionally have events, mostly sporting, that may generate attendance in the form of spectators. I believe it is important that ample parking exist on the premises to accommodate a larger than usual number of vehicles. I do not believe that Waltham Road has space or capacity to handle overflow parking. No parking zones, on Waltham Road near the school, may need to be considered.
3. The traffic study submitted by Bayside Engineering has recommended that a school zone be implemented along Waltham Road in front of the site. A school zone is a designated roadway segment approaching, adjacent to, and beyond school buildings or grounds, or along which school related activities occur. I believe that this proposal be closely examined before implementation. The town currently has school zones adjacent to public schools in Wayland. A school zone is permissible at a private educational facility as long as it has been accepted by the state education authority for one or more grades K-12. There are various signage options associated with school zones that may include flashing lights and a speed radar monitor. Some may question whether this type of traffic control is needed at this location and whether it fits on a semi-rural road such as Waltham Road.

4. I also recommend that all parking areas at the Carroll School have sufficient lighting. Some activities at the school may take place at night. Parking lots and walkways should have suitable lighting for employees and visitors for safe egress to and from the facility.

Should you or the Board have any questions or concerns please let me know. I would be happy to attend any meeting the Board of Selectmen may have on the subject.

cc: Sarkis Sarkasian, Town Planner



Sarkis Sarkisian, Town Planner
Town of Wayland Planning Department
41 Cochituate Road
Wayland, Massachusetts 01778

DRAFT

July 27, 2016

TEC Ref. T0558.13

RE: Carroll School Wayland Campus – Wayland, Massachusetts
Traffic and Transportation Peer Review

Dear Mr. Sarkisian,

On behalf of the Town of Wayland, TEC, Inc. (TEC) has reviewed documents as part of the traffic and transportation peer review for the proposed Carroll School Wayland Campus Project to be located at 39-45 Waltham Road, Wayland, Massachusetts. The project consists of redeveloping the existing property and residential building structures to provide an educational facility for up to 60 students and supported by 40 faculty and staff. Access to the site is currently provided at three points along Waltham Road. The following documents were received as part of our review:

- *Traffic Impact and Access Study – Carroll School Wayland Campus, Wayland, MA*; prepared by Bayside Engineering; June 2016.
- *Carroll School Site Plan Submission, 45 Waltham Street, Waltham, MA*; prepared by Dewing Schmid Kearns Architects and Planners; June 27, 2016.

TEC completed a review of these documents for the Town of Wayland, and in general concurs that the design features proposed by Dewing Schmid Kearns Architects and Planners satisfy the minimum requirements in accordance with the Town of Wayland and industry standards. TEC generally concurs with the Traffic Impact and Access Study (TIAS) provided by Bayside Engineering in accordance with MassDOT and the Town of Wayland standards. The following provides a summary of the comments that we compiled during our review:

Transportation Impact & Access Study

- 1.) The study area as presented in the TIAS appears appropriate to assess the area impacts related to new traffic generated by the Carroll School campus.
- 2.) TEC concurs with the seasonal and annual growth factors employed by Bayside Engineering as they reflect a conservative assessment of future traffic conditions based on MassDOT and Metropolitan Area Planning Council (MAPC) data as described.
- 3.) Although the study indicates coordination with Wayland Planning staff, the Applicant’s team should confirm that there are no nearby private development projects in Lincoln that could measurably affect the future year ‘no-build’ and ‘build’ analysis scenarios.

Site Plan Considerations

- 16.) The number of parking spaces provided on-site is compliant to Town of Wayland Zoning Section 198-506.1.7. However, the Town of Wayland Police Department issued a concern for the potential for overflow parking during special events. The Applicant should consider providing additional parking spaces on-site after analyzing the parking demand associated with sporting events or other special events. The Applicant should consider providing No Parking signage (R7 Series) along Waltham Road to deter parking along the roadway shoulder because the paved width of Waltham Road is consistently 18 feet in this area.
- 17.) The dimensions of parking spaces and parking drive aisles comply with Town of Wayland Zoning Section 198-506.7.5.
- 18.) The Applicant should provide turning templates showing the ability for buses, delivery trucks, and emergency vehicles to access, circulate, and egress the site through the one-way circulation pattern without leaving the paved surface. The Applicant should provide the rationale for 12-foot openings to the circular driveway area as compared to Town of Wayland requirements for driveway width. This area appears challenging for Fire Department circulation even with the mountable curb on the island.
- 19.) The Applicant should coordinate with the Town of Wayland Fire Department for preferred locations and sign requirements for fire lanes within the site.
- 20.) The site plan submission currently does not show an internal sidewalk network on-site at the school frontage; however the site plan does not show sidewalk connecting the site with Waltham Road. Although no sidewalks are provided along Waltham Road, the Applicant at a minimum should provide sidewalks that can be accessed from the Waltham Street.
- 21.) In locations where STOP signs (R1-1) are provided, the Applicant should revise the plans to depict STOP line pavement markings. An additional STOP sign and STOP line should be provided at the terminus of the Barn Driveway at the Main Exit Driveway. Other regulatory signs, such as 'one-way' and 'do not enter', should be shown on the plan.
- 22.) The site plan submission shows a crosswalk across the main drive aisle immediately west of the circle driveway. The Applicant should consider extending the bump-out in order to shorten the crossing distance and deter parking on the crosswalk. The Applicant should provide crosswalk signage (W11-2 and W16-7p) at the crosswalk location.
- 23.) The main parking aisle has a one-way entrance on the westerly end and a two-way flow pattern on the easterly end. We recommend that the access be adjusted to provide two-way flow on both ends with 24-foot aisles; the newly introduced westbound exit will need to be signed and striped as left-turn-only. If this is not implemented, there is potential for a circulating visitor to be trapped when the parking lot is full.

- 11.) TEC generally concurs with sight distance calculations provided by Bayside Engineering. TEC would like to note, similar to the TIAS, that the trees along the south side of Waltham Road, west of the exit driveway, are close to the sight line and will partially block the view of a vehicle as they “inch-up” to see past the stone wall. Some of the lower limbs should be removed to provide unobstructed sight lines for both entering and exiting vehicles. The Applicant should provide a commitment to maintain these trees so to eliminate overgrown that could significantly restrict the sight line looking west from the exit driveway. Similarly, during winter months, the Applicant should be required to maintain clear sight lines by removing snowbanks near the curb cuts.

Mitigation

- 12.) The Applicant has recommended the establishment of a school zone. As Waltham Road appears to be under the jurisdiction of the Town of Wayland, authority over any potential school zone traffic control resides with the Town of Wayland Police Department and Board of Selectmen. The Applicant should review the 2009 Massachusetts Amendments to the MUTCD to design the school zone in accordance with State standards. The standards indicate that an official school zone, with accompanying signs, is not warranted when there is no planned crosswalk in the zone, there is limited potential for walkers due to the regional nature of the school, and there is no need for students to cross the street on foot.¹
- 13.) The site generated traffic turning left from Concord Road (Route 126) southbound to Waltham Street will account for one-third of the future traffic volumes during the weekday morning and weekday evening peak periods; increasing the volume for the movement up to 70 vehicles per hour. The Applicant should provide a left-turn lane warrant analysis for this movement to determine whether a left-turn lane is warranted and feasible.
- 14.) The STOP sign facing Waltham Street, within the triangle splitter island, at the intersection of Concord Road / Waltham Street does not appear to be at a standard height for visibility. As a major exit point for new site-generated traffic, the Applicant should replace the STOP sign and pole at a standard height as noted in the MUTCD with a minimum height of seven feet to the bottom of the sign.
- 15.) The STOP sign facing Old Sudbury Road at Route 117 in the Town of Lincoln is currently partially blocked by a 'Bike Lane' (D11 Series) sign. As a major exit point for new site-generated traffic, the Applicant should approach the Town of Lincoln to separate the signage in order to allow the STOP sign to clearly depict its octagonal shape as required in the MUTCD.

¹ The Massachusetts Amendments to the 2009 Manual on Uniform Traffic Control Devices and Standard Municipal Traffic Code, Massachusetts Department of Transportation, January 2012, pg. 66-67.

- 4.) Site trip generation calculations were presented based on existing Carroll School student and staff characteristics. TEC generally concurs with this methodology; however, year-to-year student and staff characteristics may show that the number of student vehicle trips may not continue at a 0.55 private car to student ratio. The Applicant should look into additional available data from the Carroll Street on past experience to confirm that a 0.55 private car to student ratio is appropriate. As another recent source of data, TEC recently prepared a study for a Grades 3-9 Montessori School in southern New Hampshire where the car-to-student ratio is currently 1.2 to 1.0 per student during the weekday morning and afternoon peak periods, respectively.
- 5.) In general, TEC concurs with the macroscopic trip distribution assumptions provided in the TIAS based on existing zip code data for the current Carroll Street population. Although the household locations will change from year to year, the general trend of arrivals and departures should not change dramatically. The school administrators should confirm that their solicitation for new enrollees is not anticipated to change geographically in the foreseeable future.
- 6.) The detailed site distribution traffic networks in Figures 6 and 7 should be reviewed for the following potential changes:
 - a. The trips proposed to enter onto Old Sudbury Road from Route 117 eastbound may be more likely to use Lincoln Road and Longmeadow Road to access the site;
 - b. All traffic destined for, or departing from, the site from points to the south in Wayland are proposed to enter the intersection of Route 126 / Waltham Road; however, there may be potential for afternoon trips to use Lincoln Road (south of Waltham Road) to avoid delays at the stop sign at Route 126.
- 7.) The TIAS indicates that actual delays were recorded at the intersection of Concord Road and Waltham Road in order to compare with the delay as reported from the Highway Capacity Manual (HCM) analysis. The Applicant should provide these records to substantiate the statement.
- 8.) The Applicant should revise Table 10 as presented in the TIAS to clearly depict the V/C ratio and delay for the critical movements as reported. In the level-of-service analysis summary table, the delay values greater than 80 secs are abbreviated as ">80" which do not provide for a clear side-by-side review of the effects of the project.
- 9.) Although TEC understands the conservatism of the Synchro HCM analysis and that observed delays at the intersection of Concord Road / Waltham Road are significantly less than as reported in the HCM analysis, the Project is anticipated to contribute a substantial amount of new traffic within the study area and on individual intersection movements over the No-Build conditions.
- 10.) TEC concurs that an overwhelming majority of the weekday morning and weekday evening commuter peak period traffic is attributed to cut-through traffic along Waltham Street.

We recommend that the Applicant's team provide a written response to comments for the Boards review. If desired, TEC staff can perform a supplemental review of the site access and mitigation considerations raised within this letter. Please do not hesitate to contact us at (978) 794-1792 if you have any questions regarding our comments. Thank you for your consideration.

Sincerely,
TEC, Inc.



Kevin R. Dandrade, PE, PTOE
Principal



Samuel W. Gregorio, P.E., PTOE
Senior Traffic Engineer



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

TEL: (617) 727-2200
www.mass.gov/ago

July 22, 2016

OML 2016 – 98

RECEIVED

JUL 25 2016

Board of Selectmen
Town of Wayland

Cherry Karlson, Chair
Wayland Board of Selectmen
41 Cochituate Road
Wayland, MA 01778

RE: Open Meeting Law Complaint

Dear Chair Karlson:

This office received two related complaints from George Harris alleging that the Wayland Board of Selectmen (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The first complaint was filed with the Board on March 10, and the Board responded by letter dated March 24.¹ This complaint was then filed with our office on May 31. The second complaint was filed with the Board on April 8, and the Board responded by letter dated April 27. The second complaint was then filed with our office on June 6. In his complaints, Mr. Harris alleges that the Board has failed to approve and release meeting minutes in a timely manner.

Following our review, we find that the Board violated the law as alleged. We find that this was an intentional violation of the law, and we refer the matter to a hearing pursuant to 940 CMR 29.07(3). In reaching a determination, we reviewed the complaint, the Board’s response, and the request for further review filed with our office. We also spoke with Board Chair Cherry Karlson by telephone on July 1.²

FACTS

We find the facts as follows. The Board is a five-member public body that typically meets on a weekly basis. At issue are the minutes of several Board meetings held on December 7 and 14, 2015; January 4, 11, 25, and 27, 2016; and February 1 and 9, 2016.³ On April 4, the Board approved meeting minutes from December 7 and 14, 2015, and January 4 and 27; on April 11, the Board approved the minutes from January 11 and 25; and on April 19, the Board

¹ Unless otherwise indicated, all dates in this letter refer to the year 2016.

² For the sake of clarity, we refer to you in the third person.

³ The first complaint concerns the minutes of the December meetings, as well as January 4. The second complaint concerns January 11, 25, and 27, as well as the February dates.



approved the minutes of February 1 and 9. Also during the April 19 meeting, the Board voted to adopt a plan ensuring the timely approval of meeting minutes.⁴

DISCUSSION

The Open Meeting Law requires public bodies to “create and maintain accurate minutes of all meetings, including executive sessions.” G.L. c. 30A, § 22(a). These meeting minutes must be reviewed and approved in a timely manner. G.L. c. 30A, § 22(c). Although the Open Meeting Law does not define “timely manner,” a public body should approve minutes at the next meeting where possible. See OML 2012-91.⁵ For bodies that meet regularly, we have concluded that a delay of two to three months in approving minutes does not comply with the law. See OML 2016-62.

Here, the complaints allege that the Board failed to create and approve meeting minutes in a timely manner. In its two responses, the Board concedes that it did not meet its obligations under the law. Indeed, the December and January meeting minutes were approved on April 4 and 11, and the February minutes were approved on April 19, despite the Board meeting regularly throughout that time. When we spoke with Chair Karlson, she stated that the delay in approving minutes occurred because the Board’s administrative assistant had a backlog of work due to Town Meeting deadlines. We credit this statement, and we recognize that the administrative burdens of approving minutes in a timely fashion can be significant. Nevertheless, we cannot excuse the Board from its obligation to do so. Because the Board met regularly yet delayed several months before approving certain minutes, we find that the Board violated the Open Meeting Law. See OML 2016-62.

We find that the Board’s failure to create and approve meeting minutes in a timely manner was an intentional violation of the Open Meeting Law. An intentional violation is an “act or omission by a public body or a member thereof, in knowing violation of [the Open Meeting Law.]” 940 CMR 29.02. An intentional violation may be found where the public body has previously been advised that certain conduct violates the Open Meeting Law. Id. Here, the Board was advised by our office of its obligation to approve minutes promptly. In OML 2015-79, we found that the Board had failed to approve minutes in a timely manner. This determination was sent to the Board on June 2, 2015, several months before the meetings at issue in this letter.⁶ The Board had therefore been clearly advised of the law’s requirements. Thus, we find that the Board’s violation of those requirements was intentional.

CONCLUSION

For the reasons stated above, we find that the Board violated the Open Meeting Law by failing to approve meeting minutes in a timely fashion. We find that this violation was intentional. We therefore refer this matter to a hearing pursuant to 940 CMR 29.07(3). We recommend a fine of \$1,000 and an order of immediate and future compliance with the Open Meeting Law.

⁴ The Board also approved other meeting minutes during its April 19 meeting. However, those minutes are not part of the present complaints.

⁵ Open Meeting Law determinations may be found at the Attorney General’s website, www.mass.gov/ago/openmeeting.

⁶ Four out of five current Board members were serving as of June 2015.

We now consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact the Division at (617) 963-2540 if you have any questions.

Sincerely,



Kevin W. Manganaro
Assistant Attorney General
Division of Open Government

cc: George Harris
Mark Lanza, Town Counsel

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

DATE: AUGUST 3, 2016
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: BOARD AND COMMITTEE HANDBOOK / VOLUNTEER TRAINING AND RELATIONS

REQUESTED ACTION:

PROVIDE DIRECTION TO THE TOWN ADMINISTRATOR ON A PROGRAM TO PROVIDE SUPPORT AND RECOGNITION TO TOWN'S VOLUNTEERS WHO SERVE ON BOARDS AND COMMITTEES

Background:

Volunteers, residents and staff sometimes suggest development of an organized program to support, communicate with, and recognize the town's volunteers. I am working with the Assistant Town Administrator to see if staff resources can be re-organized to assign responsibility to develop and manage such a program.

Attached please find a draft reference volunteer handbook that could, after finalized by the Board and Town Counsel, be used by volunteers to understand a common protocol for working within the Wayland town organization.

I received the following suggestions for the program that could be implemented dependent on staff resources:

- Adoption of Board and Committee Handbook
- Annual meeting of volunteers – Review of requirements and networking among volunteers and with department heads
- Creation of other educational opportunities and meetings for volunteers
- Recognition of volunteers, including thank you letters upon resignation
- Creation of a website page with information and announcements for volunteers
- Assignment of town e-mail addresses to volunteers

I would appreciate direction from the Board on the draft handbook and on priorities for a program to support and recognize town volunteers.

**TOWN OF WAYLAND
HANDBOOK FOR
THE BOARD OF SELECTMEN AND
APPOINTED BOARDS, COMMITTEES, COMMISSIONS**

1.0 Volunteer Appreciation

The Board of Selectmen thanks the members of all Boards, Committees and Commissions for giving their valuable time and effort in the improvement of the Wayland community.

2.0 Authority and Purpose of These Guidelines

The Wayland Board of Selectmen adopts these guidelines for the governance of the Board of Selectmen and its appointed Boards, Committees and Commissions, referred to here as "public bodies". This policy will be superseded as required by any federal or state law and town by-laws.

The purpose of this governance policy is to promote among the Town's public bodies decision-making that is open, thoughtful, fact-based, respectful and fair, and in compliance with town bylaws and all state and federal laws.

3.0 Organization

3.1 Annual Organization Meeting: Public bodies must organize annually immediately after Annual Town Election and Meeting. Public bodies will elect a Chair any other necessary officers such as a Vice-Chair or Co-Chair, Clerk and Assistant Clerk.

3.2: Assignment to Department: Each public body will be assigned to a department of the town which will provide a secure location to maintain minutes and records.

3.3: Responsibilities under Charge and Local and State Law: Each appointed public body will conduct its business under town by-law, state statute or under a charge adopted by the Board of Selectmen.

3.4 Annual Reports: Each public body will provide an annual report which will serve as its report to Town Meeting. The report will include detailed summaries on funds under the public body's jurisdiction.

3.5 Rules of Procedure and Voting: Public bodies must establish a quorum before any meeting is called to order. Each public body may establish rules of procedure and voting consistent with local, state and federal law. Rules may include rules for allowable public comment.

3.6 Advisory Committees: The Board of Selectmen may appoint advisory committees for a specific purpose under a temporary charge.

4.0 Role of Members: A member of any public body will:

1. Respect the role of the Chair in setting agendas and facilitating meetings.
2. Recognize that members act only as one member of a public body and may not conduct town business independently of the public body except as authorized by a vote of the public body. Respect decisions of the public body.
3. Recognize that action at an official legal meeting is binding and that he / she cannot bind the public body outside of such meeting.
4. Not make statements or promises about how he / she will vote on matters that come before the public body until he / she has had an opportunity to hear the pros and cons of the issue during the body's public meeting.
5. Uphold the intent of Executive Sessions and respect the privileged communication that exists in Executive Session, holding it in confidence.
6. Assume a high level of integrity, striving toward fact based and objective public statements and deliberations. Make decisions only after all facts on a question have been presented and discussed.
7. Conduct town business through the Chair of the public body so that town staff is not subject to potentially conflicting direction.
8. If appointed by a majority of the public body, serve as a liaison to other public bodies.
9. As a condition of appointment, the Board of Selectmen may require training so members can effectively fulfill their duties. Training may be provided at Town Building, over the internet, or may require out of town travel or require multiple sessions. Whenever training is required by the town so that a volunteer can serve on a public body, the Town will pay for the costs of tuition and travel. All such costs must be approved in advance by the Department Head before the costs are incurred.
10. Except at the end of their appointed term, a member must submit to the Town Clerk a signed letter of resignation, including the date the resignation is effective. A member of a committee member may continue to hold an office until a successor is appointed.

5.0 Role of Chair and Vice Chair: The Chair will set meeting agendas, convene all meetings, and execute documents as authorized by the public body. The Chair will act only under authority provided by a quorum of the public body. The Vice Chair will fulfill the duties of the Chair in his or her absence.

6.0 Role of Clerk: Although town staff may record minutes for some public bodies, the public body is encouraged to elect a Clerk or individual member who will be responsible for ensuring minutes are recorded, created and submitted for approval and filed along with supporting documents as a permanent record with the assigned town department.

6.0 Open Meeting Law

6.1 Requirement to follow Open Meeting Law: Public bodies must comply with all parts of the Open Meeting Law. Public bodies subject to the Open Meeting Law include any sub-committee of two or more members who meet to conduct business assigned by the public body. Please refer to the MA Attorney General's Open Meeting Law Guide which is available on the town website and through the Wayland Town Clerk and includes the following information important for members to know:

1. Definition of a public body
2. Definition of a meeting / 5 exceptions to the definition
3. Definition of a meeting quorum
4. Requirements for posting meetings
5. Ten legal purposes for executive sessions
6. Requirements to allow remote participation
7. Public Participation - What participation must be allowed?
8. Open and Executive Session: Required records
9. Open Meeting Law complaint process

The Town Administrator is available to provide or obtain assistance on Open Meeting Law questions.

6.2 Meeting Postings: All public bodies must comply with the Open Meeting Law, including but not limited to posting meeting agendas with the Town Clerk at least 48 hours in advance of the meeting. Saturdays, Sundays and legal holidays are excluded in the counting of the 48 hours. The posted agenda must be provided to the Town Clerk or it may be e-mailed separately to the Town Clerk at and received byThe agenda must include a list of topics that is sufficiently specific to reasonably inform the public of the items to be discussed at the meeting. The agenda must also include any Executive Sessions planned, specifying one of the 10 legal purposes for calling an Executive Session.

6.3 Revised Agendas: If an agenda item is received by the Chair within 48 hours of a posted meeting, and the agenda item could not be reasonably anticipated by the Chair more than 48 hours before the meeting, the Chair may revise the posted agenda to include the new agenda item. It is preferred that agendas be revised only when the

agenda item arises because of an emergency, defined as a sudden, generally unexpected occurrence or set of circumstances demanding immediate action. All other matters should be heard at a later meeting of the public body.

6.4 Requirement for Meeting Minutes: The Open Meeting Law requires public bodies to create and approve minutes in a timely manner. The Public Records Law requires that existing minutes be made available to the public within 10 days upon request, whether these minutes have been approved or are in draft form. Materials or other exhibits used by the public body in an open meeting must also be made available to the public within 10 days of request. One hard copy, original set of meeting minutes, signed by the public body's Clerk, must be submitted within 5 days of approval by the public body to the public body's assigned department which will maintain the minutes as the permanent record of the public body. Minutes of all public bodies will, upon approval, be posted on the town website.

6.5 Contents of Minutes: Minutes must include the name of the public body, the date, time, and place of the meeting, the names of members present and absent, the names of staff present, and the substance of all discussion including all subjects acted upon or heard. Minutes must include a full and complete record of all motions proposed for vote and will include the exact vote, the names of the mover and the seconder for each motion, and the names of those voting against each motion. A verbatim record of meetings is not required.

6.6 Draft Minutes: Once created, draft regular meeting minutes are a public record available to the public, even if the minutes have not been presented at a meeting.

6.7 Executive Session Minutes: Minutes must be created for all Executive Sessions. Executive Session Minutes must not be released to the public until the reason for calling an Executive Session has ended, after which Executive Session Minutes must be reviewed and released by the public body.

6.8 Recording of Meetings: Any member of the public has the right to make an audio or video recording of an open session of a public meeting but must notify the Chair before recording. The Chair must inform attendees of any such recording at the beginning of the meeting including that that the meeting will be broadcast on the Way-Cam government access channel. The Chair may impose reasonable requirements regarding audio or video equipment so recording does not interfere with the meeting.

6.9 Public Participation: Under the Open Meeting Law, the public is permitted to attend open meetings of public bodies but is excluded from an executive session that is called for a valid purpose listed in the law. The amount of time a member of the public will be allowed to speak to a public body will be determined at the discretion of the Chair. While the public is permitted to attend an open meeting, an individual may not

address the public body without permission of the Chair. An individual is not permitted to disrupt a meeting of a public body, and at the request of the Chair, all members of the public will be silent. If after clear warning, a person is disruptive, the Chair may order the person to leave the meeting, and if the person does not leave, the Chair may authorize a police officer to remove the person.

6.10 Remote Participation at Meetings: The Town of Wayland permits remote participation under the requirements of a separate policy.

6.11 Open Meeting Law Complaint Process: Individuals who allege a violation of the Open Meeting Law must first file a complaint with the public body alleged to have violated the OML within 30 days of the date of the violation or the date the complainant could have reasonably known of the violation. The full complaint process, including the required response of the public body to the complainant within 14 days of receipt of the complaint is included in the Attorney General's Open Meeting Law Guide. Please provide a copy of all Open Meeting Law complaints to the Town Administrator's Office.

7.0 Use of E-Mail to Conduct Business

7.1 E-Mail and Public Records Law: E-mail communication created or received by a member of a public body while acting in his or her capacity as a member of the public body is considered a public record and is subject to a public records request under the Public Records Law even if the e-mail is received by or created on a private computer or sent to only one individual. To create a permanent record for e-mail about town business, members of public bodies must list the following town e-mail archive address as a separate recipient: archive@wayland.ma.us. Members of public bodies may also be assigned a separate Town of Wayland e-mail address to be used for all town business.

7.2 E-Mail and Open Meeting Law: Whenever one member of a public body uses e-mail to discuss the public body's business (except for administrative matters such as scheduling and the transmission of documents) with a quorum of the members, it constitutes "deliberation" and is in direct violation of the Open Meeting Law. E-mail communication between less than a quorum of a public body is also in violation of the Open Meeting Law if the e-mail between less than a quorum of members is later forwarded to or discussed with additional members outside of a public meeting, thus unintentionally creating a quorum.

7.3 Board of Selectmen Guideline on E-Mail: To avoid violations of the Open Meeting Law and the Public Records Law, it is preferred that e-mail between members of the town's public bodies be restricted to scheduling meetings and distribution of agendas, documents and reports.

8.0 Code of Ethics and Code of Conduct

8.1 Code of Ethics: All members of public bodies are sworn in by the Town Clerk to uphold all state and local laws applicable to the public body's jurisdiction. Members must comply with the state ethics law (MGL Chapter 268A) regarding the conduct of public officials. Members must complete required ethics training and on-line tests. A member is required under the law to not vote on any matter in which the member or an immediate family member has a financial interest. Members are encouraged to recuse themselves if there is an "appearance" of a conflict of interest.

8.2 Standard of Conduct: All members will treat the public, applicants before the body, town employees and each other with respect and courtesy. The members and Chair of a public body should take time to listen to individuals speaking to the body. The Chair should make sure members of the public who are present also accord those speaking with respect and an opportunity to be heard uninterrupted.

Bullying by public officials (including committee, board and commission members and staff) while in the course of public business is not tolerated. Bullying is the repeated use of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, that:

1. Causes physical or emotional harm to another party or that party's property;
2. Places another party in reasonable fear of harm or of damage to his or her property;
3. Creates a hostile environment within Town Hall or other Town workplace; OR
4. Materially and substantially disrupts the work of the multi-member body, town departments or the orderly process of government.

8.3: Absences: The absence without appropriate explanation of any member of an appointed body from 3 consecutive meetings may serve to vacate the office. The decision to recommend that the office be vacated will be made by a majority vote of other members of the public body and then transmitted to the Board of Selectmen.

8.4 Members are Bound by Applicable Personnel Policies and Law: Members of public bodies, when acting in their official capacity, are subject to any applicable state law and town policies such as those prohibiting sexual harassment, discrimination and workplace violence. Any allegation of misconduct made by the public, town staff or a fellow member will be reported immediately to the Town Administrator.

8.5 Litigation against Town by a Member of an Appointed Public Body: An appointed member of any appointed public body may be temporarily suspended by the

Board of Selectmen during a lawsuit filed by the member against the town in a court of competent jurisdiction in the state of MA.

8.6 Removal under this Section: The Board of Selectmen, under such procedures it may adopt, may remove a member from a public body for violations of this section.

9.0 Town Meeting and Public Bodies: Upon a majority vote, public bodies may sponsor and submit to the Board of Selectmen articles for the Board's consideration for inclusion in Annual and Special Town Meeting warrants. Articles submitted by committees that are advisory to the Selectmen shall be submitted and sponsored by the Board of Selectmen.

10.0 Policy on Legal Services

All requests for legal opinions will be made through the Town Administrator under the Board's policy on legal affairs of the town.

SUPPLEMENTAL POLICIES REFERENCED ABOVE:

1. Remote Participation Policy; 2. Legal Affairs Policy

4/18/16

(7) BOARD POLICIES

DATE: AUGUST 3, 2016
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: BOARD OF SELECTMEN POLICIES

REQUESTED ACTION:

DISCUSS CONTINUATION OF THE REVIEW OF BOARD OF SELECTMEN POLICIES

Background:

Last year, the Board did considerable work updating its policies. Board policies are now in your Dropbox and on the website at: http://www.wayland.ma.us/Pages/WaylandMA_Selectmen/PolProc.pdf.

Board policies are noted with the date of approval.

Please review and provide your thoughts on which policies the board might review next.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
JOSEPH F. NOLAN

NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

Board of Selectmen Meeting Minutes July 25, 2016

Attendance: Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Joseph F. Nolan
Also Present: Town Administrator Nan Balmer

A1. Call to Order by Chair Chair C. Karlson called the meeting of the Board of Selectmen to order at 6:30 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. C. Karlson announced that there will be a public meeting tomorrow night on the Library planning and design study.

A2. Public Comment Fire Chief David Houghton discussed his meeting with Water Superintendent Don Millette and their agreement, upon consultation with the DPW, that the town will increase the water restriction level, starting July 26, 2016, to the odd/even system, two days a week. The State will be contacted tomorrow in regard to the water level, and a script for reverse 911 will be created. Information will be distributed through the Town Crier, the town website and social media. D. Houghton explained the importance of water reserves, and said they wanted to be proactive and conserve water in case of an emergency.

A3. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect To Health Insurance in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Civil Service with Respect to the Police Union; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6) to Consider the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to 8 Glezen Lane, 107 Old Sudbury Road; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to Discuss Strategy with Respect to Pending Action regarding Boelter et al v. Wayland Board of Selectmen; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(7), to Review and Consider for Approval the Potential Release of the Executive Session Minutes of July 13, 2016, Pertaining to the Above Subjects, because a Public Discussion of These Matters will have a Detrimental Effect on the Bargaining, Negotiating, or Litigating Position of the Town
At 6:38 p.m., C. Karlson moved, seconded by M. Antes, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to health insurance in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss civil service with respect to the Police Union; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6) to consider the purchase, exchange, taking, lease or value of real property in regard to 8 Glezen Lane, 107 Old Sudbury Road; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to pending action regarding Boelter et al v. Wayland Board of Selectmen; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(7), to review and consider for approval the potential release of the executive session minutes of July 13, 2016, pertaining to the above subjects. The Chair declares that a public

discussion of these matters may have a detrimental effect on the bargaining, negotiating or litigating position of the town. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, School Committee members Barb Fletcher and Kathie Steinberg, Finance Committee member Gordon Cliff, Board of Public Works members Chris Brown and Michael Lowery, Town Counsel Mark Lanza, and Human Resources Assistant Katelyn O'Brien.

The Board returned to open session at 7:51 p.m.

A13. Selectmen's Reports and Concerns The Board was joined by Town Counsel Mark Lanza to discuss the letter received today from the Attorney General in regard to the Open Meeting Law complaint of March 10, 2016, by George Harris. C. Karlson said that in a discussion with the office of the Attorney General on July 10, she agreed that the minutes were late, but disagreed that the late approval of the minutes was intentional. M. Lanza explained that the matter will go to a hearing, at which point the Board can accept the finding as is, accept the finding and negotiate the settlement, or dispute the finding. He said the order is not final until after the hearing, and if the Board disputes the final order, it can be appealed to Superior Court. The Board asked M. Lanza to notify the Attorney General that the matter will be discussed in open session at the August 3, 2016 meeting, and to request that the Attorney General not schedule a hearing in the near future.

A4. Interviews and Potential Vote to Appoint to Boards and Committees Michael Staiti was not available to interview for appointment to the Municipal Affordable Housing Trust Fund Board. The Board was joined by Michael Gitten to interview for appointment to the Permanent Municipal Building Committee. He reviewed his background as a geotechnical engineer and a Licensed Site Professional. He also noted that he currently serves on the committee as the representative of the School Committee, and was a member of the Nike Site Review Committee. M. Antes moved, seconded by J. Nolan, to appoint Michael Gitten to the Permanent Municipal Building Committee, effective immediately, for a term to expire on June 30, 2017. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Vote to Authorize Chair to Sign Letter to MassHousing Regarding Brookside Development, 113, 115, 117, 119 Boston Post Road The Board reviewed a draft letter to MassHousing regarding the Brookside Development. It was the consensus of the Board that the town's concerns were not fully and emphatically addressed. The Board considered including the concerns outlined in the Planning Board memorandum into the body of the letter, including issues of density, height, public safety, sidewalks (pedestrian safety), and traffic. M. Antes said the application has not yet gone to the Housing Partnership, and noted that they may support a 40B project, although with a reduction in the density.

J. Nolan moved, seconded by L. Anderson, to authorize the Town Administrator and the Chair to execute the letter to Katherine Lacy at MassHousing, substantially as presented in the draft of July 26, 2016, with the modification that it incorporate the Planning Board memorandum of July 7 from various town departments in regard to the town's concerns regarding the proposed Brookside development. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A6. Review and Comment on RFP for Legal Services N. Balmer reviewed a proposed RFP for legal services, based on a model provided by the Town of Sudbury. The Board discussed the recommendation to reduce the office hours, alternative options to billing for fees and expenses, the length of the contract, and the

formation of a selection committee. N. Balmer said the committee should be more accurately considered an evaluation committee. It was the sense of the Board to request a minimum of one or two half days of office hours per month, and a three-year contract and insurance certificate with a termination clause. Board members also requested that an attorney and a resident be included on the evaluation committee. N. Balmer reviewed the timeline, and the Board requested that the term of the requested services begin with the fiscal year July 1, 2017.

A8. Provide Direction on Entering into a Contract with ClearGov The Board was joined by Chris Bullock, CEO of ClearGov. N. Balmer presented a memorandum prepared by Beth Doucette, Financial Research/Analyst, with background information on the company. She said the Finance office will be responsible for the implementation of the program and the ongoing support. C. Bullock discussed the benefits of ClearGov. He said there are two components: a clear financial statement for the public, and a back office system for the town. The town will have access to the ClearGov database, consisting of information from the Department of Revenue as well as more detailed information collected from towns in the ClearGov system. He said benchmarking is available across all of Massachusetts, and eventually the site will include contracts and salaries as well. It will make information readable and accessible to the public, in compliance with the new public records laws. He explained the process and time commitment for uploading information from the town; he said it should take approximately ten hours at the beginning, with minimal ongoing input. Finally, he said there is a separate program underway to provide similar metrics targeted to school budgets. It was the sense of the Board to support the purchase of the program, while noting the need for an investment of staff time by the Finance Department.

A7. Review Special Town Meeting Articles The Board reviewed the list of potential articles for Special Town Meeting. In regard to the OPEB article, the Board agreed to wait for the finalization of the state municipal modernization bill. It was the sense of the Board to move forward with the article regarding participation in Town Meeting by the Town Counsel. M. Antes said the Board of Public Works will not have an article regarding signs.

A9. Review and Approve Minutes of July 13, 2016; Potential Vote to Release Executive Session Minutes of July 13, 2016 M. Antes moved, seconded by L. Anderson, to approve the minutes as amended of July 13, 2016. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. M. Antes moved, seconded by L. Anderson, to approve and release with redactions the executive session minutes of July 13, 2016. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by J. Nolan, to approve the consent calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A11. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. The Board commended Finance Director Brian Keveny for his award from the Government Finance Officers Association. C. Karlson asked that all boards and committees review the status of their minutes. M. Antes provided an update on the smoking shed issue at the Housing Authority.

A12. Report of the Town Administrator N. Balmer provided a draft Annual Town Meeting schedule and the key dates in the FY18 budget process. She said the Collins Center review of the town's finance functions began last week. Two proposals were received for the River's Edge project, and a recommendation from the committee is expected by September 12. She said the town's Housing Consultant will be meeting with the

chairs of boards and committees. She provided an update on the Carroll School site plan, and a summary of legal expenses.

A13. Selectmen's Reports and Concerns M. Antes said the League of Women Voters will sponsor an election seminar on August 2 in the Town Building. L. Anderson provided an update on Minuteman, and said the special election will be held on September 20.

A14. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A15. Adjourn There being no further business before the Board, L. Anderson moved, seconded by L. Jurist, to adjourn the meeting of the Board of Selectmen at 9:34 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of July 25, 2016

1. Letter of 7/25/16 from Department of Public Works to Nan Balmer, Town Administrator, re: Increased Water Use Restrictions, and Email of 7/25/16 from Fire Chief David Houghton re: Water Tank Level
2. Memorandum of 7/25/16 from Elizabeth Doucette, Financial Research/Analyst, to Nan Balmer, Town Administrator, re: ClearGov
3. Letter of 7/22/16 from Office of the Attorney General to Board of Selectmen re: Open Meeting Law Complaint of March 10, 2016
4. Draft Letter of 7/26/16 from Board of Selectmen to MassHousing re: Brookside Development, 113, 115, 117, 119 Boston Post Road
5. Draft 2017 Annual Town Election and Annual Town Meeting Schedule

Items Included as Part of Agenda Packet for Discussion During the July 25, 2016 Board of Selectmen's Meeting

1. Memorandum, 7/22/16, re: Appointment of Michael Staiti to Municipal Affordable Housing Trust Fund Board with Résumé
2. Memorandum, 7/22/16, re: Appointment of Michael Gitten to Permanent Municipal Building Committee with Letter of Interest
3. Draft Letter of 7/26/16 to MassHousing Permitting and Monitoring Specialist from Board of Selectmen re: Brookside Development 113, 115, 117, 119 Boston Post Road
4. Memorandum of 7/25/16 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Request for Proposals: Town Counsel
5. List of Possible Special Town Meeting Articles and Draft Articles
6. PowerPoint Presentation, Clear Gov
7. Draft Minutes of July 13, 2016
8. Report of the Town Administrator for the Week Ending July 22, 2016

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING JULY 28, 2016**

RESIGNATION OF MEMBER OF BOARD OF ASSESSORS

David Hill, an elected member of the Board of Assessors with a term ending at the 2017 local election, resigned effectively immediately. The next step will be for the Assessors to send a notice of the vacancy within 30 days of the resignation date. The Assessors may advise the Board whether the position should remain open until the next municipal election or filled, after advertisement, at a joint meeting of the two bodies. We have not yet received notice from the Board of Assessors of this vacancy.

The process for filling this position is under MGL, Chapter 41, Section 11:

Section 11. As used in this section, the term "vacancy" includes a failure to elect. If a vacancy occurs in any town office, other than the office of selectman, town clerk, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining member or members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the town and shall perform the duties of the office until the next annual meeting or until another is qualified.

RESIGNATION OF CONSERVATION ADMINISTRATOR

The Conservation Administrator submitted his resignation effective August 31st. The Assistant Town Administrator and I will meet with the Chair of the Conservation Commission and Mr. Monahan to make an interim plan for the operation of the office and recruit a replacement. Thanks to Brian for his 16 years of service to the Town. The appointment of a Conservation Administrator is by the Town Administrator without ratification by the Board of Selectmen.

JURY DUTY, VACATION

I am scheduled for jury duty 8/22 and will take some Fridays off through September. John Senchyshyn and I will take alternate weeks off at the end of December when the work is generally slow.



NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
JOSEPH F. NOLAN

BOARD OF SELECTMEN
Wednesday, August 3, 2016
Wayland Town Building
Selectmen's Meeting Room

CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Invoice for Special Town Counsel Deutsch Williams Brooks DeRensis & Holland PC for Legal Services Rendered through July 21, 2016, Invoice 179, Account 5673-01M: \$1,360.00
3. Vote the Question of Appointing Michael Staiti to the Municipal Affordable Housing Trust Fund Board Effective Immediately, for a Term to Expire on June 30, 2018
4. Vote the Question of Authorizing the Town Administrator to Sign IRS Form 8283, Noncash Charitable Contributions

DEUTSCH WILLIAMS BROOKS
DeRENSIS & HOLLAND, P.C.
ONE DESIGN CENTER PLACE, SUITE 600
BOSTON, MASSACHUSETTS 02210-2327
(617) 951-2300
Fax (617) 951-2323

INVOICE FOR LEGAL SERVICES

Town of Wayland
Town Building
41 Cochituate Rd.
Wayland MA 01778

Page 1
07/21/2016
Account No. 5673-01M
Invoice No. 179

Attn: Town Administrator

Labor

TOTAL CURRENT INVOICE 1,360.00

BALANCE DUE \$1,360.00

DiNapoli, MaryAnn

From: Mike Staiti <mikestaiti@keystonedev.net>
Sent: Wednesday, July 13, 2016 2:33 PM
To: DiNapoli, MaryAnn
Cc: 'btoherlihy@verizon.net'
Subject: Wayland Municipal Housing Trust

Hi MaryAnn,

I have been asked to submit my name for appointment to an opening on the Wayland Municipal Housing Trust. Brian O'Herlihy and Mary Antes have asked me to email you indicating my interest and giving you a little bit about my background.

I own Keystone Development and have been involved in residential and commercial development since 1995. Keystone has developed over 700 residential units since 1995 and has successfully developed numerous projects in Wayland including one affordable housing unit (7 Sage Hill Lane). In addition, I have been involved in three 40B developments in the Massachusetts so I have knowledge of how that process works.

Finally, I served on the Nike committee for four years, helping to develop affordable units on the former Nike missile site off Oxbow Road in Wayland.

I understand I need to be appointed by the selectmen and you have a meeting tonight and again on the 25th. Please let me know if any more information is needed and when you would like me to appear before the selectmen.

Sincerely,

Michael Staiti

Noncash Charitable Contributions

▶ Attach to your tax return if you claimed a total deduction of over \$500 for all contributed property.

▶ Information about Form 8283 and its separate instructions is at www.irs.gov/form8283.

the tax return

ent of your contribution deduction before completing this form. See your tax return instruc

Property of \$5,000 or Less and Publicly Traded Securities—List in this section (of similar items) for which you claimed a deduction of \$5,000 or less. Also securities even if the deduction is more than \$5,000 (see instructions).

Part I Information on Donated Property—If you need more space, attach a statement.

1	(a) Name and address of the donee organization	(b) If donated property is a vehicle (see instructions), check the box. Also enter the vehicle identification number (unless Form 1098-C is attached).	(c) Description of donated property (For a vehicle, enter the year, make, model, and mileage. For securities, enter the company name and the number of shares.)
A		<input type="checkbox"/>	
B		<input type="checkbox"/>	
C		<input type="checkbox"/>	
D		<input type="checkbox"/>	
E		<input type="checkbox"/>	

Note. If the amount you claimed as a deduction for an item is \$500 or less, you do not have to complete columns (e), (f), and (g).

	(d) Date of the contribution	(e) Date acquired by donor (mo., yr.)	(f) How acquired by donor	(g) Donor's cost or adjusted basis	(h) Fair market value (see instructions)	(i) Method used to determine the fair market value
A						
B						
C						
D						
E						

Part II Partial Interests and Restricted Use Property—Complete lines 2a through 2e if you gave less than an entire interest in a property listed in Part I. Complete lines 3a through 3c if conditions were placed on a contribution listed in Part I; also attach the required statement (see instructions).

- 2a Enter the letter from Part I that identifies the property for which you gave less than an entire interest ▶ _____
If Part II applies to more than one property, attach a separate statement.
- b Total amount claimed as a deduction for the property listed in Part I: (1) For this tax year ▶ _____
(2) For any prior tax years ▶ _____
- c Name and address of each organization to which any such contribution was made in a prior year (complete only if different from the donee organization above):
Name of charitable organization (donee) _____
Address (number, street, and room or suite no.) _____
City or town, state, and ZIP code _____
- d For tangible property, enter the place where the property is located or kept ▶ _____
- e Name of any person, other than the donee organization, having actual possession of the property ▶ _____

3a Is there a restriction, either temporary or permanent, on the donee's right to use or dispose of the donated property?	Yes	No
b Did you give to anyone (other than the donee organization or another organization participating with the donee organization in cooperative fundraising) the right to the income from the donated property or to the possession of the property, including the right to vote donated securities, to acquire the property by purchase or otherwise, or to designate the person having such income, possession, or right to acquire?	Yes	No
c Is there a restriction limiting the donated property for a particular use?	Yes	No

Name(s) shown on your income tax return	Identifying number
---	--------------------

Section B. Donated Property Over \$5,000 (Except Publicly Traded Securities)—Complete this section for one item (or one group of similar items) for which you claimed a deduction of more than \$5,000 per item or group (except contributions of publicly traded securities reported in Section A). Provide a separate form for each property donated unless it is part of a group of similar items. An appraisal is generally required for property listed in Section B. See instructions.

Part I Information on Donated Property—To be completed by the taxpayer and/or the appraiser.

4 Check the box that describes the type of property donated:

<input type="checkbox"/> a Art* (contribution of \$20,000 or more)	<input type="checkbox"/> d Art* (contribution of less than \$20,000)	<input type="checkbox"/> g Collectibles**	<input type="checkbox"/> j Other
<input type="checkbox"/> b Qualified Conservation Contribution	<input checked="" type="checkbox"/> e Other Real Estate	<input type="checkbox"/> h Intellectual Property	
<input type="checkbox"/> c Equipment	<input type="checkbox"/> f Securities	<input type="checkbox"/> i Vehicles	

*Art includes paintings, sculptures, watercolors, prints, drawings, ceramics, antiques, decorative arts, textiles, carpets, silver, rare manuscripts, historical memorabilia, and other similar objects.

**Collectibles include coins, stamps, books, gems, jewelry, sports memorabilia, dolls, etc., but not art as defined above.

Note. In certain cases, you must attach a qualified appraisal of the property. See instructions.

5	(a) Description of donated property (if you need more space, attach a separate statement)	(b) If tangible property was donated, give a brief summary of the overall physical condition of the property at the time of the gift	(c) Appraised fair market value
A	3.51 +/- acres of land-38 Concord Rd, Wayland MA		590,000 00
B			
C			
D			

A	(d) Date acquired by donor (mo., yr.)	(e) How acquired by donor	(f) Donor's cost or adjusted basis	(g) For bargain sales, enter amount received	See Instructions	
					(h) Amount claimed as a deduction	(i) Date of contribution
A	6-23-2010	Purchased	0 00		590,000 00	7-17-2015
B						
C						
D						

Part II Taxpayer (Donor) Statement—List each item included in Part I above that the appraisal identifies as having a value of \$500 or less. See instructions.

I declare that the following item(s) included in Part I above has to the best of my knowledge and belief an appraised value of not more than \$500 (per item). Enter identifying letter from Part I and describe the specific item. See instructions. ▶

Signature of taxpayer (donor) ▶ _____ Date ▶ _____

Part III Declaration of Appraiser

I declare that I am not the donor, the donee, a party to the transaction in which the donor acquired the property, employed by, or related to any of the foregoing persons, or married to any person who is related to any of the foregoing persons. And, if regularly used by the donor, donee, or party to the transaction, I performed the majority of my appraisals during my tax year for other persons.

Also, I declare that I perform appraisals on a regular basis; and that because of my qualifications as described in the appraisal, I am qualified to make appraisals of the type of property being valued. I certify that the appraisal fees were not based on a percentage of the appraised property value. Furthermore, I understand that a false or fraudulent overstatement of the property value as described in the qualified appraisal or this Form 8283 may subject me to the penalty under section 6701(a) (aiding and abetting the understatement of tax liability). In addition, I understand that I may be subject to a penalty under section 6695A if I know, or reasonably should know, that my appraisal is to be used in connection with a return or claim for refund and a substantial or gross valuation misstatement results from my appraisal. I affirm that I have not been barred from presenting evidence or testimony by the Office of Professional Responsibility.

Sign Here Signature ▶ J. Scott Zell Title ▶ President Date ▶ 7/15/16

Business address (including room or suite no.) _____ Identifying number _____

City or town, state, and ZIP code _____

Part IV Donee Acknowledgment—To be completed by the charitable organization.

This charitable organization acknowledges that it is a qualified organization under section 170(c) and that it received the donated property as described in Section B, Part I, above on the following date ▶ _____

Furthermore, this organization affirms that in the event it sells, exchanges, or otherwise disposes of the property described in Section B, Part I (or any portion thereof) within 3 years after the date of receipt, it will file Form 8282, Donee Information Return, with the IRS and give the donor a copy of that form. This acknowledgment does not represent agreement with the claimed fair market value.

Does the organization intend to use the property for an unrelated use? ▶ Yes No

Name of charitable organization (donee)	Employer identification number
Address (number, street, and room or suite no.)	City or town, state, and ZIP code
Authorized signature	Title Date



NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
JOSEPH F. NOLAN

LIST OF PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMEN FROM JULY 22, 2016, THROUGH AND INCLUDING AUGUST 1, 2016, OTHERWISE NOT LISTED AND INCLUDED IN THE CORRESPONDENCE PACKET FOR AUGUST 3, 2016

Items Distributed To the Board of Selectmen – July 22-August 1, 2016

1. Email of 7/25/16 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Letter from the Attorney General regarding Open Meeting Law Attorney General Decision 2016-98

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of July 25, 2016

1. Letter of 7/25/16 from Department of Public Works to Nan Balmer, Town Administrator, re: Increased Water Use Restrictions, and Email of 7/25/16 from Fire Chief David Houghton re: Water Tank Level
2. Memorandum of 7/25/16 from Elizabeth Doucette, Financial Research/Analyst, to Nan Balmer, Town Administrator, re: ClearGov
3. Letter of 7/22/16 from Office of the Attorney General to Board of Selectmen re: Open Meeting Law Attorney General Decision 2016-98
4. Draft Letter of 7/26/16 from Board of Selectmen to MassHousing re: Brookside Development, 113, 115, 117, 119 Boston Post Road
5. Draft 2017 Annual Town Election and Annual Town Meeting Schedule

Items Included as Part of Agenda Packet for Discussion During the August 3, 2016 Board of Selectmen's Meeting

1. Memorandum of 8/3/16 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Carroll School, and Draft Letter of 7/27/16 from Engineering Consultant TEC Inc. to Sarkis Sarkisian, Town Planner, re: Carroll School Wayland Campus, Traffic and Transportation Peer Review
2. Letter of 7/22/16 from Office of the Attorney General to the Board of Selectmen re: Open Meeting Law, Attorney General Decision 2016-98
3. Memorandum of 8/3/16 from Nan Balmer, Town Administrator, to Board of Selectmen re: Board and Committee Handbook/Volunteer Training and Relations
4. Memorandum of 8/3/16 from Nan Balmer, Town Administrator, to Board of Selectmen re: Board of Selectmen Policies
5. Draft Minutes of July 25, 2016
6. Report of the Town Administrator for the Week Ending July 28, 2016



NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
JOSEPH F. NOLAN

BOARD OF SELECTMEN
Wednesday, August 3, 2016
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Memorandum of 7/7/16 from Housing Authority to Zoning Board of Appeals re: Smoking Shed at Housing Authority Property
2. Email of 7/25/16 from Fire Chief David Houghton to Wayland Water Department and Board of Public Works re: Water Tank Level
3. Letter of 7/25/16 from Town Counsel Mark J. Lanza to Middlesex Superior Court re: Boelter et al v. Wayland Board of Selectmen
4. Letter of 7/25/16 from Richard P. Turner, Chairman, Public Ceremonies Committee, to Ben Keefe, Public Buildings Director, re: Request for Storage Space
5. Memorandum of 7/25/16 from Beth R. Klein, Town Clerk, re: Resignation of David M. Hill from the Board of Assessors
6. Letter of 7/26/16 from Board of Selectmen to MassHousing re: Brookside Development 113, 115, 117, 119 Boston Post Road (Map 30, Lots 70 and 71)

Conservation Commission

7. Order of Conditions and Chapter 194 Permit, 7/26/16, re: 32 Pequot Road Determination of Applicability, Wetlands Protection Act and Chapter 194 Permit,

Minutes

8. Board of Library Trustees, June 29, 2016
9. Local Emergency Planning Committee, December 16, 2015

State

10. Letter of 7/22/16 from Office of the Attorney General to Board of Selectmen re: Open Meeting Law Attorney General Decision 2016-98

1

To: Members of the Zoning Board of Appeals
From: Wayland Housing Authority
Date: July 7, 2016

The primary purpose of the Wayland Housing Authority (WHA) is to provide safe and sanitary housing for the elderly, low-income families, and persons with disabilities. In response to our residents' concerns, the WHA voted to make all Wayland public housing, including apartments, smoke-free in 2010. Wayland was the first housing authority in the state to become smoke-free. In 2015, HUD declared all public housing smoke-free. All residents sign a lease that specifies no smoking so that smoking in their apartments or in scattered site homes is a violation of their lease.

Since a few housing authority residents continue to smoke in their apartments (often causing their neighbors to complain), our goal is and has been to educate our residents by providing smoking cessation workshops and referrals and to require and urge smokers to leave the building when they wish to smoke. This necessitates having a convenient and safe place to go to smoke. (Two residents have been evicted for smoking-related issues but that is very rare. Courts are very reluctant to throw people out of what is often considered housing of last resort.)

The original smoking shed at Cochituate Village Apartments (CVA) was located on Bradford Street. It was not convenient: residents had to traverse half-way around the building (a distance of 230 feet), including those in wheel chairs or using walkers or canes, and doing it in the rain, the snow, and the dark. It also turned out to be less than a safe space. The shed became a place where kids patronizing the stores in the area came to hang out. Eventually the shed was vandalized (see attached photograph).

The place where residents naturally congregate, 25 feet away from the main entrance, meets the standards of the Board of Health (BOH). However it has been met with complaints from a neighbor. Over the last year, at least, the Commissioners of the Housing Authority have struggled with what to do.

As stated above, our goal and policy, and the law, is to encourage our residents to leave the building to smoke. To promote that goal, we must make the smoking location as convenient as possible as well as a safe place to access. The back of the building and the Bradford Street side of the building are not convenient, especially in inclement weather. The Shawmut Street side has traffic coming in and out during the day and early evening. The most logical space that is both convenient and safe (and meets the BOH guideline of being 25 feet away from the door) has been criticized by a neighbor. Thus the only remaining location is the front of the building, a distance of 35 feet. We take pride in the appearance of our properties and appreciate the historical building that is the CVA. The front of the building is not the location we like or prefer

any more than those who have criticized the location but we have been unable to identify another location that is convenient, safe, and feasible.

Town Counsel has opined that the WHA is not required to provide a smoking shelter. However, the population living in CVA is elderly, including residents requiring assistance in walking, and people who are disabled. They are unlikely to stand outside in the rain and the snow, without shelter of some kind. Therefore they will remain in their apartments to smoke—as some have done for 40 years—despite being in violation of their lease.

We urge the board to permit a smoking shelter in the front of the CVA building. The Commission is committed to buffering the shelter to make it a less obvious structure and have received an offer of landscaping assistance by a different neighbor who has come to understand our predicament.

Thank you for your consideration.

2

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Monday, July 25, 2016 3:37 PM
To: DiNapoli, MaryAnn
Subject: FW: Water Tank Level

correspondence

From: Houghton, David
Sent: Monday, July 25, 2016 12:13 PM
To: Millette, Don; Alias, SWQC
Cc: Chris Brown; Lindeman, Michael
Subject: RE: Water Tank Level

I would like to reaffirm the concerns for public safety that I have, not only based on Wayland, but also learning from the experiences that I have been monitoring or been involved in with our surrounding towns over the past week. It is clear that we are in an extreme drought with the State Department of Conservation and Recreation Chief Forest Fire Warden expressing his real concern about the dry condition and fires burning deep.

In Wayland we have a temporary measure put in place that will increase our apparatus and manpower immediately on any calls for building or brush fires. We also have plans in place to bring in tankers to shuttle water from draft sites but that will take time to set up and get operational.

My hope is that we will not have a need to draw water from the municipal system or in the event we need to, we will implement our alternate plans.

The level of water in the tank is critical for not only drinking water but also for firefighting needs. I am in full support of going to the next level in suppressing water use. I think it important to note that the collaborative efforts over the weekend to keep our two departments up to date on what is going on just been nothing less than fantastic.

If there is anything we can do to help please let me know.

David

David G. Houghton, Chief
Wayland Fire Department
38 Cochituate Road
Wayland, MA. 01778

dhoughton@wayland.ma.us
Office: 508-358-6910
Dispatch: 508-358-4747
Fax: 508-358-6920

Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to public access under the Massachusetts Public Records Law, M.G.L. c. 66 § 10.

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record. This e-mail is intended to be conveyed only to the designated recipient(s) named above. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

From: Millette, Don
Sent: Monday, July 25, 2016 11:32 AM
To: Alias, SWQC
Cc: Chris Brown; Lindeman, Michael; Houghton, David
Subject: Re: Water Tank Level

Good Morning,

I just had a meeting with Chief Houghton. We both are in agreement that we need to increase the level of our Water Use Restrictions. He and I are concerned about the fact that we are having difficulty filling the Reeves Hill Storage Tank. We are maintaining a steady 8 feet of water storage (half full). But if we have a major Brush or Structure fire, we could run into issues with the tank emptying before alternate pumping plans can be put in place. The next step would be to increase the Water Use Restrictions to the two day per week watering schedule. If that does not work, we will be forced to go into a full Water Ban.

The Chief had a meeting with Nan earlier. She would like a letter from both of us explaining the need to increase water use restrictions for the Selectman's meeting. We are drafting language for a reverse 911 call explaining the new increased water use restrictions. We will also place a letter in the newspaper explaining the increase restrictions. We will also post it on all official social media sites. I expect to begin enforcing the upgraded restrictions after it is posted in the newspaper.

Please let me know if you have any questions.

Don Millette
Water Superintendent
Wayland DPW
office 508-358-3699
fax 508-358-5325

From: Mike Lowery <lowery.mike@gmail.com>
Sent: Monday, July 25, 2016 9:30:19 AM
To: Millette, Don
Cc: Chris Brown; Lindeman, Michael
Subject: Re: Water Tank Level

Don,

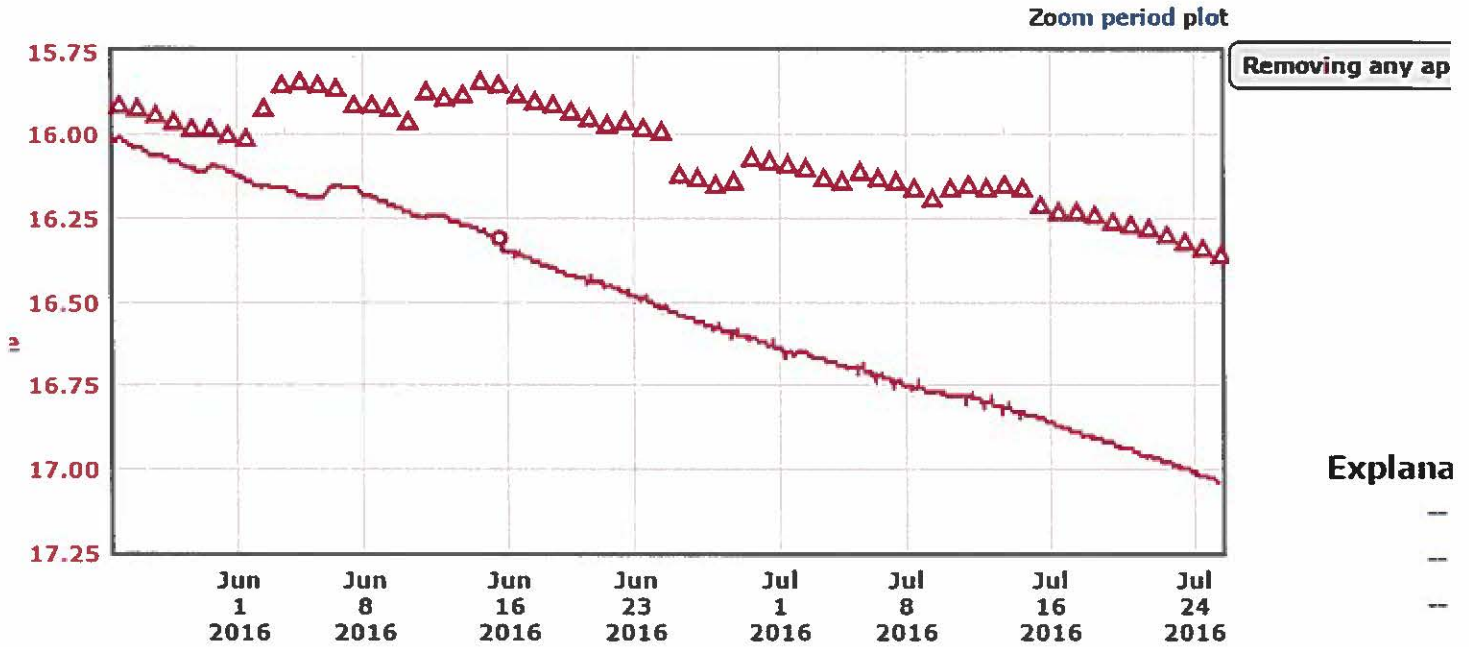
Thanks for the information. I had thought you'd told us that the Baldwin Pond well's had tripped once because the level of water in the wells was low.

The USGS monitoring well in Cochituate puts us about 3/4 of a foot below the 3-year mean. NOAA seasonal forecasts predict continuing drought. I'm seeing areas of pond bottom exposed at Mansion Beach that we usually don't see exposed until the end of August.

I have faith in your judgement - but I'm still fearful. From daily usage statistics, does it appear that the ban is effective & are citizens following the rules?

-Mike

USGS 421852071220501 MA-WKW 2 WAYLAND, MA



Good Morning,

[...]

All of our wells have been running non stop for over two months. We have had to reduce the output of the treatment plant from 900 GPM to 700GPM due to reduced ground water levels. We have been able to maintain our water storage tank at 3/4 to 1/2 full, but it takes a full 8 hours to recover back to the 3/4 full mark.

[...]

Don Millette

120 Lakeshore Drive
Cochituate, MA 01778
[508-397-8828](tel:508-397-8828)

On Mon, Jul 25, 2016 at 8:44 AM, Millette, Don <dmillette@wayland.ma.us> wrote:

Good Morning Mike,

[...]

Water levels in each well have remained, on average 4 to 6 feet above the alarm setting (this time of year, we are monitoring them daily). This is consistent with winter pumping water levels. The ground water levels this year are much higher than they were last year.

[...]

Don Millette

From: Mike Lowery <lowery.mike@gmail.com>
Sent: Monday, July 25, 2016 8:20:55 AM
To: Millette, Don
Cc: cbrown93@comcast.net; Lindeman, Michael
Subject: Re: Water Tank Level

Don,

We used to have a generator at the HH well. Was it not there? Was it usable? Is it setup to cut on automatically? Did we not know immediately that we had lost power? I'm surprised that we could have a five hour outage.

Given the level in the tank, and that we sucked air at Baldwin Pond wells not long ago, I would support your suggestion, which is within the scope of our/your authority. The town might consider a full water ban given the climate outlook.

http://www.cpc.ncep.noaa.gov/products/expert_assessment/seasonal_drought.pdf

Mike

On Monday, July 25, 2016, Millette, Don <dmillette@wayland.ma.us> wrote:

Good Morning,

I just wanted to give you all a heads up, we lost power at Happy Hollow yesterday for about 5 hours due to a tripped breaker on a pole. By the time the power was restored, the tank was already on a downward trend which finally leveled out at 8 feet (half full) this morning. I get a little worried when it gets to the 7 or 8 foot mark because it will not take long during a large fire to drain the tank. I have coordinated with the Fire Chief this morning, he already has his alternative water supply plan in place.

I do not think a full outdoor watering ban is warranted at this time. Our well water levels look good, but my main concern right now is having a full water storage tank for fire fighting purposes.

I would like to increase our restriction to allow 2 days of watering per house hold each week. Odd numbered houses can water on Mondays and Wednesdays (7:00pm to 7:00am). Even numbered houses can water on Tuesdays and Thursdays (7:00pm - 7:00am). This type of ban is more inline with what DEP is proposing in our upcoming permit, but I'm not sure if our current by-law supports it. What do you think?

Don Millette
Water Superintendent
Wayland DPW
office [508-358-3699](tel:508-358-3699)
fax [508-358-5325](tel:508-358-5325)

--

120 Lakeshore Drive
Cochituate, MA 01778
[508-397-8828](tel:508-397-8828)



TOWN OF WAYLAND
MASSACHUSETTS
01778

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3

JUL 26 2016

Board of Selectmen
Town of Wayland

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-7701
FAX: (508) 358-3627

July 25, 2016

VIA USPS EXPRESS MAIL

Clerk's Office - Civil Business
Middlesex Superior Court
200 TradeCenter
Woburn, MA 01801

RE: Mary Alice Boelter, et al , et al v. Wayland Board of
Selectmen; Docket No. 1481CV2014-00591

Dear Madam/Sir:

Enclosed with respect to the above-referenced action please
find the Defendant's Notice of Appeal. Kindly docket and file this
document.

Thank you for your attention to this matter.

Sincerely yours,

Mark J. Lanza
Town Counsel

MJL/ms

Enclosure

cc George H. Harris, Esq. (w/ encl.)

Board of Selectmen c/o

Town Administrator (by hand, w/ encl.) ✓

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
DOCKET NO. 1481CV2014-00591

Mary Alice Boelter,
Dorothy J. Dunlay,
Kent E. George,
Stanley U. Robinson III, and
Lois Voltmer,

Plaintiffs,

v.

Wayland Board of Selectmen,

Defendant.

NOTICE OF APPEAL

Notice is hereby given that the Wayland Board of Selectmen, Defendant in the above-captioned action, hereby appeals to the Massachusetts Appeals Court from the judgment entered in this action on June 29, 2016, as amended on July 19, 2016.

Respectfully submitted,
the Defendant, by its attorney,



Mark J. Lanza BBO #549994
Town Counsel, Town of Wayland
41 Cochituate Road
Wayland, MA 01778
(508) 358-3624/(978) 369-9100
e-mail: mjlanza@comcast.net

DATED: July 25, 2016

CERTIFICATE OF SERVICE

I, Mark J. Lanza, hereby certify that on July 25, 2016, I served the foregoing document upon the Plaintiffs by sending a copy thereof to their counsel of record, via first class mail, postage prepaid.


Mark J. Lanza

4



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

TOWN BUILDING
41 COCHITUATE ROAD
TEL (508) 358-7701
www.wayland.ma.us

Public Ceremonies Committee

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JUL 26 2016

Board of Selectmen
Town of Wayland

July 25, 2016

Mr. Kenneth Ben Keefe
Public Buildings Director
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Dear Mr. Keefe

At the last meeting of the Public Ceremonies Committee, we discussed an ongoing concern for the care and storage to Town owned equipment and materials that we believe are not being appropriately stored. Recently, the Town purchased a new professional sound system for the Committee's presentations at Memorial Day and other community events. This equipment is being stored at one of our member's homes due to a lack of an assigned storage area being provided by the Town. There are many other items that are being stored by other members on the Board as well. In the past, we had previously been assigned storage and due to some movements in the Town and reconfiguration of the use of that space, that storage space was lost. A further concern of the Board members is the liability for the Town owned equipment. I believe that the best solution to this problem is a new assigned storage closet. We are looking for a temperature controlled, locking closet with dimensions of approximately four (4) feet by ten (10) feet. Please contact me should you have any additional questions and thank you for your assistance in this matter.

Respectfully

Richard P. Turner

Richard P Turner USN Ret
Chairman

CC: Town Administrator / Selectmen

5



TOWN OF WAYLAND

MASSACHUSETTS
01778

TOWN CLERK
Beth R. Klein
bklein@wayland.ma.us

ASSISTANT TOWN CLERK
Diane M. Gorham
dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD
Wayland, MA 01778

TEL: 508-358-3630
508-358-3631
FAX: 508-358-1683
www.wayland.ma.us

Date: July 25, 2016
To: Board of Selectmen ✓
From: Beth R. Klein, Town Clerk
Re: RESIGNATION OF ELECTED OFFICIAL

Please be informed that the attached letter of resignation was received in the Town Clerk's Office effective July 25, 2016.

David M. Hill Board of Assessors Term Expires: April 2017

Pursuant to Chapter 41: Section 109. No resignation of a town or district officer shall be deemed effective unless and until such resignation is filed with the town clerk or district clerk or such later time certain as may be specified in such resignation.


Beth R. Klein, Town Clerk

cc: Nan Balmer, Town Administrator
Susan Rufo, Chair Bd. of Assessors
Ellen Brideau, Director
David Hill

RECEIVED

JUL 25 2016

Board of Selectmen
Town of Wayland

David M. Hill
54 Orchard Lane
Wayland, Massachusetts 01778
508-769-3074
david.hill88@verizon.net

July 25, 2016

Town Clerk
Town of Wayland
41 Cochituate Road
Wayland, Massachusetts 01778

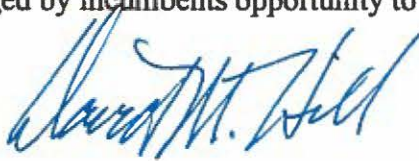
Town Clerk:

Based upon the recent actions by the Board of Selectmen relative to their appointments to various Town Committees where they indicated that committee members should represent the younger population of the Town, I hereby tender my resignation as an elected member of the Board of Assessors effective immediately.

My resignation will permit the Board of Selectmen the opportunity to temporarily fill this position until next spring's elections with someone using their criteria.

I trust the sitting members of the Board of Selectmen will abide by their own criteria and that any member of the Board who is not young (I assume over the age of 50, the age one is eligible for AARP membership) will also resign or state that they will not run for re-election to ensure that younger citizens, the "future of the community", will have an unchallenged by incumbents opportunity to serve as future Selectmen.

Sincerely,



David M. Hill
Orchard Lane

cc: Board of Selectmen
Chair Board of Assessors
Town Administrator

6



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

BOARD OF SELECTMEN
LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
JOSEPH F. NOLAN

July 26, 2016

Ms. Katherine Lacy, AICP
Permitting and Monitoring Specialist
MassHousing
One Beacon Street
Boston MA 02108

RE: MH # 851: Brookside Development 113, 115, 117, 119 Boston Post Road (map 30, Lots 70 and 71)

Dear Ms. Lacy:

Please accept this letter on behalf of the Board of Selectmen of the Town of Wayland in reference to the application for project eligibility approval submitted to MassHousing by Stephen Zieff and Company (the "Applicant") for a 60 unit rental development ("proposed development") on Route 20 Boston Post Road in Wayland, Massachusetts.

For the reasons set forth below, the Board of Selectmen urges MassHousing to deny the Applicant's request for project eligibility approval.

1. Significant new affordable housing is planned in Wayland: Wayland is about to increase its affordable housing stock by 188 units with a proposed new development at River's Edge, 489-490 Boston Post Road on Route 20 where it crosses the Sudbury River. This will bring the Town of Wayland's Subsidized Affordable Housing Inventory to over 9%. The recent success of the River's Edge development initiative can be traced back to 2010 when the Wayland Master Plan Review Advisory Committee came up with two suggestions that proved to be interconnected. One was to identify more town-owned land that would be suitable for potential affordable housing. The other suggestion was to create an Economic Development Advisory Committee. This latter committee, consisting of volunteer residents with careers in real estate development, seized on the task and quickly identified 8.24 acres of underutilized land, an abandoned septic treatment plant adjacent to the Sudbury River.

The Town of Wayland, at the Annual 2014 Town Meeting, approved a zoning overlay district on the River's Edge parcel. This has been a long process, from securing

\$360,000 in Community Preservation Funds to review and plan for River's Edge at Town Meeting 2012, to completing the thorough review, to just barely failing to pass the zoning overlay district at Town Meeting 2013 by 7 votes. Finally, after reducing the number of units and lowering building height limitations, the zoning article passed in 2014. Its density equates to 23 units per acre. With the zoning in place, River's Edge is now a by-right development and the expedited permitting process is a unique model for municipal redevelopment.

Now that two qualified developer proposals are in hand the schedule for moving forward is as follows:

Interviews and price proposals open on 8/15/16

Committee evaluation by 8/31/16

Board of Selectmen award by 9/12/16

Land Development Agreement signed by 10/13/16

Due diligence review by developer by 1/11/17

Local and State Permitting and Closing by 9/13/17

Construction completion: 24-36 months after closing

The River's Edge development represents a giant leap forward in achieving Wayland's goal of 10% affordable housing. At the same time, Wayland will realize significant financial benefits from the disposition and redevelopment of the Property and facilitate rental, affordable housing and senior housing opportunities in the Town through the construction of a first class rental housing development, the design of which is well integrated into and compatible with the Town's design goals. However, allowing other 40B projects to move forward during the River's Edge development time frame will pose a threat to the Town-sponsored development's financial success by draining off market demand for units anticipated in the market studies conducted by the Town. We believe it is appropriate to require housing developers to comply with Wayland Zoning By-laws in recognition of the Town's updated Housing Production Plan.

2. Proposed project density and height is out of character with neighborhood: The project as proposed includes 60 four story units on 6.49 acres. This exceeds the zoning allowance for the district and is incompatible with the surrounding residential development. The applicant should provide a conservation cluster analysis, as required by existing zoning.

3. **Other building and site issues:** The proposed project is four stories high, which will present a fire suppression challenge and is significantly higher than the surrounding residential properties. The proposed project is on Route 20, which handles 19,000 vehicle trips per day and has no sidewalks, presenting a pedestrian safety challenge. The proposed project will have significant environmental impact on Pine Brook and as a result, the Boards of Health and Conservation have raised concerns about septic design and riparian impact, respectively.

We believe it is appropriate to require the housing developer to comply with Wayland Zoning By-laws in recognition of the Town's updated Housing Production Plan. The Housing Production plan is in draft form and under review. It will be submitted by September 30.

Should MassHousing issue a project eligibility approval for the Brookside Development, we request that MassHousing impose the following conditions:

1. The applicant should be required to provide evidence that the land's value is equal to or exceeds \$2,000,000 as stated in its development budget and as submitted to MassHousing and otherwise complies with MassHousing's Acquisition Value Policy;
2. The applicant should be required to submit a revised site plan with a proposed density consistent with the other 40B project known as Post Road Village, which was constructed at less than 6 units per acre. Post Road Village is less than 750' west of the proposed Brookside Development; and
3. The applicant should be informed that the Town of Wayland will not grant wholesale waivers from local regulations designed to protect public health and safety.

On behalf of the Board of Selectmen of the Town of Wayland, please let me know if you have any questions or would like additional support for any of the comments made above. Thank you in advance for your consideration.

Very truly yours,

Sincerely,



Cherry Karlson
Chair, Board of Selectmen



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

7

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3669
FAX: (508) 358-3606

July 26, 2016

Matt Roman
24 Estes Street LLC
55 Maple Street
Wenham, MA 01984

RE: Order of Conditions and Chapter 194 Permit for 32 Pequot Road, Wayland (DEP File 322-870)

Dear Mr. Roman:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the septic replacement project at 32 Pequot Road, Wayland. **You are responsible for meeting all the conditions of both the Order of Conditions and the Chapter 194 Permit.** The Order and Permit must both be filed at the Middlesex South Registry of Deeds. Thereafter, evidence of the recording must be submitted to the Commission prior to commencing work.

Written notice must be submitted to the Conservation Commission not less than two or more than five business days prior to the commencement of the work permitted by these decisions. All submissions must refer to the DEP file number and condition or conditions, which the submission is intended to address.

Please note that any modification of your plans must be reported to the Commission and may necessitate either an amendment to the Order of Conditions or the submission of a new Notice of Intent. If you have any questions, please call 508-358-3669.

Sincerely,

Brian J. Monahan
Conservation Administrator

Enc. (2 Original Decisions)

cc: Town Clerk w/enc.
DEP NERO w/enc.
Building Commissioner w/enc.
Drake Associates, Inc. w/enc.
Board of Selectmen
Board of Health
Planning Board
Town Assessor
Abutters
File

RECEIVED

JUL 27 2016

Board of Selectmen
Town of Wayland

**Wayland Free Public Library
Board of Library Trustees
Minutes of Meeting Wednesday, June 29, 2016
Raytheon Room, Wayland Free Public Library**

Present: Library Director Ann Knight, Trustees Aida Gennis (chair, presiding), Sally Cartwright, Anne Heller, Mark Peter Hughes (left at 10:10), Lynne Lipcon, Suzanne Woodruff **Absent:** None

Call to Order: 8:10 a.m.

Visitors and Public Comment

Chris Blessen, of Tappé Architects, presented his firm's work to date for the Library Planning and Design Study. Former Trustee Nan Jahnke attended the meeting and took the minutes. There were no other visitors and no public comment.

Minutes of Previous Meeting(s)

No minutes were presented for approval at this meeting.

Circulation, Financial, and Director's Reports

As the fiscal year comes to a close, 98.94 percent of Town funds have been expended with small overages in the "Books & Materials" and "Training & Education" lines that are balanced by underspending in "Equipment Repairs & Maintenance," "Small Equipment," "Contractual Services," and "Supplies."

Library Planning and Design Study

Mr. Blessen presented the work done so far by Tappé Architects, the firm hired by the Town to prepare the Library Planning and Design Study. That work has included document review, site investigations, a review of the Library's most recent "program" (The Library Building Program, by Tom Jewell, an analysis of Library services, program goals, and space needs), two community meetings targeted to adults, one community meeting targeted to teens, a community survey, three proofs of concept (one for each of three possible sites for Library expansion), and meetings with various Town officials and committees, including the Permanent Municipal Building Committee and the Library Planning Committee. Work now focuses on developing a "site selection matrix" to assist in deciding which one, two, or three possible sites deserves fuller consideration.

Three sites, three themes. Mr. Blessen explained that the three sites under consideration for Library expansion offer three different themes for Library development, as follows:

- **5 Concord Road (current Library site)**
Library + History, capitalizing on the site's 116-year history as a Library and its proximity to such historical resources as the Historic District, the Grout-Heard House Museum, the Depot, and the Freight Shed
- **195 and 207 Main Street (former DPW Building near the Middle School)**
Library + Learning, capitalizing on adjacency to Middle School, proximity to a densely populated district within walking distance, senior housing, and a possible new community playing field, with an emphasis on lifelong learning

- **202 Old Connecticut Path (a former Paine Estate parcel south of Traditions, an undeveloped “greenfield” site)**
Library + Nature, capitalizing on a wooded, river-view setting in an area that can support a “campus” of other Town services including, e.g., Council on Aging, community center, Town offices, et al.

Site investigations and proofs of concept. Mr. Blessen reported that the architects were able to produce a proof of concept for each of the three sites, i.e., a demonstration that 31,000 square feet of Library space could be accommodated on each site, though sometimes awkwardly or with significant constraints and deficiencies. Such constraints and deficiencies include, for example, (a) tight siting, wetlands issues, and insufficient parking at 5 Concord Road; (b) the existence of a former burn dump and a standing Order of Conditions surrounding an ecologically sensitive swale at the former DPW site; and (c) the cost of road building, clearing, and providing utilities to 202 Old Connecticut Path. In addition, all three sites would have to address issues arising from being located within aquifer protection zones.

Mr. Blessen presented several concept drawings showing how an expanded Library could be accommodated on each site. Interesting features of these concept drawings include an expansion over a covered parking deck in front of the Rotunda at 5 Concord Road; possible co-siting with a community playing field near the Middle School; and siting of a new Library on the highest elevation of the untouched Old Connecticut Path site, perhaps anchoring a future gathering of Town buildings there.

Trustees were interested to learn that all three sites had both promise and difficulties, giving the Trustees and the Permanent Municipal Building Committee (PMBC) some flexibility and critical information to help them decide which site(s) to pursue further.

Many questions arose, such as these:

- Mrs. Lipcon noted that the Massachusetts Board of Library Commissioners wants towns undertaking building projects to consider ways a current project might be expanded, if need be, in 20 years; she wondered if that board would also want to know that there will be sufficient parking over the long term (parking is an issue at two of the three sites).
- Mrs. Gennis asked whether relocating the Freight Shed to the front of the parcel at 1 Concord Road might free up space for more parking at the current Library site, as the current proof of concept for that site accommodates only about 60% of the spaces required. Alternatively, she wondered whether additional parking could be created at 5 Concord Road itself in some fashion.
- Mrs. Gennis wondered if the proposed community field at the Main Street site is too big for the site and might be scaled back since the proof of concept was not able to accommodate parking for the proposed field.
- Mrs. Knight asked whether road building and infrastructure for 202 Old Connecticut Path would have to be approved by Town Meeting, and if so, when.
- Several Trustees asked how much of any such infrastructure costs might be eligible for reimbursement under a state library construction grant.
- Questions were raised whether any future Town Meeting votes or regulatory actions might be needed to support expansion at any of the three sites.

These and other questions were noted for further investigation as the study goes on.

The Site Selection Matrix. Mr. Blessen introduced the “site selection matrix” that the architects are developing in collaboration with the Library Planning Committee (LPC) to help decide which site(s) to study further for possible Library expansion. The matrix helps match the needs of the project against the merits and drawbacks of the sites under consideration. It does this by identifying important criteria (like location, traffic, parking, size and shape of lot, architectural and historical significance, existing infrastructure, environmental considerations, and costs), assigning weighted values to those criteria, and then evaluating each site on those criteria using available information. The data are then presented in a side-by-side format comparing the suitability of the three sites. The use of a site selection matrix is considered good practice for evaluation of building projects and is strongly urged by the Town’s Permanent Municipal Building Committee.

Mr. Blessen is developing a worksheet to guide participants through the process of evaluating the criteria for the matrix. After discussion of whether Trustees and LPC members should complete the worksheets individually or as a group, it was decided that individual responses would give a better sense of the range of responses. Trustees and LPC members will work through the matrix criteria individually and without any consultation among themselves. Worksheets are due back to Mr. Blessen by Wednesday, July 6. The LPC and the Board of Trustees will discuss the results at a special combined meeting on Thursday, July 7, at 7 p.m., in the Raytheon Room.

Concern about 5 Concord Road. The purpose of the matrix exercise is to narrow the field of potential Library sites from three to two. The two selected sites will then enter a second, more in-depth round of investigations and design work later this summer; after consideration, one site may then be chosen as the site for possible Library expansion, with an application for a state construction grant to be prepared in the fall.

Looking ahead, Trustees considered some difficult eventualities. Most worrying was this question: *What if the evaluation of the three sites demonstrates that the current Library site at 5 Concord Road should not make the cut?*

Given the evident constraints and deficiencies of the site, 5 Concord Road is likely to score low in several key areas of the site selection matrix. And yet our current Library is beloved by many residents who treasure its architecture, history, small-town character, and location in the historic center of town. Moreover, the Trustees have stated that 5 Concord Road will be one of the two sites studied closely before selecting a possible site for expansion. The Town’s contract with Tappé specifies consideration of just two sites for concept designs and initial cost estimates. We do not have the funding, and probably not the time, to prepare concept drawings and initial cost estimates for all three sites.

So, what if 5 Concord Road is the clear third-place scorer? Should the Trustees keep 5 Concord Road in the running anyway, despite its difficulties and what could be a very difficult path to state funding? Would the Trustees be doing the Town a disservice by not considering the other two sites more seriously? Is there time to ask the Town for more money to do so?

Would building a better smaller building at 5 Concord Road be a “good enough” solution for the Library’s future needs? Or would it be just building a “better bad building”? What if the cost of building a small expansion on Concord Road is higher than the cost of building a larger new building somewhere else? What if the proposed building on Concord Road does not meet the requirements for state funding? Would “staying put and doing nothing” be better than going forward on a new site? How

would such a solution be in the best interests of the Town in the long run? Where do the Trustees' responsibilities lie?

These and other knotty problems will occupy Trustees throughout the summer, and the Trustees' welcome all public comment.

Special Legal Counsel

Mrs. Gennis reported that a candidate for special legal counsel has been identified who might be able to assist the Library in addressing possible deed restrictions on the property at 5 Concord Road. She and Mrs. Knight expect to speak with the candidate and Town Counsel before the end of the month. It is hoped that an evaluation by special legal counsel will be contracted for and completed before the site selection process is completed.

Director Search

Mrs. Lipcon and Mrs. Cartwright reported that Kim Steele, Secretary of the Friends of the Library, and Neil Gordon, a member of the Library Planning Committee, have agreed to serve on the group being formed to evaluate candidates for Director of the Library after Mrs. Knight retires in the fall. Andrew Moore, our Reference Librarian, will represent the staff. Several applicants have come forward since the job was posted on June. The application deadline is July 15.

Long-Range Plan

Trustees have reviewed the draft of the Long-Range Plan for FY2018-2020 prepared by the Library Planning Committee with help from consultant Chuck Flaherty. Mrs. Cartwright expressed the thoughts of the Board when she described the document as an enthusiastic, upbeat, matter-of-fact road-map that will assist our new Director in negotiating his or her transition and perhaps also shepherding a building project. After making several small changes and taking suggestions about census figures, an appendix, the tone of the introduction, and other matters, Trustees expressed satisfaction with the Plan pending comments and concerns from the LPC. Trustees will vote whether to approve the Plan at an upcoming meeting, probably in July.

Communication with Other Town Boards about Library Issues

Mrs. Woodruff reported on a recent meeting of the Board of Public Works (BPW) at which there was discussion of the drainage project being conducted at the Library with funding from the Massachusetts Emergency Management Agency. She noted that one of the BPW members has recused himself from the discussion going forward as he is an abutter to the project. The Conservation Commission will be reviewing the drainage project at its meeting on June 30. It was unclear if the Town Administrator or any representatives of the Department of Public Works or Facilities Department would attend that meeting, but Mrs. Woodruff and Mrs. Gennis will attend on behalf of the Library Trustees.

The Meeting Was Adjourned at 10:35 a.m.

Documents for This Meeting

1. Agenda for Meeting, Wednesday, June 29, 2016
2. Financial Report, "Wayland Town Funds," 6/28/2016
3. Slide presentation prepared by Tappé Architects on work to date for the Library Planning and Design Study
4. Draft, Wayland Free Public Library, Long-Range Plan FY2018-2020

5. Draft, Site Selection Matrix, Version of June 27, 2016, for 5 Concord Road, 207-185 Maine Street, 202 Old Con. Path. Prepared by Tappé Architects

Next Meeting(s)

- Thursday, July 7, 8 a.m., Raytheon Room, Wayland Free Public Library
- Thursday, July 7, 7 p.m., Raytheon Room, Wayland Free Public Library (joint meeting with the Library Planning Committee)
- Wednesday, July 13, 8 a.m., Raytheon Room, Wayland Free Public Library
- Wednesday, July 13, 7 p.m., a quorum of Trustees might attend the meeting of the Permanent Municipal Building Committee, Town Building
- Wednesday, July 20, 8 a.m., Raytheon Room, Wayland Free Public Library (tentative)
- Wednesday, August 10, 8 a.m., Raytheon Room, Wayland Free Public Library (tentative)
- Wednesday, August 24, 8 a.m., Raytheon Room, Wayland Free Public Library (tentative)
- Wednesday, September 7, 8 a.m., Raytheon Room, Wayland Free Public Library (tentative)
- Wednesday, September 21, 8 a.m., Raytheon Room, Wayland Free Public Library (tentative)

Respectfully submitted by Nan Jahnke, a friend of the Wayland Free Public Library, with thanks to Mrs. Cartwright, who took notes for the last 15 minutes of the meeting.

**TOWN OF WAYLAND
LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)
MEETING: DECEMBER 16, 2015 @ 08:30AM
PUBLIC SAFETY BUILDING
MEETING MINUTES**

Members Present:

Nan Balmer (Town Adm.), John Senchyshyn (ATA/HRD), Brendan Decker (GIS), Fire Chief Dave Houghton (WFD), Supt. Paul Stein (Schools), Ben Keefe (Dir. Facilities), Police Chief Robert Irving (WPD), Julia Junghanns (BOH), Joe Gordon (CERT), Ruth Mori (MRC), Lt. Patrick Swanick (WPD), Doug Leard (LEPC Chair)

Members Absent:

Stubby Kadlick (DPW), Leisha Simon (IT Director), Alf Berry (Survey), Pat Morris (Facilities/School), Julie Secord (COA) (prior commitment)

Other Town Employees Present:

Joe Doucette (DPW), Brian Monahan (Conservation), Mike Lindeman (DPW), David Fuller (Bldg.)

8:30AM Doug called the meeting to order and thanked everyone for attending.

8:35AM No public comment

8:40AM A motion was made to accept the April 16, 2015 LEPC meeting minutes. The motion was seconded and unanimously approved as written.

8:45AM **SNAKE BROOK DAM:** Doug began the meeting by asking Brian Monahan, Conservation Administrator to speak briefly about any further information he may have for the committee pertaining to the Snake Brook Dam off Rice Road. At the April 16, 2015 LEPC meeting the committee had a lengthy discussion about the needed repairs and the future of the dam (see 4/16/15 minutes). Brian noted that the gatehouse roof has since collapsed and that he is looking into hiring an engineer to conduct further studies of the needed repairs. This engineering study would most likely include an inundation study of the water flow and potential damage estimates in the event of a dam failure.

Brian confirmed that the Wayland Finance Committee has previously allocated funds for dam mitigation. Brian said he now needs to find competent and qualified people with expertise in this field.

Doug indicated that he remained concerned about the potential loss of life, property damage and impact to the Loker School should the dam fail. Doug noted that the August 2012 Evaluation Report noted the dam was in "fair condition" and that in the event of a dam failure a "written" Emergency Action Plan should be in place.

Chief Irving recalled a report from the Commonwealth of Massachusetts (June 2015) that addressed the statewide concern for deteriorating dam conditions and the potential option of eliminating dams. Brian indicated that he has received comments from residents noting the aesthetic benefits and higher property values of possessing properties with water views.

Brian noted that some estimates indicate that in the event of a dam failure Loker School would be left with about a foot of water. My question is what impact and damage would occur during the initial surge of water and prior to the water level settling.

Brian stated he would continue to pursue the services of a qualified engineer. Doug emphasized the need to address the dam safety issues and that an Emergency Action Plan should be put in place.

Doug thanked Brian for being present and for giving the committee an update.

The following paragraph comes from the approved meeting minutes of the April 16, 2015 LEPC meeting:

"In review, the committee felt that in order to better evaluate what path the water would flow should the dam have a "sudden" rupture/failure there is a need for an inundation analysis. With this analysis Wayland would be better able to estimate the risk to people and the potential for damage to homes, Loker School, roads and other infrastructure. Brain suggested that the town had two possible alternatives: (1) to make the requested repairs or (2) potentially eliminate the dam completely, leaving more of a simple stream verses a body of water. Doug Leard suggested that going forward the decisions appeared to fall on the shoulders of the Conservation Department, Conservation Commission and the towns Facilities Director and, like the A.L.I.C.E. Program, Doug recommended Brian bring his proposal to the Local Emergency Planning Committee (LEPC) for review, comment and support."

A.L.I.C.E. PROGRAM UPDATE: Police Chief Irving gave the committee an update of the Alert- Lockdown-Inform-Confront-Evacuate (A.L.I.C.E.) drills conducted in Wayland schools and municipal buildings. These drills are conducted for the purpose of training Wayland Police, Wayland Fire, Teachers, Administrators, students and town employees in the event of an active shooter situation. Fire Chief Houghton informed the members of the role the fire service will play in such an event. Chief Houghton also noted that these drills serve multiple purposes and should not be thought of as for active shooters only. Doug thanks Chief's Irving and Houghton for their update.

C.E.R.T. PROGRAM UPDATE: Joe Gordon, CERT (Community Emergency Response Team) Coordinator gave a brief overview of the role that CERT plays in the Town of Wayland. The CERT team consists of volunteers (mostly Wayland residents with some members from surrounding communities) who offer their services in time of need. CERT conducts shelter operations, offers shelter for family pets, staff's first aid stations, offers public safety awareness, assists public safety personnel as needed, etc. CERT team members meet periodically to drill and train on new and improved skills. Doug thanked Joe for his informative presentation and the services provided by CERT team members and encouraged others to volunteer.

M.R.C. PROGRAM UPDATE: Ruth Mori, RN Public Health offered a brief report of the role of the Medical Reserve Corps (MRC). The MRC consists of a number of public health professionals (doctors and nurses) who also volunteer their service in time of need. The MRC staff operates our Wayland flu clinics and assist with the staffing during shelter operations. Chief Houghton has conducted Incident Command and National Incident Management System programs for both MRC and CERT volunteers.

Doug noted that many FEMA (Federal Emergency Management Agency) grant applications today require that members of the organization requesting funding, complete minimum training requirements (I.E. FEMA IS-100, 200 and 700). Doug thanked Ruth for her presentation and service to the town of Wayland.

DISCUSSION ABOUT “RISK” IN WAYLAND: Doug recently attended the International Association of Emergency Managers (IAEM) Conference and wanted to share critical information from that conference. Doug began his presentation on “Risk” by introducing his prop, a BLACK SWAN. According to Wikipedia the “**black swan theory** or **theory of black swan events** is a **metaphor** that describes an event that comes as a surprise, has a major effect, and is often inappropriately rationalized after the fact with the benefit of **hindsight**.” These “surprise” events along with those events that we are better able to predict are the threats that this community must protect against. The problem is that business owners, municipal officials, and family members are mistaken when they believe that nothing will happen to them and that bad events happen to other people. Many emergency preparedness professional today believe it is not IF a tragic even will happen but WHEN!

Local, State and Federal governments operate within the guidelines of the National Preparedness System and operate within the 5 mission areas of emergency management: Prevention – Protection-Mitigation-Response-Recovery.

Wayland must identify their risks. A formula used to identify risk is:
 $RISK = THREAT \times VULNERABILITY \times CONSEQUENCE/IMPACT$. This is not a mathematical formula but a formula to show relationships to one another. Wayland should focus on the THREAT’s and focus on the ability to prepare, adapt, withstand and recover (know as Resilience). If Wayland identifies their potential threats and they develop a resilience then the community is better prepared to deal with the events and by doing so will deter any adversarial intent and capability to do harm to the community and be better able to deal with weather events.

In order to develop a municipal plan it is critical that elected and appointed officials gain a better understanding of the National Incident Management System (NIMS) and the Incident Command System. (FEMA IS100, IS200, & IS700) <https://training.fema.gov/is/crslist.aspx?all=true>
Doug reminded all members in attendance that he forwarded a document from the October 28, 2013 edition of Emergency Magazine; titled Elected Officials are Rarely Educated About Emergencies. Doug strongly urged all members to read this.

Wayland’s Hazard Mitigation Plan, dated January 21, 2011 needs to be updated and specific, municipally approved written policies and procedures must be put in place. Doug asked the members if there was a need to reassess the “Hazard Risks” in the 2011 plan? Once policies and

procedures addressing the risks to the community have been adopted and put into place the community then needs to perform "Discussion-Based" and "Operations-Based" Exercises to test their effectiveness.

In summary, "we don't know what we don't know." We cannot plan for every conceivable event that we may confront BUT we need to establish a procedure for the threats that are/maybe anticipated. We must ask ourselves:

Where is Wayland now?

What is Wayland ready for?

What is Wayland NOT ready for?

Doug thanked everyone for coming and for his or her participation and interest. What we discussed today requires communication, planning and some degree of funding. It is Doug's hope that LEPC committee members will take this information to heart and begin the necessary communications and planning.

Doug wished all a Merry Christmas and Happy Holidays!

10:25AM Meeting adjourned.

Respectfully submitted!

Doug Leard, Chairman
Local Emergency Planning Committee

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THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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July 22, 2016

OML 2016 – 98

RECEIVED

JUL 25 2016

Board of Selectmen
Town of Wayland

Cherry Karlson, Chair
Wayland Board of Selectmen
41 Cochituate Road
Wayland, MA 01778

RE: Open Meeting Law Complaint

Dear Chair Karlson:

This office received two related complaints from George Harris alleging that the Wayland Board of Selectmen (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The first complaint was filed with the Board on March 10, and the Board responded by letter dated March 24.¹ This complaint was then filed with our office on May 31. The second complaint was filed with the Board on April 8, and the Board responded by letter dated April 27. The second complaint was then filed with our office on June 6. In his complaints, Mr. Harris alleges that the Board has failed to approve and release meeting minutes in a timely manner.

Following our review, we find that the Board violated the law as alleged. We find that this was an intentional violation of the law, and we refer the matter to a hearing pursuant to 940 CMR 29.07(3). In reaching a determination, we reviewed the complaint, the Board’s response, and the request for further review filed with our office. We also spoke with Board Chair Cherry Karlson by telephone on July 1.²

FACTS

We find the facts as follows. The Board is a five-member public body that typically meets on a weekly basis. At issue are the minutes of several Board meetings held on December 7 and 14, 2015; January 4, 11, 25, and 27, 2016; and February 1 and 9, 2016.³ On April 4, the Board approved meeting minutes from December 7 and 14, 2015, and January 4 and 27; on April 11, the Board approved the minutes from January 11 and 25; and on April 19, the Board

¹ Unless otherwise indicated, all dates in this letter refer to the year 2016.

² For the sake of clarity, we refer to you in the third person.

³ The first complaint concerns the minutes of the December meetings, as well as January 4. The second complaint concerns January 11, 25, and 27, as well as the February dates.



approved the minutes of February 1 and 9. Also during the April 19 meeting, the Board voted to adopt a plan ensuring the timely approval of meeting minutes.⁴

DISCUSSION

The Open Meeting Law requires public bodies to “create and maintain accurate minutes of all meetings, including executive sessions.” G.L. c. 30A, § 22(a). These meeting minutes must be reviewed and approved in a timely manner. G.L. c. 30A, § 22(c). Although the Open Meeting Law does not define “timely manner,” a public body should approve minutes at the next meeting where possible. See OML 2012-91.⁵ For bodies that meet regularly, we have concluded that a delay of two to three months in approving minutes does not comply with the law. See OML 2016-62.

Here, the complaints allege that the Board failed to create and approve meeting minutes in a timely manner. In its two responses, the Board concedes that it did not meet its obligations under the law. Indeed, the December and January meeting minutes were approved on April 4 and 11, and the February minutes were approved on April 19, despite the Board meeting regularly throughout that time. When we spoke with Chair Karlson, she stated that the delay in approving minutes occurred because the Board’s administrative assistant had a backlog of work due to Town Meeting deadlines. We credit this statement, and we recognize that the administrative burdens of approving minutes in a timely fashion can be significant. Nevertheless, we cannot excuse the Board from its obligation to do so. Because the Board met regularly yet delayed several months before approving certain minutes, we find that the Board violated the Open Meeting Law. See OML 2016-62.

We find that the Board’s failure to create and approve meeting minutes in a timely manner was an intentional violation of the Open Meeting Law. An intentional violation is an “act or omission by a public body or a member thereof, in knowing violation of [the Open Meeting Law.]” 940 CMR 29.02. An intentional violation may be found where the public body has previously been advised that certain conduct violates the Open Meeting Law. Id. Here, the Board was advised by our office of its obligation to approve minutes promptly. In OML 2015-79, we found that the Board had failed to approve minutes in a timely manner. This determination was sent to the Board on June 2, 2015, several months before the meetings at issue in this letter.⁶ The Board had therefore been clearly advised of the law’s requirements. Thus, we find that the Board’s violation of those requirements was intentional.

CONCLUSION

For the reasons stated above, we find that the Board violated the Open Meeting Law by failing to approve meeting minutes in a timely fashion. We find that this violation was intentional. We therefore refer this matter to a hearing pursuant to 940 CMR 29.07(3). We recommend a fine of \$1,000 and an order of immediate and future compliance with the Open Meeting Law.

⁴ The Board also approved other meeting minutes during its April 19 meeting. However, those minutes are not part of the present complaints.

⁵ Open Meeting Law determinations may be found at the Attorney General’s website, www.mass.gov/ago/openmeeting.

⁶ Four out of five current Board members were serving as of June 2015.

We now consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact the Division at (617) 963-2540 if you have any questions.

Sincerely,



Kevin W. Manganaro
Assistant Attorney General
Division of Open Government

cc: George Harris
Mark Lanza, Town Counsel

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.