



# Wayland Board of Selectman

## Board Description and Guiding Principles

The Board of Selectmen is a five-member, non-partisan board that acts as the principal administrator of the town. Members are elected in staggered, three-year terms. The Board elects a chairperson each fiscal year, who is the chief elected official of the town, sets the agenda for Board meetings, conducts meetings, and is the primary spokesperson for the Board. The Board also elects a vice chair, who serves as clerk of the Board.

The oath of office binds each Selectman to adhere to the laws to the Commonwealth, Town By-laws, and Board policies. The Board exercises general supervisory authority over all matters not specifically delegated by law or by vote of the town to another officer or board. Overall, the Board has broad responsibility for the safety and well-being of the town.

The Board has the following major responsibilities:

1. To sign or veto items on warrants for payment of all town bills.
2. To make appointments to town office.
3. To hire professional administrative assistance.
4. To retain legal counsel and direct the legal affairs of the town.
5. To prepare the town meeting warrant, including ordering of articles, from the inception of the process until it goes into production.
6. To develop, articulate, and implement policies to steer the town government.
7. To provide leadership for the town.

The Board upholds these principles through the words and actions of individual members and as a whole:

**Each member is integral to the effectiveness of the whole board.**

The Board provides leadership as a team. Information learned by one member may be valuable to others. Selectmen share information regarding town matters or personnel problems with the Board and with members of other committees who may be seeking help or relevant information. Further, Board members exercise care to not interfere with the ordinary business of town offices in the pursuit of information. The Town Administrator is the conduit between the Board (or its individual members) and town departments, and reports and follows through accordingly.

☒ **Authority is limited to actions taken by the Board as a whole.**

The power of the Board is invoked only when a quorum is present at a duly posted meeting. Individual members cannot bind the Board outside such meetings, nor should they represent themselves as having individual authority or influence. No member has authority to act on behalf of the Board, unless such specific authority has been granted by the Board.

☒ **Selectmen make decisions based on information received and discussion held at Board meetings.**

Board members make decisions only after all facts on an issue have been presented and discussed in formal session. Selectmen respect that each member is entitled to his or her viewpoint and opinion. Selectmen exercise care not to appear predisposed on a matter before it is heard by the Board, particularly one that requires a public hearing or that will be submitted to Town Meeting. The Board makes decisions by considering the needs of the town, for the good of the community.

☒ **Members respect the intent of executive session.**

Executive session is held only in particular circumstances to protect the interests of the Town or individuals' privacy. The content of the proceedings is privileged. Statements uttered, sentiments expressed, information shared, and action taken in executive session are not later discussed in an open meeting, publicly, or privately with non-members who were not present in the executive session.

☒ **Board members support decisions of the Board.**

Action taken at official meetings is binding. Each member abides by decisions of the Board made at a duly posted meeting, even when such decisions were controversial or contrary to a member's position.

*Adopted by a 4-1 vote on July 15, 1997*

## OFFICERS AND MEETINGS

### OFFICERS

1. In June the Board of Selectmen shall elect a chairman and vice chairman/clerk whose terms of office begin on July 1 and end on June 30.
2. The chairman shall be the presiding officer at meetings of the board. S/he will set the agenda, represent the board, and act as its spokesman, or designate the same.
3. The vice chairman shall preside at meetings in the absence of the chair, assist the chairman as needed in managing the affairs of the board, and coordinate/schedule the warrant process for the board.
4. If both the chairman and vice chairman are unavailable, the senior Selectman in time served shall preside at meetings of the board.
5. No chairman of the board may succeed him/herself in the same office unless no other Selectman is willing or able to serve.
6. No Selectman shall serve as chairman if s/he will be completing a term as Selectman during the term of office as chairman.
7. Should the chairman be unable to continue to serve, the vice chair will become the chair. Should the vice chair be unable to serve, a new vice chair shall be elected. Should both positions become vacant, the senior elected Selectman shall hold both offices until an election can be held.

### MEETINGS

1. The Board of Selectmen shall convene weekly on Monday evening at 7:30 or as otherwise scheduled. Special meetings may be called when necessary.
2. No further business shall be taken up after 11:00 pm unless a majority of the board so votes.
3. The Town Administrator shall provide the members with appropriate backup materials and correspondence and maintain accurate records of all meetings and action taken, including executive sessions.
4. Three members shall constitute a quorum.

*Approved on March 1, 2004*

## **PUBLIC HEARINGS**

These procedures shall be used when the Board of Selectmen calls a Public Hearing.

1. Public Hearings shall be advertised according to the applicable statute or as deemed appropriate by the Board of Selectmen.
2. Public Hearings before the Board of Selectmen shall be informal, in that the procedures of courts of law and the rules of evidence shall not apply. Rather, the presiding member of the Board shall seek to conduct Public Hearings and receive evidence using the test of reasonableness and relevance under the circumstances.
3. Neither the Town nor any parties shall be required to be represented by legal counsel, though such counsel is permitted.
4. The presiding Selectman shall begin the proceedings by stating the purpose of the Public Hearing and the rules to be followed during the Hearing.
5. The proponents or complaining side shall be heard fully followed by questions from the board and then, through the chair, from the public.
6. The opponents or defending side shall be heard fully followed by questions from the board and then, through the chair, from the public.
7. Both sides shall have an opportunity to present rebuttals and concluding remarks.
8. The Board shall accept written testimony that is submitted prior to the Public Hearing.
9. The Board may make its decision immediately following the Hearing, take the matter under advisement, defer a decision pending consultation with its counsel or staff, continue the matter to another date, or take such action as it judges appropriate.

*Approved on February 9, 2004*

## **PUBLIC HEARINGS ON REGULATIONS AND FEES**

Prior to adoption of regulations or fee schedules, there shall be opportunity for public comment in meetings open to the public. In many cases there is no legal requirement that advertised Public Hearings be held in advance of the governmental body's public decision-making. However, the Board of Selectmen believes that every effort should be made to invite public participation, including public notices, to ensure that such regulations and fee schedules meet the tests of necessity, reasonableness, and fairness.

*Approved on February 9, 2004*

## **COMMUNICATIONS TO THE BOARD OF SELECTMEN**

The Town Administrator shall provide to the Board of Selectmen, within one week of receipt, all written communications received by the Town Administrator from any person or organization other than those reporting (subordinate) to the Town Administrator. Obvious unsolicited “junk mail” is excepted. The Board wishes to receive copies of all communications addressed or sent to the Town Administrator, as well as all other communications sent to the Board of Selectmen from federal, state, and local (non-Wayland) governmental organizations and officials; other Wayland boards, elected and appointed officials, and their employees; and the public.

The Town Administrator is expected to exercise his discretion in bringing to the attention of the Board any other communications, written or oral, from any source relevant to the activities and interests of the Board.

*Approved February 9, 2004*

## **ACKNOWLEDGMENT OF CORRESPONDENCE FROM THE PUBLIC**

Correspondence addressed to the Board of Selectmen shall be acknowledged promptly, in writing. The Board does not routinely acknowledge receipt of memoranda and letters addressed to other boards or officials or impersonal correspondence. Copies of all responses shall be made available to the full Board in a file maintained by the Town Administrator.

*Approved February 9, 2004*

## **ELECTRONIC COMMUNICATIONS**

**Purpose:** To ensure the proper use of the Town of Wayland's electronic communications systems which includes telephones, electronic mail (e-mail), facsimile machines, local area network, wide area network, the Internet, and the Town's Web site. This policy is designed to prevent misuse of these systems and to protect the Town from illegal use.

**Policy:** The Town of Wayland provides staff with the ability to send messages and information through voice mail, fax mail, E-mail and in some cases, through the Internet. The purpose of this technology is to allow the Town to serve the public more efficiently and effectively and to support the work and mission of the town government.

The Web site was developed in response to advances in technology that provide new and enhanced methods of communicating information to the public. Efficient utilization of the Internet for communications and research can:

- Enhance partnership, community involvement, and exchange of information and ideas between citizens, businesses and local government.
- Provide information both internally and to the public about activities and services of the town.
- Improve the quality, productivity, and general cost-effectiveness of the town's municipal operations.

It is the Town's policy that use of these capabilities is subject to the same management oversight and supervision as any other employee activity. Such use must conform to all applicable laws and regulations. The electronic communication systems are the property of the Town and should be used for appropriate business purposes.

**Access:** The Town of Wayland has established a Web site domain at [www.wayland.ma.us](http://www.wayland.ma.us). The site may from time to time be under construction and not immediately accessible to the public.

### **PROCEDURES**

#### **Electronic communication and storage systems:**

1. Electronic communication and storage systems are the property of the Town and should be used for business related purposes. While sending and receiving personal messages is not expressly prohibited, any personal use of the system must be at a level that will not interfere in any way with the system's ability to serve its intended official purpose. Employees should use discretion in utilizing this resource. Abuse of this privilege could result in loss of the privilege for the individual.
2. All computers, electronic communication equipment and electronic devices are to be used in a responsible, efficient, ethical, and legal manner. Examples of unethical use include, but are not limited to, the following:

- Violation of computer system security;
- Unauthorized use of computer accounts, access codes/passwords, or network identification numbers assigned to others;
- Removing, damaging, or destroying any electronic information including impeding the information gathering activities of others;
- Use of any information in ways that create a hostile environment for others.

The Town reserves the right to retrieve and read any electronic communication messages or other data stored on Town owned equipment for any purpose without limitation including systems maintenance and compliance monitoring.

3. Employees should not assume that voice mail, fax mail, email messages or Internet postings are personal or confidential. Electronic communications are presumed to be public, unless a statutory exemption can be shown. Please note the attached Bulletin from the Secretary of State Public Records Division for further clarification. Electronic communications may be discoverable even though the messages have been deleted.

4. Data and messages should be treated as restricted by other employees and unless authorized should be accessed only by the intended recipient. Employees are not authorized to retrieve or read any messages or data that are not sent to them unless the intended recipient gives express permission. Also, employees should not use a code, access a file or retrieve any stored information unless authorized to do so.

5. E-mail messages are subject to the same records management principles as all other records of the office. E-mail messages must be preserved or disposed of as called for by the Records Retention Schedules issued by the Supervisor of Public Records. Please see the attached Bulletin from the Secretary of State Public Records Division for further clarification.

**Internet:**

1. All Internet users are expected to know the tools, rules and etiquette of the Internet, and behave accordingly. The Town reserves the right to monitor activity on and limit access to Internet sites without notice to users.

2. In addition to the aforementioned procedures of the electronic communication and storage systems, the following Internet uses are prohibited:

- Using the town's Internet connections for private financial gain or profit.

**Security:**

1. The electronic communications system should not be used to create any offensive or disruptive messages or images. Among those that are considered offensive are any

messages or images which contain sexual implications, racial slurs, gender-specific comments, or any other comment which might constitute intimidation, hostile or offensive material based on one's sex, race, color, national origin, age, religion, sexual orientation or physical or mental disability. Users may not engage in any form of sexual harassment.

2. The electronic communications systems should not be used for any illegal activity, including, but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity.

3. The Town may from time to time monitor electronic communications systems usage. Reasons for monitoring may include, but are not limited to, review of employee productivity, investigations into claims of possible criminal activity and investigations into violations of this policy.

4. Interfering with or disrupting town network or Internet users, services, programs, or equipment, such as propagation of computer viruses or other debilitating programs, and using the town network to make unauthorized entry to any other machine accessible via the network or Internet. Deliberate attempts to degrade or disrupt system performance will be viewed as criminal activity under applicable state and federal law.

5. Although the computer system provides password security, the Town cannot guarantee confidentiality of information transmitted on the electronic communications system. Therefore, confidential information should generally not be communicated electronically either inside or outside the town government.

6. In order to prevent the possible introduction of computer viruses, users are responsible for insuring they have the appropriate anti-virus programs before downloading any software through the Internet.

## **Web Pages**

In order to maintain a consistent, high quality presence on the Internet, the Board of Selectmen's Office will be responsible for publishing all information to be posted on the town's web site. Town departments interested in developing content for posting on the site must coordinate and receive prior approval from the Town Administrator before information may appear on the Town's Web site. No town department may create or contract for its own physical web site without the written approval of the Town Administrator.

Information published on the Web site must be written in a clear concise manner and presented in a graphically appealing format. Useful links that make it easy for an individual to access information also contribute to the success of a Web page. Strategic use of audio, video, forms, databases and interactive segments can enhance the overall presentation and usefulness of material. Because the Internet is not always the most appropriate channel of communication for everyone, personnel in the Selectmen's Office are available to assist in determining the benefits and resources required to publish information on the Internet.

Once information is published, it is the ongoing responsibility of the corresponding department to ensure the timeliness and accuracy of the content of its web pages. Updates to web pages must receive prior approval from the Town Administrator before any changes are made. Web pages will be reviewed on a periodic basis and departments will be alerted when updates are needed.

**Disclaimer:**

A wide variety of information exists on the Internet. Some persons may find part of that information to be offensive or otherwise objectionable. Employees should be aware that the town has no control over and therefore will not be responsible for the content of information on the Internet other than what the Town as an organization places there.

The town's Internet host computers are traceable to the town. Persons using town-provided Internet accounts should assume they have no anonymity. Outside users who want to identify machines associated with the town can do so easily.

Employees also must understand that e-mail messages and other transfer of information via the Internet are currently not secure. Persons desiring to send someone confidential or sensitive communications should not use the Internet.

**Enforcement:**

Departments will be responsible for the enforcement of the town's Electronic Communications/Web Site Policy. The Board of Selectmen or its designee will review reported and perceived violations of this policy. Questions shall be directed to the Town Administrator.

Violations of this policy or other rules, regulations, state, or federal laws may result in disciplinary action, including termination.

Attachment - SPR BULLETIN NO. 1-99

**Confirmation of Receipt**

I have read this Electronic Communications/Web Site Policy, and agree to its terms as a condition of my use of a town provided computer, e-mail system, and Internet account.

Name (print) \_\_\_\_\_ Department \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

*Approved June 6, 2005*

## SPR Bulletin NO. 1-99 February 16, 1999 REVISED AND REISSUED

**May 21, 2003**

TO: Public Records Custodians

SUBJECT: **Electronic mail**

EXPIRATION DATE: Until superseded

PURPOSE: This bulletin supersedes SPR Bulletin No. 5-92 and provides information and requirements for the management and disposition of electronic mail sent and received by public officials.

### BACKGROUND:

Electronic mail (email) is a document created, transmitted and received by a computer system or other electronic form of written communication. Like the telephone, email allows instant communication. Like traditional mail, it creates a durable written record of messages delivered and received. Email use has grown rapidly and it has emerged as a major means for both communication and business activities in all segments of society.

Messages sent by email vary in substance and content. It may contain formal or informal data and text used supporting or executing business activities and policy decisions. The growth of email and the importance of the messages it carries, make it imperative that government offices take steps to effectively manage and control this medium.

### FINDINGS:

1. For the purpose of this bulletin, email is defined as any message created and received on an electronic mail system. An electronic mail system is a service that provides facilities for creating messages, transmitting them through a network and displaying them on a recipient's computer terminal. The email message may be text or word processing documents, spreadsheets or other data compilations transmitted through such a system.
2. All email created or received by an employee of a government unit is a public record. In Massachusetts, the term "public record" is broadly defined to include all documentary materials or data created or received by any officer or employee of any governmental unit, regardless of physical form or characteristics. G. L. c. 4, § 7(26). Email is, therefore, a public record and it is subject to the requirements of the Public Records Law. G. L. c. 66.

3. All email messages are subject to public access and disclosure through the provisions of the Public Records Law. G. L. c. 66, § 10.
4. All email messages may be sought and obtained through the discovery process in litigation and may be admissible as evidence in a court of law.
5. In most cases, simply deleting a message does not actually 'delete' the message. The "delete" key merely removes the electronic pointers to the file. The actual file may remain on the computer system indefinitely unless it is properly expunged from the system. Questions regarding that process should be addressed to your systems administrator. Copies of messages may also be retained independently on system backups. Regardless of the intent to delete the message, as long as it exists, it continues to be subject to discovery.
6. Although email is analogous to paper correspondence, the courts have found that there are indeed, differences between the two records. The contextual data (the "envelope" that contains the mailing address, date/time stamp, routing instructions and transmission and receipt information) that accompanies email messages constitutes an integral part of the record and thus must be retained as a part of any printed or stored version of the record. *Armstrong v. Executive Office of the President*, 810 F.Supp. 335 (D.D.C. 1993).
7. Email systems are a corporate resource. Email systems in use in government offices are government property installed and maintained for the conduct of government business. The office may and should exercise control over the use of the resource by employees and has the right to monitor and read employee email.

#### ACTIONS:

1. Any employee or officer of the Commonwealth who creates or receives an email message must review said message for content. Once a determination has been made regarding the subject matter involved in the communication, the employee or officer must consult the retention schedules for his\her agency or municipality in order to determine the lifecycle of that particular record. Necessary and proper records management procedures must then be implemented to ensure that the record is preserved for the proscribed retention period. G. L. c. 4, § 7(26)(a-m).
2. Email must be managed as a part of the office's records holdings. Email messages are subject to the same records management principles as all other records of the office. Records retention schedules issued by the Supervisor of Public Records (for local governments) and by the Records Conservation Board (for state government offices) must be implemented for email as well as for analogous paper records.
3. Email systems are not record-keeping systems. All email users must screen and evaluate email messages according to "CONTENT".
4. Once the CONTENT or subject matter of the message is determined, the user must consult their agency's record retention schedule and the Statewide Disposition Schedule (for State Agencies) or the Records In Common Schedule (for municipalities) to determine how long the record must be preserved.

5. Once the applicable retention period has been determined, the user should print out the email message and file it in accordance with the entity's paper filing system procedures.
6. Email messages which are too large to print or do not print accurately should be stored electronically, again depending upon content and retention period. These messages should be saved to the office's electronic record-keeping system. Please consult your agency's Record Liaison officer, computer technical people or your systems engineer for assistance in this regard.
7. All government offices must establish written policies regarding their email systems. Said policies must ensure that their system is capable of displaying and preserving the contextual data (metadata) associated with the email message to ensure the capture and preservation of a complete record. Any email message which is printed to preserve content must contain the metadata in its complete form.
8. Government offices must ensure that all personnel who will be handling email are properly trained to insure compliance with this policy.

QUESTIONS:

**SIGNING PAYROLLS, INVOICES, AND LIST OF BILLS PAYABLE  
FOR PAYMENT (WARRANTS)**

All invoices submitted for payment shall be approved in writing by the department head and the board, committee, or commission when applicable. The Town Administrator shall sign for departments under the jurisdiction of the Board of Selectmen that do not have a department head. Each board, committee, and commission will notify the town accountant in writing the name(s) of persons authorized to sign payroll, invoice, and bills payable forms. All items over \$10,000 shall be noted before warrants are signed by a majority of the Selectmen in open meeting.

The Town Administrator shall approve invoices from Town Counsel before submitting them to the Board of Selectmen for approval. Town Counsel shall approve invoices from all outside legal counsels before submitting them to the Town Administrator and then to the Board of Selectmen for final approval.

*Approved February 9, 2004*

**MANUAL CHECKS ISSUED BY THE TREASURER**

The Town Treasurer shall issue no manual check nor make electronic fund transfers to a non-Town of Wayland account unless it has been approved in advance by the Town Accountant. Notwithstanding the Town Accountant's approval, the Treasurer shall make no such payment or transfer unless

- it has been specifically authorized by vote of the Board of Selectmen, or
- it is to replace another check previously authorized by vote of the Board of Selectmen but issued in error, or
- it effectuates a temporary investment of cash into an existing Town of Wayland account with a bank or other approved fiduciary, or
- it is for repayment of outstanding bond/note principal and interest, or
- it is for payment to the United States Postal Service, or
- it represents employee payroll deduction(s) in payment to a fiduciary for one of the following purposes: withheld Federal income tax plus FICA, withheld Massachusetts income tax, contribution to a credit union or retirement plan, or court-ordered wage garnishment.

*Approved February 9, 2004*

**For authority of the Treasurer and Collector, in addition to statutory provisions, see Wayland Code Chapter 72.**

## **APPOINTMENTS TO TOWN BOARDS AND COMMITTEES**

The Board of Selectmen is responsible for making a large number of appointments to town boards and committees. The following procedures will be used to post openings, make appointments, and fill vacancies.

### **POST OPENINGS**

- The Town Administrator shall post all vacancies on the Town Building foyer bulletin board for a minimum of one week.
- Applicants, who must be registered voters in the Town of Wayland, shall submit a letter describing their interest, background, and qualifications, and a résumé, if possible.
- Applicants are encouraged to attend at least one meeting of the Board to which they are applying and discuss the board's function and responsibilities with a current member of the Board or the appropriate staff member.

### **ANNUAL APPOINTMENTS**

- The Board of Selectmen shall interview all applicants new to Town Government.
- Boards or committees are encouraged to submit questions for use by the Selectmen in interviewing applicants for their boards.
- All vacancies should be filled by July 1 of each year.

### **VACANCIES**

Vacancies that occur between annual appointments shall be filled as soon as is reasonable following the guidelines for annual appointments.

### **REAPPOINTMENTS**

The Selectmen shall solicit recommendations for reappointment from the chairpersons of boards and committees with members whose terms are ending.

- All candidates for reappointment to the Conservation Commission, Finance Committee, Personnel Board, and the Zoning Board of Appeals may be interviewed by the Board of Selectmen.
- Reappointments to other boards will be generally be approved unless there are objections from the member's board or a Selectman.

*Approved March 1, 2004*

**See Wayland Code §6-1. For provisions regarding specific appointments, see Wayland Code §19-1 (Finance Committee); §43-2 (Personnel Board); §198-201 (Zoning Board of Appeals); and §198-204 (Planning Board Associate Member).**

## **PROCLAMATIONS**

At its discretion, the Board of Selectmen may approve requests for proclamations that emanate from Wayland citizens or groups.

*Approved March 1, 2004*

## **THE DOG CONTROL OFFICER**

The Wayland Dog Control Officer is appointed by the Board of Selectmen to work full- or part-time enforcing the provisions of the Town's Dog Control Bylaw, Chapter 91, Article I – Regulation of Dogs. (See also the position job description.)

**See Wayland Code Chapter 91, Article I – Regulation of Dog.**

**History: Adopted 10/12/82**

**Revised 1997**

**Revised 10/16/03**

*Approved 10/20/03*

## **RECOGNITION POLICY FOR SERVICE ON WAYLAND BOARDS, COMMITTEES, AND COMMISSIONS**

The Town will officially recognize the achievements and contributions to Town government of citizens who have served in a volunteer capacity on elected and/or appointed boards, committees, and commissions for a minimum of 25 years.

Formal recognition of those eligible will take place at the Annual Town Meeting under an article filed for inclusion in the Warrant by the Board of Selectmen. The Board of Selectmen or its agent(s) shall keep a permanent record book that includes pictures of individuals so honored and a list of their affiliations. This book shall be kept in a publicly accessible location such as the Town Library.

**Note:** Honorary appointments such as those made on the floor of Town Meeting shall not be counted in the total but may be noted in the permanent record book for those with 25 years of service.

Recognition is based on years of service and shall not be based on service on multiple boards or committees in a given year. Service need not be consecutive.

Service as an employee shall not be counted.

*Approved January 12, 2004*

**SAFETY AND HEALTH POLICY**

The Town of Wayland shall strive to provide a safe and healthy environment in which to work, live, and visit. To this end, the Town will endeavor to maintain a high standard of accident prevention, fire and safety protection, and preservation of health.

The Town will perform all activities using reasonable precaution so as to preserve and protect the lives and properties of all employees, residents, and visitors.

The Board of Selectmen and Town Administration shall work to support the Town's Safety Program and any policies, procedures, and recommendations developed by the Town's Safety Committee.

The joint effort of Town officers, Town employees, residents, and visitors to observe this policy will provide a safe and healthy environment to the mutual advantage of all people in the Town.

**See generally Wayland Code Chapter 139, Peace and Good Order.**

*Approved April 5, 2004*

**HIRING POLICY FOR STAFF POSITIONS**

The Board of Selectmen shall fill vacant staff positions as follows:

Position	Selection Committee	Recommendation
Town Administrator	Appointed by Selectmen	Selectmen interview up to 3 finalists
Finance Director	Appointed by Selectmen	Selectmen interview up to 3 finalists
Treasurer-Collector	Appointed by Selectmen	Selectmen interview up to 3 finalists
Police Chief	Appointed by Selectmen	Selectmen interview up to 3 finalists
Fire Chief	Appointed by Selectmen	Selectmen interview up to 3 finalists

The Town Administrator shall make a recommendation to the Board of Selectmen to fill vacancies in the following positions:

- Personnel Director
- Building Commissioner
- Town Surveyor
- Data Processing Manager
- Assistant Treasurer-Collector
- Dog Officer

*No Review of Policy as of May 2006*

## **NOTIFICATION OF PLANNED INTERRUPTIONS OF TRAFFIC**

The Board of Selectmen are traffic commissioners for the town. Boards and committees must notify the Board of Selectmen of all planned activities that affect the flow of traffic on roads regularly traveled by commuters who do not live on the street. The Board must approve the plan developed to reasonably ensure the smooth flow of traffic. While the board or commission responsible for the activity that disrupts traffic should work with any affected adjacent towns to develop the traffic plan, the Board of Selectmen will notify the chief elected official or town manager of those towns.

Street closures also require the approval of the police, identification and approval of alternative routes, and notice to abutters, including the approximate length of the closure.

**See Wayland Code §68-1.**

*Approved April 12, 2004*

## **STREET LIGHT REQUESTS**

The Board of Selectmen has statutory authority for locating and sizing street lights in the Town of Wayland. Residents living in an area may request in writing that the Town of Wayland install, alter, or remove street lights. Such requests shall be forwarded to the Board for its information and subsequent action using the following procedure.

1. The Town Administrator and police safety representative shall meet with requesters to review the request and view the street situation in person. If indicated, the Town Administrator shall contact the service provider for an on-site evaluation. The Town Administrator shall then prepare a preliminary recommendation, including an estimate of the installation and annual energy cost or savings to the Town.
2. The Town Administrator shall notify by mail all owners of land, and residents if different, within 500 feet of the streetlight request. The notice shall describe the proposed action to be taken regarding the streetlights and invite written comment to be sent to the attention of the Town Administrator during the next 30 days.
3. At the conclusion of the 30-day comment period, the Town Administrator shall brief the Board on the situation and recommend a course of action.
4. The Board of Selectmen shall make a decision, which shall then be mailed to all owners of land, and residents if different, within 500 feet of the proposed streetlights and to those persons who submitted written comments to the Town Administrator.
5. The Town Administrator shall implement the decision of the Board of Selectmen.

*Approved April 5, 2004*

## **SIGNS - PUBLIC DISPLAY USE OF TOWN SIGN BOARDS**

The town has made available frames to display four 4 feet by 8 feet sign boards to publicize events benefiting or open to the general public. The frames are located on Route 20 at the Weston border, Route 20 at the intersection of Routes 27 and 126, the intersection of Old Connecticut Path and Routes 126 and 27, and the Cochituate Fire Station. The following procedures govern the use of these sign boards.

1. Sign boards may be reserved by calling or writing the Park and Recreation Department.
2. Due to the demand for these signboards, priority is given as follows:
  - Town Meeting and all elections, Special Town Meeting, and Candidates' Night take precedence over all organizations.
  - Requests from Town departments
  - Wayland civic, nonprofit, and Town-wide organizations
  - Church groups
3. Signs must be painted attractively with waterproof paint on 4 x 8 foot wood boards no thicker than 3/8 inch.
4. Signs must be delivered to the Wayland Highway/Park Garage prior to 6:30 a.m. on the Monday on which they are to be displayed.
5. The usual period of display will be one week, from Monday to Monday. Signs must be picked up at the Wayland Highway/Park Garage as soon as possible after they have been taken down.
6. The Town is not responsible for loss or damage to the signs.

When the Town signboards have already been reserved, town-wide civic and nonprofit organizations may request in writing permission from the Board of Selectmen to display sandwich board signs adjacent to the Town signboards. Sandwich-board signs must be smaller than the Town signs. They must be placed so as not to obscure the Town signs and secured in such a way that they are not displaced by wind. They may be displayed for a period of one week and must be removed promptly after the advertised event.

*Approved October 20, 2003*

## **MOVING STRUCTURES WITHIN, FROM, OR THROUGH THE TOWN OF WAYLAND**

Application for moving of any structure within, from, or through the Town of Wayland must be made with the Building Department at least 30 days in advance of the proposed moving date. Approvals from all interested parties listed below must be submitted to the Building Commissioner before a permit can be issued. The applicant must give notice to all interested parties two weeks before the proposed moving date so that safety and related personnel can be scheduled

The following interested parties must provide written approval and must be notified of the proposed moving date:

- Wayland Board of Selectmen
- Wayland Police Chief
- Wayland Fire Chief
- Wayland Highway Superintendent
- Wayland Parks and Recreation Superintendent
- Wayland Water Department
- Electric Company
- Telephone Company
- Cable Company
- Wayland Board of Health if the structure is being moved from or to Wayland
- Selectmen/Mayors and Building Commissioners from any towns from which or through which the structure is being moved
- Massachusetts Department of Public Works and the State Police if the structure is being moved over a state highway
- Wayland School Department letter acknowledging notification of moving date and route
- Owners of Wayland property giving permission to use their land as temporary way stations for the course of the move, as needed

The moving company must provide a copy of its Certificate of Liability Insurance and post a bond with the Town of Wayland to cover the approximate cost of Town personnel time and equipment involved with the proposed move (e.g.; police, fire, highway, tree, etc). Within 30 days of the move, the Town of Wayland must be reimbursed for all costs of Town personnel and equipment that was used to facilitate the move.

The structure to be moved must be on a trailer and ready to be moved by 5:00 p.m. the day preceding the move. Failure to do so will result in the Town's denial of authority to move the structure that day.

No structure may be moved through the Town of Wayland from December 2 through February 28.

In addition to the above, the following precautions must take place prior to any structures being moved from, into, or through the Town of Wayland:

1. Secure the structure to the satisfaction of the Wayland Building Commissioner, including but not limited to

- removing chimneys and antennas at the roof line
- boarding window and door openings
- removing porches and decks

2. If the structure is being moved from Wayland, all utilities must be disconnected at the property line. The septic tank or leaching pit must be filled with clean fill to the satisfaction of the Board of Health. The foundation hole must be filled with inorganic material.

3. The applicant is responsible for supplying and placing any necessary signs, barricades, etc., to the satisfaction of the Police Chief.

4. Careful attention must be used in cutting any trees on Town byways. All work must be carried out by a certified tree company. The Park and Recreation Superintendent (Tree Warden), the Park and Recreation Commission, and the Board of Selectmen will recommend denial of a permit if the structure would require the cutting of significant branches of trees that stand on Town land abutting the public way. Any trees deemed destroyed by the Park and Recreation Superintendent by cutting for purposes of moving a structure must be removed and replaced at the applicant's cost and to the satisfaction of the Park and Recreation Superintendent.

*Approved April 5, 2004*

See also:

**M.G.L. 85 Section 18 Moving of buildings in public way**

No person shall move a building in a public way without written permission from the selectmen or road commissioners, to be granted upon such terms as in their opinion the public safety may require; and the superior court shall have jurisdiction in equity to enforce this section.

## WARRANT ARTICLES AND MOTIONS FOR TOWN MEETING

In the policy statement below, the term *motion* refers only to the first main motion under an article.

1. An article to be inserted in the warrant for a town meeting shall be submitted in writing to the Town Administrator by the date stated in the Bylaws. The article shall be stamped with the date and time of receipt. The board or group of petitioners submitting the article shall include contact information on the article. Copies of the submitted articles shall be forwarded to the Finance Committee, Moderator, Town Clerk, and Town Counsel immediately after the deadline.
2. The Board of Selectmen shall vote whether to insert a proposed article in the warrant. An affirmative vote by not less than three members shall carry. However, a petitioners' article is automatically inserted in the warrant and does not require a vote of the Board of Selectmen.
3. The Board of Selectmen shall not alter or withdraw an article submitted for the warrant without the express written permission of the proposing board or group of petitioners. Final wording of articles, other than petitioners' articles, is subject to the approval of Town Counsel.
4. Because motions should be legally correct, all motions, other than petitioners' motions, must be authored by or approved in advance by Town Counsel.
5. The proposing board or group of petitioners has the final responsibility for placing its motion before the town meeting. If it wishes to delegate its authority (but not its responsibility) to the Finance Committee, it may do so in writing, with a copy to the Board of Selectmen.
6. The Board of Selectmen shall convene a hearing not less than one week before town meeting to review warrant articles.
7. If at any time subsequent to the warrant hearing a proposed motion is altered, the responsible governmental body shall provide dated copies of the revised motion as soon as possible to the Board of Selectmen, Finance Committee, Moderator, Town Clerk, and Town Counsel.
8. Before every town meeting, the Board of Selectmen shall send a copy of these rules, as amended by time to time, to all statutory boards, the Moderator, Town Clerk, and Town Counsel.
9. The Board of Selectmen may at any time waive, revise, or amend any of the provisions of this policy in the interest of justice.

*Approved January 12, 2004*

## POLICY ON PROPOSITION 2 1/2 BALLOT QUESTIONS <sup>1</sup>

### Board Policy

From time to time, the Board may be asked by the Finance Committee or other boards or committees to place a Proposition 2 1/2 levy limit override question (“Override Question”) or debt exclusion question (“Exclusion Question”) on the ballot (although the Board can choose to place such questions on the ballot without having been asked by any other board or committee). Set forth below are the minimum steps that the Board should take before voting to place an Override or Exclusion Question on the ballot:

The Board shall ask the requesting board or committee to provide it with a written request to place an Override or Exclusion Question on the ballot. Such written request should be received at least two weeks prior to the Board’s vote. In the case where the Board desires to place an Override or Exclusion Question on the ballot without having been asked by any other board or committee to do so, it shall request a written recommendation from the Finance Committee. Such written recommendation should be received at least two weeks prior to the Board’s vote.

The Board shall ask the Finance Committee to make a presentation to the Board at a public meeting in which it reviews in detail (i) the Town’s current and projected financial position, (ii) its understanding of the rationale for both the timing and amount of the Proposition 2 1/2 override or exclusion, (iii) the consequences of not placing the question on the ballot or, alternatively, the question being rejected by a majority of the voters, (iv) any discussions it may have had with other boards or committees concerning the need for a ballot question, and (v) any other information that it or the Board determines to be important in making a decision on placing the question on the ballot, e.g., any available details related to the Town’s budget or the School budget. Such meeting should be held at least one week prior to the Board’s vote.

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<sup>1</sup> Proposition 2 1/2 limits the amount of revenue a town may raise from local property taxes each year to fund municipal operations. This amount is known as the annual levy limit. General Laws Chapter 59, Section 21C allows a town to increase tax revenues above that limit with voter approval.

Proposition 2 1/2 establishes two types of voter approved increases in taxing authority, i.e., levy limit overrides and exclusions. A levy limit override increases the amount of property tax revenue a community may raise in the year specified in the override question and in future years. The purpose of an override is to provide funding for municipal expenses, such as annual operating and fixed costs. An exclusion increases the amount of property tax revenue a community may raise for a limited or temporary period of time in order to fund specific projects, e.g., land acquisitions or building construction.

To seek voter approval, Proposition 2 1/2 referenda questions are placed on an election ballot by vote of the “local appropriating body,” which is defined in towns as the Board of Selectmen. A majority vote of the entire board is needed to place an override question on the ballot. A two-thirds vote of the entire board is needed to place an exclusion question on the ballot. The board must vote the question exactly as it will appear on the ballot. Except for the purpose of the override or exclusion, specific language must be used for the ballot question. Proposition 2 1/2 referenda questions may not be placed on the ballot by vote of town meeting or through use of a local initiative, i.e., petitioners.

After completing the above, the Board will discuss the merits of placing the Override or Exclusion Question on the ballot, review the ballot question language and vote on whether or not to place the question on the ballot.

Following a vote to place an Override or Exclusion Question on the ballot, the Board shall hold a public hearing at which the subject of the Override or Exclusion Question is discussed. The Board shall ask the Finance Committee to make a presentation similar to the one noted in (2) above. The public should be given the opportunity to ask questions and make comments at this hearing.

The Board may or may not decide to take a formal position on the merits of the Override or Exclusion Question prior to the Town Election at which such question will be voted on by the electorate.

*Adopted on November 12, 2002 by a vote of 4-0-1*

## USE OF THE WAYLAND TOWN BUILDING

The Wayland Town Building is primarily intended for the administrative, program, and meeting needs of departments of town government. Use of the building is a privilege granted on a space available basis by the Town Administrator to non-profit or public service organizations only, with preference to Wayland groups.

The following regulations apply to all groups using the Town Building:

1. All requests for permission to use the Town Building shall be submitted to the Town Administrator's office at least two weeks prior to the date of use.
2. Use of the building is generally restricted to hours when a custodian is on duty. Use at other times may be permitted if an appropriate Town employee is present or the group arranges in advance to pay for custodial services.
3. Before leaving the building, the organization shall return all areas used by the group, including hallways, to their original condition.
4. The organization using the facility shall be responsible for the control and supervision of all people in attendance and for the payment of any damage or theft to the property. Irresponsible or inappropriate use or behavior shall be grounds to exclude the group from future use of the building.
5. It is recommended that organizations sponsoring activities that attract more than 100 attendees have police supervision.
6. Organizations permitted to use the facility may provide beer, wine, champagne, and sherry under the following conditions:
  - a. Permission is requested in advance and granted in writing.
  - b. Beverages are served without charge.
  - c. Consumption is by the glass on the premises.
  - d. The Town's insurance coverage is adequate.
7. The building should not be used for fund-raising, political campaigning, or solicitations.

*Approved April 12, 2004*

## **ART EXHIBITS IN THE TOWN BUILDING**

1. Art exhibits in the Town Building shall be approved by and displayed in accordance with the rules of the Cultural Council.
2. Exhibited materials shall not be offered for sale unless the exhibit is intended to raise funds for the Town of Wayland, in which case not less than fifty percent of the proceeds shall be donated to the Town or to any of its governmental subdivisions.
3. Exhibited materials shall be displayed at the owner's risk; the Town of Wayland assumes no responsibility for safeguarding the exhibited work.
4. The Cultural Council or the Town Administrator may remove or cause to be removed exhibited work at any time and without notice.

*Approved April 12, 2004*

## **SMOKING IN THE TOWN BUILDING**

Smoking is banned in all public buildings.

**For provisions regarding peace and good order generally, see Wayland Code Chapter 139.**

*Approved April 12, 2004*

## TOWN COUNSEL ACCESS

All requests for access to Town Council shall be through the Board of Selectmen and its agent, the Town Administrator.

### 1. Request Form

All requests for access to Town Council by governmental bodies, municipal officials, and department heads shall be made using the attached form, which, when completed, shall be forwarded to the Office of the Town Administrator for processing. Except for Town Meeting petitioners, citizen requests for access to Town Council are not generally honored.

### 2. Oral Advice

Requests for oral advice or guidance from Town Council shall be approved by either the Town Administrator or the Board of Selectmen.

### 3. Written Opinions or Advice

Written opinions or advice from Town Council may be requested only upon the recorded vote of a governmental body. The completed form must be signed by a member of the governmental body. The Assistant Assessor may submit requests on behalf of the Board of Assessors. The approval granting authority shall be the Board of Selectmen.

### 4. Litigation (ongoing or Imminently Threatened)

Access to Town Council for ongoing or imminently-threatened litigation requires a recorded vote of a governmental body and a completed form signed by a member of the governmental body. The Assistant Assessor may submit requests on behalf of the Board of Assessors. The approval granting authority shall be the Board of Selectmen. Such litigation or threatened litigation includes

- any controversy or adjudicatory proceeding before a court
- the Appellate Tax Board
- the Labor Relations Commission
- the Department of Environmental Protection
- the Industrial Accidents Board
- similar judicial or quasi-judicial tribunals in which the Town or any of its governmental bodies seeks to have its legal rights determined, defended, and enforced

However, the Town Administrator is authorized to approve requests for access to Town Council to prepare and process small claims for litigation in the District Court.

*Approved January 12, 2004*

## PETITIONERS' ACCESS TO TOWN COUNSEL

Subject to these guidelines, Town Counsel is available to consult with registered voters who desire to submit or who have submitted an article for consideration at an annual or special town meeting, as a "petitioner's article" without sponsorship of a town board.

1. Town Counsel's consultation is limited to (1) presenting articles for insertion in the warrant and (2) making motions or amendments from the floor of Town Meeting. Town Counsel will not render written opinions.
2. Prior to the opening of the warrant for the annual Town Meeting, the Selectmen will arrange a "petitioners' workshop" at which prospective petitioners may ask general questions of Town Counsel. The Selectmen will also seek volunteers who, based on their experience with Town Meeting articles and proceedings, will help others frame and present their articles. At the workshop, Town Counsel will attempt to identify the legal issues and direct the petitioner(s) to relevant sources, but will not conduct research or develop legal arguments or strategic positions.
3. The Selectmen encourage any prospective petitioners to seek a relevant board, commission, or committee to submit the article. Governmental bodies' access to Town Counsel is more liberal than as permitted here.
4. All petitioners' requests for access to Town Counsel must be made in writing to the Board of Selectmen through the Town Administrator. The lead petitioner shall state the subject of the article, but need not state the specific advice sought. The requester may indicate the length of time desired for consultation, not to exceed fifteen minutes, but such desire shall not be binding on the Board of Selectmen.
5. After receiving the request, the Town Administrator will offer to meet with the requester and attempt to answer the question(s). The Town Administrator may set reasonable limits on such meetings. If the Town Administrator is unable to answer the requester's question(s) to the requestor's satisfaction, the Town Administrator will schedule a meeting with Town Counsel and specify its duration.
6. Town Counsel may decline to assist the requester if Town Counsel states in writing that such assistance would present Town Counsel with an actual conflict of interest, and gives the basis for the conflict of interest.
7. Access to Town Counsel during Town Meeting sessions is not permitted.
8. Access to Special Town Counsel shall not be allowed.

*Approved January 12, 2004*

## PROVISION AND CONSUMPTION OF ALCOHOLIC BEVERAGES

These rules supplement the General Laws of the Commonwealth of Massachusetts and the Code and other Rules and Regulations of the Town of Wayland.

### I. COMMERCIAL ESTABLISHMENTS

The Board of Selectmen has the authority to grant licenses to owners of establishments that sell alcoholic beverages for consumption on or off the premises of the establishment. (See Wayland Code §72-4 regarding authority to deny, revoke, or suspend license for failure to pay taxes.)

- A. The Police Chief and the officers within his/her command shall be the liquor agent for the Board of Selectmen.
- B. Licensees shall manage their establishments consistent with the law. The designated manager will be on-site to assure compliance.
- C. Violations of any laws, rules, or regulations may result in suspension or revocation of the license.
- D. Holders of off-premises liquor licenses (package stores, convenience or grocery stores selling beer & wine or all alcohol) may be open on Sundays subject to the following conditions (*per Board of Selectmen vote, 1/26/04, revised 2/9/04*):
  - 1. No sales shall be made prior to Noon;
  - 2. No sales shall be made after 9:00 p.m.;
  - 3. The employee compensation and work schedule provisions of Section 31 of Chapter 141 of the Acts of 2003 shall be complied with; and
  - 4. No sales by such licensees may be permitted on any of the following days:
    - The last Monday in May (Memorial Day);
    - Thanksgiving Day;
    - Christmas Day, or on the day following when Christmas Day falls on a Sunday;
    - Sunday Christmas Day, if Christmas day falls on a Sunday.
- E. Applications for extension of hours on New Year's Eve until 2:00 am must be made in writing to the Town Administrator. No alcoholic beverages shall be served after 1:30 am. All patrons shall be off the premises by 2:00 am.
- F. The Board of Selectmen expects to meet each new manager of the licensee.
- G. All commercial establishments shall participate in a program designed to train employees who engage in either package sales or pouring, in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors. (*Per Board of Selectmen vote, 6/5/06*)

1. Listed below are programs currently available which meet the requirements of this regulation:

- a. Techniques of Alcohol Management (T.A.M.) sponsored by the Massachusetts Package Store Association,
- b. Training for Intervention Procedures by Servers of Alcohol (T.I.P.S.), offered by Health Communication,
- c. Alcohol Intervention Methods (A.I.M.) offered by Campbell/Trent, or
- d. Any Insurance Industry approved and qualified program offered by a certified trainer and approved by the Board of Selectmen.

2. All establishments must maintain a roster or certificate of trained personnel in an accessible place during operating hours. An updated roster shall be submitted with the annual application for renewal of the license. The roster shall include:

- a. Employee Name
- b. Employee Date of Birth
- c. Employee Social Security Number
- d. Position
- e. Type of Training (Name of Trainer and/or Company)
- f. Date Valid
- g. Date of Expiration (no more than three (3) years)
- h. Date of Hire

3. All personnel shall be required to be recertified once every three (3) years by an approved program, as noted above.

4. All newly hired employees that sell or serve alcohol shall complete a training program within sixty (60) days of their hiring or show proof of training certification at a course approved by the Board of Selectmen within the past three (3) years.

5. Failure to comply with this policy may result in revocation of the license. Fines may also be levied against the license holder should any violation of this policy occur.



## **II. NONCOMMERCIAL LICENSES**

The Board of Selectmen is authorized to grant permission to serve beer, wine, champagne, and sherry under Section A. below and to issue a temporary license under Section B. below under the following conditions. Copies of all such permissions and licenses shall be forwarded to the Police Chief.

### **A. Town Property**

1. No alcoholic beverage of any kind may be sold or purchased in Town buildings or on Town property.
2. Non-profit and public service organizations that are eligible to use Town buildings or property may provide beer, wine, champagne, and sherry under the following conditions:
  - a. Permission is requested in writing at least two weeks before the event and the Board of Selectmen issues a license.
  - b. Beverages are served without charge.
  - c. Consumption is by the glass on the premises.
  - d. The request is supported/approved by the Town Board responsible for oversight of the property.

### **B. Property Open to the Public But Not Governed by the Board of Selectmen**

1. Non-profit and public service organizations may be granted a temporary license to sell beer, wine, champagne, and sherry under the following conditions:
  - a. Permission is requested in writing at least two weeks before the event and the Board of Selectmen issues a license.
  - b. A fee of \$10 for each 24 hour period not to exceed 72 consecutive hours is paid in advance.

*History: Commercial and Noncommercial, adopted 12/1/88 and revised 1996. Extending hours, adopted 12/3/90 and revised 1996. Other provisions, revised as noted.*

## USE OF TOWN-OWNED VEHICLES

The use of town-owned vehicles is limited to travel directly related to the proper conduct of Town business. Only public safety officials are granted the use of town vehicles for commuting purposes. Vehicles belonging to the Town shall be driven only by licensed Town employees, in a safe, courteous, and legal manner consistent with Town purposes.

**Business Use:** Town vehicles shall be used only for travel directly related to the proper conduct of Town business. Transporting of personal property or passengers related to departmental business is permitted and occasional use for professional association activities, courses, or seminars is also permissible. During a vacation or extended absence, the vehicle shall be parked at a Town facility for use by other Town employees.

**Commuting Use:** Town-owned vehicles may be used for commuting purposes by public safety officials and employees who currently have the use of town-owned vehicles. When the existing vehicles of non-public safety employees are no longer serviceable, they will not be replaced.

On or about January 1st of each year, the appropriate department head (if the user is other than the department head) and the cognizant board shall review the list of employees within their department who are authorized to use town vehicles for commuting purposes to ensure the continued appropriateness of such use. The results of the review shall be forwarded in writing to the Town Administrator no later than February 1st.

**Marking of Vehicles:** Town vehicles shall be marked in a uniform manner with the Town seal and government plates. In instances in which uniform marking is not desirable, the Town Administrator and the appropriate department must concur on deviating from the uniform marking provisions of this policy.

**Financial Reporting:** The Town shall report commuting use of any Town vehicle as required and in accordance with Internal Revenue Service regulations. In the event that use of the vehicle can be legitimately calculated by more than one method, the Town shall use the procedure that is least financially burdensome to the employee.

**Use of Personal Vehicles:** Employees may be reimbursed for use of their personal vehicle for Town business at the rate allowable by the IRS. Applicable parking fees and road tolls are also reimbursable with the submission of appropriate receipts.

*See Wayland Code §58-4.  
No record of recent approval.*

## PROCUREMENT OF RECYCLED PRODUCTS

To make more efficient use of our natural resources, create markets for the materials collected in recycling programs, reduce solid waste volume and disposal costs, and serve as a model for private and public institutions, the Town of Wayland is committed to purchasing products that address environmental concerns or are made of recycled materials whenever such products meet quality requirements and are available at reasonable prices and terms.

To the maximum extent practicable, Town departments will adhere to the following standards:

1. All purchases of printing and writing paper for in-house use or custom printed materials by professional printers, including copier paper, offset paper, forms, stationery, envelopes, tablets, notepads, and file folders, shall meet or exceed the federal minimum content standards. The current federal and state minimum content standard is 20% post-consumer recycled materials; the minimum standard may be increased to 30% beginning December 31, 1998.

Any decision not to procure recycled content printing and writing paper meeting these standards shall be based solely on a determination that a satisfactory level of competition does not exist, that items are not available within a reasonable time period, that items fail to meet reasonable performance standards, or that items are available only at an unreasonable price. Any department that has decided to make a procurement of non-conforming printing or writing paper shall inform the Town Administrator, in writing, of the reason for the decision.

2. All printing contracts shall require inclusion of an imprint of the recycling symbol and a number identifying the recycled content of the paper.

3. Department heads should incorporate waste prevention, recycling, and paper reduction techniques in daily operations. Examples include duplexing, sharing and circulating materials, use of electronic mail, and reuse of discarded paper for draft work, scrap paper, and internal messages.

4. Department heads should work to expand markets for recovered materials through greater preference and demand for recycled products and by revising purchasing specifications to encourage and promote their preference.

5. Department heads shall require contractors and consultants to use and specify recycled products in fulfilling contractual obligations.

To help monitor the Town's efforts, each department shall make two reports of purchases of recycled products to the Town Administrator: a mid-year report on January 30 and a final report for the previous fiscal year on July 30. The Town Administrator may advise department of desired adjustments to meet the Town's goals for purchasing recycled products.

*No update available.*

## **DISPOSITION OF TOWN-OWNED LAND**

Town-owned land under the jurisdiction of the Board of Selectmen may be considered for disposition or lease including, but not limited to, when it is no longer needed by the town, and/or when there is a request from an abutter or other interested resident or party to purchase the land. However nothing requires the Board to take such action.

### **PROCESS FOR DISPOSAL**

1. The Board of Selectmen's office will maintain an up-to-date inventory, including a map and pictures, of Town-owned land under the Board's jurisdiction. Disposition of such land may be initiated by the Board or by an abutter or other interested resident or party.
2. Town boards will be asked in writing to indicate their interest in, need of, or use for the parcel(s) of land being considered for disposal. The Town may choose to request in writing an opinion as to the impact of the sale from the Planning Board, Conservation Commission, Board of Health, Town Surveyor, Assessors, and/or Building Commissioner.
3. Two weeks prior legal notice will be given in accordance with Bylaw Section 6-2 and a public hearing will be held on the matter of the disposition of the Town-owned land. Legal notice will also be posted in the Wayland Town Building, in the Wayland Public Library, and on the Wayland website. The Town shall mail written notification to abutters of land under consideration for disposal, including a location map where practicable, and to others who might have an interest in such land. Abutters shall be considered as any landowner within 300 feet of the property.
4. The Board shall obtain a written appraisal when appropriate, such as when land has more than a nominal value or is being sold for more than a nominal value. Generally an appraisal will not be obtained when land is being transferred to the Wayland Housing Authority or when small unbuildable lots of a minimal value are sold.
5. Legal review of title documents (i.e., deeds, plans, tax taking documents, etc.), bids (i.e., sealed bids or proposals submitted pursuant to a formal invitation to bid or request for proposals), purchase and sale agreements, easements, and a super-majority vote of the Board of Selectmen to insert a land disposition article in the Town Meeting warrant, and a two-thirds Town Meeting vote, shall be required before any such disposition of Town-owned land is consummated.
6. The Town may choose to have the purchaser pay the costs incurred by the Town (i.e., appraisals, legal review, etc.).
7. All land will be sold as is and the buyer is responsible for compliance with all applicable laws, regulations, and statutes.
8. The Board may impose restrictions of the use of the land so disposed of.

## GUIDELINES FOR DISPOSAL

1. The land is not needed or anticipated to be needed for any Town or public purpose (e.g., conservation, housing, park or recreation, waste water treatment, road, school, etc.). The Town retains the right to keep or require easements for the public good.
2. The land is not being maintained by the Town.
3. The land may serve a useful or public purpose for one or more town residents, such as:
  - Septic or other public health or safety purpose
  - Strategic purpose such as an exchange for land that is more beneficial to the Town or allowing a Town project to go forward.
  - Financial purpose such as for maximizing sale proceeds to the Town
  - Zoning compliance purposes, such as reducing non-conformity of a property
  - Individual resident's purpose
4. Sale of the land will generally not
  - Make possible the subdivision of an enlarged parcel by combining the Town-owned land with abutting land
  - Make possible demolition of an existing residence and its replacement with a residence that is substantially larger in scale than others in the vicinity
  - Adversely impact abutters to the parcel to an unreasonable extent (E.g., The Board will balance the concerns of abutters with the benefits to the Town.)
5. The purchaser or transferee of such Town-owned land shall be current with all taxes and municipal charges, if any, owned to the Town of Wayland

*Approved February 9, 2004*