Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION FROM THE TOWN MANAGER

May 22, 2020

TO: Board of Selectmen

RE: Electronic Signatures

At the Board's meeting on May 11th, discussion took place about the implementation of electronic signatures for executing the weekly warrant. A policy was presented for consideration by the Board and discussion took place about the merits of using electronic signatures. I advised the Board that given the current limitations due to COVID-19 that discussions has taken place with Valerie Gingrich, Planning and Conservation Director, about the ability of obtaining timely signatures on decisions issued by the Conservation Commission and Planning Board. The Board was informed that I had authorized her to speak with her respective committees about the use of DocuSign as a means to facilitate the execution of decisions.

The question was raised as to whether the Town Manager has the authority to be authorizing other boards and committees to engage in this practice and the request was made to obtain a legal opinion. Attached is a legal opinion provided by Town Counsel dated May 21st and the associated attachments to that email.

Jeffrey M. Hull
Town Manager

Attachments

Jeffrey Hull

From: Mark R. Reich <MReich@k-plaw.com>
Sent: Thursday, May 21, 2020 9:57 AM
To: Jeffrey Hull
Subject: [EXTERNAL] RE: Policy re Use of Electronic Signatures
Attachments: RE: Board and Commission Signatures for Approvals; RE: Electronic Signature; RE: Recreation Program

Jeff –

As we discussed when this issue first arose, the provisions of G.L. c.110G, sec. 7 do not specifically require a policy for the adoption of electronic signatures, as the statute renders such signatures valid and acceptable. The policy for the Planning Board is necessary for the Planning Board to be able to use electronic signatures on recordable documents and have those documents acceptable by the Registry of Deeds.

I have attached two e-mails in which these issues were discussed. The second e-mail includes our e-update on the use of electronic signatures and outlines the process for boards that will execute recordable documents.

As discussed in the third e-mail above regarding the recreation department, the provisions of Section 12(a) of the Town Manager Act state that the Town Manager "shall supervise and direct the administration of all departments" with specific carve-outs for elected officials and those appointed by the Board of Selectmen. Therefore, in my opinion, since you appoint the Planning Board and have oversight of that Board pursuant to Section 12(a) of the Town Manager Act, in my opinion you may determine policy for that Board to the extent that such policy does not conflict or interfere with the Planning Board's specific authority conferred by statute and bylaw. As indicated in the e-update and my earlier e-mail, the Panning Board itself will need to adopt a policy regarding electronic signatures in order for such a policy to be effective with respect to recordable documents.

Thank you.

Mark

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From: Jeffrey Hull <jhull@wilmingtonma.gov>
Sent: Thursday, May 21, 2020 8:59 AM
To: Mark R. Reich <MReich@k-plaw.com>
Subject: RE: Policy re Use of Electronic Signatures

Mark,

As I recall we discussed this and your opinion was that under the Town Manager's act the manager has the authority to set policies for Boards that he appoints. In this case the Planning Board has already adopted a policy to use electronic signatures and I appoint the members to the Planning Board.

I would like to provide an opinion from you to the Board for Tuesday night as a member had made the request. Thanks.

Jeff

Jeffrey M. Hull
Town Manager
Town of Wilmington
121 Glen Road
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978-658-3311

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From: Jeffrey Hull
Sent: Monday, May 11, 2020 9:07 PM
To: Mark R. Reich (mreich@k-plaw.com) <mreich@k-plaw.com>
Subject: Policy re Use of Electronic Signatures

Mark,

During this evening's Selectmen's meeting discussion took place about the policy for use of electronic signatures. It was noted that the Planning Board has already adopted such a policy. The question was raised as to whether the Board of Selectmen have the authority to decide whether such policies are established by other boards and committees or whether the Town Manager has the authority to permit such policies to be adopted. A request was made for an opinion from Town Counsel.

Jeff

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Jeffrey Hull

From: Mark R. Reich <MReich@k-plaw.com>
Sent: Tuesday, April 28, 2020 3:11 PM
To: Jeffrey Hull
Subject: RE: Board and Commission Signatures for Approvals

Jeff –
As indicated below, the statute does not, in my opinion, require that a policy be in place to allow for electronic signatures by the Board of Selectmen. Electronic signatures are deemed lawful, and a document, once approved by the Board, may be executed as a ministerial manner outside of the meeting itself and by electronic means. Of course, if an specific individual is to be authorized to sign on behalf of the full Board of Selectmen, that authorization would require a vote of the Board, in my opinion.
Please contact me with any further questions.
Thank you.
Mark
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From: Mark R. Reich
Sent: Friday, April 24, 2020 6:33 PM
To: 'Jeffrey Hull'
Subject: RE: Board and Commission Signatures for Approvals
Jeff –
The provisions of G.L. c.110G, sec. 7 state as follows:

> Section 7. (a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.
> (b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.
> (c) If a law requires a record to be in writing, an electronic record satisfies the law.
> (d) If a law requires a signature, an electronic signature satisfies the law.

The statute makes clear that an electronic signature has the same legal effect as a handwritten signature. An electronic signature is defined In G.L. c. 110G, sec. 2 as "an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record." Therefore, in my opinion a document executed by the Board of Selectmen, or by an individual authorized by vote of the Board of Selectmen to execute documents on its behalf, using an electronic signature compliant with this definition, has the same force and effect as a document executed by handwritten signature.
While exceptions doo exist to the effectiveness of electronic signatures, such as in the execution of certain types of land use permit applications for which "in person" or mail delivery are the only forms of filing allowed by statute and the document may not be filed electronically, such circumstances would not generally involve the Board of Selectmen.
In my opinion, the adoption of a signature policy by the Board of Selectmen would certainly be useful in confirming the validity of this method of document execution, although the statute itself does not require adoption of a policy.
Please contact me with any further questions.
Thank you.
Mark
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From: Jeffrey Hull <jhull@wilmingtonma.gov>
Sent: Friday, April 24, 2020 5:28 PM
To: Mark R. Reich <MReich@k-plaw.com>
Subject: RE: Board and Commission Signatures for Approvals

Mark,

The Board of Selectmen would like to begin using DocuSign for purposes of their signing the weekly payroll and vendor warrants. Would the Board of Selectmen also need to take a vote establishing that going forward their practice will be to sign the weekly payroll and vendor warrants either electronically or in ink? I have taken a quick look at MGL chapter 110G and do not see any language to suggest that the Board cannot adopt this practice.

Jeff

Jeffrey M. Hull
Town Manager
Town of Wilmington
121 Glen Road
Wilmington, MA 01887
978-658-3311

From: Alex Weisheit [mailto:AWeisheit@k-plaw.com]
Sent: Friday, April 24, 2020 9:06 AM
To: Valerie Gingrich <vgingrich@wilmingtonma.gov>
Cc: Jeffrey Hull <jhull@wilmingtonma.gov>; Mark R. Reich <MReich@k-plaw.com>; Jonathan Silverstein <JSilverstein@k-plaw.com>
Subject: [EXTERNAL] Board and Commission Signatures for Approvals

CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

Hi Valerie:

In response to your inquiry below, in my opinion, the best option at this point is for the Planning Board and Conservation Commission to vote to authorize the use of electronic signatures. The specific language for the Board's and Commission's votes would be as follows:

> "The Board/Commission accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect."

I have prepared documents that may be executed and recorded following the Board's and Commission's votes (see attached). The specific procedures are as follows:

A Certificate of Vote (sample attached) containing the language of the motion and attesting the vote is signed and then certified by the Town Clerk prior to being recorded at the applicable Registry of Deeds. Once the Certificate of Vote is recorded, electronic signatures may be affixed to permitting or compliance documents such as decision and/or Orders of Conditions that have been approved by a board vote. Any document to be recorded with electronic signatures should also include a statement that the signatures are made in accordance with M.G.L. c.110G. We recommend language such as the following:

> "Pursuant to the vote taken by _____ Board/Commission on _____, 2020, the following signatures are made in accordance with M.G.L. c.110G and pursuant to said Board's/Commission's electronic signature authorization vote recorded on [DATE] with the _____ Registry of Deeds / _____ Registry District of the Land Court in BOOK and PAGE or as Document # _____."

With regard to plans, Planning Boards are often required to endorse plans. Since this may be difficult to do electronically (as a mylar plan is required for recording, it is possible that a third party will need to actually affix the members' electronic

signatures), we want to note that G.L. c. 41, § 81P and § 81X both allow a Planning Board to authorize an individual to endorse plans on behalf of the Board for recording in the Registry of Deeds. During the current COVID-19 emergency, while the Board is meeting remotely, the Board may wish to use this mechanism to simplify the logistics of signing plans. While not modifying the Board's substantive review of the plans, the mechanism will allow the Board to carry out its statutory duties and enable plans to be filed without undue complication. The Board can accomplish this by vote at a noticed meeting, followed by letter of notice to the Registry. The procedure here is similar to the above, the Board must vote to take action under both statutes at a properly noticed meeting. The vote will then designate a singular signatory to sign plans on behalf of the Board. The signatory does not need to be a member of the Board, however, since the statute specifies, "name of the person so authorized," it should be an individual rather than a title (e.g., not "Chairman").
Both statutes require the signatures of a majority of the Board on the notice sent to the Registry. In ordinary times, this would be accomplished at an in-person meeting. At this time, it is suggested that each member (of a majority of the Board) print out and sign a signature page, and send it to the Planning Department to be assembled with the notice and sent to the Registry.
When the current state of emergency terminates, if the Board seeks to revert to the prior practice of plan endorsement, the Board should vote to withdraw its authorization for the individual to endorse plans on behalf of the Board. A second letter should be prepared and submitted to the Registry reflecting this vote and as notification of a reversion to the prior endorsement practice.
Please let me know if you have any other questions or if there is any other way I can help. Thanks.
-Alex
From: Valerie Gingrich <vgingrich@wilmingtonma.gov>
Sent: Wednesday, April 22, 2020 2:49 PM
To: Mark R. Reich <MReich@k-plaw.com>; Jonathan Silverstein <JSilverstein@k-plaw.com>
Cc: Jeffrey Hull <jhull@wilmingtonma.gov>
Subject: Board and Commission Signatures for Approvals
Mark and Jonathan,
We have a Planning Board and a Conservation Commission meeting the first week of May and as I prepare for those meetings, we anticipate the Board and Commission taking action on some of the agenda items. Those approvals require Board/Commission signatures. I would like to get advice about how to best handle this. I've heard mixed things about electronic signatures, but maybe that is our best option? If the Board or Commission votes to designate the Chair to sign, do we need a copy of actual signatures on that vote to file at the registry? I'm hoping to get some advice on the best way to proceed. Have any of your COVID-19 updates included advice on this?
Thanks,
Valerie
Valerie Gingrich
Director of Planning & Conservation
Town of Wilmington
121 Glen Road | Wilmington MA 01887
978-658-8238
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Jeffrey Hull

From: Mark R. Reich <MReich@k-plaw.com>
Sent: Wednesday, May 6, 2020 4:15 PM
To: Jeffrey Hull
Subject: RE: Electronic Signature
Attachments: eUpdate - Electronic Signatures and Virtual Notarization.pdf

Jeff –

I do think this is a useful policy sign-off. Please note, however, that some additional procedures may be necessary when the documents in question are to be recorded or address plans or other real estate documents. The attached bulletin outlines procedures specific to those circumstances.

You may want to include the following language to address the above concern:

> Note that electronic signatures may not be acceptable for documents to be recorded with the Registry of Deeds, real estate documents and plans, as well as certain other legal documents for which an original signature is required. Please be sure to confirm whether an original signature is required or whether appropriate measures have been taken to approve electronic signatures before executing such documents.

Please contact me with any further questions.

Thank you.

Mark

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From: Jeffrey Hull
Sent: Wednesday, May 6, 2020 12:22 PM
To: Mark R. Reich
Subject: FW: Electronic Signature

Mark,

Attached please see a proposed policy for electronic signatures by the Board of Selectmen. Additionally you will see Framingham's policy which is the basis for the town's policy. This issue will be discussed at the Selectmen's meeting on Monday night. Do you believe the policy as proposed covers the key points? Are there any other issues that you would recommend be addressed in an electronic signature policy?

Jeff

Jeffrey M. Hull
Town Manager
Town of Wilmington
121 Glen Road
Wilmington, MA 01887
978-658-3311

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From: John O'Neil
Sent: Friday, May 1, 2020 10:33 AM
To: Jeffrey Hull <jhull@wilmingtonma.gov>
Subject: RE: Electronic Signature

Hi Jeff,

I've attached my recommended edit. We really need these board and committee members to solely use town email to be notified there's an electronic document waiting to be signed.

Thank you,

John O'Neil
Director of Information Technology
Town of Wilmington
joneil@wilmingtonma.gov
itsupport@wilmingtonma.gov

From: Jeffrey Hull <jhull@wilmingtonma.gov>
Sent: Wednesday, April 29, 2020 3:21 PM
To: John O'Neil <joneil@wilmingtonma.gov>
Subject: FW: Masks & Electronic Signature

John,

I have not reviewed this policy yet but I will likely save some time.

Jeff

Jeffrey M. Hull
Town Manager
Town of Wilmington
121 Glen Road
Wilmington, MA 01887
978-658-3311

From: Selectman Jonathan Eaton
Sent: Wednesday, April 29, 2020 3:03 PM
To: Jeffrey Hull <jhull@wilmingtonma.gov>
Subject: Re: Masks & Electronic Signature

Dear Jeff:

The attached is the Framingham School Department's policy on electronic signatures, the language of which might be utilized if we were to create a town policy.

Very truly yours,

Jonathan

Jonathan Eaton
Board of Selectman
Town of Wilmington
121 Glen Road | Wilmington, MA 01887
C: 978 761-2835 | jeaton@wilmingtonma.gov

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KP LAW eUpdate

Use of Electronic Signatures and "Virtual" Notarization

April 28, 2020

One of the challenges inherent in maintaining governmental operations during the current State of Emergency is the difficulty in conducting transactions that require so-called "wet" ink signatures. The ability to use or accept "e-signatures" can vary, depending upon the document at issue. To compensate for the practical obstacles posed by the current partial or total closures of government offices and the conduct of governmental business via remote means, various administrative and legislative measures have been adopted that permit the use of electronic signatures, at least temporarily, and in certain circumstances. This eUpdate summarizes circumstances where electronic signatures can be used in connection with common government activities.

The information contained herein is current as of the date of issuance. Where the state and federal governments are regularly enacting new or updated laws, regulations, and guidances in response to the COVID-19 crisis, we recommend that you consult with counsel regularly to ensure that you have the most up-to-date information.

A. General Use of Electronic Signatures:

As a starting point, under the Uniform Electronic Transaction Act, G.L. c.110G, an electronic signature is legally binding to the same extent as a handwritten signature. See G.L. c.110G, §7. An electronic signature is defined as an "electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record." G.L. c.110G, §2.

While G.L. c.110G provides some authority for acceptance of electronic signatures, there are exceptions applicable to certain municipal transactions. Indeed, there are a number of state statutes that would not otherwise permit the use of electronic signatures. During the declared State of Emergency, however, the following legislative and administrative actions permit the use of electronic signatures in many (but not all) instances:

- The permit deadline extension provisions of Chapter 53 of the Acts of 2020 allow municipalities to accept "permit" applications electronically, subject to certain requirements (as explained in our eUpdates entitled "Municipal Relief Legislation Passed by State Legislature " and "Land Use Permitting Deadline Extensions"). This legislative authorization for the submission of permit applications electronically, coupled with G.L. c.110G with respect to electronic signatures, provide the mechanism to address those situations where a state statute does not otherwise allow for electronic filing of permit applications, and allowing for acceptance of same with an electronic signature, at least temporarily.

- The Massachusetts Supreme Judicial Court (SJC) has generally authorized the use of electronic signatures on various court filings, including affidavits.

- The Massachusetts Registers and Assistant Registers of Deeds Association has adopted an Amendment to the Massachusetts Deed Indexing Standards 2018 (Amendment), effective April 17, 2020, that allows municipal boards to utilize electronic signatures on documents that are filed with Registries of Deeds, provided that the municipal board has followed a specific procedure. As of this date, all Registries of Deeds have accepted this Amendment. Note, though, that the Land Court has ***not*** yet authorized the use of electronic signatures for registered land unless a statute, rule, order or court guidance authorizes electronic signatures for specific types of documents Absent such statute, rule, order or court guidance, electronic signatures are permitted for documents pertaining to recorded land only. A copy of the Amendment is attached, and the process for implementing this Amendment is discussed in Section B, below.

- The Legislature recently passed "An Act Relative to Remote Notarization During COVID-19 State of Emergency", which allows attorneys and attorney-supervised paralegals who are certified notary publics in the Commonwealth to notarize documents using electronic real-time video conferencing, subject to certain requirements. This new law is discussed in Section E, below.

The use of electronic signatures by municipal boards in particular situations is discussed in more detail, below. Should you have questions about the use of electronic signatures in circumstances not covered in this eUpdate, please contact your primary, land use, or other counsel at KP | Law for further guidance.

B. Electronic Signatures by Municipal Boards on Recordable Documents (other than Plans):

In an attempt to relieve municipal boards from signing documents in-person, an Amendment to the Massachusetts Deed Indexing Standards of 2018 was adopted to allow electronic signatures on recordable documents (though not for documents pertaining to registered land). That Amendment, dated April 17, 2020, and titled *No. 13-7. "Electronic Signatures by Municipal Boards" (Amendment)*, requires that prior to any municipal board executing documents by electronic signature in accordance with G.L. c.110G, a vote must be made at a properly called meeting, stating that the board recognizes and accepts the provisions of G.L. c.110G, and that executed documents by members with electronic signatures or with wet ink signatures will carry the same legal weight and effect.

1. The Council/Board/Commission votes to authorize electronic signatures and a Certificate of Vote is prepared, memorializing the vote.

The first step in this process is that the Council/Board/Commission votes to recognize and accept the provisions of G.L.c.110G, and authorize electronic signatures. The matter should be placed on an agenda for a duly noticed meeting in compliance with the Open Meeting Law.

- The **agenda item** can take the following form:

"Discussion and possible adoption of M.G.L. c.110G, regarding the use of electronic signatures by Council/ Board/Commission members pursuant to Amendment 13-7 to the Massachusetts Deed Indexing Standards 2018, effective April 17, 2020."

- The **motion** at the meeting can take the following form:

"Moved that the _____ City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect."

Assuming that this matter considered at a "virtual" meeting of the council, board, or commission, the vote must be by roll call, and recorded in the meeting minutes as a roll call vote. If adopted, a Certificate of this Vote is then prepared.

2. The Certificate of Vote is signed, notarized and certified by the City/Town Clerk.

This Certificate of Vote, containing the language of the motion and attesting the vote, is signed and then certified by the City or Town Clerk prior to being recorded at the applicable Registry of Deeds. We have attached a sample Certificate of Vote for your use. Once the Certificate of Vote is recorded, electronic signatures may be affixed to permitting or compliance documents such as decisions and/or Orders of Conditions that have been approved by a council, board or commission vote.

3. The Certificate of Vote is recorded at the Registry of Deeds.

4. For each Decision/Approval/Order of Conditions issued, we recommend adding a specific statement regarding the Council/Board/Commission vote to authorize electronic signatures, on the signature page of the Decision/Approval/Order.

For instance, the following language can be used:

> Pursuant to the vote taken by [specify name of council, board or commission] on _____, 2020, the following signatures are made in accordance with M.G.L. c.110G and pursuant to said Council's/Board's/Commission's electronic signature authorization vote recorded on [DATE] with the _____ Registry of Deeds.

C. Use of Electronic Signatures by Conservation Commissions:

The Wetlands Protection Act requires that Orders of Conditions (OOC) be signed by a majority of Commission members. G.L. c.131, §40.[1] Previously, some Registries had rejected OOCs containing electronic signatures; however, we anticipate that with the adoption by all Registries of the Amendment discussed above, that electronic signatures will no longer be an issue (except for registered land documents, which still require a "wet" ink signature). Thus, Conservation Commissions may wish to consider following the process identified above should they want to execute documents electronically. Note that because state law requires that Orders of Conditions contain the signatures of a majority of Conservation Commission members, in our opinion the Commission could *not* vote to delegate signatory authority for OOCs issued pursuant to the Wetland Protection Act to a single Commission member or a Conservation Agent or Administrator.

D. Use of Electronic Signatures *on Plans* Endorsed or Approved by Planning Boards:

Most land use boards, *aside from Planning Boards*, do not have a legal requirement that they endorse actual plans of land. Planning Boards, however, may be required to endorse "Approval Not Required" (ANR) or subdivision plans prepared by an applicant's engineer or land surveyor. Generally, Registries of Deeds require actual mylar plans for recording, and while the process described in Section B, above, could be used to permit the use of electronic signatures on ANR or subdivision plans, there can be a reluctance to provide Planning Board members' electronic signatures to a third party to actually affix the members' electronic signatures to the mylar plans prior to recording. Also, plans for registered land may not be signed electronically.

As an alternative to using Planning Board members' electronic signatures on such plans, the provisions of G.L. c.41, §§81P (ANR plans) & 81X (subdivision plans) allow a Planning Board to vote to authorize a single individual to endorse plans on behalf of the Board for recording in the Registry of Deeds. During the current COVID-19 emergency, while the Board is meeting remotely, it may wish to use this mechanism to simplify the logistics of signing plans. While not modifying the Board's substantive review of the plans, the mechanism will allow the Board to carry out its statutory duties and enable plans to be filed without undue complication.

The Board can accomplish this by vote at a properly noticed meeting, followed by letter of notice to the Registry. The procedure here is similar to the process described in Section B, above, and the Board must vote to take action *under both statutes*. The vote will then designate a single signatory to sign plans on behalf of the Board. The signatory does not need to be a member of the Board; however, since the statute specifies, "name of the person so authorized," the vote should designate a named individual than that individual's title (e.g., "Bob Smith", not "Chairman"). This means, however, that when the person so authorized is no longer employed by the City or Town or a member of the Board, a new designation must be voted and notice of same provided to the Registry.

Both G.L. c.41, §§81P & 81X require the signatures of a majority of the Board on the notice sent to the Registry. In ordinary times, this would be accomplished at an in-person meeting, or by having members come

[1] "Such order or notification shall be signed by the mayor or a majority of the conservation commission or board of selectmen, as the case may be, and a copy thereof shall be sent forthwith to the applicant and to the department."

to Town Hall independently to sign the notice. Current circumstances may warrant a different approach. Instead, each member (of a majority of the Board) could print out and sign a signature page, and send it to the Planning Department or staff to be assembled with the notice and sent to the Registry.

When the current State of Emergency terminates, if the Board seeks to revert to the prior practice of in-person plan endorsement, the Board should vote to withdraw its authorization for the individual to endorse plans on behalf of the Board. A second letter should be prepared and submitted to the Registry reflecting this vote and as notification of a reversion to the prior endorsement authorization.

E. "Virtual" Notarization:

Some municipal real estate transactions, contracts, and affidavits are required to be notarized. Typically, this requires in-person attendance of both the notary and the person(s) whose signature(s) are to be notarized. Under "An Act Relative to Remote Notarization During COVID-19 State of Emergency", attorneys and attorney-supervised paralegals who are certified notary publics in the Commonwealth are allowed to notarize documents using electronic real-time video so long as specific requirements are met. Those requirements are attached. This temporary authorization of "virtual" notarization automatically expires three days after the Governor rescinds the current State of Emergency. The automatic repeal of the Act, however, will not invalidate any documents executed in accordance with the Act.

We will continue to keep you updated on additional developments in the face of this rapidly evolving pandemic. A reminder that we have established a **Coronavirus "hotline",** at coronavirusinfo@k-plaw.com. A dedicated team of our attorneys is available through this "hotline" e-mail address to answer the most frequently asked legal questions arising from COVID-19. One of these designated attorneys will respond promptly to your inquiries. In some instances, you may be referred to your primary, land use or real estate contact, and you should of course feel free to contact these attorney(s) directly with COVID-19 related questions.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

Massachusetts Deed Indexing Standards 2018
April 2020 Amendment

The Massachusetts Registers and Assistant Registers of Deeds Association has adopted the following Amendment to the Massachusetts Deed Indexing Standards 2018. This amendment is effective April 17, 2020 and, as of the date of this eUpdate, applies to recorded land only.

13-7. Electronic Signatures by Municipal Boards – The following procedure is recommended for municipal councils, boards and commissions that wish to execute and record with the Registry of Deeds documents in accordance with Massachusetts General Laws Chapter 110G (Uniform Electronic Transaction Act).

1. At a properly called meeting, the municipal council, board or commission (hereinafter "board") should formally vote that the board recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect.

2. The board then records at the Registry of Deeds a Certificate of Vote that provides the language of the motion that was made regarding electronic signatures and attests to the vote taken, and obtains the City/Town Clerk's certification.

3. Board members may thereafter cause their electronic signature to be affixed to permitting or compliance documents that have been approved by a board vote. Such electronically signed documents should also include a statement that the signatures are made in accordance with M.G.L. c.110G and pursuant to the board's electronic signature authorization vote recorded on [DATE] in [BOOK and PAGE NUMBERS] at the [NAME OF REGISTRY] Registry of Deeds.

4. Any document so executed shall be accepted for recording at the Registry of Deeds electronically or as a paper print of the electronically-executed document.

CERTIFICATE OF VOTE AUTHORIZING SIGNATURES PURSUANT TO M.G.L. c.110G

On _____, 2020, the _____ City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission met in open session through publicly accessible video-conference software, pursuant to the "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20," issued by Governor Charles D. Baker on March 12, 2020. At this duly held meeting, the following action was taken:

Motion: _____ City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Motion was seconded.

Roll Call vote:

Member Name — Aye; Member Name — Aye; Member Name — Aye; Member Name — Aye; Member Name — Aye; Member Name — Aye; Member Name — Aye

Vote was Unanimous

The above is a true and accurate account of the proceedings of the _____City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission.

Name/Title: _____ Date: _____, 2020

Commonwealth of Massachusetts

County of _____ , ss.

On this ___ of _____, 2020, before me, personally appeared _____, [Chair/Vice-Chair/Member] of said City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the _____ [city/town] of _____.

_____
Notary Public
My Commission Expires:

Certified by Town/City Clerk:

_____ Date: _____, 2020
[name]

OUTLINE OF PROCESS FOR "VIRTUAL" NOTARIZATION

The Massachusetts Legislature has enacted temporary legislation to allow certified notary publics in the Commonwealth to notarize documents using electronic real-time video conferencing. The following steps are required for "virtual" notarization, which occurs via video conference. Any document executed in accordance with this process will be valid for filing or recording with any state, local, or federal agency, court, department, or office. The signature of all witnesses who participate in the required video conference(s) will be valid as if executed in person.

1) **Video Conference(s)**: the notary must observe the principal (the witness) execute the document in an initial video conference.

   If and only if the document is executed in the course of closing a transaction such as a mortgage or other conveyance of title to real estate, a second video conference is required. In the second video conference, each witness must verify to the notary public that the document subsequently delivered to the notary public (detailed below) is the same document which was executed during the initial video conference.

2) **Oath**: the notary and the witness both swear under the penalties of perjury that they are physically present in Massachusetts during the video conference(s). Each witness must identify and disclose any other person present in the room and make that person viewable to the notary public.

3) **Satisfactory Proof of Identification**: each witness must provide the notary with satisfactory evidence of identity by displaying it during the video calls and by submitting a copy of the front and back of the identification (with the electronic document or separately) by e-mail. The Notary must retain the copy of the individual's identification for a period of ten (10) years.

   "Satisfactory evidence of identity" includes: 1) a current document issued by a federal or state government agency bearing the photographic image of the individual's face and signature; 2) the oath or affirmation of a credible witness unaffected by the document or transaction who is personally known to the notary public and who personally knows the individual; or 3) identification of an individual based on the notary public's personal knowledge of the identity of the principal. A person who is not a U.S. citizen must, however, produce a valid passport or other government-issued document with photograph and signature. G.L. c.222, §1.

   For documents executed in the course of a closing of a transaction involving a mortgage or other conveyance of title to real estate where the witness is not personally known to the notary public, the witness must display a second form of identification containing the witness': 1) name; and 2) photograph or signature, or otherwise be issued by a government entity, during the initial video conference. This second identification may be: a utility bill or municipal tax bill dated within sixty (60) days of the video conference, a credit or debit card, or social security card.

4) **Affirmation**: each witness must make an acknowledgment or affirmation to the notary public, as appropriate.

5) **Delivery of Documents**: a witness must promptly deliver the executed document to the notary by delivery service, courier, "or other means," in accordance with the notary's instruction. The Legislation does not specify whether the document may be transmitted electronically.

6) **Stamp and Seal**: after the above process has been completed, the notary public may stamp and sign the executed document, completing the notarial act. With respect to any will, guardianship nomination, health care proxy, power of attorney, trust, caregiver authorization, or authorization under the Health Insurance Portability and Accountability Act (HIPAA), the document is completed when the original counterparts and the notary public's affidavit (detailed below) are compiled. Such acts may only be performed by an attorney or an attorney-supervised paralegal. Electronic signatures are not permitted for notary public acknowledgements.

7) **Affidavit**: the notary public must attach a certificate to the executed document, which will include an affidavit and recital indicating that the document was notarized remotely in accordance with this Act, provided, however, that a failure to include any of the required recitals will not affect the validity or recordability of the document. The affidavit must be retained by the notary public for a period of ten (10) years.

The affidavit must confirm under the pains and penalties of perjury that:

- Identification was received and visually inspected during the initial video conference;
- The notary public obtained verbal assent to record the video conference(s);
- The witness(es) attested to being physically present in the Commonwealth;
- Note anyone who was in the room with the witness(es) and his/her/their relationship to the witness(es);
- The affidavit does not have to be recorded with the executed document, but must be retained by the notary for 10 years. The signature of the witness(es) who participates in said video conference will be valid as if executed in person.

This affidavit does not need to be filed with any document recorded in a Registry of deeds or filed with the land court. Additionally, with respect to Land Court and Registry recordings, a witness's failure to disclose physical presence in the Commonwealth or the identity of others in the room shall not constitute grounds to set aside title to real property acquired by a third-party mortgagee or purchaser for value.

Jeffrey Hull

From: Mark R. Reich <MReich@k-plaw.com>
Sent: Friday, May 8, 2020 11:49 AM
To: Jeffrey Hull
Subject: RE: Recreation Program

Jeff -

The provisions of Section 12(a) of the Town Manager Act state that the Town Manager "shall supervise and direct the administration of all departments" with specific carve-outs for elected officials and those appointed by the Board of Selectmen. In my opinion, the activities of the Recreation Department fall within the administrative purview of the Town Manager. Therefore, in my opinion, you as Town Manager have oversight over the Recreation Department and may direct the continuation of activities of that department, including whether the beach program should continue in light of the current pandemic.

Please contact me with any further questions.

Thank you.

Mark

Mark R. Reich, Esq.
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-----Original Message-----
From: Jeffrey Hull <jhull@wilmingtonma.gov>
Sent: Thursday, May 7, 2020 8:17 PM
To: Mark R. Reich <MReich@k-plaw.com>
Subject: Recreation Program

Mark,

I am seeking your opinion as to the Town Manager's Act gives me the authority to determine whether the Recreation Department's beach program will take place. From early June to the first week in August the town's beach at Silver Lake is open for lifeguard monitored swimming.

Given the COVID situation do not believe the beach should be open for swimming this summer and plan to discuss this with Selectmen Monday night.

Jeff

Jeffrey M. Hull
Town Manager
Town of Wilmington
121 Glen Road
Wilmington, MA 01887
Phone (978) 658-3311
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Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION FROM THE TOWN MANAGER

May 22, 2020

TO: Board of Selectmen

RE: Phased Reopening of Town Recreation Areas

On Monday, May 18th, Governor Charlie Baker announced his plans for a four (4) phased approach for returning the Commonwealth to a new "normal" as the number of COVID-19 cases declines and other indicators reflect a positive trend. Phase 1 includes directives for the reopening of some businesses and an easing of restrictions from the "Stay-at-Home Advisory" issued in late March. Included in Phase 1 is the ability to permit residents to return to recreational areas under certain conditions. The attached memorandum from the Executive Office of Energy and Environment Affairs (EOEA) provides direction on the steps communities can take to reopen public spaces and the basis for much of the planned limited reopening that will take place on May 25, 2020.

Type of Recreation Space	Conditions
Athletic Fields*	**Open:** No contact sports; no pick-up games, organized games or tournaments and no use of shared equipment; no permits to be issued
Basketball Courts*	**Closed:** Through Phase 1
Baseball/Softball Fields	**Open:** Toss & catch activities; no pick-up games, organized games or tournaments; bleachers & dug-outs closed, only players from same family; no permits to be issued
Dog Park	**Open:** Visitors to maintain control over dogs via leash or voice command; practice social distancing of at least six (6) feet; no shared amenities i.e. toys, water dishes
Playgrounds	**Closed:** Through Phase 1
Tennis/Pickleball Courts	**Open:** Social distancing of at least six (6) feet; no sharing of equipment; no pick-up games, organized games or tournaments
Town Forest, Rotary Park, Town Common	**Open:** Passive recreation; Social distancing of at least six (6) feet; masks required if cannot exercise social distancing
Skateboard Park	**Closed:** Through Phase 1

* Yentile Farm Recreation Facility shall remain closed through Phase 1

The establishment of this reopening plan has two underlying principles. First, to the fullest extent possible make recreational space accessible to the greatest extent permissible via the guidelines established by EOEA. Areas that are permitted to be reopened with restrictions are reopened while those recreational areas not yet permitted to be reopened will remain closed. Second, recognize the public's desire to return to using these spaces and expect they will exercise responsibility and supervisor their children to follow the "best practices" that have been established by the federal and state government to limit the spread of COVID-19. It is my sincere hope and expectation that the requirements including social distancing, use of masks when distancing is not possible and gatherings of no more than 10 people will be followed. In the event that these measures are not followed on a consistent basis, recreation areas will be closed. As has been noted by Governor Baker many times, we are collectively in this together and will be dealing with COVID-19 for an extended period of time. The ability to gradually return to a greater level of normalcy depends upon the actions of each of us.

Yentile Farm Recreation Facility is a destination facility. This space is clearly the Town's premier recreation area which is recognized by residents and non-residents alike. Opening this park now will, in all likelihood, lead to a significant policing challenge. While the multipurpose nature of the space is a virtue, opening the park now will lead to children utilizing the playground area, large numbers of people engaged in pick-up basketball games and pick-up games on the turf field. With the expected level of usage will be an expectation that the restroom facilities be opened to the public. Given the fact that restrooms are a potential repository for COVID-19, there is an increased level of cleaning vigilance required. The Public Buildings Department does not have the ability to dedicate staff to daily cleaning of restrooms at this location. For these reasons Yentile Farm Recreation Facility will remain closed through Phase 1.

It is understood that recreation spaces including athletic fields, basketball courts and tennis courts on school property are controlled by the Superintendent of Schools. After consulting with Dr. Glenn Brand, he has confirmed his agreement with the plan that has been established. The goal remains to reach the point at which the metrics used to measure progress in reducing the number of COVID-19 cases will permit a return to the full and unfettered use of these recreation spaces for their intended purposes. Patience, persistence and resolve will enable us to achieve that goal.

Jeffrey M. Hull
Town Manager

cc: Kerry Colburn-Dion, Assistant Town Manager/Human Resources Director
Shelly Newhouse, Health Director
Karen Campbell, Recreation Director
Joseph Desmond, Police Chief
William Cavanaugh, Fire Chief
Dr. Glenn Brand, School Superintendent

The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Kathleen A. Theoharides
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1081
http://www.mass.gov/eea

Memorandum

From: Executive Office of Energy and Environmental Affairs

Date: May 18, 2020

Subject: Specific Safety and Reopening Standards for Parks, Open Space, and Outdoor Education Programs

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The following guidelines apply to Parks, Open Space, and Outdoor Education Programs during Phase 1 of the Commonwealth's Reopening.

All visitors to parks and open space, and managers associated with properties or activities herein, should abide by the specific guidelines outlined. Property-specific guidelines should be posted at entrance points to areas and on relevant social media/websites. Guidelines provided herein should apply to all parks, reservations and open spaces unless otherwise specified.

This guidance should apply until amended or rescinded. Any questions regarding this guidance can be sent to outdoor.recreation@mass.gov

DPH Orders and Guidelines

Face Coverings and Masks: All visitors to parks and open space, as well as those participating in outdoor education programs should comply with *COVID-19 Order 31: Order Requiring Face Coverings in Public Places Where Social Distancing is Not Possible*. The order requires any person over the age of 2, whether indoors or outdoors, to wear a face covering or mask when they cannot maintain 6 feet of distance between themselves and others, unless they have a medical condition preventing them from doing so (see further guidance here: https://www.mass.gov/info-details/covid-19-state-of-emergency).
Group Size: No groups larger than 10 are allowed to gather: https://www.mass.gov/doc/march-31-2020-assemblage-guidance/download

Parks and Open Space

Walking, hiking, biking, running, and other activities (yoga, tai chi, etc.,) are allowable activities in parks and other designated areas such as rail trails, multi-use paths, and bike paths.

Parks and Open Space Guidelines:

- Visitors should always practice social distancing by remaining 6 feet away from others and adhering to all site-specific rules, regulations, and posted signage regarding permitted uses.
- On trails, walker and hikers should move aside and leave room for others to pass, and cyclists and runners should alert other users when approaching and wait for others to step aside before passing.
- After visiting public spaces, users should use wash their hands or use hand sanitizer.

Athletic Fields and Non-Contact Courts (Non-Organized/Permitted Use)

Athletic fields and athletic courts can be utilized only for non-contact sports, with no shared equipment, such as tennis and pickleball. No permits should be issued for group gatherings and users should not engage in pick-up games, organized games or tournaments.

Athletic Fields Guidelines:

- Users should sanitize hands before and after play, not share equipment, and clean and wipe down equipment.
- When engaged in play, users should avoid touching other users' equipment in separate areas.
- Users waiting to utilize a section or area of the field should wait outside the field of play until previous users have vacated the facility to ensure proper social distancing and prevent accidental contact of other users' equipment.
- Users should not engage in pick-up games, organized games, or tournaments.

Athletic Courts (Non-Contact) Guidelines:

- Users should sanitize hands before and after play, not share equipment and clean and wipe down equipment, including racquets, balls, and water bottles.
- Users waiting to utilize a court should wait outside the court's gates/fence until previous users have vacated the facility to ensure proper social distancing and prevent accidental contact of other users' equipment.
- Users should not engage in pick-up games, organized games, or tournaments

Picnic Areas and Grills

Picnic and grill areas should be closed if social distancing cannot be maintained and sanitizing protocols cannot be performed between use.

Trash Disposal and Public Restrooms

Where available, trash disposal and restrooms facilities should be available for public use. Trash disposal and restrooms at parks, reservations and open space managed by municipalities or other organizations for public use is available to the discretion of the city or town it is in and/or the managing organization.

Trash Disposal General Guidelines:

- Visitors of public parks, reservations, and open spaces should expect limited or no trash disposal receptacles.
- When visiting public properties without trash receptacles, visitors should adhere to a strict "carry in, carry out" policy and take waste with them.
- Where trash receptacles are available for normal use, park managers should, where feasible, provide no touch, lidless trashcans.

Public Restrooms General Guidelines:

- Users should abide by social distancing standards for bathroom lines and follow any established visual guidelines for maintaining a 6 ft distance in all restroom facilities.
- In advance of the initial opening of public restrooms, the managing entity should adhere to the Centers for Disease Control and Prevention (CDC) guidelines pertaining to the cleaning and disinfection standards of operating procedures for interior spaces and that social distancing can be maintained.
- The managing entity should have the facilities cleaned at least once daily by staff and perform deep cleaning and disinfection services at least once per week and should follow the EEA COVID-19 Outdoor Recreation Facility Restroom Cleaning Best Practices.
- Composting (clivus or similar) toilets should be permanently closed and should be replaced with temporary (seasonal) portable restrooms with daily cleanings.
- Restroom facilities should contain hand washing and/or sanitizer stations, and the public should use these stations following the use of the facilities.

Non-Commercial Dog Walking and Dog Parks

Non-commercial dog-walking and dog parks are allowable activities to the extent allowed by the managing entity.

Non-Commercial Dog Walking Guidelines:

- All dog walkers and their dogs should practice social distancing, and users should provide appropriate space for others and/or their dogs to pass when necessary.
- Social distancing for dogs means that dogs not part of the same household should be kept at least six feet apart and avoid interacting with other dogs and other people from separate households.
- Dog walkers should not share toys, treats, or other materials with dogs that are not within the same household.
- Dog walkers should supply their own bags associated with dog waste in the event there are none available on site and remove dog and other waste and dispose of it either in a designated receptacle onsite or at another appropriate location.
- Dog walkers should supply their own water and other needs for their pets in the event there are none available onsite.

Dog Park Guidelines:

- All users of dog parks and their dogs should practice social distancing of at least six or more feet.
- All visitors of dog parks should maintain enough control over their pets via leash or voice control to comply with social distancing guidelines and site-specific rules and regulations.
- Dog park amenities, including shared water dishes, toys, and other materials, should not be used by dogs or handled by visitors.
- Visitors of dog parks should supply their own bags associated with dog waste in the event there are none available onsite and take dog waste with them if designated trash receptacles are not available for normal use.
- Property managers, where feasible, if trash is available, should provide no touch, lidless trashcans.

Community Gardens

Community gardens, and associated activities, are permissible to the extent allowed by the managing entity.

Community Garden Guidelines:

- Users of community gardens should follow social distancing guidelines and should avoid utilizing communal tools, hoses, and other equipment, and avoid the sharing of personal equipment whenever possible. Additionally, users are responsible for sanitizing items before and after each use.
- Community garden users should only visit and utilize plots with members of the same household if social distancing cannot be maintained.
- If crowding becomes an issue, community garden committees and property managers should create a schedule to avoid crowding of individual plot users and maintenance of social distancing protocols.

Outdoor Education Programs

Organized educational programs, activities and outdoor public art installations may occur in outdoor spaces during Phase 1 only if the program does not require individual participants to share equipment or make physical contact in order to engage in the activity, subject to the following guidelines.

Outdoor Education Program Guidelines:

- To allow for adequate social distancing for the activity, as well as ingress and egress, the layout of the class should be managed to accommodate a minimum of 12 ft distance between each individual activity station.
- Facial coverings are required, and instructor and participants must always comply with all social distancing requirements and remain 6 ft apart. Programs must be conducted without shared equipment, tools or materials

- Activities must be limited to gatherings of no more than 10, including instructor or leader.
- Organizers must use a pre-registration process to ensure group size.
- Instructors must be familiar with all protocols and procedures to maintain a safe activity, e.g. monitoring physical distancing, not allowing participants without facial coverings, disinfecting tables before and after use in accordance with CDC guidelines.
- Temporary signage will be posted to inform the public of public health guidelines and standards of behavior during program
- If using outdoor displays or tables, add protective barriers, when possible and/or disinfect before and after use.

Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION FROM THE TOWN MANAGER

May 22, 2020

TO: Board of Selectmen

RE: Lifeguards

The decision to close the beach at Silver Lake for recreational use this summer was not made without serious consideration of the value that residents place in that space and the desire to have access to it. Wilmington is blessed with this natural feature which I am sure occupies a sacred space in the memories of many as they recall summers spent at the beach as kids, or as parents teaching their children how to swim, or watching their grandchildren build castles in the sand.

The Recreation Department prides itself on providing programs that are fun and safe. The ability to have a sufficient number of lifeguards is critical to maximizing the safety for families in and around the water. As was stated in prior correspondence, in order to provide a safe environment 15 to 20 lifeguards are needed given that the summer beach program operates from 10:00 a.m. to 8:00 p.m., seven days per week, between June and August. When communications began in February with prospective lifeguards, 10 individuals expressed interest. Recruitment for lifeguards extended from January 6, 2020 through May 12, 2020 resulting in a total of one person expressing interest. This individual did not have their certification and programs for certification are closed indefinitely due to COVID-19. This pandemic has added another element to the challenges of operating the beach program. Not only must personnel be monitoring people in the water but also monitoring people on the beach to ensure social distancing or, in cases where that is not possible, the wearing of masks. A directive issued by the Executive Office of Energy and Environmental Affairs has extended the social distancing requirements for groups to twelve feet. These requirements will increase the number of personnel required to be monitoring activities while at the same time reducing the number of people permitted on the beach at any one time. Addressing these issues poses a serious challenge for the Recreation Director and the personnel, most of whom are in the teens to early twenties.

Notwithstanding these challenges, and in light of Governor Bakers' recent limited opening of beaches, the Town will make one last effort to recruit qualified lifeguards to work at the beach during the summer of 2020. Advertising will take place once again the week of May 26th with a deadline for responses of June 12, 2020. To the extent that letters of interest or resumes are received candidates must be interviewed, references checked and following the hiring process an orientation process is completed. Using June 12th as the deadline will enable the administrative processes to take place to potentially enable the beach to be open in late June/early July if adequate staffing can be obtained. Individuals who are certified lifeguards and are interested, or know of certified lifeguards, can contact Karen Campbell, Recreation Director, at 978-658-4270 or via email at kcampbell@wilmingtonma.gov.

Jeffrey M. Hull
Town Manager

cc: Kerry Colburn-Dion, Assistant Town Manager/Human Resources Director
Karen Campbell, Recreation Director

Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION FROM THE TOWN MANAGER

May 22, 2020

TO: Board of Selectmen

RE: Expenditure Adjustments to Offset Projected FY-2021 Revenue Shortfall

One of the expected impacts from COVID-19 is on the Town's projected revenue for fiscal year 2021. A review of all Town revenue has led to the conclusion that revenues could be approximately $1,545,000 below estimates that were completed in early January of 2020. The major category of revenue expected to fall short of projections is local aid. Given the expenditures the Commonwealth is making on COVID-19 related measures and an expected decline in their own revenues, I am projecting a decline in Chapter 70 Education Aid of 5% and Unrestricted General Government Aid (UGGA) of 15%. Those two accounts alone could lead to a shortfall of $1,053,108. Motor vehicles excise taxes, meals taxes and penalties on late payments are also expected to decline.

In an effort to compensate for this projected shortfall, adjustments were made to proposed expenditures from the tax levy. The attached spreadsheet reflects the proposed adjustments to bring expenditures back into alignment with projected revenue. The vast majority of the adjustments are being made through transferring five (5) Town and School capital improvement projects from funding through the tax levy to funding through use of free cash. In an effort to offset the impact on free cash and in an effort to focus on the senior center and Wildwood School as the next buildings that need to be addressed, I am proposing to defer on the Town/School administration building project at this time. That project is budgeted for $955,000. With that project tabled for the immediate future the net impact will be an increase of $119,000 from free cash.

As was stated when the Statements of Interest (SOIs) were issued for the elementary schools, if the Town is invited to participate in the Massachusetts School Building Authority (MSBA) CORE program, the Town would work with MSBA to evaluate the six schools for possible consolidation. A capital item was proposed for $200,000 to fund the consulting costs to (1) conduct a more in-depth review of options associated with the six elementary schools and (2) to obtain assistance to develop a viable option for accommodating students and staff at the

Wildwood Early Childhood Center in the short to intermediate term. Funding for the in-depth review of all six buildings is recommended for removal from that capital article which would generate a savings of $120,000. Additional cost savings are anticipated through reducing the number of police cruisers to be purchased from four to two, postponing the development of a long range plan for sidewalk construction and reducing the budget for legal services which appears reasonable in light of recent history. Additionally, the original budget for the Shawsheen Valley Technical High School was projected with a 5% increase while the final assessment increase to Wilmington is 3%. In light of the cancelation of the July 4th celebration, the funds typically required to support that event are no longer required. The School Department has been asked to identify $81,925 in adjustments to their operating and/or capital budget to bridge the gap.

The picture will become somewhat clearer when the Governor and the legislature approve a spending plan for FY2021 and information will be provided about local aid. However, other categories of Town revenue will require continued monitoring as it is not possible to project the true impacts of COVID-19 on the economy.

Jeffrey M. Hull
Town Manager

cc: Kerry Colburn-Dion, Assistant Town Manager/Human Resources Director
Bryan Perry, Finance Director/Town Accountant
Dr. Glenn Brand, School Superintendent
Paul Ruggiero, Assistant Superintendent of Administration and Finance
Finance Committee

FY2021 BUDGET ADJUSTMENTS

d

	Purpose	Budget	Reduce from Levy	Transfer to Free Cash	
Warrant Article	July 4th Celebration	Operating	$ 50,000.00		
Schools	Shawsheen Tech Assessment	Operating	$ 93,075.00		
Planning	Sidewalk Master Plan	Operating	$ 11,000.00		
Town Counsel	Legal Services	Operating	$ 15,000.00		
Police	Police Cruisers (2)	Capital	$ 100,000.00		
Schools	School Facilities Study	Capital	$ 120,000.00		
Schools	H.S. Computer Replacement	Capital	$ 195,000.00	$ 195,000.00	
Schools	PreK-3 Laptop Replacement	Capital	$ 195,000.00	$ 195,000.00	
Central Dispatch	Remodel	Capital	$ 194,000.00	$ 194,000.00	
Public Works	Vacuum Street Sweeper	Capital	$ 280,000.00	$ 280,000.00	
Public Works	Resurface Parking Lot	Capital	$ 210,000.00	$ 210,000.00	$ 1,074,000.00
Town/School	Admin Facility	Capital		$ (955,000.00)	

Saving from Levy	$ 1,463,075.00	
Impact: Free Cash		$ 119,000.00
Revenue Shortfall	$ 1,545,000.00	
Shortfall	$ (81,925.00)	

Prepared 5/19/2020

REVENUE PROJECTIONS FY2021

SOURCE	Actual FY2019	Est. FY2020	Rev. Est. FY2020	Est. FY2021	% Decrease	$ Decrease	Rev. Est. FY2021	Est. Shortfall
Chapter 70	$ 11,371,910.00	$ 11,452,960.00	$ 11,469,170.00	$ 11,526,516.00	0.05	$ 573,458.50	$ 10,895,711.50	**$ 630,804.50**
UGGA	$ 2,571,070.00	$ 2,640,489.00	$ 2,640,589.00	$ 2,666,894.00	0.15	$ 396,088.35	$ 2,244,500.65	**$ 422,393.35**
Vehicle Excise	$ 4,668,330.00	$ 4,835,000.00	$ 4,835,000.00	$ 5,076,750.00		$ 241,750.00	$ 4,835,000.00	**$ 241,750.00**
Local Meals Tax	$ 383,190.00	$ 400,000.00	$ 400,000.00	$ 400,000.00		$ 200,000.00	$ 200,000.00	**$ 200,000.00**
Penalities	$ 462,769.00	$ 550,000.00	$ 550,000.00	$ 550,000.00		$ 50,000.00	$ 500,000.00	**$ 50,000.00**

TOTAL **$ 1,544,947.85**

Local Aid
Chapter 70 - Education
Unrestricted General Government Aid (UGGA)

Est. = Estimated
Rev. Est. = Revised Estimated

Prepared 5/14/2020

Dear Members of the Wilmington Community,

After careful review of the recent guidance issued by the Massachusetts Department of Public Health, and through consultation with local officials including Doreen Crowe (WPS Nursing Coordinator), Shari Parker (CARES Program Coordinator), Ed Harrison (Interim Director of Athletics) Karen Campbell (Wilmington Recreation Director) and Shelly Newhouse (Health Director) we have collectively made the difficult decision to cancel most organized Wilmington sponsored youth programs this summer. As a result, there will not be any youth town recreation programs taking place in Wilmington school buildings, summer CARES programs or the summer athletic camps typically run at Wilmington High School. The exception to this is the Wilmington Public School's Extended School Year Program & Services that will be operated remotely.

We recognize that this is difficult news to receive and will most certainly impact many of our families, but we believe that, based upon the guidance from the Massachusetts Department of Public Health, this is the most appropriate course of action to take in the interest of the health and welfare of our children and those who work in the programs.

There are specific fundamental points of compliance that serve as requirements for the operation of summer programs in Massachusetts that are simply too difficult to comply with including such requirements as the need to maintain social distancing, ensuring that there is no contact with or between children and the need to ensure that participants do not share equipment or materials.

We thank you for your understanding in these difficult times.

Sincerely,

Jeffrey Hull, Town Manager
Glenn Brand, Superintendent of Schools

Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION FROM THE TOWN MANAGER

May 22, 2020

TO: Board of Selectmen

RE: State House Note for Water Tank

As you may recall Article 26 at the May 5, 2018 Annual Town Meeting authorized the appropriation and issuance of debt in the amount of $2.5 million for the construction of the new water tank located off Nassau Avenue. During the spring of 2019 the Board members were required to execute the specific documents to acknowledge the issuance of debt. The Town is seeking to renew this note which expires on June 5th. Pamela MacKenzie, Treasurer/Collector, requested bids for the new issuance and the most favorable rate from TD Bank was received at 1.13%. Lori Lombard, the town's financial advisor from Unibank, has advised Ms. MacKenzie that the new issuance does not require a vote of the Board of Selectmen but will require the signatures of at least 3 of 5 members on specific issuance documents.

When long term borrowing is required for projects like the senior center the plan is to roll this short term borrowing into issuance of long term debt. Packaging this relatively small borrowing with larger borrowing will save on the costs associated with debt issuance.

Jeffrey M. Hull
Town Manager

cc: Kerry Colburn-Dion, Assistant Town Manager/Human Resources Director
Bryan Perry, Finance Director/Town Accountant
Pamela MacKenzie, Treasurer/Collector

Town of Wilmington
Office of the Town Manager
121 Glen Road
Wilmington, MA 01887-3597

PHONE: (978) 658-3311
FAX: (978) 658-3334
TTY: (978) 694-1417

WWW.WILMINGTONMA.GOV

May 22, 2020

Dianna DiGregorio, President
Wilmington Community Fund
P. O. Box 147
Wilmington, MA 01887-0147

Dear Ms. DiGregorio:

The COVID-19 pandemic has had a dramatic effect on communities across the country and throughout the world. We have been tested in ways not seen for many years. A fundamental means to sustain ourselves through tough times and tragedies is through the charity of individuals and organizations. The Wilmington Community Fund has been there for Wilmington since 1945 serving the local community in fulfilling a variety of needs. Most recently I was contacted by Joan Searfoss offering, on behalf of the organization, to donate $5,000 toward the effort to provide residents with face masks and gloves as a protective measure against the virus.

Thanks to the generosity of the Wilmington Community Fund, Health Director Shelly Newhouse was able to obtain face masks and gloves and distribute them to Wilmington families. In fact, she is continuing to use funds from this donation to purchase additional masks and gloves. On behalf of myself and the Board of Selectmen, a wholehearted "thank you" is extended to the Wilmington Community Fund for your steadfast support of our community.

Sincerely,

Jeffrey M. Hull
Town Manager

cc: Board of Selectmen
Shelly Newhouse, Health Director

WSAC Wilmington Substance Abuse Coalition

Prevention, Education, Support

May 21, 2020

Town Manager's Office
121 Glen Road
Wilmington, MA 01887

Re: Drug Disposal Program – Deterra

Dear Town Manager and Board of Selectmen,

It is with great excitement that I share with you all a new service which the Wilmington Substance Abuse Coalition is offering residents of Wilmington. We will now be offering Deterra Pouches free of cost and available for drop-off to community members

Prior to the onset of the COVID-19 pandemic, I had begun working on how to offer residents as many opportunities to safely dispose of unwanted/unused/expired medications as possible. This project got the name Drug Disposal Program and was intended to piggy-back off of the already established drug and syringe drop-off kiosks in the lobby of the Wilmington Public Safety Building. Additional efforts were being dedicated to appropriate medication disposal due to the potential risk factors associated with unused or expired medications, both over-the-counter and prescriptions, being kept in the home. Some of these risk factors include: toddlers' curiosities and putting in-reach medications in their mouths, teenagers experimenting with drugs and prescription misuse, open-houses during real estate processes, prescriptions remaining in a home after a loved one has passed away, and environmental concerns associated with the old wives' tale of it being safe to flush pills or pour liquid medication down the kitchen sink. The kiosk is a wonderful resource; on a weekly basis it is filled by individuals responsibly disposing of their unwanted/unused/expired medications. However, this kiosk cannot serve everyone in town, for example: shut-ins, individuals without driver's licenses, and a variety of other barriers which I've become aware of. Therefore, we started researching Deterra.

Deterra is a drug deactivation pouch which neutralizes the compounds in liquid, pill, and patch forms of over-the-counter and prescription medications. Each pouch can hold 6oz of liquid, 45 pills or 6 patches. The pouch is an easy at-home disposal tool, only requiring the addition of warm water to the charcoal mixture in each pouch. Once the warm water and medicine has been placed into the pouch, they are re-sealed, lightly shaken, and then placed in everyday home trash receptacles. These directions are clearly explained in both text and images on the back of each bag.

With the onset of COVID-19, I felt it was important to meet community members where they were at and find a way to provide resources to them despite the Stay at Home Advisory and other social distancing requests. With additional time at home residents may be doing some thorough spring cleaning or youth may have more access to curiously looking through bathroom closets. Therefore, I adjusted the plan with Deterra and am now offering it in a drop-off capacity

WSAC Wilmington Substance Abuse Coalition

Prevention, Education, Support

to all residents while supplies last. I started deliveries last Monday and will continue to make deliveries on Mondays and Thursdays until supplies are gone. This resource will not end when the pandemic is lifted, however, the pouches will be available for pick-up in addition to drop-off, as the lobby of the Public Safety Building resumes normal business matters.

Wilmington residents are able to get pouches in accordance with the amount of medication needed to be disposed of. Please reach out to me at sreif@wpd.org or 978-447-2296. For updates you can visit our Facebook page "Wilmington Substance Abuse Coalition" or Twitter page "WSAC01887". On behalf of the Wilmington Substance Abuse Coalition, we want to encourage everyone to take advantage of this free resource in order to safely dispose of unwanted/unused/expired medications in the convenience and safety of their own homes. When routines return to a more normal place, we encourage drop-off to the Public Safety Building's kiosks, but want to make sure everyone has an additional resource available for these unforeseen times.

Thank you,

Samantha Reif, LCSW
Health & Recovery Coordinator
Wilmington Police Department
Wilmington Substance Abuse Coalition

Drug Disposal Program

Protecting our Community Through Collective Responsibility

Safe & Secure Disposal

Eliminating unused/unwanted medications from the home keeps your family & community safe.

Wilmington Substance Abuse Coalition is offering drop-off Deterra Pouches for at-home disposal of medications during the COVID-19 Pandemic.

HOW TO GET IT DROPPED OFF:

Call Samantha 978-447-2296
Email Samantha sreif@wpd.org

Mon-Fri while supplies; left in mailbox; free of charge

What is Deterra?

It is a safe, in-home, disposal mechanism to neutralize unwanted or unused medications.

Step 1: Tear open pouch and place one of the following inside prescriptions or over-the-counters:

- 6 oz. of liquid
- 45 pills
- 6 patches

Step 2: Fill pouch halfway with warm tap water and wait 30 seconds

Step 3: Seal pouch tightly, gently shake and dispose of in normal trash receptacle

WSAC Wilmington Substance Abuse Coalition

Prevention, Education, Support

FOR IMMEDIATE RELEASE

Contact: Deputy Chief Brian Pupa, Wilmington Police Department, 978-658-5071, bpupa@wpd.org
Contact: Alison Harding, Cummings Foundation, 781-932-7093, aeh@cummings.com

Wilmington Police Department awarded Cummings Grant

Wilmington Police Department receives Cummings Foundation grant

Wilmington, May 20, 2020 – The Wilmington Police Department is one of 130 local nonprofits to receive grants of $100,000 to $500,000 each through Cummings Foundation's **$20 Million Grant Program**. The Department was chosen from a total of 738 applicants during a competitive review process. The Wilmington Police Department was among a limited group of recipients to receive a 10 year sustaining grant totaling $300,000.

"We are beyond excited to receive this honor," stated Chief Joseph Desmond, "State Funds for community policing are very limited these days. This grant is going to not only allow us to continue some of our community based programs, but will enable us to develop new programs."

Grant monies will be used to not only to help fund existing community based programs such as National Night Out, the Citizen Police Academy, Citizen CPR Class, and the RAD Women's Self Defense Program, but to help develop new programs as well. "We are looking to build relationships with both our senior citizen population and our younger citizens," said Deputy Chief Brian Pupa, "Last year we held our first 'Mental Health First Aid for Seniors' class and by all accounts it was a success. We want to expand the program to have crime-prevention programs as well as social events to generate a relationships between our officers and the senior residents of our community. Deputy Chief Pupa went on to say, "This grant will also allow us to continue develop our Police Explorer program which was launched last fall. We had 18 young adults between the ages of 14-20 join the Police Explorers last September as a way to learn about a career in policing and as an opportunity to serve the community. We are looking forward to growing the program once the current health crisis subsides."

The **Cummings $20 Million Grant Program** supports Massachusetts nonprofits that are based in and primarily serve Middlesex, Essex, and Suffolk counties. Through this place-based initiative, Cummings Foundation aims to give back in the area where it owns commercial buildings, all of which are managed, at no cost to the Foundation, by its affiliate, Cummings Properties. Founded in 1970 by Bill Cummings, the Woburn-based commercial real estate firm leases and manages 10 million square feet of debt-free space, the majority of which exclusively benefits the Foundation.

"We have been impressed, but not surprised, by the myriad ways in which these 130 grant winners are serving their communities, despite the challenges presented by COVID-19," said Joel Swets, Cummings Foundation's executive director. "Their ability to adapt and work with their constituents in new and meaningful ways has an enormous impact in the communities where our colleagues and leasing clients live and work."

Cummings Foundation has now awarded more than $280 million to greater Boston nonprofits.

Social distancing requirements will prevent Foundation and grant winner representatives from convening for a reception at TradeCenter 128 in Woburn, as planned, to celebrate the $20 million infusion into greater Boston's nonprofit sector. Instead, Cummings Foundation expects hundreds of individuals to gather virtually for a modified celebration in mid-June.

The **Cummings $20 Million Grant Program** resulted from a merger of the Foundation's two flagship grant programs, ***$100K for 100*** and **Sustaining Grants**.

The Foundation and its volunteers first identified 130 organizations to receive grants of at least $100,000 each. Among the winners are first-time recipients as well as nonprofits that have previously received Cummings Foundation grants. A limited number of this latter group of repeat recipients will be invited to make in-person presentations in the fall, when public health related circumstances allow, proposing that their grants be elevated to long-term awards. Thirty such requests will be granted in the form of 10-year awards ranging from $200,000 to $500,000 each.

This year's diverse group of grant recipients represents a wide variety of causes, including homelessness prevention, affordable housing, education, violence prevention, and food insecurity. The nonprofits are spread across 40 different cities and towns, and most will receive their grants over two to five years.

The complete list of 130 grant winners is available at www.CummingsFoundation.org.

A great deal more information about Cummings Foundation is detailed in Bill Cummings' self-written business book, "Starting Small and Making It Big: Hands-On Lessons in Entrepreneurship and Philanthropy." The brand-new, and significantly updated, 6th edition is available on Amazon or cummings.com/book.

About Cummings Foundation

Woburn-based Cummings Foundation, Inc. was established in 1986 by Joyce and Bill Cummings. The Foundation directly operates its own charitable subsidiaries, including New Horizons retirement communities in Marlborough and Woburn, and Veterinary School at Tufts, LLC in North Grafton. Additional information is available at www.CummingsFoundation.org.

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Town of Wilmington

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WWW.WILMINGTONMA.GOV

May 12, 2020

Mr. Thomas A. Ollila
183 Wildwood Street
Wilmington, MA 01887-2528

Dear Mr. Ollila:

I am pleased to advise you that I have appointed you to serve as a member of the Conservation Commission for the Town of Wilmington for a term to expire on April 30, 2021.

As Town offices are closed due to the COVID-19 pandemic and Governor Baker's order imposing strict limitations on the number of people that may gather in one place, you are being asked to contact the Office of the Town Clerk to make arrangements for a telephonic oath to fulfill the requirement that you be sworn in before you assume the responsibility of this position. Please contact the Town Clerk, Mrs. Christine Touma-Conway, 978-658-2030 (8:30 a.m. to 4:30 p.m., Monday, Tuesday, Thursday, Friday). In the event there is no answer, please leave a message with your name and telephone number and your call will be returned.

The Conservation Commission's next scheduled meeting is Wednesday, June 3, 2020 at 7 p.m. in Room 9 at Wilmington Town Hall. You may wish to contact Valerie Gingrich, Director of Planning & Conservation, at 978-658-8238 for additional information including future meeting dates and times.

Thank you for your willingness to participate on this vital committee.

Sincerely,

Jeffrey M. Hull
Town Manager

Then personally appeared the above-named Thomas A. Ollila and made oath that he would faithfully discharge all the duties of the office to which he was appointed.

_____
Town Clerk

_____
Date

JMH/bjd

cc: Donald J. Pearson, Chairman, Conservation Commission
Valerie J. Gingrich, Director, Planning and Conservation
Christine Touma-Conway, Town Clerk
Appointment/Committee Files