

ADJOURNED MEETINGS

It is anticipated that if adjourned meetings are necessary to complete action on these warrants, they will be held on the following dates at 7:30 p.m., subject to Town Meeting approval:

April 14	- Monday
April 16	- Wednesday
April 17	- Thursday

and thereafter, as may be necessary, on Mondays, Wednesdays and Thursdays as Town Meeting directs.

If you have any questions about the Articles, please attend **the Warrant Hearing on Tuesday, April 1, 2008, at 7:00 P.M.** at the Town Building. You may also call the Town Administrator's office at (508) 358-3621 before Town Meeting.

NOTICE REGARDING MOTIONS

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

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

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

TOWN MEETING PROCEDURES

Town Meeting functions best when all voters are familiar with its rules of procedure. A summary of those rules appears in the document, "The Moderator's Rules and Regulations Governing Wayland's Town Meetings" prepared by the Moderator and included as part of this warrant booklet (Appendix A). Copies of the pamphlet, "The Moderator's Handbook for Wayland Town Meetings," are available at the Selectmen's Office in the Wayland Town Building, the Wayland Public Library, or by calling (508) 358-3621.

QUANTUM OF VOTE

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

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

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

RULES OF CONDUCT FOR POLLING PLACES

The Moderator has determined that the Field House at Wayland High School and all other venues that may be used to conduct Wayland's town meetings are polling places within the meaning of Massachusetts General Laws Chapter 54, Section 65, because, among other things, the voters in town meeting assembled elect a number of town officers there each year.

Accordingly, no person shall be allowed to collect signatures upon petitions, referendum petitions or nomination papers nor may any person post, exhibit, circulate or distribute any poster, card, placard, handbill, broadside, picture, graphic, circular or other document intended to inform and/or influence the action of any voter within one hundred fifty feet of any such polling place including the interior of such polling place.

For further information, please see the "The Moderator's Rules and Regulations Governing Wayland's Town Meetings" on page 75 of this warrant.

NO SMOKING NOTICE

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

REPORT OF THE FINANCE COMMITTEE

To the Residents of Wayland:

The Finance Committee is pleased to present the Report of the Finance Committee and the FY2009 operating and capital budget recommendations. Wayland, like other peer communities in Massachusetts, confronts financial challenges caused primarily by rising healthcare premiums for current and retired town and school employees, state mandated pension contributions for town employees, state mandated special education costs, increasing utility expenses and uncertain levels of state aid.

The continued cumulative effect of these fiscal pressures requires that the Finance Committee submit the FY2009 operating budget with a \$1.896 million Proposition 2 ½ override. The Finance Committee believes this override is necessary to maintain essential school and municipal services. Nevertheless, it is important to note that the proposed operating budget is level funded, not level service. Without the override, the town would be forced to incur lay-offs and reductions in staff hours, significantly impacting police, fire, library, Council on Aging and school operations. All other departments would experience a reduction of services, including reduced hours of operation and personnel cuts.

To finance the capital portion of the budget, we are requesting a Proposition 2 ½ debt exclusion vote for \$1.93 million in town and school projects. This report will highlight the operating and capital budgets and further detail the challenges of balancing the operating budget under our ongoing budgetary constraints.

The report will also describe the Finance Committee's role as defined in the Code of the Town of Wayland as well as our mission statement and financial strategy. Additionally, it details the budget process, reviews revenues and expenses for the upcoming fiscal year (FY2009) and presents a 5-year capital plan. FY2009 non-operating budget expenses, capital requests and changes to free cash reserves are also depicted. The report discusses the capital planning initiative and lists budget cuts needed if the override ballot vote were to fail. The report concludes with a discussion of budgetary concerns and actions needed to balance the budget without annual overrides in future years.

THE COMMITTEE

The Wayland Finance Committee is comprised of seven residents who are appointed by the Board of Selectmen. The members' three year terms are staggered which has allowed for a mix of new and more experienced members. Meetings are normally convened on Monday evenings. Prior notice is posted on the Town Building bulletin board and web site. Our meetings are open to the public and include a public comment period. Residents wishing to offer public comment or to observe are welcome.

ROLE

The Code of the Town of Wayland charges the Finance Committee with two primary responsibilities. The Committee is required to prepare and present the Omnibus Budget (the Town's operating and capital budget), which appears as an article in the Annual Town Meeting Warrant. The Committee is also responsible for review and comment on articles submitted for inclusion in the Warrant.

MISSION STATEMENT

The mission of the Wayland Finance Committee is to define a financial strategy for the Town and to use this strategy as the basis for recommending to the Town a fiscally responsible operating and capital-spending plan. The Finance Committee seeks to balance the demand for services against the ability of residents with a broad range of financial situations to afford these services.

FINANCIAL STRATEGY

The Finance Committee's strategy is to recommend the following: 1) maintenance of quality Town services supplied by an efficient workforce, 2) continued infrastructure investment via a capital spending plan, and 3) preservation of Free Cash.

BUDGET PROCESS

We began work on the proposed budget for FY2009 in September 2007. After reviewing various budget scenarios based on probable revenue and expense changes and the economic challenges facing the town in the upcoming fiscal year, the Finance Committee issued FY2009 Budget Guidelines on October 1, 2007. Our guidelines anticipated a budget shortfall (expenses exceeding revenues) of \$2.6 million and requested that departments create two budgets: one funding the shortfall and one without those funds. Departments were instructed to compile a budget that assumed:

- salary accounts adjusted for settled contract step and lane changes,
- all non salary accounts remain the same (level funded) as FY2008 except for utility accounts, and
- utility expense accounts increased to cover projected shortfalls and estimated costs in FY2009.

At the time this goes to print, some collective bargaining agreements, which expired on June 30, 2007, have not yet settled, and FY2008 through FY2010 wages will be negotiated with those respective employee unions. Steps and lanes for those contracts are being budgeted at levels designated in the prior contracts for budget purposes only.

Additionally, the guideline memo requested a second budget reflecting a scaled back budget calculated at 93.5% of the FY2008 guideline budget. The 6.5% reduction budget presented a summary of cuts to be weighed by the Finance Committee. Also, this second budget could be implemented if an override vote was not recommended or was unsuccessful at the ballot.

A budget guideline forum was held October 15, 2007. At this forum, the Finance Committee reviewed town finances, discussed the potential for an override and debt exclusion, and answered questions. Town and School budgets were due November 19, 2007.

On December 3, 2007, the Finance Committee held a public budget information forum to review the budget process, financial challenges, updated budget numbers and answer questions.

During January, the committee met with boards, departments, and commissions to discuss specific budget requests. Discussion focused on efficiencies, controlling costs, level funding budgets and the potential budget reductions should an override request fail. Also, all participants were reminded that the capital budget was limited and that capital items would likely need to be included in a debt exclusion request.

After meeting with all departments, the Finance Committee deliberated and voted (7-0) a draft budget, which included a recommended operating override of \$1.896 million, down from the previously anticipated \$2.6 million. The Finance Committee held a third budget forum on February 3, 2008 to

present this draft budget and the information to support the reduced override number as well as data for a capital debt exclusion of \$1.93 million. Significant expense reductions and revenue increases to reach the reduced override amount include:

Elementary School Reconfiguration: Due to declining enrollments and town-wide budget pressures, the School Committee voted to reconfigure the elementary schools for the FY2009 budget year. The town and school expense reductions related to this change are \$339,000 and are the most significant reduction to the override request. This item has been part of the Finance Committee's long-range plan.

Healthcare Expense Reduction: We purchase our healthcare products through a 16-town consortium called West Suburban Health Group (WSHG). Rates for FY2009 will not be finalized until after town meeting; however, expense estimates received in January 2008 were lower than the preliminary projections from October 2007. We have worked extensively with WSHG to offer a Rate Saver plan, which provides a similar product to our employees with a reduced cost to both the town and to employees because of higher co-pays. Through slowing cost increases, we are beginning to see the financial results from offering this product, and, therefore, we were able to decrease our budget estimate by \$175,000 based on the latest numbers.

State Aid Anticipated Increase: The Governor's state aid estimates issued in January 2008 for FY2009 were significantly higher than our first projections. State aid will not be finalized until well after our town meeting; however, we decided to increase our state aid projections by \$50,000 over our October estimate.

The Finance Committee considered additional reductions in school and town services. We decided that further cuts to school programs and personnel, police and fire personnel, joint communications personnel, Council on Aging transportation and personnel, recreation field maintenance, Library personnel and materials, the elimination of all elementary school crossing guards, and further cuts to the remaining departments threatened core services, residents' safety and the functionality of our Town.

Subsequently, the Finance Committee approved the operating budget funded in part with an override of \$1.896 million (vote 7-0) that appears in this warrant. The capital budget, funded in part with a debt exclusion of \$1.93 million, was also unanimously approved with a vote of 7-0.

The Finance Committee presented a budget and override review to the Board of Selectmen on February 11, 2008. On March 3, 2008, the Board of Selectmen voted 4-1 to put the operating budget override on the ballot and 5-0 to place the debt exclusion on the ballot for the April 8, 2008 town election. The Finance Committee and the Selectmen held a public budget forum on March 17, 2008 to discuss the override and debt exclusion, take comments from the public and answer questions.

SUMMARY OF THE FY2009 OPERATING BUDGET

Total revenue in FY2009 is estimated to be \$58.2 million. Expenses total \$60.4 million. The result is a budget gap of \$2.2 million. This gap is being funded by \$300,000 in other reserves (including primarily ambulance receipts) and a \$1.896 million override.

To understand the gap, it is important to analyze the changes in revenues and expenses between FY2008 and FY2009:

1. Revenue between FY2008 and FY2009 as shown in Table 1 is increasing by \$1,940,000. Sources of revenue and changes from FY2008 are as follows:
- Under Proposition 2½, the tax increase is limited to 2½% of the overall tax levy. For FY2009, this represents approximately \$1,150,000.
 - State revenue is expected to increase by \$100,000.
 - Local receipts, primarily excise taxes and fees charged for use of certain town services are expected to increase by \$46,000.
 - New growth, the tax on new and upgraded properties, is estimated to generate \$400,000 of new revenue.
 - Additional taxes approved in support of previously approved debt exclusions will increase by \$255,000.

Table 1: Revenue Sources

<u>Description</u>	<u>Projected FY2008</u>	<u>Projected FY2009</u>	<u>Difference</u>	<u>% change</u>
State Revenues	\$4,822,824	\$4,922,824	\$100,000	2.07%
Local Receipts	3,640,000	3,686,653	46,653	1.28%
Free Cash	0	0	0	0.00%
Real Estate Taxes:				
Tax Levy	44,202,371	45,997,473	1,795,102	4.06%
Allowance for 2.5%	1,105,614	1,150,815	45,201	4.09%
Debt Exclusion	1,770,261	2,026,126	255,865	14.45%
New Tax Levy Growth	702,404	400,000	-302,404	-43.05%
Total Real Estate taxes	47,780,650	49,574,414	1,793,764	3.75%
Total revenues before misc receipts	\$ 56,243,474	\$ 58,183,891	\$ 1,940,417	3.45%

2. Operating expenses (Table 2) and non-operating expenses between FY2008 and FY2009 are increasing by \$3.5 million. Significant items include:
- Salary and step increases of \$1,486,000. During FY2008 the town settled new labor contracts with most of its various unions; at the time the warrant went to print, two contracts were still outstanding. These contracts are generally three-year contracts and will cover the fiscal period FY2008 through FY2010. For purposes of the FY2009 budget, the Finance Committee assumed that the outstanding contracts would settle at the same increase as the other unions. In addition, under existing labor contracts, most employees are entitled to step increases, which are built-in annual pay increases based on agreed upon salary and wage classification schedules.
 - Health care costs are expected to increase by \$815,000. This increase is required to fund higher insurance rates (for active and retired employees) and the impact of employees who opted to enroll in the Wayland plan in FY2009.
 - Pension costs are increasing by \$312,000. Pension expense represents the cost to provide pensions to Town employees; it does not include teachers whose pension is covered by the state.

- Utility costs are estimated to increase by \$200,000 required for the higher gasoline, diesel, heat, and electric rates.
- State and county charges and the overlay for abatement account are anticipated to increase by \$168,000.

FY09 OMNIBUS BUDGET

The Omnibus Budget lists various Town operating expenses, unclassified expenditures such as employee health insurance, and debt and interest. The budget also includes requests for capital expenditures.

OPERATING EXPENSES

The FY2009 Omnibus Budget article proposes operating expenses of \$56,117,308. This represents an increase of \$2,972,347 or 5.6% from FY2008.

Table 2 Departmental Increases:

	BUDGET FY2008	BUDGET FY2009	INC / (DEC)	%
GENERAL GOVERNMENT	\$ 3,082,034	\$ 3,246,063	\$ 164,029	5.3%
PUBLIC SAFETY	5,123,596	5,224,963	101,367	2.0%
SCHOOLS	28,722,212	30,091,713	1,369,501	4.8%
REGIONAL VOCATIONAL SC	397,000	450,000	53,000	13.4%
HIGHWAY	1,427,662	1,492,231	64,569	4.5%
LANDFILL	501,492	507,492	6,000	1.2%
HEALTH	631,891	606,445	(25,446)	-4.0%
LIBRARY	956,468	971,313	14,845	1.6%
PARK & RECREATION	768,750	801,809	33,059	4.3%
DEBT & INTEREST	3,831,856	4,086,279	254,423	6.6%
UNCLASSIFIED	7,702,000	8,639,000	937,000	12.2%
Total	\$ 53,144,961	\$ 56,117,308	\$ 2,972,347	5.6%

Notes:

1. *Regional vocational school is Wayland's assessment for Minuteman Regional Vocational School.*
2. *Unclassified incorporates increases in fringe benefit costs as well as miscellaneous reserve amount.*
3. *Health decrease is due to reduction in school nurse expense due to elementary school reconfiguration.*

NON-OPERATING BUDGET EXPENSES

The Town is responsible for funding State and County assessments (\$238,277), real estate abatements (\$675,000) and Town employee retirement pensions (\$2,850,000). Cash capital is (\$125,000). The budget contemplates increasing free cash reserves by \$200,000 (see free cash discussion below). Miscellaneous non-operating budget charges are expected to equal \$125,000. The Finance Committee estimates that these non-budget charges will total \$4,213,277.

The Omnibus Budget expenses plus the nonbudget expenses total \$60,330,585.

CAPITAL REQUESTS

Capital requests for FY2009 total \$2,335,000. If approved at Town Meeting, we will need to borrow

to fund these purchases except for cash capital. The list of items appears on the final page of the Omnibus Budget under the title "Capital Budget." The Finance Committee's capital recommendations were based on properly maintaining the current infrastructure and replacing vehicles and equipment that have outlived useful life.

Capital expenditure requests are funded in three manners:

- Cash capital: regularly occurring, replaceable equipment and vehicles with a short lifespan (< 5 years) funded within the budget with no impact on the tax rate
- Non-exempt capital items: regularly occurring, replaceable equipment and vehicles < \$100,000 with no change to the tax rate, and
- Exempt capital items: including all building repairs as well as equipment and vehicles > \$100,000 which results in a temporary increase in the tax rate.

Our recommendations* for FY2009 are:

Cash capital items: 1) \$10,000 for police computer hardware equipment; 2) \$30,000 for police portable radios and replacement radios for cruisers; 3) \$25,000 for town computer hardware equipment; 4) \$30,000 for a replacement vehicle for the town surveyor; and 5) \$30,000 for a replacement vehicle for the town building department.

Non-exempt capital items: 6) \$45,000 for replacement protective clothing for fire; 7) \$80,000 for highway for traffic calming measures throughout town and for a truck attachment; and 8) \$155,000 for Park and Rec for cemetery roadwork and turf repair and a replacement chipper.

Exempt capital items: 9) \$895,000 for roof/building repairs at the Town Building, Public Library, Station 2 and the Public Safety Building; 10) \$85,000 for highway for design of the reworked Rts 27/30 intersection; 11) \$145,000 for Board of Health – Landfill for a replacement truck; 12) \$200,000 for Park and Rec to replace lights at Cochituate ball field; and 13) \$605,000 for the schools for building repairs (\$290,000) and technology (\$315,000).

*Please note that this order number differs from those shown in the budget capital list.

The Finance Committee has requested that the exempt capital items #9-13 above be voted at the ballot as debt exclusions. A debt 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. The total requested debt exclusion is \$1.93 million, and the anticipated tax impact of the debt exclusion items is \$40/year for approximately ten years on the median value house (\$544,400). The remaining capital requests are incorporated into the operating budget and override request. The total capital budget will require borrowing \$2.335 million. The Finance Committee unanimously recommends (7-0) approval of the FY2009 capital budget.

Included in this year's warrant are a number of capital requests such as additional funds for the construction of a water treatment plant, construction of a replacement wastewater treatment facility and a petitioner's article for a full list and measure of real property that are presented as articles. The Finance Committee's discussion and recommendation of each of these items are included with each article.

FREE CASH

Table 3 depicts Free Cash allocated to close prior year budget deficits. Note that there is no Free Cash being contributed to balance the shortfall in the FY2009 budget. Rather, the recommended budget

contemplates adding \$200,000 to reserves.

Table 3: Free Cash Allocated To Annual Revenue

Fiscal Year	Free cash
FY2002	\$1,750,000
FY2003	\$1,550,000
FY2004	\$2,400,000
FY2005	\$1,869,000
FY2006	\$ 300,000
FY2007	\$ 0
FY2008	\$ 0
FY2009	\$ 0

The town's free cash balance was certified at \$4.9 million at the start of FY2008. This gives us a reserve equaling approximately 8.7% of our operating expenses. The Finance Committee is committed to maintaining the Town's Free Cash Reserves between 5 and 10% to keep stability in the balance. The trend line toward no free cash to balance the budget (Table 3) has allowed us to reach our current reserve balance. Moody's Investor Services latest review (January 2008) again mentioned the level of our reserves and stated they are at "currently healthy levels." A Free Cash Reserve equaling between 5-10% of operating expenses will allow for greater financial flexibility and should allow the Town to maintain its high credit rating.

5-YEAR CAPITAL PLAN

Capital planning is part of the overall financial plan for the Town of Wayland that the Finance Committee prepares each year as specified by the Code of the Town of Wayland. Capital needs fall into four major categories: equipment, buildings, land and roads. The accompanying five year capital plan in this warrant is the starting point for capital expenditures to be considered in future years. Capital requests are summarized by department, board or commission. Capital items for FY2010 and later years have not been formally presented by departments nor approved by the Finance Committee.

Significant projects listed on the 5-year plan include funds to build a new Highway/Park and Recreation garage facility, to build a new Public Library, and for field development by Park and Recreation. Costs for a renovated or new High School are not listed; the School Committee is actively investigating this project, but it is too early to estimate the cost of such a project.

The Finance Committee and the Board of Selectman are committed to formalizing the capital planning process to bring the Town improved capital financial and project planning. First discussions were held in June 2006 and significant progress has been made since then. A Building Facilities Manager was funded for FY2008 and was hired in July 2007; he has completed an audit of all town and school buildings to provide the basis for ongoing capital planning.

In January 2008, the Finance Committee finalized and voted a formal Debt Management Policy to provide a consistent financial framework for funding capital needs.

The Finance Committee has drafted a Capital Improvement Plan (CIP) policy guideline that defines capital projects, documents the procedure to request and the criteria to review said projects, and provides data and establishes timetables for determining and prioritizing funding requests. This outline of the policies and procedures related to planning and executing capital projects will provide a consistent method for town and school planning. We anticipate completing the CIP and holding a forum to request feedback from departments and the public after the completion of town meeting.

TOWN CENTER PROJECT

The town center project is proceeding, but has not yet provided financial relief to the town. No town center revenues (fees or taxes) are contemplated in the FY2009 budget. We will continue to monitor progress and budget increased revenues accordingly. Completion of town center will represent significant progress toward one of the Finance Committee's financial goals of expanding the commercial tax base and will assist in eliminating the need for annual override requests.

LIST OF CUTS IF OVERRIDE FAILS

If the override ballot vote is defeated, the Finance Committee will present an alternative budget that reduces expenses by \$1.896 million. Below is a listing of School and Town cuts in personnel and services that are anticipated if the override fails:

Public Schools Reductions if FY2009 Override Fails Assumes 2 1/2 Elementary Schools

Elementary Schools

4.0 Elementary Teachers	\$ 263,945
0.65 Kindergarten Teacher (1 section)	\$ 35,824
1.0 FTE Librarian	\$ 50,624
0.2 FTE Music	\$ 16,978
1 K Teaching Assistant	\$ 13,643
3 Teaching Assistants	<u>\$ 55,085</u>
Elementary Subtotal	<u>\$ 436,099</u>

Middle School

0.4 FTE English Teacher	\$ 32,335
1.0 FTE Librarian	\$ 52,872
1.0 FTE Social Studies Teacher	\$ 52,872
1.0 FTE Science Teacher	\$ 46,156
0.4 FTE Fine Arts	\$ 22,058
1.0 FTE Health/Physical Education Teacher	\$ 48,378
0.5 FTE Guidance Counselor	\$ 49,399
2.0 House Leader Stipends	\$ 13,902
MS Interscholastic Sports	\$ 54,320
0.1 FTE Athletic Director	\$ 9,633
12 Co-curricular Stipends	\$ 31,386
PM Receptionist (10 hrs/week)	\$ 7,796
25 Curriculum summer work days (MS)	\$ 8,200
Non-personnel supplies and materials	<u>\$ 13,490</u>

Middle School Subtotal***\$442,797*****High School**

1.6 FTE Physical Education/Health Teachers	\$ 69,450
6 HS Secretaries	\$ 156,451
2 HS Library Assistants	\$ 45,769
16 Administrative summer work days	\$ 5,248
HS Golf Team	\$ 7,265
Boys and Girls 9th Grade Baseball and Softball	\$ 10,930
Boys and Girls 9th Grade Basketball	\$ 11,850
Swim Team additional fees to offset pool rental	\$ 16,000
6 Assistant Coaches	\$ 31,050
Cross country, tennis, swim, wrestling, winter track, spring track	
HS Musical stipend	\$ 6,900
20.5 Co-curricular stipends	\$ 45,191
Student Activities Non-Personnel Supplies/Materials/Services	<u>\$ 6,000</u>
<i>High School Subtotal</i>	<i>\$ 412,104</i>

Total School Reductions if Override Fails**\$ 1,291,000**

The following list of municipal budget reductions should the override fail was approved by the Board of Selectmen on March 3, 2008 with a vote of 4-0-1. If the override fails at the ballot on April 8th, the Finance Committee will bring a revised, reduced budget to Town Meeting on April 10th, which proposes a budget without the following items.

Municipal Department Reductions if FY2009 Override Fails

Department	Description	Total
Selectmen	Beautification	\$7,000
Town Office	Personnel	17,800
Town Office	Supplies	1,894
Finance	Personnel	30,000
Town Clerk	Personnel	12,500
Conservation	Personnel	3,000
Town Building	Personnel	20,000
SWQC	Education Services	9,000
Police	Personnel	94,500
Fire	Personnel	41,541
Building	Personnel	16,850
Highway	Personnel	64,800
Highway	Uniforms	5,000
Highway	Wastewater	5,000
Board of Health	Personnel	6,900
Board of Health	Haz Waste Day	7,500
Council on Aging	Personnel	43,414
Council on Aging	Transportation	23,400
Youth Services	Personnel	24,385
Library	Personnel	74,450

Park & Recreation	Personnel	50,250
Park & Recreation	Uniforms	5,000
Unclassified	Ins 32B	20,400
Unclassified	Res for Sal Adj	20,416

Total Municipal Reductions if Override Fails \$605,000

LONG RANGE PLAN

Wayland, like many peer towns, has grappled with significant state aid reductions, healthcare and pension expense increases and sharply rising heat, transportation and utility costs. The Finance Committee developed a long-range plan first discussed in 2006; significant progress has been made in implementing the plan, and we are beginning to see financial returns. Those actions include:

- Modifying healthcare programs (Rate Saver plan implemented beginning FY2009)
- Adopting Medicare coverage for eligible retirees (passed at ATM FY2007)
- Controlling salary increases for new labor contracts (ongoing with unions)
- Investigate efficiencies in town operations (building facilities director hired, DPW being considered at this town meeting, combining like town/school functions being reviewed)
- Re-think school structure relative to declining enrollment (elementary school reconfiguration for FY2009), and
- Expand our commercial base-Town Center Development (passed at Special Town Meeting in May 2006 and Planning Board passed MSP in January 2008).

The Finance Committee is committed to supporting these actions and seeing them through to completion. We encourage Committees, Departments and residents to support these ongoing, fiscally prudent efforts.

While these elements bring relief to our increasing expenses, they will not change the overall structure or foundation of our budget. As a result, unless some unforeseen positive financial event occurs, we will continue to require periodic operational overrides just to maintain a level funded budget and to approximate the existing level of services. However, at this time, we do not anticipate an override for FY2010 based on our financial projections.

FINANCIAL TRENDS

As we continue to discuss, the Town finances have been severely challenged by reductions in state funding, declines in new growth and increases in health care and retirement costs. Without increases in state aid funding, local fees or new growth, the additional taxes allowed under Proposition 2 ½ have not been sufficient to fund increases in the healthcare or pension, let alone other operating budget expenses. The fiscal constraints have not changed dramatically and we expect the pattern to persist. We will require periodic operating overrides to level fund a balanced budget.

We continue to investigate and implement ways of controlling the increase in health care costs. At this Town Meeting, we will vote on an article proposing a Department of Public Works that combines four Town departments (highway, water, landfill and parks/cemeteries) into one organization. The projected savings after full implementation are over \$300,000. Following Town Meeting, the Finance Committee will update its long-range financial plan to identify and advocate for the next level of fiscal initiatives.

On average, taxes will increase 6.9%. This increase includes the impact of the override and the debt exclusion plus the allowable 2.5% increase

Wayland's assessed property values showed a decrease this year with the median assessed value decreasing by approximately 8% to \$544,400 after the last interim revaluation in 2007. A strong school system, semi-rural character and the proximity to Boston and major highways are all given as factors that make Wayland highly desirable despite a slowing real estate market.

Once again, Wayland is one of the few towns in the Commonwealth of Massachusetts that earned an Aaa bond rating in 2008 from Moody's Investors Service. This rating, Moody's highest, reflects the Town's strong financial operating results, management, policies and underlying demographic and economic factors. This year, Moody's removed the negative outlook on the Town's bond rating and commented on the Town's "materially improved financial positions, resulting from conservative budgeting practices implemented in the last couple of years." The strong bond rating will minimize our borrowing costs when we consider upcoming capital projects.

Finally, in recognition of the tax burden on our elderly population, Wayland has supported a number of initiatives that reduce the financial strain for those on fixed income. Wayland is one of only a few towns in the Commonwealth that is matching state credits for qualifying seniors. In 2007, a qualifying Wayland senior could receive almost \$2800 in real estate tax exemptions, half from the state and half from Town. Qualified seniors are exempt from the 1.5% CPA tax levy. Additionally, the Town offers a senior tax work-off program, which reduces a senior's real estate bill by an additional \$500 in exchange for 100 hours of service to the Town. Wayland's share of these senior support programs totaled \$102,317 in FY2007. Over 100 senior residents took advantage of one or all of these real estate exemptions.

CONCLUSIONS

The Finance Committee voted 7-0 to recommend the FY2009 operating budget and 7-0 to recommend the capital budget. Wayland's revenues, expenses and real estate taxes compare favorably to peer towns with the exception of our small commercial tax base. The budget presented in the warrant and supported with the \$1.896 million override is a level funded budget with allowable increase for wages, healthcare and utilities; it is important to note that it is not a level service budget. The Finance Committee believes it is in the best interest of the citizens to support the FY2009 budget, the override and the debt exclusion to maintain core services and infrastructure.

The Finance Committee extends thanks and appreciation to the Town's employees, municipal and school department heads, and the various committees for their support during this year's budget preparation.

Wayland once again faces a challenging financial year in FY2009. The Finance Committee will continue to use all diligence in preparing future budgets that will balance the demand for services against the ability of residents with a broad range of financial situations to afford these services.

Respectfully submitted,

Cherry Karlson, Chair

Sam Peper, Vice Chair

Chris Riley

Steve Correia

Bob Lentz

Richard Stack

Susan Pope

TOWN OF WAYLAND 5 YEAR CAPITAL PLANNING REPORT

	2009	2010	2011	2012	2013	Total
SELECTMEN						
Equipment						0
Subtotal	0	0	0	0	0	0
INFORMATION TECHNOLOGY						
Equipment	25,000	25,000	25,000	25,000	25,000	125,000
Subtotal	25,000	25,000	25,000	25,000	25,000	125,000
TOWN CLERK						
Equipment						0
Subtotal	0	0	0	0	0	0
CONSERVATION						
Equipment		30,000	25,000			55,000
Subtotal	0	30,000	25,000	0	0	55,000
TOWN SURVEYOR						
Vehicle	30,000					30,000
Subtotal	30,000	0	0	0	0	30,000
TOWN BUILDING						
Building Repairs	140,000	70,000	135,000	40,000	30,000	415,000
Subtotal	140,000	70,000	135,000	40,000	30,000	415,000
POLICE						
Equipment	10,000	10,000	30,000	10,000	10,000	70,000
Subtotal	10,000	10,000	30,000	10,000	10,000	70,000
JCC						
Building Repairs	600,000					600,000
Equipment	30,000	40,000	10,000			80,000
Subtotal	630,000	40,000	10,000	0	0	680,000
EMERGENCY MANAGEMENT						
Generator						0
Subtotal	0	0	0	0	0	0
FIRE						
Ambulance Replacement		210,000				210,000
Protective Clothing	45,000					45,000
Jaws of Life			40,000			40,000
Car 1 replacement				40,000		40,000
Car 2 replacement					60,000	60,000
Subtotal	45,000	210,000	40,000	40,000	60,000	395,000

	2009	2010	2011	2012	2013	Total
STATION 2						
Building Repairs	50,000					50,000
Subtotal	50,000	0	0	0	0	50,000
BUILDING & ZONING						
Vehicle	30,000					30,000
Subtotal	30,000	0	0	0	0	30,000
HIGHWAY						
Truck Attachments	45,000					45,000
Design/Roadwork RT27/30	85,000					85,000
Traffic Calming	35,000					35,000
Dump truck w/plow				150,000		150,000
Sidewalk machine with attachments		150,000				150,000
Backhoe w/attachments					150,000	150,000
New Highway/Park Garage		13,500,000				13,500,000
Subtotal	165,000	13,650,000	0	150,000	150,000	14,115,000
LANDFILL						
Containers						0
Large Roll-Off Truck	145,000					145,000
Subtotal	145,000	0	0	0	0	145,000
BOARD OF HEALTH						
Subtotal	0	0	0	0	0	0
COUNCIL ON AGING						
Kitchen Repairs						0
Subtotal	0	0	0	0	0	0
LIBRARY						
Building Repairs	105,000	35,000	10,000	10,000	30,000	190,000
Equipment		20,000				20,000
New Library Facility					13,000,000	13,000,000
Subtotal	105,000	55,000	10,000	10,000	13,030,000	13,210,000
PARK & RECREATION						
Trucks		130,000	65,000			195,000
Cochituate Field Lights	200,000					200,000
Field Development		1,400,000				1,400,000
Cemetery	100,000	165,000	300,000		210,000	775,000
Equipment/Misc	55,000	45,000	35,000	655,000		790,000
Subtotal	355,000	1,740,000	400,000	655,000	210,000	3,360,000
SCHOOL *						
Misc Building Repairs	290,000	1,030,000	1,175,000	1,230,000	725,000	4,450,000
Technology	315,000	250,000	250,000	250,000	250,000	1,315,000
Subtotal	605,000	1,280,000	1,425,000	1,480,000	975,000	5,765,000

* Does not include High School Project – Still Being Researched

	2009	2010	2011	2012	2013	Total
WATER						
Treatment plant	3,000,000		8,000,000			11,000,000
Distribution		700,000	500,000	500,000	500,000	2,200,000
Equipment	40,000	70,000	35,000	35,000	35,000	215,000
Vehicle	60,000			55,000	55,000	170,000
Water Tank Repairs			75,000	75,000		150,000
Subtotal	3,100,000	770,000	8,610,000	665,000	590,000	13,735,000
WASTEWATER						
New Treatment Plant	5,200,000					5,200,000
SUMMARY BY DEPARTMENT						
	2009	2010	2011	2012	2012	Total
SELECTMEN	0	0	0	0	0	0
INFORMATION TECHNOLOGY	25,000	25,000	25,000	25,000	25,000	125,000
ASSESSOR	0	0	0	0	0	0
TOWN CLERK	0	0	0	0	0	0
CONSERVATION	0	30,000	25,000	0	0	55,000
TOWN SURVEYOR	30,000	0	0	0	0	30,000
TOWN BUILDING	140,000	70,000	135,000	40,000	30,000	415,000
POLICE	10,000	10,000	30,000	10,000	10,000	70,000
JCC	630,000	40,000	10,000	0	0	680,000
EMERGENCY MANAGEMENT	0	0	0	0	0	0
FIRE	45,000	210,000	40,000	40,000	60,000	395,000
STATION 2	50,000	0	0	0	0	50,000
BUILDING & ZONING	30,000	0	0	0	0	30,000
HIGHWAY	165,000	13,650,000	0	150,000	150,000	14,115,000
LANDFILL	145,000	0	0	0	0	145,000
BOH	0	0	0	0	0	0
COA	0	0	0	0	0	0
LIBRARY	105,000	55,000	10,000	10,000	13,030,000	13,210,000
PARK & RECREATION	355,000	1,740,000	400,000	655,000	210,000	3,360,000
sub-total	1,730,000	15,830,000	675,000	930,000	13,515,000	32,680,000
SCHOOL	605,000	1,280,000	1,425,000	1,480,000	975,000	5,765,000
TOTAL G/F DEPARTMENTS	2,335,000	17,110,000	2,100,000	2,410,000	14,490,000	38,445,000
NON-DEPARTMENTAL						
WATER	3,100,000	770,000	8,610,000	665,000	590,000	13,735,000
WASTEWATER	5,200,000	0	0	0	0	5,200,000

TABLE NO. 1 - WAYLAND INCOME AND EXPENSE STATEMENT					
	FISCAL 2005	FISCAL 2006	FISCAL 2007	FISCAL 2008	FISCAL 2009
BUDGET	46,515,770	48,936,453	50,749,477	53,144,961	56,117,308
ARTICLES AND WATER BUDGET	4,487,419	4,756,101	13,663,559	8,802,239	15,321,939
TOTAL TOWN EXPENSE	51,003,189	53,692,554	64,413,036	61,947,200	71,439,247
OVERLAY	294,911	387,629	493,014	623,553	675,000
NET REC FROM STATE	(1,806,265)	(1,585,690)	(1,712,692)	(2,052,157)	(1,809,547)
LOCAL RECEIPTS	(4,445,926)	(4,020,000)	(2,814,000)	(3,640,000)	(3,686,653)
OTHER SOURCES: FREE CASH, BORROWINGS, ETC	(7,000,885)	(6,339,274)	(14,298,299)	(9,097,947)	(15,147,633)
TO BE RAISED BY TAXATION	38,045,024	42,135,219	46,081,059	47,780,649	51,470,414

AVERAGE TAX BILL WILL INCREASE BY APPROXIMATELY 6.9% IN FY 09

TABLE NO. 2 - HISTORICAL BUDGET SUMMARY					
FISCAL YEAR	SCHOOL	TOWN	TOTAL	INCREASE	%
FY 2009	30,091,713	26,025,595	56,117,308	2,972,347	5.6%
FY 2008	28,722,212	24,422,749	53,144,961	2,395,484	4.7%
FY 2007	28,407,893	22,341,584	50,749,477	1,813,024	3.7%
FY 2006	27,379,743	21,556,710	48,936,453	2,420,683	5.2%
FY 2005	26,067,251	20,448,519	46,515,770	1,337,108	2.9%
FY 2004	25,650,251	19,528,411	45,178,662	2,050,038	4.8%
FY 2003	24,599,201	18,521,423	43,120,624	2,739,700	6.8%
FY 2002	22,937,619	17,443,305	40,380,924	2,791,636	7.4%
FY 2001	20,898,995	16,690,293	37,589,288	3,408,838	10.0%
FY 2000	19,131,126	15,049,324	34,180,450	1,574,292	4.8%

TABLE NO. 3					
TOWN REVENUES	FY 05	FY 06	FY 07	FY 08	FY 09
TAX LEVY	38,045,024	42,135,219	46,081,059	47,780,649	51,470,414
STATE AID	4,252,121	4,572,626	4,480,843	4,822,824	4,922,824
LOCAL RECEIPTS	4,445,926	4,020,000	2,814,000	3,640,000	3,686,653
AVAILABLE FUNDS	2,538,466	1,367,980	1,312,176	510,736	250,694
TOTAL	49,281,537	52,095,825	54,688,078	56,754,209	60,330,585

TABLE NO. 4 - % OF BUDGET BY DEPARTMENT					
DEPARTMENT	FY 05	FY 06	FY 07	FY 08	FY 09
GENERAL GOVERNMENT	5.4%	5.3%	5.5%	5.8%	5.8%
PUBLIC SAFETY	9.9%	9.5%	10.0%	9.6%	9.3%
SCHOOLS	55.7%	55.9%	55.9%	54.1%	53.6%
REG VOC SCHOOL	0.3%	0.4%	0.4%	0.7%	0.8%
HIGHWAY	2.8%	2.4%	2.7%	2.7%	2.7%
LANDFILL	1.0%	1.0%	1.0%	0.9%	0.9%
HEALTH	1.2%	1.2%	1.2%	1.2%	1.1%
LIBRARY	1.8%	1.7%	1.9%	1.8%	1.7%
PARK & RECREATION	3.0%	2.8%	1.5%	1.4%	1.4%
DEBT & INTEREST	8.3%	7.5%	7.2%	7.2%	7.3%
UNCLASSIFIED	10.6%	12.3%	12.8%	14.5%	15.4%

TABLE NO. 5 - DEPARTMENTAL INCREASES				
	BUDGET FY 08	BUDGET FY 09	INCREASE	% INCREASE
GENERAL GOVERNMENT	3,082,034	3,246,063	164,029	5.3%
PUBLIC SAFETY	5,123,596	5,224,963	101,367	2.0%
SCHOOLS	28,722,212	30,091,713	1,369,501	4.8%
REGIONAL VOC SCH	397,000	450,000	53,000	13.4%
HIGHWAY	1,427,662	1,492,231	64,569	4.5%
LANDFILL	501,492	507,492	6,000	1.2%
HEALTH	631,891	606,445	(25,446)	-4.0%
LIBRARY	956,468	971,313	14,845	1.6%
PARK & RECREATION	768,750	801,809	33,059	4.3%
DEBT & INTEREST	3,831,856	4,086,279	254,423	6.6%
UNCLASSIFIED	7,702,000	8,639,000	937,000	12.2%
TOTAL	53,144,961	56,117,308	2,972,347	5.6%

COMMONWEALTH OF MASSACHUSETTS

*Middlesex, ss.**Town of Wayland****** WARRANT *****

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Wayland who shall be qualified to vote in accordance with the provisions of Massachusetts General Laws, Chapter 51, Section 1, to come to their respective polling places (Precincts 1 and 4 in the Gymnasium of the Town Building and Precincts 2 and 3 in the Gymnasium of the Middle School) on:

TUESDAY, APRIL 8, 2008, BETWEEN 7:00 A.M. and 8:00 P.M.

to vote for the following Town officers by ballot for the following terms of office:

One member of the Planning Board and one member of the Housing Authority for five years;
and

One Town Moderator, two members of the Board of Assessors, two members of the Board of Selectmen, two members of the School Committee, one Road Commissioner, one Water Commissioner, two members of the Board of Health, one Commissioner of Trust Funds, two Library Trustees, and one Park & Recreation Commissioner for three years; and

One member of the Board of Assessors and one member of the Board of Health for one year.

As well as such other Town Officers as may be necessary and to vote "Yes" or "No" upon the following question:

QUESTION NO 1: "Shall the Town of Wayland be allowed to assess an additional \$1.896 million dollars in real estate and personal property taxes for the fiscal year beginning July first, two thousand and eight?"

QUESTION NO 2: "Shall the Town of Wayland be allowed to exempt from the provision of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to (i) repair the Wayland Town Building, the Public Safety Building, the Town Library and Fire Station Two; (ii) perform a design study for the Route 30/27 intersection; (iii) procure a new truck for landfill operations; (iv) make improvements to Cochituate Field; and (v) make building repairs to public school buildings and procure technology equipment for the Wayland Public Schools?"

You are also required to notify all such residents of Wayland to meet in the High School Field House on

THURSDAY, APRIL 10, 2008, AT 7:30 P.M.

to act on the following Articles:

ARTICLE 1: RECOGNIZE CITIZENS AND EMPLOYEES FOR EXTENSIVE SERVICE TO THE TOWN

Proposed by: Board of Selectmen

To determine whether the Town will vote to recognize certain citizens and employees for their extensive service to the Town of Wayland.

FINANCE COMMITTEE COMMENTS: This is a standard article that allows recognition and commendation of certain citizens and employees.

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

QUANTUM OF VOTE: Majority.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 2: HEAR REPORTS

Proposed by: Board of Selectmen

To determine whether the Town will vote to receive and act upon reports of Town officers, agents, trustees, commissioners, boards and committees. (See Appendix B)

FINANCE COMMITTEE COMMENTS: This is a standard article that allows reports commissioned by the Town to be heard.

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

QUANTUM OF VOTE: Majority.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 3: CHOOSE TOWN OFFICERS

Proposed by: Board of Selectmen

To determine whether the Town will vote to choose Town officers, agents, trustees, councils, commissioners, boards, and committees not elected by official ballot. (See Appendix C)

FINANCE COMMITTEE COMMENTS: This is a standard article that permits the Town to fill various positions.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 41, Section 1.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 4: CURRENT YEAR TRANSFERS*Proposed by: Finance Committee**Estimated Cost: \$476,000*

To determine whether the Town will vote to appropriate a sum or sums of money for the operation and expenses of various Town Departments for the current fiscal year; to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or federal government, by borrowing, or otherwise; and to determine which Town officer, board, or committee of combination of them, shall be authorized to expend the money or monies appropriated therefor.

CURRENT YEAR TRANSFERS FY 2008		
	PURPOSE	AMOUNT
1	SELECTMEN PROFESSIONAL SERVICES	40,000
2	SNOW REMOVAL	305,000
3	ELECTIONS	6,000
4	TOWN COUNSEL	125,000
TOTAL CURRENT YEAR TRANSFERS		\$ 476,000

FUNDING SOURCES:

UNRESERVED FUND BALANCE	\$ 476,000
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FINANCE COMMITTEE COMMENTS: This article authorizes the expenditure of funds for the current fiscal year, which were not foreseen in the current budget. These transfers are required for the following reasons:

Selectmen Professional Services (40,000): These funds will be used to conduct an audit/systems review of the assessment process including system, data and staffing.

Snow Removal (305,000): This request covers snow removal overages for the current fiscal year.

Elections (6,000): These funds are necessary to cover the cost of the special election for the congressional seat vacated by Marty Meehan.

Town Counsel (125,000): This amount is needed primarily to cover litigation related to the public safety building.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

For more information about this article, contact Michael DiPietro, Finance Director, at (508) 358-3611, or email mdipietro@wayland.ma.us.

ARTICLE 5: CREATE A DEPARTMENT OF PUBLIC WORKS

Sponsored by: Board of Selectmen

To determine whether the Town will vote to:

- 1.) authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act providing for the establishment of a Department of Public Works substantially the same as the special act set forth on pages 24 through 27 of this warrant;
- 2.) Amend the Code of the Town of Wayland effective July 1, 2009, by:
 - a.) adding thereto the following new Chapter:

“Chapter 151

Director of Public Works

§151-1. Appointment and Qualifications.

151.1.1 The Town Administrator, in consultation with the Board of Public Works, may appoint a Director of Public Works for a term of one to three years or the Director of Public Works may serve the Town at will and at the pleasure of the Town Administrator. The Director of Public Works shall receive such aggregate compensation and fringe benefits, not exceeding the amount appropriated, as the Town Administrator may determine in accordance with the Town’s Personnel By-Laws and Wage and Salary Classification Plan. The Town Administrator may, but is not required to, establish a written employment contract with the Director of Public Works to provide for the salary, fringe benefits, and other conditions of employment of the Director of Public Works in accordance with the Town’s Personnel By-Laws and Wage and Salary Classification Plan. The Director of Public Works position shall be a managerial and confidential employee as such is defined by Massachusetts General Laws Chapter 150E and relevant case law from the Massachusetts Labor Relations Commission.

151.1.2 The Director of Public Works shall hold no elective Town office, but may be appointed by the Town Administrator to any other compatible Town office or position. The Director of Public Works shall devote full-time to the responsibilities of the department, and shall engage in no other business or occupation without advance written authorization by the Town Administrator.

§151-2. Authority and Responsibilities.

151.2.1 The Director of Public Works shall be responsible for the day to day management and operations of the Department of Public Works and shall act by and for the Board of Public Works in carrying out its responsibilities and in the exercise of its authority and powers established by general and special law, by-law and vote of the Town. The Town Administrator will provide operational and administrative (including, but not limited to budget and financial management, procurement, employment relations, collective bargaining, personnel administration, insurance and risk management matters) direction to the Director of Public Works.

151.2.2 Subject to ratification by the Town Administrator or his/her designee, the Director of Public Works shall have the power and authority to appoint, on the basis of merit and fitness alone, and, discipline, suspend, demote, transfer or terminate supervisory or managerial personnel in the Department of Public Works. The Director of Public Works shall also have the authority to hire, promote, discipline, suspend, demote, transfer or terminate all other personnel in the Department of Public Works. All personnel actions taken by the Director of Public Works shall be taken in accordance with all applicable laws, provisions of any collective bargaining agreements, personnel by-laws and personnel practices and policies.

151.2.3 The Director of Public Works shall:

- (a) manage and supervise all operations, affairs and personnel of the Department of Public Works;
- (b) implement the goals and objectives established by the Town Administrator which shall be consistent with the policies of the Board of Public Works;
- (c) act as the liaison with and represent the Department of Public Works before state, federal and regional authorities;
- (d) serve as the Department of Public Works' public information officer in responding to suggestions, complaints and criticisms;
- (e) annually prepare and submit to the Board of Public Works for its review, and to the Town Administrator for his/her subsequent recommendation to the Finance Committee, a departmental budget showing proposed expenditures and revenues for the ensuing fiscal year;
and
- (f) perform such other duties as may be required by the Town Administrator, by-law, state law or federal law, rules and regulations and the Director of Public Works' job description.

§151-3. Removal of the Director of Public Works.

Section 151.3.1 Termination of employment of any director of public works shall be effected by order of the Town Administrator.

§151-4. Acting Director of Public Works.

Section 151.4.1 The Town Administrator may designate a qualified person to serve as the Acting or Interim Director of Public Works and to perform the duties of the of the Director of Public Works during the period of any vacancy caused by the Director of Public Works' absence, illness, suspension, termination or resignation.”;

- b.) by replacing “Board of Health” wherever said words appear in Chapter 153 thereof with the words “Board of Public Works”;
- c.) by replacing “Superintendent of Streets” in §158-1 thereof with the words “Board of Public Works”;
- d.) by replacing “Wayland Highway Department” in §158-6, §158-8 and §158-9 thereof with the words “Board of Public Works”;

- e.) by replacing “Board of Road Commissioners” wherever said words appear in §158-13 thereof with the words “Board of Public Works”;
 - f.) by replacing “Water Commissioners” and “Board of Water Commissioners” wherever said words appear in Chapter 190 and Chapter 191 thereof with the words “Board of Public Works”; and
 - g.) by adding to Chapter 43 thereof, PERSONNEL and the Personnel Wage and Salary Classification Plan previously adopted by the Town (Appendix E), Non-Union Wage Scale, N Schedule, position titles and salary grades for the Director of Public Works; and
- 3.) amend and modify its vote under Article 10 of the Warrant for the 1996 Annual Town Meeting by transferring the care, custody, management and control of the parcel of land containing 5.9 acres, more or less, and comprising a portion of the so-called Old Landfill located on the southerly side of Boston Post Road and described in an order of taking dated March 30, 1970 and recorded with the Middlesex South Registry of Deeds in Book 11816, Page 625 and the parcels of land located off the northerly side of Boston Post Road, containing, in the aggregate, 37.54 acres, more or less, and comprising the so-called Sandhill Landfill and described in an order of taking dated June 5, 1967 and recorded with said Registry of Deeds in Book 11351, Page 146 and an order of taking dated March 8, 1971 and recorded with said Registry of Deeds in Book 11977, Page 704, and all landfill-related employees, equipment, vehicles, structures, material, supplies budgetary funds, other funds and accounts from the Board of Health to the Department of Public Works effective July 1, 2009;

Chapter _____ of the Acts of 2008

AN ACT AUTHORIZING THE TOWN OF WAYLAND TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There is hereby established in the town of Wayland a Department of Public Works, in this act called the department, which shall be under the supervision, direction and control of the Town Administrator.

SECTION 2. (a) There shall be a Board of Public Works consisting of five members, in this act called the board. From the effective date of this act until not earlier than the conclusion of the 2010 annual town election, the members of the board shall be designated as follows: (i) one member who shall be appointed by the Board of Road Commissioners ; (ii) one member who shall be appointed by the Board of Water Commissioners ; (iii) one member who shall be appointed by the Park and Recreation Commission; (iv) one member who shall be appointed by the Board of Health; and (v) one member who shall be appointed by the Board of Selectmen. In making their appointments to the board, the Board of Road Commissioners, the Board of Water Commissioners, the Park and Recreation Commission and the Board of Health shall consider their respective current and former members. When the board so appointed first enters upon the performance of its duties it shall file written notice thereof with the Town Clerk and the Board of Road Commissioners and the Board of Water Commissioners shall thereupon be abolished and the Park and Recreation Commission shall thereafter

be known as the Recreation Commission. Vacancies occurring in the board after its initial appointment and before the conclusion of the 2010 annual town election shall be filled by roll call vote of the Board of Selectmen and the remaining members of the board acting jointly. Commencing with the 2010 annual town election, the manner of selection of the members of the board shall be by election at the annual town election. The initial members thereof shall be elected, one to serve for one year, two to serve for two years, and two to serve for three years, and thereafter when the term of any member expires, such member's successor shall be elected for a term of three years. In all cases, each member shall serve until his successor is appointed or elected, as the case may be, and qualified. Vacancies in the elected board shall be filled in accordance with Section 11 of Chapter 41 of the general laws. All members of the board shall be registered voters of the town.

(b) The board shall have the powers and duties of the following boards, commissions, committees and officers now or from time to time vested by general or special law or by town by-law in the following boards, commissions and officers, except as provided in this act:

- 1) road commissioners and Board of Road Commissioners;
- 2) surveyors of highways;
- 3) superintendent of streets;
- 4) water commissioners and Board of Water Commissioners;
- 5) park commissioners, except conducting recreation activities or programs;
- 6) cemetery commissioners;
- 7) tree warden; and
- 8) any other public works related powers and duties that may be from time to time vested in the board by general or special law, town by-law or town meeting vote.

(c) The town's sanitary landfill and any other solid waste disposal facilities or services that may be provided, made available or arranged by the town shall be under the supervision and control of the board.

(d) In addition, the board shall be responsible for the custody, care, management, control, operation, repair and maintenance of all town-owned land, equipment, facilities, vehicles and other personal property and accounts, budgetary funds, other funds and staff formerly under the jurisdiction of the Board of Road Commissioners, the Board of Water Commissioners, and the Park and Recreation Commission and used by said commissions for public works or park purposes. In consultation with the Recreation Commission, the board shall annually establish a plan for the periodic maintenance, repair and improvement of all town-owned land on which programs, events and activities are conducted or coordinated by the Recreation Department. The board shall be responsible for carrying out the plan.

(e) The board shall have the authority to adopt and amend rules and regulations relative to all matters and affairs under its jurisdiction. Prior to adopting or amending such rules and regulations, the board shall hold a public hearing thereon, notice of which, giving the time, date and place, shall be placed in a newspaper of general circulation in the town, once in each of two successive weeks, with the first such publication being not less than fourteen (14) days before the hearing. Any such rules and regulations so adopted or amended shall be filed in the office of the town clerk whereupon they shall take effect. After any such rules and regulations are so filed, they may be published and included in

the Code of the Town of Wayland or in separate pamphlets and shall be posted on the Town's official website or on the official website of the board and a copy shall be filed in the Town Library.

SECTION 3. The Town Administrator, in consultation with the board, shall appoint, fix the tenure, compensation and fringe benefits of, and may enter into an employment agreement with a Director of Public Works, subject to appropriation and the provisions of the town's by-laws and personnel by-laws and wage and salary classification plan. The director shall exercise and perform, under the operational and administrative direction of the Town Administrator and the policy direction of the board, the powers, rights and duties which have been transferred to the department hereunder and as set forth in the town's by-laws. The Director need not be a resident of the town during tenure of office. No member of the board shall be eligible for appointment as Director of Public Works. The director shall be a managerial and confidential employee as such is defined by Massachusetts General Laws Chapter 150E and relevant case law from the Massachusetts Labor Relations Commission.

SECTION 4. No existing contract, agreement or liability shall be affected by the abolition or modification of any board, commission or office effectuated by this act, but the board shall in all respects be the lawful successor of the boards, commissions and offices so abolished or modified.

SECTION 5. Each regular full time or part time employee of any board, commission or office abolished or modified by this act shall be transferred to and become an employee of the department. No such employee shall forfeit rate of compensation, grade, step, or time of service solely on account of the establishment of the department. All collective bargaining agreements or employment contracts in force on the effective date of this act shall not be affected by this act. Nothing in this section shall be construed as limiting the town's rights including but not limited to the right to determine the level of services, to reorganize, to create and abolish positions, to combine positions, reclassify positions, modify the organizational structure of the Department of Public Works, or to negotiate and agree to amendments, modifications or revisions to any collective bargaining agreement or employment contract or to or amend or modify any by-law of the town in accordance with law.

SECTION 6. Chapter 130 of the Acts of 1962 is hereby repealed.

SECTION 7. Chapter 254 of the Acts of 1966 is hereby repealed.

SECTION 8. Establishment of Recreation Commission; Recreation Director.

- (a) Upon the filing of written notice in accordance with Paragraph (a) of Section 2 of this act, the town's Park and Recreation Commission shall be thereafter known as the Recreation Commission. The Recreation Commission shall consist of five members elected for terms of three years. The terms of the members of the Recreation Commission shall be staggered as the terms of the Park and Recreation Commission are so staggered. The members of the Park and Recreation Commission in office immediately prior to the effective date of this act shall continue in office as members of the Recreation Commission provided for in this section.
- (b) The Recreation Commission shall have the power and authority to conduct recreation programs and activities on land or in facilities or buildings owned, leased or held by the town for park, playground or recreation purposes, and, with the approval of the school committee, for school purposes.
- (c) In addition, the Recreation Commission shall be responsible for the custody, management, control and operation of all accounts, budgetary funds, other funds and staff formerly under the jurisdiction of the Park and Recreation Commission and held or employed for playground or recreation purposes.

- (d) The Town Administrator, in consultation with the Recreation Commission, shall also have the power and authority to appoint, fix the tenure, compensation and fringe benefits of, and may enter into an employment agreement with a Recreation Director, subject to appropriation and the provisions of the town's by-laws and personnel by-laws and wage and salary classification plan. The Recreation Director shall exercise and perform, under the supervision and direction of the board and the administrative direction of the Town Administrator, the powers, rights and duties of the commission set forth in this section and the town's by-laws. The Recreation Director need not be a resident of the town during tenure of office. No member of the board shall be eligible for appointment as the Recreation Director. The Recreation Director shall be a managerial and confidential employee as such is defined by Massachusetts General Laws Chapter 150E and relevant case law from the Massachusetts Labor Relations Commission.

SECTION 9. This act shall take effect on July 1, 2009.

FINANCE COMMITTEE COMMENTS: This article establishes a Department of Public Works (DPW) effective July 1, 2009, which will combine the operations of the Highway, Water, Landfill operations, and the Park operations of the current Park and Recreation department. The DPW Assessment Committee, established by the Selectmen in 2005, voted to recommend the creation of the DPW. Their recommendation to the Selectmen originally included Wastewater Management and the Septage Department. However, the Selectmen in their further study and assessment excluded these functions in the proposed creation of the DPW because these boards operate self-sustaining facilities using funds outside the town's budget and outsource their job functions.

Governance:

The DPW will be under the supervision, direction and control of the Town Administrator, and will be managed by a Director of Public Works (the Director) (see Appendix D), who will be appointed by the Town Administrator in consultation with the Board of Public Works. Final termination of any Director shall be effected by order of the Town Administrator. The Board of Public Works (the Board) will be a 5-person elected board and be responsible for department policy. With the creation of the Board, the Boards of Road Commissioners, and Water Commissioners will cease to exist. The Board of Health will cease to have authority for the Landfill Operations, which is being transferred to the DPW. Also, the Park operations (field maintenance and planning) currently under the jurisdiction of the Park and Recreation Commission will be combined within the DPW. The Park and Recreation Commission will be re-chartered as a Recreation Commission with responsibility for recreation programs.

Creation of the Board of Public Works:

The Board will consist of five elected members. The first election will be scheduled for the 2010 annual town election. Between the effective date of July 1, 2009 and the 2010 annual town election, the members of the board will be designated as follows: the Boards of Road Commissioners, Water Commissioners, Park and Recreation, Health, and Selectmen will each appoint a member to Board. Commencing with the 2010 annual town election, the five-member appointed board will be replaced with an elected board, initially with staggered terms such that one elected board member will serve for one year; two for two years; and two elected for three year terms. Each successor shall be elected for a term of three years.

Budgeting and Financial Management:

The Director will annually prepare and submit a budget to the Board for its review. The Town Administrator will have responsibility for submitting the DPW budget to the Finance Committee. The DPW budget will be a combined budget and the total will be included in the total Town Budget.

However, included in source of Town revenue will be the fee revenue from Water. This will be a change from the current budget which shows Water fee revenue and expenses as a separate budget, which is voted separately by Town Meeting. Although the budgets will be combined, none of the fees from Water will be used to fund any activity other than its intended use and will not be used for other operations. For example, water revenue would not be used to fund road construction or repair. However, it is expected that the Director will have the flexibility to use personnel as needed to address emergencies or other critical situations. The Board will have responsibility for setting water rates.

ARGUMENTS IN FAVOR: The establishment of a DPW was proposed by the consulting group, Maximus, in January 2002 in their Phase I Report: Analysis of the Organization Structure of the Town. This report eventually became part of Town's Master Plan. Their conclusion was that a DPW would provide a better management structure, including oversight, accountability, budgetary control and risk management, and would provide for better coordination, resource allocation, and a more effective and flexible response to new situations and changing priorities.

The Selectmen established in January 2005 The DPW Assessment Committee, a 9 member committee represented by an appointed board member from the Selectmen, Finance Committee, Personnel Board, Water, Road, Park and Recreation, Health, and Waste Water Management. The DPW Assessment Committee proposed to the Selectmen in the summer of 2007 that a DPW be created.

Also, the Finance Committee in its long term financial plan recommended that a DPW be created to take advantage of potential efficiencies of a combined operation. Wayland is one of a few towns to continue to have separate departments and, of note, 12 of 14 surrounding peer towns have gone to DPW organizations.

The DPW Assessment Committee and the Selectmen have identified a number of benefits which could be realized by the creation of a DPW:

1. Opportunities for savings: Although there are some opportunities for savings in the short-term, in the long-term significant savings could be realized:
 - a. At the request of the Selectmen, the Town Administrator and the Assistant Town Administrator developed a possible DPW structure. Their model shows potential for a streamlined DPW structure with the number of director / supervisory personnel reduced from today's staffing level. Their conclusion was that through retirements and attrition at least 3 positions could be eliminated resulting in savings in salary and benefit costs of \$300,000 (based on 2009 salary levels). (It should be noted that the final organization structure will be determined after the creation of the DPW by the DPW Director, Board of Public Works and the Town Administrator).
 - b. Reduction of overtime by managing deployment and scheduling of personnel.
 - c. Better utilization of equipment which will avoid redundant purchases. This will ultimately reduce the number of pieces of equipment and reduce the annual debt service expense.
 - d. Centralized purchasing and competitive bidding process across multiple functions.
 - e. Save in legal costs for negotiation and settlement of labor contracts and disputes if the number of bargaining units are reduced.
2. A better management structure to improve coordination and communication:
 - a. Today, there are 4 different organizational structures with 4 different managing boards / commissions / committees consisting of 18 board members managing a total staff of

- forty. Although it is too early to assume the DPW organizational structure, it will probably consist of two reporting organizations along functional areas of water related functions versus land related activities. Also, there would be only a single 5 person elected board.
- b. It would allow for the full utilization and talent of the Town Administrator with the ability to coordinate activities across all town functions.
 - c. Provides for a single DPW budget with the ability to allocate financial resources to priorities and to streamline activities to capture savings.
 - d. Purchasing and competitive bidding can be centralized whereas today these activities are handled separately by each organization.
 - e. The Director of Human Resources, which today is an advisory function to the individual boards, would have a direct involvement with the DPW. Many of the labor issues experienced in the past, partially caused by independent boards having direct personnel responsibility, can be diminished by the Human Resources Director's direct involvement.
3. A better structure to address long-term planning (operational, facilities and services): The consolidated structure with oversight by the Town Administrator provides an opportunity to plan facilities, fields and other services in a town-wide coordinated effort.
 4. Better and more efficient utilization of resources: A DPW would allow for resources to be applied to immediate needs or seasonal and cyclical demands; overtime can be minimized because schedules could be coordinated and resources could be cross-trained to allow sharing across functions; and, use of vendors would be centralized and consistent across functions.
 5. Improved customer service: Centralized administration can coordinate response to citizen requests and expedite emergency response. Citizens will only have one place to call which will be a big benefit especially if several departments are now involved.

ARGUMENTS OPPOSED: The argument most heard is "if the current structure isn't broke, why change it?" Other arguments opposed are:

1. The short-term savings are minimal and don't justify the change in structure.
2. Board oversight would be reduced from 4 boards to one, minimizing citizen involvement. Also, expertise of individual board members will be lost by the elimination of citizen participation.
3. DPW structure would be too large and complex for only one 5-person board to provide proper oversight.
4. Concern that water fee revenue would be used to fund other functional needs and not for what it is intended.
5. The Park and Recreation Commission have voted to be excluded from the DPW. They believe they need full control over P&R resources to ensure their ability to deliver on recreation programs. They cite examples when a field needs immediate attention and they can make one call to get a field mowed or lined.
6. The proposed structure gives oversight to the Selectmen by way of having the Director report to the Town Administrator. However it should be noted that a separate elected DPW board would have policy-making responsibility.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0.

QUANTUM OF VOTE: 1.) Majority – see Massachusetts Constitution Amendment Article, 2, Section 8(1); 2.) Majority – see Massachusetts General Laws Chapter 40, Section 21 and Chapter 41, Section 108A; 3.) Majority – see Massachusetts General Laws Chapter 40, Section 15A; and 4.) Majority – see Massachusetts General Laws Chapter 40, Section 4A.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendments are consistent with federal and Massachusetts law.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 6: FY2009 OMNIBUS BUDGET

Proposed by: Finance Committee

To determine what sum of money the Town will appropriate for the operation and expenses of the Town, including capital expenditures for equipment, improvements, or other purposes, and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

FINANCE COMMITTEE COMMENTS:

ARGUMENTS IN FAVOR: This budget reflects the cost of operating the Town in an efficient manner in order to deliver services to the residents of Wayland.

ARGUMENTS OPPOSED: Some residents might consider the budget excessive, while other residents might believe that insufficient funds have been budgeted to perform all desired services.

RECOMMENDATION: The Finance Committee recommends approval. Operating Budget Vote: 7-0. Capital Budget Vote: 7-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

MOTION UNDER ARTICLE 6:

For what it considers to be the proper management of the Town and its finances, the Finance Committee makes the following recommendations, and they are, therefore, incorporated under the motion to be made under Article 6 at the Annual Town Meeting, as follows:

“That the Town Administrator be charged with responsibility for (1) the operation, maintenance, and administration of the Wayland Town Building, the Public Safety Building, and the Cochrane Town Building, their equipment, and their grounds, as well as (2) the supervision, except for matters relating to policy, of all employees in those buildings, other than elected officials, non-salaried appointed officials, and employees of the School Department;”

“That the Director of Youth and Adolescent Services and Staff be under the jurisdiction of the Youth Advisory Committee which shall report to the Town on the activities of the Director of Youth and Adolescent Services and Staff at the Annual Town Meeting. The Director of Youth and Adolescent Services and Staff will receive administrative support from the School Department;”

“That property tax abatements granted to eligible senior citizens under Section 80 and 81 of Chapter 127 of the Acts of 1999 be funded by transfer from the overlay account;”

“That the Town continue for Fiscal Year 2009 the revolving fund established by vote of the 2006 Annual Town Meeting pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws by the Park and Recreation Commission for recreation programs and activities, to be funded by user fees collected; and that the amount to be expended not to exceed the sum of \$750,000;” and

“That the Town continue for Fiscal Year 2009 the revolving fund established by vote of the 1994 Annual Town Meeting pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws for use by the Council on Aging for education, cultural and entertainment programs and purposes, to be funded by receipts from said programs; and that the amount to be expended not exceed the sum of \$50,000.”

For more information about this article, contact Michael DiPietro, Finance Director, at (508) 358-3611, email mdipietro@wayland.ma.us, or Cherry Karlson, Chair, Finance Committee, at (508) 358-0195, email cckarlson@comcast.net.

FISCAL YEAR 2009 BUDGET		EXPENDED FY 2007	APPROPRIATED FY 2008	REQUESTED FY 2009
SELECTMEN				
	PURCHASE OF SERVICES	\$20,772	\$20,000	\$21,200
	SUPPLIES	\$9,536	\$13,844	\$12,800
1	TOTAL EXPENSES	\$30,308	\$33,844	\$34,000
	TOTAL SELECTMEN	\$30,308	\$33,844	\$34,000
TOWN OFFICE				
	SALARIES	\$303,899	\$311,013	\$314,800
2	TOTAL PERSONNEL SERVICES	\$303,899	\$311,013	\$314,800
	PURCHASE OF SERVICES	\$11,118	\$16,000	\$17,000
	SUPPLIES	\$48,845	\$57,800	\$58,800
3	TOTAL EXPENSES	\$59,963	\$73,800	\$75,800
	TOTAL TOWN OFFICE	\$363,862	\$384,813	\$390,600
PERSONNEL BOARD				
	SALARIES	\$1,200	\$6,750	\$6,750
4	TOTAL PERSONNEL SERVICES	\$1,200	\$6,750	\$6,750
	PURCHASE OF SERVICES	\$13,039	\$10,000	\$10,000
5	TOTAL EXPENSES	\$13,039	\$10,000	\$10,000
	TOTAL PERSONNEL BOARD	\$14,239	\$16,750	\$16,750
FINANCE COMMITTEE				
	PURCHASE OF SERVICES	\$0	\$0	\$0
6	TOTAL EXPENSES	\$0	\$0	\$0
	TOTAL FINANCE COMMITTEE	\$0	\$0	\$0
FINANCE				
	SALARIES	\$223,923	\$277,495	\$270,450
7	TOTAL PERSONNEL SERVICES	\$223,923	\$277,495	\$270,450

FISCAL YEAR 2009 BUDGET		EXPENDED FY 2007	APPROPRIATED FY 2008	REQUESTED FY 2009
	PURCHASE OF SERVICES	\$26,909	\$29,500	\$30,000
	SUPPLIES	\$2,538	\$5,000	\$5,000
8	TOTAL EXPENSES	\$29,447	\$34,500	\$35,000
	TOTAL FINANCE	\$253,370	\$311,995	\$305,450
	ASSESSOR			
	SALARIES	\$158,276	\$182,533	\$184,831
9	TOTAL PERSONNEL SERVICES	\$158,276	\$182,533	\$184,831
	PURCHASE OF SERVICES	\$119,174	\$86,285	\$125,020
	SUPPLIES	\$2,992	\$3,200	\$1,500
10	TOTAL EXPENSES	\$122,166	\$89,485	\$126,520
	TOTAL ASSESSOR	\$280,442	\$272,018	\$311,351
	TREASURER			
	SALARIES	\$188,765	\$196,520	\$196,520
11	TOTAL PERSONNEL SERVICES	\$188,765	\$196,520	\$196,520
	PURCHASE OF SERVICES	\$31,765	\$36,598	\$36,730
	SUPPLIES	\$1,657	\$1,703	\$1,700
12	TOTAL EXPENSES	\$33,422	\$38,301	\$38,430
	TOTAL TREASURER	\$222,187	\$234,821	\$234,950
	TOWN COUNSEL			
	PURCHASE OF SERVICES	\$288,803	\$160,000	\$200,000
	SUPPLIES	\$1,894	\$2,500	\$2,500
13	TOTAL EXPENSES	\$290,697	\$162,500	\$202,500
	TOTAL TOWN COUNSEL	\$290,697	\$162,500	\$202,500
	INFORMATION TECHNOLOGY			
	SALARIES	\$72,961	\$72,962	\$74,366
14	TOTAL PERSONNEL SERVICES	\$72,961	\$72,962	\$74,366
	PURCHASE OF SERVICES	\$112,058	\$109,500	\$109,500
	SUPPLIES	\$33,567	\$32,500	\$32,500
15	TOTAL EXPENSES	\$145,625	\$142,000	\$142,000
	TOTAL INFORMATION TECHNOLOGY	\$218,586	\$214,962	\$216,366
	TOWN CLERK			
	SALARIES	\$110,813	\$102,561	\$109,059
16	TOTAL PERSONNEL SERVICES	\$110,813	\$102,561	\$109,059
	PURCHASE OF SERVICES	\$10,535	\$11,355	\$11,155
	SUPPLIES	\$0	\$1,400	\$1,600
17	TOTAL EXPENSES	\$10,535	\$12,755	\$12,755
	TOTAL TOWN CLERK	\$121,348	\$115,316	\$121,814
	ELECTIONS			
	SALARIES	\$18,389	\$15,287	\$27,100
	TOTAL PERSONNEL SERVICES	\$18,389	\$15,287	\$27,100
	PURCHASE OF SERVICES	\$2,431	\$0	\$800

FISCAL YEAR 2009 BUDGET		EXPENDED FY 2007	APPROPRIATED FY 2008	REQUESTED FY 2009
	SUPPLIES	\$4,772	\$12,500	\$12,500
	TOTAL EXPENSES	\$7,203	\$12,500	\$13,300
18	TOTAL ELECTIONS	\$25,592	\$27,787	\$40,400
	REGISTRAR			
	SALARIES	\$275	\$275	\$275
19	TOTAL PERSONNEL SERVICES	\$275	\$275	\$275
	PURCHASE OF SERVICES	\$3,337	\$4,200	\$3,900
20	TOTAL EXPENSES	\$3,337	\$4,200	\$3,900
	TOTAL REGISTRAR	\$3,612	\$4,475	\$4,175
	CONSERVATION			
	SALARIES	\$100,610	\$108,883	\$109,580
21	TOTAL PERSONNEL SERVICES	\$100,610	\$108,883	\$109,580
	PURCHASE OF SERVICES	\$8,175	\$12,500	\$12,500
	SUPPLIES	\$3,849	\$9,600	\$9,600
22	TOTAL EXPENSES	\$12,024	\$22,100	\$22,100
	TOTAL CONSERVATION	\$112,634	\$130,983	\$131,680
	PLANNING			
	SALARIES	\$100,653	\$103,653	\$103,653
23	TOTAL PERSONNEL SERVICES	\$100,653	\$103,653	\$103,653
	PURCHASE OF SERVICES	\$3,070	\$4,000	\$4,000
	SUPPLIES	\$1,115	\$2,000	\$2,000
24	TOTAL EXPENSES	\$4,185	\$6,000	\$6,000
	TOTAL PLANNING	\$104,838	\$109,653	\$109,653
	SURVEYOR			
	SALARIES	\$116,295	\$132,053	\$133,791
25	TOTAL PERSONNEL SERVICES	\$116,295	\$132,053	\$133,791
	PURCHASE OF SERVICES	\$11,995	\$10,450	\$11,800
	SUPPLIES	\$4,954	\$5,000	\$5,150
26	TOTAL EXPENSES	\$16,949	\$15,450	\$16,950
	TOTAL SURVEYOR	\$133,244	\$147,503	\$150,741
	TOWN BUILDING			
	SALARIES	\$87,289	\$191,000	\$197,325
27	TOTAL PERSONNEL SERVICES	\$87,289	\$191,000	\$197,325
	PURCHASE OF SERVICES	\$47,410	\$24,300	\$35,150
	UTILITIES	\$223,852	\$267,000	\$292,000
	SUPPLIES	\$12,974	\$10,000	\$16,000
28	TOTAL EXPENSES	\$284,236	\$301,300	\$343,150
	TOTAL TOWN BUILDING	\$371,525	\$492,300	\$540,475

FISCAL YEAR 2009 BUDGET		EXPENDED FY 2007	APPROPRIATED FY 2008	REQUESTED FY 2009
HISTORICAL COMMISSION				
	PURCHASE OF SERVICES	\$0	\$200	\$200
29	TOTAL EXPENSES	\$0	\$200	\$200
	TOTAL HISTORICAL COMMISSION	\$0	\$200	\$200
SURFACE WATER QUALITY COMMISSION				
	PURCHASE OF SERVICES	\$14,490	\$40,000	\$40,000
30	TOTAL EXPENSES	\$14,490	\$40,000	\$40,000
	TOTAL SURFACE WATER QUALITY COMM	\$14,490	\$40,000	\$40,000
HISTORIC DISTRICT COMMISSION				
	PURCHASE OF SERVICES	\$19	\$275	\$275
31	TOTAL EXPENSES	\$19	\$275	\$275
	TOTAL HISTORIC DISTRICT COMMISSION	\$19	\$275	\$275
PUBLIC CEREMONIES				
	PURCHASE OF SERVICES	\$702	\$2,500	\$2,500
32	TOTAL EXPENSES	\$702	\$2,500	\$2,500
	TOTAL PUBLIC CEREMONIES	\$702	\$2,500	\$2,500
POLICE				
	SALARIES	\$1,987,811	\$1,944,000	\$2,012,500
33	TOTAL PERSONNEL SERVICES	\$1,987,811	\$1,944,000	\$2,012,500
	PURCHASE OF SERVICES	\$123,171	\$112,700	\$112,850
	SUPPLIES	\$153,695	\$160,300	\$171,300
34	TOTAL EXPENSES	\$276,866	\$273,000	\$284,150
	TOTAL POLICE	\$2,264,677	\$2,217,000	\$2,296,650
JOINT COMMUNICATIONS				
	SALARIES	\$415,826	\$431,175	\$436,300
35	TOTAL PERSONNEL SERVICES	\$415,826	\$431,175	\$436,300
	PURCHASE OF SERVICES	\$44,838	\$39,700	\$39,700
	UTILITIES	\$123,905	\$128,500	\$138,500
	SUPPLIES	\$7,466	\$9,800	\$9,800
36	TOTAL EXPENSES	\$176,209	\$178,000	\$188,000
	TOTAL JOINT COMMUNICATIONS	\$592,035	\$609,175	\$624,300
EMERGENCY MANAGEMENT				
	PURCHASE OF SERVICES	\$3,756	\$14,800	\$14,800
	SUPPLIES	\$8,092	\$10,000	\$10,000
37	TOTAL EXPENSES	\$11,848	\$24,800	\$24,800
	TOTAL EMERGENCY MANAGEMENT	\$11,848	\$24,800	\$24,800
DOG OFFICER				
	PURCHASE OF SERVICES	\$18,852	\$19,300	\$20,000
	SUPPLIES	\$3,000	\$3,000	\$3,000
38	TOTAL EXPENSES	\$21,852	\$22,300	\$23,000
	TOTAL DOG OFFICER	\$21,852	\$22,300	\$23,000

FISCAL YEAR 2009 BUDGET		EXPENDED FY 2007	APPROPRIATED FY 2008	REQUESTED FY 2009
FIRE				
	SALARIES	\$1,797,905	\$1,814,594	\$1,806,642
39	TOTAL PERSONNEL SERVICES	\$1,797,905	\$1,814,594	\$1,806,642
	PURCHASE OF SERVICES	\$27,572	\$28,700	\$28,700
	SUPPLIES	\$81,045	\$87,000	\$96,000
40	TOTAL EXPENSES	\$108,617	\$115,700	\$124,700
	TOTAL FIRE	\$1,906,522	\$1,930,294	\$1,931,342
COCHITUATE BUILDING-STATION 2				
	PURCHASE OF SERVICES	\$4,366	\$9,000	\$9,000
	UTILITIES	\$17,909	\$14,500	\$18,200
	SUPPLIES	\$3,045	\$2,000	\$2,000
41	TOTAL EXPENSES	\$25,320	\$25,500	\$29,200
	TOTAL COCHITUATE BLDG-STATION 2	\$25,320	\$25,500	\$29,200
BUILDING & ZONING				
	SALARIES	\$259,503	\$272,817	\$273,961
42	TOTAL PERSONNEL SERVICES	\$259,503	\$272,817	\$273,961
	PURCHASE OF SERVICES	\$8,051	\$14,160	\$14,160
	SUPPLIES	\$4,423	\$7,550	\$7,550
43	TOTAL EXPENSES	\$12,474	\$21,710	\$21,710
	TOTAL BUILDING & ZONING	\$271,977	\$294,527	\$295,671
	TOTAL PUBLIC SAFETY	\$5,094,231	\$5,123,596	\$5,224,963
44	SCHOOLS	\$28,055,576	\$28,722,212	\$30,091,713
45	REGIONAL VOCATIONAL SCHOOLS	\$166,896	\$397,000	\$450,000
HIGHWAY				
	SALARIES	\$726,829	\$751,731	\$764,500
46	TOTAL PERSONNEL SERVICES	\$726,829	\$751,731	\$764,500
	PURCHASE OF SERVICES	\$464,645	\$307,931	\$307,931
	UTILITIES	\$43,789	\$60,000	\$65,100
	SUPPLIES	\$65,164	\$73,000	\$74,700
47	TOTAL EXPENSES	\$573,598	\$440,931	\$447,731
	TOTAL HIGHWAY	\$1,300,427	\$1,192,662	\$1,212,231
SNOW REMOVAL				
	SALARIES	\$62,078	\$50,000	\$100,000
	TOTAL PERSONNEL SERVICES	\$62,078	\$50,000	\$100,000
	PURCHASE OF SERVICES	\$40,368	\$120,000	\$85,000
	SUPPLIES	\$116,185	\$65,000	\$95,000
	TOTAL EXPENSES	\$156,553	\$185,000	\$180,000
48	TOTAL SNOW REMOVAL	\$218,631	\$235,000	\$280,000
	TOTAL HIGHWAY	\$1,519,058	\$1,427,662	\$1,492,231

FISCAL YEAR 2009 BUDGET		EXPENDED FY 2007	APPROPRIATED FY 2008	REQUESTED FY 2009
BOARD OF HEALTH-LANDFILL				
	SALARIES	\$212,398	\$224,972	\$224,972
49	TOTAL PERSONNEL SERVICES	\$212,398	\$224,972	\$224,972
	PURCHASE OF SERVICES	\$160,808	\$173,200	\$173,200
	UTILITIES	\$23,858	\$24,200	\$28,700
	SUPPLIES	\$62,020	\$79,120	\$80,620
50	TOTAL EXPENSES	\$246,686	\$276,520	\$282,520
	TOTAL BOARD OF HEALTH-LANDFILL	\$459,084	\$501,492	\$507,492
BOARD OF HEALTH				
	SALARIES	\$431,818	\$463,767	\$478,090
51	TOTAL PERSONNEL SERVICES	\$431,818	\$463,767	\$478,090
	PURCHASE OF SERVICES	\$147,311	\$154,574	\$114,605
	SUPPLIES	\$13,641	\$13,550	\$13,750
52	TOTAL EXPENSES	\$160,952	\$168,124	\$128,355
	TOTAL BOARD OF HEALTH	\$592,770	\$631,891	\$606,445
VETERANS SERVICES				
	SALARIES	\$3,486	\$3,556	\$3,600
53	TOTAL PERSONNEL SERVICES	\$3,486	\$3,556	\$3,600
	PURCHASE OF SERVICES	\$3,195	\$6,500	\$6,500
	SUPPLIES	\$2,226	\$6,000	\$6,000
54	TOTAL EXPENSES	\$5,421	\$12,500	\$12,500
	TOTAL VETERANS SERVICES	\$8,907	\$16,056	\$16,100
COUNCIL ON AGING				
	SALARIES	\$128,981	\$129,403	\$148,014
55	TOTAL PERSONNEL SERVICES	\$128,981	\$129,403	\$148,014
	PURCHASE OF SERVICES	\$86,943	\$87,500	\$65,900
	SUPPLIES	\$4,072	\$4,300	\$7,300
56	TOTAL EXPENSES	\$91,015	\$91,800	\$73,200
	TOTAL COUNCIL ON AGING	\$219,996	\$221,203	\$221,214
YOUTH SERVICES				
	SALARIES	\$143,790	\$137,280	\$150,044
57	TOTAL PERSONNEL SERVICES	\$143,790	\$137,280	\$150,044
	PURCHASE OF SERVICES	\$3,927	\$3,800	\$3,850
	SUPPLIES	\$843	\$1,000	\$975
58	TOTAL EXPENSES	\$4,770	\$4,800	\$4,825
	TOTAL YOUTH SERVICES	\$148,560	\$142,080	\$154,869
LIBRARY				
	SALARIES	\$662,178	\$700,768	\$704,123
59	TOTAL PERSONNEL SERVICES	\$662,178	\$700,768	\$704,123
	PURCHASE OF SERVICES	\$51,201	\$49,200	\$51,200

FISCAL YEAR 2009 BUDGET		EXPENDED FY 2007	APPROPRIATED FY 2008	REQUESTED FY 2009
	UTILITIES	\$33,753	\$42,000	\$45,490
	SUPPLIES	\$166,846	\$164,500	\$170,500
60	TOTAL EXPENSES	\$251,800	\$255,700	\$267,190
	TOTAL LIBRARY	\$913,978	\$956,468	\$971,313
PARK & RECREATION				
	SALARIES	\$447,817	\$480,550	\$509,809
61	TOTAL PERSONNEL SERVICES	\$447,817	\$480,550	\$509,809
	PURCHASE OF SERVICES	\$86,802	\$77,800	\$77,800
	UTILITIES	\$7,073	\$7,000	\$7,300
	SUPPLIES	\$57,265	\$71,000	\$73,000
62	TOTAL EXPENSES	\$151,140	\$155,800	\$158,100
	TOTAL PARK & RECREATION	\$598,957	\$636,350	\$667,909
POOL				
	SALARIES	\$23,648	\$36,900	\$36,900
	TOTAL PERSONNEL SERVICES	\$23,648	\$36,900	\$36,900
	PURCHASE OF SERVICES	\$3,863	\$10,500	\$10,500
	UTILITIES	\$56,892	\$60,000	\$64,000
	SUPPLIES	\$11,579	\$25,000	\$22,500
	TOTAL EXPENSES	\$72,334	\$95,500	\$97,000
63	TOTAL POOL	\$95,982	\$132,400	\$133,900
	TOTAL PARK & RECREATION	\$694,939	\$768,750	\$801,809
DEBT AND INTEREST				
	DEBT SERVICE	\$3,677,010	\$3,831,856	\$4,086,279
64	TOTAL EXPENSES	\$3,677,010	\$3,831,856	\$4,086,279
	TOTAL DEBT AND INTEREST	\$3,677,010	\$3,831,856	\$4,086,279
UNCLASSIFIED				
	INSURANCE GENERAL	\$458,072	\$540,000	\$610,000
	INSURANCE 32B	\$4,981,686	\$5,760,000	\$6,575,000
	MEDICARE	\$445,542	\$490,000	\$540,000
	UNEMPLOYMENT	\$30,991	\$65,000	\$70,000
	NON CONTRIBUTORY RETIREMENT	\$16,371	\$17,000	\$17,000
	POLICE/FIRE DISABILITY	\$10,000	\$10,000	\$10,000
	RESERVE FOR SAL ADJUSTMENTS	\$0	\$435,000	\$415,000
	OCCUPATIONAL HEALTH NURSE	\$4,187	\$5,000	\$5,000
	EMPLOYEE ASSISTANCE PROGRAM	\$1,036	\$5,000	\$5,000
	TOWN MEETING	\$15,927	\$30,000	\$32,000
	STREET LIGHTING	\$115,033	\$144,000	\$155,000
	RESERVE FUND	\$0	\$201,000	\$205,000
65	TOTAL UNCLASSIFIED	\$6,078,845	\$7,702,000	\$8,639,000
GRAND TOTAL BUDGET		\$50,191,545	\$53,144,961	\$56,117,308

<u>CAPITAL BUDGET</u>			RECOMMENDED	
<u>INFORMATION TECHNOLOGY</u>				
1	COMPUTER EQUIPMENT	C	25,000	
<u>SURVEYOR</u>				
2	VEHICLE	C	30,000	
<u>TOWN BUILDING</u>				
3	BUILDING REPAIRS	E	140,000	BORROW
<u>POLICE</u>				
4	COMPUTER EQUIPMENT	C	10,000	
<u>JCC</u>				
5	POLICE & FIRE RADIOS	C	30,000	
6	BUILDING REPAIRS	E	600,000	BORROW
<u>FIRE DEPARTMENT</u>				
7	PROTECTIVE CLOTHING		45,000	BORROW
<u>STATION 2</u>				
8	BUILDING REPAIRS	E	50,000	BORROW
<u>BUILDING & ZONING</u>				
9	VEHICLE	C	30,000	
<u>HIGHWAY</u>				
10	TRUCK ATTACHMENTS		45,000	BORROW
11	DESIGN ROADWORK RT27/30	E	85,000	BORROW
12	TRAFFIC CALMING		35,000	BORROW
<u>BOH-LANDFILL</u>				
13	VEHICLE	E	145,000	BORROW
<u>LIBRARY</u>				
14	BUILDING REPAIRS	E	105,000	BORROW
<u>PARK AND RECREATION</u>				
15	COCHITUATE FIELD LIGHTS	E	200,000	BORROW
16	NORTH & LAKEVIEW CEMETERY IMPROV		100,000	BORROW
17	CHIPPER		55,000	BORROW
<u>SCHOOL DEPARTMENT</u>				
18	TECHNOLOGY	E	315,000	BORROW
19	MISC BUILDING REPAIRS	E	<u>290,000</u>	BORROW
GRAND TOTAL			2,335,000	

E = PROPOSED DEBT EXEMPT ITEMS

C = CASH CAPITAL

ARTICLE 7: WATER DEPARTMENT MAINTENANCE BUDGET*Proposed by: Board of Water Commissioners**Estimated Cost: \$2,874,465*

To determine whether the Town will vote to appropriate a sum of money to be expended by the Board of Water Commissioners for the operation and expenses of the Water Department; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by grants received from the Commonwealth or Federal Government, by borrowing or otherwise.

WATER DEPARTMENT BUDGET FY 2009

	EXPENDED FY 2007	APPROPRIATED FY 2008	REQUESTED FY 2009
OPERATING BUDGET:			
SALARIES	\$619,619	\$708,259	\$770,262
TOTAL PERSONNEL SERVICES	\$619,619	\$708,259	\$770,262
PURCHASE OF SERVICES	\$313,538	\$335,325	\$382,000
UTILITIES	\$265,732	\$240,000	\$269,000
SUPPLIES	\$200,335	\$281,400	\$301,000
DEBT SERVICE	\$351,057	\$546,128	\$1,152,203
TOTAL EXPENSES	\$1,130,662	\$1,402,853	\$2,104,203
1 TOTAL WATER DEPARTMENT	\$1,750,281	\$2,111,112	\$2,874,465

CAPITAL REQUEST

**BALDWIN TREATMENT PLANT
GENERATOR
VEHICLE**

BORROW **\$3,000,000**
\$40,000
\$60,000

FINANCE COMMITTEE COMMENTS: Operating Budget: This article approves the Water Department Operating and Capital Budgets for fiscal 2009. The operating budget reflects an increase of \$763,353, or an increase of 36% from the 2008 budget. The increase is primarily from additional debt service of \$606,075, due to the borrowings in 2008 for the construction of Baldwin Pond water treatment facility – see discussion below. To date, total borrowings for the treatment facility has reached \$7.5 million and the amount required to fund this debt is included in the 2009 operating budget. If the additional capital request of \$3 million, as included in this article is approved, the additional borrowings will happen in 2009 and will impact 2010 operating budget.

Other major increases include: 1) additional personnel services cost representing the wage increase from negotiated wage settlements and the expected increase in health care cost. 2) The increase in purchase of services of \$46,675 or 14%, primarily due to the increase in professional services fees for the design of drain-off modifications at the High School. 3) Utility cost increases of \$29,000 or 12%. And 4) Supplies expense increase of \$19,600 or 7%, primarily due to the cost increases in chemicals.

The total operating budget will be funded through fees billed for water use and it is anticipated that water rates on average will increase by approximately 40% for 2009 -- see discussion below regarding the anticipated rate increase once the Baldwin Pond treatment facility is operating.

Capital: Capital includes \$3 million as additional appropriation for the construction of a water treatment plant at the Baldwin Pond well-field. This is in addition to the \$7.5 million previously

approved by the Town bringing the total anticipated cost of construction to \$10.5 million. The requirement for the water treatment plant is required to improve water quality and to purify the water due to incidents of “dirty water” and higher evidence of manganese and iron, although still within acceptable levels. The Water Commissioners have previously received bids for the construction of the facility. The initial bids were well in excess of the \$7.5 million appropriated because of higher than expected steel and concrete costs and additional costs to deal with conservation issues in the construction design. New bids are expected by March 21, 2008 which are anticipated to be below the proposed \$10.5 million total appropriation. The amount of this article’s appropriation will be reduced if the revised bid comes in lower. The new facility is expected to be on-line by the fall of 2009. The additional borrowing costs and the expected increase of operating costs, estimated to increase by 20% for personnel and utilities, will result in water rates to increase by a similar amount versus projected (2009) rates.

ARGUMENTS IN FAVOR: This article authorizes the expenditure of funds needed to operate the Water Department. Water usage fees will be increased to fund the operating budget.

The higher incidence of “dirty water” and higher contents of iron and manganese require that water be treated through a filtration system. If the water is not treated and the water quality deteriorates, the Baldwin Pond wells and pumping station might have to be closed. Presently two of the Baldwin wells can’t be used because of the evidence of dirty water. Building of the treatment facility is required to support the Town’s water requirements.

ARGUMENTS OPPOSED: It could be argued that the projected new water rates are too high, and as a result, the operating budget and cost to build and operate the water treatment facility should be reduced to maintain water rates at current levels.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

For more information about this article, contact Michael DiPietro, Finance Director, at (508) 358-3611, email mdipietro@wayland.ma.us, or Joel Goodmonson, Chair, Water Commissioners, at (508) 358-2252, email jgoodmonson@arcengrs.com.

ARTICLE 8: WAYLAND/SUDBURY SEPTAGE TREATMENT FACILITY BUDGET

Proposed by: Septage Committee

Estimated Cost: \$889,466

To determine whether the Town will vote to appropriate a sum of money to be expended by the Septage Committee for the operation and capital improvement of the Wayland/Sudbury septage treatment facility; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

WAYLAND/SUDBURY SEPTAGE TREATMENT FACILITY BUDGET FY 2009

	Expended FY2007	Appropriated FY2008	Requested FY2009
OPERATING BUDGET:			
SALARIES	\$79,163	\$75,511	\$50,430
TOTAL PERSONNEL SERVICES	\$79,163	\$75,511	\$50,430
PURCHASE OF SERVICES	\$727,154	\$568,052	\$593,936
UTILITIES	\$81,363	\$63,500	\$68,600
SUPPLIES	\$16,988	\$201,500	\$176,500
DEBT SERVICE	\$2,012	\$30,000	\$0
TOTAL EXPENSES	\$827,517	\$863,052	\$839,036
1 TOTAL SEPTAGE DEPARTMENT	\$906,680	\$938,563	\$889,466

FINANCE COMMITTEE COMMENTS: This article provides funds for the annual operation of the Wayland/Sudbury Septage Treatment Facility.

FY2007 Results (Unaudited Financial results): The Facility received \$618,935 from various sources on a cash basis in FY2007. This represents a decrease in receipts of \$180,132 as compared to FY 2006. FY2007 expenditures were \$906,680. This represents an increase in expenditures of \$288,457 from FY2006. A summary of the FY2007 results and a comparison to FY2006 is presented below:

Operating Results	FY2006	FY2007	Variance
Receipts	\$ 799,067	\$ 618,935	\$(180,132)
Expenditures	\$(618,223)	\$(906,680)	\$ 288,457
Surplus/deficit	\$ 180,844	\$(287,745)	\$(468,589)

Accounts Receivable: Hauler receivables totaled \$195,424 at the end of FY2007. This represents an increase of \$24,872 as compared to FY2006.

Debt Service: There was no debt outstanding at FY2007 year end.

Retained Earnings/Cash Balance: The retained earnings balance at the end of FY2007 was \$396,892 (unrestricted net assets). The Facility has \$234,339 in cash at the end of FY2007.

ARGUMENTS IN FAVOR: This article provides adequate funds to operate the Facility. The Facility operates as an enterprise fund with no subsidy from the General Fund.

The Facility represents a convenient, cost effective treatment facility for septage haulers. The Septage Committee argues that these benefits are reflected in the rates being charged residents of Wayland and Sudbury.

ARGUMENTS OPPOSED: The FY2009 budget relies on a rate increase (the second in two years) and an increase in flow to produce record revenues. Actual revenues for the last three years and estimates for FY2008 and FY2009 are as follows:

FY2005	FY2006	FY2007	FY2008 (est.)	FY2009 (est.)
\$608k	\$799k	\$619k	\$786k	\$892k

Whether the haulers will still find the facility cost effective after the rate increase is an open question. If the facility experiences significant downtime, as it did in FY2007, the FY2009 revenue projections might prove unattainable.

RECOMMENDATION: The Finance Committee recommends approval contingent on the Septage Committee agreeing to abide by the Finance Committee's conditions listed below. Vote: 4-0

The Towns of Wayland and Sudbury are responsible for DEP fines, bond payments and decommissioning costs and other liabilities if the Facility closes and retained earnings are not sufficient to cover these costs. Both Boards of Selectmen have expressed concern as to the financial health of the facility. Both have stressed that the facility run balanced budgets, replenish retained earnings and not borrow until financial viability is proven.

The Finance Committee's approval is conditional based on the Septage Committee reporting monthly to the Selectmen and Finance Directors of Wayland and Sudbury on its progress to meet or exceed revenue projections while remaining within the proposed expense budget.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

For more information about this article, contact Michael DiPietro, Finance Director, at (508) 358-3611, email mdipietro@wayland.ma.us.

ARTICLE 9: WASTEWATER MANAGEMENT DISTRICT COMMISSION BUDGET

Proposed by: Wastewater Management District Commission

Estimated Cost: \$308,008

To determine whether the Town will vote to appropriate a sum of money to be expended by the Wastewater Management District Commission (WWMDC) for the annual operating expenses of the Wayland Wastewater Management District; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds appropriated for another purpose, by borrowing or otherwise.

WASTEWATER MANAGEMENT DISTRICT COMMISSION BUDGET FY 2009

	Expended FY 2007	Appropriated FY 2008	Requested FY 2009
Purchase of Services	\$ 128,663	\$ 230,000	\$ 175,531
Capital	13,868	130,000	102,900
Debt Service	29,746	29,564	29,577
1 Total Expenses	\$ 172,277	\$ 389,564	\$ 308,008
Anticipated Revenue	\$ 182,952	\$ 235,989	\$ 231,025
Retained Earnings	-	153,575	76,983
Total Revenue	\$182,952	\$ 389,564	\$308,008
2 Total Capital		Borrow	\$5,200,000

FINANCE COMMITTEE COMMENTS: This article continues the funding of the Wastewater Management District Commission which owns and operates a wastewater treatment facility located at the proposed Wayland Town Center site. Nearby Route 20 businesses, residents and the Public Safety building are users. The Town building and the library are potential users. Although the facility is currently underutilized, a substantial portion of the facility's capacity is reserved for use by future Wayland Town Center residences and businesses. The expenses of the system, including debt payment for the initial borrowing, are to be borne by revenues from the users and by charges for betterments.

Operating Budget: Increasing expenses will also negatively impact 2008 and 2009 results requiring the use of retained earnings to balance expenses. Beyond FY 2009, additional revenues from Town Center will be needed to cover increasing expenses and debt funding.

Capital: Capital borrowings during FY 2009 include \$5.2 million as appropriation for the upgrade and construction of a new wastewater treatment facility for Wayland Town Center, of which 70% will be paid for by the Town Center developer, Twenty Wayland. Twenty Wayland will be assessed a betterment assessment of \$3,640,000 at 4.5% for 20 years. The remaining 30% of the cost of the new plant will be recovered through betterment assessments on the other actual and potential users. The betterment assessments will be liens on the properties affected and may be paid off in a single, lump sum payment or in installments for up to 20 years, with interest, at the option of the payee.

This new facility will support existing Route 20 businesses, residences, the Public Safety building, the Town Building and also provide required capacity for new Wayland Town Center residences and businesses. Under an August 30, 1999 Memorandum of Agreement by and between Wayland and WWMD and Wayland Business Center, LLC (the Wayland Town Center developer predecessor in interest, now Twenty Wayland), as modified by a Supplemental Agreement dated September 24, 1999, WWMD is required to provide capacity gallons per day of maximum daily design flow (as defined in 310 CMR 15.000) of 20,000 for Wayland and WWMD, and 45,000 for the Twenty Wayland.

ARGUMENTS IN FAVOR: This article provides sufficient funds for the operation of the facility at present, and also for required capital borrowings to support the future Wayland Town Center daily design flow obligations and revenue streams. Value and use of residential and business properties in the town center would be negatively impacted if this article is not approved.

ARGUMENTS OPPOSED: Timing and build-out of Town Center businesses could impact the timing of expected revenue streams needed to cover debt and increasing expenses. In the absence of additional users, rates will have to be raised.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

For more information about this article, contact Michael DiPietro, Finance Director, at (508) 358-3611, email mdipietro@wayland.ma.us.

ARTICLE 10: PAY PREVIOUS FISCAL YEAR UNPAID BILLS*Proposed by: Board of Selectmen**Estimated Cost: Unknown*

To determine whether the Town will vote to:

- (a) pay the bills of the prior fiscal years,
- (b) appropriate a sum of money for the payment of the foregoing bills of prior fiscal years; and
- (c) provide for such appropriation by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

FINANCE COMMITTEE COMMENTS: Occasionally, bills are not paid at the end of a fiscal year for a number of reasons, including late submission. At the printing of the warrant there were no known unpaid bills.

ARGUMENTS IN FAVOR: This is a bill for services that the Town has received, and it should be paid.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any.

RECOMMENDATION: The Finance Committee defers recommendation until Annual Town Meeting.

QUANTUM OF VOTE: Four-fifths – see Massachusetts General Laws Chapter 44, Section 64.

For more information about this article, contact Michael DiPietro, Finance Director, at (508) 358-3611, or email mdipietro@wayland.ma.us.

ARTICLE 11: ACCEPT LAW INCREASING REAL ESTATE TAX EXEMPTION AMOUNTS*Proposed by: Board of Selectmen and Board of Assessors*

To determine whether the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and allow an additional exemption of up to one hundred percent for Fiscal Year 2009.

FINANCE COMMITTEE COMMENTS: This is an annual article that provides for tax exemptions to assist elderly, disabled veterans, and other fixed-income residents. With passage of this article at each Annual Town Meeting, certain residents may avail themselves of exemptions in the following amounts: \$350 for widow/widower; \$875 for the blind; \$1,000 for the elderly; and \$800 for disabled veterans. The title of the Article refers to “Increasing Real Estate Tax Exemption Amounts” because the exemptions listed above are double the amounts in the state statute. This Article does propose an increase over the exemption granted in last year’s Article for disabled veterans by \$300. This increase was mandated by the State who will be reimbursing the town for the difference. However, the exemption will not result in any taxpayer paying less than the taxes paid in the preceding fiscal year. In FY06, 126 taxpayers were granted exemptions for a total of \$136,333 in tax relief.

ARGUMENTS IN FAVOR: This article adds minimal tax burden to each taxpayer and provides needed support to the elderly and certain residents coping with the increasing burden of paying property tax on fixed incomes.

ARGUMENTS OPPOSED: To allow the exemptions to eligible residents, the other taxpayers must pay more tax.

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

QUANTUM OF VOTE: Majority – see Section 4 of Chapter 73 of the Acts of 1986.

For more information about this article, contact Molly Reed, Assistant Assessor, at (508) 358-3788, or mreed@wayland.ma.us.

ARTICLE 12: SELL OR TRADE VEHICLES AND EQUIPMENT

Proposed by: Board of Selectmen

To determine whether the Town will vote to authorize the Board of Selectmen to sell or otherwise dispose of the following surplus vehicles, equipment, or other personal property in connection with the purchase of new vehicles, equipment, or other personal property.

<u>Department</u>	<u>Vehicle/Equipment</u>	<u>Year</u>
Highway	GMC Sander	1986
Highway	Ford Crown Victoria	2000
Highway	International Dump Truck with Sander	1988
Park & Recreation	Ford F-350 1-ton dump truck	1994
Park & Recreation	Ford F-350 1-ton dump truck	1994

FINANCE COMMITTEE COMMENTS: This standard article allows the Town to sell used vehicles or other personal property.

ARGUMENTS IN FAVOR: The selling of used property contributes to the Town's general fund.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any.

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

QUANTUM OF VOTE: Majority.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or fturkington@wayland.ma.us.

ARTICLE 13: ACCEPT GIFTS OF LAND

Proposed by: Board of Selectmen

To determine whether the Town will vote to accept real property or interests in real property which have been tendered to it as a gift, by devise, or otherwise.

FINANCE COMMITTEE COMMENTS: This standard article allows the Town to accept gifts of land. At the time of the printing of the Warrant, there were no known gifts of land.

ARGUMENTS IN FAVOR: Acquisition of land by the Town gives the Town more control over the use of such land.

ARGUMENTS OPPOSED: Land given to the Town may result in a slight loss of taxable real estate.

RECOMMENDATION: The Finance Committee defers recommendation until Annual Town Meeting. Vote: 4-0.

QUANTUM OF VOTE: Majority.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or fturkington@wayland.ma.us.

ARTICLE 14: SELL SURPLUS PARCELS OF TOWN-OWNED LAND

Proposed by: Board of Selectmen

To determine whether the Town will vote to:

- (a) instruct the appropriate boards and committees to transfer the care, custody, management and control of parcels of Town-owned land from Town boards and committees to the care, custody, management and control of the Board of Selectmen for the purpose of conveying, selling or otherwise disposing of said parcels of land; and
- (b) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to convey, sell or otherwise dispose of the following parcels of land, subject to such restrictions and limitations as the Selectmen deem appropriate.

FINANCE COMMITTEE COMMENTS: This article would allow the Selectmen to sell any identified parcels currently owned by the Town. At the time of the printing of the Warrant, there were no known parcels to sell.

ARGUMENTS IN FAVOR: These identified parcels are deemed surplus and should be sold.

ARGUMENTS OPPOSED: It could be argued that these parcels should not be sold and should be designated for alternative municipal use. It is also unclear how much value will be realized from the sale of these parcels.

RECOMMENDATION: The Finance Committee defers recommendation until Annual Town Meeting. Vote: 5-0.

QUANTUM OF VOTE: (a) Two-thirds – see Massachusetts General Laws Chapter 40, Section 15A.
(b) Majority – see Massachusetts General Laws Chapter 40, Section 3.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or fturkington@wayland.ma.us.

ARTICLE 15: TOWNWIDE FULL LIST AND MEASURE OF PROPERTIES FOR FY09

Proposed by: Petitioners

To determine whether the Town will vote to appropriate a sum of money to be expended by the Board of Assessors for the purpose of analytical update and revaluations services for all real, exempt and personal properties in Wayland, according to the requirements of the Commonwealth of Massachusetts Department of Revenue, and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or the Federal Government, by borrowing or otherwise.

PETITIONERS COMMENTS: This article is intended to put all properties in Wayland on an equal and fair footing by inspecting the entire town in a year. Currently the review cycle is spread over 10 years, which is the maximum timespan permitted by the Department of Revenue. In the past there MAY have been fewer thorough home inspections than is widely believed. This cumulative lack of accurate information forces values to be misassigned to land or to other homes similar in style but not in caliber.

Why is this needed? Wayland has had a disproportionately large number of single-family abatement requests in the past several years, and from 2002 through 2007, between 49% and 71% were granted abatements.

Clearly, the record keeping needs improvement. The underlying perception of inaccuracies and unfairness detracts from a townwide feeling of unity.

It's time to ensure this important aspect of Wayland government has accurate and fair records.

FINANCE COMMITTEE COMMENTS: This article would provide funds for the Assessors to write a scope of work and hire a contractor to verify, or develop new, property cards for each parcel in Wayland within a year's time. Land features and size would be checked, structures would be measured and significant interior enhancements would be noted. The contractor would also rate the quality of construction when built and the subsequent deterioration caused by wear and tear.

As of FY2008 the Assessors listed 4084 single or multifamily residences and 498 condominiums. Since all commercial and exempt properties were reviewed by the Assessors during last year's cyclical inspection, these parcels would probably not be affected by this initiative.

Currently, the Assessors annually schedule approximately 10% of properties to physically visit to verify the property card information. Based on data for the last three phases of cyclical inspections, the Assessors gained entry to 52% of the scheduled properties. In addition, all properties that file abatements, and most that pull building permits, or require a final water meter reading before sale are visited by the Assessors. Through these latter categories, approximately 15% of properties are inspected in a given year. Combined, approximately 20% of properties are inspected in a given year.

Assessing is as much an art as a science. Sound judgment and in depth knowledge of the town is a requirement of anyone involved in this task. Although Department of Revenue (DOR) guidelines must be adhered to, it is equally important that the distribution of the tax burden is fair and equitable to the residents, both in perception and reality.

ARGUMENTS IN FAVOR: The Petitioners argue that there is a perception that there are numerous property cards that contain inaccurate or incomplete information. Additionally, they say that there are perceived regional or demographic anomalies. These alleged shortcomings result in individual property assessments that are either too high or too low.

Immediate benefits listed by the Petitioners include a renewed sense of completeness and fairness, reduction in annual abatement filings and expense, and potentially realizing additional property values. It is suggested that potential abatement savings might well equal the estimated cost of the article.

Although DOR guidelines and requirements must be followed, it is equally important that the Assessors arrive at a distribution of the tax burden that is fair and equitable to the residents, both in perception and reality.

Finally, the Petitioners believe that a full list and measure completed in a year's time will go a long way to uniting the Town and dispelling assessment concerns that currently exist among some residents.

ARGUMENTS OPPOSED: The Petitioner's allegations of widespread inaccuracies and regional and demographic unfairness have not been supported with data.

The Department of Revenue (DOR) monitors and statistically validates the assessment process. Every third year, during the revaluation, the DOR performs a data quality check. This is done as a field review by the DOR representative. This took place during the revaluation in 2006 and will be repeated in 2009. The Town of Wayland has not failed to receive DOR certification during a revaluation year.

Abatement filings, an indication of residents concerns, have dropped each of the last three years. There were 413 applications filed in 2006, 275 in 2007 and 241 in 2008.

In a given year, the Assessors make three attempts to enter each property slated for cyclical inspection. On average, they gain entrance, and are able to verify the property cards, at approximately 52% of the properties on the annual inspection list. The entry rate has been improving and an entry rate of 60-65% is possible. However, based on this history, it can be presumed that the full list and measure contractor will not gain entrance to at least 35% of the properties and therefore any alleged inaccuracies will persist.

The Assessors argue that the Town should consider adding a full time "data lister" to the Assessing staff. They state that this addition would allow the cyclical inspection process to be completed every five years as opposed to the current ten year process. Additionally, the Assessors feel that this approach would ensure a higher level of consistency in the data and enhanced quality control.

A more comprehensive approach might be to pay for an independent, third party review of a representative (20%) sample of property cards, assessment anomalies, methodology, staffing, office function and software systems. Potential recommendations would be more global in nature than limited to verifying property cards or adding staff.

RECOMMENDATION: The Finance Committee recommends against approval. Vote: 0-5. Notwithstanding the vote, the Finance Committee recognizes the perception of inaccuracies voiced by some residents and feels strongly that this needs to be addressed by the Assessors.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

For more information, contact Molly Upton at (508) 651-7610, or mollyupton@yahoo.com.

ARTICLE 16: SET ASIDE COMMUNITY PRESERVATION FUNDS FOR LATER SPENDING

Proposed by: Community Preservation Committee

Estimated Cost: \$315,000

To determine whether the Town will vote to set aside for later spending annual revenues in the Community Preservation Fund for open space, but not including land for recreational use, for historic resources, and for community housing; and determine the amounts of such revenues to be set aside for later spending for said purposes.

FINANCE COMMITTEE COMMENTS: The Community Preservation Fund, authorized by Town vote in 2001, is funded by a 1.5 percent addition to the real estate tax. The Fund is administered by the Community Preservation Committee, which identifies and evaluates projects as appropriate and brings them to the Town's notice. No funds can be spent without Town meeting approval.

Each year, as required by state law, we vote to set aside funds in each of the following categories: open space (not including for recreational purposes), historic resources, and community housing.

ARGUMENTS IN FAVOR: The set aside of \$105,000 for each of the three categories listed above is required by state law. Future town meeting action is required to expend these funds for a specific project.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 44B, Section 6.

For more information about this article, contact Jerome Heller, Chairman of the Community Preservation Committee, at heller.j@comcast.net.

ARTICLE 17: AUTHORIZE THE FUNDING FOR THE REMAINING WORK NECESSARY TO MAKE THE PASSIVE AND ACTIVE RECREATION LAND AT THE FORMER NIKE SITE ON OXBOW ROAD AVAILABLE FOR PUBLIC USE

*Proposed by: Community Preservation Committee, Board of Selectmen,
Nike Site Reuse Advisory Committee*

Estimated Cost: \$250,000

To determine whether the Town will vote to appropriate a sum of money to be expended by the Board of Selectmen to fund the (i) closure of the missile silos located on and under the passive and active recreation land at the former Nike site on Oxbow Road ("Park Land"), including the filling of the silos in accordance with the Beneficial Use Permit issued by the Massachusetts Department of Environmental Protection; (ii) removal of all other above ground structures; (iii) removal of the fence surrounding the Park Land; (iv) design and construct a wheelchair accessible trail and parking area; and (v) any other work required to make the Park Land available for use by the public in accordance with the Town's application filed with the National Park Service in connection with the acquisition of

the Park Land in May 2005; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise, provided that the amount of such appropriation provided by transfer from the Community Preservation Fund shall not exceed \$250,000.

FINANCE COMMITTEE COMMENTS: At Special Town Meeting in May, 2004 (“2004 STM”), approval was given for the acquisition of approximately 13.46 acres of land owned by the United States of America located on Oxbow Road, Wayland, MA (the “Site”).

Approximately 10.71 acres of the Site were acquired from the National Park Service at no cost in May, 2005 for use as a passive and active recreation area (“Park Land”). The remaining 2.75 acres, which was acquired from the General Services Administration in March 2005, will be the future site of sixteen affordable housing units being developed by Oxbow Partners.

The Site acquisition and initial clean up was funded with Community Preservation Act funds (“CPA Funds”), which funding was approved by the Community Preservation Committee (“CPC”) prior to the 2004 STM approval to expend such funds. Subsequent financial requirements have been satisfied, in part, with additional CPA funds and state grants.

Below is a summary of the sources and uses of funds allocated to the Site to date (exclusive of the \$1.74 million of state grants awarded to Oxbow Partners in December 2007):

Sources of Funds:

Special Town Meeting, November, 2003 (CPA Funds)	\$ 35,000
Special Town Meeting, May, 2004 (CPA Funds)	600,000
Special Town Meeting, May, 2006 (CPA Funds)*	40,000
Special Town Meeting, November, 2007 (CPA Funds)*	560,000
DHCD Priority Development Fund Grants	<u>34,775</u>
TOTAL SOURCES	<u>\$1,269,775</u>

Uses of Funds:

Site Acquisition Due Diligence	\$ 35,000
Site Acquisition for Housing	395,000
Site Demolition and Asbestos Removal	161,000
Professional Services	62,000
State Permits	1,500
Gap Funding for Affordable Housing Development*	600,000
Balance of Unexpended Funds	<u>15,275</u>
TOTAL USES	<u>\$1,269,775</u>

* None of these funds have been expended to date – expected to be used in June 2008.

In June 2004, the Town submitted an application to the National Park Service in connection with its proposed acquisition of the Park Land (“NPS Application”). In its application, the Town committed to (i) demolish all of the existing structures, (ii) remove the roadway area, (iii) complete any remaining environmental cleanup, and (iv) infill the two existing missile silos and bunkers (all within three years from the conveyance of the Park Land to the Town). To date, items (i) - (iii) have been completed (with the exception of removing the fence surrounding the Site) as has the permitting for item (iv) – all at an approximate cost of \$100,000 which is included in the financial table above.

The NPS Application also commits the Town to (i) design and construct a wheelchair accessible trail and provide parking for those using the Park Land (both within five years from the conveyance of the Park Land to the Town) and (ii) erect and maintain a permanent sign near the entrance to the Park Land noting that the National Park Service donated the land to the Town.

Below is a summary of the estimated cost to complete the various items noted above:

Infill bunkers and remove of metal, structures and concrete pads	\$ 100,000
Landscaping	51,000
Remove fencing	30,000
Build accessible trail	25,000
Build parking area	5,000
Erect permanent sign	3,000
Contingency	<u>36,000</u>
Total Estimated Cost	<u>\$ 250,000</u>

The estimated cost for infilling the missile silos and bunkers (following the removal of all mechanical equipment and metals within the silos, including hydraulic lifts, steel doors, motors and other miscellaneous metals), as well as removal of all above ground structures and the concrete pads located at ground level above the missile silos and bunkers, assumes that the Town will provide the infill material, e.g., the Highway Department has offered to provide crushed material from its road reclamation projects.

On February 26, 2008, the Town issued a Request for Bids in connection with the work described in the preceding paragraph. Respondents have been asked to provide the Town with a base bid for such work along with alternate pricing in the event the Town were to ask the contractor to (i) provide the infill material, (ii) transport the Town's material to the site, and/or (iii) provide the loaming and seeding necessary to cover the approximately 86,000 square foot area previously covered by bituminous material and the concrete pads. Responses are expected to be received prior to Annual Town Meeting.

In the event the Town requests the contractor to provide the infill material or transport the Town's material to the site, the additional cost will be paid for out of the \$36,000 contingency noted above.

The cost for removing the fence, which is based on a prior estimate received from the contractor that removed the existing structures on the Site, does not contemplate removing the concrete footings given the potential negative impact on the existing trees and other vegetation.

The Town has applied for a state grant to cover the cost for planning, designing and constructing the wheelchair accessible trail and parking area. It has also identified a possible source of funds for the construction of the permanent sign.

In the event funds remain after completing the scope of work outlined above, some or all of such funds may be used to plant trees and shrubs in and around the location of the missile silos and bunkers and at various locations along the wheelchair accessible trail. Any excess funds not used for such purpose will be returned to the CPA Fund.

On November 28, 2007, the CPC voted unanimously (5-0) to approve the expenditure of up to \$250,000 to fund the costs noted above. If approved at Town Meeting, these funds will only be spent to the extent other funding sources are not available to complete the work within the timeframes set forth in the NPS Application.

ARGUMENTS IN FAVOR: The Town acquired 10.71 acres of land at no cost in return for its commitment to prepare the Site for its intended use as a passive and active recreation area. If the Town is unable to complete the work noted above, there is a risk that the National Park Service could take the property back.

Assuming the requested funds are approved and spent in their entirety, the Town's total investment in the Park Land will amount to approximately \$350,000, or \$32,680 per acre. This is relatively inexpensive compared to the \$143,600 per acre paid for the housing portion of the Site and well below what a residential or 40B developer would have paid to acquire the Site.

It is important to complete this work prior to the completion of the 16 affordable housing units on the 2.75 acre site abutting the Park Land. Timely completion of this work will ensure a safe site and aide in the marketing of the housing units.

The Town is permitted to spend a portion of the CPA Fund not otherwise set aside for open space, affordable housing and historic preservation on the development and preservation of recreational facilities. Furthermore, these funds already have been collected and the state matching funds received. There would be no increase in the tax rate or burden on the Town's operating budget if this request for CPA funds is approved.

ARGUMENTS OPPOSED: In May 2004, the supporters of acquiring the Site told Town Meeting that no additional Town funds would be needed beyond the \$600,000 to be used to acquire the housing land (\$400,000) and clean up the entire site (\$200,000). If it was clear at that meeting that more funds might be needed, perhaps the vote supporting the acquisition of the Site would have been different.

In November 2007, attendees at Special Town Meeting were told that it could cost up to an additional \$100,000 to \$150,000 to fill the missile silos and to pay for removal of the fence. The requested funds have now increased to up to \$250,000 due to a commitment by the Board of Selectmen and the NSRAC to finish the project – not just fill the missile bunkers and silos and remove the fence but to complete all of the tasks in the Nike Site Park Plan (available on the Town's website). There may continue to be unknowns about this project's finances, including whether or not the grant referred to above will be approved, the proposed scope of work and the impact of further increases in costs to complete the proposed scope of work. Adverse impacts from any one or more of these could lead to further requests for Town financial support.

To date, the Town has approved the use of \$1.24 million of CPA funds for the entire Nike reuse project (approximately \$1.14 million for the community housing and approximately \$100,000 for the cleanup of the Park Land). This may seem to some as too large a percentage of the Town's CPA fund to be dedicated to a single project.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 18: ESTABLISHING A CAPITAL FACILITIES PLANNING AND COORDINATING COMMITTEE

Proposed by: Petitioners

To determine whether the Town will vote to establish a committee, accountable to Town Meeting, to be known as the Capital Facilities Planning and Coordinating Committee which shall recommend a Ten-Year Long-Range Capital Facilities Plan as recommended in Chapter 15.2 of the Town of Wayland Master Plan accepted by the Planning Boarding in 2004. The committee shall be composed of five members serving five-year staggered terms arranged so that each year the term of one member shall expire, with one member appointed by the Board of Selectmen, one appointed by the Finance Committee and three appointed by the Moderator.

Members of the committee shall have specific pertinent expertise such as facilities planning, finance, real estate development, and construction. Committee recommendations shall be based on established criteria for determining facility need priorities and the evaluation of current facilities and future needs of all Town departments, boards and commissions.

To ensure impartial and independent decision-making, no committee member shall also serve on a board requiring capital facilities. The Committee shall work in coordination with the Facilities Director, Finance Director and Finance Committee, posting its minutes and reports on the town website and documenting its work in a report to Annual Town Meeting. After completion and adoption of the Plan by Town Meeting, the Committee shall monitor progress and update the Plan as needed.

PETITIONERS' COMMENTS: The 2004 Master Plan recommended the formation of a Capital Facilities Planning Committee to coordinate town-wide comprehensive facilities planning to maximize value of our investment.

The committee is still urgently needed given fiscal constraints and town needs, e.g. water and wastewater plants, municipal garage, town pool, town center municipal pad, etc. Taxpayers cannot afford another disastrous project outcome (public safety building).

It is critical to apply criteria to facilities planning, determine priorities among projects, and establish a cost-effective system of budgeting for repairing, replacing and enhancing Wayland's capital facilities. This committee will add expertise while collaborating with and supporting the Facilities Director, Finance Committee and Finance Director.

The committee reporting to Town Meeting is consistent with how Wayland appropriates funds. The committee will ensure a coordinated and publicly vetted planning process where the sequence and timing for all projects are evident and citizens can have greater confidence in the outcomes.

FINANCE COMMITTEE COMMENTS: While the 2004 Wayland Master Plan was never officially adopted by the Town, the Master Plan document does serve as guidance for discussion and planning among town boards and residents. The Master Plan recommended that the Town hire a facilities director, develop a long term capital planning process and create a capital facilities program that would coordinate and unify the Town's boards' and departments' various long-term capital facilities needs.

The petitioner's article identifies action items that are redundant with the current long term capital planning process. All capital planning activities as outlined in the 2004 Master Plan have been implemented, or are scheduled to be implemented within the timeframe as outlined in the Master Plan:

- A long term capital plan is submitted each year to Town Meeting for vote and approval.
- Every capital project has been vetted through public review, a dedicated building committee and a detailed financial justification prior to Finance Committee and Board of Selectman submission to Town Meeting for vote and budget approval.
- In FY08, a new Facilities Director position was created to oversee the development of a new building maintenance program. The newly hired Facilities Director is currently assessing the maintenance needs of all town buildings (including the schools) in order to complete a town wide *Building Maintenance Plan*.
- A *Capital Improvement Plan* (CIP) has been proposed by the Finance Committee and is currently under review by the Board of Selectman for implementation. This new Capital Improvement Plan follows the recommendations outlined in the Town's Master Plan and will ensure that all capital projects are evaluated for:
 1. total costs including expected operating costs vs. current costs
 2. consistency with community goals and plans,
 3. relationships to other projects,
 4. environmental quality,
 5. public health and safety,
 6. legal and/or regulatory requirements,
 7. economic development impact,
 8. age and condition of the current facility or asset, including unusual or advanced wear or disrepair,
 9. current vs. future facility utilization,
 10. availability of alternative means to satisfy perceived needs, and the
 11. extent of total benefit to the community including potential improvements in the quality, efficiency or delivery of Town services.
- A *Debt Management Policy* has been formalized and approved by the Finance Committee. Each long term capital plan will take into consideration the Town's current debt and borrowing capacity, prioritization of upcoming projects, alternative funding sources such as operating budget, reserve funds designated for capital expenditures, grants, proceeds from sales of assets, donations, and operating costs and expenses associated with new facilities.

The 2004 Wayland Master Plan also recommended a *Capital Facilities Planning and Coordinating Committee* and that appointments could be done jointly by the Board of Selectmen and the Finance Committee. This was used as a guideline for drafting the CIP (expected to be approved) which gives an integrated approach to the financial management of the Town and also incorporates the use of staff experts and the Finance Committee's knowledge of town finances.

The petitioner's article also recommends a change in Wayland town governance from what was recommended by the 2004 Master Plan Task Force by empowering the Town Moderator to appoint a majority of *Public Facilities Planning and Coordinating Committee* members.

ARGUMENTS IN FAVOR: The 2004 Master Plan Chapter 15.2 called for the Board of Selectman to establish a long range capital facilities planning committee to examine facility needs of all departments by looking at current facilities and future needs for all Town departments and committees.

The petitioners argue that from 2004 until December 2007, the Board of Selectmen did not act to form the recommended capital facilities planning committee. Petitioners believe such a committee is urgently needed given the ever increasing fiscal constraints and ever growing town facility needs. Boards and committees are competing for limited capital resources by submitting proposals to Town

Meeting with little review and prioritization of need.

ARGUMENTS OPPOSED: The petitioners argue that this article is needed because long term capital planning is not being done in Wayland. This is not correct. In January 2008, Moody's Investment Service assigned a Aaa rating to the Town of Wayland's General Obligation Bonds reflecting the town's "improved financial position, resulting from conservative budgeting practices implemented in the last couple of years..." In fact, all capital planning activities as outlined in the 2004 Master Plan have been implemented, or are on schedule to be implemented within the recommended five year timetable as outlined in the 2004 Wayland Master Plan.

This article also proposes that a majority of Capital Planning Committee members should be appointed by the Town Moderator. This form of governance differs from what was proposed in the 2004 Master Plan. This shift in Wayland town governance would give board appointing authority for capital and fiscal planning to a single Wayland resident. No public review or discussion on this form of Wayland town governance has occurred prior to submission of this article.

RECOMMENDATION: The Finance Committee recommends against approval. Vote: 0-5

QUANTUM OF VOTE: Majority.

Refer to the Master Plan at http://www.wayland.ma.us/planning/Masterplan_Main.htm For more information, contact Linda Segal at (508) 655-0724.

ARTICLE 19: **SELL TOWN POOL LAND FOR PRIVATE CONSTRUCTION OF A POOL TO BE LEASED TO THE TOWN**

Proposed by: Petitioners

To determine whether the Town will vote to

- (1) Instruct the Park and Recreation Commission, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of the parcels of land, with the building thereon, on Old Connecticut Path in Wayland, Massachusetts, known and numbered as the Town Pool at 258 Old Connecticut Path and shown as Lot 63 on a subdivision plan filed in the Land Court, a copy of which plan is filed in the Land Registration Office at the Middlesex South Registry of Deeds in Registration Book 757, Page 8, with Certificate of Title No. 125358 (registered land) and described in a deed dated April 29, 1999 and recorded with said Registry of Deeds in Book 30107, Page 475 (unregistered land) to the Board of Selectmen for the purposes set forth in Paragraph (2) below;
- (2) Authorize the Board of Selectmen, with the approval of the Park and Recreation Commission, and the approval of Town Counsel as to form, to transfer, sell, convey or otherwise dispose of the fee or any lesser interest in all or any portion of said parcels of land, subject to a restriction that the existing building with a swimming pool shall be demolished and removed from said land and a new building with a swimming pool and accessory structures shall be constructed in its place and lease back to the Town, for recreational purposes; and
- (3) Authorize the Board of Selectmen, with the approval of the Park and Recreation Commission, and the approval of Town Counsel as to form, to lease, as lessee, said parcels of land, with said new improvements thereon, for recreational purposes, upon such terms and conditions as the Selectmen deem appropriate.

PETITIONERS' COMMENTS: Wayland has an opportunity to have a new town pool with open-air summer memberships available with passage of this article. The current facility, while well loved, is aged, in need of building repairs and new filtration systems, and is not cost effective to operate.

In 2006, Park and Recreation agreed to keep the pool open while Wayland Community Pool (WCP) developed plans to build a new pool by FY10. After much research, WCP developed a business plan that uses private funding to build a new pool and operate it on a basis where usage fees exceed costs. This article is the first step toward construction of the new pool and keeping swimming in Wayland.

This article allows Park and Recreation to transfer the land for purposes of building a pool. Upon completion, the facility will be leased back to Park and Recreation for town recreation purposes.

FINANCE COMMITTEE COMMENTS: The Wayland town pool was slated to close in spring 2006 as part of the Ad Hoc Budget Advisory Committee recommendations. Under the Park & Recreation Commission, the facility was losing memberships, had an operating deficit of about \$125,000 per year, and required capital investment. The Ad Hoc Committee's recommendation was to close the pool and save \$94,000 per year in operating costs. The remaining funds (approximately \$36,000/year) would be used to close and mothball the building and perhaps to ultimately demolish it.

A group of Wayland citizens worked with Park & Recreation Commission to alter the business plan for the pool and to contain costs, thereby allowing the pool to remain open with an operating deficit (~\$36,000) similar to the cost of mothballing the facility. The Park & Recreation Commission agreed to this plan given that the citizen group would work to construct a new pool by FY2010 and would assist in the staffing of the existing pool. The pool now operates on a rental basis and is only open when rented to cover costs. Four Wayland swim teams use it regularly, including the Wayland High School boys and girls swim teams, the Wayland Jr. Warrior recreation swim team and the Wayland Summer Warriors, and occasionally, birthday parties are held there.

The current facility needs many changes to be financially viable. The pool itself (five lanes) is not large enough to attract rentals. The water filtration systems and air handling system, while both functional, are antiquated and should be replaced. The building has had structural issues with the roof beams for years and routine maintenance is no longer enough. Similarly, areas of the building have had to be shut down (the lower level) because of building code issues (no elevator). The cost to repair the structure and bring it up to current building code is significant, estimated in excess of \$500,000 and then the pool is still too small to draw enough rental business to support the additional operating and capital costs. The Park and Recreation Commission plans to permanently close the town pool in March 2009.

WCP surveyed the community, met with potential renters, explored various pool construction methods, reviewed various sites throughout Wayland, held multiple meetings with abutters for the proposed site and developed a business plan for a facility with a removable structure allowing for outdoor use of the pool during the summer months. During this process, WCP has continued to work closely with the Park & Recreation Commission.

This article seeks to transfer the real interest in the town pool parcel of land from Park & Recreation Commission for the purposes of constructing a pool facility and then leasing it back to Park & Recreation Commission for town use. On February 12, 2008, the Park and Recreation Commission voted unanimously in support of this article.

There are three components to this article: the first is that Park & Recreation Commission declares the land surplus and transfers it to the control of the Board of Selectmen. Second, the Board of Selectmen offers to transfer (sell or lease) the land to an entity that will build a new pool to the specifications defined by Park and Recreation. WCP plans to bid on the land. Third, upon completion of the project, the pool is leased back to Park & Recreation Commission for town use.

Assuming that Town Meeting approves the transfer of land, WCP plans to implement its fundraising plan and proceed with construction planning. WCP intends to keep Park & Recreation Commission, the larger Wayland community and the immediate neighbors updated throughout the process.

ARGUMENTS IN FAVOR: All town residents and swim teams, including Wayland's High School girl's state championship team, will have a modern pool facility and will continue to be able to swim in Wayland. Swimming is a lifetime sport and residents will once again have access to a facility.

The Town's financial and construction risk will be minimized since a private entity (WCP) will be financing and managing the construction process. The WCP will be working with Park & Recreation Commission to implement a financially viable business operating plan. Control over the facility specifications will remain with the Park & Recreation Commission when it transfers the land as the bid document will specify the type of pool to be built with all requirements specified (lanes, locker rooms, deck space, office space, etc).

There will be no change in use for the land parcel as it is already used as a pool facility and currently shares parking with the High School.

Any land transfer will not take place until both the Park & Recreation Commission and the Board of Selectmen agree that the business plan and construction/financing plan for the pool is financially viable.

The Town's financial expense for the pool will be monitored by the Park and Recreation Commission based on their contracted usage of the pool thus eliminating the Town's risk of funding any operating deficits.

ARGUMENTS OPPOSED: The project may not be completed on time and the town may need to finance the pool for another year (FY2010).

While the town can control its costs for the pool, it will still have some financial expense based on its usage of the facility.

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

QUANTUM OF VOTE: (1) Two thirds – see Massachusetts General Laws Chapter 40, Section 15A.
(2) Majority - see Massachusetts General Laws Chapter 40, Section 3.
(3) Two thirds – see Massachusetts General Laws Chapter 40, Section 14.

For more information, contact Ben Downs at (508) 358-0270 or bentdowns@comcast.net.

ARTICLE 20: PERSONNEL BY-LAWS AND WAGE AND CLASSIFICATION PLAN

Proposed by: Personnel Board

To determine whether the town will vote to amend the Code of the Town of Wayland, Chapter 43, PERSONNEL and the Personnel Wage and Salary Classification Plan (Appendix E) previously adopted by the Town by making the following additions, deletions and modifications thereto, and by establishing effective dates for such amendments.

Chapter 43 - PERSONNEL

Note: Additions are identified in bold type; deletions are identified by strikethroughs. Only changes are included.

The implementation of the MUNIS HR/Payroll system requires several adjustments in the accrual of paid-time-off for employees as defined in Chapter 43 of the Bylaws. The total annual accrual amounts will not change, only the incremental granting of accrued time. The balance of the benefit adjustments is intended to provide non-union personnel with equivalent benefits to unionized personnel.

§ 43-9. Annual leave.

B. Schedule for earning leave days.

(1) The schedule for earning leave days is as follows:

(a) For 13 leave days per year: **7.5833 hours/month** ~~1.0833 days per month.~~

(b) For 19 leave days per year: **11.0834 hours/month** ~~1.5833 days per month.~~

(c) For 25 leave days per year: **14.5834 hours/month** ~~2.0833 days per month.~~

E. Full-time employees on the ~~N G, SG, S and Non-union Police~~ schedule shall receive 2 personal days each January 1st. Unused days will be forfeited each December 31st. Days ~~may are to~~ be used in **one-half full** day increments. Part-time employees in the above schedules shall earn personal days on a pro-rated basis.

§ 43-10. Holidays with pay.

All regular employees in benefit status shall be allowed the following ~~eleven~~ **twelve** holidays with pay: New Year's Day, Martin Luther King Day, Presidents Day, Patriots Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, **Day after Thanksgiving** and Christmas Day. When one of the foregoing holidays falls on a Sunday, the holiday will be observed on the following Monday. When one of the foregoing holidays falls on a Saturday, the holiday will be observed on the preceding Friday. If a holiday falls on a regularly scheduled day off, or when a regular Town employee is scheduled to work on a holiday, he/she shall be given an additional day off with pay or shall receive straight-time pay for the hours actually worked in addition to his regular pay.

§ 43-11. Sick leave.

A. Each permanent employee in benefit status shall accumulate sick leave for personal illness at the rate of **7.5840 hours per month** ~~1.0833 days per month~~ for a total of 13 days per year, unless other-wise provided in a collective bargaining agreement. ...

E. When a regular employee retires or dies, he or his beneficiary shall receive severance pay equal to the employee's most recent daily straight-time rate multiplied by 60% of his unused accumulated sick leave days in effect as of his retirement or death. Such severance pay shall not exceed a maximum of **\$7,500** ~~\$5,000~~.

FINANCE COMMITTEE COMMENTS: This article is requesting Town Meeting to approve changes to the Wage and Classification Plan and to the Town Bylaws related to Personnel.

The Wage and Classification Plan allows for systematic wage increases based on employee longevity and provides for a reasonable wage growth. The Wage Classification Tables, as included in this warrant, incorporate the July 1, 2007 and July 1, 2008 proposed wage increases for non-union employees and union affiliated employees for bargaining units with settled labor contracts. For union employees affiliated with bargaining units without settled labor contracts, the July 1, 2006 wage scales are included. Note: only non-union positions are required to be shown in the warrant. Traditionally, union positions are included for informational purposes only.

Chapter 43 of the Town Bylaws deals with Personnel. This article amends Chapter 43-9 regarding how annual leave and sick leave are calculated. In fiscal 2007, the Town implemented MUNIS, a new accounting and payroll system. In 2007 Town Meeting approved the MUNIS method for calculating leave based on a rate per month worked as opposed to the previous system. However, it was subsequently realized that MUNIS more efficiently calculates leave accrual and usage on an hours per month basis. This article corrects last year's article and changes the bylaw to match how the HR/payroll system accrues and applies leave. The new schedule does not change the amount of leave granted to employees.

The article also increases the amount of the sick time buy-back that the town makes to an employee when an employee retires or dies. The benefit provides that unused sick time continues to "bank" until the employee retires or dies. At that time, the town makes a severance payment equal to 60% of unused accumulated sick time. The maximum amount is being raised to \$7,500 from \$5,000. This change applies to non-union employees and makes this benefit consistent with the benefit included in union contracts.

ARGUMENTS IN FAVOR: The Wage and Salary Classification Plan allows for systematic increases based on employee evaluations and longevity and provides for reasonable salary growth given current economic conditions. Changes to the union schedules are required to reflect new salary levels that result from the executed union contracts, and changes to the non-union salary schedules reflect increases comparable to the union negotiated increases.

The change in the bylaw to match MUNIS' method for calculating leave is purely an administrative change that has no impact on the amount of leave granted to employees.

The change in the unused sick time severance benefit makes this benefit consistent between union and non-union employees.

ARGUMENTS OPPOSED: The salary increases and the additional sick leave buy-back may be considered too high given the Town's current financial situation. The Finance Committee is not aware of any other argument opposing the change to the Personnel Bylaw.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 41, Section 108A.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendments are consistent with federal and Massachusetts law.

For more information about this article, contact John Senchyshyn, Human Resources Director/Assistant Town Administrator, at (508) 358-3623, or email jsenchyshyn@wayland.ma.us.

ARTICLE 21: COMPENSATION FOR ELECTED OFFICIAL

Proposed by: Board of Selectmen

To determine whether the Town will vote to fix the salary and compensation of the elected Town Clerk pursuant to Massachusetts General Laws Chapter 41, Section 108, at an annual rate of \$64,179, effective July 1, 2008 through June 30, 2009.

SALARY SCHEDULE – ELECTED TOWN OFFICIAL

	<u>FY 2008</u>	<u>FY 2009</u>
Town Clerk	\$62,000	\$64,179

FINANCE COMMITTEE COMMENTS: This is a standard article that permits the Town to pay the Town Clerk. The salary of the Town Clerk does not fall within the Personnel Wage and Salary Classification Plan, because it is an elected position. As a result, Town Meeting must approve pay increases for the Town Clerk. Appointed Department Heads enjoy benefits not available to elected officials, such as automatic step increases, merit increases that recognize performance, and cost of living adjustments. The only course of action for the Town Clerk is to place an article in the Warrant and a line item in the budget (the article sets the salary, the budget appropriates the monies) calling for a salary increase.

ARGUMENTS IN FAVOR: The salary proposed reflects a fair compensation for work performed.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any arguments in opposition.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 41, Section 108.

For more information about this article, contact John Senchyshyn, Human Resources Director/Assistant Town Administrator, at (508) 358-3623, or email jsenchyshyn@wayland.ma.us.

ARTICLE 22: APPROVE USE OF LAND ON AND OFF OLD SUDBURY ROAD FOR CEMETERY

Proposed by: Board of Selectmen at the request of the Jewish Cemetery Association of Massachusetts

To determine whether the Town will vote to give the Jewish Cemetery Association of Massachusetts permission to use, for burial purposes, the parcel of land located on Old Sudbury Road, Wayland, Massachusetts containing 1.73 acres of land, more or less, and shown as Lot 1A on a plan recorded with the Middlesex South Registry of Deeds in Book 29152, Page 407 and the parcel of land located off said Old Sudbury Road containing 10.72 acres, more or less, and shown as Parcel B on a plan recorded with said Registry of Deeds as Plan No. 222 (Sheet 1 of 2) of 2005.

FINANCE COMMITTEE COMMENTS: This article is requesting Town Meeting approve the use of two parcels of land, one owned by East Beit Olam Cemetery and the other by West Beit Olam Cemetery, to be used as cemeteries. In 1998 the Beit Olam Cemetery was created in land adjacent to the Wayland North Cemetery. One parcel is adjacent and the other is near the existing Beit Olam Cemetery. These are additional parcels that have been acquired since the original cemetery was established because very few burial plots are available. Under town bylaws, the use of land for cemetery purposes must be approved by Town Meeting. The Board of Health has already provided its approval and site plan approval has been requested by the Planning Board, which approval is expected.

ARGUMENTS IN FAVOR: This is private land that has been acquired for the specific purpose of creating cemeteries in the area of the Beit Olam Cemetery and the Town's North Cemetery. There are no objections from the abutters to the use of this land, and perc tests have showed that both parcels are appropriate for cemetery use.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any arguments that would oppose approval of this article.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 114, Section 34.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 23: AUTHORIZATION TO ENTER INTO A TEN YEAR CONTRACT FOR TRASH DISPOSAL

Proposed by: Board of Health

To determine whether the Town will vote to authorize the Board of Health to enter into a multi-year contract not to exceed ten (10) years for solid waste transportation and disposal, which contract may include a provision requiring the Town to indemnify the contractor for losses associated with the Town's performance of its obligations and exercise of its rights under such contract.

FINANCE COMMITTEE COMMENTS: The active landfill is expected to reach capacity by the summer of 2008. At that point, solid waste will have to be trucked offsite for disposal. The Board of Health (BOH) has solicited bids from private contractors to perform this task. As of the date the Warrant went to print, the BOH had yet to award a contract.

One possibility is that the winning bid will propose to haul and dispose of the Town's solid waste at the Millbury incinerator. In past agreements with contractors, cities and towns, Wheelabrator Millbury, Inc. has insisted on certain contractual indemnifications. This article allows the BOH to negotiate a multi-year contract to truck and dispose of the Town's solid waste, and if necessary, to indemnify Wheelabrator Millbury, Inc.

ARGUMENTS IN FAVOR: This article will afford the BOH and Town Counsel the latitude needed to negotiate a multi-year solid waste disposal contract. Without Town Meeting authorization, the BOH might be left with either an inferior disposal option or none at all.

A multi-year contract will allow the Town to lock in a rate and a capacity with a contractor.

Finally, although the BOH and Town Counsel will attempt to enter into a contract that does not require an indemnification, a positive vote would allow this action.

ARGUMENTS OPPOSED: As an alternative, the Board of Health could decide to close the landfill/transfer station and have residents contract with private solid waste disposal and recycling firms.

Potentially, the low bid contractor might decide to dispose of the Town's waste at another facility that may not require an indemnification.

The Town should avoid entering into any contract that indemnifies a vendor.

And finally, if disposal costs drop in a few years, the Town might regret entering into a 10 year fixed rate contract.

RECOMMENDATION: The Finance Committee defers a recommendation until Annual Town Meeting. Vote: 5-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 4.

For more information about this article, contact Steve Calichman, Director of Public Health, at (508) 358-3617, or scalichman@wayland.ma.us.

ARTICLE 24: COMMUNITY PRESERVATION ACT EXEMPTIONS APPLICATION FILING DEADLINE

Proposed by: Board of Assessors

To determine whether the Town will vote to amend the Code of the Town of Wayland by adding the following new paragraph to §19-8 of the Code of the Town of Wayland:

“F. Community Preservation Act Surcharge Exemptions.

Applications for exemptions from the Community Preservation Act surcharge pursuant to Massachusetts General Laws Chapter 44B, Section 3(e) (1) must be filed with the Office of the Board of Assessors no later than three months after the issuances of the actual real estate tax bill.”

FINANCE COMMITTEE COMMENTS: The Community Preservation Act (CPA) was approved at Town elections and Town Meeting in April of 2001. The Act allows for exemptions of the CPA surcharge to qualified homeowners as determined by the Massachusetts Department of Revenue. The original state legislation did not include an annual deadline for exemption filings. This article would add an annual filing deadline for CPA surcharge exemptions that is consistent with the existing three month filing deadline of all other Massachusetts statutory exemptions.

Last year, 73 CPA exemption applications were filed with the Assessors.

ARGUMENTS IN FAVOR: The Massachusetts Department of Revenue has suggested to the Board of Assessors that any deadline should be adopted at the Town level. Since many of the same qualified taxpayers file for Massachusetts statutory exemptions and CPA surcharge exemptions, it would be logical and consistent to have the same filing deadline for all programs.

The deadline would also allow the Town Finance Director to better estimate the anticipated CPA surcharge exemption amount.

ARGUMENTS OPPOSED: Applicants for CPA surcharge exemptions would be limited to a 3 month filing deadline if the By-Law is adopted and subsequently reviewed and approved by the Attorney General's office.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW:

For more information about this article, contact Molly Reed, Assistant Assessor, at (508) 358-3788, or mreed@wayland.ma.us.

ARTICLE 25: ADOPT STORMWATER BY-LAW

Proposed by: Conservation Commission

To determine whether the Town will vote to amend the Code of the Town of Wayland by adding thereto the following new chapter relative to Stormwater Management and Land Disturbance:

“Chapter 193

STORMWATER AND LAND DISTURBANCE

1. PURPOSES AND OBJECTIVES

The purpose of this chapter is to:

- protect the quantity and quality of water recharge to the Town's water supply aquifers;
- protect cold water fisheries and other designated outstanding water resources from discharges of toxic pollutants, nutrients, and temperature changes;
- protect streams, rivers, and private property from additional flood damage from changed flow patterns.

This chapter seeks to implement these goals through the following objectives:

1. Compliment and expand upon the requirements of state and federal statutes and regulations relating to stormwater discharges.
2. Establish provisions for long-term responsibility for and maintenance of structural stormwater control facilities /devices and nonstructural stormwater management practices to ensure they continue to function as designed, are maintained, and pose no threat to public safety;
3. Ensure that soil erosion control measures, sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
4. Require new development and redevelopment maintain the pre-development hydrologic characteristics in the post development state as nearly as practicable in order to reduce flooding, stream bank erosion, non-point source pollution, to maintain the integrity of stream channels and aquatic habitats and to provide protection from property damage;
5. Establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to increases in volume, velocity, frequency, duration and peak flow rate of stormwater runoff; establish minimum design criteria for BMP measures to minimize point and non-point source pollution from stormwater runoff which would otherwise degrade water quality;
6. Control the volume and rate of stormwater runoff resulting from land disturbance activities; establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; establish minimum design criteria for the protection of properties and aquatic resources downstream from land development, redevelopment and land conversion activities from damages due to increases in volume, velocity, frequency, duration and peak flow rate of stormwater runoff;
7. Establish minimum design criteria for BMP measures to minimize point and non-point source pollution from stormwater runoff which would otherwise degrade water quality;
8. Require that there be no increase in post-development discharge from storm drainage systems or any other changes in post-development conditions that alter the post-development watershed boundaries;
9. Require that all catch basin discharge points or other point source discharge points shall be designed with structures to disperse stormwater energy;
10. Encourage the use of non-structural stormwater management and low impact stormwater site design standards such as reducing impervious cover and the preservation of open space and other natural areas;

11. Require practices to control waste such as discarded building materials, truck washouts, chemicals, litter and sanitary waste at construction sites that may cause adverse impacts to water quality;
12. Ensure compliance with the provisions of this by-law through inspection, monitoring and enforcement;
13. Establish provisions to ensure there is an adequate funding mechanism, including a performance guarantee, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this chapter;
14. Establish administrative procedures and fees for the submission, review, approval or disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

Nothing in this chapter is intended to replace the requirements Chapter 194 of the Town Code, the Town's Wetlands and Water Resources Bylaw or any other Bylaw that may be adopted by the Town.

2. DEFINITIONS

The following definitions shall apply in the interpretation and implementation of this chapter.

ALTER: Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns.

AUTHORIZED ENFORCEMENT AGENCY: The Wayland Conservation Commission, hereafter the Commission, its employees or agents designated to enforce this chapter.

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and non-point source pollution, and promote stormwater quality and protection of the environment.

- Structural BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff.
- Nonstructural BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN: Site design approaches and techniques that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and open space, reducing impervious cover, and using natural features for stormwater management.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at construction site that may adversely impact water quality.

CLEARING: Any activity that removes the vegetative surface cover.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of an existing use, usually involving construction.

DISCHARGE : A general outflow term including flow from a pipe into a stream, or from a stream to a body of water.

DISCHARGE POINT: The outlet of a pipe or a particular location along a stream.

DISCHARGE (FLOW) RATE: Volume of water passing a particular point in a given time.

Discharge (FLOW) VOLUME: Includes both sheet runoff and point source discharges from pipes or stream channels.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

INFILTRATION: The movement of water downward into the soil. Infiltration is important to replenishing the groundwater.

LAND-DISTURBING ACTIVITY: Any activity including clearing, the removal of trees and other vegetation that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LAND USE CONVERSION ACTIVITY: Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns.

LOCAL GENERAL PERMIT: Work permitted by right under this chapter providing that there is an approved erosion and sediment control plan for the land disturbing activity.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended that coordinates the requirements prescribed by State regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, Massachusetts General Laws Chapter 131, Section 40 and the Massachusetts Clean Waters Act, Massachusetts General Laws Chapter 21, Sections 23 through 56.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or municipal storm drain system: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Wayland.

NATURAL VEGETATED STATE: Ground cover of native plants species and other trees, shrubs, and/or grasses that is not mowed more than twice a year.

NEW DEVELOPMENT: Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities .

NON-POINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human made pollutants, finally depositing them into water resource areas.

OUTFALL: A pipe or conduit discharging water

OWNER: A person with a legal or equitable interest in property.

POST DEVELOPMENT: the conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion and does not refer to the construction phase of the project.

PRE-CONSTURCTION: All activity in preparation for construction.

RECHARGE: The replenishment of underground water reserves.

REDEVELOPMENT: Any ground surface disturbing construction, alteration, demolition, or improvement of a parcel of land that currently lacks a natural vegetated state and contains alterations by man-made activities.

RUNOFF: Water from precipitation, rainfall, snowmelt, or irrigation, which flows broadly over the ground surface as opposed to a channel. Also called stormwater runoff or direct runoff.

- **RUNOFF VOLUME:** The total volume of water that occurs as direct runoff from a given rainfall event.
- **RUNOFF RATE:** The volume of water passing a particular point in a given period of time. Often expressed as cubic feet per second.
- **TOTAL RUNOFF:** Includes both sheet or non-point runoff (water flowing over the ground and point sources from stream channels/ pipes

SEDIMENT: Mineral or organic soil material that is transported by wind or water from its origin to another location: the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER: Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PERMIT (SMP) The permit issued following a review on an application, plans, calculations and other supporting documents, which is designed to protect the

environment of the Town of Wayland from deleterious effects of uncontrolled and untreated stormwater runoff.

STRIP: Any activity that removes vegetative ground surface cover, including, but not limited to, tree removal, clearing, grubbing, and storage or removal of topsoil.

TOTAL SUSPENDED SOLIDS (TSS): A measure of the sediments in a unit volume of water. Small particles of mineral and organic matter that are suspended within water runoff. TSS does not include sediment fractions larger than two millimeters in size.

VERNAL POOL: “Vernal pool” shall include, in addition to any vernal pool certified by the Massachusetts Division of Wildlife and Fisheries Natural Heritage and Endangered Species Program, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas, or driveways, which normally holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile, or other vernal pool community species.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

WAYLAND’S WETLANDS AND WATER RESOURCES PROTECTION BYLAW: CHAPTER 194 of the Town Code.:

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act . and/or in Wayland’s Wetlands and Water Resources Bylaw .

WETLANDS: “Wetland” means wet meadows, marshes, swamps, bogs, and other areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a hydrophilic plant community, or emergent and submergent plant communities in inland waters.

3.0 AUTHORITY

This chapter is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution

4.0 APPLICABILITY

(A) This chapter shall apply to all new development and redevelopment within the Town of Wayland, including, but not limited to site plan applications, subdivision applications, grading applications, land use conversion applications, any activity that is likely to result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land, or any activity that is likely to alter the drainage characteristics of a parcel of land, unless exempt pursuant to Section 5.B of this chapter. A Stormwater Management Permit shall be required for all new development and redevelopment regulated by this chapter

(B) Exemptions

No person shall alter land within the Town of Wayland without having obtained a Stormwater Management Permit (SMP) for the property, except for the following activities:

1. Any activity in the Aquifer Protection District that will either disturb an area less than 20,000 square feet or increase impervious surfaces less than 500 square feet;
2. Any activity not in the Aquifer Protection District, that will disturb either an area less than 40,000 square feet or increase impervious surface less than 1,000 square feet, providing the activity is temporary and is implemented with a soil erosion plan that includes the use of sediment barriers and permanent soil stabilization specifications, and containment of erodible materials. A copy of this plan shall be provided to the Conservation Commission or an agent of the Commission prior to commencing work at the site;
3. Normal maintenance and improvement of land in agricultural use as defined in 310 CMR 10.04 and Massachusetts General Laws Chapter 40A, Section 3;
4. Construction and repair of septic systems when required and approved by the Board of Health for the protection of public health and in compliance with Massachusetts Title V requirements providing no other local permit is needed and the applicant has implemented a soil erosion plan that includes the use of sediment barriers temporary and permanent soil stabilization specifications, and containment of erodible materials;
5. Projects wholly within the jurisdiction of the Conservation Commission and requiring an Order of Conditions pursuant to the Wetlands Protection Act and/or a wetlands permit pursuant to Chapter 194 of the Town Code;
6. Construction activities associated with utilities (gas, water, electric, telephone, fiber-optic cable) other than drainage, which will not permanently alter terrain, ground cover or drainage patterns;
7. Emergency repairs to any stormwater management facility or practice that poses a threat to public health or public safety or as deemed necessary by the Conservation Commission;
8. Any work or projects for which all necessary approvals and permits have been issued prior to the effective date of this chapter;
9. Construction or reconstruction of an existing stonewall and all other retaining walls less than 12 feet in length that will not deter drainage or runoff.
10. The construction of any fence that will not alter existing terrain or drainage patterns;
11. The repair or replacement of an existing roof of a single-family dwelling.

5.0 ADMINISTRATION

- (A) The Conservation Commission shall administer, implement and enforce this chapter.
- (B) Stormwater Regulations. The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, application and inspection fees, procedures and administration of this chapter by majority vote of the

Conservation Commission, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven days prior to the hearing date. After public notice and public hearing, the Conservation Commission may promulgate rules and regulations to effectuate the purposes of this Bylaw.

- (C) **WAIVER:** The Conservation Commission may waive strict compliance with any requirement of this chapter or the rules and regulations promulgated hereafter, where such action:
1. is allowed by federal, state and local statutes and/or regulations;
 2. is in the public interest: and
 3. not inconsistent with the purpose and interest of this chapter.

6.0 PROCEDURES

Permit procedures and requirements shall be defined and included as part of any rules and regulations promulgated as permitted under Section 5 of this Bylaw.

7.0 ENFORCEMENT

The Conservation Commission or an authorized agent of the Conservation Commission shall enforce this chapter, regulations, orders, violation notices, and enforcement orders, and may pursue all civil (non-criminal) and criminal remedies for such violations.

8.0 SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this chapter shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.”

FINANCE COMMITTEE COMMENTS: The Town of Wayland has a Storm Water Management Plan designed to reduce the discharge of pollutants from municipal separate storm sewer systems to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. One component of the Source Water Assessment Program (SWAP) was the adoption of a Stormwater Bylaw. This Bylaw shall apply to all new development and redevelopment within the jurisdiction of the Town of Wayland.

Land disturbance projects, land development projects, land use conversions and changes to land cover, permanently alter the hydrologic response of local watersheds by increasing storm water runoff rates and volumes, increasing flooding, stream channel erosion, sediment transportation and disposition and decreasing groundwater recharge. The impacts of these projects and disturbances can adversely affect public safety, drinking water supplies, aquatic habitats, recreation, property values and other uses of land and water.

Localities in the Commonwealth of Massachusetts are required to comply with a number of both State and Federal laws, regulations and permits which require a locality to address the impacts of these land disturbances, land use conversion and post development stormwater runoff quality and non-point pollution. The United States Environmental Protection Agency has identified sedimentation from these disturbances as major sources of pollution impacting drinking water supplies, natural habitats and recreational resources.

ARGUMENTS IN FAVOR: It is in the public interest to regulate post-development stormwater runoff discharges in order to control and minimize increases in rates and volumes, post-construction soil erosion and sedimentation, stream channel erosion and non-point source pollution. The Town of Wayland has established guidance for the regulation of land disturbance, land use conversion and post-development stormwater runoff for the purpose of protecting local water resources from degradation.

This article also supports the approved vote at the 2007 Annual Town Meeting Resolution to Protect Wayland Drinking Water.

ARGUMENTS OPPOSED: Some could argue that this may complicate and extend the permit procedures and requirements of developments. There is a cost to revise the local codes when a by-law is adopted. There will be additional staff responsibilities in the management and enforcing of the by-law.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with federal and Massachusetts law.

For more information about this article, contact Brian Monahan, Conservation Administrator, at (508) 358-3669, or bmonahan@wayland.ma.us.

ARTICLE 26: AMEND ARTICLE II OF THE TOWN CODE RE: STORMWATER BYLAW

Proposed by: Conservation Commission

To determine whether the Town will vote to amend the Article II of the Code of the Town of Wayland by adding thereto the following new paragraph:

“J. Chapter 193 of the Code of the Town of Wayland – Stormwater and Land Disturbance

- (1) Penalty: \$300.00 per day.
- (2) Enforcing Persons: Town police officer, other officers having police powers, and agents of the Conservation Commission.”

FINANCE COMMITTEE COMMENTS: Non-criminal penalties are a tool that provides some enforcement using less resource while providing some redress for infractions of the proposed Stormwater Bylaw

ARGUMENTS IN FAVOR: A tool that is less complicated, intrusive and litigious. This will offer an alternative to seeking criminal penalties that is more in keeping with the intent of the Bylaw.

ARGUMENTS OPPOSED: There is a cost involved to persons who do not comply with the Bylaw. A non-criminal penalty is a fine for the person who has been cited. There will be a cost associated with billing and collecting such fines.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with federal and Massachusetts law.

For more information about this article, contact Brian Monahan, Conservation Administrator, at (508) 358-3669, or bmonahan@wayland.ma.us.

ARTICLE 27: ESTABLISH ELECTRONIC COMMUNICATIONS COMMITTEE

Proposed by: Petitioners

To determine whether the Town will vote to establish a committee, accountable to Town Meeting, to be known hereafter as the Electronic Communications Committee, which shall be composed of seven members, four appointed by the Moderator and three by the Board of Selectmen, to recommend improvements to the Town's ability to communicate with its citizens useful, accessible, and timely information via electronic media. In particular, the committee shall examine the utility of the Town's website, contrasting it with the best features of websites in other towns. The committee shall document its work in a report to the 2009 Annual Town Meeting and post its minutes and report on the Town's website.

PETITIONERS' COMMENTS: Good communication with the public is the hallmark of every vibrant 21st-century democracy. Today, when most families have ready access to the internet, those communications can be relatively easy and inexpensive to achieve. Many of our sister towns have gone further than has Wayland in bringing local government into citizens' homes. We can do as well—or even better—once we decide that we should. That is the purpose of the proposed committee: to figure out what information the public needs and wants about its government. Implementation would come later, as directed by the Board of Selectmen.

Concord's user-friendly website at www.concordma.gov, among others, may be an excellent model for Wayland. For example, you will find extensive financial information, a monthly meeting calendar, all of the town's administrative policies and procedures, links to important state statutes, and much, much more than can be presented in this limited space.

FINANCE COMMITTEE COMMENTS: Information Technology is a critical mechanism of any organization. Accounting, reporting and distributing up-to-date information are critical to operational efficiency. Town information needs to be accurate, accessible and timely in order for town employees, committees, boards and citizens to make astute decisions on town matters.

A committee would analyze not only the design and contents of our present electronic communication systems but could also review all of the Town's reporting requirements. The state's open meeting law requires the records and minutes of every governmental body meeting to be made public the moment they are made. As public records, meeting records or minutes must be made available at reasonable times and in a reasonable place.

ARGUMENTS IN FAVOR: The Town's site should be a community center for not only current citizens but for anyone outside Wayland looking for information. Easier access to information would free up time and reduce costs of town departments. Town employees could refer researchers to the Town's site where they could gain access to certain Town information and make copies themselves.

Potential standard formats could also make the multiple committees and boards run more efficiently. All Town policies and procedures would be easily attainable.

The primary beneficiaries of this committee's finding are the public which is why it should report to Town Meeting. The Selectmen should have input to the appointments because they oversee the towns boards and committees. The Town vote should give the Moderator the responsibility of the other appointments. A committee of this nature and appointed as such could entice and promote a wide arena of talent into town volunteerism.

ARGUMENTS OPPOSED: One could argue that the Town Administrator and Selectmen are chartered to deliver the highest quality municipal services in a fiscally responsible and operationally responsive manner to its citizens. This ad hoc committee should be established by one or both of these organizations who will ultimately be responsible for the upkeep and maintenance of a potentially new database and web site.

It could also be more effective to have town staffs involved who know the sources of the information to be collected. The Board of Selectmen has appointed other exploratory committees that have insured accountability and timeliness of similar reports.

There will be some costs associated with this analysis by interrupting town business. It is likely that any suggestions from the committee to make a change will incur expenses in implementation and maintenance of information.

RECOMMENDATION: The Finance Committee recommends against approval. Vote 0-4. However, the Finance Committee recommends approval of the article if amended to reflect change in **accountability** from Town Meeting to Town Administrator. Vote: 4-0

QUANTUM OF VOTE: Majority.

For more information, contact George Harris at (508) 358-2379 or gharris@comcast.net.

ARTICLE 28: AMEND CHAPTER 198 ARTICLE 5 OF ZONING BYLAWS

Proposed by: Petitioners

To determine whether the Town will vote to amend Chapter 198, Article 5 of the Wayland Zoning Bylaws, Signs and Exterior Lighting, by adding the following sentence after the second sentence of Chapter 198, Article 501.1: "Provided, however, that with respect to freestanding lampposts in a residential district that are located on a private way or common driveway, lampposts shall have a minimum frontyard setback of one foot, to be measured from the front property line."

This article clarifies placement of a lamppost within the right-of-way of a private way or common driveway. Chapter 198, Article 5 of the Wayland Zoning By-Laws, Signs and Exterior Lighting currently regulates lamppost lighting within the front lot line of a home-owners property and does not specifically regulate lighting within the right-of-way of a private way or common driveway:

"Yard requirements as otherwise specified in this Zoning Bylaw shall apply to signs and exterior lighting fixtures and structures, except freestanding lampposts at a residence in a residential district, which lampposts shall have a minimum front yard setback requirement of 15 feet, to be measured from the front property line."

The Planning Board did not take a vote to approve this article prior to the printing of this Warrant.

ARGUMENTS IN FAVOR: This article is intended to eliminate a potentially unsafe condition. Because public ways are lit with overhead street lighting installed within the town's right-of-way, it is incumbent upon the residents and owners of private ways or common driveways to install their own lamppost lighting within the common driveway's right-of-way in order to illuminate that common driveway.

ARGUMENTS OPPOSED: The Petitioner's article was drafted to settle a neighborhood dispute. Privately installed lampposts installed within the right-of-way of a common driveway or along a private way may also illuminate properties of adjoining residents who live along, maintain and/or also own that private way. There has not been sufficient time to research this request to change Wayland's Zoning By-Laws or to seek public input supporting this change.

RECOMMENDATION: The Finance Committee recommends against approval. Vote: 0-5. The Planning Board should review the proposed amendment to Wayland's Zoning By-Laws, Signs and Exterior Lighting, Chapter 198, Article 501 relative to all private ways and common driveways within the Town.

QUANTUM OF VOTE: Two thirds – see Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with federal and Massachusetts law.
