

**TOWN OF WAYLAND**

**WARRANT for  
SPECIAL  
TOWN MEETING**



**PLEASE NOTE:**

**The location of the Special Town Meeting  
will be the**

**WAYLAND MIDDLE SCHOOL GYMNASIUM**

**DOORS OPEN AT 6:00 P.M.**

*Use Side Entrance Door by Gymnasium*

**Thursday, November 17, 2011 7:30 P.M.**

**[www.wayland.ma.us](http://www.wayland.ma.us)**

## NOTICE

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

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

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

Name:	John Senchyshyn
Title:	Assistant Town Administrator/HR Director
Office Address:	41 Cochituate Road, Wayland MA 01778
Phone Number:	(508) 358-3623
Fax Number:	(508) 358-3627
TDD:	(508) 358-0194 or 911
Days/Hours Available:	Monday, 8:30 a.m. to 7:00 p.m. Tuesday to Thursday, 8:30 a.m. to 4:00 p.m. Friday, 8:30 a.m. to 12:30 p.m.

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

Please note that the Assistive Listening Devices are not available for meetings held in the Middle School.

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

**TOWN OF WAYLAND**  
**2011 SPECIAL TOWN MEETING WARRANT**

Special Town Meeting will start at 7:30 p.m.  
In the WAYLAND MIDDLE SCHOOL GYMNASIUM  
on Thursday, November 17, 2011  
**Doors will open at 6:00 p.m.**

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In order to accommodate the possibility of a large turnout, the Middle School auditorium will be opened as a second venue only if more than 750 citizens attend the Special Town Meeting. There will be two-way audio and video communication between the auditorium and the gymnasium to allow full participation in Special Town Meeting.

Parking at the Middle School will be very limited. Satellite parking with shuttle bus service will operate continuously beginning at 6:00 p.m. between Town Building and the Middle School. We encourage those living north of Boston Post Road to consider using the shuttle bus service and all citizens to car pool with a neighbor to maximize the available parking at the Middle School.

<b>ADJOURNED MEETINGS</b>
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It is anticipated that if an adjourned meeting is necessary to complete action on this warrant, it will be held on Monday, November 21, 2011, subject to Special Town Meeting approval.

If you have any questions about the Articles, please attend the **Warrant Hearing on Monday, November 14, 2011, at 7:30 P.M.** at the Town Building. You may also call the Town Administrator's office at (508) 358-7755 before Special Town Meeting.

<b>NOTICE REGARDING MOTIONS</b>
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This warrant for Wayland Special 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 special 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 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.

<b>TOWN MEETING PROCEDURES</b>
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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 online at [http://www.wayland.ma.us/Pages/WaylandMA\\_BComm/Moderator/Handbook.pdf](http://www.wayland.ma.us/Pages/WaylandMA_BComm/Moderator/Handbook.pdf).

**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 vote is required for approval of a main motion thereunder. For articles which are anticipated to be funded by borrowing, a two-thirds vote is required.

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.

**NO SMOKING NOTICE**

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

**COMMONWEALTH OF MASSACHUSETTS**

*Middlesex, ss.*

*Town of Wayland*

**\*\*\* WARRANT \*\*\***

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all such residents of Wayland to meet in the Gymnasium of the Wayland Middle School on

**THURSDAY, NOVEMBER 17, 2011, AT 7:30 P.M.**

to act on the following Articles:

**ARTICLE 1:      ENABLE AND FUND ELECTRONIC VOTING AT TOWN MEETING  
THROUGH CALENDAR YEAR 2014***Sponsored by: Petitioners**Estimated Cost: \$135,000*

To determine whether the Town will vote to authorize and direct the Board of Selectmen to obtain an electronic voting service for all town meetings through calendar year 2014, to appropriate a sum of money therefor, and to determine whether said appropriation shall be provided by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, or otherwise.

**PETITIONERS' COMMENTS:** Wireless electronic voting at Town Meeting ensures that wherever you sit, your vote will count - unlike voice votes, where the weakening of sound with distance diminishes your vote. Electronic voting means that your vote is private, freeing you to make your best judgment without consequences from friends or neighbors. Electronic voting is fast, accurate, and efficient; the 37 electronic votes taken during last April's Annual Town Meeting took an average of 63 seconds to complete. Ten of those votes were so close that without electronic voting, standing counts could have extended the sessions by hours. Last April's meeting also demonstrated that voting handsets could be issued and collected without congestion during entry or exit. We therefore propose the competitive acquisition of a turnkey electronic voting service that would cover all sessions of all Town Meetings through 2014; Wayland will bear no responsibility for installation, maintenance, or storage.

**FINANCE COMMITTEE COMMENTS:**

**Background:** Wayland voters approved an article proposing a pilot test and demonstrated use of electronic voting at the May 2010 Annual Town Meeting (ATM). As follow-up, the Electronic Voting Implementation Subcommittee was established with the objective of piloting electronic voting at the 2011 Annual Town Meeting. This Subcommittee held its first meeting on August 17th; its members were Dennis Berry, Blair Davies, Alan Reiss, Jon Sieber, Lois Toombs, Dave Bernstein (Chair), and Peter Gossels (ex officio).

Under the guidance of the subcommittee, the Town then accepted an offer of free equipment and services from Option Technology Interactive (OTI) for a pilot evaluation at the April 2011 ATM. Electronic voting was tested and evaluated on the evening of April 7 and April 10. There were a total of 37 successful electronic votes which lasted no longer than 63 seconds each.

**Comments:** This article, submitted by members of the Electronic Voting Implementation Subcommittee, requests funding of \$135,000 to be used over three years for the procurement of electronic voting services from a 3<sup>rd</sup> party service provider of electronic voting services.

Petitioners have estimated total costs for the three year service agreement based upon three (one day) special town meetings at an annual cost of \$15,000 with 500 voters in attendance and three (three day) annual town meetings at an annual cost of \$30,000 with 500 voters in attendance. If the service provider is required to stay over the weekend or an additional weekday, additional costs may run \$1,000 per day.

Wayland typically spends \$20,000 to \$30,000 per year on Town Meetings. Approval of this article could increase the cost of running Town Meeting to between \$65,000 and \$75,000 per year.

Under this proposal, the service provider would be responsible for all computer and software related issues. The service provider would also be responsible for the installation and operation of the voting

equipment and up to 500 handsets. The Town of Wayland would still be responsible for the setup of audio visual connections as they do now; the Town Clerk would be responsible for the validation of voters against the voter registration list and the barcode scanning and distribution of keypads.

The Finance Committee met with Petitioners on the evening of October 17, 2011 to review their request for operating funds for electronic voting for the 2012 Annual Town Meeting. In order to support this request without re-opening the FY2012 operating budget, the Finance Committee unanimously approved the transfer of \$30,000 from the Finance Committee Unclassified Account – Reserve Fund to the Unclassified Account - Town Meeting in order to support and fund electronic voting for the 2012 Annual Town Meeting. The next day, the petitioner's submitted a warrant article directing the Board of Selectman to obtain and appropriate funding for an electronic voting service at a cost of \$135,000.

**ARGUMENTS IN FAVOR:** At times, Wayland has frustrating Town Meetings consisting of very time consuming vote counting. Preserving our one-vote, one-person Town Meeting tradition means that we must reduce the amount of time counting votes and make the vote counting process more accurate.

Of the 37 electronic votes taken during the first two days of the 2011 ATM, there were 10 votes with a margin of victory less than 20%; 5 of these votes were closer than 10%. Without electronic voting, there could have been 5 to 10 standing counts during the first two sessions, thus extending those sessions by hours.

Approval of this article will make Town Meeting more efficient, preserve Town Meeting as Wayland's legislative body, eliminate lengthy standing votes, reduce time spent at Town Meeting, increase voter accuracy, eliminate re-votes and ensure voter privacy.

Approval of this article will also ensure that:

- Every vote will be accurate; voters will not be disenfranchised
- Every vote will be private; voters judgment alone will prevail
- Every vote will be fast; time will not be wasted
- Wayland will acquire a practical turnkey electronic voting service

**ARGUMENTS OPPOSED:** While the Finance Committee sees value in an electronic voting process at Town Meeting, this article is an attempt to secure funding for a three-year commitment. We cannot approve three years worth of operating expenses since the future budgets don't exist yet, and the request does not conform to the definition of "capital" under Generally Accepted Accounting Principles, including Government Accounting Standards Board or Financial Accounting Standards Board FAS-13.

This article requests \$135,000 which is more than is needed for one year's operation. Because a service contract is an operating expense, the request should be for \$30,000 or the amount for ATM in April 2012. Funds for future Town meetings must be included in the operating budget of the Town. The petitioner's understand that this is not a capital request and that these funds should be subject to annual appropriation and vote at ATM like any other operating budget request.

The Finance Committee has already provided funding for the ATM in April 2012 through their Reserve Fund.

**RECOMMENDATION:** The Finance Committee, by a vote of 6-0, supports the funding of electronic voting as an operating expense and approved an appropriation of \$30,000 for use at the 2012 Annual Town Meeting. The Finance Committee will also include funding for electronic voting in the FY2013 operating budget request. The Finance Committee voted to not take a position on the article as submitted.

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

*For more information about this article, contact petitioners Alan Reiss at [alanjreiss@verizon.net](mailto:alanjreiss@verizon.net), or David Bernstein at [dave.bernstein@comcast.net](mailto:dave.bernstein@comcast.net).*

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## **ARTICLE 2: AMEND CHAPTER 19 OF THE TOWN CODE: REQUIRE TAX RATE PUBLIC HEARING**

*Sponsored by: Petitioners*

To determine whether the Town will vote to amend Chapter 19 of the Town Code by adding the following new section thereto: “At least seven days before any information pertaining to fixing any tax rate for any fiscal year is submitted to the Commissioner of Revenue for approval, the Board of Assessors shall conduct a public hearing to give interested citizens an opportunity to be heard concerning the proposed tax rate(s). At least seven days before the hearing, such information, together with the date, time, and place of the hearing, shall be posted on the Town’s website and in a conspicuous place in the Wayland Town Building.”

**PETITIONERS’ COMMENTS:** Wayland’s property tax rate is set annually by an inscrutable and nonpublic process. No governmental body determines the tax rate at a public meeting. Instead, it is set by Town employees, without the public’s awareness. Such an inaccessible process is unacceptable in a democracy.

By law, the Assessors are authorized to set the tax rate, following approval by the Commissioner of Revenue. The Finance Committee appears to play a role in the tax-rate process, but this role is not clear. Review of the FinCom’s meeting minutes sheds little light on the matter. Petitioners expect and trust that the FinCom and other relevant boards will participate in the proposed hearing to be convened by the Assessors. Petitioners believe that the hearing will give the public the information it rightfully deserves in order to understand how it is taxed.

Far greater transparency in Wayland’s taxes is long overdue.

### **FINANCE COMMITTEE COMMENTS:**

The property tax rate in Wayland is a function of many different variables. The most important variables are: (1) Town Meeting’s appropriations for the fiscal year, (2) estimated receipts other than property taxes, and (3) total assessed value of property in the town. Here is the formula used to calculate the property tax rate each year:

$$\frac{(\text{Amount to be Raised} - \text{Estimated Receipts from Other Sources})}{\text{Total Assessed Value of Property Subject to Tax}} = \text{Property Tax Rate}$$

The Board of Assessors is responsible for setting the assessed value of property subject to tax. The Board of Assessors works on this question throughout the year, in coordination with the Massachusetts



Department of Revenue (DOR). The Board of Assessors is also responsible for assessing an additional amount to be raised called the “overlay” to account for pending abatement and exemption requests, if warranted. The overlay accounts for the possibility that at least some pending abatement or exemption requests will be granted in the future. The overlay must be reasonable, and it is subject to the approval of the DOR. Following the 2011 Operational Review Committee’s recent recommendation and as stated in DOR guidance, the Assessors have pledged to take a formal vote on the overlay amount each year.

The Board of Assessors is not responsible for the other variables that go into calculating the property tax rate. As noted above, all appropriations are made by Town Meeting as certified by the Town Clerk, not the Board of Assessors. Local receipts like motor vehicle excise tax and permit fees are estimated by the Finance Department and recommended by the Finance Committee in the Annual Town Meeting warrant. DOR estimates some other receipts, like state highway funding. The Board of Selectmen decides whether the Town should have single or multiple tax rates. These are just four examples.

All the different variables and estimates that go into the process are gathered by several different departments and boards and incorporated in a package called the Tax Rate Recapitulation Sheet, which is prepared in November and submitted to the DOR for certification before the end of the calendar year.

Petitioners did not consult with the Board of Assessors or the Finance Committee in drafting this article.

The purpose of Petitioners’ article, as explained by Lead Petitioners to the Finance Committee on October 17, 2011, is to require a public hearing on the proposed Tax Rate Recapitulation package. The public hearing would give citizens an opportunity to review, question, and express their views to Town officials. Lead Petitioners explained that they are concerned about much more than the overlay account. A member of the public explained that the Finance Committee and any other affected town boards should volunteer to attend the public hearing contemplated by the article.

Town bylaws already require the Board of Assessors to hold one public hearing a year in addition to their regular open meetings. Lead Petitioners intend that this article would require the Board of Assessors to hold a second public hearing each year.

The Finance Committee has two main concerns with the article.

First, Town Meeting should not pass a bylaw that forces the Board of Assessors to hold a public hearing on matters outside its jurisdiction. Town bylaws should be accurate and specific. As noted, the Board of Assessors is not responsible for many of the elements within the Tax Rate Recapitulation package. Many different town departments, officials, boards and committees contribute to the Tax Rate Recapitulation process. It is not a good idea to ask the Board of Assessors to field questions and concerns on matters beyond the scope of its authority and expertise. Furthermore, the proper operation of the proposed bylaw should not depend on whether other boards and committees volunteer to attend the proposed public hearing.

In any event the relevant town committees and boards—including the Board of Assessors—already hold dozens of open meetings each year. Agendas for these meetings are posted on the Town’s website in advance. Interested citizens can—and do—come to these meetings to raise questions, voice concerns, and make their views known to Town officials about the Tax Rate Recapitulation process.

The Finance Committee's second main concern with the article is that its language is vague and overbroad. For instance, the proposed bylaw if approved by Town Meeting as drafted in the article would require the Board of Assessors to hold a public hearing before *any* information was transmitted to the DOR for a given year. Since information flows between the Board of Assessors and the DOR throughout the year, holding a public hearing at the beginning of the process in June or July would defeat petitioners' purpose of holding a meaningful public hearing. In response to this concern, Lead Petitioners pointed out at the Finance Committee meeting on the article on October 17, 2011 that their motion on the article would be limited to a hearing on the Tax Rate Recapitulation package. Despite this assurance, the proposed bylaw may have a chilling effect on the essential communication between the Assessors and DOR throughout the year for fear of violating the bylaw.

The spirit of this Article is to provide for a public discussion that provides the community with the information used to finalize the tax recapitulation sheet, prior to finalizing the tax rate for the Town; and the Finance Committee supports that concept. However, the drafting of this Article is fraught with potential problems that have not been properly vetted in order to provide a bylaw that will be beneficial, and not detrimental to the work of the Board of Assessors and the Town. The Finance Committee would prefer an Article that has been written collaboratively between the public, the Board of Assessors and other relevant boards and committees in the Town in order to provide a process that is functional and effective.

On October 11, 2011, the Board of Assessors voted to defer making any comment about this article until Special Town Meeting. The vote was 3-0 with one recusal.

Any motion passed at Town Meeting under this article is subject to review and approval by the Attorney General's office, since it proposes to amend the Town bylaws.

**ARGUMENTS IN FAVOR:** Petitioners are concerned with the nonpublic decisions that affect and determine the tax rate. Some residents may believe the current process for setting the tax rate in Wayland lacks transparency and must be open to public scrutiny. Petitioners believe the proposed hearing is intended to accomplish this important goal in a straightforward manner. None of the currently held meetings deal directly and specifically with the setting of the tax rate through the Tax Rate Recapitulation filing and all supporting schedules that support this document.

**ARGUMENTS OPPOSED:** This Article has been drafted in a short period of time and has not had the benefit of thoughtful input by the various constituencies that need to be included in drafting such a bylaw. The current open meeting process regarding each element of the tax rate recapitulation package is adequate. All the information Petitioners seek is already available to interested citizens upon request. It is not clear what the outcome of the proposed public hearing would be, since the bylaw does not require the Board of Assessors to do anything in response to the public hearing. The article is vague and overbroad and will not result in an accurate and specific bylaw that will satisfy the spirit of what the petitioners hope to accomplish.

Finally, many of the goals of the petitioners have been set forth in the report of the Town's Operational Review Committee, in response to the Abrahams report, and the institution of those recommendations may be duplicative to the requirements of this Article.

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

**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 bylaw amendment is consistent with federal and Massachusetts law.

*For more information about this article, contact petitioners Donna Bouchard at [donnabouchard@lfusa.com](mailto:donnabouchard@lfusa.com); Tony Boschetto at [tonyandkathyb@verizon.net](mailto:tonyandkathyb@verizon.net); Kim Cook at [kimdcook@comcast.net](mailto:kimdcook@comcast.net); or Kent George at [KentGSr@aol.com](mailto:KentGSr@aol.com).*

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### **ARTICLE 3: AMEND FY2012 BUDGET FUNDING SOURCES**

*Sponsored by: Petitioners*

To determine, notwithstanding any prior action of this or any other town meeting, whether the Town will reconsider the sources of funding the Fiscal Year 2012 operating budget by reducing the portion of the budget to be raised by taxation and increasing the portion to be transferred from unreserved fund balance (i.e., free cash), leaving the total budget unchanged. This article calls only for reconsidering the funding of the operating budget (so as to achieve a reduction in the real estate tax rate) and not the budget itself.

**PETITIONERS' COMMENTS:** In FY' 12, our taxes increased 7.5%. While taxes continue to climb, our free cash and reserve accounts continue to grow to excessive levels. In FY' 11 alone we added \$4.1M to free cash through unexpected revenues and unused appropriations. Wayland's free cash balance is \$10.3M in addition to healthy reserves in other accessible accounts. The FY' 12 financial results will likely increase free cash again by several million dollars.

Why increase taxes to fund higher free cash?

Free cash must be returned to acceptable guidelines. Free cash should be reduced, to closer to 7.5% of the FY' 12 operating budget, by applying no less than \$4M of free cash to fund it.

If voters approve transferring \$4.25M free cash to fund the FY12 budget, with no impact to services, all households will see no tax increase for FY12 (from FY11 levels). Each additional \$1M transferred will decrease average FY12 tax bills approximately \$200.

### **FINANCE COMMITTEE COMMENTS:**

**Background:** On October 7, 2011, residents filed a petition with sufficient signatures gathered to require the Board of Selectmen to call a Special Town Meeting (STM). Petitioners presented two articles: this one to reconsider the FY2012 operating budget funding sources and a second article presented as Article 2 in this Warrant.

The FY2012 budget was discussed and approved at Annual Town Meeting (ATM) in April 2011. Once the budget article closed, if the budget or its funding sources were to be reconsidered during the same ATM, a 2/3 vote would have been required to do so. Now, as allowed by statute, the petitioners have requested reconsideration of the budget funding sources by submitting a petition calling for an STM.

After petitioners called for an STM and because their article did not contain a dollar amount, the Board of Selectmen submitted an article requesting an additional \$1 million be used from the

unreserved fund balance to fund the FY2012 budget. This is presented as Article 4 in the Warrant.

Some may ask why an article can be submitted without a dollar amount. Our bylaws require that all articles requesting an appropriation state an estimated dollar amount. However, the text of the petitioners' article does not appropriate any money. Appropriate is defined as funds set aside for a specific purpose. The FY2012 budget already identifies the funds that have been set aside for each line item. This article requests to change the funding source. So, an amount is not legally necessary at the time the article is submitted, but must be disclosed in the motion on the floor at STM. However, disclosure of intent is necessary in order to determine the financial prudence of the request.

A chart of Town accounts with balances and definitions is posted on the Town website and included in Appendix B. Petitioners have publicly stated that the Town has surplus cash and reserves. This chart is provided so residents understand the accounts, their balances and their limitations on use.

To give some historic perspective, a chart of free cash balances since 1994 is posted on the Town website and shown in Appendix C.

Each year, actions at Town meeting can impact the free cash balance. The chart below illustrates the free cash activity over the course of FY2011 resulting in the ending balance of \$10.3 million:

**Wayland Finance Committee  
FY12 Free Cash projection a/o ATM**

Certified balance as of July 1, 2010		\$8,536,596	12.36%
Less planned ATM uses			
PSB	(\$1,000,000)		
Operating budget	(\$500,000)		
Current year transfers	<u>(\$369,020)</u>	<u>(\$1,869,020)</u>	
Projected free cash at end of ATM		\$6,667,576	
Plus			
Estimated dept turn backs	\$1,000,000		
Estimated revenue/misc surplus	<u>\$1,400,000</u>	<u>\$2,400,000</u>	
Estimated free cash balance at end of ATM		\$9,067,576	
Less additional ATM usage			
Water dept repairs	<u>(\$510,000)</u>	<u>(\$510,000)</u>	
Revised estimated free cash balance at end of ATM		<u>\$8,557,576</u>	12.40%
Free cash certification as of July 1, 2011		\$10,304,704	14.92%
<b>Variance from end of ATM and FY12 budget as voted</b>		<b>\$1,747,128</b>	
Revenue variance	\$619,532		
Turn back variance	<u>\$1,127,596</u>		

Based on this chart, free cash is \$1.75 million higher than the Finance Committee anticipated after ATM actions last April.

**RECOMMENDATION:** The Finance Committee defers a recommendation on Articles 3 and 4.  
Vote: 6-0.

The Finance Committee will work with the petitioners and the Board of Selectmen to finalize Article comments and will provide additional comments and a recommendation prior to Special Town Meeting.

**QUANTUM OF VOTE:** Majority.

*For more information about this article, contact petitioners Donna Bouchard at [donnabouchard@lfusa.com](mailto:donnabouchard@lfusa.com); Tony Boschetto at [tonyandkathyb@verizon.net](mailto:tonyandkathyb@verizon.net); Kim Cook at [kimdcCook@comcast.net](mailto:kimdcCook@comcast.net); or Kent George at [KentGSr@aol.com](mailto:KentGSr@aol.com).*

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#### **ARTICLE 4: AMEND FY2012 BUDGET FUNDING SOURCES**

*Sponsored by: Board of Selectmen*

To determine whether the Town will vote to amend its vote under Article 6 of the Warrant for the 2012 Annual Town Meeting relative to the Fiscal Year 2012 Omnibus Operating Budget by decreasing the amount to be raised by taxation by \$1,000,000 and increasing the amount to be transferred from the unreserved fund balance of the General Fund by \$1,000,000, without making any changes to the amounts appropriated under said Article 6.

#### **FINANCE COMMITTEE COMMENTS:**

**Background:** On October 7, 2011, residents filed a petition with sufficient signatures gathered to require the Board of Selectmen to call a Special Town Meeting (STM). Petitioners presented two articles: one to reconsider the FY2012 operating budget funding sources (Article 3 in this Warrant) and the second one presented as Article 2 in this Warrant.

The FY2012 budget was discussed and approved at Annual Town Meeting (ATM) in April 2011. Once the budget article closed, if the budget or its funding sources were to be reconsidered during that same ATM, a 2/3 vote would have been required to do so. Now, as allowed by statute, the petitioners have request reconsideration of the budget funding sources by submitting a petition calling for an STM.

After petitioners opened STM and because their article did not contain a dollar amount, the Board of Selectmen submitted an article requesting an additional \$1 million be used from the unreserved fund balance to fund the FY2012 budget. This is presented here as Article 4 in the Warrant.

Some may ask why an article can be submitted without a dollar amount. Our bylaw requires that all articles requesting an appropriation state an estimated dollar amount. However, the text of the petitioners' article does not appropriate any money. Appropriate is defined as funds set aside for a specific purpose. The FY2012 budget already identifies the funds that have been set aside for each line item. This article requests to change the funding source. So, an amount is not legally necessary at the time the article is submitted, but must be disclosed in the motion on the floor at STM. However, disclosure of intent is necessary in order to determine the financial prudence of the request.

A chart of Town accounts with balances and definitions is posted on the Town website and included in

Appendix B. Petitioners have publically stated that the Town has surplus free cash and reserves. This chart is provided so residents understand the accounts, their balances and their limitations on use.

To give some historic perspective, a chart of free cash balances since 1994 is posted on the Town website and shown in Appendix C.

Each year, actions at Town meeting can impact the free cash balance. The chart below illustrates the free cash activity over the course of FY2011 resulting in the ending balance of \$10.3 million:

**Wayland Finance Committee**

**FY12 Free Cash projection a/o ATM**

Certified balance as of July 1, 2010		\$8,536,596	12.36%
Less planned ATM uses			
Public Safety Building	(\$1,000,000)		
Operating budget	(\$500,000)		
Current year transfers	<u>(\$369,020)</u>	<u>(\$1,869,020)</u>	
Projected free cash at end of ATM		\$6,667,576	
Plus			
Estimated dept turn backs	\$1,000,000		
Estimated revenue/misc surplus	<u>\$1,400,000</u>	<u>\$2,400,000</u>	
Estimated free cash balance at end of ATM		\$9,067,576	
Less additional ATM usage			
Water dept repairs	<u>(\$510,000)</u>	<u>(\$510,000)</u>	
Revised estimated free cash balance at end of ATM		<u>\$8,557,576</u>	12.40%
Free cash certification as of July 1, 2011		\$10,304,704	14.92%
<b>Variance from end of ATM and FY12 budget as voted</b>		<b>\$1,747,128</b>	
Revenue variance	\$619,532		
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Based on this chart, free cash is \$1.75 million higher than the Finance Committee anticipated after ATM actions last April.

**RECOMMENDATION:** The Finance Committee defers a recommendation on Articles 3 and 4.  
Vote: 6-0.

The Finance Committee will work with the petitioners and the Board of Selectmen to finalize Article comments and will provide additional comments and a recommendation prior to Special Town Meeting.

**QUANTUM OF VOTE:** Majority.

*For more information about this article, contact Frederic E. Turkington, Jr., Town Administrator, at [fturkington@wayland.ma.us](mailto:fturkington@wayland.ma.us) or (508) 358-3620.*

## APPENDIX A

### THE MODERATOR'S RULES AND REGULATIONS GOVERNING WAYLAND'S TOWN MEETINGS

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

#### I. The Warrant

This booklet, which includes the Warrant for Wayland's Town Meeting, was compiled by the Selectmen and served upon all residents by mail and by posting on the Town's signboards, at the Town Building, the Library at Wayland Center, the Cochituate Fire Station or the Cochituate Post Office and the Happy Hollow School. It contains the agenda of the subjects to be acted upon (articles), including the omnibus budget proposed, if this is an annual meeting, the report and recommendations of the Finance Committee upon each article and additional information concerning the finances and administration of the Town to help us formulate our votes.

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

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

#### II. The Voters

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

B. The Town Administrator, Assistant Town Administrator, Police Chief, Fire Chief, Finance Director, Director of Public Works and Superintendent of Schools have the right to attend and sit on the floor of town meetings, but they shall not be considered in determining the presence of a quorum.

C. All other persons, including members of the press, may attend and observe Wayland's town meetings so long as they remain seated in the special section reserved for non-residents, unless the Moderator shall have authorized them to sit among the registered voters. And see paragraph IV.B.3 below.

D. A registered voter may bring his or her child(ren) to sit among the voters so long as the child(ren) sit(s) quietly beside his or her parent at all times.

#### III. The Moderator

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

#### IV. The Meeting

##### A. The Call to Order

1. The Moderator will call each session of town meeting to order at 7:30 p.m., or as soon thereafter as the Town Clerk has determined that a quorum of one hundred registered voters has been checked into the hall.

2. The Moderator will announce the number of each article about to be considered and invite a motion thereunder; the Moderator will omit the reading of the articles, unless a MAJORITY of the meeting shall vote otherwise.

B. To Address the Town Meeting

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

2. All persons, who wish to be recognized, shall approach one of the three microphones placed at the front of the room, which most closely reflects the purpose for which they seek recognition:

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

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

3. The Town Administrator, Assistant Town Administrator, Police Chief, Fire



Chief, Finance Director, Director of Public Works and Superintendent of Schools have the right to answer questions, but they do not have the right to vote unless they are registered voters of the Town.

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

C. The Debate

1. When you have been recognized by the Moderator, address the Chair as follows: "Mr. Moderator, I am (Name) of (Street Address)." Then proceed as follows:

- a. "I move that . . .";
- b. "May I ask you . . ."; or  
"May I ask through you (then state the question which you want a board, official, or previous speaker to answer);
- c. "I rise to a point of order"; or

2. Once you have been recognized, you may offer any motion, amendment, argument, comment, suggestion or question relevant to the article then under consideration, unless the Moderator shall have authorized debate or invited comments upon subjects not listed in the Warrant; but

- a. Any person who wishes to offer the principal presentation in support of the main motion under an article, must so notify the Moderator and complete the same within ten minutes, or less, and yield the floor. A light will warn you to conclude your remarks and yield the floor during the following minute.
- b. Any person wishing to offer a presentation in opposition to the main motion under an article must so notify the Moderator and complete the same within the time used by the proponent, or within three minutes, whichever is longer, and yield the floor. The same one minute warning light will warn you to conclude your remarks.
- c. All other persons who wish to address the Town Meeting shall, when recognized, complete their remarks in three minutes, or less, and yield the floor. The same one minute warning light will be turned on when you have used up the first two minutes.
- d. You may be interrupted only by a question of privilege, a point of order, a request that you speak more distinctly or by the Moderator.
- e. When you have completed your motion, question, or remarks, you relinquish your claim to the floor; and you must yield the floor upon request of the Moderator.

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

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

- a. If your motion is the main motion, you must then declare that it is identical word-for-word with the substantive portion of the article printed in the warrant which is then under consideration, or describe all of the substantive differences in wording between the article and the motion; otherwise the Moderator will permit no debate or action upon your motion.
- b. If you plan to offer a main motion that contains more than twenty-five words and differs significantly from the article printed in the Warrant, you must first print and distribute a copy thereof to those attending the session of town meeting at which said motion is presented.
- c. No motion or amendment of a motion that exceeds ten words in length will be accepted, unless it shall have been offered to the Moderator in writing.
- d. A motion that is not identical word-for-word with the substantive portion of the article printed in the warrant then under consideration will not be accepted, unless the Moderator shall determine that said motion is within the scope of the article; i.e., that it does not change the substantial character of the proposal described in that article or would not further restrict, if passed, the liberties of the residents of Wayland than the proposal set forth in the article.
- e. The Moderator will accept no motion proposing a layout, taking, purchase, sale, lease or rezoning of land, unless the article under which the motion is offered contains a running description of the land in question, a description by metes and bounds or a reference to a plan suitable for recording that is available for public inspection at the office of the Town Clerk, the Town Surveyor, the Planning Board or another place to which the public has access during normal business hours.
- f. The Moderator will accept no motion to appropriate and/or expend a sum of money, which exceeds the estimated cost set forth in the article then under consideration by fifteen (15%) percent, except for motions under the omnibus budget article and motions under a supplementary budget article that contemplates the appropriation of additional money for the current fiscal year to augment moneys previously appropriated and proposes to fund such appropriations by transfer from unappropriated funds, funds appropriated for another purpose or from funds received by the Town as grants or gifts.
- g. The Moderator may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.

5. You will not be recognized to speak on the merits of a motion if you have already spoken three times on its merits, but you may be recognized to answer a question put by another or to raise a procedural issue with respect to that motion.

6. Wayland's practice with respect to some common subsidiary motions is generally as follows:

- a. You may amend a motion by moving to add and/or delete words to and/or from the main motion or by substituting a new motion therefor; but the Moderator permits no more than two amendments to a main motion *at a time*. A motion to amend is debatable and requires only a MAJORITY vote, even though the main motion may require a TWO-THIRDS vote.
- b. You may move to refer a matter for further study, if your motion identifies the official or committee who shall conduct such study, how it shall report, when and to whom. In the event that you wish to establish a new committee for this purpose, the motion must specify the number of members who shall serve and who shall appoint them. A motion to refer is debatable and may be amended and requires a MAJORITY vote.
- c. You may move to advance or postpone consideration of an article listed in the Warrant. Such a motion is debatable, may be amended and requires a TWO-THIRDS vote.
- d. You may move to lay an article on the table ("table"). Such a motion is NOT debatable or amendable and requires a TWO-THIRDS vote. A motion to remove such article from the table is also NOT debatable or amendable and requires a TWO-THIRDS vote.
- e. You may ask the Meeting to take no action under an article by moving "that the article be passed over." Such a motion may be deemed a substitute for the main motion, is debatable, may not be amended, requires a MAJORITY vote and serves to dispose of the article under consideration.

7. Upon the expiration of sixty minutes after the main motion under any article shall have been seconded, the Moderator will terminate debate thereon, unless the Town Meeting shall have voted to extend the time available for further debate. The time needed to count the vote(s) upon the motion(s) under the article will not be included in the sixty minutes. The aforesaid sixty minute limit does not apply to debate under the omnibus budget article.

8. Although the Moderator has absolute authority to regulate the proceedings at town meetings, debate under a motion can be terminated by a TWO-THIRDS vote of the Town Meeting. Therefore, if you believe that debate under a motion has gone on long enough, approach the Procedural Microphone, and, when you have been recognized, "move the previous question". If your motion receives a second, the Moderator will ask if anyone, who has not spoken to the motion under consideration, wishes to be recognized. If no one expresses such a wish by raising his or her hand, the Moderator will immediately terminate debate and take a vote upon your motion without permitting any amendment or debate; but if one or more persons, who have not spoken to said motion, raise their hand, the Moderator may, but need not, defer the termination of debate for a reasonable time to permit both sides of the issue to be heard. If a motion to terminate debate carries by a TWO-THIRDS vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a TWO-THIRDS vote, the Moderator will permit debate to continue.

9. If an article of the Warrant has once been acted upon and disposed of, a motion to return to the article may be made at any time if the person offering the motion discloses significant new information to the Meeting concerning said article, which had not been disclosed or made available to the Meeting when the motion under that article was debated; provided, however, that debate and action on said motion shall be deferred until all other articles shall have been disposed of and shall occur in the numerical order

of each such article. In any event, a motion to reconsider is debatable, may not be amended and requires a TWO-THIRDS vote, unless it shall have been made before the article has been disposed of; in which event it requires a vote equal to the quantum of the vote that was required to pass the motion under the article to be reconsidered. If such motion carries, the Moderator will ask whether there is a new motion under the article to be reconsidered.

D. The Vote

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

1. The Moderator will first ask all those in favor to say, "Aye". He will then invite those opposed to say, "No". If the Moderator is in doubt as to whether the motion has carried, he or she may call for another voice vote; or may ask those in favor to stand, before he asks those opposed to stand. Sometimes, the Moderator will reverse this procedure before declaring the vote.

2. If the Moderator is still in doubt, or if seven or more voters shall immediately question a voice or an uncounted vote, he will call for the tellers to help him take a standing counted vote – two tellers for each section of the hall so that they may check each other's results. The Moderator will then repeat the motion and say, "All those in favor will rise and remain standing until counted." When the count has been completed, the Moderator will ask those who are opposed to stand and be counted. As soon as each team of tellers has agreed upon the count in their section, they will be asked to report the number of voters they have counted from the Procedural Microphone. When all of the tellers have reported, the Moderator will declare the vote and his declaration of the vote is final, unless clear and convincing evidence shall have been submitted to the Moderator that fraud, errors by of one or more tellers or some other irregularity has infected the accuracy of the vote count just completed; in which event the Moderator will repeat the standing counted vote procedure outlined above.

3. In the event that the law requires a vote of TWO-THIRDS or more to carry a motion, the Moderator will normally ask whether there is unanimous support for the motion; but if there is not such support, he will take a standing counted vote.

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

5. In the event that there is a large number of voters in the hall *and the Town Clerk shall have provided ballots and ballot counting machines (ballot machines) for the occasion*, the Moderator may designate one or more such machines to receive "yes" votes and a number of machines to receive "no" votes and arrange to have them placed near the "pro" and "con" microphones respectively. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of the voters to the location of the pro and con machines. The voters will then rise and proceed row-by-row to the machine of their choice. A Teller will stamp the back of each voter's hand upon arrival at the ballot machine and hand him or her a ballot, which the voter will then deposit in the ballot machine. In order to assure the security of all ballots:

- a. No one will be allowed to vote without a ballot, which bears the color announced by the Moderator.
- b. No one will be permitted to cast a ballot if his or her hand does not bear the stamp of a Teller.

During the course of the aforesaid proceedings, the Moderator may ask for the consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of another Article. When he is ready to declare the vote, the Moderator will ask for the consent of the meeting to return to the Article (a 2/3 vote is required) under which the ballot shall have been taken.

When all of the ballots shall have been cast, the Tellers will extract from each ballot machine the tape that shows the number of votes cast in favor and the number of votes cast in opposition to the motion and hand the same to the Moderator. The Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final.”

6. In the event that a majority shall have voted that the vote on a particular motion shall be by secret ballot, the Moderator will ask the Tellers to come forward and take their places at the ballot boxes that will be placed at the front of the Hall by the Town Clerk. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of each section of voters to their respective ballot box. The voters will then rise and proceed row-by-row to their box, tear their ballots into two parts, deposit one half in the box, the other half in the discard box and return to their seat. In order to assure the security of all secret ballots:

- a. No one will be allowed to vote without a ballot which bears the color announced by the Moderator.
- b. No one will be permitted to cast a ballot until he or she shall have discarded the other half of the ballot into the discard box in the custody of the Teller.
- c. No one will be permitted to leave the hall until after the meeting has adjourned, unless he or she shall have turned all of the ballots that have not actually been used during a vote to the Checkers at the door.

When all of the ballots shall have been cast, the Tellers will open the ballot boxes and count the ballots at the tables situated at the front of the Hall in front of the podium.

The Moderator will then ask for the consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of another Article. When the Tellers have completed their count, they shall report their count to the Moderator, the Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final.

The Moderator will then ask for the consent of the meeting to return to the Article (a 2/3 vote is required) under which the secret ballot has been taken.

7. In the event that a majority shall have voted that the vote on a particular motion shall be by secret ballot *and the Town Clerk shall have provided ballots and ballot counting machines (ballot machines) for the occasion*, the Moderator may, in the alternative, ask the Tellers to come forward and take their places at the ballot counting machines (ballot machines), which shall have been placed in voting booths by the Town Clerk at the front of the hall behind the Moderator. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of each section of voters to their respective ballot machine. The voters will then rise and proceed row-by-row to their respective machine. A Teller will stamp the back of each voter’s hand upon arrival at the ballot machine and hand him or her a ballot, which the voter will then mark in the privacy of the voting booth and deposit in the ballot machine. In order to assure the security of all secret ballots:

- a. No one will be allowed to vote without a ballot, which bears the color announced by the Moderator.

- b. No one will be permitted to cast a ballot if his or her hand does not bear the stamp of a Teller.

During the course of the aforesaid proceedings, the Moderator may ask for the consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of another Article. When he is ready to declare the vote, the Moderator will ask for the consent of the meeting to return to the Article (a 2/3 vote is required) under which the ballot shall have been taken.

When all of the ballots shall have been cast, the Tellers will extract from each ballot machine the tape that shows the number of votes cast in favor and the number of votes cast in opposition to the motion and hand the same to the Moderator. The Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final.”

8. a. In the event that electronic keypad voting equipment shall have been made available for use by voters at the 2011 Annual Town Meeting, all votes shall be taken by secret ballot using such equipment, unless the Moderator shall decide otherwise for reasons he/she shall state publicly. When calling for an electronic vote, the Moderator will ask voters to press the number “1” if they wish to register an “aye” or the number “2” if they wish to vote “no”. In the event that a voter wishes to abstain, he or she may (but need not) press “3”. Voters may change their mind as many times as they wish, but the last vote recorded upon the expiration of thirty seconds will count. Any voter who believes that his or her key pad is not functioning properly or failing to record his or her vote accurately, should raise his or her hand. The Moderator will dispatch two tellers to examine the handset for any defect. If they determine that the handset is defective, they will offer the voter a paper ballot and pen to record his or her vote and provide the voter with another handset for the next vote.

b. If a voter cannot use the electronic keypad offered by the Checkers, he or she will be provided with a colored piece of paper or cardboard and directed to sit in a special section reserved for those who will not be using an electronic keypad to vote. Whenever the Moderator shall call for a vote, tellers will provide a ballot to each voter in the special section(s), who has such a colored paper or cardboard, collect those ballots within thirty seconds and deliver them to the Moderator, who will add the total of the ballots to the vote received electronically and declare the vote on the motion before the meeting.

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

#### E. Adjournment

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

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

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

#### V. Questions

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

VI. MISCELLANEOUS RULES

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

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

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

Dennis J. Berry, Moderator  
October 25, 2011

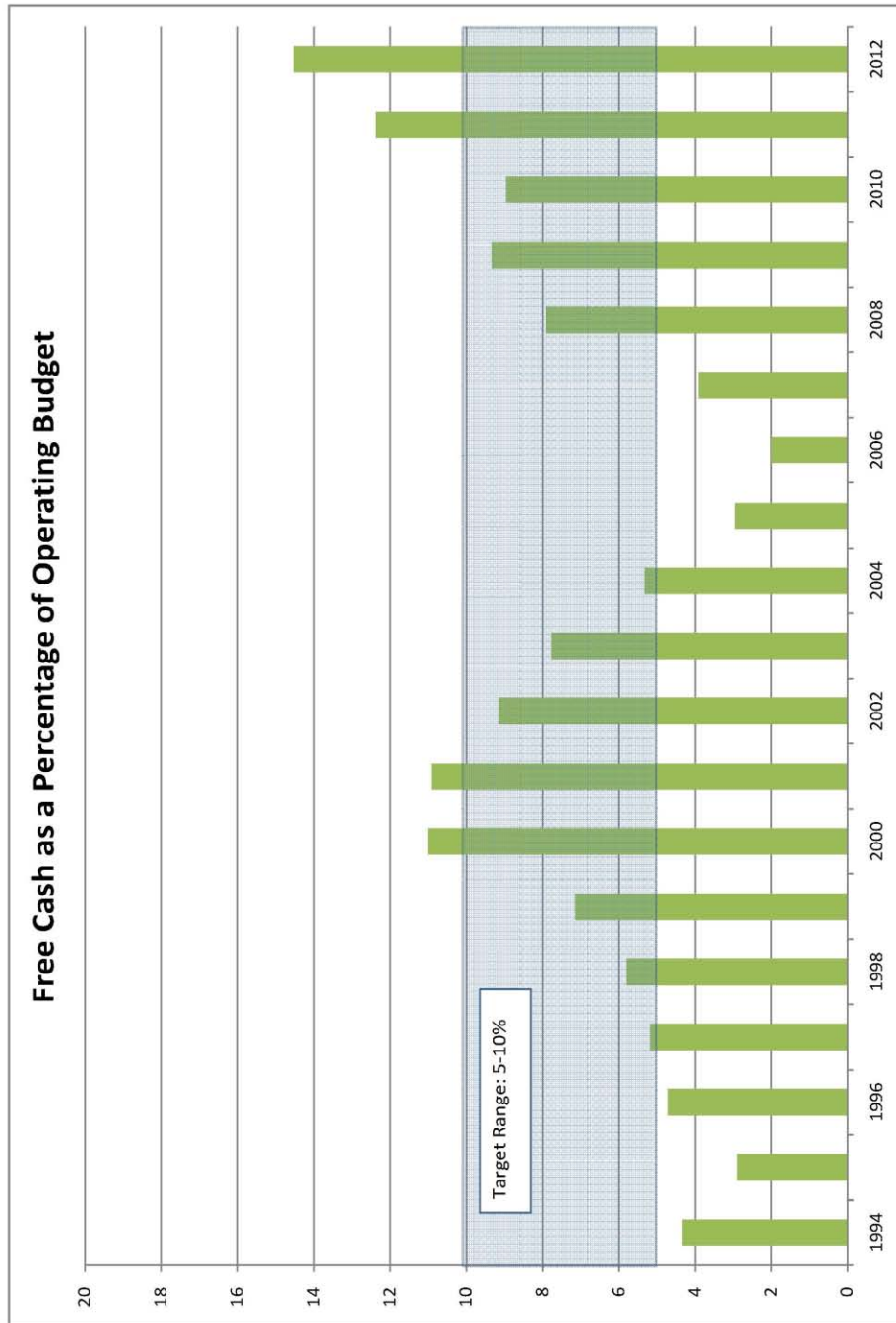
## APPENDIX B: BALANCE OF TOWN FUNDS AS OF JUNE 30, 2011

### Town of Wayland Balance of Town Funds as of June 30, 2011

	Balance @ 6/30/2011	Amount Available for General Use (Operating & Capital Budgets)	Description	Planned Future Use
<b>General Use:</b>				
Unreserved Fund Balance - Free Cash	\$10,304,704	\$10,304,704	Unrestricted funds available for appropriation certified by DOR. Debt rating agencies recommend that Free Cash balance be 5%-10% of the annual Operating Budget.	Planned for use in future operating and capital budgets.
Stabilization Fund	\$1,531,570	\$1,531,570	Planning tool for future capital or general use. Requires 2/3 town meeting vote to use.	Maintain balance for long-term financial stability.
Ambulance Receipts	\$1,270,393	\$1,270,393	Funds collected from ambulance fees. Typical used annually to offset annual budget shortfalls and large capital items for the Fire Department.	Annual budget offset of \$360,000; purchase of \$225,000 ambulance in 2 years and 7 years; payment toward \$1 million fire truck in 5 years.
Sale of Town Owned Real Estate	\$542,484	\$542,484	Can be used annually as available to offset budget shortfall.	Potential use in future operating and capital budgets.
Real Estate Tax Overlay	\$2,888,816	\$0	Controlled by Board of Assessors. Prior year balances being reviewed for potential release. Estimated release amount could be up to \$950,000.	Monies released by the BoA to Free Cash may be utilized within future operating and capital budgets.
<b>Subtotal for General Use</b>	<b>\$16,537,967</b>	<b>\$13,649,151</b>		
<b>Enterprise Funds (Business-Type Activities):</b>				
Water	\$3,429,424	\$0	Funds used annually to support water budget; treated as enterprise fund per resolution passed at STM November 2007.	Appropriated as part of the annual budget process.
Wastewater	\$611,812	\$0	Enterprise fund	Appropriated as part of the annual budget process.
Septage	\$203,506	\$0	Enterprise fund	Appropriated as part of the annual budget process.
<b>Subtotal for Enterprise</b>	<b>\$4,244,742</b>	<b>\$0</b>		
<b>Revolving Funds:</b>				
Recreation	\$90,541	\$0	For town wide recreation programs and services.	Use planned during annual budgeting process.
Transfer Station	\$61,510	\$0	For use of town's transfer station.	Use planned during annual budgeting process.
Council on Aging	\$104,399	\$0	For town wide COA programs and services.	Use planned during annual budgeting process.
School Department (41 accounts)	\$3,081,005	\$0	The School Dept. is researching and reconciling balances, developing business plans and suggestions for managing balances.	Under control of the School Committee
<b>Subtotal for Revolving</b>	<b>\$3,337,455</b>	<b>\$0</b>		
<b>Other Funds:</b>				
Community Preservation Act ("CPA")	\$7,420,492	\$0	Collected and used per State regulation - housing, open space, recreation, historic resources only. Some of these funds have already been allocated for use.	Under control of the Community Preservation Committee and Town Meeting vote.
Non-Insurance Fund	\$1,070,209	\$0	Balance available for "stop gap" or uninsured losses/deductibles.	To be reserved for stated purpose of funding uninsured losses.
<b>Subtotal for Other</b>	<b>\$8,490,701</b>	<b>\$0</b>		
<b>TOTAL FOR ALL FUNDS</b>	<b>\$32,610,865</b>	<b>\$13,649,151</b>		



**APPENDIX C: HISTORY OF WAYLAND'S FREE CASH, 1994-2012**



★ ★ ★ ★ ★ ★ ★ ★ ★ ★

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

Hereof, fail not and deliver this Warrant with your return thereon to the Town Clerk on or before November 3<sup>rd</sup>, 2011.

Given under our hands and seals this 2<sup>nd</sup> day of November, 2011.

Thomas J. Fay, Chair  
Susan W. Pope, Vice Chair  
John Bladon  
Steven J. Correia  
Joseph F. Nolan

**Selectmen of the Town of Wayland**

Cherry C. Karlson, Chair  
Bill Steinberg, Vice Chair  
Paul Grasso  
Thomas Greenaway  
David J. Gutschenritter  
Sam H. Peper  
Richard M. Stack

**Finance Committee**