

**TOWN OF WAYLAND**

**WARRANT for  
SPECIAL  
TOWN MEETING**



**PLEASE NOTE:**

**The location of the Special Town Meeting  
will be the  
WAYLAND HIGH SCHOOL FIELD HOUSE  
DOORS OPEN AT 6:00 P.M.**

**Monday  
November 9, 2015  
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, 8:00 a.m. to 7:00 p.m. Tuesday to Thursday, 8:00 a.m. to 4:00 p.m. Friday, 8:00 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.

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



# TOWN OF WAYLAND

## 2015 SPECIAL TOWN MEETING WARRANT

Special Town Meeting  
will start at 7:30 p.m.

In the WAYLAND HIGH SCHOOL FIELD HOUSE  
on Monday, November 9, 2015

**Doors will open at 6:00 p.m.**

### TABLE OF CONTENTS

About Town Meeting .....	2
How to Vote Electronically .....	3
Warrant of Special Town Meeting .....	5

### ARTICLES

1. Pay Previous Fiscal Year Unpaid Bills .....	5
2. Current Year Transfers .....	6
3. Acquire Municipal Parcel in Town Center .....	7
4. Amend Chapter 36 of Current Bylaws (36-1) .....	10
5. Acceptance of Chapter 71 Section 71E .....	12
6. Appropriate Funds for Library Planning and Design .....	14
7. Appropriate Funds to Update the Open Space and Recreation Plan .....	18
8. Seek Special Legislation for Chapter 44 Section 53 E ½ Municipal Revolving Fund .....	20
9. Amend FY2016 Budget Funding Sources .....	22
10. Authorize Procurement and Appropriate Funds for Energy Resiliency Project at the Middle School .....	25
11. Amendment to Minuteman Regional Agreement .....	27
12. Resolution Regarding Surface of Rail-Trail in Wayland .....	28
13. Permanent Municipal Building Committee Involvement in Stone's Bridge Restoration ...	29

## APPENDICES

Appendix A.	The Moderator's Rules and Regulations Governing Wayland's Town Meetings .....	31
Appendix B.	Article 3: Municipal Parcel at Town Center .....	39
Appendix C.	Article 5: M.G.L. Chapter 71, Section 71E .....	45
Appendix D	Article 8: M.G.L. Chapter 44, Section 53 E ½ .....	46

## ADJOURNED MEETINGS

It is anticipated that if an adjourned meeting is necessary to complete action on this warrant, it will be held on Tuesday, November 10, 2015, subject to Special Town Meeting approval.

If you have any questions about the Articles, please attend the **Warrant Hearing on Monday, November 2, 2015, at 7:00 P.M.** at the Town Building. You may also call the Town Administrator's office at (508) 358-7755 before Special Town Meeting.

## NOTICE REGARDING MOTIONS

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.

## 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 online at [http://www.wayland.ma.us/Pages/WaylandMA\\_BComm/Moderator/Handbook.pdf](http://www.wayland.ma.us/Pages/WaylandMA_BComm/Moderator/Handbook.pdf).

### NO SMOKING NOTICE

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

### 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.

### HOW TO VOTE ELECTRONICALLY

During the April 2015 Annual Town Meeting, Wayland's citizens approved a resolution endorsing the use of wireless electronic voting for all sessions of all town meetings through fiscal year 2019. Instead of shouting out Aye or No, raising our hands, or standing to be counted, we'll use electronic handsets to register our votes quickly, accurately, and privately during the upcoming Annual Town Meeting.

The handsets look a bit like a TV remote control, but instead of pushing buttons to change channels, we push buttons to vote: the 1 button for Yes, or the 2 button for No. Your vote is displayed on your handset's screen and wirelessly transmitted to a computer that counts votes and displays results for the Moderator to announce. Nothing but these totals is permanently recorded, so your vote will remain private.

Town Meeting will be held in the High School Field House. You can use any check-in station; waiting in one line based on the first letter of your last name is no longer required. As you're checking in, you'll be issued a handset for your **exclusive** use during that session. Voting with a handset issued to anyone else is **strictly forbidden**.



If your phone, tablet, or laptop supports Wi-Fi, please disable this feature, as doing so will enhance performance of the electronic voting system.

Before each vote, the Moderator will summarize the motion or amendment being decided. He'll then announce the beginning of a 30 second interval during which you can convey your vote, and a "voting light" near the Moderator will be illuminated. To vote *Yes*, push your handset's 1 button. To vote *No*, push your handset's 2 button. If you accidentally push the wrong button, you can change your vote by pushing the correct button. If you don't want to participate in a particular vote, don't push any buttons during the 30 second voting interval; if you don't want to participate but accidentally push the 1 button or the 2 button, you can clear your unintentional vote by pushing the 3 button.



When the 30 second interval is over, the "voting light" will be extinguished, and the Moderator will announce that the vote is complete; shortly thereafter, the Moderator will announce the results.

If you inadvertently turn your handset off by pushing the power button in its lower-right corner, its display will be blank; push the power button briefly to turn your handset back on. Pushing any of your handset's other buttons during the voting interval will not change your vote, but for peace of mind, your handset will encourage you to *Re-Vote*; push the 1 button for *Yes* or the 2 button for *No*.

If you temporarily leave your seat during the meeting, please keep your handset with you. If you're visiting the restroom, you can leave your handset with the Exit Desk staff. When you leave the Field House – either during a session or at the close of a session – please place your handset in one of the bins at the Exit Desks. If you forget to turn in your handset, we'll give you a call the next day and ask you to return it.

Every handset will be tested before each session of Town Meeting, so the probability of a handset failing is very low. That said, if pushing your handset's 1 button or 2 button during a vote does not produce an *Yes* or *No* on its display, please raise your hand; the Moderator will direct personnel from the Help Desk to provide you with a paper ballot to record your vote, and you'll be issued a new handset. We don't expect this to happen, but like the Boy Scouts, we'll be prepared.

If you're physically unable to use a handset to vote, inform the person who checks you in, and you'll be seated in an area where your votes will be manually counted by Help Desk personnel. If you're wondering how much radio energy is used by a handset to convey your vote wirelessly, it's less than 1% that of a typical cell phone and only for brief instants, employing the same frequencies used for Wi-Fi wireless internet access.

#### **ELVIS: Wayland's Electronic Voting Implementation Subcommittee**

<b>COMMONWEALTH OF MASSACHUSETTS</b>
--------------------------------------

*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 Field House of the Wayland High School on

**MONDAY, NOVEMBER 9, 2015, AT 7:30 P.M.**

to act on the following Articles:

---

**ARTICLE 1:      PAY PREVIOUS FISCAL YEAR UNPAID BILLS**

*Sponsored by: Finance Committee*

*Estimated Cost: \$5,308*

To determine whether the Town will vote to:

- (a) pay the bills of Fiscal Year 2015;
- (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.

Fiscal 2015 liabilities to be paid using Fiscal 2016 appropriations:

1) Unemployment – State of Massachusetts	\$4,920	Fiscal 2016 Budget
2) Water Enterprise - Seton Company	\$129	Fiscal 2016 Budget
3) Legal – Eppley Court Reporting LLC	\$259	Fiscal 2016 Budget

**FINANCE COMMITTEE COMMENTS:** Occasionally, bills are not paid at the end of a fiscal year for a number of reasons, including late submission. The unpaid bills from Fiscal Year 2015 are summarized in the article.

The Board of Selectmen voted 4-0 to recommend approval of this article.

**ARGUMENTS IN FAVOR:** This is a standard Article that allows the Town to pay bills for the previous fiscal year.

**ARGUMENTS OPPOSED:** There are no apparent arguments against this Article.

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

**QUANTUM OF VOTE:** Nine-tenths – see Massachusetts General Laws Chapter 44, Section 64.

*For more information about this article, contact Brian Keveny, Finance Director, at (508) 358-3611, or email [bkeveny@wayland.ma.us](mailto:bkeveny@wayland.ma.us).*

**ARTICLE 2: CURRENT YEAR TRANSFERS***Sponsored by: Finance Committee**Estimated Cost: \$416,725*

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 2015	
PURPOSE:	AMOUNT
1 WATER ENTERPRISE FUND	\$ 346,725
2 TOWN INFORMATION TECHNOLOGY	\$70,000
<b>TOTAL CURRENT YEAR TRANSFERS</b>	<b>\$ 416,725</b>
FUNDING SOURCES:	
1 FISCAL 2016 WATER ENTERPRISE REVENUES	\$ 346,725
2 UNRESERVED FUND BALANCE	\$70,000
<b>TOTAL</b>	<b>\$ 416,725</b>

**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:

Water Enterprise Fund. This request is to cover the cost of the Fiscal 2016 Indirect Cost Transfer to the General Fund (\$331,725). This amount was not included in the spring 2015 Town Meeting Water Enterprise Fund voted appropriation. Additionally the request covers the cost of a new water vehicle that was totaled in an accident. The difference between the insurance reimbursement and cost of new vehicle is \$15,000.

Town Information Technology. This request funds two of the projects identified by consultant McGladrey, LLP as critical for implementation in Fiscal 2016. The first project upgrades the Exchange email server to hosted Exchange email; the current server is unsupported and must be upgraded to mitigate security risk (\$20,000). The second project replaces current firewalls with enhanced protection technology to mitigate security risk (\$50,000).

It should be noted that a third project, upgrading the MUNIS server to a supported version by January 2016, is also being implemented as recommended by McGladrey LLP. At this time, this project does not require any additional funding in FY2016 but will require funding in FY2017 and FY2018 as follows (FY16: no additional cost; FY17: \$32,096, FY18: \$28,454).



The Board of Selectmen voted 4-0 to recommend approval of this article.

**ARGUMENTS IN FAVOR:** These expenses were not reasonably anticipated when forecasting the FY2016 budget and they represent binding obligations of the Town.

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

**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 Brian Keveny, Finance Director, at (508) 358-3611, or email [bkeveny@wayland.ma.us](mailto:bkeveny@wayland.ma.us).*

---

### **ARTICLE 3: ACQUIRE MUNICIPAL PARCEL IN TOWN CENTER**

*Sponsored by: Board of Selectmen*

*Estimated Cost: \$1.00*

To determine whether the Town will vote to:

- a.) authorize the Board of Selectmen, with approval of Town Counsel as to form, to lease, as lessee, or acquire by purchase, gift, eminent domain or otherwise, for municipal purposes, the fee or any lesser interest in all or any part of the parcels of land and the building and other structures thereon located on and off Boston Post Road (Route 20) Andrew Avenue and Lillian Drive in Wayland, Massachusetts shown as Lot 4-1 Parcel R-20-1, Lot 8-1, and Lot 9-1B, on a plan entitled “Plan of land Wayland, Massachusetts Showing Proposed Municipal Parcels” dated July 21, 2015 prepared by the Wayland Town Surveyor and recorded with the Middlesex South Registry of Deeds as Plan No. 616 of 2015, subject to such terms and conditions as the Board of Selectmen may deem acceptable to minimize the Town’s liability for preexisting hazardous waste, hazardous materials or contaminants on or in the soil or groundwater of said parcels of land or in said building or other structures;
- b.) appropriate \$1.00 to be expended by the Board of Selectmen for the acquisition or lease of said parcels of land and structures; and
- c.) determine whether said appropriation shall be provided by taxation, transfer from unappropriated available funds, transfer from available funds appropriated for other purposes, or otherwise.

**FINANCE COMMITTEE COMMENTS:** Passage of this Article allows the Town to move forward with the Municipal portion of the Town Center development, in addition to the retail and residential portions of the project. The motion, above, sets forth the process to be taken by the Board of Selectmen in order for the Town to acquire the municipal parcels in Town Center. (A map of the parcels along with a photo of the existing building are included in Appendix B to this Warrant.)

**Municipal Parcels:** The Town of Wayland entered into a Development Agreement with the developer of the Wayland Town Center project (Twenty Wayland), which provides for the right of the Town to own or lease parcels of land for \$1.00, containing approximately 70,000 square feet of land for the purpose of developing a municipal building of up to 40,000 square feet and 100 parking spaces. The

purpose of this opportunity was to create a gathering place for residents of Wayland, as set forth in the Mixed Use Overlay District document that was signed by the Planning Board in January 2008. The Town's ownership or lease of this parcel, and the eventual development of the parcel with a municipal facility, will help to create what the name of the Project was meant to convey, which is a town center for all residents.

In this article, the number and size of the parcels to be leased or purchased is more than the minimum stated in the Development Agreement. The area covered in the article is about 4.16 acres, or approximately 209,000 square feet, and represents all the land west of Andrew Avenue and south of Lillian Drive, excluding the retention area, and including the existing building. Listing all of these parcels gives the Town the most flexibility in negotiating the lease or purchase of the municipal parcel. It may give the Town more usable land surrounding the existing building and gives the option to put the Formal Public Green space closer to the riverfront at Bridle Point by creating instead, a less formal linear park that connects the two. A map showing the Bridle Point is shown in Appendix B.

This acquisition includes the existing building of approximately 10,000 usable square feet of space that was constructed in 2000. Members of the Council on Aging/Community Center Advisory Committee (CoA/CCAC) have considered the condition of and the potential uses for that structure, and they believe that it is a very usable building. By owning or leasing this existing structure, the Town would save significant monies in not having to construct that space from the ground up for a use to be determined by Town Meeting in the future. It will require the Town to insure the building once it takes ownership of the building. In addition, the Town might incur demolition costs, if the Town were to not utilize it as part of a future development.

This article does not address the improvement of the Town Green area. The future use of these parcels and of the Town Green are separate issues. The Master Special Permit from the Planning Board addresses the development of the Town Green within the Town Center development. It is understood that the remaining 0.32 acres of park is to be constructed by the developer as agreed in the original agreement with modifications as approved by the Planning Board. (See original site plan online at [http://www.wayland.ma.us/Pages/WaylandMA\\_Planning/muod/TCPhase1SitePlan.pdf](http://www.wayland.ma.us/Pages/WaylandMA_Planning/muod/TCPhase1SitePlan.pdf)). The future use and development of these parcels shall be considered at a future Town Meeting.

The site abuts the Sudbury River and associated wetlands. Any design and usage will be reviewed with the Wayland Conservation Commission for compliance with local and MA Department of Environment Protection (DEP) standards. Any development of a municipal facility on these parcels will also require the approval of Town Meeting.

This municipal pad site is subject to a deed restriction dated 1997 entitled, "Activities and Use Limitation" (Deed Restriction) that is not to be confused with an "Activities and Use Limitation (AUL)" that was issued by the DEP on another portion of the Town Center site, and not this particular area. The 1997 Deed Restriction does allow for a variety of potential municipal uses that have been contemplated by various Town boards and committees for this site. The Licensed Site Professional who represents Raytheon on this matter has indicated that the 1997 Deed Restriction may be lifted, as has been done on six other occasions by Raytheon. Detailed information about the condition of the site and mediation efforts are found at: Raytheon Remediation of the Former Raytheon Facility in Wayland, MA: <http://raytheon.erm.com/home.htm>

Acting on the Town Meeting vote in the spring of 2015, the CoA/CCAC employed CMG Environmental, Inc. to conduct a Phase I Environmental Study of the 4.16 acre parcel. The report may

be viewed at the CoA/CCAC website: [http://www.wayland.ma.us/Pages/WaylandMA\\_bcomm/COA-CCAC/index](http://www.wayland.ma.us/Pages/WaylandMA_bcomm/COA-CCAC/index). In a letter dated August 17, 2015, from Benson R. Gould, LSP, LEP of CMG Environmental, Inc., Mr. Gould writes, "...the identified concentration of PCB's in soil would not pose a significant risk of harm to human health, public welfare, safety, or the environment under any current or reasonable foreseeable future scenario of unrestricted use (including recreational, day care, or gardening use of the Site)."

The study also addressed past concerns about potential release of chlorinated volatile organic compounds ("VOC's") from the ground water into habitable buildings. However, the subject building and the proposed addition are beyond the recommended 30' from Monitoring Well-1028 where slightly elevated VOC's were detected. The existing building and proposed addition are deemed suitable for occupancy and no further testing of ground water is recommended other than the continued monitoring that is already on going.

The Board of Selectmen voted 4-0-1 to recommend approval of this article.

#### **ARGUMENTS IN FAVOR:**

- Brings additional activity to the Wayland Town Center project, thereby creating a gathering place for residents of Wayland for a variety of reasons, which is one of the key concepts behind the Wayland Town Center project – a gathering place for residents of all ages to live, work, recreate, shop and dine.
- The Phase I report and supplemental environmental testing confirmed that the site and building is suitable for occupancy and development of additional buildings that may be desired.
- Retains Federal Statute protection. All remediation costs of any contaminants that may be discovered at a future time after acquisition by the Town shall remain the responsibility of the prior owner who caused the contamination.
- Completes a provision of the Development Agreement for the Town Center project, which was one of the important aspects of that Agreement for the Town.
- Connects the Town Green to the River with a proposed linear park in lieu of the formal public garden shown in the original approved master plan.
- Connects hiking trails from north Wayland to the new Rail Trail.
- Affords the Town the opportunity to lease or purchase more land than originally planned (4.16 acres vs. 1.72 acres) allowing for more flexibility in development.
- Provides the Town with the opportunity to own and occupy land and a building for a variety of potential uses (the existing building near the Sudbury River).
- Supports a potential boat launch parking and boat storage enhancement that will encourage more boaters to use the river for recreational purposes, thereby enhancing one of the goals of the Wild and Scenic Rivers Act: recreation on the Sudbury River.

#### **ARGUMENTS OPPOSED:**

- Acquiring the land and building will remove potential tax revenue that could accrue to the Town if a private entity were to own and develop the land described herein (it should be noted that there currently are no private development rights on said parcels).
- Acquiring the land and building will burden the town with additional operating and maintenance costs, including insurance, potential building repairs and the potential to incur demolition costs on the building if the Town does not use it in the future.
- Some have argued that a lease could be problematic and that the Town should acquire, but not lease the land.

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

**QUANTUM OF VOTE:** a.) and b.) Two-thirds – see Massachusetts General Laws Chapter 40, Section 14.c.) Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B.

*For more information about this article, contact Nan Balmer, Town Administrator, at (508) 358-3620, or email [nbalmer@wayland.ma.us](mailto:nbalmer@wayland.ma.us). See map at Appendix B on page 39.*

---

#### **ARTICLE 4: AMEND CHAPTER 36 OF CURRENT BY-LAWS (36-1)**

*Sponsored by: Petitioners*

To determine whether the Town will vote to amend § 36-1 of the Code of the Town of Wayland titled “Town meeting and election” by changing the start date of annual Town meeting as follows:

[Key to changes: underlining denotes additions; ~~strike through~~ denotes deletions]

**“§ 36-1. Town meeting and election.**

The annual Town meeting shall commence on ~~a day between April 1 and May 15 inclusive~~ or after the fourth Thursday in April as ordered by the Selectmen. The election of Town officers and the determination of all matters placed on the official ballot at such election shall take place within seven days, but no fewer than two days, before the annual Town meeting. In addition to the warrant required by MGL c. 39, § 9A, the Selectmen shall cause notice of the time and place(s) of each annual and special Town meeting and each annual and special election (1) to be published in a newspaper of general circulation in Wayland no later than the date fixed by them for the closing of the warrant pursuant to § 36-3 below and (2) to be posted on the Town sign boards. Such notice shall be posted on the Town sign boards commencing at least two weeks prior to the election and Town meeting and shall remain posted until the election is held and Town meeting is concluded.”

**PETITIONERS’ COMMENTS:** This amendment would provide residents, Town staff, boards and committees with predictability about the scheduling of Annual Town Meeting (ATM) while eliminating conflicts with traditional religious observances. It would allow the time needed for warrant preparation and afford real-time financial information, including likely State funding, for more accurate budget projections. It would allow more opportunity for residents to learn the issues behind warrant articles and ask questions before ATM. Importantly, with snow season over and more daylight hours, residents will feel more ready to do the Town’s business. Wayland has 12 peer towns. Nine of these held their 2015 ATM at the very end of April or in May/June, securing the above-mentioned benefits.

Wayland’s Town election is held within days before ATM. With the March 1, 2016 Presidential primary, a later ATM would reduce the administrative burden posed by two separate elections within a tight time-frame.

**FINANCE COMMITTEE COMMENTS:** Setting the date for the first day of Annual Town Meeting is a responsibility of the Board of Selectmen. The current wording of the Code states that the Board of Selectmen set a date between April 1 and May 15. The wording proposed by Petitioners would shift to a later earliest allowable start date.

By eliminating the May 15 end date, the Petitioners' proposed wording would allow the Board of Selectmen to set a first day that is beyond May 15. Massachusetts General Law Chapter 39 Section 9 requires that Annual Town Meeting "complete its business" on or before June 30.

A similar article submitted by Petitioners for the Warrant for the 2015 Annual Town Meeting did not pass. The current wording specifying April 1 – May 15 was passed at 2009 annual Town meeting. Before that change, the wording was "in April".

The Board of Selectmen considers many factors when it decides to set the first day of Annual Town Meeting. Since 2002 the first day of Annual Town Meeting has ranged from as early as April 3 in 2003 and 2014, to as late as May 13 in 2010.

According to the Finance Director, it is unlikely that the additional time will result in significantly different financial information upon which to base decisions.

Starting Annual Town Meeting after April school vacation week could lead to conflicts with school and sports activities, including concerns about AP exams and other demands for the High School Field House, which is the usual location for Annual Town Meeting.

The Board of Selectmen voted against recommending this article by a vote of 0-3.

**ARGUMENTS IN FAVOR:** Thorough warrant preparation and maximum resident participation are critical to making Annual Town Meeting successful, effective and efficient. Passage of this article would provide more predictability in the timing of and more time for Town officials, boards and committees to prepare budgets and warrant articles and for more residents to participate in the process leading up to Annual Town Meeting.

**ARGUMENTS OPPOSED:** The proposed wording may require the Board of Selectmen to set a start date that is later than it believes advisable given the many considerations involved.

Allowing extra time doesn't necessarily mean that more participation, a different outcome, or a better result will occur.

Some might argue that any possible extra administrative burden because of the March 1, 2016 Presidential primary election is an example of the types of considerations the Board of Selectmen should take into account each year rather than being a reason to restrict the start date to being later for all years.

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

**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 petitioner Alice Boelter at (508) 650-3592.*

**ARTICLE 5: ACCEPTANCE OF MASSACHUSETTS GENERAL LAWS CHAPTER 71, SECTION 71E**

*Sponsored by: School Committee, Board of Selectmen*

To determine whether the Town will vote to accept the provisions of Massachusetts General Laws Chapter 71, Section 71E, to permit the establishment and maintenance of revolving funds as authorized by said section.

**FINANCE COMMITTEE COMMENTS:** Passage of this article will result in the Town accepting the provisions of M.G.L. Chapter 71, Section 71E, which would allow the Town and School Committee to establish and maintain revolving funds as authorized under this section for future use and to take corrective administrative action in order to maintain the School Committee's Building Use and Pegasus Summer Program revolving funds. The full text of M.G.L. Chapter 71, Section 71E, can be found in Appendix C.

School committees and other town boards are authorized by various statutes to establish and maintain revolving funds to fund various activities outside of their appropriated budgets. The Wayland School Committee has operated a number of programs, such as the Before and After School Extension (BASE) program, Full Day Kindergarten, Building Use, and the Pegasus Summer Program as revolving funds for many years and, in some cases, decades.

During its review of the school accounts, the Abrahams Group recommended, (although not required by statute of the Massachusetts General Laws), that the School Committee vote the statutes under which these funds are being administered since the records of the original votes could not be confirmed. On March 11, 2013, the School Committee took such action. As part of this vote, the School Committee voted M.G.L. Chapter 71, Section 71E as the statutory reference for ten fee-based revolving accounts which included the Building Use and Pegasus Summer Program. It has continued to operate these funds according to the statutory requirements of M.G.L. Chapter 71, Section 71E including having an annual audit of these funds performed by an independent auditing firm.

The Committee learned in March of 2015, after the warrant went to print for the 2015 Spring Annual Town Meeting, that while the School Committee had voted Chapter 71, Section 71E, as the statutory reference for ten fee based revolving accounts, no evidence was found to confirm that Town Meeting ever officially voted to accept the provisions of M.G.L. Chapter 71, Section 71E, the only section of M.G.L. Chapter 71 that requires Town Meeting to accept its provisions in order to maintain funds under this statutory reference.

An amendment to the budget motion was made at the 2015 Spring Annual Town Meeting to ask the Town to accept the provisions of M.G.L. Chapter 71, Section 71E. However, the amendment was withdrawn prior to debate due to a point of procedure.

When a question was subsequently raised concerning whether the funds from these revolving funds should revert to the Town's General Fund or remain in their respective revolving funds, the Board of Selectmen, as the administrator of these ten accounts and the School Committee as the business owner of these ten accounts jointly retained Murphy, Hesse, Toomey & Lehane, LLP to provide legal guidance as to the appropriate statutory authority for the ten accounts in question.

Murphy, Hesse, Toomey & Lehane consulted with the Deputy Director of Accounts at the Department

of Revenue (DOR) and his legal counsel (the Bureau of Accounts being the final administrative authority on municipal financial issues), as well as with administrative and legal representatives from the Department of Elementary and Secondary Education (DESE). Based on these discussions, Murphy, Hesse, Toomey & Lehane recommended an article be presented at the 2016 Spring Annual Town Meeting to maintain revolving funds in accordance with M.G.L. Chapter 44, Section 53E ½, for Professional Development and Curriculum activities, and that in order to maintain the Building Use and Pegasus Summer Program Revolving Funds, that acceptance of Chapter 71, Section 71E be pursued at the November 2015 Special Town Meeting. (To read complete text of the Murphy, Hesse, Toomey & Lehane letter go to: [http://www.wayland.k12.ma.us/school\\_committee/presentations\\_reports](http://www.wayland.k12.ma.us/school_committee/presentations_reports))

The School Committee voted 3-1-1 on September 21, 2015 to support this article.

The Board of Selectmen voted 3-0-1 on September 21, 2015 to support this article.

**ARGUMENTS IN FAVOR:** Under M.G.L. Chapter 71, Section 71E, Town Departments and the School Committee may establish other revolving funds that will provide a benefit or service to the Wayland community.

The Building Use and Pegasus Summer Program revolving funds will be brought into compliance at no additional cost to the Town.

Building Use will continue to collect fees to pay for custodial wages and to help defray the costs of operating the school buildings.

Passage of this article will allow the Pegasus Summer Program to continue to provide a service to approximately 200 Wayland children, as well as providing legally mandated special education services to certain Wayland students.

By accepting the provisions of M.G.L. Chapter 71, Section 71E, the Town will avoid future adverse findings for non-compliance on the Town's financial statements by the Bureau of Accounts at the Department of Revenue.

**ARGUMENTS OPPOSED:** Some may argue that the acceptance Chapter 71, Section 71E, allows funds to be held outside the appropriated budget.

Some may argue that the Town Boards and School Committee already have a sufficient number of revolving accounts.

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

**QUANTUM OF VOTE:** Majority – see Massachusetts General Laws Chapter 71, Section 71E

*For more information about this article, contact Ellen Grieco, Chair of the School Committee at [ellen\\_grieco@wayland.k12.ma.us](mailto:ellen_grieco@wayland.k12.ma.us). See text of Massachusetts General Laws Chapter 71, Section 71E, at Appendix C.*

---

**ARTICLE 6: APPROPRIATE FUNDS FOR LIBRARY PLANNING AND DESIGN***Sponsored by: Board of Library Trustees**Estimated Cost: \$150,000*

To determine whether the Town will vote to appropriate a sum of money to be expended under the direction of the Board of Library Trustees for a study in accordance with the guidelines of the Massachusetts Public Library Construction Program to examine the feasibility of (a) expanding and renovating the current library building and of (b) building a new library on a different site; and provide for said appropriation by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for other purpose, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise.

**FINANCE COMMITTEE COMMENTS:** This article appropriates money for a study to evaluate available options for easing crowding at the Wayland Free Public Library and providing better library services to the residents of Wayland. One option is to renovate and expand the current library building at 5 Concord Road; the other option is to build a new library building on another site in the town. The study will identify appropriate building sites for further consideration. Preliminary plans and schematic designs will be produced for the selected site(s), including site plans, engineering studies, zoning and traffic evaluations, conceptual designs, and floor plans. The study will also result in cost estimates for the selected site(s).

The Library in the Community

For over a century and a half, the Library has stood at the center of our community and has been a first stop for new families moving to town. Over the years, library services have evolved to respond to changing community needs and to take advantage of new technologies. The Library now offers e-books, audio books, streaming video and music, WiFi access, reference databases, book clubs, story hours, a rich and varied calendar of events and programs, and access to the incomparable materials and resources of the entire Minuteman Library Network – all for free.

In FY2014, more than 2,100 people visited the Wayland Library each week, and the Library circulated nearly a quarter million items. From FY2012-FY2014, circulation increased an average of 3.97% a year—well ahead of the state average—and last year the Library restored its hours to 67 hours a week (60 in summer) in response to residents' requests for more access. However, because of the constraints of the current building, the Library is unable to accommodate patrons' requests for larger collections of circulating materials, and staff struggle to find space for other important resources and activities.

Constraints of the Current Building

The original library at 5 Concord Road was built in 1900. The building was enlarged once, in 1988, with an addition that added a meeting room, expanded the Children's Room, and provided much-needed space for collections and seating. Today, 27 years later, the Library is again short of space for collections and cannot accommodate residents' for a larger, more comfortable children's space, a dedicated teen space, quiet study rooms and tutoring areas, private meeting rooms, better spaces for audio-visual presentations, computer carrels, and group workspaces. Much of the Library staff works from a warren of rooms behind the Children's Room, and many of the Library's materials are shelved too high or too low for patrons to retrieve easily.

Even if the Town votes against this proposal, the current library facility would need to be significantly upgraded in order to with issues of basement flooding and out-dated systems, and this will be a significant cost to the Town, without the benefit of matching funds from the Commonwealth, as described below.



An Opportunity – State Funding

In August 2014, Governor Deval Patrick signed a bond bill authorizing over \$150 million for the Massachusetts Public Library Construction Program (MPLCP). It is the first library construction bond to be approved in six years. Over the next several years, these funds will become available to communities in the Commonwealth that are seeking to renovate and expand their libraries or build new ones. These State construction grants cover roughly 45% of eligible construction costs of an approved library project for a town like Wayland.

The Library Planning Committee

In response to this extraordinary opportunity to meet longstanding needs, the Library Trustees formed a Library Planning Committee (LPC) in early 2015 to recommend whether to go forward with a grant application. The formation of the LPC is the latest step in a 15-year effort to secure the future of the Library, an effort that has included several planning and feasibility study committees, three long-range plans, an evaluation of the Library program and a building audit by an outside consultant, and a town-wide survey. The Library Trustees have informed the Finance Committee about these efforts in each of the past several years as part of the Capital Improvement Plan process, with the Library program now being part of the Capital program for the Town's Facilities Department.

In a series of meetings and out-of-town site visits, the Committee, which is made up of 21 Wayland residents representing a wide range of interests, reviewed all planning and feasibility studies and community surveys completed since 2002; visited 14 libraries representing examples of successful construction projects funded by the MPLCP in comparable communities; formed a study group to research current trends in library conceptualization, use, and design; formed a study group to evaluate available parcels of land for their suitability as sites for a new library. The Committee then visited the three sites they deemed feasible (the State grant criteria require that municipalities study at least two sites). These three sites are the current library site at 5 Concord Road, the former Department of Public Works site, and a new site owned by the developer in the Town Center development. They were selected based upon meetings with the Town Surveyor, the Planning Director, the Conservation Director and the Facilities Director.

The Recommendation – Apply for State Grant

On August 27, 2015, the Library Planning Committee “strongly recommended” that the Trustees apply for a Massachusetts Public Library Construction Program grant to either renovate and expand the current building or build a new library facility at a site to be determined.

After months of research, the Committee concluded that our current facility does not serve the residents of Wayland adequately, as it lacks the flexibility to meet the changing needs of the community. Successful public libraries today do more than lend books and run story hours; they embrace the digital age and offer opportunities for a wide range of activities including quiet study, group study, collaborative learning, cultural events, and community gatherings.

In conclusion, the Committee said:

“The library remains a vital center of our democratic community, and the committee believes that residents deserve a library commensurate with their expectations for intellectual engagement, lifelong learning, community cohesion, and quality of life. ... A new or expanded library would not simply make space for more of the same activities; rather, it would accommodate exciting growth in the scope of the library's programs and ambitions. With significant State funding on offer, now is the time for Wayland to make a new investment in the future of its free public library. “

A copy of the Committee's full report can be found on the Library website [waylandlibrary.org/about-us/planning-committee/](http://waylandlibrary.org/about-us/planning-committee/). On September 16, 2015, the Board of Library Trustees voted unanimously to accept the Committee's recommendation.

#### The Planning and Design Process

The Commonwealth's process for developing library-building projects is long and exacting. To be eligible for a library construction grant, applicants must meet many requirements. The library has carefully followed the required steps, which have included creating a long-range plan, hiring an independent consultant to update the library's building program, and forming the LPC. The trustees have also taken the additional step of surveying all Wayland households about their library usage and their thoughts on library needs.

The final step before the application process begins is the Planning and Design Work. This is the work for which this article requests funds. The work is largely dictated by the State and includes the following tasks:

1. Trustees hire an Owner's Project Manager to oversee the study
2. Trustees hire a Massachusetts Registered Architect to complete a preliminary investigation of the sites identified by the Library Planning Committee and Trustees. This preliminary investigation will evaluate these sites based on characteristics such as:
  - a. Size of the project, whether the parcel of land is sufficient to accommodate the building, parking, and outdoor areas of programmed activities
  - b. Convenience to and distance from the majority of library patrons considering patterns of anticipated growth
  - c. Viability and safety of vehicle and pedestrian access
  - d. Local requirements for zoning, setbacks, easements, and height restrictions
  - e. Proximity to other city/town buildings, open public spaces such as parks and schools
  - f. Solar orientation and views
  - g. Visual prominence
  - h. Historical significance and the possibility that the site contains buried artifacts or remains
3. Library Planning Committee and Trustees agree on the site(s) to study further
4. Architect performs a more in-depth investigation on the selected site(s), including topographic surveys, test borings or percolation tests, subsurface soil analyses, or other geotechnical testing
5. Architect develops the schematic designs, which include site plans showing building locations, parking, grading, utilities and floor plans, and landscaping
6. Professional independent cost estimator prepares a construction and project budget for the selected option based on the preliminary plans.

It is anticipated that the total cost of performing these planning and design tasks will be \$150,000, which is the amount requested in this article.

#### Next Steps – Grant Timeline

Planning and design must be completed by October 2016; the grant application is due in January 2017. If the Trustees submit an application at that time, the Trustees will present a second article, at spring Annual Town Meeting 2017, asking the Town to support the library building project proposed in the submitted grant application. That article would not request town funds or obligate the expenditure of future funds; it would only ask for a vote of support for the project, as is required by

the State construction grant process.

According to the Massachusetts Public Library Construction Program's tentative calendar, the Massachusetts Board of Library Commissioners will announce the grant recipients in July 2017. Wayland may receive a grant at this time. If Wayland is selected, the Town must accept the grant money and commit to the balance needed for the project by January 2018, or by May 2018 if an extension is granted by the State. That commitment requires a vote at a future Town Meeting.

The State's timetable for this round of library construction grants lines up well with the Town's timetable for capital projects. Failure to pass this article at this time could result in a timing conflict with other Town capital needs and would likely cost the Town the opportunity to receive a 45% State contribution toward library construction costs.

The Wayland Board of Library Trustees voted 5-0 to support this article.  
The Library Planning Committee voted 16-0 to support this article.  
The Board of Selectmen voted 3-0 to recommend approval of this article.

#### **ARGUMENTS IN FAVOR:**

- After 115 years, the Library has outgrown its space in the building at 5 Concord Road. Either the renovation of the existing library, or building a facility at a new site will create an exciting opportunity to provide Wayland residents with a state-of-the-art library.
- Numerous studies and surveys conducted by the Library over the last 15 years (Library Planning Committee in 2002, Long-Range Planning Committee in 2012, town-wide survey in 2015) document the public's desire for more space in their Library for the collection; for children, teens, and seniors; for quiet study and reading; for meetings and collaborative work; for cultural programs and community gatherings; for parking; and for other resources and activities.
- A new library building has been in the town's Capital Plan for 10 years. With the extraordinary opportunity to qualify for 45% State reimbursement of eligible construction costs, now is the time to put planning into action. The availability of State construction grants is not at all predictable; the last grant authorization passed in 2008.
- State construction timelines are long. If Wayland is selected as a grant recipient and voters decide to go forward with a library construction project, the Town would not be required to commit additional funds for this project until 2018 and construction would not begin until 2019. This timeline allows for prudent financial planning around the Town's other capital projects.
- A 2009 study of new library facilities in Massachusetts by library consultant Nolan Lushington revealed that library construction projects can relieve pent-up demand for library services in a town, increasing borrowing by an average of 27%, visitors by 30%, and program attendance by 90%.
- The Capital Improvement Plan submitted by the Facilities Department for Fiscal Year 2016 included funding for a new/renovated library in Fiscal Year 2018, which is probably a year sooner than is projected per this Article, which would push back potential funding for one year from previous estimates.

#### **ARGUMENTS OPPOSED:**

- Some argue that the Library has adequate space to provide services in its current building.
- Some argue that in spite of the surveys and studies conducted by the Trustees, libraries are antiquated and that the need for libraries will diminish over time.
- The Town has built several new buildings recently and may be undertaking the construction of a

new Council on Aging/Community Center. An additional building project may not be fiscally prudent at this time.

- Some may argue that the Library should remain in the building as it is currently configured in order to protect public access to this long-standing prominent building in Wayland.
- A larger library than is currently operating could require a larger operating budget for expenses such as utilities (unless energy efficiencies offset such costs in a new or renovated building) and for the potential need for additional personnel to service a larger facility.

**RECOMMENDATION:** The Finance Committee recommends approval. Vote: 7-0.

**QUANTUM OF VOTE:** Majority – see Massachusetts General Law, 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 Aida Gennis, Chair, Board of Library Trustees, at wgs3155@gmail.com, or Library Director Ann Knight at aknight@minlib.net.*

---

## **ARTICLE 7:      APPROPRIATE FUNDS TO UPDATE THE OPEN SPACE AND RECREATION PLAN**

*Sponsored by:      Community Preservation Committee,  
                                 Conservation Commission, Recreation Commission*

*Estimated Cost: \$30,000*

To determine whether the Town will vote to:

- a.) appropriate a sum of money not to exceed \$30,000 to update the 1995 Open Space and Recreation Plan; and
- b.) provide for said appropriation by taxation, transfer from unappropriated available funds, transfer from available funds appropriated for other purposes, by borrowing, or otherwise, provided not more than \$30,000 of the funds so appropriated shall be transferred from funds in the Community Preservation reserved for open space.

**FINANCE COMMITTEE COMMENTS:** Passage of this article is intended to pay for costs associated with updating the Open Space & Recreation Plan (OSRP), which will provide an up-to-date inventory of open space and recreation resources, identify the community's current needs and priorities and develop future open space and recreation goals, objectives and action plans.

An updated Open Space and Recreation Plan will provide direction to the Conservation and Recreation Commissions for management and enhancement of open space and recreation areas, programs and services. The Conservation Commission currently manages over 1,200 acres of land. This land consists of woodlands, wetlands and meadows most of which serves as necessary wildlife habitats. The Recreation Commission provides programs, facilities and services for active and passive recreation in the town.

The plan was last updated in 1995 and its age renders the Town ineligible for OSRP related state grant monies. This update is essential in order for the town to apply for certain State grant programs such as land acquisition assistance. Funding for this \$30,000 appropriation will come from the Open Space Fund of the Community Preservation funds. The revised OSRP is intended to be completed by Spring 2016.

The Board of Selectmen voted 3-0 to recommend approval of this article.

**ARGUMENTS IN FAVOR:**

- The State requires that OSRPs are updated every five years.
- The Town must have an up-to-date plan in order to be eligible for award of state grant monies.
- There is no impact to the tax base as funds are provided from an existing CPA account.

**ARGUMENTS OPPOSED:**

- Traditionally such budget requests are handled at Annual Town Meeting.

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

**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 Gretchen Schuler, Chair, Community Preservation Committee, at [ggschuler@verizon.net](mailto:ggschuler@verizon.net).*

---

**ARTICLE 8:      SEEK SPECIAL LEGISLATION FOR MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53 E ½ MUNICIPAL REVOLVING FUND**

*Sponsored by Recreation Commission*

To determine whether the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act to increase the allowable annual expenditure limit on the Recreation Department's Revolving Fund established pursuant to Massachusetts General Laws Chapter 44, Section 53 E ½ from 1% to 5% of the amount raised by taxation by the Town in the most recent fiscal year for which a tax rate has been certified by the Commissioner of the Department of Revenue.

**FINANCE COMMITTEE COMMENTS:** Passage of this article will authorize the Board of Selectmen (BoS) to petition the Massachusetts General Court to request the enactment of a special act which would allow the Town to increase the Recreation Department's Revolving Fund spending cap.

The Recreation Department serves residents of all ages, from infants to seniors. The department plans, manages, and operates over 250 fee based recreational programs a year, as well as several free community events. The department manages and oversees the operation of the Town Beach, schedules and maintains oversight of the town athletic fields in coordination with the Department of Public Works (DPW) and provides administrative support to many other non-profit groups including the Wayland Children and Parents Association (WCPA) and Eagle Scouts.

The Recreation Department would like to expand program and/or community event offerings. Seeking special legislation to raise the expenditure percentage will allow the department and the Town the option to expand programs and events.

The Recreation Department operates using a 53 E ½ Municipal Revolving Fund which by state statute is currently limited or "capped" to 1% of the Town's certified taxation. For FY16, the 1% cap of certified taxation translates into \$595,000 which means to remain within their cap/budget, the Recreation Department can only spend \$595,000, regardless of how many programs it would like to provide.

Since 2012, the Recreation Department has had a difficulty remaining within its spending cap. In 2015, during its review of the Town's FY14 finances, the Town's auditors, Melanson & Heath noted the Recreation Department overspent their spending cap. The Recreation Department was subsequently advised that in FY15 it needed to adjust its spending to not exceed its \$450,000 spending cap/budget. Additionally, the audit report pointed out the year-end Recreation Revolving fund balance as higher than a typical revolving fund balance because it represents a reserve in excess of 6-12 months of expenditures.

The Town responded and indicated the Recreation Commission was reviewing the Revolving Fund balance and formulating a 5-year revenue and expenditure projection to resolve the current fund balance. The fund balance as of June 30, 2015 was \$658,755. The fund balance is projected to be \$880,00 by June 30, 2016.

Because the Recreation Department has come up against its Revolving Fund financial cap, since FY12 the General Fund Operating Budget has appropriated Recreation Department staff salaries. For FY16, that amount is \$160,500. This appropriation is not included in the revolving fund spending cap.

In January 2015, the Finance Director advised the Finance Committee (FinCom) that the Recreation Department was on track to exceed its FY15 \$450,000 spending cap. Between February and March of 2015, the FinCom and Board of Selectmen held several meetings with the Recreation Commission to resolve the FY15 cap issues and to develop a mutually acceptable financial plan for FY16.

It was agreed the FinCom would recommend to the BoS the FY15 spending cap be increased to \$595,000 and would recommend to Town Meeting that the FY16 spending cap be set at \$595,000. Additionally, starting in FY16, the salaries for two Park employees as well as \$25,000 for Park supplies would be moved from the Recreation Revolving Fund to the Department of Public Works. This frees up an additional \$125,000/year in the Recreation Revolving Fund expenses.

The BoS and the FinCom requested a working group be established to study viable options for the Recreation Department's Revolving Fund starting in FY17. The working group's objective were to insure the Recreation Department had an adequate budget to operate their program, address payment of staff salaries and develop a spending plan for the revolving fund surplus.

The Recreation Department hired The Abrahams Group to conduct a financial review and make a recommendation for a financial model. The Abrahams Group recommended the Recreation Revolving Fund remain a 53E ½ and that the Town petition for special legislation to increase the recreation revolving fund cap from 1% up to 2 or 2 ½ % of certified taxation. The working group agreed the 53E ½ could be a viable financial model, but at the time the Warrant went to print, the group had not reached consensus concerning staff salaries and the revolving fund surplus.

Wayland is not unique in dealing with this issue. Other communities including Brookline have sought special legislation to allow their Recreation program to grow. House Bill 1852, which is currently working its way through Legislative Committee, seeks to streamline municipal financing and includes a section devoted to Recreation Revolving funds suggesting the 1% limit be increased to 5%. If passed, it would apply to all communities in the Commonwealth of Massachusetts.

With the approval of Town Meeting, the Board of Selectmen will be granted the authorization to petition the General Court of the Commonwealth of Massachusetts to enact a special act to increase the allowable annual expenditure limit on the Recreation Department's Revolving Fund from 1% to up to 5% of the amount raised by taxation as certified by the Department of Revenue (DOR). Once approved by the State's General Court, the act takes effect upon passage.

The Board of Selectmen voted against recommending this article by a vote of 0-3-2.

**ARGUMENTS IN FAVOR:**

- The current 1% cap is limiting the Recreation program.
- Increasing the Revolving Fund spending cap would allow the Recreation Department to address its fiscal responsibilities and to explore possible expansion of its program.
- Increasing the spending cap would allow the Recreation Department to continue to operate as a 53E ½ Revolving Fund.
- Other communities have sought relief from the 1% cap by successfully petitioning for this special legislation.

**ARGUMENTS OPPOSED:**

- The Recreation Commission has not addressed the issue raised by the auditors: ensure proper allocation of expenditures by matching expenses to revenues and developing a 5-year plan to resolve the current Revolving Fund balance.
- The working group established at the request of the FinCom and BoS has not completed its work and should be encouraged to do so prior to seeking any changes to the Recreation Department's financial model.
- If approved by Town Meeting, there is no guarantee the special act will be enacted before Annual Town Meeting when the FY17 budgets will be voted which would leave Recreation with the 1% cap. For the third consecutive year, the FinCom would need to recommend an interim financial model in order for the Recreation Department to operate.
- This issue is already being addressed by House Bill number 1852 and could be enacted upon prior to the Town's special petition.
- While a 53 E ½ with a greater spending cap is being recommended as the appropriate financial model, no analysis has been done to determine whether the surplus revolving funds should be placed in a Stabilization Fund or if it would be more appropriate to break out various Recreation functions, such as the Town Beach into a separate Enterprise funds.
- Some may say a spending cap up to 5% is inappropriate. The Abrahams Group has recommended increasing the spending cap to 2 or 2 ½ %, not up to 5% of certified taxation.
- Some may argue the 1% cap is adequate.

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

**QUANTUM OF VOTE:** Majority – see Clause (1) of Section 8 of Article 2 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

*For more information about this article, contact Jessica Brodie, Recreation Director at (508) 358-3662, email [jbrodie@wayland.ma.us](mailto:jbrodie@wayland.ma.us), or Finance Director Brian Keveny at (508) 358-3611, email [bkeveny@wayland.ma.us](mailto:bkeveny@wayland.ma.us).*

---

**ARTICLE 9: AMEND FY2016 BUDGET FUNDING SOURCES**

*Sponsored by: Finance Committee and Board of Selectmen*

To determine whether the Town will vote to amend its vote under Article 5 of the Warrant for the 2015 Annual Town Meeting relative to the Fiscal Year 2016 Omnibus Operating Budget by decreasing the amount to be raised by taxation by \$2,000,000 and increasing the amount to be transferred from the unreserved fund balance of the General Fund by \$2,000,000, without making any changes to the amounts appropriated under said Article 5.

**FINANCE COMMITTEE COMMENTS:** This article intends to fund the Fiscal Year 2016 (FY16) budget with an additional \$2 million of free cash in addition to the \$2.35 million of free cash that was appropriated by voters at the April 2015 Annual Town Meeting (ATM).

Preliminary close of the cash balance at June 30, 2015 was approximately \$6.9 million or 9.37% of the budget which is \$1.7 million greater than estimated when the Finance Committee prepared the budget for ATM last winter/spring. The Finance Committee projected free cash to be approximately \$5.2 million, which would have represented 7.1% of the FY16 budget. This variance was primarily due to a net increase from the School Committee for food service repayment of \$210,000, greater than

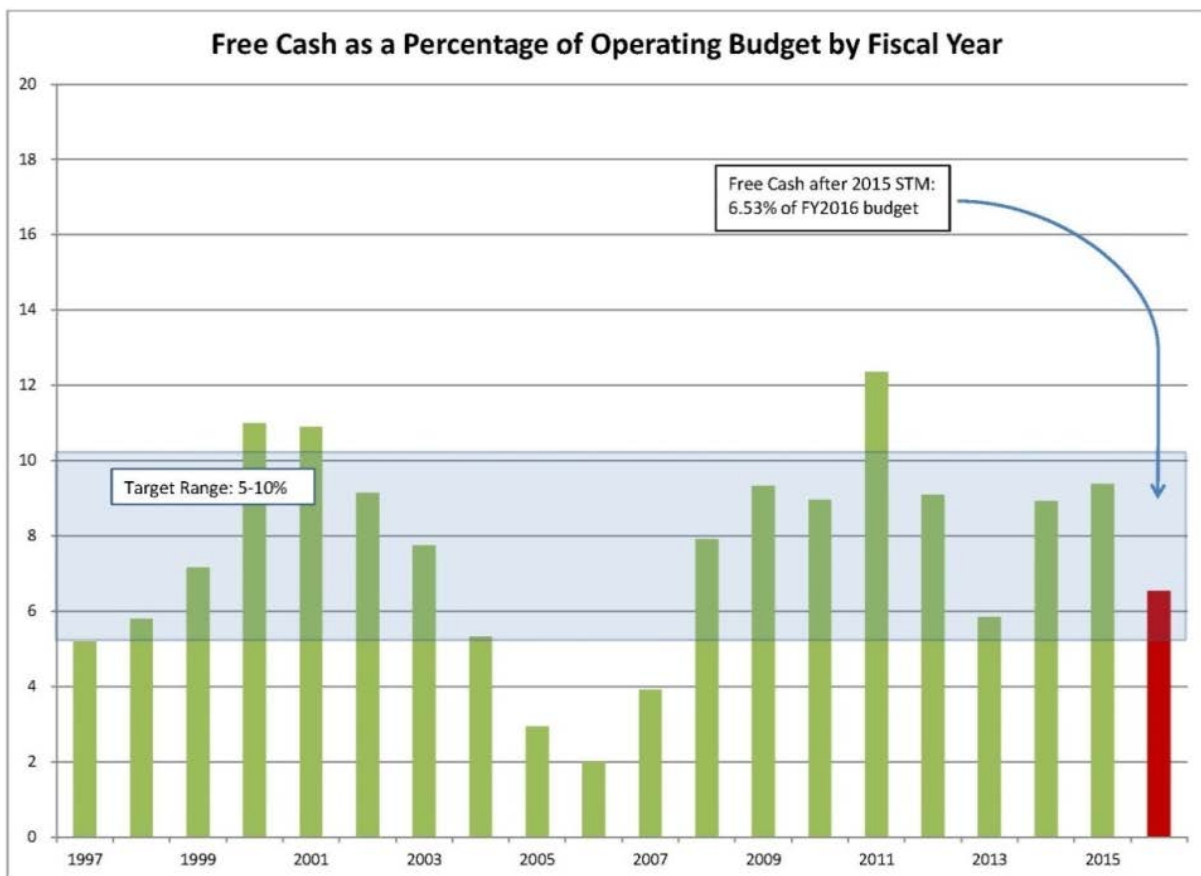


expected year end turnbacks (unspent funds) of \$813,000, and better than expected tax collections of \$780,000, offset by other uses.

These favorable developments are one-time benefits to the Town and the Finance Committee recommends that these one-time savings be passed on to taxpayers in the form of reduced property tax bills. If this article passes, the Town's certified unreserved fund balance (free cash) would be 6.5%, within the 5-10% Finance Committee policy range.

Allocating an additional \$2 million of free cash would increase the total use of free cash toward the FY16 operating budget to \$4.35 million.

The following chart gives a historic perspective of free cash balances since 1997:



Each year, actions at Town meeting can impact the free cash balance. The chart below illustrates the free cash activity over the course of FY2016 resulting in the ending balance of \$6.9 million or 9.4%.

### Wayland Finance Committee

#### FY 2016 Free Cash projection a/o ATM

Certified balance as of July 1, 2014		<u>6,384,000.00</u>	<u>8.92%</u>
<i>Less planned 2015 ATM uses</i>			
Special Articles	(270,000.00)		
Support FY 2016 Operating Budget	(2,350,000.00)		
Fund OPEB	(210,000.00)		
Fund Capital Projects	(565,000.00)		
Current year transfers	(525,000.00)	(3,920,000.00)	
<i>Plus increases to free cash</i>			
Estimated dept. turn backs	1,285,000.00		
Estimated budget revenue / misc surplus	879,000.00		
Revolving / Enterprises OPEB retro	594,000.00	2,758,000.00	
Projected free cash balance at end of ATM		<u>5,222,000.00</u>	<u>7.10%</u>
Free Cash Certification as of July 1, 2015		<u>6,894,000.00</u>	<u>9.37%</u>
Variance from end of ATM and FY 16 budget as voted		<u><u>1,672,000.00</u></u>	
<i>Detail of Free Cash changes</i>			
<i>Increases</i>			
Revenue variance	1,072,000.00		
Turn back variance	813,000.00		
Other increases	489,000.00		
<i>Decreases</i>			
Net increase in overlay balance	(442,000.00)		
Chapter 90 reimbursement	(110,000.00)		
Use of overlay for FY 2016 budget	(150,000.00)		
		<u>1,672,000.00</u>	

Based on this chart, free cash is \$1.67 million higher than the Finance Committee anticipated after ATM actions last April.

Free cash used to balance the operating budget is not available to use again the following year.

At 2015 Annual Town Meeting, the Finance Committee estimated that the FY2016 property tax rate would be about \$18.74 per thousand. If this article passes, the Finance Committee estimates the property tax rate would be about \$18.07 per thousand. On an average valuation house of \$655,000, all other things unchanged, this would be about a \$405 savings.

The Board of Selectmen voted 3-0 to support this article.

**ARGUMENTS IN FAVOR:** Surplus cash should be returned to taxpayers as soon as possible in the form of lower tax bills.

The level of free cash after using the additional \$2 million to fund the budget is acceptable. Our cash balance is expected to be \$4.8 million at June 30, 2016. This represents 6.5% of the budget, which is in the range of the Finance Committee's guideline for free cash (5% - 10% of the budget), and is close to the Finance Committee's 6.5 – 7% target range for this budget year.

**ARGUMENTS OPPOSED:** We should wait until Annual Town Meeting to take up any articles that deal with the budget.

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

**QUANTUM OF VOTE:** Majority.

*For more information about this article, contact Brian Keveny, Finance Director, at (508) 358-3611, or email [bkeveny@wayland.ma.us](mailto:bkeveny@wayland.ma.us).*

---

**ARTICLE 10: AUTHORIZE PROCUREMENT AND APPROPRIATE FUNDS FOR ENERGY RESILIENCY PROJECT AT THE MIDDLE SCHOOL**

*Sponsored by: Board of Selectmen, Energy Initiatives Advisory Committee*

*Estimated Cost: \$29,403*

To determine whether the Town will vote to:

- a.) appropriate a sum of money not to exceed \$29,403 to be expended under the direction of the Town Administrator for the purpose of providing at 10% match to a \$294,030 energy resiliency grant awarded by the Department of Energy Resources to the Metropolitan Area Planning Council on behalf of the Town in December, 2014; and
- b.) provide for said appropriation by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise.

**FINANCE COMMITTEE COMMENTS:** This article requests the required 10% matching funds of \$29,403 to allow Wayland to complete and receive the resiliency grant to support the Middle School solar project. The MA Department of Energy Resources (DOER) is now requiring the Town to obtain Town Meeting approval to appropriate funds for the 10% match outside the solar Power Purchase Agreement (PPA). This is different from the direction provided by the state at the time of Annual Town Meeting (ATM) in April 2015.

At the Town's 2015 ATM, the Town approved Article 14 authorizing the Town to negotiate and enter into PPA to purchase solar power from solar installations at four sites in Town, including a solar canopy at the parking lot of the Middle School. Part of the planned solar installation at the Middle School includes the addition of energy resiliency equipment to improve the Middle School's capability to serve as a regional shelter by enabling the solar arrays at the school to link with the existing diesel generator to supply power to the shelter during grid outages.

The state awarded a \$294,030 grant to Wayland as part of an application submitted through the Metropolitan Area Planning Council (MAPC) in December 2014 to pay for the design, and installation of this resiliency equipment. The grant requires the Town to match 10% of the grant funds used (up to \$29,403, assuming full use of the grant amount). A portion of the match obligation can be met through in-kind costs incurred by the Town such as the salary of Town employees charged with executing the works covered under the grant. However, the full amount needs to be appropriated, per DOER requirements.

In preparation for the April ATM, DOER and the Town's solar contractor agreed to allow the Town to roll its matching share of the grant into the costs of the 20 year solar PPA. Now, DOER is requiring the Town to obtain Town Meeting approval to appropriate funds and pay for the 10% match outside of the solar PPA.

The Middle School solar project, combined with the state grant, will improve the resiliency of the Town's primary emergency shelter by enabling solar power when the grid is down, thereby reducing use of the school's existing diesel-powered emergency generator and extending the on-site diesel fuel supply.

The Board of Selectman voted 3-0-1 to recommend approval.

**ARGUMENTS IN FAVOR:**

- In order to accept the resiliency grant, the Town needs to appropriate the matching funds through passage of this article.
- This project has the potential of prolonging the life of the existing Middle School diesel fuel generator by installing advanced controls to enable the Middle School solar array to continue to operate in an integrated system with the diesel generator to provide steady electricity to the school shelter.
- Half of the 10% of the funds being requested is anticipated to be classified as in-kind. The source of the in-kind contribution is anticipated to be the cost associated with the Public Buildings Director's time allocated to this project.
- When the Solar Array Project by Ameresco was approved at ATM, this project was anticipated.

**ARGUMENTS OPPOSED:**

- The grant can only be utilized if the Middle School solar array is installed.
- The effort requires an investment of Town staff time to pursue grants and ongoing oversight; however, staff will be involved in overseeing the installation of the solar project anyway.

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

**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 Ellen Tohn, co-chair of the Energy Initiatives Advisory Committee, email [ellentohn@gmail.com](mailto:ellentohn@gmail.com).*

**ARTICLE 11: AMENDMENT TO MINUTEMAN REGIONAL AGREEMENT**

*Sponsored by: Board of Selectmen*

To determine whether the Town will vote to accept and approve the “Amendment to Minuteman Regional Agreement regarding the Withdrawal of the Town of Wayland from the Minuteman Regional School District” which was approved by the Minuteman Regional School Committee on July 7, 2015, and which has been submitted to the Board of Selectmen consistent with the current Minuteman Regional Agreement reserving all of the Town’s rights regarding withdrawal from said Regional School District.

**FINANCE COMMITTEE COMMENTS:** The following text was provided by the Minuteman Regional School Committee:

Approved by Minuteman School Committee 7. 7.15

Amendment to Minuteman Regional Agreement regarding the Withdrawal of  
The Town of Wayland from the Minuteman Regional School District

Whereas the Wayland Town Meeting voted on April 15, 2015 to seek withdrawal from the Minuteman Regional School District, and whereas Section IX of the Minuteman Regional Agreement requires the Minuteman Regional School Committee under such a circumstance to draft an amendment to the Regional Agreement setting forth the terms by which a town seeking to withdraw may withdraw from the District, the Regional School Committee voted at a meeting on July 7, 2015 to submit the following amendment to the Regional Agreement to the member towns for their approval.

Amendment No.4 to the Minuteman Regional Vocational Technical School District Agreement

1. The references to the Town of Wayland will be stricken from the prefatory language of the Regional Agreement as well as from Section I and from wherever else a reference to Wayland appears in the Regional Agreement.
2. The Town of Wayland, even after the date that its withdrawal becomes effective, will remain responsible, consistent with the terms of Section IX of the Regional Agreement, for its share of the indebtedness of the District which is outstanding as of the effective date of Wayland’s withdrawal.
3. Pursuant to the terms of 603 CMR 41.03, assuming that the approval of this amendment has been voted by the town meetings in all of the member towns, as well as having been approved by the Commissioner of Education, by December 31 of a given year, the effective date of this amendment.

The Board of Selectmen voted 3-0 to recommend approval of this article.

The Finance Committee had no comments on this article at the time the Warrant went to print.

**RECOMMENDATION:** The Finance Committee did not provide a recommendation for this article at the time the Warrant went to print.

**QUANTUM OF VOTE:** Majority.

*For more information about this article, contact Nan Balmer, Town Administrator, at (508) 358-3620, or email [nbalmer@wayland.ma.us](mailto:nbalmer@wayland.ma.us). The Minuteman Agreement with Respect to the Establishment of a Technical and Vocational Regional School District can be found online at [http://www.wayland.ma.us/Pages/WaylandMA\\_Selectmen/MinutemanAgreement.pdf](http://www.wayland.ma.us/Pages/WaylandMA_Selectmen/MinutemanAgreement.pdf)*

---

## **ARTICLE 12: RESOLUTION REGARDING SURFACE OF RAIL-TRAIL IN WAYLAND**

*Sponsored by: Community Preservation Committee*

To determine whether the Town will vote to adopt a resolution clarifying that the sum of money not exceeding \$445,000 appropriated under Article 24 of the Warrant for the 2015 Annual Town Meeting may be used to construct a hard surface of asphalt or a stabilized surface on the rail-trail along the old Massachusetts Central Railroad line in Wayland.

**FINANCE COMMITTEE COMMENTS:** Wayland residents have worked on this project to create outdoor recreation (walking, biking, and jogging) and to improve the community with a vital link of the center of Wayland to nearby neighborhoods and neighboring towns.

Article 24 of 2015 Annual Town Meeting was adopted, appropriating up to \$445,000 of Community Preservation Funds (from uncommitted balance to be spent on this recreational project) for the construction of a rail-trail that will run through the Town, along the Massachusetts Central Railroad line in Wayland. This project will result in the conversion of an industrial use property into a three-mile long recreational path that will cross Wayland from Weston to Sudbury, in a line that runs somewhat parallel to Route 20. The Massachusetts Department of Conservation and Recreation (“DCR”) has leased from the Metropolitan Boston Transit Authority (“MBTA”) a twenty-three mile rail corridor to be developed as a hard-surface multi-use-trail referred to as the “Wayside Trail”.

Recently there have been negotiations between DCR and Eversource (electricity provider) to construct the rail-trail in Wayland. Eversource has funds for the construction available this calendar year and is committed to seeking the necessary permits for the project; removing the rails; and constructing the base/foundation of the trail. DCR has expressed a strong preference for an asphalt surface with a second preference for stabilized surface rather than the stone-dust surface that was part of the discussion during 2015 STM Article. The Wayland Conservation Commission anticipates that two separate Notice of Intent (NOI) applications and hearings will be required for this proposed project—the first will be Eversource’s responsibility for the base layer and the second will be DCR’s for the final asphalt layer.

*Surface material* was discussed when the funding was appropriated. At the time the Town considered a crushed packed stone dust for two reasons: 1) a less expensive cost per mile to construct; and 2) less invasive way to accommodate nearby wetlands and other resource areas such as riverfront and flood plains. Now that Eversource proposes to construct the trail to a standard suitable for carrying service trucks, the town’s construction costs can be limited to a discrete part of the overall project. The town will be responsible for road crossings and the trail surface or final layer. Thus this resolution is to accept a change in surface materials from stone dust to a hard surface.

The Board of Selectmen voted 3-0 to recommend approval of this article.

### **ARGUMENTS IN FAVOR:**

- A hard surface will be easier and less expensive to maintain, which is an important consideration.

- DCR will be responsible for on-going maintenance of the asphalt surface.
- Eversource will do permitting and will install and provide on-going maintenance of the base layer at no expense to the town.
- Wayland will only pay for final top surface of trail.

**ARGUMENTS OPPOSED:**

- Wayland residents may not want a hard surface on the rail trail and permitting may be more complicated and possibly less environmentally sensitive with stabilized or asphalt surface than stone dust.
- It is uncertain if the current authorization will be adequate to pay for a paved surface for the entire three miles of the rail trail. Preliminary estimates indicate there are only enough funds to pave two of the three miles.
- There is a question on whether maintenance costs that may be borne by the Town for mowing and similar activities will increase or decrease with a change in surface materials.

**RECOMMENDATION:** The Finance Committee recommends approval. Vote 7-0.

**QUANTUM OF VOTE:** Majority.

*For more information about this article, contact Gretchen Schuler, Chair, Community Preservation Committee, at ggschuler@verizon.net .*

---

**ARTICLE 13: PERMANENT MUNICIPAL BUILDING COMMITTEE INVOLVEMENT  
IN STONE'S BRIDGE RESTORATION**

*Sponsored by: Petitioners*

To determine whether the Town will vote to:

- a.) Request that the Board of Selectmen assign the Permanent Municipal Building Commission (PMBC) to consult on the restoration of Stone's Bridge
- b.) Require that the PMBC vote and approve (by a 2/5 vote of the permanent members) before any of the funds appropriated (in the 2015 Town Meeting) for the restoration of Stone's bridge are expended.

**PETITIONERS' COMMENTS:** Stone's bridge is one of the historical treasures of Wayland. In the last town meeting, the town voted to appropriate funds to preserve it for the next generation.

There is a finite amount of money available to restore Stone's bridge. We have an obligation to do everything possible to efficiently spend the allocated money, and to spend the money in a manner which best preserves, within our financial constraints, the historical legacy of the bridge.

Restoring a bridge is a large and complicated task. The HC has no experience in large building projects. The PMBC is a standing committee made up of volunteers with extensive experience and contacts in the building industry. They have been extremely successful with previous town projects.

I believe that involving the PMBC, and following the procedures which they have established, is the best way to make sure that the Stone's bridge restoration is successful.

**FINANCE COMMITTEE COMMENTS:** The Board of Selectmen voted on September 28, 2015, to refer the Stone's Bridge restoration project to the Permanent Municipal Building Committee. The Petitioners plan to pass over this article at Special Town Meeting.

**QUANTUM OF VOTE:** Majority.

*For more information about this article, contact petitioner Duane Galbi at [duane.wayland4wayland@gmail.com](mailto:duane.wayland4wayland@gmail.com).*



## 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 in accordance with applicable provisions of the Code of the Town of Wayland. 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, 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, Public Buildings Director and Superintendent of Schools, shall 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 unless they are registered voters of the Town.

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 (100) 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 concerning the motion or other matter then under discussion, 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. Those individuals granted the right to sit on the floor under Section II B above, if non-residents, shall 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 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 prior to that article being called and complete the same within ten (10) minutes, or less, and yield the floor. A light will warn you to conclude your remarks and yield the floor during the final minute. The Moderator may divide the time if more than one person indicates a desire to make a presentation in support.
  - b. Any person wishing to offer a presentation in opposition to the main motion under an article must so notify the Moderator prior to that article being called and complete the same within the time used by the proponent, or within three (3) minutes, whichever is longer, and yield the floor. The same one (1) minute warning light will warn you to conclude your remarks. The Moderator may divide the time if more than one person indicates a desire to make a presentation in opposition.
  - c. All other persons who wish to address the Town Meeting shall, when recognized, complete their remarks in three (3) minutes, or less, and yield the floor. The same one (1) minute warning light will be turned on when you have used up the first two (2) 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.
  - f. The Moderator will rule, or take other appropriate action on any generally recognized incidental, subsidiary or privileged motion.
3. Abbreviated Presentation Procedure. With notice to and leave of the Moderator any person making a main motion under an article may present that motion under the Abbreviated Presentation Procedure. Under this procedure:

- a. The motion must be presented in or be substantially consistent with the words of the Article as printed in the Warrant, and without making further presentation in support of that article. The Moderator may allow minor or editorial variation from the words of the Article as printed in the Warrant.
- b. The Moderator will ask if anyone wishes to speak in opposition to the motion or if anyone has a question regarding the motion.
- c. Should there be a question, the questioner will be permitted to state his or her question and the presenter of the motion will be permitted to answer that question.
- d. Should any individual state that he or she is opposed to the motion, or if the Moderator determines that the questions are of significant depth or importance, the presentation and debate will continue in the normal course as set forth in these Rules.

4. 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.

5. 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 (25) 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 (10) 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, acceptance of gift, 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 will accept no motion that in the Moderator's view would eviscerate or be completely opposite of the motion under the Article under consideration.
- h. The Moderator may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.

6. 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.

7. 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 to a time certain within the then current session of the meeting 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.

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.

8. Upon the expiration of sixty (60) 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 (60) minutes. The aforesaid sixty (60) minute limit does not apply to debate under the omnibus budget article.

9. 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, make a motion to terminate debate (move the previous question). If your motion receives a second, the Moderator 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.

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. In the event that electronic handset voting equipment shall have been made available for use by voters at any Annual or Special 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 keypad is not functioning properly or is failing to record his or her vote accurately should proceed to the designated help desk. If a vote is in progress, the voter should raise his or her hand; if seen by the Moderator, the Moderator will dispatch help desk staff to examine the handset for any defect. If it is determined by help desk staff that the handset is defective, the voter will be offered a paper ballot and pen to record his or her vote on that question and will be provided with another handset for the next vote. Such paper vote shall be promptly relayed by help desk staff to the Moderator.

- a. If a voter cannot use the electronic handset 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 handset 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.
- b. Each person receiving a handset must retain and use only that handset until turned in at the Help Desk or the Exit Desk, given to a Teller or turned in at the end of the session. No person may lend or give that handset to another person, nor may any person vote with a handset originally given to another.

Voters with handsets 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.

2. In the event that electronic voting is for any reason not to be employed, 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.

3. If the Moderator is still in doubt, or if seven (7) or more voters shall immediately question a voice or an uncounted vote taken by non-electronic means, 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.

4. If a vote taken by electronic means is questioned by seven (7) or more voters, the Moderator will audit the vote by choosing a set of voters to come forward and present their handsets in turn to the Town Clerk, who will compare the vote shown on each handset with the vote received by the Electronic Voting System for that handset. If the correlation is less than fully accurate, the Moderator shall discard the electronic vote and call for a standing counted non-electronic vote under the previously set out procedures."

5. In the event that the law requires a vote of TWO-THIRDS or more to carry a motion acted on by non-electronic means 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. If the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative the Moderator may by hand vote determine that the TWO-THIRDS majority was met.

6. 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."

7. 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 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.
- 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 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 TWO-THIRDS vote is required) under which the secret ballot has been taken and if there is no other business under that article, will declare that article disposed of.

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, you need further information to cast your vote, 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.

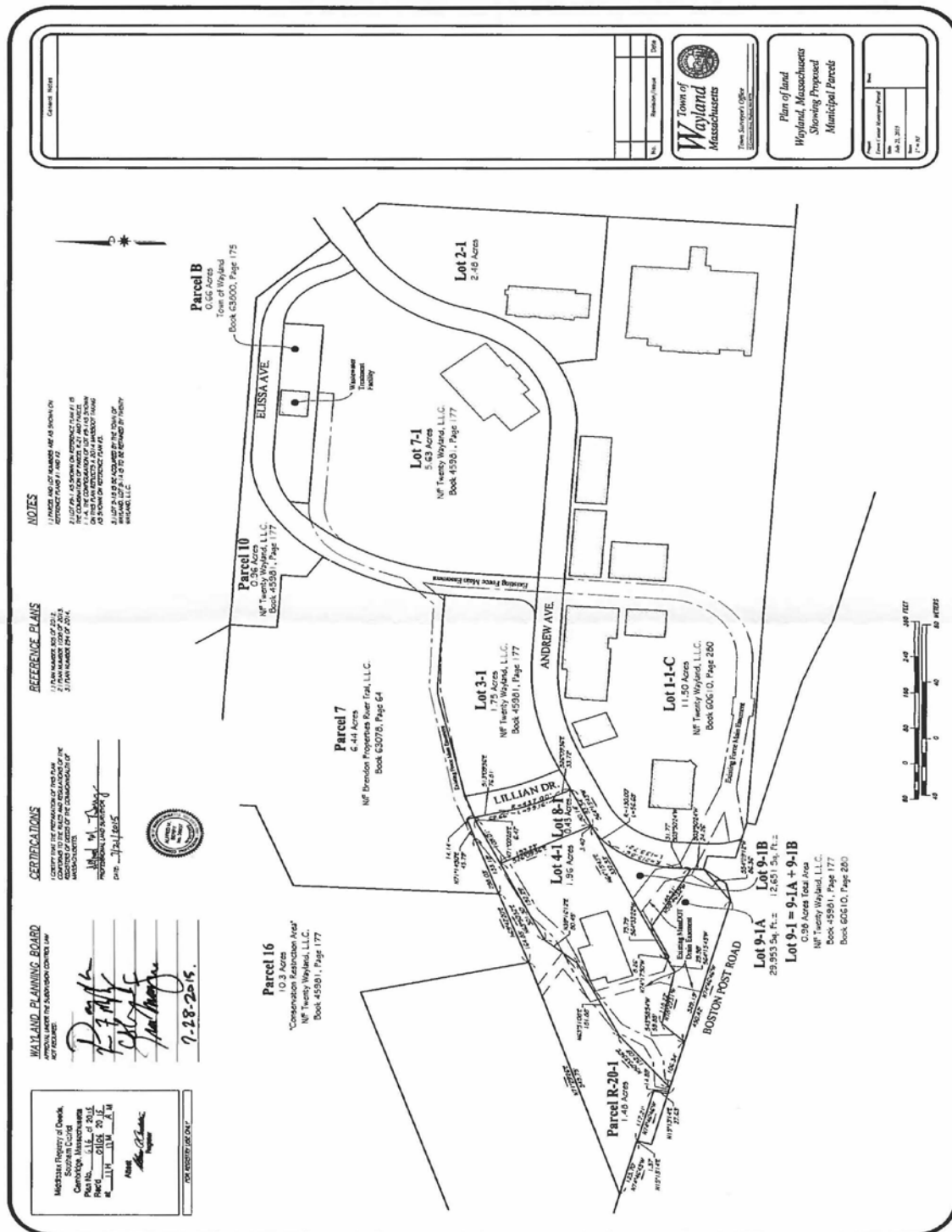
The Selectmen, the Chief of Police and the Chief of the Fire Department and other town officers and employees may also be permitted by the Moderator to post and place documents pertaining to the safety of the public in the aforesaid locations.

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

Dennis J. Berry, Moderator  
November 9, 2015



## APPENDIX B: Article 3, MUNICIPAL PARCEL AT TOWN CENTER





CURRENT DAYCARE BUILDING AT MUNICIPAL PAD

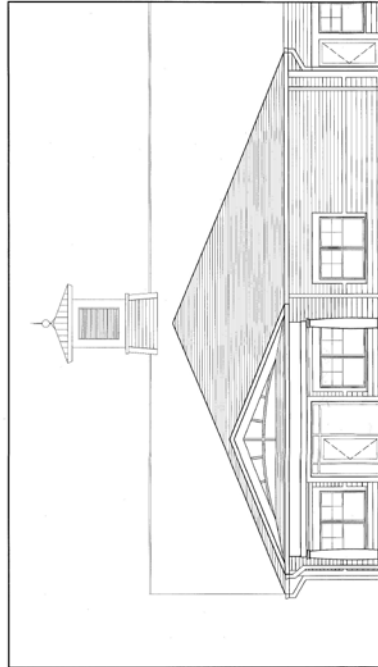
## WAYLAND BUSINESS CENTER

## WAYLAND DAYCARE CENTER

Boston Post Road - Wayland, Massachusetts



CONGRESS GROUP VENTURES



## DRAWING LIST

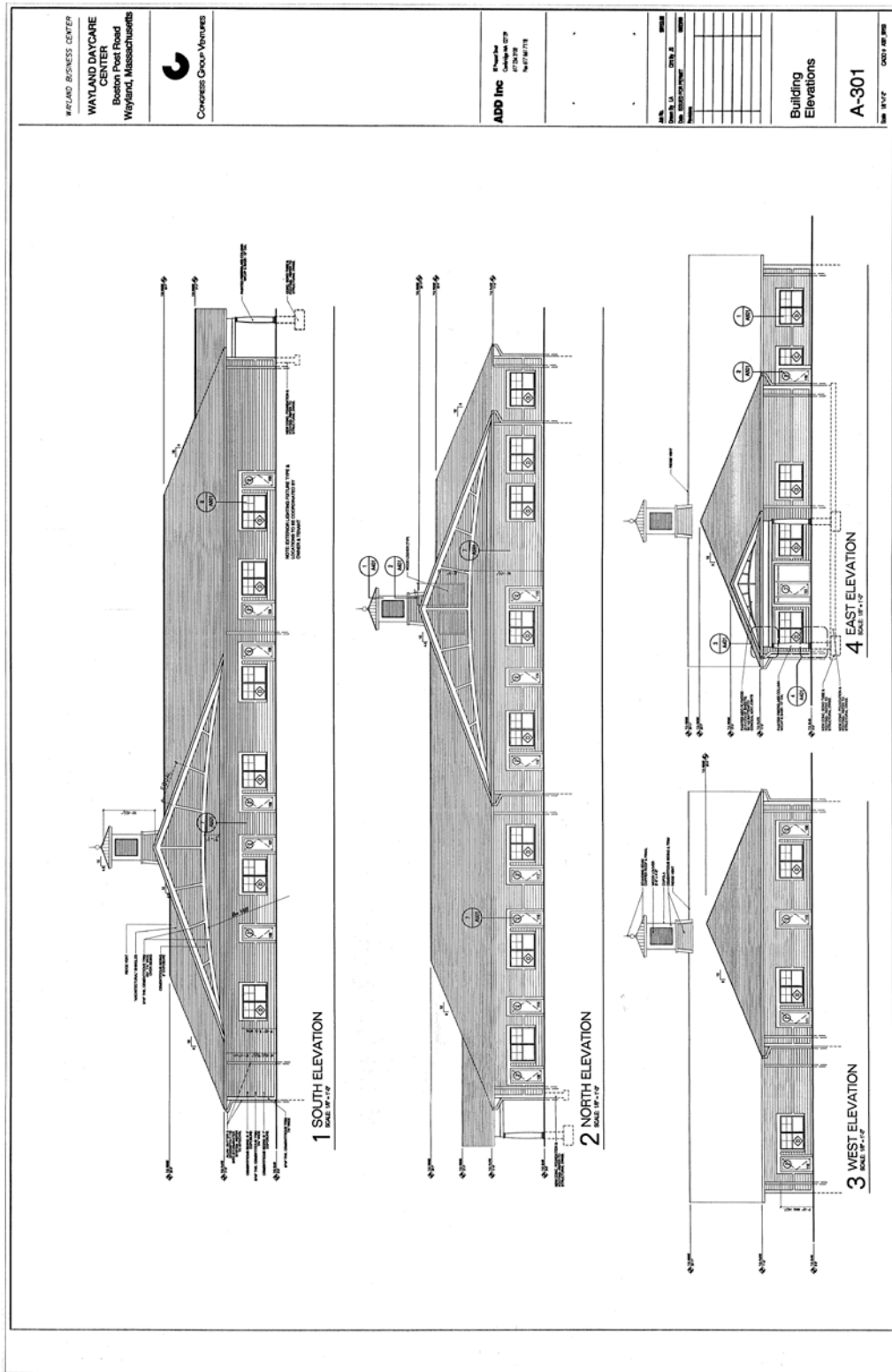
<b>SITE</b>	
CS-1	SITE DEMOLITION PLAN
<b>ARCHITECTURE</b>	
AD-101	DEMOLITION PLAN
A-001	LEGENDS, SCHEDULES, WALL & DOOR TYPES & DETAILS
A-101	INTERIOR CORE PLAN
A-102	FLOOR PLAN
A-103	ROOF PLAN
A-201	EXTERIOR ELEVATIONS
A-202	BUILDING SECTIONS & DETAILS
A-301	WALL SECTIONS & DETAILS
A-302	INTERIOR CORE PLANS
<b>STRUCTURAL</b>	
S-101	FLOOR PLAN
S-102	ROOF PLANS & MECH. FLOOR FRAMING PLAN
<b>PLUMBING</b>	
P-1	PLUMBING PLAN
P-2	LEGEND, DETAILS, SCHEDULES & INSERT DIAGRAMS
P-3	PLUMBING SPECIFICATIONS
<b>FIRE PROTECTION</b>	
FP-1	FIRE PROTECTION ATTIC PLAN
FP-2	LEGEND, DETAILS & SCHEDULE
FP-3	LEGEND, DETAILS & SCHEDULE
FP-4	FIRE PROTECTION SPECIFICATIONS
<b>HVAC</b>	
M-001	SCHEDULES
M-002	SPECIFICATIONS
M-003	HVAC PLAN
<b>ELECTRICAL</b>	
E-1	SYMBOL LIST & SCHEDULES
E-2	FLOOR PLAN ELECTRICAL
E-3	ELECTRICAL INSERT DIAGRAM & SCHEDULE

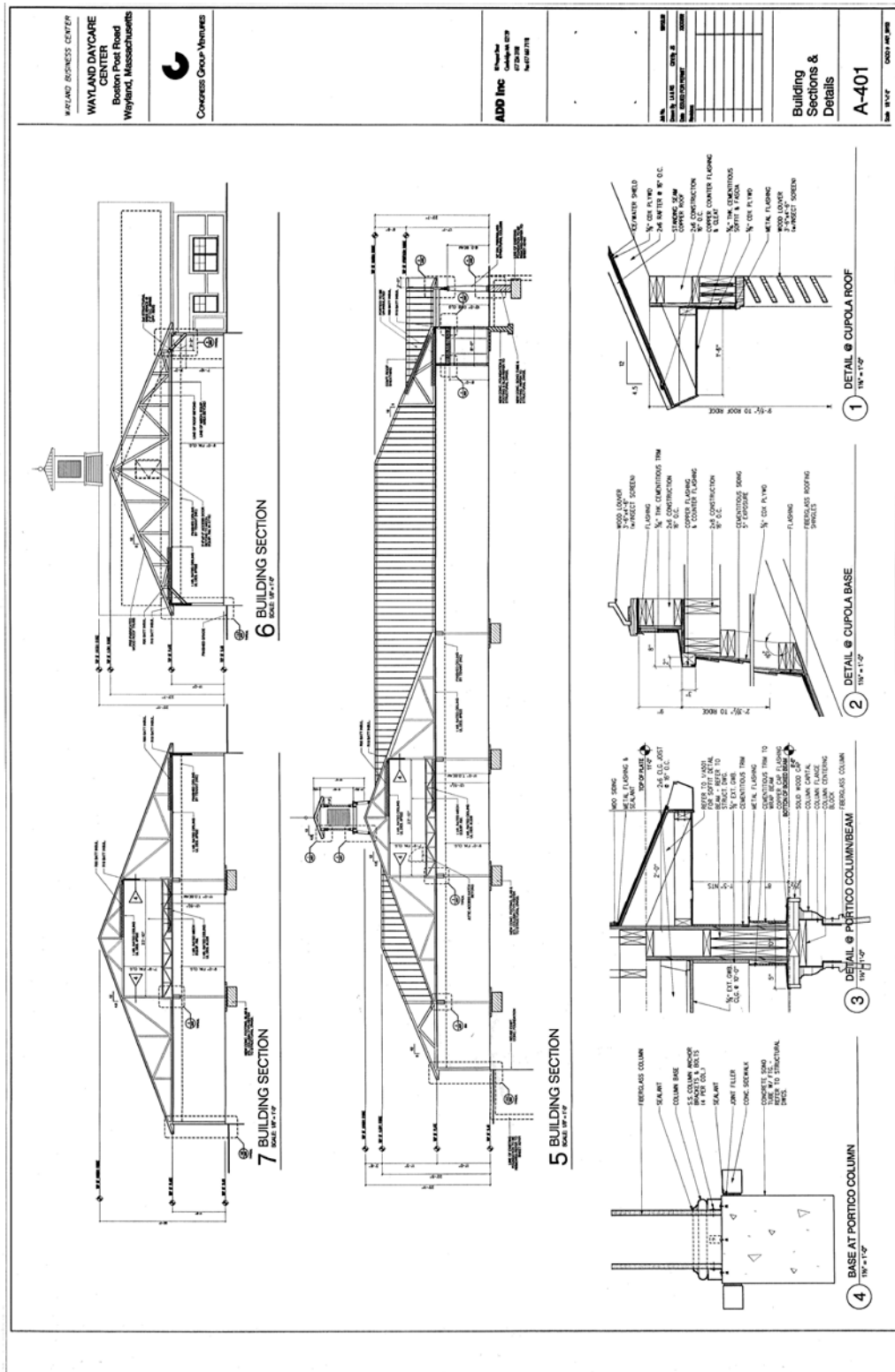
## PROJECT TEAM

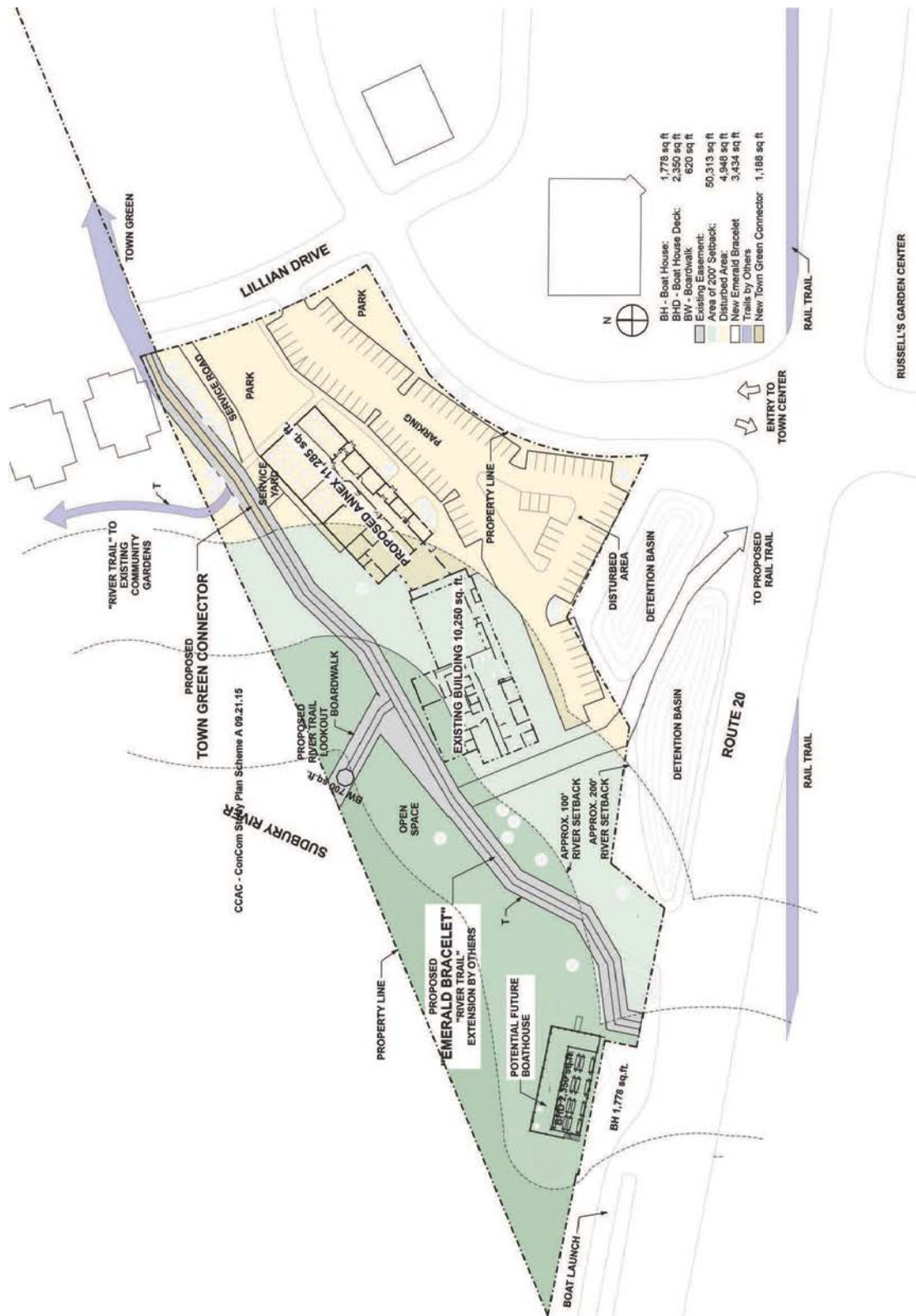
<b>CLIENT</b>	<b>ARCHITECT</b>	<b>MEP/FP ENGINEER</b>
<b>Wayland Business Center LLC</b> c/o Congress Group Ventures One Memorial Drive Cambridge, MA 02142 617.494.1111 617.494.0002 - fax	<b>ADD Inc</b> 80 Prospect Street Cambridge, MA 02139 617.234.3100 617.661.7118 - fax	<b>Cosentini Associates</b> One Broadway Cambridge, MA 02142 617.494.9090 617.494.9292 - fax
<b>SPECIFICATIONS</b>	<b>STRUCTURAL ENGINEER</b>	<b>LANDSCAPE ARCHITECT</b>
<b>Kalin Associates Inc</b> 154 Wells Avenue Newton Center, MA 02459 617.964.5477 617.964.5788 - fax	<b>Weidinger Associates Inc</b> One Broadway Cambridge, MA 02142 617.374.0000 617.374.0010 - fax	<b>Sasaki Associates Inc</b> 64 Pleasant Street Watertown, MA 02172 617.926.3300 617.924.2748 - fax



**PERMIT SET**  
**23 SEPTEMBER 1999**







WAYLAND COMMUNITY CENTER CONCEPT PLAN - SCHEME A - 4.16 ACRE LOT - 09.21.15



**APPENDIX C: Article 5, M.G.L. Chapter 71, Section 71E****MASSACHUSETTS GENERAL LAWS****PART I Administration of the Government****TITLE XII Education****CHAPTER 71 Public Education****SECTION 71E Appropriations for and Expenditure of Receipts from Adult Education and Continuing Education Programs**

Section 71E. In any city or town which accepts this section, all moneys received by the school committee in connection with the conduct of adult education and continuing education programs, including, but not limited to adult physical fitness programs conducted under section seventy-one B, summer school programs and programs designated by prior vote of said committee as community school programs, and in connection with the use of school property under section seventy-one, shall be deposited with the treasurer of the town or city and held as separate accounts. The receipts held in such a separate account may be expended by said school committee without further appropriation for the purposes of the program or programs from which the receipts held in such account were derived or, in the case of the use of school property account, for expenses incurred in making school property available for such use, notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws. A city or town may appropriate funds for the conduct of any such program or for expenses incurred in making school property available for such use, which funds shall be expended by the school committee in addition to funds provided from other sources. Three years from the date a city or town accepts the provisions of this paragraph, and every third year thereafter, said city or town may act to rescind its original acceptance.

**APPENDIX D: Article 8, M.G.L. Chapter 44, Section 53 E ½****MASSACHUSETTS GENERAL LAWS****PART I Administration of the Government****TITLE VII Cities, Towns And Districts****CHAPTER 44 Municipal Finance****SECTION 53 E ½ Revolving Funds**

Section 53E1/2. Notwithstanding the provisions of section fifty-three, a city or town may annually authorize the use of one or more revolving funds by one or more municipal agency, board, department or office which shall be accounted for separately from all other monies in such city or town and to which shall be credited only the departmental receipts received in connection with the programs supported by such revolving fund. Expenditures may be made from such revolving fund without further appropriation, subject to the provisions of this section; provided, however, that expenditures shall not be made or liabilities incurred from any such revolving fund in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund, nor shall any expenditures be made unless approved in accordance with sections forty-one, forty-two, fifty-two and fifty-six of chapter forty-one.

Interest earned on any revolving fund balance shall be treated as general fund revenue of the city or town. No revolving fund may be established pursuant to this section for receipts of a municipal water or sewer department or of a municipal hospital. No such revolving fund may be established if the aggregate limit of all revolving funds authorized under this section exceeds ten percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine. No revolving fund expenditures shall be made for the purpose of paying any wages or salaries for full time employees unless such revolving fund is also charged for the costs of fringe benefits associated with the wages or salaries so paid; provided, however, that such prohibition shall not apply to wages or salaries paid to full or part-time employees who are employed as drivers providing transportation for public school students; provided further, that only that portion of a revolving fund which is attributable to transportation fees may be used to pay such wages or salaries and provided, further, that any such wages or salaries so paid shall be reported in the budget submitted for the next fiscal year.

A revolving fund established under the provisions of this section shall be by vote of the annual town meeting in a town, upon recommendation of the board of selectmen, and by vote of the city council in a city, upon recommendation of the mayor or city manager, in Plan E cities, and in any other city or town by vote of the legislative body upon the recommendation of the chief administrative or executive officer. Such authorization shall be made annually prior to each respective fiscal year; provided, however, that each authorization for a revolving fund shall specify: (1) the programs and purposes for which the revolving fund may be expended; (2) the departmental receipts which shall be credited to the revolving fund; (3) the board, department or officer authorized to expend from such fund; (4) a limit on the total amount which may be expended from such fund in the ensuing fiscal year; and, provided, further, that no board, department or officer shall be authorized to expend in any one fiscal year from all revolving funds under its direct control more than one percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified under



section twenty-three of chapter fifty-nine. Notwithstanding the provisions of this section, whenever, during the course of any fiscal year, any new revenue source becomes available for the establishment of a revolving fund under this section, such a fund may be established in accordance with this section upon certification by the city auditor, town accountant, or other officer having similar duties, that the revenue source was not used in computing the most recent tax levy.

In any fiscal year the limit on the amount that may be spent from a revolving fund may be increased with the approval of the city council and mayor in a city, or with the approval of the selectmen and finance committee, if any, in a town; provided, however, that the one percent limit established by clause (4) of the third paragraph is not exceeded.

The board, department or officer having charge of such revolving fund shall report to the annual town meeting or to the city council and the board of selectmen, the mayor of a city or city manager in a Plan E city or in any other city or town to the legislative body and the chief administrative or executive officer, the total amount of receipts and expenditures for each revolving fund under its control for the prior fiscal year and for the current fiscal year through December thirty-first, or such later date as the town meeting or city council may, by vote determine, and the amount of any increases in spending authority granted during the prior and current fiscal years, together with such other information as the town meeting or city council may by vote require.

At the close of a fiscal year in which a revolving fund is not reauthorized for the following year, or in which a city or town changes the purposes for which money in a revolving fund may be spent in the following year, the balance in the fund at the end of the fiscal year shall revert to surplus revenue unless the annual town meeting or the city council and mayor or city manager in a Plan E city and in any other city or town the legislative body vote to transfer such balance to another revolving fund established under this section.

The director of accounts may issue guidelines further regulating revolving funds established under this section.

★ ★ ★ ★ ★ ★ ★ ★

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 October 26, 2015.

Given under our hands and seals this 19<sup>th</sup> day of October, 2015.

Cherry C. Karlson, Chair  
Mary M. Antes, Vice Chair  
Lea T. Anderson  
Anthony V. Boschetto  
Joseph F. Nolan

**Selectmen of the Town of Wayland**

Nancy Funkhouser, Chair  
David V. Watkins, Vice Chair  
Thomas J. Abdella  
D. Gordon Cliff  
Carol B. Martin  
William Steinberg  
Gil Wolin

**Finance Committee**