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**Article GG. Resolution to Continue Electronic Voting Through FY2027**

*Proposed by: Petitioners*

*estimated cost: \$TBD*

**To determine whether the Town will vote to:**

**LET IT BE RESOLVED** that Town Meeting endorses the use of an electronic voting service for all sessions of all Town Meetings through fiscal year 2027, subject to the Moderator's rules, and requests the Board of Selectmen and Finance Committee to include sufficient funding in the FY2023, FY2024, FY2025, FY2026, FY2027 Omnibus Budget articles present at the CY2022, CY2023, CY2024, CY2025, CY2026 Annual Town Meetings. - 5 Consecutive years.

**FINANCE COMMITTEE COMMENTS:**

The passage of this article supports a resolution to use electronic voting devices at Town Meetings (Annual and Special Town Meetings) for the five fiscal years 2023 through 2027. In May of 2010 Wayland accepted electronic voting on a trial basis. Wayland was the first town in New England to use and incorporate wireless keypad electronic voting. In April 2012, it was resolved that electronic voting would be used for a period of three more years, 2013, 2014, and 2015. It was brought back to Town Meeting in April of 2015 and again in April 2018 and resolved at each of those Town Meetings that electronic voting be use for three more years from such votes and covered the periods from 2017 through 2019 and from FY2020 through FY2022. The previous resolution ends in April 2022.

Previous studies of Annual Town Meeting with electronic voting and those with the prior method of hand counts and standing vote counts have reduced Annual Town Meeting by an average of three hours, which in some years may have reduced Annual Town Meeting by a full session. Town Meetings are no longer burdened by the standing vote counts that often occurred and which could significantly delay the process of presenting and debating articles before the Town.

The actual cost to fund electronic voting, in a manner similar to its implementation in past years, shall be determined in each of these fiscal years. The cost to fund electronic voting in past years has averaged \$56,765 per year and \$32,250 per Town Meeting since 2012, when it was first implemented. The cost in each fiscal year will vary based upon whether there is just a Spring Annual Town Meeting or if there is also a Fall Special Town Meeting. Two meetings increase the cost, as the equipment is rented from third party providers. The cost also varies based upon the number of attendants at Town Meeting. For instance, in 2018, the total cost of electronic voting was \$117,298, while in 2017 it was \$36,225. The lowest cost was in 2020, when the total cost was \$31,510 for the single Town Meeting in what was an unusual year due to Covid-19.

Within this Warrant, there is an Article that is expected to be debated and voted at this Annual Town Meeting entitled Remote Participation at Annual Town Meeting. Should remote participation become a reality, it is highly likely that electronic voting will be an important factor in allowing remote participation to occur (see Article R, Remote Participation at Annual Town Meeting, in this Warrant).

The Board of Selectmen recommends \_\_\_\_\_. Vote: 0-0-0

**ARGUMENTS IN FAVOR:**

- Electronic voting is more accurate than voice or hand voting at Town Meetings.
- Electronic voting eliminates the need for time-consuming standing counts when the Moderator cannot accurately resolve a close voice vote or when requested by seven voters.

- Electronic voting promotes better decision-making by eliminating intimidation and fear of retribution from public voting, thereby improving the quality of government.
- Electronic Voting prevents non-residents from fraudulently participating in voice votes.
- The use of Electronic Voting has saved the town an average of three hours per Town Meeting, reducing the duration of some Town Meetings by a full session.

**ARGUMENTS OPPOSED:**

- The cost of Electronic Voting is too high at an average annual cost of \$56,765 (\$32,520 per Town Meeting). These dollars could be better used for other needed services, which are often not funded for amounts less costly than the cost of electronic voting.
- Town meeting attendance can fluctuate year to year depending on the type and number of Warrant articles making the projected costs difficult to manage.
- Some believe that Town Meeting constitutes the legislative authority of a town where all voting members of a community come together to legislate policies and budgets. It can be important to see and understand how our community members and elected officials vote on specific town business.
- Electronic voting does not prevent all forms of voter fraud.
- Some believe that Electronic Voting is part of the budget process and resolutions are not needed.

**RECOMMENDATION:** The Finance Committee recommends \_\_\_\_\_. Vote 0-0-0

**QUANTUM OF VOTE:** Majority

*For more information about this article, contact main Petitioner Alan Reiss at [AlanJReiss@verizon.net](mailto:AlanJReiss@verizon.net)*

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## **Article II. Appointment of Finance Committee**

*Proposed by: Petitioners*

*estimated cost: \$TBD*

To determine whether the Town will vote to amend Town Code § 19-1 such that the Finance Committee is appointed by a new Finance Committee Appointing Board, as follows:

[Key to changes: underlining denotes addition; ~~striketrough~~ denotes deletion]

### **§ 19-1. Finance Committee.**

There shall be a committee called the “Finance Committee” appointed by the ~~Board of Selectmen~~ Finance Committee Appointing Board as hereinafter provided. Such committee shall consist of seven registered voters who shall serve without pay and none of whom during his or her service on such Committee shall hold elective or appointive Town office having to do with the appropriation or expenditure of Town money. Members shall serve terms of three years, such that the terms of two or three members shall expire each year. Appointment to fill unexpired terms shall be made by the ~~Board of Selectmen~~ Finance Committee Appointing Board as vacancies occur.

The Finance Committee Appointing Board (FCAB) shall consist of the Moderator and the chair of the Board of Selectmen. The incumbent members of the Finance Committee shall continue in office for the duration of their appointed terms.

#### **PETITIONERS’ COMMENTS:**

In February 2018 the Collins Center for Public Management, engaged by Selectmen to review Wayland’s financial management structure, found that “the Town’s organizational structure has not kept pace with the changes in the world impacting the Town.” See [www.mass.gov/doc/wayland-financial-management-structure/download](http://www.mass.gov/doc/wayland-financial-management-structure/download).

The Collins Center noted that, unlike the vast majority of Massachusetts towns, our Finance Committee is appointed solely by Selectmen, creating the appearance that it represents the executive branch (e.g., Selectmen, School Committee). For example, it develops the budget for the executive branch, which it then reviews for the legislative branch (Town Meeting). No town in Wayland’s self-selected 13 peer communities has Wayland’s “anachronistic” and “entangled” financial management structure.

This article ensures that the Finance Committee represents Town Meeting through the participation of the Moderator in selecting members. The solution proposed here tracks the Collins Center’s recommendations by establishing an independent Finance Committee, appointed by vote of the Moderator and Board of Selectmen chair.

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

This article sets forth a recommendation to modify the manner by which the Finance Committee for the Town of Wayland is selected. Currently, seven members serve staggered three-year terms such that two or three members have terms that end in any one year. The members of the Finance Committee are currently appointed by the Board of Selectmen. The Finance Committee is not aware of any costs that would be incurred by the Town in conjunction with this article.

According to the Collins Center report, the Finance Committee should act as an independent board responsible for recommending a budget to Town Meeting (the legislative branch), thus serving as a check on the budgeting and spending of the executive branch (e.g., Board of Selectmen). Wayland is the only one of its 13 peer towns (and the majority of the 263 towns in Massachusetts with Open Town Meeting) using this procedure. The Collins report states that the responsibilities of our Selectmen and Finance Committee are “entangled,” such that the Finance Committee is not an independent advisor to Town Meeting.

This article would provide that in the future, members of the Finance Committee would be selected by the Town Moderator and the Chair of the Board of Selectmen, acting under the Open Meeting Law. Their decision must be unanimous. The article does not change the current role of the Finance Committee. Changes in the manner by which the Finance Committee operates, including its roles and responsibilities, could be modified if the Town votes to approve the Town Manager Special Act, which is also proposed for a vote at Annual Town Meeting in 2021.

The Collins report writes extensively about the role of the Finance Committee in comparison to similar communities in Massachusetts and makes a number of recommendations with regard to changing that role. This Article does not make any such recommendations, and it could be that a change in the manner by which the Finance Committee is selected might be better incorporated into a proposal to change the role of the Finance Committee. As stated in the Collins Center report:

At the core of Wayland’s budget process issues may be the fact that, unusual for a Town of Wayland’s size and sophistication, responsibility for the annual budget statutorily lies with the Finance Committee. As stated in the bylaws, “The Finance Committee shall prepare the omnibus operating budget of the Town and submit it at the annual Town meeting.” Historically, that was how most towns operated, and that is still how many much smaller towns still operate, but most towns similar to Wayland have moved away from this model.

*Note: The Edward J. Collins, Jr. Center for Public Management is dedicated to improving efficiency, effectiveness, governance, and accountability at all levels of government, with a particular focus on state and local government. It was established by the state legislature of the Commonwealth of Massachusetts in July 2008. It is affiliated with the University of Massachusetts – Boston (web site: [www.umb.edu/cpm](http://www.umb.edu/cpm))*

Per information provided by the Petitioners:

CONSISTENCY WITH LAW: This proposed bylaw amendment is not repugnant to federal or Massachusetts law, MGL Chapter 40, Section 21.

The Board of Selectmen recommends \_\_\_\_\_. Vote: 0-0-0

**ARGUMENTS IN FAVOR:**

- As the Collins Center advises, Town Meeting is intended to serve as an independent check on the budgeting and spending of the executive branch (e.g., Board of Selectmen).
- Appointment of the Finance Committee by the Moderator and chair of the Board of Selectmen will achieve the desired independence of the Finance Committee.
- Some argue that this change may well improve decision-making at Town Meeting by aiding its comprehension of articles and reducing debate time.
- Giving the Moderator an important role in appointing the Finance Committee aligns Wayland with the majority of the 263 towns in Massachusetts with Open Town Meeting.
- The Moderator and chair of the Board of Selectmen, acting together, will have the necessary expertise to make appointments that satisfy the goals of an independent Finance Committee.

**ARGUMENTS OPPOSED:**

- Some might say that appointments are better made by five people rather than two, would provide for a more thoughtful selection process.
- The Moderator is an individual who is engaged in the Town's business at Town Meeting and is otherwise not engaged in the day-to-day business of the Town; therefore, one might argue that such an individual is not qualified to have a significant role in appointing one of the Town's operating committees.
- Some would argue that the Finance Committee in Wayland already acts as an independent committee and this can be seen in budget discussions that take place every fiscal year.
- Some would argue that changes to the Finance Committee section of the Town Code should wait for a total rewrite of the entire section.
- Most boards and committees have an odd number of members in order to avoid the possibility of one member in favor and one against, leading to no decision on potential candidates – would all appointees need to be unanimous?

**RECOMMENDATION:** The Finance Committee recommends \_\_\_\_\_. Vote 0-0-0

**QUANTUM OF VOTE:** Majority – see Massachusetts General Laws Chapter 49, Section 16, and Massachusetts General Laws Chapter 40, Section 21.

*For more information about this article, contact the lead petitioner George Harris at [geoharris2@gmail.com](mailto:geoharris2@gmail.com)*

# DRAFT

## Article S. Capital Stabilization Fund

*Proposed by: Board of Selectmen*

To see if the Town will vote to establish and fund a fund under the provisions of M.G.L. c. 40 section 5B to be known as the Capital Stabilization Fund, the purpose of which is to allow the Town, from time to time, by appropriation, to reserve funds to pay for engineering and design, renovation, reconstruction or construction of Town facilities, or the debt service for engineering and design, renovation, reconstruction or construction of Town facilities; or take any other action relative thereto.

**FINANCE COMMITTEE COMMENTS:** Passage of this article will establish a Capital Stabilization Fund to support the Town's Capital Improvement Plan (CIP). The Fund will be a tool to help level the tax impact of fluctuating expenses to maintain the town's capital assets. It will be used to defray the cost of new equipment, building repairs/maintenance and capital improvements to town land and buildings. It can also be used to pay debt service of appropriated capital projects.

The Town's debt service within the General Fund can vary significantly from year to year as bonds mature and new bonds are issued. Currently, debt service is funded through the General Fund, the Water Enterprise Fund, the Community Preservation Fund and/or Revolving Funds. The CSF would provide another source of capital funding. In years in which repairs are lighter, funds may be contributed to a stabilization fund. They will be held until voted to be used on a capital expenditure. In years in which the demand for capital is higher, Town Meeting can vote to use funds from the stabilization fund to offset the higher expense.

A stabilization fund is created with a 2/3 majority vote. [Massachusetts General State Laws](#), M.G.L. c. 40 section 5B allows the creation of one or more stabilization funds which are special reserves into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. The Town currently has a General Purpose stabilization fund and a Recreation Capital stabilization fund. This Fund will support the Town's CIP.

Appropriations into the fund are by a simple majority vote while appropriations from the fund require a 2/3 majority vote. Purchases exceeding the Fund's available balance may require other sources of funding. The Treasurer shall be the custodian of the fund and will invest these funds as allowable by state statute. Any interest earned on the assets of the fund shall be added to and become part of the Capital Stabilization Fund. Monies accumulated in a stabilization fund carry over from one fiscal

In December of 2018, the Finance Committee recommended that the Board of Selectmen create a Capital Stabilization Fund and consider what by-laws may need to be amended to set up a Capital Stabilization Fund and what the appropriate/recommended funding strategy should be. Unibank, the Town's Financial Advisor at the time affirmed the idea.

The initial funding for the Capital Stabilization fund will be from surplus capital funds that result from capital closeouts. In FY22, that amount is estimated to be \$110,000. This Fund to Fund transfer does not require an increase in taxation.

To support continued funding for current and long-term capitals requests, the Board of Selectmen intend to submit an article at the next Town Meeting that will establish and authorize capital project closeouts to fund the Capital Stabilization Fund.

The Board of Selectmen recommends Vote: 0-0-0

**ARGUMENTS IN FAVOR:** A Capital Stabilization Fund is a capital planning tool to level the tax impact of a fluctuating level of expenses to maintain the town's capital assets.

Establishing a CSF earmarks funds for capital expenses, supporting the Pay as you Go Capital program endorsed by the Town's Financial Advisors.

Funds are invested, earning interest versus sitting in a General Fund which does not earn interest.

Borrowing charges residents tomorrow for today's projects. The CSF provides a mechanism to even out the obligations.

Establishes a reliable capital planning process that makes for consistent year to year debt service planning.

**ARGUMENTS OPPOSED:** Funds in a Capital Stabilization Fund can only be spent to support Capital Projects or debt service.

Funding the stabilization fund charges residents today for future capital projects.

A Capital Stabilization Fund depends upon a defined funding mechanism, without which it is difficult to clearly articulate how the Fund will be funded.

**RECOMMENDATION:** The Finance Committee recommends Vote: 0-0-0

**QUANTUM OF VOTE:** 2/3 vote – see Massachusetts General Laws Chapter 40, section 5B.

*For more information about this article, contact Finance Director Brian Keveny at 508-358-3611 or email [bkeveny@wayland.ma.us](mailto:bkeveny@wayland.ma.us) or Town Administrator Louise Miller at 508-358-3620 or [lmiller@wayland.ma.us](mailto:lmiller@wayland.ma.us).*

# DRAFT

## **Article T. Loker Elementary School Solar Agreement**

*Proposed by: Board of Selectmen*

To determine Whether the Town will vote to:

- a.) authorize the School Committee, to transfer the care, custody, management and control of the parking lot and building of the Loker Elementary School at 47 Loker Street to the Board of Selectmen for the purpose of leasing, as lessor, or licensing said areas of land and buildings for a term of not more than twenty (20) years for the installation and operation of solar photovoltaic power generation systems to be installed and operated on canopies located in parking lot and on the roof of Loker Elementary School; and
- b.) authorize the Board of Selectmen to enter into and execute an agreement for the purchase of solar energy or net metering credits generated by said systems above to be installed and operated on canopies located in parking lot of Loker Elementary School for a term of twenty (20) years; and
- c.) authorize the Board of Selectmen, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 38H, with the approval of Town Counsel as to form, to enter into and execute a structured tax or payment in lieu of tax (PILOT) agreement in connection with the solar photovoltaic power generation systems to be installed and operated on canopies located in parking lot at The Loker Elementary School for a term of twenty (20) years upon such terms and conditions, as the Board of Selectmen shall deem to be in the best interest of the Town.

**PROPOSER'S COMMENTS:** The Energy & Climate Committee, an advisory board to the Board of Selectmen strongly favors passage of this article. The Loker solar project will build on the success of the existing solar arrays in generating financial benefits for the Town. It will show the commitments of the School Committee and the Town as a Green Community to taking meaningful steps to combat climate change. The solar project will not require any Town capital expenditure and will create immediate and tangible electric utility cost savings and property tax payments for the Town. It's an opportune time to install the solar system, as the Town will install a new roof at the school in 2021. Delay in approving this article would risk access to current state financial incentives, causing a permanent reduction in potential Town savings.

**FINANCE COMMITTEE COMMENTS:** Passage of this article authorizes the transfer of the care, custody, management and control of the Loker School and parking lot from the School Committee to the Board of Selectmen (BOS). It authorizes the BoS to sign a 20 year Power Purchase Agreement (PPA) to lease portions of the roof and parking lot of the School with a Developer for the construction and operation of a solar photovoltaic system and for the Town to purchase all of the electricity generated by

such system. This article also authorizes the Board of Selectmen to enter into agreements relative to solar canopies over the parking lots.

The Developer will design, permit, finance, install and operate the solar electric power system at no cost to the Town and sell the solar electricity to the Town at a pre-negotiated price. Some of the solar electricity will be used by the school department to pay the electricity bills at the Loker School. The excess electricity can be sent to Eversource Energy in exchange for credits the Town can apply to its electric bills. The Developer will be responsible for all costs including construction, operation, maintenance and removal of the solar systems and will work with the School Department to manage the installation schedule to minimize the impact on school activities. There are no anticipated operating costs to the Town other than processing bill payments under the PPA.

The amount of the electricity cost savings and property tax payments will depend on the ultimate size of the solar array on the roof and whether a solar canopy is installed in the Loker parking lot. The combined savings and property tax payments could exceed \$20,000 in the first year. [The potential combined benefits over 20 years could exceed \\$400,000 or more](#), depending on future utility electricity rates increases.

The pending installation of a new roof on Loker Elementary School in 2021 offers an ideal opportunity to add a solar array to that Town facility. Both the new roof and the solar array will have similar long-lives, making it likely that the Town can avoid the cost of removing panels for roof repairs. In addition, the roof and solar contractors can coordinate to ensure the roof warranty is maintained in full force. The solar array will minimize carbon-based energy use and reduce town related greenhouse gas emissions and be a visible reaffirmation of the Town's resolution to reduce its carbon-based energy use and continue to fulfill its obligations as a Green Community.

Wayland has had a positive experience with a similar agreement for the existing solar arrays at the Wayland High School, Wayland Middle School, the Town Building and the Department of Public Works facility. The 2015 Town Meeting approved and the Town entered into a PPA and the arrays commenced operations in early 2017. Collectively, the arrays have generated over \$100,000 each year in financial benefits to the Town. The existing arrays were constructed at no cost to Wayland, beyond staff time.

The Board of Selectmen recommends approval. Vote: 5-0-0.

The Energy & Climate Committee recommends approval. Vote: 5-0-0.

The School Committee recommends approval. Vote: 5-0-0.

**ARGUMENTS IN FAVOR:** The existing four solar arrays have generated savings and tax revenues with no operating issues. The Town can build on that good experience and add a fifth project.

The solar electricity generated is projected to exceed the Loker School's annual electricity requirements, and Eversource credits for the excess power can be used to reduce the other electricity bills.

The new roof and the solar array will have similar long-lives, making it likely the Town can avoid the cost of removing panels for roof repairs.

The Developer will have sole liability related to construction and operation of the solar arrays.

**ARGUMENTS OPPOSED:** The value of the utility's net metering credits will vary over time. Lower electricity prices might reduce the value of the credits and the net savings to the Town.

The projected net electricity saving assumes continuation of the state's net metering credit solar incentive program.

There is no guarantee the Developer will be in existence to maintain the solar arrays during the twenty-year life of the PPA or to remove the arrays at the end of the agreement.

There could be incremental costs if the Town damages the solar array or if they have to be removed to support roof maintenance.

**RECOMMENDATION:** The Finance Committee recommends Vote 0-0-0

**QUANTUM OF VOTE:**

- a) Two-thirds – see Massachusetts General Laws Chapter 40, Section 15A
- b) Majority – see Massachusetts General Laws Chapter 40, Section 4 and Chapter 30B, Section 12(b)
- c) Majority – see Massachusetts General Laws Chapter 59, Section 38H

*For more information about this article, contact Town Administrator Louise Miller at 508-358-3620 or email [lmiller@wayland.ma.us](mailto:lmiller@wayland.ma.us).*