

ARTICLE LIST 2022 ANNUAL TOWN MEETING

| Article | Article Name | Status | Sponsor | BoS Assignee | FinCom Assignee | Position BoS | Position FinCom | BoS Goal relates to | Tasks to be completed |
|---------|---|-----------|--------------------|--------------|-----------------|-------------------|-----------------|---------------------|---|
| A | Recognize Citizens & Employees for Particular Service to Town | submitted | Board of Selectmen | Karlson | Roman | 5-0-0 In Favor | | | <ul style="list-style-type: none"> coordinate with Town Clerk and Benefits Manager who research citizens and employees |
| B | Pay Previous Fiscal Year Unpaid Bills* | submitted | Board of Selectmen | Gutbezahl | Roman | | | | <ul style="list-style-type: none"> Finance Director to coordinate with all department managers |
| C | Current Year Transfers* | submitted | Board of Selectmen | Gutbezahl | Roman | | | | <ul style="list-style-type: none"> TA and Finance Director to coordinate with all department managers |
| D | OPEB Funding* | submitted | Board of Selectmen | Gutbezahl | Lappin | | | | <ul style="list-style-type: none"> TA and Finance Director to coordinate with Treasurer |
| E | Enterprise Fund Budget* | submitted | Board of Selectmen | Gutbezahl | Hoyle | | | | <ul style="list-style-type: none"> TA and Finance Director to coordinate budgets with DPW Director and Waste Water Management District |
| F | Fiscal Year 2023 Revolving Fund Expenditure Limits* | submitted | Board of Selectmen | Gutbezahl | Hoyle | | | | <ul style="list-style-type: none"> Finance Director to coordinate with relevant department managers |
| G | Compensation for Town Clerk* | submitted | Board of Selectmen | Karlson | Roman | | | | <ul style="list-style-type: none"> TBD whether necessary TA to coordinate with HR Manager and Town Clerk re salary comparables |
| H | Personnel Bylaws and Wage & Classification Plan* | submitted | Board of Selectmen | Karlson | Roman | | | | <ul style="list-style-type: none"> TA and HR Manager to work with Personnel Board TA and HR Manager to coordinate with relevant department managers |
| I | Surface Water Quality Committee Budget* | submitted | Board of Selectmen | Martin | Bruno | 5-0-0 In Favor | | | <ul style="list-style-type: none"> Action completed |
| J | FY 2023 Omnibus Budget | submitted | Finance Committee | | Steinberg | | | | <ul style="list-style-type: none"> FinCom to provide |
| K | New Stonebridge Resolution – expenditure of funds | submitted | Board of Selectmen | Watkins | Hoyle | | | | <ul style="list-style-type: none"> TA to provide back-up documents |
| L | Outdoor Seating bylaw | submitted | Planning Board | Fay | Correia | | | | <ul style="list-style-type: none"> Town Planner to coordinate with Planning Board – Hearing and Report |
| M | Acquisition of Land at Town Center | submitted | Board of Selectmen | Fay | Correia | | | | <ul style="list-style-type: none"> TA to provide back-up documents |
| N | CoA/CC Construction | submitted | Board of Selectmen | Fay | Correia | | | | <ul style="list-style-type: none"> TA to coordinate with Public Buildings Director – site plan engineering, architectural cost estimate |
| O | Loker Grass Field Construction | submitted | BoS/Rec Commission | Watkins | Roman | | | | <ul style="list-style-type: none"> TA to coordinate with Public Buildings Director, Recreation Director, and ATA - design, permitting, bidding |
| P | Lease of Cell Tower at Reeve's Hill | submitted | Board of Selectmen | Fay | Hoyle | | | | <ul style="list-style-type: none"> TA to negotiate lease |
| Q | Transfer of 212 Cochituate Rd | submitted | Board of Selectmen | Karlson | Lappin | | | | <ul style="list-style-type: none"> Board of Selectmen to vote preferred alternative TA to prepare documents necessary for preferred alternative |

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| T | Bylaw Chapter 19-3 | Submitted | Board of Selectmen | Martin | Lappin | | | | <ul style="list-style-type: none"> BoS to coordinate with FinCom |
| R | Solar at the Route 20 North Landfill | submitted | Board of Selectmen | Fay | Correia | | | | <ul style="list-style-type: none"> TA to coordinate with Public Buildings Director and EC&C |
| S | Purchase of Launcher Way | Submitted | Board of Selectmen | Karlson | Bruno | | | | <ul style="list-style-type: none"> TA to coordinate bid process (Department of Defense) |
| U1 | Wastewater Capital Budget Request | submitted | WWMDC | Karlson | Lappin | 0-5-0 | | | <ul style="list-style-type: none"> TA to coordinate with WWMDC |
| U2 | Wastewater Capital Budget Request* | submitted | WWMDC | Karlson | Lappin | | | | <ul style="list-style-type: none"> |
| V | Choose Town Officers* | submitted | Board of Selectmen | Gutbezahl | Hoyle | 5-0-0 In Favor | | | <ul style="list-style-type: none"> Board of Selectmen to provide |
| W | Hear Reports* | submitted | Board of Selectmen | Gutbezahl | Hoyle | 5-0-0 In Favor | | | <ul style="list-style-type: none"> Relevant Boards to provide |
| X | Sell or Trade Vehicles and Equipment* | submitted | Board of Selectmen | Gutbezahl | Lappin | 5-0-0 In Favor | | | <ul style="list-style-type: none"> ATA to coordinate with relevant department managers |
| Y | CPA: Set Asides* | submitted | Community Preservation Committee | Martin | Bruno | 5-0-0 In Favor | | | <ul style="list-style-type: none"> ATA to coordinate with CPC as relevant |
| Z | Conservation Cluster By-Law | submitted | Planning Board | Fay | Correia | | | | <ul style="list-style-type: none"> Town Planner to coordinate with Planning Board – Hearing and Report |
| AA | Accept gifts of Land | submitted | Board of Selectmen | Fay | Roman | | | | <ul style="list-style-type: none"> TA to provide back-up documents |
| BB | Amend Chapter 77. MAHT Fund* | submitted | Municipal Affordable Housing Trust | Karlson | Lappin | | | | <ul style="list-style-type: none"> TA to coordinate with Town Counsel |
| CC | Capital Stabilization Funding* | Submitted | Board of Selectmen | Watkins | Lappin | | | | <ul style="list-style-type: none"> TA to work with BoS and Finance Director |
| DD | Oxbow Field ADA Accessibility | submitted | Board of Selectmen | Watkins | Roman | | | | <ul style="list-style-type: none"> ATA to work with BoS |
| EE | Capital Improvement Committee | submitted | Board of Selectmen | Watkins | Steinberg | | | | <ul style="list-style-type: none"> BoS to discuss. TA to coordinate with Town Counsel |
| FF | Local Historic District Bylaw Amendment | submitted | Historic District Commission | Martin | Bruno | | | | <ul style="list-style-type: none"> TA to coordinate with Town Counsel |
| GG | Historic: Library Document Conservation | submitted | Community Preservation Committee | Martin | Bruno | 5-0-0 In favor | | | <ul style="list-style-type: none"> ATA to work with CPC |

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| HH | Housing: 89 Oxbow Fire Sprinkler System | submitted | Community Preservation Committee | Martin | Bruno | | | | <ul style="list-style-type: none"> ATA to work with CPC and Town Counsel |
| II | Housing: Launcher Way Acquisition | submitted | Community Preservation Committee | Karlson | Bruno | | | | <ul style="list-style-type: none"> TA to coordinate bid process (Department of Defense) |
| JJ | Open Space: Sherman Bridge Road Acquisition | submitted | Community Preservation Committee | Martin | Bruno | | | | <ul style="list-style-type: none"> TA to coordinate with CPC, Conservation Commission, and Town Counsel |
| KK | Wayland Free Library | submitted | Board of Library Trustees | Watkins | Steinberg | | | | <ul style="list-style-type: none"> TA to coordinate with Public Buildings Director and Library Trustees re design and architectural estimate |
| LL | Appointment of Finance Committee | submitted | Moderator | Martin | Steinberg | | | | <ul style="list-style-type: none"> BoS to work with Moderator. TA to coordinate with Town Counsel. |
| MM | Town Acceptance of Whittemore Lane | submitted | Petitioners | Karlson | Hoyle | | | | <ul style="list-style-type: none"> TA to coordinate with Planning Board and Board of Public Works |
| NN | Rescind Appropriation for Framingham Bridge | submitted | Petitioners | Watkins | Hoyle | | | | <ul style="list-style-type: none"> See above – Article K |
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* Board of Selectmen recommendation for abbreviated procedure

| Appendix | Appendix Name | Status | Tasks to be completed |
|----------|-----------------------------------|--------|-----------------------|
| A | Moderator’s Rules and Regulations | | |
| B | | | |
| C | | | |
| D | | | |

Article BB. Amend Chapter 77. MAHT Fund

Proposed by: Municipal Affordable Housing Trust Fund

To determine whether the Town will vote to amend Town Code Chapter 77, Municipal Affordable Housing Trust Fund, by making the following revisions thereto¹:

[Key to revisions: underlining = additions]

Chapter 77. Municipal Affordable Housing Trust Fund

§ 77-1. Establishment; purpose.

There shall be a trust to be known as the Municipal Affordable Housing Trust Fund, referred to in this chapter as the Trust. The purpose of the Trust is to provide for the creation and preservation of affordable housing in the Town of Wayland for the benefit of low- and moderate-income households and for the funding of community housing, as defined in and in accordance with the provisions of MGL c. 44B, in the Town of Wayland.

§ 77-2. Board of Trustees; appointment; terms.

The Trust shall be governed by a board consisting of seven trustees (the Board). At least one trustee shall be a member of the Board of Selectmen. In making appointments to fill the remaining positions, the Board of Selectmen shall give preference to the following: (i) a member of the Wayland Housing Authority; (ii) a member of the Planning Board; (iii) a member of the Housing Partnership; (iv) a real estate law specialist licensed to practice law in the Commonwealth of Massachusetts; and (v) two residents. The Trustees shall be appointed by the Board of Selectmen and shall serve for terms of two years beginning on July 1 and expiring on June 30, except as hereinafter provided. The initial terms of four of the Trustees shall be for one year and three of the Trustees shall be for two years. The Board of Selectmen shall strive for geographical diversity for the benefit of the entire Town. Thereafter, the terms of all Trustees shall be for two years, except for Trustees who are appointed to fill the unexpired term of a Trustee whose position has become vacant before the end of the term. There shall be no limit on the number of terms served by an individual.

§ 77-3. Powers; authority.

The Board shall have the powers set forth herein for the Trust which is on file in the office of the Town Clerk, and the following powers, all of which shall be carried out as fiduciaries through the exercise of

¹ As noted under *Background Information*, substantially all of the proposed changes shown below represent the changes made to M.G.L. c. 44 § 55C by Chapter 218 of the Acts of 2016, Sections 95 to 97, with the change made by said Section 95, however, limited to the funding of community housing "in the Town of Wayland" (which is consistent with the existing limitation noted for the creation and preservation of affordable housing). Further, the proposed addition of "loan agreements" in § 77-3, Section D below is intended to provide explicit authority to the Board to execute such agreements which the Trustees believe is currently permitted under the existing catch all language "... and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust." The Trustees want to ensure they have the authority to use loan agreements versus grant agreements in situations where the recipients are deemed to have the ability to repay the financial support provided by the Trust at some point in the future.

due diligence and prudence and in furtherance of the purposes of MGL c. 44, § 55C:

- A) To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any by-law or any general or special law or any other source, including money from said Chapter 44B, provided, however, that any such money received from said Chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the trust; and, provided further, at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said Chapter 44B are reported to the community preservation committee of the Town for inclusion in the community preservation initiatives report, Form CP-3, to the department of revenue; except that transfers of Town- owned real property to the Trust shall be approved by a two-thirds supermajority vote of a Town Meeting pursuant to MGL c 40, § 15A;
- B) To purchase and retain real or personal property, including, without restriction, investments that yield a high rate of income or no income;
- C) To sell, lease, exchange, transfer or purchase real property. The purchase and/or development of more than two dwellings must be approved jointly by the Board of Selectman and Planning Board;
- D) To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, loan agreements, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
- E) To employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
- F) To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- G) To apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- H) To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- I) To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
- J) To carry property for accounting purposes other than acquisition date values;

- K) To borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral, except that (i) the Board shall not mortgage or pledge as security an amount greater than the total current assets of the Trust, unless such greater amount is approved by the Board of Selectmen and by the Planning Board by a majority vote and (ii) no money borrowed and no debt issued by the Board shall be an obligation of the Town of Wayland.
- L) To make distributions or divisions of principal in kind;
- M) To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;
- N) To manage or improve existing real property; and to abandon any property which the Board determined not to be worth retaining;
- O) To hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and
- P) To extend the time for payment of any obligation to the Trust.

FINANCE COMMITTEE COMMENTS: The Trust was established pursuant to Chapter 491 of the Massachusetts Acts of 2004, as amended by Sections 1 through 6 of Chapter 109, i.e., M.G.L. c. 44 §55C, and authorized by the vote of the 2014 Annual Town Meeting under Article 12 of the Warrant thereof.

The current provisions of Town Code Chapter 77, Municipal Affordable Housing Trust Fund, were based on the statutory language contained in M.G.L. c. 44 §55C in 2014.

On August 9, 2016, Governor Charlie Baker signed into law a municipal governance reform package, i.e., Chapter 218 of the Acts of 2016: An Act Modernizing Municipal Finance and Government (H.4565), that included sections, i.e., Section 95 to 97, that changed the way Community Preservation Act (CPA) funds are transferred and used by Municipal Affordable Housing Trusts (MAHTs).

Many communities, including the Town of Wayland, use MAHTs as a tool to create affordable housing, and it is common for these local trusts across the state to receive funding from the CPA. Previously, the CPA and Housing Trust statutes were not aligned in how the funding could be used, and it was not clear that all of the rules of the CPA followed as the money was placed into MAHTs. In addition, it was difficult to track how much housing was created across the state with the CPA funding that had been transferred to MAHTs.

The 2016 legislation made the following changes to how housing trusts function with CPA funding:

- Expanded the allowable uses for MAHT expenditures to match those of the CPA. Provided that the transfer of funds is not restricted by the Community Preservation Committee recommendation, trusts can now expend funds for any community housing activity that is allowable under CPA;
- Clarified that all rules and restrictions of Chapter 44B, the CPA, remain in force even after the CPA funds are transferred to a MAHT;

- Required that MAHTs track CPA funds separately from other funding sources and annually report on the use of those funds in the municipalities' CP-3 reporting to the Department of Revenue; and
Authorized MAHTs to execute grant agreements. Most communities require a grant agreement between the municipality and their MAHT to establish conditions for the transfer of the CPA funds. To date, the Town of Wayland has not required such a grant agreement. Trusts currently do not have explicit authority to execute grant agreements, whether such agreements are between a municipality and its MAHT or between the MAHT and qualifying grant recipients.

Substantially all of the proposed revisions to Town Code Chapter 77, Municipal Affordable Housing Trust Fund will ensure that the way in which CPA funds are transferred to and used by the Town's MAHT are consistent with the provisions included in Chapter 218 of the Acts of 2016, Sections 95 to 97, noted above.

The proposed addition of "loan agreements" in § 77-3, Section D is intended to provide explicit authority to the Board to execute such agreements that the Trustees believe are otherwise permitted under the existing catch all language "... and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust" in said section. The Trustees want to ensure they have the authority to use loan agreements versus grant agreements in situations where the recipients are deemed to have the ability to repay the financial support provided by the Trust at some point in the future.

The Board of Selectmen recommends **insert recommendation**. Vote: **insert**

ARGUMENTS IN FAVOR: Proponents may argue that the proposed revisions eliminate any potential for uncertainty regarding whether noted Sections 95 to 97 will apply to the Town of Wayland's MAHT.

Proponents may argue that clear authority is preferred in order to loan funds to qualified recipients who might otherwise be eligible to receive a grant, particularly in situations where the recipient is expected to have the ability to repay the financial support provided by the Trust at some point in the future.

ARGUMENTS OPPOSED: Opponents may argue that the proposed changes are unnecessary because Chapter 218 of the Acts of 2016, Section 246 provides that "Sections 95 to 97, inclusive, shall apply to all funds held in trust under chapter 44B of the General Laws on or after the effective date of this act."

Opponents may argue that the Trustees should not have the authority to loan funds to qualified recipients who might otherwise be eligible to receive a grant.

RECOMMENDATION: The Finance Committee recommends **insert**. Vote: **insert**

QUANTUM OF VOTE: Majority.

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 Acting Town Administrator Stephen Crane at scrane@wayland.ma.us

Article D. OPEB Funding

Proposed by: Board of Selectmen

Estimated Cost: \$530,254

To determine whether the Town will vote to:

a) appropriate an aggregate amount of \$30,254 to be deposited in the Town's Other Post-Employment Benefits Trust Fund which amount shall be provided by transferring the following sums of money from the enterprise and revolving funds:

| | | | |
|--------------------------|----|-------|-------|
| 1) Food Service | \$ | 6,163 | |
| 2) BASE | \$ | 5,551 | |
| 3) Children's Way | \$ | 8,364 | |
| 4) Full Day Kindergarten | \$ | 0 | |
| 5) Water | \$ | 7,694 | |
| 6) Wastewater | \$ | 827 | |
| 7) Recreation | \$ | 1,655 | |
| 8) Pegasus | \$ | 0 | |
| 9) Building Use | \$ | 0 | |
| 10) Enrichment | \$ | 0 | ; and |

b) Appropriate \$500,000 to be deposited in the Town's Other Post-Employment Benefits Trust Fund; and that said appropriation be provided by taxation.

FINANCE COMMITTEE COMMENTS: This article funds an Other Post-Employment Benefits (OPEB) contribution from two sources: a) enterprise and revolving funds and b) taxation.

Like other towns in Massachusetts, Wayland provides health insurance for benefit eligible retirees. The Government Accounting Standards Board (GASB) requires the Town to perform periodic actuarial valuations, based on prescribed accounting standards that measure the obligations accruing under its OPEB plans. While GASB requires that this liability be included on the balance sheet, GASB does not require funding this liability. The funding decision is up to the Town.

The Town pays the cost of current retiree insurance premiums as they are incurred as part of its operating budget. The Town historically contributed an additional amount to the OPEB Fund for future premium payments from available funding sources, including taxation and Free Cash. While the amount contributed to the OPEB Fund as described in b) above was appropriated entirely from taxation since FY19, revenue pressures as a result of COVID-19 warranted the use of Free Cash for the FY22 contribution. The Town is now capable of returning to the use of taxation, rather than Free Cash, as the funding source for this contribution for the upcoming fiscal year, and anticipates remaining capable of doing so in future years.

Total OPEB Liability ("TOL") is reported on a fiscal year basis. As of June 30, 2021, the TOL, as determined under GASB was \$59,283,923. Plan assets were \$25,009,642. The Net OPEB Liability, which equals the TOL less assets, was \$34,274,281. A useful metric for gauging funding progress is the ratio of assets to total liabilities, or the funded ratio, which is 42.19% as of June 30, 2021, as compared to 39.01% as of June 30, 2020. Wayland continues to be a leader among municipalities in addressing this long-term liability, which has been viewed favorably by Moody's in assessing the Town's credit.

The Town requested that its actuary, Odyssey Advisors ("Odyssey"), update the Town's actuarial liability funding tables as of June 30, 2021 to determine a level funding contribution to achieve full funding in 2041 based on current actuarial assumptions. Odyssey determined the level annual funding contribution through 2041 to be \$550,000 if all assumptions are realized. Actual results will vary due to differences

between plan experience and assumptions. Key assumptions include, without limitation, a 6.75% discount rate and expected investment return and approximately 4.5% medical cost trend.

The amount in b) is recommended at \$500,000 and this same amount is planned as a sustainable annual contribution to fund the OPEB liability as part of the Town's long-term financial planning. The methodology for calculating the amounts in part a) totaling \$30,254 is a per FTE expense at the same rate as in part b) in order to represent the fair share of the total amount to be paid from the enterprise and revolving funds.

The Board of Selectmen recommends _____. Vote: __ - __ - __

ARGUMENTS IN FAVOR: OPEB liabilities are accrued over the service period of the employees earning these benefits because that recognizes the cost as it is earned. While there is no mandate to fund these obligations, proponents may argue it is prudent financial practice to fund towards benefits as they are earned rather than leave the obligation for future generations to pay.

Moody's has listed the Town's aggressive funding of OPEB liability as one of the Town's credit strengths and noted that, at the Town's current rate, the liability could be fully funded well ahead of most local governments.

Contributions to the OPEB Trust Fund represent the funding set aside to pay the contractually obligated future OPEB benefits. All contributions to the fund will accumulate at tax free rates and will result in lowering future operating expenses for the payment of OPEB benefits.

ARGUMENTS OPPOSED: Opponents may argue that our annual funding contributions should be larger because OPEB liabilities represent the projected value of benefit commitments made in the past, which should have been fully funded as earned. Since they were not fully funded as earned, we should fund a larger amount to close the gap faster.

There is no legal mandate to fund these liabilities, and this generation of taxpayers is being asked to bear a cost for current retirees as well as contribute towards the annual accrual for active employees. Therefore, opponents may argue a lower funding level is justified.

RECOMMENDATION: The Finance Committee recommends _____. Vote: __ - __ - __

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

For more information about this article, contact Finance Director Brian Keveny at bkeveny@wayland.ma.us.

Article G. Compensation for Town Clerk

Proposed by: Board of Selectmen

Estimated Cost: \$84,741

To determine whether the town will vote to fix the salary for the Town Clerk, pursuant to Massachusetts General Laws Chapter 41, Section 108, to be effective July 1, 2022.

SALARY SCHEDULE – TOWN CLERK

| | <u>FY 2022</u> | <u>FY 2023</u> |
|------------|----------------|----------------|
| Town Clerk | \$82,674 | \$84,741 |

FINANCE COMMITTEE COMMENTS: This Article is needed as long as the Town Clerk is an elected position. The Town Manager Special Act, which was passed at the 2021 Annual Town Meeting, is still pending approval by the state. Once enacted, the position of Town Clerk becomes an appointed position, and this article will either be withdrawn or passed over as the Town Clerk's salary is in the FY2023 budget. As of this writing (February 10), the Act is awaiting Senate approval.

As presented, this article requests that Town Meeting approve a salary increase for the Town Clerk. By law, annual wage adjustments for an elected Town Clerk are subject to Annual Town Meeting approval. The Board of Selectmen and Town Clerk request an increase of 2.5% at the Non-Union Grade N-8 step 6 level.

This article is placed before the Budget Article because the Town Clerk's salary is embedded in the Town Clerk salary line item.

The Board of Selectmen recommends **insert**. Vote: **insert**

ARGUMENTS IN FAVOR: This article sets the salary of the Town Clerk at an appropriate compensation level and provides a salary table structure for future annual increases.

The Town Clerk position requires a broad knowledge base, superior customer service, knowledge of election and other laws and demands long hours. A salary at this level is required to attract and retain good, qualified candidates.

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

RECOMMENDATION: The Finance Committee recommends **insert**. Vote: **insert**

QUANTUM OF VOTE: Majority.

For more information about this article, contact Acting Town Administrator Stephen Crane at scrane@wayland.ma.us

Article H. Personnel Bylaws and Wage & Classification Plan

Proposed by: Board of Selectmen

Estimated Cost: \$ TBD

To determine whether the Town will vote to

- a) amend the Code of the Town of Wayland, Chapter 43, PERSONNEL and the Personnel Wage and Salary Classification Plan (Appendix B) previously adopted by the Town to amend recreational and seasonal positions and adjust selected positions affected by the Massachusetts minimum wage;
- b) transfer from FY22 budgeted Unclassified: Reserve for Salary Settlement account **\$32,441** for the purpose of funding FY21 and FY22, the first and second years of the collective bargaining agreements for the period of July 1, 2020 through June 30, 2021 and July 1, 2021 through June 30, 2022, reached between the Town of Wayland and the Library Union and to authorize the Town Accountant to allocate said amounts to be distributed to and among the department personnel and line items affected thereby in such amounts as are proper and required;
- c) transfer from FY22 budgeted Unclassified: Reserve for Salary Settlement account **\$XX** for the purpose of funding the cost items of FY22 in the agreement for the period of July 1, 2021 through June 30, 2022 reached between the Town of Wayland and AFSCME 1 & 2, and to authorize the Town Accountant to allocate said amounts to be distributed to and among the department personnel and line items affected thereby in such amounts as are proper and required; and
- d) transfer from FY22 budgeted Unclassified: Reserve for Salary Settlement account **\$XX** for the purpose of funding FY21 and FY22, the first and second years of the collective bargaining agreement for the period of July 1, 2020 through June 30, 2021, and July 1, 2021 through June 30, 2022, reached between the Town of Wayland and the Fire Union and to authorize the Town Accountant to allocate said amounts to be distributed to and among the department personnel and line items affected thereby in such amounts as are proper and required.

FINANCE COMMITTEE COMMENTS: Passage of this article will amend the Code as shown in Appendix B by establishing the FY23 salary tables for those unions with settled contracts, Library, **Fire and AFSCME (both pending settlement)**, and for non-union employees. Additionally, it will transfer monies to fund the first and second years (FY21 and FY22) of the settled contracts for Library (paragraph b above). **(Add sentences if other two unions settle.)** All appropriations transfer available funds from the Unclassified: Reserve for Salary Settlement line item.

The Wage and Classification Plan allows for periodic wage increases for non-union staff based on employee longevity and provides for reasonable wage growth over time. The tables in Appendix B reflect a 2.5% increase for all non-union employees effective July 1, 2022.

For informational purposes only, union employees in bargaining units with negotiated labor contracts during this cycle of bargaining have their FY23 wage tables listed as well.

The non-union increases are commensurate with the contracts settled by the Schools and the other Town unions at a FY23 2.5% cost of living adjustment increase. The remainder of the Town union contracts are still being negotiated. Hourly and seasonal non-union employee wages have been adjusted for the increase in MA minimum wage.

The Board of Selectmen recommends **insert**. Vote: **insert**

ARGUMENTS IN FAVOR: The Wage and Classification Plan allows for periodic wage increases for non-union employees and provides for reasonable wage growth over time depending on economic conditions.

Recreational seasonal wage adjustments will keep Wayland competitive in this market. The adjustments are also consistent with the Recreation Department's efforts to certify their summer programs with the State.

Passage of this Article will continue to keep the Town in compliance with Massachusetts minimum wage requirements.

ARGUMENTS OPPOSED: Some would say that salary growth should be lower based on current economic conditions and that wages should not be adjusted.

RECOMMENDATION: The Finance Committee recommends **insert**. Vote: **insert**

QUANTUM OF VOTE: Majority.

For more information about this article, contact Acting Town Administrator Stephen Crane at scrane@wayland.ma.us

Article Q. Transfer of 212 Cochituate Rd

Proposed by: Board of Selectmen

Really rough – allows all the options, so needs to be narrowed down once the Board decides its approach.

To determine whether the Town will vote to transfer to the Board of Selectmen, for general municipal purposes, the fee or any lesser interest in all or any part of the parcels of land, on and off 212 Cochituate Road, a tax title foreclosure property **INSERT DESCRIPTION OF PROPERTY**, owned by the Town of Wayland **INSERT ASSESSOR MAP NUMBER**, and further to authorize the Board of Selectmen to **TRANSFER SUCH PROPERTY TO ----- OR SELL SUCH PROPERTY AND** execute any and all documents as may be necessary or convenient in relation thereto or take action relative thereto, AND transfer THE PROCEEDS OF ANY SALE TO the real estate fund, or TO USE THE PROCEEDS TO -----, otherwise.

FINANCE COMMITTEE COMMENTS: The Town of Wayland has acquired the above property through tax-title foreclosure under the status as a “Tax Property”. The Town has several options on how to proceed with this property:

- (1) Without going to Town Meeting, the Town through its Board of Selectmen, may publicly auction off the property to the highest bidder and use the proceeds to pay off the outstanding real estate taxes. The remainder balance can go to the general fund or Town Meeting may vote on how to use the remaining funds;
- (2) Town Meeting may transfer the Tax Property to the Board of Selectmen for general municipal purposes and authorize the Selectmen to sell the property. The proceeds of the sale could be used to fund a specific project, if Town Meeting chooses, or may be deposited in the Real Estate Fund for later appropriation by Town Meeting as requested by the Board of Selectmen; or
- (3) The Town may transfer jurisdiction to the Board of Selectmen for general municipal purposes, which would allow the Board of Selectmen to determine the highest and best use of the property.

This article asks the Town to transfer the land to the Board of Selectmen for general municipal purposes (option 3 above). This allows the Board of Selectmen, with input from the community, time to further assess the best uses of the land before making a decision on whether to sell (requires future Town Meeting approval – *confirm*) or transfer the land to the Municipal Affordable Housing Trust (requires future Town Meeting approval – *confirm*) for development or determine another municipal use.

The named property contains 4 acres in an R60 residential zone and is assessed at \$562,500. The home is uninhabitable. Conservative estimates of the market value of the parcel to a developer are about \$1,000,000. Total taxes owed are about **\$100,000 (confirm amount)**.

Wayland’s affordable housing committees have expressed interest in the land for potential development of affordable housing or a residential adult group home, and representatives of the Municipal Affordable Housing Trust Fund Committee, the Housing Partnership and the Wayland Housing Authority have met with the Board of Selectmen on the topic. Because the Town does not yet have title to the land, no pre-construction testing can be done on the site to determine soil conditions or the number of units which could be built. A majority of the Board expressed support for using the land for affordable housing.

Wayland has attained the 10% affordable housing threshold and is in a ‘safe harbor’ situation as a result of the units pending development of Alta @ River’s Edge, the Mahoney’s property, and the School Street property. While additional affordable housing is still needed, the Town now has more authority to work with potential developers having reached the 10% threshold. This would be true if the 212 Cochituate Road property was developed for affordable housing.

The Board of Selectmen recommends **insert**. Vote: **insert**

ARGUMENTS IN FAVOR: This option of transferring the land to the Board of Selectmen allows the most flexibility in determining the future use of the land. At this time, no testing can be done to decide how the parcel might be developed for an affordable housing option.

The Board of Selectmen and the Town have shown a commitment to providing multiple types of affordable housing. Land in Wayland is expensive and having the option to transfer this land to the MAHT is an opportunity that does not happen often.

Development as affordable housing and/or an adult residential home will bring additional tax revenue to the Town.

The ability to own a developable 4 acre residential parcel for municipal purposes has been described as a ‘once in a lifetime’ opportunity.

ARGUMENTS OPPOSED: The Town could receive approximately \$1,000,000 for the sale of this parcel and, if it is developed with two houses, an ongoing tax revenue stream of well over \$50,000 annually. Given the Town’s limited revenue resources, this could be an important addition to revenue.

There is an opportunity cost in terms of sales proceeds and tax revenues by not selling the parcel.

All we do is take property off the tax roll and shift the tax burden to other residential property owners.

RECOMMENDATION: The Finance Committee recommends **insert**. Vote: **insert**

QUANTUM OF VOTE: Majority. **Town counsel to confirm quantum of vote.**

For more information about this article, contact Acting Town Administrator Stephen Crane at scrane@wayland.ma.us

Article U. Wastewater FY2022 Budget Request

Proposed by: Board of Selectmen, Wastewater Management
District Commission

Estimated Cost: \$170,000

To determine whether the Town will vote to increase the Wayland Wastewater Management District Commission's FY2022 budget in the amount of \$170,000 for the purchase of membranes for the Wastewater Treatment Plant.

FINANCE COMMITTEE COMMENTS: This request to increase the Wastewater Management District Commission's (WWMDC) budget by \$170,000 to purchase membranes represents the first part of a repairs and maintenance project with a total estimated cost of \$300,000. The membranes have a significant lead time on orders and adjusting the FY2022 budget allows the order to be placed upon passage of this article.

The current membranes are exhibiting reduced performance, and operational staff strongly believe it is advisable to replace the membranes as soon as possible. The installation and ancillary associated project improvements will occur in FY2023 and are part of the WWMDC's enterprise fund budget in Article [insert](#).

The existing membranes have a finite lifespan. Originally expected to last 10-12 years, the current membranes are nearing ten years in age and are exhibiting signs of significant decreased performance. The membranes are a critical component of the process that provides for the separation of the wastewater solids and other materials to produce the high-quality effluent that is required by the current National Pollutant Discharge Elimination System permit. Failure of the membranes will result in substantial cost increases and permit violations.

Funding for this \$170,000 increased budget request will come from wastewater revenues. The balance of the project funding of \$130,000 will come from retained earnings in FY2023. Any unexpended funds, as part of the project, will be returned to the Enterprise Fund.

The Board of Selectmen recommends [insert recommendation](#). Vote: [insert](#)
The Wastewater Management District Commission recommends approval. Vote: 2-0-0

ARGUMENTS IN FAVOR: Passage of this article will allow for ordering the membranes now to help compensate for multi-month supply chain delays and hopefully allow this project to be completed on time in FY2023.

Without this additional appropriation, the WWMDC does not have sufficient authorized funding to order the membranes.

The membranes are a key component to the successful and regulatory compliant operation of the wastewater treatment plant and should be replaced as they are at end of life.

The WWMDC is scheduled to receive a \$150,000 connection privilege fee that was not included in the FY2022 budget. This increase in revenue will offset all but \$20,000 in the budget increase requested by this article.

ARGUMENTS OPPOSED: The WWMDC is relying on payment of a \$150,000 connection privilege fee to have sufficient revenues to fund this budget increase. As of this writing (February 13), the fee is anticipated, but has not been paid yet. Payment is required for the article to proceed.

RECOMMENDATION: The Finance Committee recommends **insert recommendation**. Vote: **insert**

QUANTUM OF VOTE: Majority.

For more information about this article, contact Acting Town Administrator Stephen Crane at scrane@wayland.ma.us

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