

TOWN OF WAYLAND

WARRANT



2013 ANNUAL TOWN MEETING

Thursday, April 4, 2013 7:30 P.M.

PLEASE NOTE:

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

WAYLAND HIGH SCHOOL FIELD HOUSE

DOORS OPEN AT 6:00 P.M.

ANNUAL TOWN ELECTION

Tuesday, April 2, 2013

Precincts 1 and 4

Town Building Gymnasium

Precincts 2 and 3

Wayland Middle School Gymnasium

VOTING HOURS: 7:00 A.M. to 8:00 P.M.

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 Annual Town Meeting would be helpful.

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



TOWN OF WAYLAND 2013 ANNUAL TOWN MEETING WARRANT

WITH REPORT OF THE FINANCE COMMITTEE

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ADJOURNED MEETINGS

It is anticipated that if adjourned meetings are necessary to complete action on this warrant, they will be held on the following dates and times, subject to Town Meeting approval:

April 4 – Sunday	1:00 p.m.
April 9 – Tuesday	7:30 p.m.
April 10 – Wednesday	7:30 p.m.

and thereafter, as may be necessary, on dates as Town Meeting directs.

If you have any questions about the Articles, please attend **the Warrant Hearing on Wednesday, March 27, 2013, at 7:00 P.M.** at the Town Building. You may also call the Town Administrator's office at (508) 358-3621 before Town Meeting.

NOTICE REGARDING MOTIONS

This warrant for Wayland Town Meeting is issued by the Board of Selectmen and is served upon all residents by mail to each household 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 - the articles.

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

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

TOWN MEETING PROCEDURES

Town Meeting functions best when all voters are familiar with its rules of procedure. A summary of those rules appears in the document, "The Moderator's Rules and Regulations Governing Wayland's Town Meetings" prepared by the Moderator and included as part of this warrant booklet. See rules at Appendix A at page 116. Copies of the pamphlet, "The Moderator's Handbook for Wayland Town Meetings," are available at the Selectmen's Office in the Wayland Town Building, or online at http://www.wayland.ma.us/Pages/WaylandMA_BComm/Moderator/Handbook2010.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 2012 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 2015. 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 Special 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. This year's Annual Town Meeting will be held in the High School Field House. As in past Town Meetings, check-in will be organized alphabetically by last name. As you're checking in, you'll be issued a handset for your use during that session. 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. 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 boxes at each of the

Field House exits. 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 go to the Help desk at the back of the room; you'll be provided 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 Tellers. 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

REPORT OF THE FINANCE COMMITTEE

To the Residents of Wayland:

The Finance Committee is pleased to present the Report of the Finance Committee and the FY2014 operating and capital budget recommendations.

Wayland continues to maintain its solid financial status. In January 2013, Moody's reaffirmed our Aaa bond rating with comments highlighting a stable financial position with healthy reserve levels, management's demonstrated ability to control expenditures, a stable tax base and manageable debt position. The full text of the report is available on the Town website:

http://www.wayland.ma.us/Pages/WaylandMA_Finance/MoodysJan2013.pdf

Wayland continues to feel the impact of the slowly recovering economy and the Finance Committee recommends a budget that provides for level services from the previous fiscal year, with the exception of several specific items that are described below. The Finance Committee presents a Fiscal Year 2014 (FY2014) budget that does not require an operational override for the sixth year in a row. We have increased revenue projections and tightened expense budgets to reach a sustainable goal of structurally balancing the budget, despite the continuing challenges caused primarily by level aid from the State, minimal growth in the local tax base, and meeting the costs of unfunded liabilities. Our particular focus this budget year has been on the need to provide budgets that more closely mirror actual expenditures. Specific areas where we tightened the budget are discussed below.

The FY2014 capital budget is funded with a mix of debt, cash capital, and free cash. We note that our overall debt service obligations will decrease in FY2014. The Finance Committee recommended for a ballot vote to exempt from Prop 2 ½ the taxes required to finance bonds to construct the proposed new Department of Public Works (DPW) garage; this is consistent with the type of funding the Finance Committee has recommended in the past for large building projects and renovations and which residents have passed and is consistent with the Finance Committee's debt management policy. However, the Board of Selectmen did not support this recommendation with the required two-thirds vote; therefore, residents will be asked to determine whether to support the funding of the project with non-exempt debt. No debt service payments for the proposed DPW garage will be required in FY2014.

In this report, we describe the Finance Committee's work and our strategy. We briefly outline our budget process. We then summarize the proposed operating budget with its drivers and changes from last year. We discuss unfunded liabilities, including our pension obligations and other post-employment benefits (OPEB). Next we discuss our capital plan and capital budget. Finally, we review free cash, our long-range plan and broader financial trends.

I. THE COMMITTEE

The Wayland Finance Committee is comprised of seven residents who are appointed by the Board of Selectmen. The members' three year terms are staggered which allows for a mix of new and more experienced members, although early resignations this past year have resulted in three new members joining the Finance Committee in the fall of 2012. Our meetings are open to the public and include a public comment period. Meeting minutes and other working documents and public presentations are available on the Finance Committee webpage on the Town website.

A. ROLE

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

B. MISSION STATEMENT

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

II. FINANCIAL STRATEGY AND GOALS

The Finance Committee's strategy has four main elements:

- Maintain quality Town services supplied by an efficient workforce,
- Continue infrastructure investment through our capital spending plan,
- Maintain appropriate levels of free cash and other reserve funds, and
- Provide a budget that takes into account the items listed above while being cognizant of residents' desire to restrain the growth in the tax levy.

In implementing that strategy, this year the Finance Committee focused on eight points when developing the FY2014 budget:

1. Maintain service levels;
2. Keep the operating budget increase on a slow-growth trajectory by minimizing growth within Town departments and by judiciously using free cash to balance the operating budget by taking into account various reserve accounts and how these may be used in future years to assist in offsetting the capital and/or operating budgets;
3. Continue to address the long-term liabilities of pension and other post-employment benefits (OPEB) and to continue to control healthcare costs, as recommended in the recent Moody's report, cited above;
4. Target year-end departmental givebacks at no greater than 2% of the budget through a process that has focused more time and attention with departments on their need to budget to actual costs;
5. Estimate local receipt revenues within 10% of actual;
6. Develop a capital budget that is consistent with the Town's annual Capital Improvement Program (CIP) to address infrastructure needs and planning without increasing the Town's annual debt service obligations;
7. Maintain free cash at a target of 6.5% - 7.0% of the operating budget for future flexibility; and
8. Use free cash judiciously to mitigate the tax impact of the budget.

In order to achieve the strategy points outlined above, we set these additional goals for ourselves early last fall:

- Implement a revised budget process whereby the Town Administrator works directly with those departments reporting to the Board of Selectmen to provide budgets closer to actual expenditures, thereby reducing the amount of departmental turn-backs at the end of the fiscal year;

- Reformat the budget article in light of the budget resolution passed at Special Town Meeting in the Fall of 2012;
- Work closely with the Assistant Town Administrator to analyze and right-size the actual health insurance costs incurred by the Town including a review of the various programs available to employees (this particular portion of the budget has had the most significant variance from actual expenditures with resulting large turn-backs and availability of funds used to fund OPEB in Fiscal Years 2011 and 2012);
- Request alternative budgets from all departments providing a prioritized list of budget reductions to accomplish a 10% budget reduction from the level service budget, along with an accompanying narrative to explain the impact on services of such a reduction; and
- Demonstrate financial excellence through maintaining Moody's Aaa bond rating.

Overall, the challenge is to balance a long-term financial plan that provides residents with the quality and quantity of services they desire, along with listening to a call from many residents to cut expenses and reduce taxes. At the core of the debate in this budget cycle and for this Town Meeting is the question of whether departments can be more efficient or if additional budget reductions will materially impact services.

One of the reasons we requested alternative budgets providing for the 10% budget reductions was to learn whether and how implementing such cuts would impact services. The Finance Committee has been consistent in our goals and has made strides on reducing expenses on complex items (combining like services, controlling the rate of growth of employee and retiree healthcare expenses, and providing funding for long term liabilities such as pensions and OPEB).

As a community that has traditionally valued the meaning of that word, COMMUNITY, we have managed to provide funding that takes into account the activities, interests and programs of our residents in the spirit of taking care of one another. The Finance Committee's role is to look to the bigger picture and identify a long-term course of action that enables the Town to provide essential services, maintain financial stability and finance the Town in a fiscally responsible manner. We aim for excellence, not mediocrity.

One of the consistent concerns and considerations of the Finance Committee is the amount that our residents pay in taxes each year. This concern is balanced with the consideration of the types of services residents expect as members of this community. Many of us have chosen to live in Wayland due to the types of services we provide - be they schools, fire, police, senior programs, recreation, or a myriad of other services. The Finance Committee takes into account what we spend and what we pay as residents of Wayland compared to other comparable communities.

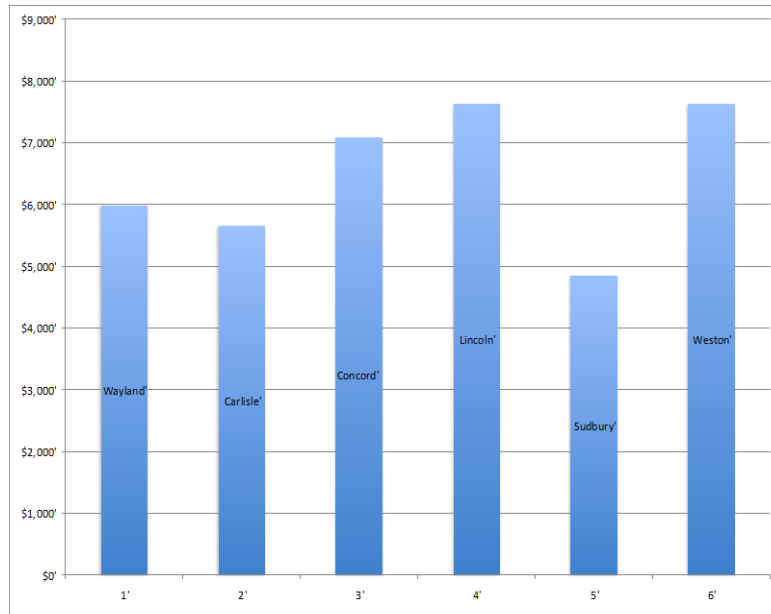
One means of comparison is set forth in the attached charts (information from the Massachusetts Department of Revenue for Fiscal Year 2012 – the latest data available), which compare Wayland to nearby towns to which we often compare ourselves (Concord, Carlisle, Lincoln, Sudbury and Weston). Wayland is very comparable to these other towns on per capita expenditures and per household tax bill, two of the important factors upon which residents often measure Wayland's performance. The Town's average household tax bill declined significantly in FY2013 and this budget returns it to a level that provides for an average annual tax rate that is approximately the same as the tax bill for FY2011.

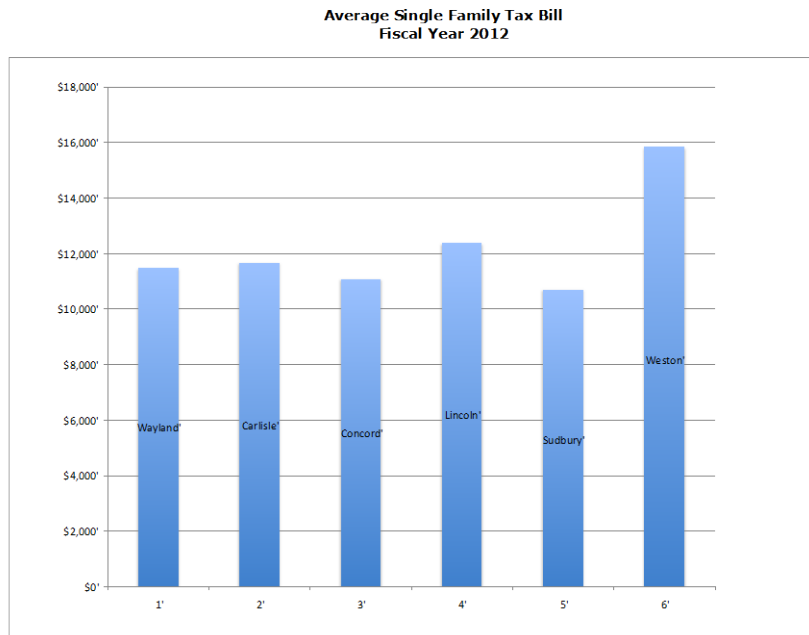
Another measure used by residents to compare Wayland to other towns is the tax rate. Comparing tax rates across towns is misleading. Historically, Wayland has a greater tax rate than these towns due to the fact that while many residents want comparable services to these other towns, the lower average

home value in Wayland compared to these towns (approximately 70% of the average value in these towns in 2012) means that Wayland will have a higher tax rate as a matter of basic arithmetic. For instance, Wellesley has almost three times the equalized property valuation than Wayland. The value of Weston’s property is 175% of Wayland’s. In summary, the tax rate is not a number that provides meaningful information across different towns, whereas considering our expenditures and tax bills with those measures of these towns does tell us a lot about how we compare.

As is shown in the following chart, per capita spending in Wayland is in the bottom half when compared to these six peer towns. Per capita spending in Wayland in FY2012 was \$6,000 versus Lincoln and Weston per capita spending at roughly \$7,500, Concord per capita spending at just over \$7,000, and Carlisle and Sudbury at over \$5,500 and just under \$5,000, respectively.

Expenditures/Capita
Fiscal Year 2012





III. BUDGET PROCESS

In September 2012, the Finance Committee reviewed various FY2014 budget scenarios based on probable revenue and expense estimates, expense growth as compared to FY2012 actuals and FY2013 year-to-date information, changes to the free cash position and the economic challenges facing the Town in the upcoming fiscal year. Following these discussions, the Finance Committee issued FY2014 Budget Guidelines on October 4, 2012. For this fiscal year, we requested that departments consider two budgets, as set forth below:

FY2014 Operating Budget Request #1: Operating budget requests are to be at level *service* with FY2013 for the upcoming fiscal year excluding utility related accounts and settled labor contracts, including step/lane increases. Specifically:

Salary Items: Salary items should include any step/lane increases due during the upcoming fiscal year and any COLAs in settled contracts. Any proposed changes in personnel should be discussed with the Personnel Board prior to inclusion in the FY2014 budget request.

Non-salary Items: All non-salary items should remain the same except the utility and gas accounts. These accounts should be budgeted at the amounts anticipated to provide such services during FY2014. In addition all PC's and related computer equipment should again be included in operating budgets, not the capital budget.

FY2014 Operating Budget Request #2: Provide a prioritized list of budget reductions to accomplish a 10% budget reduction from Request #1 with accompanying narrative to explain the impact on services. The 10% reduction is across the total department budget and should encompass both personnel and services. Describe how your business would be re-structured to meet the new budget requirement if the 10% reduction were implemented. The Finance Committee requested that all municipal departments work with the Town Administrator on this second submission.

The budget guidelines are available here:

http://www.wayland.ma.us/Pages/WaylandMA_Finance/FY14Guide.pdf

For this upcoming fiscal year, the collective bargaining agreements for the four School affiliated unions and the Fire department union expire. New contracts are in the process of being negotiated. The other five union contracts affiliated with the Town are settled and contractual salary adjustments are shown at the departmental level. In other words, for the FY2014 budget, the salary line items reflect the increase from FY2013 to FY2014 for those contracts that are settled. In order to account for potential FY2014 changes based upon the ongoing contract negotiations and other salary adjustments, the Finance Committee is recommending that funds be held in Unclassified – Reserve for Salary Settlement. Contracts are available on the Town’s website:

Municipal: http://www.wayland.ma.us/Pages/WaylandMA_HR/cbas

School: http://www.wayland.k12.ma.us/administration/human_resources/collective_bargaining_contracts/

Municipal and School operating budgets were due December 14, 2012 and capital budgets were due October 25, 2012.

The Finance Committee held 14 budget meetings in January, February and March 2013 (and preparatory meetings from September through December 2012), in addition to related meetings since September 2012. In January, the Committee met with boards, departments, and commissions to discuss specific operating and capital budget requests and to review those requests against FY2012 actuals and FY2013 budget and year-to-date spending. All participants were reminded that the capital budget needed to be consistent with the CIP forms provided by departments in previous years. The fact that in almost all budgets, departments were consistent with the information they provided in previous years, providing evidence that a thoughtful, forward-thinking capital budgeting process is working.

Several members of the community provided valuable comments and insight during the process, which we appreciate. Moreover, members of the Finance Committee reached out to interested members of the community on an individual basis, seeking their input in the budget process. We tried to incorporate as best we could the concrete suggestions provided in these informal discussions.

On February 4, 2013, the Finance Committee deliberated and voted a draft budget. This draft budget was presented at a public forum on February 6, 2013. The presentation is available on the Finance Committee’s website.

Subsequently, at the February 25, 2013 meeting, the Finance Committee unanimously (6-0) approved the recommended capital budget that appears in this Warrant. On March 6, 2013, the Finance Committee recommended the operating budget by a vote of 7-0.

IV. OMNIBUS BUDGET**A. SUMMARY OF THE FY2014 OPERATING BUDGET**

There are multiple components to the operating budget. The one with which residents are most familiar is the General Fund Operating Budget which funds most municipal and all school operations. Three other municipal operating budgets (Water, Wastewater and Septage) are added to reach the total Omnibus Budget for the Town of Wayland. These three budgets are reported as separate line items to meet State requirements for reporting on enterprise funds.

Expenses for FY2014 total \$70.1 million. Revenues from taxation, local receipts and other revenues total \$66.74 million. The result is a budget deficit of \$3.36 million, which is covered through the use of free cash and the overlay surplus (see Table 1 below).

TABLE 1: SUMMARY OF GENERAL FUND EXPENSES & REVENUES

	APPROVED	APPROVED	PROPOSED
<i>All dollars in thousands except otherwise noted</i>	FY 2012	FY 2013	FY 2014
1 Operating Budget	67,257	65,827	68,078
Change Over Prior Year	7.39%	-2.13%	3.42%
2 Other Expenses	1,841	1,739	2,041
3 Total Amount to be Raised (1+2)	69,098	67,566	70,119
4 Total Revenues	69,098	67,566	70,119
Property Tax Revenue	55,515	52,017	56,696
Local Receipts	4,150	4,175	4,175
Free Cash	4,500	4,800	2,500
Overlay Surplus		1,720	845
Other Revenue	4,933	4,854	5,903
State Aid	4,448	4,175	4,186
Ambulance Receipts	360	360	360
Bond Premium	125	119	111
Transfers from other funds			1,246

Revenue

As shown in Table 1, above, total revenue between FY2013 and FY2014 is increasing by \$2,553,000. Tax revenue will increase by approximately \$4,679,000 in FY2014 relative to FY2013 (9%) since we plan to use less free cash this fiscal year; however, the increase from FY2012 to FY2014 is significantly less, at \$1,181,000 (an average annual increase of 0.97%).

Significant revenue items are set forth herein:

Proposition 2 ½:

Under Proposition 2½, the potential tax increase is limited to 2½% of the overall tax levy unless voters elect to approve a greater increase. In FY2012 and FY2013, the Town chose to use significant amounts of free cash to fund a portion of the Operating Budget, and therefore, the Town's ability to raise revenues via taxation that is under that levy limit is about \$7.426 million. In past years, when the Town has been subject to an override vote in order to fund the recommended operating budget, the process has been divisive. The Finance Committee generally seeks to avoid operational overrides. Contrary to the Finance Committee's goals on this, some residents have communicated to the Finance Committee that they would like to have override votes on a more regular basis, as overrides require voters in an election, followed by Town Meeting vote, to authorize taxes greater than a 2 ½% increase. Others find it to be inequitable for a minority of the residents to be able to force a process requiring multiple votes on the majority of voters who might not otherwise favor service cuts.

Decisions made now will impact the likelihood of overrides in the future. For example, the decision on the part of the Board of Selectmen this year to not approve a ballot question to fund a DPW Garage with Exempt debt (the Finance Committee recommended using Exempt Debt) is action that could push the Town towards an override vote sooner. Residents should understand the consequences of such decisions, whether they view overrides favorably or not.

New Growth:

The tax on new and upgraded properties is estimated to generate \$700,000 of new revenue, up from \$650,000 projected for FY2013. This greater revenue number anticipates an increase in new home construction and renovations of existing homes, as the residential real estate market slowly recovers from the economic downturn. Increased revenue from the Wayland Town Center project adds fees from permits and is anticipated to increase revenues from property taxes in FY2015 due to the lag time in recognizing new growth.

State Aid:

State aid revenue is estimated to be flat for FY2014. The actual state aid amounts for FY2014 will not be known until the final state aid appropriations are made in July. Governor Patrick's proposed budget includes significant increases in state aid; however, there is no evidence that this proposal will be approved by the legislature and, therefore, it would not be prudent to assume such revenues in this budget. If there is an increase in the amount of state aid, it will be reflected by a reduction in the amount of taxes to be raised during the Tax Recap Sheet calculation in December.

Local Receipts:

Local receipts are estimated to be flat compared to FY2013. The target is to estimate local receipts within 10% of actuals recognizing that this is difficult in a volatile economy. The FY2012 estimate was within 1.54% of actual receipts.

Free Cash:

As noted above, we recommend the use of \$2.5mm of Free Cash to balance the budget; this is down from the \$3.2 million used in FY2013. The Finance Committee attempts to maintain free cash in the 5% - 10% range, with a goal for this Fiscal Year in the more specific range of 6.5% - 7.0%. See Section VIII below for more detail on free cash appropriations.

Operating Expenses (Table 2 above):

Operating expenses (as shown in Table 2 above) and non-operating expenses between FY2013 and FY2014 are increasing by approximately \$2.25 million, or about 3.42%. Significant items include:

1. Step and Lane salary increases for settled contracts are applied at the departmental level. This is the final year in a three-year or four-year contract for five affiliated Town unions, which are settled through FY2014. Note that for these contracts, the total COLA varied between 3.5% and 5.5% (depending upon three versus four-year contracts) not considering the one-time stipend funded by cash and/or federal stimulus funds.
2. Unclassified expenses show a decrease of \$377,806; however, after accounting for reimbursements from the enterprise funds that fund their share of these expenses in Transfers to the Town (Transfers in Table 1 above), the net change is an actual decrease of \$1,624,917. Non-Medicare plan premiums will increase by 4% in FY2014 (see a more detailed discussion of the Unclassified portion of the budget set forth below).
3. Debt and Interest expenses are estimated to decrease by approximately \$317,000 due to maturing debt on prior borrowings and refinancing of existing debt. All proposed borrowings for this year's capital plan are within the Prop 2 ½ levy (non-exempt borrowings).
4. Wayland's required pension contribution is increasing by \$336,424 year over year; this is set forth in the Retirement line item of the budget. Pension expense represents the cost to provide pensions to Town employees; it does not include teachers whose pensions are covered by the State. A discussion of this liability is set forth below.
5. Utility costs for Town Buildings (carried in the Facilities budget) are estimated to decrease \$33,500 due to recently negotiated contracts.
6. Finance Committee Reserves have been increased from the typical amount of \$250,000 to \$325,000. Part of the rationale for tightening departmental budgets is that they can petition the Finance Committee for additional funding during the fiscal year if the budget does not provide sufficient funds to operate efficiently and effectively during the year.
7. State/county charges and abatements are expected to decrease by \$64,817.
8. Estimated Overlay expenses are reduced by \$400,000 to \$600,000 and have been confirmed by the Board of Assessors.
9. The Water budget shows an estimated increase of \$55,766. Water expenses are paid through user fees rather than real estate taxes.
10. The Septage budget is relatively flat between 2013 and 2014. Through this budget, the Town funds the unfunded pension obligations of retired Septage employees.
11. The Wastewater Management District ("WWMDC") operates in the center of Wayland, serving about seventy commercial and residential customers. All WWMDC wastewater is treated at the new Wastewater Treatment Facility (WWTF), which began operation in early November 2012. The budget for FY2014 consists of charges for operations of the WWTF and payment of bonds used to pay for WWTF construction. Starting in FY2014, payment on bond principal and interest will be through betterment. Operating costs are charged to users based on capacity and water usage. An allocation of Town staff's time is included in this budget.

Significant Operating Budget Changes Considered by the Finance Committee for FY2014:

General Government – The Finance Committee has recommended expenditure for salary in the amount of \$32,500 for either mid-year hiring of a Financial/Research Analyst or a consulting analyst to assist multiple departments with the increasing demands for financial analysis and for responses to ever-increasing requests for detailed financial information from Wayland’s residents. The position (full-time) was approved in the FY 2013 budget; however, the position could not be filled in a timely manner to assist with the budget process. Given the request to control expenses, the Finance Committee had significant debate regarding eliminating this position versus reducing it to a hire in the middle of FY 2014, or as a consulting role, with a sense that it still is a need in future years. This is a reduction from last year’s budget in the amount of \$32,500.

Public Safety: Police -There were two significant public safety staffing requests for FY 2014. The Chief of Police requested the addition of a police officer at an average compensation of approximately \$69,000. This position would fund Wayland’s twenty-third police officer. Wayland reduced the number of police officers on staff in 2004 with the understanding that staffing would hold at the reduced level for three years. Since 2009, there has been an ongoing conversation with the police department as to whether and when this position would be reinstated. The general consensus was that the timing should coincide with the opening of the Wayland Town Center project, which increases the public safety needs in Wayland. The cost of this additional officer has been carried in the revenue and expense projections of that project from several years ago. In our view, the Chief of Police has made a very strong and compelling case for the addition of this position at this time.

Public Safety: Fire - A second public safety request was made by the Fire Chief; however the Finance Committee decided not to recommend the addition of this position in FY2014, but does believe that the addition of this position should again be considered in FY2015 at an approximate compensation cost of \$70,000. The Fire Chief also made a compelling argument to add this position. This was the first time the additional position has been requested and the Finance Committee felt that at a time when all requests could not be incorporated into the budget, this is one that should wait a year.

Schools – The Superintendent of Schools made a thoughtful and cogent budget presentation in January (that presentation can be viewed on the School Department’s web site). He proposed three budgets: a maintenance of effort budget in the amount of \$33.7mm; his recommended budget, in the amount of \$33,397,005, a budget to meet the Finance Committee’s guideline of \$33,201,504 and a budget with a 10% reduction from level services (see description of the budget process above) in the amount of \$30,115,804. All proposed budgets include some level of reductions from the Maintenance of Effort budget (or level services), reflecting the difficult financial times facing Wayland residents. The School Committee supports the Superintendent’s recommended budget, which was presented to the Finance Committee on January 22, 2013. The Finance Committee also supports this budget. Wayland’s per-pupil expenditure ranks fifth (FY 2012 data) out of ten within its Peer Districts (including Weston, Concord-Carlisle, Lexington, Dover-Sherborn, Lincoln-Sudbury and Needham among others). The recommended budget supports District-Wide Goals to 1) enhance the health and wellness education, 2) prepare to implement the new state-mandated Educator Evaluation Framework, 3) narrow the Achievement Gap, 4) implement a system-wide Response to Intervention program and 5) increasingly employ instructional technology while at the same time improving fiscal operations and examining utilization options of elementary space so as to ensure an equitable, high-quality educational program for all students. The Finance Committee debated a potential increase to maintain two assistant coaching positions, as these were the two cuts that the Superintendent identified would have a direct impact on students, but in the end we did not endorse that idea. The Finance Committee

was unanimous in feeling that its guideline budget had impacts upon students that we viewed as being less costly monetarily, but more costly in terms of its negative impact on students, and therefore agreed with the recommended budget. The 10% reduction from level services was rejected due to the significant impact that it would have on students in a number of ways. We should note that some residents argued that the Schools can reduce their budget by 10% without having any impact on the number of teachers in the system, and thereby without having any impact on the educational programs; however, there were no specific proposals set forth that provided evidence that this can actually be accomplished. There are also residents who expressed dismay that the budgeting process for the Schools is not taking into account the need to continue to improve upon programs and to add programs that take into account changes in our culture and in our economy. We anticipate that this debate will continue for many years to come. Extensive information on the School budget request can be found at: <http://wayland.sharpschool.net/cms/One.aspx?portalId=1036435 &pageId=1666963>

Wayland Cares – The Finance Committee supports the addition of \$102,671 for Wayland Cares with a vote of 4-3. Wayland Cares is a community coalition whose mission is to provide evidence-based, environmental, community-wide programs to prevent youth substance abuse. Since 2006, its paid professional staff has been funded through grants. Studies show that during this time, Wayland’s youth substance abuse usage rates have significantly decreased. At this time, in the final year of a five-year, \$625k federal grant, the coalition is seeking a Town appropriation for a permanent professional staff: two part-time, non-benefit positions to sustain the work and infrastructure in place. By making a financial commitment to staffing, the Town becomes eligible for additional grant funding. There was consensus the program is worthwhile, but concern about keeping expenses in check. The coalition has demonstrated historical success in obtaining grant money, and this represents an opportunity to leverage the Town’s investment and bring in significant additional money from outside (private, state and federal) funding sources.

Town budgets - Many line items in many departmental budgets were reduced to “right size” the FY14 requests with past spending practices. Town staff initiated the line item tightening and the FinCom reviewed the suggestions during the budget process.

Analysis of the “Unclassified” Section of the Budget:

The section of the budget that was the most scrutinized by the Finance Committee this year, and by residents who communicated with the Finance Committee, was the “Unclassified” area of the budget. This has been labeled as such for many years, by convention as it relates to budgeting within the Commonwealth of Massachusetts, and there has been concern that several large budget items have been difficult to track and measure within this budget area over the years. The various expenses within this portion of the budget are set forth in the table below:

Unclassified Expenses	Account Definition/Variance
Insurance General	Various insurances: property, liability, worker’s comp and others.
Insurance 32B	Insurance expenses for health, life and related insurances. Previous years included OPEB payments.
Medicare	Matching cost for 1.45% Medicare Tax. All employees hired since April 1, 1986 are subject to Medicare Tax.
Unemployment	Unemployment claim expense (Wayland self-insures)

Non-Contributory Retirement	Expense for retired employee's pension costs prior to existing retirement system. Required by state law.
Police/Fire Disability	Medical expense for work-related injuries to public safety employees.
Reserve for Salary Settlements	Funds used for midyear positional changes. For FY13 amount included \$65,000 for new financial analyst position. For FY12, held \$1 million for all anticipated salary settlements because some negotiated salary contracts were still pending. These funds were distributed across departments for FY13 budget request.
Occupational Health	Pre-employment physicals and other employee health-related testing, etc.
Town Meeting	Estimated expenses to hold two town meetings/year. FY13 includes \$50,000 for additional cost of electronic voting.
Street Lights	Utility (electricity) cost for operating street lights.
Reserve Fund	Fund for use by Finance Committee between Town Meetings for extraordinary or unforeseen expenses.

Working with Assistant Town Administrator, the Finance Committee carefully assessed this area of the budget in order to understand the actual expenditures that have been made over the years, especially with regard to health and life insurance, and to budget these items for FY2014 based upon both good historical data and reasonable forecasting assumptions going forward. This is a difficult area to budget, as health insurance costs of have been rising significantly across the U.S. economy. The Town of Wayland has, over the past several years, made changes to our health insurance system that have provided significant savings to the Town and to employees in excess of what our health insurance costs would have been under the previous insurance programs (in the FY2013 budget write-up, the savings was reported to be in excess of \$1.6 million). What we have not done over the past few years is to take these savings into account in the budget process, and therefore we have over-budgeted health insurance, resulting in higher taxes, greater contributions to the OPEB Trust than had been anticipated and greater free cash balances. Additionally, projected health care increases were projected across other "Unclassified" categories, thereby overstating actual increases in those line items.

The health and life insurance budgets set forth this year reflect careful zero-base budgeting analysis estimating more closely what we think our real costs will be. We answered the questions of residents who have challenged the past budgeting in this area, and there is significantly more information available now to provide an understanding as to the projected costs across the various expense categories within "Unclassified". These costs are based upon actual rates and estimates of enrollments using historical experience. We cannot know at the outset of a fiscal year how many employees will select a particular health care plan, how many might bring a spouse onto a plan, or who may decide to terminate their health insurance with the Town and become a member on a spouse's plan with another employer. Overall, this budget is expected to substantially eliminate the over budgeting that has been an issue in recent years.

B. FY2014 OMNIBUS BUDGET

The Omnibus Budget lists various Town operating expenses, unclassified expenditures such as employee health insurance, and debt and interest. The updated format for the budget this year reflects the efforts of a group of citizens (through a resolution at October's Special Town Meeting) to revise the template from the past several years by increasing the amount of information presented.

Petitioners' requested more information within the budget template and article, as compared to providing detailed information in other areas of the Warrant or on the Town's web site. There have been differences of opinion about the impact it has on the ability of Town departments to operate, and this year's budget format should be viewed as a "work in progress", especially as our new Finance Director becomes involved in the process. Municipal departments are limited by the amounts approved within the budget. They do not have discretion to transfer funds between departments or numbered line items, even if the overall budget is within the limits approved by residents. Therefore, the Finance Committee worked to strike a balance between increasing number of Town Meeting voted line items and removing flexibility that allows the Town's departments to operate in a reasonable manner. The format for the budget also takes into account the need to properly account for costs attributable to the Town or the Schools and those attributable to enterprise funds, such as the Water Department, as enterprise fund costs should be segregated from general fund expenses. As with other aspects of the budget, we need to make sure that the cost of this accounting is not greater than the benefits of reporting, and there has been recognition that there is a materiality threshold to take into account in this process.

C. OTHER NON-OPERATING BUDGET EXPENSES

The Town is also responsible for funding other non-operating budget expenses, described below. The Town funds State and County assessments (\$227,482) and real estate overlay (\$600,000). Additional miscellaneous non-operating budget charges are expected to be \$470,000 (primarily cash capital items) and the recommended \$744,202 OPEB Trust Fund contribution (See Article 4 of this Warrant). The Finance Committee estimates that these non-operating budget expenses will total \$2,041,684. Water and Enterprise Funds expenses total \$4,296,117. See Tables A and B below.

Table A: Other non-operating budget expenses FY2014

Description	Amount
Real Estate Overlay	\$ 600,000
State and County Assessments	\$ 227,482
Cash Capital	\$470,000
OPEB	\$744,202
Total	\$2,041,684

Table B: Total Town Expenses for FY2014

Expense	Amount
General Fund Budget	\$68,077,733
Water	\$ 3,556,100

Expense	Amount
Septage	\$ 33,205
Wastewater	\$ 687,880
Non-appropriated expenses	\$2,041,684
Total	\$74,396,602

V. UNFUNDED LIABILITIES

The Town carries two accounting entries to track unfunded liabilities -- one for unfunded pension obligations and one for unfunded other post-employment benefits (OPEB), primarily healthcare. Annual payments are being made toward the unfunded pension obligation, per State law. Residents will vote at Town Meeting, in a separate article with regard to the funding of the OPEB Trust Fund. For each of these annual obligations, regular revaluations are conducted. Whether or not the Town decides to fund the OPEB Trust Fund, the increasing OPEB obligation will be recognized on the Town's balance sheet.

Massachusetts Department of Revenue (DOR) defines the *unfunded pension liability*:

Unfunded pension liability is the difference between the value assigned to the retirement benefits already earned by a municipality's employees and the assets the local retirement system will have on hand to meet these obligations. The dollar value of the unfunded pension liability is re-determined every three years and is driven by assumptions about interest rates at which a retirement system's assets will grow and the rate of future costs of living increases to pensioners.

Wayland is mandated by the State to fund the pensions of all employees except teachers, who are covered by the State pension system. Starting in 1988, the State has required towns to pay toward their unfunded pension obligations and to complete payment by 2028; this deadline has since been extended to 2040. Wayland has been paying its obligation since 1988, and a reassessment of the accounting liability is completed every two years. The most recent valuation of the Town's unfunded pension liability is \$45,313,217 as of January 1, 2012. Wayland pays in excess of \$3 million per year (\$3.58m in FY2014) towards this balance to fully fund by 2040.

Massachusetts DOR defines *OPEB*:

Post-employment benefits other than pensions generally take the form of health insurance and dental, vision, prescription, or other healthcare benefits provided to eligible retirees, including in some cases their beneficiaries. They may also include some type of life insurance. As a group, these are referred to as OPEB.

The State has not mandated that communities begin payments toward OPEB; however, as part of our financial management plan, the Town has been making payments annually since FY2008. As of December 31, 2012, the Town's unfunded OPEB obligation totaled \$28,313,225, which is a reduction from the estimated obligation of \$45,713,563 set forth in the valuation as of December 31, 2010. No date has yet been set by the State for funding completion. OPEB is more fully defined and described

in Warrant Article 4, and we anticipate Town Meeting residents will consider that article prior to the consideration of the Budget Article.

VI. FIVE-YEAR CAPITAL PLAN

Capital planning is part of the overall financial plan for the Town of Wayland that the Finance Committee prepares each year. Capital needs fall into four categories: equipment, buildings, land and roads. During 2008, the Town formalized the capital planning process by implementing a new Capital Improvement Program or “CIP”. The form was revised for this budget cycle.

The accompanying five-year capital plan in this warrant is the starting point for capital expenditures to be considered in future years. Departments, boards or commissions summarize capital requests. Capital items beyond next fiscal year for FY2015 through FY2018 have not been formally presented by departments or approved by the Finance Committee and are presented for planning purposes only. Significant facility projects listed on the five-year plan include potentially funding a new DPW Garage (current fiscal year) and Library/Senior Center (a future fiscal year). The Town is in the midst of an analysis of its real estate assets and its long term needs, per a study that was funded by residents in FY2013, and the Finance Committee has suggested to departments that they withhold requests for new facilities or major facility renovations until such time as that study has been completed, which is anticipated to occur in the third quarter of 2013.

VII. CAPITAL REQUESTS

Initially, Town boards and departments presented \$20,895,000 in capital requests including full funding for a new DPW building. The Finance Committee recommends that Town Meeting fund only \$4,500,000. Article 10, recommending the funding of a new Department of Public Works garage, was part of the total capital request and is recommended by the Finance Committee in the amount of \$11.4 million. If approved at Town Meeting, the Town will need to borrow to fund some of these investments. Borrowing monies is prudent because it spreads the cost of buying the asset (debt service) over its useful life and interest rates are at record lows. The Finance Committee also recommends using free cash to fund \$180,000 of capital requests.

Our capital recommendations were based on properly maintaining the current infrastructure and replacing vehicles and equipment that have outlived their useful lives. Capital expenditure requests are listed on the final page of the Omnibus Budget under the title “Capital Budget”. Additional information supporting each capital expenditure requested is available on the pages following the request (beginning on page 51) and on the Finance Committee’s webpage in the Capital Improvement Plan “CIP” folder (http://www.wayland.ma.us/Pages/WaylandMA_Finance/FY12%20CIP%20Capital%20Appropriation%20Requests.pdf).

Capital expenditures are generally funded in three manners:

- Cash capital items: regularly occurring, replaceable equipment and vehicles with a life span of less than 5 years, funded with cash within the operating budget or from cash reserves. Cash capital items do not impact the tax rate directly as they are funded within the Proposition 2 ½ levy.
- Non-exempt capital items: regularly occurring, replaceable equipment and vehicles with an individual unit cost of less than \$100,000, funded by borrowing and limited to the capacity within the existing debt service. Therefore, non-exempt capital items also do not directly impact the tax rate as they are funded within the Proposition 2 ½ levy.

- Exempt capital items: includes all building repairs as well as equipment and vehicles with an individual unit cost greater than \$100,000. These items are typically funded with a debt exclusion and normally result in a temporary increase in the tax rate.

This year, the Finance Committee recommended to the Board of Selectmen that the proposed DPW facility should be funded using exempt debt; however, as described above, that recommendation was not approved by a 2/3 vote of the Board of Selectmen. As shown in the expanded capital commentary, items are being funded within the non-exempt capital budget or with cash that would normally be subject to a debt exclusion vote.

The Finance Committee's recommendation and expanded commentary for FY2014 capital items are found in Article 5, FY2014 Omnibus Budget following the capital budget request (itemized numbers relate to the listing of expenditure requests in the budget on page 51. The items include maintenance and investment in buildings and infrastructure, vehicle purchases, compliance projects, and technology improvements.

The detailed final CIP forms for each capital request were posted on the town website on the Finance Committee page in February 2012 and are available for review in the CIP folder (preliminary requests were posted in December 2011). Departments requesting capital appropriations are responsible for the content, and questions about any particular project or item should be directed to the requesting authority.

Debt service payments in FY 2014 are projected to decrease in the amount of \$317,000 due to maturing debt. There are currently no significant projects planned for FY 2014 or 2015 that might increase the amount of debt service subject to exempt debt. The next such project could be a facility that might be shared by the Library and the Senior Center.

VIII. FREE CASH

The Finance Committee's goal is to have free cash in the range of 5% to 10% of operating expenses. For FY2014, we have targeted the free cash balance at 6.5% - 7.0% of operating expenses. Based on our best information at the time the Warrant went to print and assuming all the Town meeting articles are approved as recommended, the Finance Committee projects free cash to be at \$4.8 million or 6.9% of budget.

In FYs 2012 and 2013, the budget is balanced using large amounts of free cash. Residents should understand that any cash used to balance the operating budget does not have a revenue stream to replace it the following budget year. This results in maintaining a level of services that cannot be supported through normal revenue sources. As a result, the Finance Committee is recommending judicious use of free cash in the upcoming years. Generally, free cash should be used for one-time expenses, not for supporting the operating budget.

As a Town, we have voted to use large amounts of free cash to balance the operating budget before. Large amounts of free cash were used to balance the operating budget in FY2004 and FY2005 (and earlier). This resulted in driving our free cash levels down to 2.2% and was one element in Moody's decision at that time to put Wayland on a negative outlook. This was followed by three years where the Town voted to raise taxes to replenish free cash to levels more in line with prudent fiscal management (FYs 2007, 2008 and 2009). Moody's then removed the negative outlook. The Finance Committee reports in those years state that we offset declining state aid with the use of free cash and then needed to build reserves again to reach a financially healthy level.

The Finance Committee continues to support using judicious amounts of free cash to balance the operating budget with the understanding that as we tighten revenue and expense estimates, additions to free cash will decrease leaving future budgets without the same source of free cash.

IX. LONG RANGE PLANNING

Wayland, like other towns across the State, has grappled with state aid reductions, healthcare and pension expense budget challenges, meeting the financial obligations of unfunded liabilities and steadily rising energy and transportation costs. While Wayland has fared better than other towns, these economic issues continue to challenge our financial situation. The Finance Committee has continued to spend considerable time and effort researching and supporting implementation of actions needed to help balance the budget. Those actions include:

- Negotiating and implementing changes in health care programs for current employees and retirees,
- Supporting opportunities for more shared services, where appropriate, and
- Instituting administrative efficiencies, including consolidating support functions across municipal and school departments.

The Finance Committee has also focused on planning for major long-term facility projects by closely monitoring current capital budget requests, managing within our debt management policy and ensuring that the Town maintains its Aaa credit rating.

X. FINANCIAL TRENDS

As the Finance Committee reported during the budget planning process, Town finances are sound, but we are challenged by general economic conditions causing flat state funding, stable to slightly higher new tax growth and continuing measured growth in employee benefit costs, particularly unfunded liabilities. There has been a strong effort to improve budgeting and therefore to recommend a budget that taxes residents at an appropriate level for the quality and quantity of services that are part of the fabric of this community.

The November STM reduced the FY2012 real estate tax levy below that of FY2011 and as a consequence gave the Town the ability to raise taxes more than 2½% without requiring a Proposition 2½ override vote. For FY2013, the Town was under the levy by approximately \$11.075 million. It is projected that the Town will be \$7.426 million under the levy in FY2014.

For FY2014, on average, property taxes will increase by approximately \$894, or 8.33% per household based upon an average house value of \$600,000. A strong school system, semi-rural character, and a sizeable, affluent tax base in close proximity to Boston are all given as factors that make Wayland a highly desirable community.

Once again in 2013, Wayland is one of a small number of towns in the Commonwealth of Massachusetts that earned a Aaa bond rating from Moody's Investors Service. This rating, Moody's highest, reflects the Town's conservative budgeting and strong financial operating results, management, policies and underlying demographic and economic factors and allows the Town to borrow at the lowest municipal rates available.

XI. CONCLUSION

The Finance Committee voted 7-0 to recommend the FY2014 operating budget and voted 6-0 to recommend the capital budget. The Finance Committee believes it is in the best interest of the citizens to support the FY2014 budget to maintain core services and infrastructure.

The Finance Committee extends thanks and appreciation to the Town's employees, municipal and school department heads, and the various committees for their support during this year's budget preparation. Finally, we thank the interested residents who provided us timely advice and comments on improving the budget.

Respectfully submitted,

Bill Steinberg, Chair

Nancy Funkhouser

Tom Greenaway, Vice Chair

David J. Gutschenritter

Cherry Karlson

Steve Lesser

Carol Martin

TOWN OF WAYLAND FIVE YEAR CAPITAL PLAN

	2014	2015	2016	2017	2018	Year 1-5 Total
ASSESSOR						
Equipment						-
Vehicle						-
Land/Improvements						-
Subtotal	-	-	-	-	-	-
INFORMATION TECHNOLOGY						
Equipment	100,000	125,000	-	-	-	225,000
Vehicle						
Land/Improvements						
Subtotal	100,000	125,000	-	-	-	225,000
CONSERVATION						
Equipment			45,000			45,000
Vehicle						-
Land/Improvements	-	78,100	150,400	375,700	153,300	757,500
Infrastructure	25,000	100,000	50,000			175,000
Subtotal	25,000	178,100	245,400	375,700	153,300	977,500
TOWN SURVEYOR						
Equipment						-
Vehicle						-
Land/Improvements						-
Subtotal	-	-	-	-	-	-
FACILITIES						
Equipment						-
Vehicle						-
New Building	11,400,000	850,000	13,000,000			25,250,000
Building Repairs	85,000	255,000	50,000			390,000
Land/Improvements			720,000	425,000	65,000	1,210,000
Infrastructure	240,000	747,225				987,225
Subtotal	11,725,000	1,852,225	13,770,000	425,000	65,000	27,837,225
POLICE						
Equipment						-
Vehicle						-

Land/Improvements							-
Subtotal	-	-	-	-	-	-	-
JCC							
Equipment							-
Vehicle							-
Land/Improvements							-
Subtotal	-	-	-	-	-	-	-
FIRE							
Equipment		25,000	24,000				49,000
Vehicle	280,000	125,000	55,000	1,035,000	395,000		1,890,000
Land/Improvements							-
Subtotal	280,000	150,000	79,000	1,035,000	395,000		1,939,000
BUILDING & ZONING							
Equipment							-
Vehicle							-
Land/Improvements							-
Subtotal	-	-	-	-	-	-	-
DPW							
Equipment	190,000	50,000	185,000				425,000
Vehicle	80,000	400,000					480,000
Land/Improvements							-
Infrastructure	380,000	400,000	250,000	250,000	200,000		1,480,000
Subtotal	650,000	850,000	435,000	250,000	200,000		2,385,000
BOARD OF HEALTH							
Equipment							-
Vehicle							-
Land/Improvements							-
Subtotal	-	-	-	-	-	-	-
COUNCIL ON AGING							
Equipment							-
Vehicle							-
Land/Improvements							-
Subtotal	-	-	-	-	-	-	-
LIBRARY							
Equipment							-
Vehicle							-

Land/Improvements						-
Subtotal	-	-	-	-	-	-
RECREATION						
Equipment	85,000	125,000	125,000	125,000	125,000	585,000
Vehicle						-
Land/Improvements	92,000	1,135,000	1,520,000	150,000	1,490,000	4,387,000
Subtotal	177,000	1,260,000	1,645,000	275,000	1,615,000	4,972,000
SCHOOL						
Equipment	320,000	70,000	180,000	100,000	110,000	780,000
Vehicle						-
Building Repairs	205,000	485,000	1,051,000	1,074,000	985,000	3,800,000
Land/Improvements	1,415,000					1,415,000
Infrastructure		750,000	250,000	200,000		1,200,000
Subtotal	1,940,000	1,305,000	1,481,000	1,374,000	1,095,000	7,195,000
WATER						
Equipment		80,000			1,000,000	1,080,000
Vehicle	70,000	75,000	75,000	75,000	75,000	370,000
Land/Improvements						-
Infrastructure	1,025,000	1,890,000	950,000	600,000	500,000	4,965,000
Subtotal	1,095,000	2,045,000	1,025,000	675,000	1,575,000	6,415,000
WASTEWATER						
Equipment						-
Vehicle						-
Land/Improvements						-
Subtotal	-	-	-	-	-	-
SUMMARY BY DEPARTMENT						
ASSESSOR	-	-	-	-	-	-
INFORMATION TECH	100,000	125,000	-	-	-	225,000
CONSERVATION	25,000	178,100	245,400	375,700	153,300	977,500
TOWN SURVEYOR	-	-	-	-	-	-
FACILITIES	11,725,000	1,852,225	13,770,000	425,000	65,000	27,837,225
POLICE	-	-	-	-	-	-
JCC	-	-	-	-	-	-
FIRE	280,000	150,000	79,000	1,035,000	395,000	1,939,000
BUILDING & ZONING	-	-	-	-	-	-
DPW	650,000	850,000	435,000	250,000	200,000	2,385,000

BOARD OF HEALTH	-	-	-	-	-	-
COUNCIL ON AGING	-	-	-	-	-	-
LIBRARY	-	-	-	-	-	-
RECREATION	177,000	1,260,000	1,645,000	275,000	1,615,000	4,972,000
subtotal	12,957,000	4,415,325	16,174,400	2,360,700	2,428,300	38,335,725
SCHOOL	1,940,000	1,305,000	1,481,000	1,374,000	1,095,000	7,195,000
TOTAL G/F DEPARTMENTS	14,897,000	5,720,325	17,655,400	3,734,700	3,523,300	45,530,725
<hr/>						
NON-DEPARTMENTAL						
WATER	1,095,000	2,045,000	1,025,000	675,000	1,575,000	6,415,000
WASTEWATER	-	-	-	-	-	-
TOTAL NON-G/F DEPARTMENTS	1,095,000	2,045,000	1,025,000	675,000	1,575,000	6,415,000
<hr/>						
GRAND TOTAL	15,992,000	7,765,325	18,680,400	4,409,700	5,098,300	51,945,725

SUMMARY BY TYPE

NEW BUILDING/MAJOR	11,400,000	850,000	13,000,000	-	-	25,250,000
BUILDING REPAIRS	290,000	740,000	1,101,000	1,074,000	985,000	4,190,000
EQUIPMENT	695,000	475,000	559,000	225,000	1,235,000	3,189,000
VEHICLE	430,000	600,000	130,000	1,110,000	470,000	2,740,000
LAND/IMPROVEMENTS	1,507,000	1,213,100	2,390,400	950,700	1,708,300	7,769,500
INFRASTRUCTURE	1,670,000	3,887,225	1,500,000	1,050,000	700,000	8,807,225
TOTAL ALL DEPT BY TYPE	15,992,000	7,765,325	18,680,400	4,409,700	5,098,300	51,945,725

TABLE NO. 1 - WAYLAND INCOME AND EXPENSE STATEMENT (ESTIMATED)

	FISCAL 2009	FISCAL 2010	FISCAL 2011	FISCAL 2012	FISCAL 2013	FISCAL 2014
BUDGET	56,117,307	62,019,837	66,029,337	71,261,997	65,827,351	68,077,733
ARTICLES	15,121,939	5,150,316	3,475,000	4,175,000	564,000	1,214,000
TOTAL TOWN EXPENSE	71,239,246	67,170,153	69,504,337	75,436,997	66,391,351	69,291,733
OVERLAY	1,039,311	1,106,754	1,676,989	1,206,448	973,000	600,000
NET REC FROM STATE	(2,044,382)	(1,419,895)	(4,199,174)	(4,139,522)	(3,973,000)	(3,959,000)
LOCAL RECEIPTS	(3,435,001)	(3,505,000)	(3,325,000)	(4,150,000)	(4,175,000)	(4,175,000)
OTHER SOURCES: FREE CASH, BORROWINGS, ETC.	(15,047,633)	(9,643,640)	(7,529,139)	(12,839,723)	(7,199,000)	(5,053,000)
TO BE RAISED BY TAXATION	51,751,541	53,708,371	56,128,013	55,514,200	52,017,351	56,694,733

AVERAGE TAX BILL WILL INCREASE BY APPROXIMATELY 0.97% IN FY2014

TABLE NO. 2 - HISTORICAL BUDGET SUMMARY (General Fund Only)					
FISCAL YR	SCHOOL	TOWN	TOTAL	INCREASE	%
FY 2014	33,397,005	34,680,728	68,077,733	2,250,382	3.4%
FY 2013	32,576,704	33,250,647	65,827,351	-1,430,105	-2.1%
FY 2012	31,096,713	36,160,743	67,257,456	4,896,649	7.9%
FY 2011	30,596,713	28,623,893	59,220,606	403,440	0.7%
FY 2010	31,111,713	27,705,453	58,817,166	2,699,858	4.8%
FY 2009	30,091,713	26,025,595	56,117,308	2,972,347	5.6%
FY 2008	28,722,212	24,422,749	53,144,961	2,395,484	4.7%
FY 2007	28,407,893	22,341,584	50,749,477	1,813,024	3.7%
FY 2006	27,379,743	21,556,710	48,936,453	2,420,683	5.2%
FY 2005	26,067,251	20,448,519	46,515,770	1,337,108	3.0%
FY 2004	25,650,251	19,528,411	45,178,662	2,058,038	4.8%

TABLE NO. 3 - TOWN REVENUES (GF)	FY 09	FY 10	FY 11	FY 12	FY13	FY14
TAX LEVY	51,751,543	53,708,371	56,128,013	55,514,200	52,017,351	56,694,733
STATE AID	5,129,702	4,666,700	4,486,387	4,394,008	4,175,000	4,186,000
LOCAL RECEIPTS						
MOTOR VEHICLE EXCISE	1,700,000	1,600,000	1,670,000	1,975,000	2,010,000	2,010,000
OTHER TAXES		80,000	100,000	150,000	150,000	150,000
PENALTIES & INTEREST	100,000	200,000	180,000	140,000	150,000	150,000
PAYMENT IN LIEU OF TAXES	40,000	35,000	30,000	30,000	30,000	30,000
DEPT FEES	650,000	850,000	700,000	800,000	775,000	775,000
SCHOOL SYSTEM FEES	50,000	50,000	50,000	50,000	50,000	50,000
LICENSE & PERMITS	450,000	400,000	400,000	725,000	725,000	725,000
SPECIAL ASSESSMENTS	10,000	10,000	5,000	5,000	5,000	5,000
FINES & FORFEITURES	50,000	40,000	40,000	50,000	55,000	55,000
INTEREST	185,000	90,000	150,000	225,000	225,000	225,000
LOCAL RECEIPTS SUB-TOTAL	3,235,000	3,355,000	3,325,000	4,150,000	4,175,000	4,175,000
AVAILABLE FUNDS	250,694	1,440,653	610,612	4,985,182	7,199,000	5,053,000
TOTAL	60,366,939	63,170,724	64,550,012	69,043,390	67,566,351	70,118,733

% OF BUDGET BY DEPARTMENT	FY 09	FY 10	FY 11	FY 12	FY 13	FY 14
GENERAL GOVERNMENT	5.8%	4.9%	4.6%	4.4%	5.1%	4.9%
PUBLIC SAFETY	9.3%	9.5%	8.8%	8.2%	8.3%	8.2%
SCHOOLS	53.6%	52.8%	49.1%	46.2%	49.5%	49.1%
REG VOC SCHOOL	0.8%	0.7%	0.6%	0.4%	0.4%	0.3%
DPW	3.6%	4.7%	4.3%	3.5%	3.6%	3.5%
HEALTH	1.1%	1.1%	1.1%	1.0%	1.1%	1.1%
LIBRARY	1.7%	1.6%	1.5%	1.4%	1.5%	1.5%
RECREATION	1.4%	0.1%	0.0%	0.5%	0.5%	0.5%
DEBT & INTEREST	7.3%	7.3%	8.0%	11.6%	11.7%	10.8%
RETIREMENT			5.0%	5.1%	4.8%	5.2%
UNCLASSIFIED	15.4%	15.3%	15.0%	15.8%	11.8%	13.3%
FACILITIES		2.0%	2.0%	1.8%	1.7%	1.6%

	BUDGET FY 13	BUDGET FY 14	INCREASE	% INCREASE
GENERAL GOVERNMENT	3,369,978	3,376,530	6,552	0.2%
PUBLIC SAFETY	5,461,350	5,553,169	91,819	1.7%
SCHOOLS	32,576,704	33,397,005	820,301	2.5%
REGIONAL VOC SCH	260,000	212,427	(47,573)	-18.3%
DPW	2,383,539	2,378,192	(5,347)	-0.2%
HEALTH	741,810	772,585	30,775	4.1%
LIBRARY	974,750	1,000,378	25,628	2.6%
RECREATION	347,000	314,456	(32,544)	-9.4%
DEBT & INTEREST	7,665,964	7,348,946	(317,018)	-4.1%
RETIREMENT	3,171,056	3,507,480	336,424	10.6%
UNCLASSIFIED	7,774,000	9,122,859	1,348,859	17.4%
FACILITIES	1,101,200	1,093,706	(7,494)	-0.7%
TOTAL	65,827,351	68,077,733	2,250,382	3.4%

COMMONWEALTH OF MASSACHUSETTS

To the Residents of Wayland:

Middlesex, ss.

Town of Wayland

***** WARRANT *****

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

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

TUESDAY, APRIL 2, 2012, BETWEEN 7:00 A.M. and 8:00 P.M.

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

One member of the Planning Board and one member of the Housing Authority for five years; and Town Clerk, one member of the Board of Assessors, one member of the Board of Selectmen, one member of the School Committee, one member of the Board of Health, one Commissioner of Trust Funds, two Library Trustees, two members of the Board of Public Works, and two Recreation Commissioners for three years.

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

THURSDAY, APRIL 4, 2012, AT 7:30 P.M.

to act on the following Articles:



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

Sponsored by: Board of Selectmen

To determine whether the Town will recognize the achievements and contributions to Town government of citizens and employees:

1. To recognize citizens who have served in a volunteer capacity on elected and/or appointed boards, committees, and commissions for a minimum of 25 years (service need not be consecutive);
2. To recognize employees who have retired since the previous Annual Town Meeting or intend to retire prior to June 30, 2013, subject to a minimum of 20 years of service; and
3. To request Town Meeting observe a moment of silence in memory of elected or appointed volunteers, employees with at least 10 years of service, or an employee while in service to the Town without regard to tenure who shall have passed away since the adjournment of the 2012 Annual Town Meeting.

The following citizens are recognized for their extensive service to the Town:

Backman, Roger	Conservation Commission	1997-Current
John R. Sullivan	Conservation Commission	1983-Current
Maryanne Peabody	Personnel Board	1997-Current
Judith Ide	Board of Registrars	1990-Current
Elizabeth Salerno	Board of Registrars	1993-Current
Christopher Hagger	Historic District Commission	1995-Current

The following town and school employees have retired since the 2012 Annual Town Meeting and have served the Town for over 20 years:

Kathleen Hawkins	26 Years	School
Evangela Jones	26 Years	School
Robert Morelli	27 Years	Highway
Donald Hart	25 Years	Water
Earl Hart	31 Years	Fire
Kenneth Altschuler	33 Years	School

The following volunteers have passed away since the 2012 Annual Town Meeting:

Brown, Daniel	December 16, 2012	Cable TV Committee (1983-1988) Cable TV Advisory Committee (1984-1985) Dog Control Appeals Board (2001-2012) Route 20 Corridor Committee (2002-2003) Housing Partnership (2004-2012)
Tauer, Alice L.	December 26, 2012	Election Worker (25 years)

The following town and school employees and retirees served the Town and have passed away since the 2012 Annual Town Meeting:

Keller, Ward W.	April 2, 2012	Wiring Inspector (1978-2007)
Galluzzo, Vincent	December 16, 2012	Highway Department
Turchinetz, John	December 22, 2012	Veterans Agent (1999-2012)
Lyons Jr., Paul A.	January 21, 2013	Firefighter/Administrative Clerk (20 years)
Roche, John W.	January 30, 2013	Water Superintendent (1951-1993)

Driscoll, George A. February 5, 2013 Police Officer and Detective (1959-1998)
Kelly Jr., William A. February 13, 2013 Call Firefighter

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

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

QUANTUM OF VOTE: Majority.

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

ARTICLE 2: PAY PREVIOUS FISCAL YEAR UNPAID BILLS

Proposed by: Board of Selectmen

To determine whether the Town will vote to:

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

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

ARGUMENTS IN FAVOR: This is a 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 defers recommendation until Annual Town Meeting.

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

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

ARTICLE 3: CURRENT YEAR TRANSFERS

Proposed by: Finance Committee

Estimated Cost: \$185,000

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

CURRENT YEAR TRANSFERS FY 2013		
	PURPOSE	AMOUNT
1	SNOW REMOVAL	\$150,000
2	WASTEWATER PROFESSIONAL EXPENSE	35,000
TOTAL CURRENT YEAR TRANSFERS		\$185,000
FUNDING SOURCES:		
	UNRESERVED FUND BALANCE	\$150,000
	WASTEWATER RETAINED EARNINGS	35,000
TOTAL		\$185,000

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:

Snow Removal (\$150,000): This request covers snow removal overages for the fiscal year. The funding source for this item is Unreserved Fund Balance (free cash).

Wastewater Professional Expense (\$35,000): This request covers expenses related to the engineering services for designing the additional leaching field at Town building. The funding source for this item is Wastewater retained earnings.

ARGUMENTS IN FAVOR: These expenses were not reasonably anticipated when forecasting the FY2013 budget and they are obligations of the Town.

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

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

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

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

ARTICLE 4: OPEB FUNDING

Proposed by: Board of Selectmen

Estimated cost: \$744,202

To determine whether the Town will vote to appropriate a sum of money to be deposited in the Town's Other Post-Employment Benefits Trust Fund; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose or otherwise.

FINANCE COMMITTEE COMMENTS: The purpose of this warrant article is to comply with the change in the Town Bylaws voted at the November, 2012 Special Town Meeting. The Town voted

“In order for funds to be made available by the Town for contribution to the Other Postemployment Benefits Trust Fund (“OPEB Trust Fund”), such funds must be appropriated by town meeting pursuant to a specific town meeting warrant article other than the omnibus budget article.” This article proposes that the Town appropriate and fund a \$744,202 contribution to the OPEB Trust Fund.

The Segal Group has proposed a funding plan for Wayland that will allow the Town to fully fund its OPEB liability by 2038 (a 30 year plan started in 2008). The required contribution for FY 2014 consistent with that plan is the \$744,202 amount proposed in this article. This funding plan is based on data and assumptions as of 12/31/2012 which are included in a report prepared for the Town of Wayland by the Segal Group dated March 1, 2013. The full report can be found on the Town’s website, http://www.wayland.ma.us/Pages/WaylandMA_Selectmen/OPEB.

The Segal Report has two schedules, one using a 7.0% rate and one using a 6.5% rate. The recommended amount of \$744,202 is from the 7.0% discount rate schedule used to calculate investment returns in the actuarial analysis. Over time, this rate can change based on the future outlook for investment returns. Regardless of what rate is assumed in the analysis, the actual required funding over time will be driven in part by actual investment returns, rather than forecasted investment returns.

Background

OPEB Liabilities and Funding Practices Since FY2008¹

The Commonwealth’s Department of Revenue defines OPEB as “post-employment benefits other than pensions [which] generally take the form of health insurance and dental, vision, prescription, or other healthcare benefits provided to eligible retirees, including in some cases their beneficiaries. They may also include some type of life insurance.”

GASB Statement 45, Accounting and Financial Reporting by Employers for Post-Employment Benefits Other Than Pensions, requires governments to account for OPEB on an accrual basis. Wayland adopted GASB Statement 45 in Fiscal Year 2009. Since the pronouncement of the OPEB reporting requirement in 2008, the Town has focused on addressing this issue.

Article 10 of the November 2008 Special Town Meeting authorized the Board of Selectmen to file a home rule petition for a special act to establish an OPEB Trust Fund (“Fund”) under the provisions of Chapter 32B of Massachusetts General Laws. Chapter 372 of the Acts of 2010 was signed by the Governor on November 17, 2010. It authorized the Town to establish the Fund under the supervision and management of the Town Administrator and the Finance Director, with the Town Treasurer serving as custodian of the Fund. The Town Treasurer must invest the funds prudently in certificates of deposit, stock and bond mutual funds, or state funds established for this purpose. The Fund is to be credited with funds appropriated or otherwise made available by the town, plus any earnings or interest accrued from the investment of these funds. These funds are to be used to fund future benefit payments covering OPEB related expenses for retired employees, their spouses and eligible dependents, and the surviving spouses and eligible dependents of deceased retired employees.

The Commonwealth has not mandated that communities with OPEB trusts make their Annual Required Contribution (“ARC”) each year. Nevertheless, the Finance Committee believed it was prudent to fund the OPEB Trust Fund and started making annual contributions in FY2008. The

¹ The following section is an adaptation of a report titled as such which can be found on the Town’s website.

appropriation to fund the contribution has been reported to Town Meeting as part of the "Insurance 32B" line item within the Unclassified budget line. For the FY 2014 Budget, this item is being renamed, "Health and Life Insurance." Included in this item are health insurance benefits and life insurance premiums for active employees and health insurance benefits for retired employees. The OPEB appropriation to fund a contribution to the OPEB Trust Fund is no longer in this line item and is a separate line item in the FY 2014 Budget.

The Town obtained actuarial valuation reports from The Segal Group as of December 31, 2008, December 31, 2010, and December 31, 2012 to determine the Town's ARC for OPEB purposes. The ARC represents a level of funding that, if paid on an ongoing basis, is projected (i) to cover the normal cost per year (current year expenses) and (ii) amortize the actuarial accrued liability (future expenses) over a period of thirty years to 2038. As of January 1, 2013, 457 retirees, beneficiaries and dependents and 436 active employees met the eligibility requirement to receive OPEB benefits.

As of 12/31/2012, the Town's Actuarial Accrued OPEB Liability ("AAL") was \$38,537,958 and the value of the assets in the OPEB Trust Fund was \$10,224,733, for a net unfunded OPEB liability of \$28,313,225². As of 12/31/2010, the Town's Actuarial Accrued OPEB Liability ("AAL") was \$49,476,106 and the value of the assets in the OPEB Trust Fund was \$3,762,543, for a net unfunded OPEB liability of \$45,713,563. The significant changes in the Town's healthcare offerings that reduced expenses for employees, retirees and the Town were the primary reasons for the decline in the AAL.

Additional background information on the OPEB obligation is available in the FY2012 Financial Statements by Melanson & Heath. Copies of the actuarial valuations, prepared by the Segal Company as of December 31, 2007, December 31, 2008, December 31, 2010, and December 31, 2012 can be found on the Town's website at website, http://www.wayland.ma.us/Pages/WaylandMA_Selectmen/OPEB.

The initial OPEB contribution in FY2008 was based on an estimate made in anticipation of receipt of the first actuarial valuation that provided the recommended annual contribution. The funds were set aside pending establishment of the OPEB Trust Fund approved by Article 10 of the November 2008 Special Town Meeting and authorized by special legislation. Since FY2009, the Finance Committee planned for the Town to appropriate approximately \$1,000,000 per year to fund a contribution to the OPEB Trust Fund, an amount roughly equivalent to the normal cost (current liabilities), and these funds were included within the Insurance 32B line item. Under the supervision and management by the Town Administrator and Finance Director, the OPEB Trust Fund is comprised of "amounts appropriated or otherwise made available." Because the OPEB contribution is one component of the Insurance 32B line item, no Town Meeting vote was required to move additional funds into the OPEB Trust from this line item.

Since FY2009, the recommended annual contribution reflected in the actuarial valuation has been included within the Insurance 32B line-item and made to the OPEB Trust. In FY2010 and FY2011, unexpended funds in the Insurance 32B account were deposited to the OPEB Trust Fund, consistent with the special legislation, in anticipation of growing liabilities and unfavorable investment returns.

During FY2012, after citizens questioned the process by which additional funds were contributed to the OPEB Trust Fund, the Town Administrator and Finance Director formally requested the Finance Committee to authorize a transfer of \$985,000 from available unexpended Insurance 32B funds to the

² See page 4 of the Segal Group report referenced in the text (table reproduced on page 38).

OPEB Trust Fund. On June 25, 2012, the Finance Committee declined to vote any additional contribution, so the unexpended available funds became part of the undesignated fund balance or free cash as of June 30, 2012.

The 2012 Annual Town Meeting voted to eliminate the Finance Committee's recommended appropriation to fund the annual contribution to the OPEB Trust Fund from the FY2013 budget, in part based on representations by some citizens that the account was overfunded.

The following chart shows the history of OPEB funding compared to liabilities since inception in FY2008:

<u>Fiscal Year</u> <u>Ending</u>	<u>Amount</u> <u>Deposited</u> <u>into OPEB</u> <u>Trust Fund</u>	<u>Normal</u> <u>Cost</u>	<u>Annual</u> <u>Required</u> <u>Contribution</u>
June 30, 2008	\$ 750,000	\$ 780,051	\$3,154,959
June 30, 2009	\$ 1,110,319	\$1,110,319	\$3,033,020
June 30, 2010	\$ 1,860,000	\$1,110,319	\$3,151,684
June 30, 2011	\$ 3,150,000	\$1,115,173	\$3,582,995
June 30, 2012	\$ 2,800,000	\$1,170,932	\$3,657,200
June 30, 2013	\$ 0	\$1,229,479	\$3,802,766

In the fiscal year ending June 30, 2010, savings from the Insurance 32B account in the amount of \$750,000 were deposited into the OPEB Trust Fund. In the fiscal year ending June 30, 2011, savings from the Insurance 32B account in the amount of \$1,250,000 were deposited into the OPEB Trust Fund.

Wayland's early leadership on this issue is evident in the level of funding that has been allocated since FY2008. According to research compiled for an article on OPEB obligations and funding in more than 100 communities in eastern Massachusetts surveyed by the Gatehouse Media Service network of weekly local newspapers that includes The Wayland Town Crier, Wayland, Dover, Wellesley and Needham are the only communities currently funding more than 10% of the current estimated liability among the surveyed communities. Not coincidentally, all four towns have Aaa municipal bond ratings. The link to the article can be found on the Town website, http://www.wayland.ma.us/Pages/WaylandMA_Selectmen/OPEB.

How OPEB Works

There are two concepts that are central to how OPEB works. The first one is how much money is needed to pay benefits to retirees when those payments are required and the second one is where does that money come from.

The first one is fairly straight forward. The amount of money needed to pay benefits is based on the retirees' OPEB covered expenses for the current fiscal year. For FY 2012 that amount was \$1,494,210. For FY 2014, that amount is based on actual enrollment forecast to be \$1,632,909 (and is subject to change).

The second one requires more explanation. Historically for Wayland and currently for the vast majority of the cities and towns in the Commonwealth, a "pay-as-you-go" strategy was and is used.

This means that if Wayland only used a “pay-as-you-go” strategy, ATM would only appropriate \$1,632,909 to fund estimated OPEB expenses in FY 2014. If you refer to page 4 of the Segal Report reproduced on page 38, you will see that by 2039, Wayland would have to appropriate \$7,256,737 to fund the estimated OPEB related payment to retirees (a 444% increase when compared to FY 2014).

The alternative strategy to funding OPEB payments is to set up an OPEB trust fund to pre-fund future benefit payments. That is, set aside the money now, invest it, and use the benefit of time to reduce the amount of money a town would have to appropriate in the future to fund its OPEB obligations. This is the approach that Wayland is using today.

Using the alternative strategy works differently during the time period it takes to fully fund an OPEB trust fund than it does once an OPEB trust fund is fully funded. During the time it takes to fully fund its OPEB Trust Fund, Wayland will use a hybrid method to fund its current and future OPEB payments. Wayland will appropriate the amount of money needed to pay current year benefits (the “pay-as-you-go” amount) and an amount that the actuaries (the Segal Group) determine is needed to reach fully funded status by 2038 (fully funded is when the assets in the OPEB Trust Fund equal the Actuarial Accrued Liability). Until the OPEB Trust Fund is fully funded, no money will be taken out of the OPEB Trust Fund.

Once the OPEB Trust Fund is fully funded, then the following will happen. Please refer again to page 4 of the above referenced Segal report for the source of these numbers. In 2039, once the OPEB Trust Fund is fully funded, Wayland will need money in the amount of \$7,256,737 to pay OPEB benefits. Wayland will get that money from two sources: 1) \$3,907,587 from operating revenues and \$3,349,150 from the OPEB Trust Fund. Had Wayland maintained a “pay-as-you-go” strategy, the full \$7,256,737 would come from operating revenue (property taxes). Going forward, actuarial analysis will determine how much of the current year benefit will be funded by operating revenue and how much will be funded by withdrawals from the OPEB Trust Fund.

The two main drivers of the cost of OPEB benefits over time are the cost of the benefits themselves and the number of retirees eligible to collect those benefits. It is up to the Town to determine the level of services it is willing to pay for and to structure the components of compensation to the employees providing those services, whether the compensation is in the form of current period earnings (salary) or future benefits (like OPEB and Pensions, for example).

Additional Information

Wayland’s OPEB contributions are currently invested through two portfolio managers, Rockland Trust and Commonwealth Financial Network with approximately 50% allocated to each manager. These portfolio managers were chosen by the Town Treasurer pursuant to the authority granted to him by the Legislature in the special statute that established Wayland’s OPEB Trust Fund. The Investment Managers began managing the funds in April, 2012. The Investment Policies and 2012 performance for each manager can be found on the Town’s website, website, http://www.wayland.ma.us/Pages/WaylandMA_Selectmen/OPEB.

ARGUMENTS IN FAVOR: Residents of the Town of Wayland are and have been the recipients and beneficiaries of services provided to them by current and retired employees of the Town. The total compensation contractually owed to these current and retired employees includes other post retirement benefits. Full payment for the services received includes providing funding today to cover the future obligations that are part of the total compensation included in the cost of providing those services. To not fund OPEB fully is to not provide for the full compensation due our employees and retirees.

The Finance Committee supports this article because we believe this contribution is part of a thoughtful, balanced plan that seeks to fully fund the Town's OPEB liability by 2038. No one can say with certainty what the future cost will be. The funding plan proposed is based on the actuarial analysis using current assumptions and data. As these assumptions change over time, the amount of funding that will be required in subsequent years to achieve funded status by 2038 will change.

Moody's Investors Services published a credit research report on Wayland's recent debt offering. In it Moody's says, "The Aaa rating reflects the town's stable financial position, characterized by healthy reserve levels and a satisfactory plan to address long-term liabilities for pension and OPEB."³

Moody's goes on to say, "The town fully funded its annual OPEB from 2009 through 2012, indicating a willingness of the town to begin addressing the long term liability. In fiscal 2013, however, the town voted to fund 0% of the 2013 OPEB ARC, as a means to free up additional funds for operations. The town plans to return to full funding in fiscal 2014. Although the town's failure to pay the full OPEB ARC is not expected to immediately impact its financial position, a failure to contribute in future years will result in an increased liability and additional fiscal challenges. The town's OPEB liability was funded at 7.6%, with a total unfunded Actuarial Accrued Liability (UAAL) of \$45.7 million, as of December 2010."⁴ Later on in the report, Moody's says, "What Could Change the Rating Down – Continued reduction of General Fund Balance and free cash – Failure to address long-term liabilities for pension and OPEB"⁵ The full Moody's report is available on the town's website, http://www.wayland.ma.us/Pages/WaylandMA_Selectmen/OPEB.

Some will argue that since Wayland is not required to make contributions to fund OPEB, we should wait until we are required to make the contributions. Current taxpayers are benefiting from services provided by current employees. To not make a contribution to OPEB this year is to say that current taxpayers don't have to provide for the full cost of the current services being provided for them.

Some will argue that we should wait until we get further clarity on proposed changes being considered by the legislature. It is highly unlikely that whatever changes are made will make the current unfunded liability disappear.

Some will argue that we shouldn't make OPEB contributions just to maintain the Town's "Aaa" debt rating. However, actions taken collectively that result in a lower/weakened Town Debt rating will likely result in higher borrowing expenses for the Town. Higher expenses require higher taxes.

ARGUMENTS OPPOSED: The town is not required to make any contributions and therefore should wait until required to do so.

Until we have a better understanding of what our actual OPEB expense are, we should not make any additional contributions to the OPEB Trust.

No further funding of OPEB should be approved until a clear policy is documented to manage the investment of the funds and future costs based on the new legislation recently filed.

³ Moody's Investors Service, Global Credit Research – 24 Jan 2013.

⁴ ibid

⁵ ibid

Waiting a year or two to resume funding and stretching the funding period out over a longer time period should be explored and will not have an adverse impact on the town's financial situation or debt rating.

Town of Wayland										
FUNDING SCHEDULES										
26 Years Closed (7.00% discount rate), payments increasing at 3.5%										
Fiscal Year Basis					Calendar Year Basis					
Fiscal Year Ended June 30	(1) Projected Benefit Payments	(2) Normal Cost	(3) Amortization of UAAL	(4) Total Funding Requirement (3) + (2)	(5) Addition/Reduction to Trust (4) - (1)	Funded Status as of December 31	(6) Assets at December 31	(7) AAL at December 31	(8) UAAL at December 31	(7) - (6)
2013	\$1,978,306	\$1,098,973	\$1,600,046	\$2,699,019	\$0	2012	\$10,224,733	\$38,537,958	\$28,313,225	\$28,313,225
2014	2,110,447	1,153,922	1,700,727	2,854,649	744,202	2013	10,940,464	40,294,729	29,354,265	29,354,265
2015	2,253,489	1,211,618	1,760,252	2,971,870	718,381	2014	12,502,593	42,091,878	29,589,285	29,589,285
2016	2,427,240	1,272,199	1,821,861	3,094,060	666,820	2015	14,146,442	43,923,507	29,777,065	29,777,065
2017	2,610,762	1,335,809	1,885,626	3,221,435	610,673	2016	15,850,190	45,762,259	29,912,069	29,912,069
2018	2,789,911	1,402,599	1,951,623	3,354,222	564,311	2017	17,613,123	47,601,417	29,988,294	29,988,294
2019	2,924,211	1,472,729	2,019,930	3,492,659	568,448	2018	19,449,854	49,449,092	29,999,238	29,999,238
2020	3,064,593	1,546,365	2,090,628	3,636,993	572,400	2019	21,419,583	51,357,443	29,937,860	29,937,860
2021	3,238,411	1,623,683	2,163,800	3,787,483	549,072	2020	23,531,422	53,327,960	29,796,538	29,796,538
2022	3,324,077	1,704,867	2,239,533	3,944,400	620,323	2021	25,766,129	55,333,158	29,567,029	29,567,029
2023	3,407,506	1,790,110	2,317,917	4,108,027	700,521	2022	28,233,504	57,473,924	29,240,420	29,240,420
2024	3,577,882	1,879,616	2,399,044	4,278,660	700,778	2023	30,959,407	59,766,485	28,807,078	28,807,078
2025	3,756,776	1,973,597	2,483,011	4,456,608	699,832	2024	33,876,398	62,132,994	28,256,596	28,256,596
2026	3,944,614	2,072,277	2,569,916	4,642,193	697,579	2025	36,996,566	64,574,302	27,577,736	27,577,736
2027	4,141,845	2,175,891	2,659,863	4,835,754	693,909	2026	40,332,735	67,091,103	26,758,368	26,758,368
2028	4,348,937	2,284,686	2,752,958	5,037,644	688,707	2027	43,898,509	69,683,909	25,785,400	25,785,400
2029	4,566,383	2,398,920	2,849,312	5,248,232	681,849	2028	47,708,321	72,353,034	24,644,713	24,644,713
2030	4,794,702	2,518,866	2,949,038	5,467,904	673,202	2029	51,777,482	75,098,561	23,321,079	23,321,079
2031	5,034,437	2,644,809	3,052,254	5,697,063	662,626	2030	56,122,232	77,920,316	21,798,084	21,798,084
2032	5,286,159	2,777,049	3,159,083	5,936,132	649,973	2031	60,759,798	80,817,836	20,058,038	20,058,038
2033	5,550,466	2,915,901	3,269,651	6,185,552	635,086	2032	65,708,455	83,790,337	18,081,882	18,081,882
2034	5,827,989	3,061,696	3,384,089	6,445,785	617,796	2033	70,987,589	86,836,676	15,849,087	15,849,087
2035	6,119,389	3,214,781	3,502,532	6,717,313	597,924	2034	76,617,762	89,955,310	13,337,548	13,337,548
2036	6,425,358	3,375,520	3,625,121	7,000,641	575,283	2035	82,620,784	93,144,251	10,523,467	10,523,467
2037	6,746,626	3,544,296	3,752,000	7,296,296	549,670	2036	89,019,792	96,401,022	7,381,230	7,381,230
2038	6,911,178	3,721,511	3,883,276	7,604,787	693,609	2037	95,839,324	99,722,600	3,883,276	3,883,276
2039	7,256,737	3,907,587	0	3,907,587	(3,349,150)	2038	103,290,238	103,290,238	-	-

Note: Assumes additional funding payments made on January 1.

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

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

For more information about this article, contact Brian Keveny, Finance Director, at (508) 358-3611, email bkeveny@wayland.ma.us, or David Gutschenritter, Finance Committee, at djgutschenritter@StateStreet.com.

ARTICLE 5: FY 2014 OMNIBUS BUDGET

Sponsored by: Finance Committee

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

FINANCE COMMITTEE COMMENTS: Please see the Finance Committee Report on page 4 of this Warrant.

ARGUMENTS IN FAVOR: This budget reflects the cost of operating the Town in an efficient manner in order to maintain delivery of current levels of service to the residents of Wayland.

ARGUMENTS OPPOSED: Some residents believe that this growth in Town spending and the resulting tax increases are unsustainable and that there are numerous opportunities to trim the Fiscal Year 2014 budget without reducing essential services, and some have communicated that they feel the level of services should be reduced. Other residents might believe that insufficient funds have been budgeted to perform all desired services.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7 – 0 for the operating budget; 6 – 0 for the capital budget.

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

MOTION UNDER ARTICLE 5:

- 1) “That the report of the Finance Committee respecting the Fiscal Year 2014 Budget be accepted; and that each and every numbered item set forth in the Finance Committee’s Budget for Fiscal Year 2014 be voted, granted and appropriated as an expenditure for the several purposes and uses set forth in said budget establishing a total budget of \$72,354,918, which sum shall be expended only for the purposes shown under the respective boards, committees and offices of the Town; and, of the total sum so appropriated, \$63,014,622 shall be raised by taxation, \$360,000 shall be provided by transfer from Ambulance receipts, \$111,000 shall be provided by transfer from Premium on Bonds Account, \$1,247,111 shall be provided by transfer from other funds, \$845,000 shall be provided by transfer from Overlay Surplus, \$2,500,000 shall be provided by transfer from Unreserved Fund Balance, \$3,556,100 shall be provided from Water revenue, \$33,205 shall be

provided from Septage Retained Earnings, and \$687,880 shall be provided from Wastewater revenues.

- 2) For what it considers to be the proper management of the Town and its finances, the Finance Committee makes the following recommendations, and they are, therefore, incorporated under the motion to be made under Article 5 at the Annual Town Meeting, as follows:

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

“That the Director of Youth and Family Services and Staff be under the jurisdiction of the Youth Advisory Committee which shall report to the Town on the activities of the Director of Youth and Family Services and Staff at the Annual Town Meeting;”

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

“That the Town continue for Fiscal Year 2014 the Transfer Station revolving fund by vote of the 2011 Annual Town Meeting pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws by the Board of Public Works for transfer station programs and activities, to be funded by user fees and recycling receipts collected; and that the amount to be expended not to exceed the sum of \$500,000;” and

“That the Town continue for Fiscal Year 2014 the revolving fund established by vote of the 2006 Annual Town Meeting pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws by the Recreation Commission for recreation programs and activities, to be funded by user fees collected; and that the amount to be expended not to exceed the sum of \$450,000;” and

“That the Town continue for Fiscal Year 2014 the revolving fund established by vote of the 1994 Annual Town Meeting pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws for use by the Council on Aging for education, cultural and entertainment programs and purposes, to be funded by receipts from said programs; and that the amount to be expended not exceed the sum of \$50,000.”

- 3) “That each and every numbered item set forth in the Finance Committee’s capital budget of Fiscal Year 2014 listed on pages 50-51 in the total amount of \$4,500,000 be appropriated for equipment and vehicle acquisitions and projects for the listed departments, each of which shall be a separate appropriation, and, of the total sum so appropriated, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$1,975,000, pursuant to the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8, \$470,000 shall be raised from taxation, \$180,000 shall be provided by transfer from Unreserved Fund Balance, \$395,000 shall be provided from water surplus, and \$700,000 shall be provided from Water revenues, and \$280,000 shall be provided from Ambulance receipts, provided that the debt services costs related to the improvements to the Transfer Station and Recycling Center Facility shall be funded by transfer to the General Fund from fees paid for the use of said facility.

- 4) “That the Town :
- a.) appropriate the sum of \$2,915,000 Dollars to be expended under the direction of the Permanent Municipal Building Committee for the purpose of paying costs of repairs to the Wayland Middle School, 201 Main Street, Wayland, Massachusetts 01778, including the payment of all costs incidental or related thereto (the “Project”) which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”);
 - b.) to meet said appropriation, (i) authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$915,000 under Massachusetts General Laws Chapter 44, or any other enabling authority; (ii) use \$1,500,000 of the proceeds from the sale of bonds for said project authorized by vote of the 2012 Annual Town Meeting; and (iii) use \$500,000 from the proceeds of the sale of bonds for the Wayland High School Expansion and Modernization Project authorized by vote of the November 17, 2009 Special Town Meeting.
 - c.) reduce the amount of borrowing authorized pursuant to this vote by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA, provided further that any grant that the Town may receive from the MSBA for said project shall not exceed the lesser of (1) 36.89% of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount of \$1,027,655 as determined by the MSBA;
 - d.) acknowledge that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; and
 - e.) authorize the School Committee to enter into all necessary and appropriate agreements for the repairs to the Wayland Middle School, including but not limited to a project funding agreement and a project scope and budget agreement with the MSBA, which agreements with the MSBA may include a provision requiring the Town to indemnify the MSBA for losses associated with the Town’s performance of its obligations and exercise of its rights under such agreements.

For more information about this article, contact William Steinberg, Chair, Finance Committee, at billsteinberg55@gmail.com.

	FISCAL YEAR 2014 BUDGET	EXPENDED FY 2011	EXPENDED FY 2012	APPROPRIATED FY 2013	REQUESTED FY 2014
SELECTMEN					
	<i>Total FTEs</i>	0.00	0.00	0.00	0.00
1	PURCHASE OF SERVICES	\$24,943	\$20,314	\$27,000	\$27,000
2	SUPPLIES	\$8,192	\$2,036	\$6,000	\$6,000
	TOTAL SELECTMEN	\$33,135	\$22,350	\$33,000	\$33,000
TOWN OFFICE					
	<i>Total FTEs</i>	4.00	4.00	4.00	4.50
3	SALARIES	\$372,553	\$372,450	\$377,600	\$406,424
4	PURCHASE OF SERVICES	\$8,652	\$7,707	\$13,000	\$10,000
5	SUPPLIES	\$61,258	\$55,782	\$60,000	\$71,500
	TOTAL TOWN OFFICE	\$442,463	\$435,939	\$450,600	\$487,924
PERSONNEL BOARD					
	<i>Total FTEs</i>	0.00	0.00	0.00	0.00
6	SALARIES	\$0	\$0	\$6,750	\$6,750
7	PURCHASE OF SERVICES	\$9,990	\$6,528	\$10,000	\$10,000
	TOTAL PERSONNEL BOARD	\$9,990	\$6,528	\$16,750	\$16,750
FINANCE					
	<i>Total FTEs</i>	4.43	4.43	4.43	4.43
8	SALARIES	\$281,287	\$294,070	\$300,091	\$301,880
9	PURCHASE OF SERVICES	\$70,854	\$42,705	\$50,700	\$48,700
10	SUPPLIES	\$1,655	\$2,050	\$5,000	\$3,000
	TOTAL FINANCE	\$353,796	\$338,825	\$355,791	\$353,580
ASSESSOR					
	<i>Total FTEs</i>	4.00	4.00	4.00	4.00
11	SALARIES	\$218,816	\$200,579	\$236,106	\$238,510
12	PURCHASE OF SERVICES	\$53,130	\$98,406	\$77,500	\$77,450
13	SUPPLIES	\$1,508	\$2,625	\$3,000	\$3,000
	TOTAL ASSESSOR	\$273,453	\$301,610	\$316,606	\$318,960
TREASURER					
	<i>Total FTEs</i>	3.23	3.26	3.26	3.26
14	SALARIES	\$190,933	\$190,791	\$194,015	\$199,368
15	PURCHASE OF SERVICES	\$25,637	\$25,534	\$30,250	\$30,250
16	SUPPLIES	\$622	\$221	\$1,700	\$500
	TOTAL TREASURER	\$217,192	\$216,546	\$225,965	\$230,118
TOWN COUNSEL					
	<i>Total FTEs</i>	0.00	0.00	0.00	0.00

	FISCAL YEAR 2014 BUDGET	EXPENDED FY 2011	EXPENDED FY 2012	APPROPRIATED FY 2013	REQUESTED FY 2014
17	PURCHASE OF SERVICES	\$410,418	\$120,936	\$245,000	\$170,000
18	SUPPLIES	\$5,329	\$979	\$5,000	\$5,000
	TOTAL TOWN COUNSEL	\$415,747	\$121,915	\$250,000	\$175,000
	INFORMATION TECHNOLOGY				
	<i>Total FTEs</i>	1.00	1.00	1.00	1.00
19	SALARIES	\$82,443	\$83,083	\$83,572	\$83,842
20	PURCHASE OF SERVICES	\$109,312	\$122,692	\$155,000	\$149,883
21	SUPPLIES	\$18,126	\$20,501	\$73,000	\$62,001
	TOTAL INFORMATION TECHNOLOGY	\$209,881	\$226,276	\$311,572	\$295,726
	TOWN CLERK				
	<i>Total FTEs</i>	2.00	2.00	2.00	2.00
22	SALARIES	\$119,360	\$120,301	\$119,030	\$120,023
23	PURCHASE OF SERVICES	\$5,170	\$6,841	\$11,400	\$10,215
24	SUPPLIES	\$1,046	\$1,504	\$1,400	\$1,400
	TOTAL TOWN CLERK	\$125,575	\$128,646	\$131,830	\$131,638
	ELECTIONS				
	<i>Total FTEs</i>	0.00	0.00	0.00	0.00
25	SALARIES	\$18,840	\$14,863	\$26,500	\$13,564
26	PURCHASE OF SERVICES	\$800	\$73	\$1,000	\$900
27	SUPPLIES	\$13,120	\$13,028	\$14,950	\$5,400
	TOTAL ELECTIONS	\$32,761	\$27,964	\$42,450	\$19,864
	REGISTRAR				
	<i>Total FTEs</i>	0.00	0.00	0.00	0.00
28	SALARIES	\$275	\$275	\$275	\$275
29	PURCHASE OF SERVICES	\$3,612	\$2,143	\$4,500	\$4,000
	TOTAL REGISTRAR	\$3,887	\$2,418	\$4,775	\$4,275
	CONSERVATION				
	<i>Total FTEs</i>	1.71	1.71	1.83	1.83
30	SALARIES	\$114,470	\$123,400	\$134,402	\$142,026
31	PURCHASE OF SERVICES	\$12,148	\$5,902	\$12,500	\$12,500
32	SUPPLIES	\$6,320	\$10,041	\$8,600	\$7,400
	TOTAL CONSERVATION	\$132,938	\$139,343	\$155,502	\$161,926
	PLANNING				
	<i>Total FTEs</i>	1.40	1.40	1.40	1.40
33	SALARIES	\$114,901	\$112,081	\$103,910	\$105,990
34	PURCHASE OF SERVICES	\$4,112	\$0	\$3,000	\$3,000

FISCAL YEAR 2014 BUDGET		EXPENDED FY 2011	EXPENDED FY 2012	APPROPRIATED FY 2013	REQUESTED FY 2014
35	SUPPLIES	\$1,568	\$3,280	\$2,000	\$1,500
	TOTAL PLANNING	\$120,582	\$115,361	\$108,910	\$110,490
SURVEYOR					
	<i>Total FTEs</i>	2.00	2.00	2.00	2.00
36	SALARIES	\$153,954	\$158,454	\$157,625	\$160,778
37	PURCHASE OF SERVICES	\$8,961	\$10,647	\$12,800	\$12,800
38	SUPPLIES	\$5,828	\$4,630	\$4,150	\$4,150
	TOTAL SURVEYOR	\$168,743	\$173,731	\$174,575	\$177,728
PUBLIC BUILDINGS					
	<i>Total FTEs</i>	3.82	3.54	3.54	3.54
39	SALARIES	\$274,124	\$276,936	\$276,400	\$272,106
40	PURCHASE OF SERVICES	\$205,486	\$222,156	\$207,800	\$239,600
	Contract Services	\$81,048	\$65,014	\$80,600	\$81,600
	Repairs & Other				
	Expenses	\$124,438	\$157,142	\$127,200	\$158,000
41	UTILITIES	\$496,381	\$457,554	\$577,000	\$543,500
42	SUPPLIES	\$25,424	\$18,097	\$40,000	\$38,500
	TOTAL FACILITIES	\$1,001,414	\$974,743	\$1,101,200	\$1,093,706
MISC COMMITTEES					
<i>Historic Commission, Surface Water Quality Commission, Historic District Commission, Public Ceremonies Committee, 375th Anniversary Commemoration Committee</i>					
	<i>Total FTEs</i>	0.00	0.00	0.00	0.00
43	PURCHASE OF SERVICES	\$10,084	\$31,983	\$76,575	\$49,775
	TOTAL MISC COMMITTEES	\$10,084	\$31,983	\$76,575	\$49,775
POLICE					
	<i>Total FTEs</i>	24.33	24.33	24.33	25.33
44	SALARIES	\$2,048,508	\$2,047,435	\$2,124,500	\$2,181,252
45	PURCHASE OF SERVICES	\$130,016	\$110,960	\$131,550	\$125,350
46	SUPPLIES	\$167,183	\$191,156	\$189,000	\$199,000
	TOTAL POLICE	\$2,345,707	\$2,349,551	\$2,445,050	\$2,505,602
JOINT COMMUNICATIONS					
	<i>Total FTEs</i>	8.00	8.00	8.00	8.00
47	SALARIES	\$432,939	\$452,550	\$481,200	\$473,001
48	PURCHASE OF SERVICES	\$12,469	\$17,187	\$15,100	\$16,600

	FISCAL YEAR 2014 BUDGET	EXPENDED FY 2011	EXPENDED FY 2012	APPROPRIATED FY 2013	REQUESTED FY 2014
49	UTILITIES	\$16,088	\$18,605	\$17,000	\$20,000
50	SUPPLIES	\$5,313	\$3,563	\$8,300	\$5,500
	TOTAL JOINT COMMUNICATIONS	\$466,809	\$491,905	\$521,600	\$515,101
	EMERGENCY MANAGEMENT				
	<i>Total FTEs</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
51	PURCHASE OF SERVICES	\$7,880	\$15,477	\$16,000	\$16,000
52	SUPPLIES	\$36,078	\$4,511	\$7,000	\$7,000
	TOTAL EMERGENCY MANAGEMENT	\$43,958	\$19,988	\$23,000	\$23,000
	DOG OFFICER				
	<i>Total FTEs</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
53	PURCHASE OF SERVICES	\$21,778	\$18,628	\$21,500	\$21,500
54	SUPPLIES	\$0	\$0	\$2,000	\$1
	TOTAL DOG OFFICER	\$21,778	\$18,628	\$23,500	\$21,501
	FIRE & ALS				
	<i>Total FTEs</i>	<i>28.21</i>	<i>28.87</i>	<i>28.87</i>	<i>28.87</i>
55	SALARIES	\$2,131,549	\$2,170,056	\$2,104,100	\$2,271,520
56	PURCHASE OF SERVICES	\$62,524	\$82,390	\$91,700	\$104,445
57	SUPPLIES	\$100,440	\$122,772	\$112,000	\$112,000
	TOTAL FIRE	\$2,294,513	\$2,375,218	\$2,307,800	\$2,487,965
	BUILDING & ZONING				
	<i>Total FTEs</i>	<i>4.89</i>	<i>4.89</i>	<i>4.63</i>	<i>4.63</i>
58	SALARIES	\$265,408	\$276,608	\$288,772	\$281,054
59	PURCHASE OF SERVICES	\$12,521	\$10,832	\$14,000	\$14,000
60	SUPPLIES	\$8,181	\$8,333	\$7,300	\$501
	TOTAL BUILDING & ZONING	\$286,111	\$295,773	\$310,072	\$295,555
	SCHOOLS				
	<i>Total FTEs</i>	<i>360.99</i>	<i>367.26</i>	<i>374.42</i>	<i>374.64</i>
61	TOTAL SCHOOLS	\$30,427,419	\$30,921,330	\$32,526,704	\$33,397,005
	REGIONAL VOCATIONAL SCHOOLS				
	<i>Total FTEs</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
	TOTAL REGIONAL VOC SCHOOLS	\$382,801	\$309,585	\$260,000	\$212,427
	DPW				
	<i>Total FTEs</i>	<i>28.14</i>	<i>27.57</i>	<i>28.37</i>	<i>28.37</i>

	FISCAL YEAR 2014 BUDGET	EXPENDED FY 2011	EXPENDED FY 2012	APPROPRIATED FY 2013	REQUESTED FY 2014
63	SALARIES HIGHWAY	\$1,397,177	\$1,328,481	\$1,334,039	\$1,333,692
64	PURCHASE OF SERVICES	\$443,334	\$182,762	\$256,700	\$256,700
65	SUPPLIES PARKS & CEMETERIES	\$80,991	\$62,087	\$74,800	\$74,800
66	PURCHASE OF SERVICES	\$104,730	\$132,334	\$100,500	\$100,500
67	SUPPLIES LANDFILL	\$70,171	\$103,632	\$87,500	\$97,500
68	PURCHASE OF SERVICES	\$250,856	\$81,599	\$80,000	\$65,000
69	SUPPLIES	\$48,763			
	TOTAL DPW	\$2,396,022	\$1,890,895	\$1,933,539	\$1,928,192
	SNOW				
	<i>Total FTEs</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
70	SALARIES - SNOW OVERTIME	\$139,250	\$66,812	\$125,000	\$125,000
71	PURCHASE OF SERVICES	\$137,380	\$82,862	\$110,000	\$110,000
72	SUPPLIES	\$261,714	\$145,263	\$215,000	\$215,000
	TOTAL SNOW	\$538,343	\$294,937	\$450,000	\$450,000
	BOARD OF HEALTH				
	<i>Total FTEs</i>	<i>9.18</i>	<i>9.15</i>	<i>9.15</i>	<i>9.15</i>
73	SALARIES	\$513,825	\$554,893	\$570,360	\$589,213
74	PURCHASE OF SERVICES	\$116,732	\$147,650	\$157,910	\$169,832
75	SUPPLIES	\$11,003	\$3,556	\$13,540	\$13,540
	TOTAL BOARD OF HEALTH	\$641,560	\$706,099	\$741,810	\$772,585
	VETERANS SERVICES				
	<i>Total FTEs</i>	<i>0.11</i>	<i>0.11</i>	<i>0.00</i>	<i>0.00</i>
76	SALARIES	\$3,899	\$3,824	\$4,000	
77	PURCHASE OF SERVICES	\$7,226	\$0	\$20,000	\$24,000
78	SUPPLIES	\$3,337	\$2,868	\$6,000	\$6,000
	TOTAL VETERANS SERVICES	\$14,463	\$6,692	\$30,000	\$30,000
	COUNCIL ON AGING				
	<i>Total FTEs</i>	<i>2.83</i>	<i>2.86</i>	<i>2.83</i>	<i>2.83</i>
79	SALARIES	\$163,517	\$171,269	\$162,330	\$165,940
80	PURCHASE OF SERVICES	\$38,012	\$37,539	\$45,700	\$45,700
81	SUPPLIES	\$6,428	\$3,204	\$9,800	\$9,800
	TOTAL COUNCIL ON AGING	\$207,957	\$212,012	\$217,830	\$221,440
	YOUTH SERVICES				
	<i>Total FTEs</i>	<i>2.11</i>	<i>2.11</i>	<i>2.11</i>	<i>2.11</i>

	FISCAL YEAR 2014 BUDGET	EXPENDED FY 2011	EXPENDED FY 2012	APPROPRIATED FY 2013	REQUESTED FY 2014
82	SALARIES	\$143,837	\$151,012	\$153,350	\$156,285
83	PURCHASE OF SERVICES	\$2,181	\$1,022	\$2,850	\$2,850
84	SUPPLIES	\$883	\$1,969	\$975	\$975
	TOTAL YOUTH SERVICES	\$146,901	\$154,003	\$157,175	\$160,110
	WAYLAND CARES				
	<i>Total FTEs</i>				0.97
85	SALARIES	\$0	\$0	\$0	\$55,269
86	PURCHASE OF SERVICES	\$0	\$0	\$0	\$42,153
87	SUPPLIES	\$0	\$0	\$0	\$5,249
	TOTAL YOUTH SERVICES	\$0	\$0	\$0	\$102,671
	LIBRARY				
	<i>Total FTEs</i>	14.71	14.71	14.74	14.74
88	SALARIES	\$738,153	\$740,193	\$748,950	\$772,518
89	PURCHASE OF SERVICES	\$40,420	\$34,678	\$47,300	\$47,300
90	SUPPLIES	\$167,509	\$177,968	\$178,500	\$180,560
	TOTAL LIBRARY	\$946,082	\$952,839	\$974,750	\$1,000,378
	RECREATION				
	<i>Total FTEs</i>	2.43	2.33	2.33	1.83
91	SALARIES	\$0	\$334,293	\$322,000	\$314,456
92	SUPPLIES	\$0	\$25,000	\$25,000	\$0
	TOTAL RECREATION	\$0	\$359,293	\$347,000	\$314,456
	DEBT AND INTEREST				
	<i>Total FTEs</i>	0.00	0.00	0.00	0.00
93	TOTAL DEBT AND INTEREST	\$5,011,331	\$7,730,470	\$7,665,964	\$7,348,946
	RETIREMENT				
	<i>Total FTEs</i>	0.00	0.00	0.00	0.00
	PURCHASE OF SERVICES	\$3,140,204	\$3,420,633	\$3,171,056	\$3,507,480
94	TOTAL RETIREMENT	\$3,140,204	\$3,420,633	\$3,171,056	\$3,507,480
	OPEB				
	<i>Total FTEs</i>	0.00	0.00	0.00	0.00
95	ANNUAL CONTRIBUTION	\$3,150,000	\$2,800,000	\$0	\$0
	TOTAL OPEB	\$3,150,000	\$2,800,000	\$0	\$0
	UNCLASSIFIED				
	<i>Total FTEs</i>	0.00	0.00	0.00	0.00

FISCAL YEAR 2014 BUDGET	EXPENDED FY 2011	EXPENDED FY 2012	APPROPRIATED FY 2013	REQUESTED FY 2014
HEALTH & LIFE INSURANCE				
Employee Health Ins (439)	\$4,194,150	\$3,879,467	\$4,527,828	\$4,328,589
Retiree Health Ins (429)	\$1,466,544	\$1,494,207	\$1,735,052	\$1,632,909
Employee HRA Accounts (439)	\$0	\$395,910	\$421,600	\$322,000
Health Inc Incentive Waiver (44)	\$117,374	\$108,127	\$111,000	\$125,000
Employee & Retiree Life Ins (667)	\$16,335	\$14,450	\$16,000	\$16,000
Other Expenses				
<i>Paranthetical enrollment represent FY 14 estimates</i>				
	\$69,112	\$69,390	\$72,185	\$53,361
96 TOTAL HEALTH/LIFE INSURANCE	\$5,863,515	\$5,961,551	\$6,883,665	\$6,477,859
OTHER INSURANCE				
97 PROPERTY, CASUALTY & LIABILITY INSURANCE	\$670,299	\$611,296	\$600,000	\$615,000
98 MEDICARE TAX - 1.45%	\$488,739	\$522,797	\$560,000	\$560,000
UNEMPLOYMENT				
99 COMPENSATION	\$159,239	\$103,175	\$125,000	\$125,000
NON CONTRIBUTORY				
100 RETIREMENT	\$17,091	\$17,450	\$19,000	\$19,000
101 POLICE/FIRE DISABILITY	\$9,119	\$4,022	\$15,000	\$15,000
102 OCCUPATIONAL HEALTH	\$2,953	\$5,018	\$8,000	\$8,000
TOTAL OTHER INSURANCE	\$1,347,439	\$1,263,758	\$1,327,000	\$1,342,000
103 SICK LEAVE BUYBACK	--	--	--	\$53,000
RESERVE FOR SALARY				
104 SETTLEMENT	\$0	\$0	\$115,000	\$705,000
<i>Reflects amounts transferred and expended in other departments</i>				
	\$344,340	-\$832,913		
105 TOWN MEETING	\$46,959	\$107,654	\$90,000	\$90,000
106 STREET LIGHTING	\$127,968	\$116,514	\$140,000	\$130,000
107 RESERVE FUND	\$0	\$0	\$250,000	\$325,000
<i>Reflects amounts transferred and expended in other departments</i>				
	\$0	-\$53,000		
TOTAL UNCLASSIFIED	\$7,385,880	\$7,449,477	\$8,805,665	\$9,017,859
TOTAL GENERAL FUND	\$63,399,479	\$66,023,506	\$66,599,963	\$68,077,733
WATER FUND				
<i>Total FTEs</i>	9.00	9.80	9.00	9.00
SALARIES	\$916,255	\$943,638	\$1,025,675	\$1,108,993
PURCHASE OF SERVICES	\$449,571	\$424,658	\$445,000	\$450,117
UTILITIES	\$268,052	\$266,561	\$335,000	\$335,000

	FISCAL YEAR 2014 BUDGET	EXPENDED FY 2011	EXPENDED FY 2012	APPROPRIATED FY 2013	REQUESTED FY 2014
	SUPPLIES	\$470,817	\$519,694	\$470,000	\$470,000
	DEBT SERVICE	\$1,162,343	\$1,214,511	\$1,224,659	\$1,191,990
108	TOTAL WATER DEPARTMENT	\$3,267,036	\$3,369,062	\$3,500,334	\$3,556,100
	SEPTAGE FUND				
	<i>Total FTEs</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
	SALARIES - RETIREE CHARGES	\$30,233	\$30,233	\$32,807	\$33,205
	PURCHASE OF SERVICES	\$26,805	\$0	\$0	
109	TOTAL SEPTAGE DEPARTMENT	\$57,038	\$30,233	\$32,807	\$33,205
	WASTEWATER MGMT DISTRICT COMMISSION				
	<i>Total FTEs</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
	PURCHASE OF SERVICES	\$127,798	\$73,844	\$168,000	\$222,625
	SUPPLIES	\$0	\$0	\$15,000	\$10,000
	DEBT SERVICE	\$96,855	\$486,919	\$452,160	\$455,255
110	TOTAL WASTEWATER MGMT COMMISSION	\$224,652	\$560,763	\$635,160	\$687,880
	<i>Grand Total FTEs</i>	<i>522.52</i>	<i>529.33</i>	<i>536.24</i>	<i>538.43</i>
	GRAND TOTAL OMNIBUS BUDGET	\$66,948,207	\$69,983,564	\$70,768,264	\$72,354,918

NOTE: By state law, Town Meeting control of specific expenditures is limited to the numbered subsidiary line-items 1-110 along the left side of pages 42-49.

See Appendix B at page 124 for a detailed list of positions by department (FTEs) Full-Time Equivalents.

CAPITAL BUDGET - FY2014		RECOMMENDED	
<u>INFORMATION TECHNOLOGY</u>			
1	EQUIPMENT/NETWORK	C	\$100,000
<u>CONSERVATION</u>			
2	SNAKE BROOK (RICE ROAD) DAM REPAIRS	C	\$25,000
<u>FACILITIES</u>			
3	TOWN BUILDING PARKING LOT	B	\$160,000
<u>FIRE</u>			
4	AMBULANCE	AR	\$280,000
<u>SCHOOLS</u>			
	CLAYPIT HILL - FURNITURE RELACEMENT	B	\$30,000
	HAPPY HOLLOW - FURNITURE REPLACEMENT	B	<u>\$30,000</u>
5	TOTAL FURNITURE REPLACEMENT		\$60,000
	CLAYPIT HILL - TILE REPLACEMENT	B	\$95,000
	HAPPY HOLLOW - BATHROOM RENOVATION	B	\$25,000
	HAPPY HOLLOW - NURSE'S OFFICE	B	<u>\$85,000</u>
6	TOTAL ELEMENTARY SCHOOLS RENOVATIONS		\$205,000
7	MIDDLE SCHOOL - ROOF REPLACEMENT	B	\$915,000
		HS	<u>\$500,000</u>
			\$1,415,000
8	IT - NETWORKING UPGRADES	C	\$260,000
<u>DPW</u>			
	TRUCK - FORD F550	B	\$80,000
	BACKHOE REPLACEMENT	B	<u>\$150,000</u>
9	TOTAL EQUIPMENT		\$230,000
10	ROAD CONSTRUCTION	B	\$200,000
11	INTERSECTION DESIGN RTS 27/30	FC	\$180,000
	TRANSFER STATION - BUILDING RENOVATION	B - TR	\$85,000
	TRANSFER STATION - COMPACTOR FOUNDATIONS	B - TR	\$80,000
	TRANSFER STATION - REPLACEMENT COMPACTOR	B - TR	<u>\$40,000</u>
12	TOTAL TRANSFER STATION		\$205,000
<u>RECREATION</u>			
13	FIELD RENOVATIONS	C	\$85,000

DPW - WATER

14	PUMP STATION UPGRADES	WR	\$300,000
15	WATER MAIN REPLACEMENT PROJECTS	WC	\$700,000
16	VEHICLE REPLACEMENT - FORD 350	WR	\$70,000
17	HAPPY HOLLOW WELLS - ACCESS ROAD	WR	<u>\$25,000</u>

GRAND TOTAL \$4,500,000

SUMMARY

BORROW (NON-EXEMPT)	B	\$1,770,000
BORROW (NON-EXEMPT) - TRANSFER REV FUND	B-TR	\$205,000
CASH CAPITAL	C	\$470,000
FREE CASH	FC	\$180,000
WATER REVENUE/ENTERPRISE FUND	WR	\$395,000
WATER CASH CAPITAL	WC	\$700,000
HS PROJECT PROCEEDS	HS	\$500,000
AMBULANCE RECEIPTS	AR	<u>\$280,000</u>

TOTAL FUNDING SOURCES \$4,500,000

Budget: Information Technology - \$100,000

1.

Title: Equipment/Network Upgrades	Project Advocate(s): IT Department, Public Buildings Director, Facilities Department, Chair, Board of Selectmen
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Description: Continued implementation of the recommendations of the Berry, Dunn, McNeill& Parker report with a focus on increased levels of collaboration between Town and School departments. This is the fourth year of a five-year project. The primary focus will be repair to integrate operational programs for asset management, utility billing systems and document management.

Justification: These projects were identified in the BDMP report of 2010 for implementation of the Information Technology Strategic Plan. The plan can be viewed at:
http://www.wayland.ma.us/Pages/WaylandMA_IT/it.pdf

Relationship to General Plan: Maintenance and enhancement of technology services and infrastructure. Next step in the multi-year implementation of the IT Strategic Plan.

History: The Town has been relatively under-spending on IT compared to other communities. This project plan allows the Town to increase focus to provide for reliable and effective technology tools and to leverage technology to improve Town and School technology operations.

Schedule: FY2014	In the 5 Year Capital Plan? Yes
Source of Funds: Cash Capital	Request: \$100,000

Budget: Conservation Commission - \$25,000

2.

Title: Snake Brook (Rice Road) Dam Repairs **Project Advocate(s):**
 Chair, Conservation Commission,
 Conservation Administrator

Description: Repair earthen dam that is part of the Hamlen Woods Conservation area including repair spillway, emergency relief pipe, and remove stumps. Cost includes design work, permitting, and the work to repair as identified in the inspection report.

Justification: This work needs to occur now because of a concern for public safety; the impact of a dam failure would be catastrophic. This request will supplement previous funding and allow for continued work to improve the dam and maintain or improve the rating of fair.

Relationship to General Plan: The \$25,000 request will be added to the remaining \$90,000, which has already been appropriated to support these repairs.

History: A qualified professional engineer inspects the dam every 5 years as required by regulation. The most recent report in September 2012 found the dam to be in fair condition and identified critical items to improve the safety of the dam. ATM in 2011 appropriated \$100,000 for interim repairs to improve the safety of the dam and gatehouse following the flooding of March 2010.

Schedule: FY2014 **In the 5 Year Capital Plan?** Yes
Source of Funds: Cash Capital **Request:** \$25,000

Budget: Facilities - \$160,000

3.

Title: Town Building Parking Lot **Project Advocate(s):** Public Buildings
 Director, Facilities Department,
 Chair, Board of Selectmen

Description: Remove existing pavement, regrade parking lot to improve drainage, and repave parking area and walkways.

Justification: The parking lot is uneven, contains sinkholes and floods with heavy rains. Repaving the parking lot will address these concerns as well as improve traffic and parking flow. Specifically, regrading the parking lot will improve drainage and help alleviate flooding from Sudbury River that occurs during periods of heavy rain. The parking lot is used extensively nearly every day by town building staff and visitors, gymnasium activities and athletic field users, senior activities, and overflow parking for two adjacent churches for weddings, funerals, and Sunday services.

Relationship to General Plan: Regular maintenance and enhancement of infrastructure.

History: The Town Building Parking lot gets heavy use, not only during business hours of the Town Building, but after hours by those accessing nearby amenities. This request has been made twice before; the parking lot continues to deteriorate and will become a safety issue.

Schedule: FY2014 **In the 5 Year Capital Plan?** Yes
Source of Funds: Non-exempt debt **Request:** \$160,000

Budget: School Department - \$25,000

6b. **Title: Happy Hollow – Bathroom Renovations** **Project Advocate(s):**
Chair, School Committee,
Public Buildings Director, Facilities Dept.

Description: This project will renovate the boys' and girls' bathrooms at Happy Hollow. Work will include removing the "gang hand washing stations", installing new hand washing sinks and upgrading the partitions between the fixtures (e.g. toilets).

Justification: Per State Sanitary Code, sinks must be in the same room as the bathroom fixtures (e.g. toilets). The sinks located in the middle of the bathrooms and original to the building soon became a safety concern. The building Principal has raised this safety issue with the Public Buildings Director repeatedly. In addition, the "gang hand washing stations" are difficult to maintain, as parts are hard to find.

Relationship to General Plan: Continued maintenance of school facilities and correcting a safety issue.

History:

Schedule: FY2014

In the 5 Year Capital Plan? No

Source of Funds: Non-exempt borrowing

Request: \$25,000

Budget: School Department - \$85,000

6c. **Title: Happy Hollow – Nurse's Office** **Project Advocate(s):**
Chair, School Committee,
Public Buildings Director, Facilities Dept.

Description: The project would collapse two classrooms by approximately 150 sq feet, renovating the existing office area and classrooms to create a 300 sq ft nurse's office. The project cost is based on an estimate provided by TBA Architects in June 2012. For more information about the proposed project, go to this link for the TBA Architects reports:

http://www.wayland.k12.ma.us/UserFiles/Servers/Server_1036352/File/SchoolCommittee/Presentations%200&%20Reports/Wayland_Public_Schools_Utilization_Study_Report_2-24-12.pdf

Justification: The current nurse's space is part of the existing main office and is only separated by a movable partition. It is inadequate in terms of size and lacks privacy for discussions with students and/or parents about related medical issues. Compliance with HIPPA laws and spread of illnesses are also possible concerns.

Relationship to General Plan: Continued maintenance of school facilities and correcting a design and privacy issue.

History: TBA Architects raised this issue as a concern in the Space Utilization Report.

Schedule: FY 2014

In the 5 Year Capital Plan? No

Source of Funds: Non-exempt debt

Request: \$85,000

Budget: School Department - \$1,415,000

7. **Title: Middle School Roof Repairs** **Project Advocate(s):**
Chair, School Committee,
Public Buildings Director, Facilities Dept.
- Description:** Remove approximately 98,200sqft of existing EPDM roofing system, including the original underlining asbestos containing roofing system. Replace with new EPDM roofing system. The MA School Building Authority (MSBA) requires towns to appropriate funds to cover the full project cost, in this case \$2,915,000. At Town Meeting in April 2012, residents appropriated \$1,500,000 from borrowing for this project. This request is for the remaining amount of \$1,415,000.
- Justification:** Current roof on the original building was installed in 1991. EPDM roofing has an expected life of approximately 15-20 years. Project will stop water infiltration and decrease maintenance and energy costs. Wayland received MSBA approval for funding of \$1,027,655 of the project. Total project costs are estimated at \$2,914,695.
- Relationship to General Plan:** Ongoing maintenance and investment in facilities.
- History:** In January 2013, the MSBA approved the Accelerated Repair Project to replace the roof at the Middle School. At Town Meeting in April 2012, residents appropriated \$1.5 million from borrowing for this project. It is anticipated that the incremental \$1,415,000 request will be funded with \$500,000 from proceeds remaining from the High School project and with \$915,000 of non-exempt borrowing. The net additional cost to the Town is expected to be approximately \$387,040.
- Schedule:** FY2014 **In the 5 Year Capital Plan?** Yes
- Source of Funds:** Non-exempt debt and HS **Request:** \$1,415,000
 project funds

Budget: School Department - \$260,000

8. **Title: IT - Networking Upgrades** **Project Advocate(s):**
Chair, School Committee
- Description:** This project consolidates IT infrastructure requests for economies of scale and completes work in buildings in one project. As a result of moving expenses forward, there will be no School IT capital request next budget year (FY2015). This project will include a wireless upgrade at the Middle, Happy Hollow and Claypit Hill Schools. The redesign would consist of upgrading all existing Access Points at the Middle School, expanding the coverage, increasing the throughput, and applying Wayland Public Schools security standards. This project will also include network wiring upgrades in the Middle and Elementary schools to move from Cat 5e to Cat 6, including extending the UAC to the Middle School, rewiring Claypit Hill and Happy Hollow main offices, and rewiring the Claypit Hill wireless lab, if necessary. This project is proposed to take place over the summer of 2013.
- Justification:** Completing these tasks would position Wayland Middle School to move forward with a proposed 1:1 student learning initiative for the 2014-2015 school year. Happy Hollow and Claypit Hill Schools are in need of physical wiring upgrades as well as coverage expansion of the existing wireless network. There are also several safety concerns with the current wiring plant as well as issues with physical locations of infrastructure. Consistent funding will bring the District into closer alignment with the MA Department of Elementary and Secondary Education and National Standards as outlined by the International Society for Technology in Education's benchmarks for improved teaching and learning. For more information, go to http://www.wayland.k12.ma.us/administration/technology_department/
- Relationship to General Plan:** Maintenance and enhancement of technology services and

infrastructure.

History: Continuation of a multi-year plan to maintain and enhance technology in the Schools. For more information, please see the Technology plan at http://www.wayland.k12.ma.us/administration/technology_department/

Schedule: FY2014

In the 5 Year Capital Plan? Yes

Source of Funds: Cash Capital

Request: \$260,000

Budget: Department of Public Works - \$80,000

9a.

Title: Truck - Ford F-550 with winter package **Project Advocate(s):**
Chair, Board of Public Works
Director, Department of Public Works

Description: This vehicle will replace a full size dump truck (vehicle H-17).

Justification: The existing vehicle, a 1996 full size dump truck, is in very poor condition. This is a replacement and downsizing to better meet the operational needs of the Department

Relationship to General Plan: Scheduled replacement of a vehicle that has outlived its useful life; maintenance of equipment.

History: The DPW has an ongoing vehicle replacement program, and this is one component of that program. The DPW has made an operational change in the highway department and will be changing two vehicles to smaller vehicles to provide more versatility; this request is the first change.

Schedule: FY 2014

In the 5 Year Capital Plan? Yes

Source of Funds: Non-Exempt Debt

Request: \$80,000

Budget: Department of Public Works - \$150,000

9b.

Title: Backhoe Replacement **Project Advocate(s):**
Chair, Board of Public Works
Director, Department of Public Works

Description: Replacement of a 1997 Caterpillar Backhoe (vehicle #L-4).

Justification: This is a scheduled replacement of a backhoe that is part of the vehicle replacement program for the DPW. The new backhoe will go to the highway department and the current highway department backhoe will go to the transfer station. The old vehicle, L-4, will be traded with any proceeds returning to the general fund (anticipated at \$10,000-\$15,000).

Relationship to General Plan: Included in the long-range capital plan to maintain infrastructure and equipment.

History: This is part of the planned vehicle management program.

Schedule: FY 2014

In the 5 Year Capital Plan? Yes

Source of Funds: Non-Exempt Debt

Request: \$150,000

Budget: Department of Public Works - \$200,000

10.

Title: Road Construction**Project Advocate(s):****Chair, Board of Public Works****Director, Department of Public Works**

Description: This is the second year that this request has been included in the capital budget. The expected projects covered by this request are Route 30 (excluding the Rts 27/30 intersection), Pemberton Road, and Old Sudbury Road.

Justification: The DPW has evaluated pavement conditions and this is part of the annual capital plan. This is intended to be an annual program and, combined with state chapter 90 funding, the DPW plans to keep Wayland roads safe and in fair to good condition.

Relationship to General Plan: This is the second year of funding infrastructure road improvements with some capital funding and some operational funding.

History: Part of the ongoing repair and maintenance of Town roadways.

Schedule: FY 2014**In the 5 Year Capital Plan?** Yes**Source of Funds:** Non-Exempt Debt**Request:** \$200,000

Budget: Department of Public Works - \$180,000

11.

Title: Intersection Design Rts 27/30 and Related Easement**Project Advocate(s):****Chair, Board of Public Works****Director, Department of Public Works**

Description: This request is to complete the design for the intersection of Routes 27 and 30, and obtain the easement required to complete the Town's responsibility for this federally funded project. The estimate for the construction work, which will be paid fully by the federal government, is \$1,800,000 and is scheduled to be bid next year. Of the \$180,000 requested, approximately \$100,000 is for the design work and \$80,000 for the easements.

Justification: This intersection is one of the poorest in the state. This may be our last chance to receive the federal funding for this project. It has been in the works for over 10 years. Last year we improved the water mains in this area so that we could finish the roadwork this year or next.

Relationship to General Plan: Maintenance and improvement of infrastructure/roads.

History: This multipart project has been in various stages of completion for several years now. While no progress was made for a number of years, Wayland is once again actively working with the federal government to complete the intersection improvements. The design work is at about 25% completion and the federal government is dictating the work requirements.

Schedule: FY 2014**In the 5 Year Capital Plan?** No**Source of Funds:** Free Cash**Request:** \$180,000

Budget: Department of Public Works, Transfer Station - \$85,000

12a.

Title: Transfer Station - Building Renovations **Project Advocate(s):** Director of DPW,
Chair, Board of Public Works

Description: Re-roof garage/office building. Install doors and upgrade compactors electrical services. (The new compactor in request 12c requires upgraded electrical service.) Debt payments will be made from the Transfer Station revolving fund.

Justification: Reroofing and installing doors will help eliminate water infiltration into buildings. Updating the electrical service will improve energy efficiency and the reliability of the systems.

Relationship to General Plan: Ongoing maintenance of infrastructure and facilities.

History: This request was deferred until this year. New roofs are required to make the buildings usable.

Schedule: FY2014

In the 5 Year Capital Plan? Yes

Source of Funds: Non-exempt debt

Request: \$85,000

Budget: Department of Public Works, Transfer Station - \$80,000

12b.

Title: Transfer Station - Compactor Foundations **Project Advocate(s):** Director of DPW,
Chair, Board of Public Works

Description: Removal and replacement of deteriorated concrete foundations. Debt payments will be made from the Transfer Station revolving fund.

Justification: The current block foundations have reached the point where sections have collapsed creating a safety issue for the operator and the public.

Relationship to General Plan: Ongoing maintenance of infrastructure and facilities.

History: This item was not previously identified in the Capital Plan. However, the foundations have deteriorated enough to cause a safety problem to staff and residents.

Schedule: FY2014

In the 5 Year Capital Plan? No

Source of Funds: Non-exempt debt

Request: \$ 80,000

Budget: Department of Public Works, Transfer Station - \$40,000

12c.

Title: Transfer Station - Replacement Compactor **Project Advocate(s):** Director of DPW,
Chair, Board of Public Works

Description: Scheduled replacement for one compactor. Debt payments will be made from the Transfer Station revolving fund.

Justification: Town owned compactors that have reached their useful life and need to be replaced for safety and reliability. Compacting of all recyclables and trash is necessary to run an efficient transfer station.

Relationship to General Plan: Ongoing replacement program based on useful asset life and condition of equipment. Ongoing investment in equipment.

History: Several old compactors owned by the Town need to be replaced.

Schedule: FY2014

In the 5 Year Capital Plan? Yes

Source of Funds: Non-exempt debt

Request: \$40,000

Budget: Recreation - \$85,000

13.

Title: Field Renovations/Maintenance

Project Advocate(s):

Chair, Recreation Commission

Director, Recreation

Description: To provide funding for ongoing repair and upgrade of recreation facilities in Wayland. Projects are planned to include infrastructure replacement of goals and nets, renovation field work, Middle School baseball and softball backstops and ADA work, irrigation wells at Claypit Hill fields and other work that becomes necessary throughout the year based on usage.

Justification: This work is needed to keep certain of our recreation facilities compliant with various governmental regulations including ADA and to maintain the infrastructure and equipment for our fields.

Relationship to General Plan: Included in the long-range capital plan to meet annual capital maintenance needs.

History: This is part of the ongoing repair and renovation program for recreation facilities in Wayland.

Schedule: FY 2014

In the 5 Year Capital Plan? Yes

Source of Funds: Cash Capital

Request: \$85,000

Budget: Department of Public Works, Water - \$300,000

14.

Title: Pump Station Upgrades

Project Advocate(s):

Chair, Board of Public Works

Director, Department of Public Works

Description: Upgrade the electrical systems in the pump houses to meet required electrical codes and update the water pump station. This year's project will focus on the Campbell pump station.

Justification: DEP has mandated that all of our pump stations be upgraded with chemical feed safety controls. The new equipment is being installed to help eliminate the possibility of contaminating the water system, and this work requires significant electrical work. Our current pump stations (except for Baldwin Pond) do not meet the required electrical codes, and we are upgrading one each year.

Relationship to General Plan: Included in the long-range capital plan to maintain infrastructure and equipment.

History: This is the continuation of a multiyear project to upgrade all the pump stations to meet DEP standards.

Schedule: FY 2014

In the 5 Year Capital Plan? Yes

Source of Funds: Water Reserves

Request: \$300,000

Budget: Department of Public Works, Water - \$700,000

15.

Title: Water Main Replacement Projects**Project Advocate(s):****Chair, Board of Public Works****Director, Department of Public Works**

Description: The ongoing project to replace or upgrade water mains throughout the Town. The area targeted for FY 14 is Route 20 from the Weston Town Line to Pinebrook Road.

Justification: To insure proper water flow for firefighting and residential use, various water mains throughout the town need to be replaced or upgraded. The DPW commissioned a study to prioritize the work to be done. The section of Route 20 described above is the highest priority on the list.

Relationship to General Plan: Included in the long-range capital plan to maintain and improve our water distribution system.

History: This is part of an ongoing, multiyear project.

Schedule: FY 2014**In the 5 Year Capital Plan?** Yes**Source of Funds:** Water Cash Capital**Request:** \$700,000

Budget: Department of Public Works, Water - \$70,000

16.

Title: Vehicle Replacement – Ford 350**Project Advocate(s):****Chair, Board of Public Works****Director, Department of Public Works**

Description: Replace vehicle #W-8, a 2003 Ford F350 truck that is currently in poor condition.

Justification: This is part of the ongoing vehicle management program for the DPW/Water Department. Generally speaking, the Water Department will replace one vehicle every year based on the remaining useful life of the vehicles in the department.

Relationship to General Plan: Included in the long-range capital plan to allow for maintenance and replacement of equipment.

History: This is part of an ongoing vehicle management program.

Schedule: FY 2014**In the 5 Year Capital Plan?** Yes**Source of Funds:** Water Revenue**Request:** \$70,000

Budget: Department of Public Works, Water - \$25,000

17.

Title: Happy Hollow Wells – Access Road**Project Advocate(s):****Chair, Board of Public Works****Director, Department of Public Works**

Description: This request is to fund the planning and design of a new access road to the Happy Hollow wells. The new road will be an extension of the road off of Stonebridge Road to the Habitat for Humanity project. Construction costs of approximately \$350,000 will be requested next year.

Justification: Currently, to reach the Happy Hollow wells, Town vehicles and chemical supply trucks must travel in and around the new high school and cross a stream that is very susceptible to flooding. This new road will provide better access to the Happy Hollow wells.

Relationship to General Plan: Included in the long-range capital plan to provide maintenance and improvements to infrastructure.

History: This request supports maintenance of the wells where over 50% of Town water is sourced.

Schedule: FY 2014

In the 5 Year Capital Plan? Yes

Source of Funds: Water Revenue

Request: \$25,000

ARTICLE 6: COMPENSATION FOR TOWN CLERK

Proposed by: Board of Selectmen

Estimated Cost: \$69,811.00

To determine whether the Town will vote to fix the salary and compensation of the elected Town Clerk, to be effective July 1, 2013, which salary and compensation is printed below.

SALARY SCHEDULE – TOWN CLERK

	<u>FY 2013</u>	<u>FY 2014</u>
Town Clerk	\$68,442.00	69,811.00

FINANCE COMMITTEE COMMENTS: This is a standard article that permits the Town to set the salary of the Town Clerk. Because the Town Clerk is an elected position, the salary of the Town Clerk does not fall within the Personnel Wage and Salary Classification Plan and Town Meeting must approve the salary of this position (the article sets the salary, the budget appropriates the monies). This process treats the Town Clerk in a manner comparable to other appointed Department Heads who may enjoy benefits not available to elected officials, such as automatic step increases, merit increases that recognize performance, and cost of living adjustments.

The proposed increase for FY 14 is 2.0%. This increase is consistent with the amount being proposed for non-union personnel. Wages in settled union contracts contain a 2.0% increase effective July 1, 2013.

ARGUMENTS IN FAVOR: The proposed salary reflects a fair compensation for work performed considering all relevant factors and is consistent with increases being given to other comparable positions within the town.

ARGUMENTS OPPOSED: Some would say that given current economic conditions, town employees should have their wages held flat or reduced.

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

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

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

ARTICLE 7: APPROVE PERSONNEL BYLAW AND WAGE & CLASSIFICATION PLAN

Sponsored by: Personnel Board

To determine whether the Town will vote to amend the Code of the Town of Wayland, Chapter 43, PERSONNEL and the Personnel Wage and Salary Classification Plan previously adopted by the Town.

FINANCE COMMITTEE COMMENTS: This Article is requesting Town Meeting to approve changes to the Wage and Classification Plan as presented. This article only impacts non-union employees of the town. There are no amendments to the language of the Town Bylaws or changes to associated benefits related to Personnel this year.

The Wage and Classification Plan allows for periodic wage increases for non-union employees based on employee longevity and provides for reasonable wage growth over time. The Wage Classification Tables, as included in this warrant, reflect a 2.0% increase for all non-union employees as of July 1, 2013.

For informational purposes only, those union employees in bargaining units with negotiated labor contracts have their wages tables listed as well. Wages in settled union contracts contained a 2.0% increase effective July 1, 2013.

The Personnel Board voted 5-0 in favor of this article.

ARGUMENTS IN FAVOR: The Wage and Classification Plan allows for periodic wage increases for non-union employees based on employee longevity and provide for reasonable wage growth over time depending on economic conditions. Changes to the union schedules are required to reflect new salary levels that result from executed union contracts and are provided for informational purposes only.

ARGUMENTS OPPOSED: Some would say that salary growth should be more muted based on current economic conditions.

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

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

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

See Personnel Wage and Salary Classification Plan at Appendix B at page 124. For more information about this article, contact John Senchyshyn, Assistant Town Administrator/Human Resources Director, at (508) 358-3623, or email jsenchyshyn@wayland.ma.us.

ARTICLE 8: ACCEPT LAW INCREASING REAL ESTATE TAX EXEMPTION AMOUNTS

Sponsored by: Board of Selectmen

To determine whether the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and allow an additional exemption of up to one hundred percent for Fiscal Year 2014.

FINANCE COMMITTEE COMMENTS: With the passage of this article at each Annual Town Meeting, certain residents may avail themselves of exemptions in the following amounts:

- \$350 for widows or widowers,
- \$875 for the blind,
- \$1,000 for those age 65 and over, and
- \$800 to \$2,000 for disabled veterans.

The title of this Article refers to “Increased Real Estate Tax Exemption Amounts” because the exemptions listed above are twice the amounts permitted in the statute referenced in the motion. In FY2012, 72 taxpayers were granted exemptions for a total amount of \$70,881.81. This amount represents twice the statutory exemptions granted and does not include the Circuit Breaker Match, the CPA exemptions or the senior tax deferrals.

The Board of Assessors is no longer a co-sponsor on this Article as they administer the Town’s tax policy and should not be seen as endorsing any specific tax policies related to its administrative duties.

ARGUMENTS IN FAVOR: This Article adds minimal tax burden to each taxpayer and provides needed support those age 65 and over and certain other residents coping with the burden of paying property taxes on fixed incomes.

ARGUMENTS OPPOSED: To allow the exemptions to eligible residents, the remaining taxpayers must pay slightly more in property taxes.

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

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

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, email fturkington@wayland.ma.us, or Ellen Brideau, Assessing Director, at (508) 358-3658, email ebrideau@wayland.ma.us.

ARTICLE 9: AMEND 1978 ANNUAL TOWN MEETING VOTE REGARDING LANDFILL ACCESS ROAD PARCEL AND DESIGNATE CONSERVATION LAND

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend its vote under Article 19 of the Warrant for the 1978 Annual Town Meeting to require that the care, custody, management and control of the Town-owned parcel of land containing 24 acres, more or less, and shown as Lot B on a plan entitled “Plan of Land in Wayland, Mass. Showing Land Owned by William W. and Mary P. Lord” dated February 28,

1978, prepared by the Wayland Engineering Department and recorded with said Registry of Deeds as Plan Number 482 of 1978 immediately vest in the Conservation Commission, except for the portion of said Parcel B comprising the access way to land and facilities held in the care, custody, management and control of the Board of Public Works being approximately 50 feet wide and shown as "ROADWAY AREA" on a plan entitled "Plan of Land in Wayland, Massachusetts, Landfill/DPW Access Road 2013 ATM, Article 9" dated February 25, 2013, prepared by the Town of Wayland Surveying Department, a copy of which is on file in the Office of the Town Clerk, which access way shall continue to so held by the Board of Public Works for as long the land accessible by it is used for public works purposes by the Town.

FINANCE COMMITTEE COMMENTS: This article asks Town Meeting to clarify the status of the use of the access road from Boston Post Road to the landfill, the transfer station, and the proposed DPW facility.

In 1978, Town Meeting authorized the Board of Selectmen to acquire Lot A and Lot B of the so-called "Lord Property" on and off Boston Post Road west of the Sudbury River for refuse disposal, highway, or conservation purposes, with a proviso that the Town transfer the care, management, and control of Lot B to the Conservation Commission for conservation purposes, including outdoor recreation, when the Board of Selectmen has determined that Lot B:

shall no longer be required for other municipal purposes; namely, (a) that those portions of Lot B used for access to the Town's sanitary landfill shall be so transferred when no longer required for that purpose; (b) that those portions of Lot B used for removal of sand and gravel shall be so transferred at the conclusion of the sand and gravel removal operation; and (c) that those portions of Lot B not required for either of the purposes cited above shall be so transferred at the earliest appropriate date.

The Board of Selectmen took the property by eminent domain for refuse disposal, highway, and conservation purposes in 1978. To date, the Board of Selectmen has not determined that access to the sanitary landfill is no longer required. In the opinion of Town Counsel, unless and until the Board of Selectmen makes the determination that Lot B is no longer needed for the other municipal purposes specified in the proviso quoted above, the Landfill Access Roadway leading from Boston Post Road to the transfer station and capped Sanitary Landfill will be available for access to and egress from a new DPW facility on Town-owned land on River Road.

This article proposes to amend the 1978 vote so that the permanent use of the access road does not depend on the continuation of the uses specified in the proviso and on a majority vote of the Board of Selectmen to discontinue the landfill access use.

As the warrant went to print, the Department of Public Works and the Permanent Municipal Building Committee were in the process of negotiating mitigation measures with the Conservation Commission. We anticipate that the Department of Public Works, the Permanent Municipal Building Committee, and the Conservation Commission will report on the status of the mitigation negotiations to Town Meeting.

On Thursday, February 28, 2013, the Conservation Commission voted to support the transfer of the roadway on the Lord Property to the care and custody of the DPW provided: that the additional land shown on the map is transferred to the care of custody of the Conservation Commission, that floodplain mitigation is provided for flood storage lost when the road was built in 1978, and that wetlands lost when the road was built in 1978 are replicated on a ratio of 1.5 to 1.0 for previously

filled wetlands. In addition, to the extent possible, any fragmentation of wildlife habitat will be addressed.

Title to all town-owned property is vested in the Town of Wayland, as a Massachusetts municipal corporation, as grantee in the deed or other instrument of ownership. Most town-owned land is held for a particular municipal or school-related purpose. Which Town board has custody and jurisdiction of the land depends on the stated purpose. When no purpose is stated, the Board of Selectmen is the custodial board.

As a general rule, one Town Meeting may not bind a subsequent Town Meeting by its actions.

ARGUMENTS IN FAVOR: We should clarify the status of the access road, especially given the planned DPW facility. If this article doesn't pass, the River's Edge project—the only other likely location for the DPW facility—would also likely be eliminated.

ARGUMENTS OPPOSED: The landfill is already closed so the Board of Selectmen should turn over the access road to the Conservation Commission. Town Meeting already decided what to do with this land when it voted in 1978.

RECOMMENDATION: The Finance Committee recommends approval, 7-0.

QUANTUM OF VOTE: Majority.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us. See Appendix C on page 133.

ARTICLE 10: APPROPRIATE FUNDS FOR CONSTRUCTION OF NEW DPW MAINTENANCE AND STORAGE FACILITY AND ACCESSORY STRUCTURES

Proposed by: Board of Selectmen and Board of Public Works

Estimated Cost: \$11,400,000

To determine whether the Town will vote to appropriate a sum of money to be expended under the direction of the Permanent Municipal Building Committee and Board of Selectmen for the purpose of construction and other related expenses for a facility and accessory structures for the maintenance, repair, storage and administrative functions of the Department of Public Works; and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise, provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitation on taxes imposed by Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 and ½, so called).

FINANCE COMMITTEE COMMENTS: This is one of two Articles presented at this Annual Town Meeting for a new maintenance and repair facility for the Department of Public Works (“DPW”). The current facility, on Route 27, adjacent to the Middle School, was built in the 1930s and has significant physical problems, including structural issues, ventilation issues, and many required repairs. A thorough repair of the current facility would cost more than \$2 million, given the building’s deterioration and that making significant structural repairs would trigger regulatory updating requirements (e.g., compliance with the Americans with Disabilities Act compliance and earthquake

codes). In addition, the current facility or location does not meet the operational needs of the DPW, given its size, configuration, and other limitations.

Town Meeting approved the River Road site as the location for a new DPW facility in 2012. Since 2006, Town Meeting has appropriated \$935,000 for designing and engineering the new facility, most recently with a \$725,000 appropriation in 2012.

The Permanent Building Committee has worked on this project since last Annual Town Meeting and through value-engineering has reduced the estimated building price from approximately \$13 million to an estimated \$11.4 million. The estimate is made up of the following components:

Building Construction & Site Work	\$9,000,000
FF&E, Engineering, Clerk of the Works, etc.	\$1,100,000
Access Road Construction	\$900,000
Contingency	<u>\$400,000</u>
Total	\$11,400,000

The building construction and site work is currently out to bid, with bids due in March 2013. Annual Town Meeting will be able to consider a firm bid number on the building construction and site work.

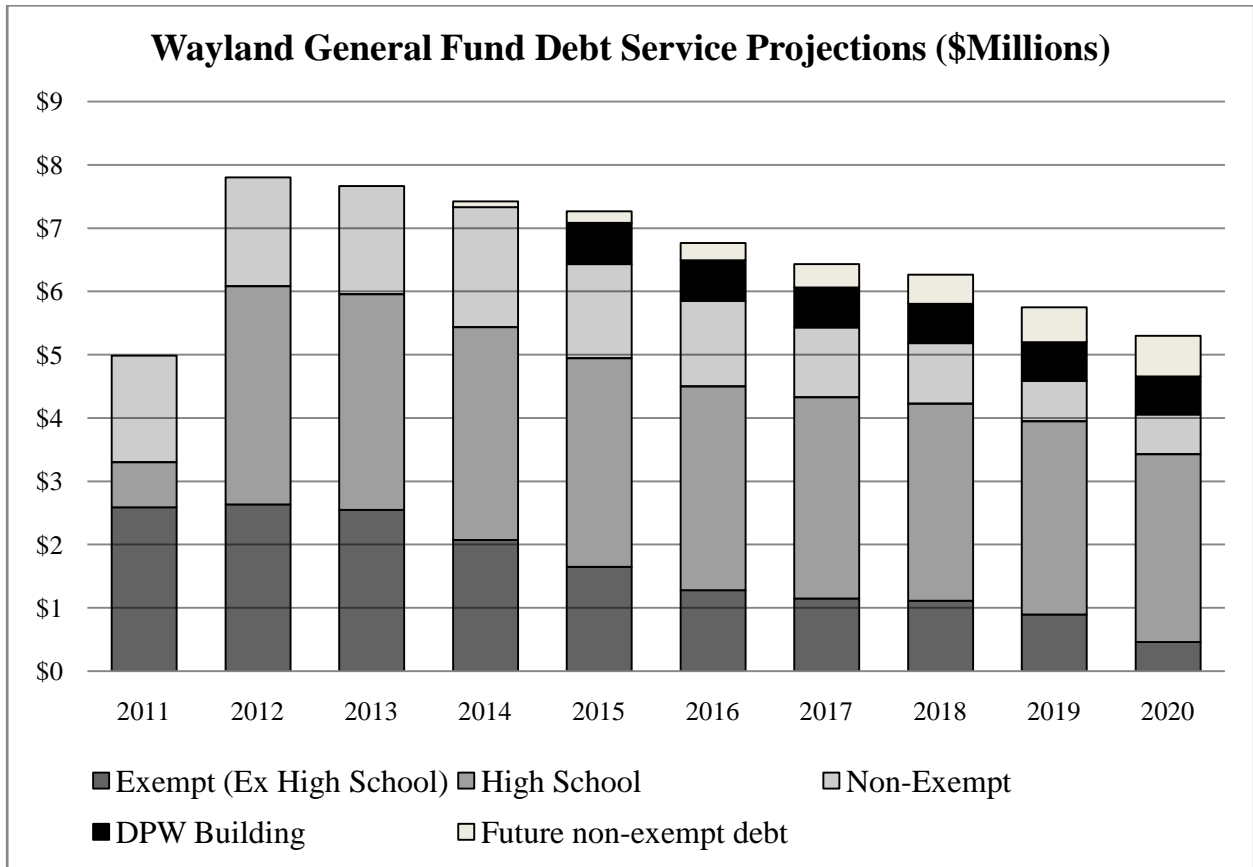
The Finance Committee generally recommends the use of exempt debt for large building projects. In line with that policy, the Finance Committee voted unanimously to support a debt exclusion for this project. The Board of Selectmen, on the other hand, voted only 3-2 in favor of a debt exclusion, less than the two-thirds majority required to put the debt exclusion question to the voters or before Town Meeting. Approval of the ballot question would have meant the temporary increase in the tax levy would be exempt from the provisions of Proposition 2 ½ for the life of the project.

The amount to be financed is approximately \$11.4 million for 20 years at an anticipated annual interest rate of 2.25%. Bonds to finance the project will be issued in February 2014 with the first payment due in Fiscal Year 2015. Therefore, there would be no tax impact from this project in next year's budget, FY2014. Our estimate shows that even after the DPW debt service is added, FY2015 will be debt neutral, since other old debt will mature and those debt service obligations will roll off the town's books.

We anticipate that about \$2 million will be available to use on this project from previously borrowed, but unused funds from the High School Building project. According to bond counsel, these funds may be used by the Town for major capital projects of similar duration, e.g. the DPW building. Subject to Town Meeting approval, these monies may be used beginning in May 2013 to begin site work and early construction of the building until borrowed funds are available in February 2014. Using the funds from the High School Building project will save the cost of temporary borrowings and reduce the overall debt needed to finance the project.

Based on those estimates and assuming the \$2 million is available from the High School Building project, the Town's total annual debt service payments—principal plus interest—would start at about \$652,500 and decline each year. Beginning in FY2015, assuming a borrowing rate of 2.25%, the estimated tax impact on a house valued at \$641,700 is \$143 in the first year. A chart is included below

layering the debt payments of the High School project with those of the proposed DPW building.



If the High School Building project funds are not used as an appropriation source, our annual debt service would start at about \$800,000 and decline each year after that.

ARGUMENTS IN FAVOR: The Town needs a new DPW facility, and this project is well-planned and considered. A properly functioning facility will help DPW operations. This project will free up the property on which the current DPW facility is located for other uses better suited to the neighborhood.

ARGUMENTS OPPOSED: We should defer the project until later. Methane from the landfill is a concern that should be resolved in building design. We need to clarify issues around access to the facility. We cannot afford this project at this time, so soon after the Town took on millions of dollars in debt for the new High School.

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

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

For more information about this article, contact John Moynihan, Facilities Director, at (508) 358-3786, or email jmoynihan@wayland.ma.us. See Appendix D on page 134.

ARTICLE 11: AMEND SECTION 19-3: FINANCE COMMITTEE REPORTS, AND AMEND SECTION 36-5: QUANTUM OF VOTE, REPORTS

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend Section 19-3 of the Code of the Town of Wayland by adding therefor underlined text and deleting therefrom ~~striketrough~~ text as follows:

Section 19-3 Finance Committee reports.

The Board of Selectmen, after drawing a warrant for a Town Meeting, shall immediately forward a copy thereof to each member of said Finance Committee, which shall consider all financial articles in the warrant so designated by the Selectmen and make such report, in print or otherwise, to the Town meeting as it deems for the best of the Town. In gathering information to prepare its report, if any, relative to an article, the Finance Committee shall meet with the party or parties that proposed the article and concurrently with others who want to comment thereon, and shall publicly post notice thereof on the Town's principal official bulletin board at least 48 hours, not including Saturdays ~~but not~~, Sundays and legal holidays, prior to such meeting. ~~However, if t~~The Finance Committee's report on any article ~~exceeds 30 words in length~~, excepting an article which requests approval of the Town's itemized, omnibus operating budget for the ensuing fiscal year, ~~then that report on said article~~ shall conclude with a summary of reasons favoring the article that were considered by the Finance Committee in its deliberations and a separate summary of reasons disfavoring the article that were considered by the Finance Committee in its deliberations.

The Committee shall also make an annual report which shall be published as part of the Annual Town Report and which shall include recommendations for appropriations for the ensuing year, a budget and such further recommendations regarding the finances of the Town and action in regard thereto as seems to such Committee to be necessary and appropriate.

And to determine whether the Town will vote to amend Section 36-5, Quantum of vote; reports, by adding underlined text and deleting ~~striketrough~~ text as follows:

A. Each article appearing in the warrant for every Town meeting shall be accompanied therein by a printed statement, prepared by the Board of Selectmen, of the quantum of vote required for taking action under the article and a citation to the legal authority establishing said quantum of vote, except that where, in the opinion of the Board of Selectmen, the quantum of vote and citation are not yet known with reasonable certainty at the time the warrant is prepared, a printed statement to this effect shall suffice.

B. The Board of Selectmen, after drawing a warrant for a Town Meeting, shall immediately forward a copy thereof to each member of the Planning Board, which shall consider all zoning articles in the warrant so designated by the Selectmen and make such report, in print or otherwise, to the Town Meeting as it deems for the best of the Town. The Board of Selectmen, after drawing a warrant for a Town Meeting, shall consider all remaining articles in the warrant not assigned to either the Finance Committee or the Planning Board, and make such report, in print or otherwise, to the Town Meeting as it deems for the best of the Town.

In gathering information to prepare its report, if any, relative to an article, the Board of Selectmen and the Planning Board shall meet with the party or parties that proposed the article and concurrently with others who want to comment thereon, and shall publicly post notice thereof on the Town's principal official bulletin board at least 48 hours, not including Saturdays ~~but not~~, Sundays and legal holidays, prior to such meeting. The Planning Board's or the Board of Selectmen's report on any article shall

conclude with a summary of reasons favoring the article that were considered by the Planning Board or the Board of Selectmen in its deliberations and a separate summary of reasons disfavoring the article that were considered by the Planning Board or the Board of Selectmen in its deliberations.

C. If the Board of Selectmen, Finance Committee or Planning Board prepares a printed report for an article in the warrant for any Town meeting, then the governmental body or group of petitioners that sponsors the insertion of that article in the warrant may do likewise. The sponsor's report, not to exceed 150 words, shall be printed in the warrant immediately following the article itself.

D. Every article appearing in the warrant for every Town meeting that proposes to amend the Code of the Town of Wayland shall be accompanied therein by a printed statement prepared by Town Counsel as to whether the proposed amendment is repugnant to Massachusetts or federal law and, if so, in what manner.

FINANCE COMMITTEE COMMENTS: The current Town bylaw requires the Finance Committee to review and issue a written report on all articles in the Town Warrant. This article proposes to change that process.

Historically, the Finance Committee comments have included a summary, relevant background information, arguments in favor, arguments opposed and a recommendation. Many residents have found this to be a helpful service in understanding the articles on which they will vote at Annual Town Meeting.

This process has led to the Finance Committee reporting on articles that are both financial and non-financial in nature and making recommendations on articles that may or may not be the Finance Committee's area of expertise.

This article proposes to divide the responsibility for article reporting between the Board of Selectmen (BoS), the Planning Board and the Finance Committee. It is proposed that the BoS determine which boards will prepare comments on each article.

ARGUMENTS IN FAVOR: Every article in the Warrant will continue to have a written report, drafted by the Board or Committee with relevant expertise, i.e., the Finance Committee will report on financial articles, the Planning Board on zoning and other land use issues and the BoS on other matters. Additionally, this division of the Warrant articles will free up Finance Committee members to focus on financial issues.

ARGUMENTS OPPOSED: Current law provides a check-and-balance on the BoS and Planning Board by allowing the Finance Committee—an appointed not an elected Committee—to offer an objective analysis of articles before Town Meeting.

The BoS determines which articles are financial in nature and not the Finance Committee. The Finance Committee should make this determination.

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

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

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

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

ARTICLE 12: AMEND TOWN CODE SECTION 36-18: ATTENDANCE AND PARTICIPATION OF NON-RESIDENT TOWN OFFICIALS

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend Section 36-18 of the Code of the Town of Wayland by adding therefor underlined text as follows:

Notwithstanding their place of residence or voter registration status, the Town Administrator, Assistant Town Administrator, Police Chief, Fire Chief, Finance Director, Town Counsel, Director of Public Works, Public Buildings Director and Superintendent of Schools shall have the same right as registered voters of the Town to attend and sit on the floor of Town meetings and speak to articles and answer questions. Said Town officials shall not be considered in determining the presence of a quorum at Town meetings nor shall any of them be permitted to vote unless s/he is a registered voter of the Town.

FINANCE COMMITTEE COMMENTS: There is no financial impact from this article.

RECOMMENDATION: The Finance Committee takes no position on this article. Vote: 6-1.

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 Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 13: SET ASIDE COMMUNITY PRESERVATION FUNDS FOR LATER SPENDING

Proposed by: Community Preservation Committee

To determine whether the Town will vote to set aside for later spending \$40,000.00 on open space, but not including land for recreational use, \$40,000.00 for historic resources, and \$40,000.00 for community housing pursuant to Massachusetts General Laws Chapter 44B, Section 6.

FINANCE COMMITTEE COMMENTS: The Community Preservation Act (CPA) was signed into law by the State of Massachusetts on September 14, 2000 and became effective 90 days later on December 13, 2000. The Town of Wayland approved adoption of the CPA and a CPA surcharge in the amount of 1.5% of annual tax payments during the April 2001 Annual Town Meeting.

The CPA enables communities to levy a property tax surcharge on real property for the purpose of creating a community preservation fund and qualifying for state matching funds. This property tax surcharge is calculated and based upon a homeowner's tax payments and not upon assessed valuation. The CPA also establishes a Community Preservation Committee (CPC) that makes recommendations

on how the money shall be spent. Town Meeting may appropriate amounts in the Community Preservation Fund for purposes and amounts not greater than amounts recommended by the CPC.

Each fiscal year, upon recommendation of the CPC, Wayland must set aside for future spending, the following share of annual Community Preservation Fund revenues:

- 1) 10% for open space
- 2) 10% for historic resources
- 3) 10% for community housing

Once these allocations are met, the CPC recommends how the remaining 70% of annual CPA revenues are to be divided among the three purposes including recreational usage within the statutory definition of open space. Recreational purposes may include land for active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field.

As of June 30, 2012 the Wayland CPA fund had a total balance of \$8,198,444 with \$2,076,607 reserved for open space, \$731,343 reserved for historic resources and \$0 reserved for community housing. The amount reserved for community housing has diminished due to the development of the affordable housing project on Stonebridge Road. Previously committed expenses, but not yet paid, totaled \$490,854 leaving a remaining unreserved balance of \$4,899,641.

This article would approve the specific set aside of \$120,000 of the unreserved portion of Wayland CPA funds for housing, open space and historic preservation.

ARGUMENTS IN FAVOR: This \$120,000 set aside will ensure that the Town continues to balance the needs of housing, open space and historic preservation in the spirit for which the Community Preservation Act was enacted. Total CPC funds reserved for open space will total \$2,116,607; funds reserved for historic resources will total \$771,343 and funds reserved for community housing will total \$40,000 with approval of this article.

ARGUMENTS OPPOSED: None. This set-aside amount is required under Massachusetts General Laws Chapter 44B, Section 6.

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

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

For more information about this article, contact Jerome Heller, Chairman of the Community Preservation Committee, at heller.j@comcast.net. See the Community Preservation Committee report at Appendix J on page 160.

ARTICLE 14: APPROPRIATE COMMUNITY PRESERVATION FUNDS FOR STUDY AND DESIGN OF ATHLETIC FIELDS AT LOKER CONSERVATION AND RECREATION AREA

Proposed by: Recreation Commission and Community Preservation Committee Estimated Cost: \$92,000

To determine whether the Town will vote to appropriate a sum of money to be expended by the Recreation Commission for professional services and other expenses in connection with the planning,

study and design of athletic fields and associated parking area and access way at the Town-owned Loker Recreation Area on Commonwealth Road (Route 30), Wayland, Massachusetts; and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise.

FINANCE COMMITTEE COMMENTS: The Finance Committee defers commentary and recommendation until Annual Town Meeting.

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 Nancy McShea, Recreation Director, at (508) 358-3662, email nmcshea@wayland.ma.us, or Jerome Heller, Chairman of the Community Preservation Committee, at heller.j@comcast.net. See map at Appendix E on page 136.

ARTICLE 15: ACQUISITION OF 150 MAIN STREET PROPERTY (FORMERLY FINNERTY'S RESTAURANT)

Proposed by: Petitioners

Estimated Cost: \$1,130,300

To determine whether the Town will vote to

- a.) authorize and direct the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise, the fee or any lesser interest in the parcel of land at 150 Main Street, Wayland, Massachusetts, recorded with the Middlesex South District Registry of Deeds in Book 56401, Page 357, and known informally as “Finnerty’s Property,” for the purpose of constructing a community center and/or preserving open space;
- b.) appropriate a sum of money to be expended by the Board of Selectmen for the acquisition of said parcel of land; and
- c.) determine whether such appropriation shall be provided by taxation, by transfer from unappropriated available funds, by transfer from available funds already appropriated for another purpose or purposes, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise, including a combination of such funding sources.

PETITIONERS’ COMMENTS: Acquisition of this land by the Town will provide for current and future unmet needs of Cochituate Village and Wayland. There is currently no public community meeting space in Cochituate, and no community center in our Town.

Given that more than 50% of Wayland’s population and 90% of our senior population live in Cochituate Village, acquisition now of the “Finnerty’s Property” by the Town will protect this land to help ensure the current and future needs of our citizens.

Historical tourism is on the rise, and there is an opportunity for Wayland to capitalize on this trend by creating a destination museum located inside of or adjacent to the proposed community center to showcase Cochituate’s unique history and role in the creation of the United States during Colonial Times as well as the birth of the Industrial Revolution.

FINANCE COMMITTEE COMMENTS: This article proposes the Town purchase the property at 150 Main Street (“Finnerty’s”) for the purpose of constructing a community center and/or preserving open space.

150 Main Street is currently occupied by a one story 14,400 sq foot building that was the former Finnerty’s restaurant. The restaurant has been closed and the building vacant since 2007.

As one alternative, this article proposes 150 Main Street be preserved as open space. 150 Main Street has never been studied as a site for the Town to purchase nor proposed for preservation as open space on any Master Plan prepared by or for any Town board or committee.

The article proposes 150 Main Street be acquired by “purchase, gift, eminent domain or otherwise.” The current owners have not indicated a desire to either sell or give the property to the Town. In fact, in August 2012, the owners of the 150 Main Street submitted an application to the Planning Board to convert the site to a multi-use property.

That application was approved by the Planning Board on January 22, 2013. No appeals were filed. Having a permit to convert 150 Main Street from a single use building to a multi-use facility has most likely increased the value of the property from the assessed value listed as the estimate cost of this article.

Eminent domain is proposed as an alternative means of acquisition. The Massachusetts Constitution provides—as a general rule—that no property shall be taken from an individual without his consent. A limited exception to this rule provides “whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.” Likewise, the Fifth Amendment to the Federal Constitution provides that private property shall not be taken for public use without just compensation. Furthermore, the Massachusetts General Laws limit and control the ability of the Town to take property by eminent domain. Mass. G.L. ch. 79, § 1 *et seq.*

In any event, this would be an unplanned property purchase. The acquisition of 150 Main Street is not on the Town or Finance Committee’s 5-year capital year plan. Under the Finance Committee’s debt policy, all land purchases funded from the general fund should be subject to a debt exclusion vote, but this project was not recommended for a debt exclusion vote by either the Finance Committee or the Board of Selectmen.

Funds to acquire the property would have to be appropriated either from the unrestricted fund balance (Free Cash) or raised through taxation. Assuming a \$1.13 million purchase price (the assessed value) for 150 Main Street and an average assessed home value of \$640,000, the average residential property tax bill would increase by approximately \$240 per year if this article passes on a motion to appropriate the funds from taxation.

ARGUMENTS IN FAVOR: Acquisition of the land can provide the desired open/green space for soccer and/or other athletic fields adjacent to Cochituate Field.

A community center is needed for youth, adults, and senior adults to gather informally for recreation or socializing; meetings and workshops may provide income to the Town.

A historical museum would promote tourism and drive additional income and job opportunities for Wayland.

ARGUMENTS OPPOSED: While a teen or community center would be an asset to the Town, the Finance Committee is not aware of any Town committee, board or department that has agreed to oversee such a community center or supported this article.

The current owners are not interested in selling or giving the property to the Town, and the use of eminent domain in this situation is inappropriate.

This article would burden taxpayers directly through the acquisition, and it would remove more than \$1 million from the Town's commercial tax base, resulting in approximately \$25,000 per year decrease in tax revenue to the Town.

The cost of the project to create a community center or open space, beyond the purchase price estimate is unknown, as the building will likely have to be renovated significantly or demolished for whatever future use the Town designates and at the time the Warrant was printed, no specific use had been established.

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

QUANTUM OF VOTE: a.) and b.) Two-thirds – see Massachusetts General Laws Chapter 40, Section 14; and c.) Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

For more information about this article, contact petitioner Jeffrey A. Horan at horan_jeff@yahoo.com. See map at Appendix F on page 137.

ARTICLE 16: TRANSFER AND DISPOSE OF SEPTAGE FACILITY LAND AND ADJACENT TOWN-OWNED LAND ON BOSTON POST ROAD

Proposed by: Board of Selectmen and Economic Development Committee

To determine whether the Town will vote to:

- a.) authorize the Board of Public Works, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of the three parcels of Town-owned land on Boston Post Road, Wayland, Massachusetts (i) known and numbered 490 Boston Post Road, Wayland, Massachusetts, containing 7.63 acres, more or less, as described in an order of taking dated January 11, 1971 and recorded with the Middlesex South Registry of Deeds in Book 11943, Page 420; (ii) containing 4.5 acres and shown as Lot A on a plan entitled "Plan of Land in Wayland, Mass. Showing Land Owned by William W. and Mary P. Lord" dated February 28, 1978, prepared by the Wayland Engineering Department and recorded with said Registry of Deeds as Plan Number 482 of 1978; and (iii) containing 1.0 acre, more or less, and described in an order of taking dated November 15, 1965 and recorded with said Registry of Deeds in Book 11003, Page 389, to the Board of Selectmen for purpose of conveying, selling, leasing or otherwise disposing of said parcels of land for affordable housing purposes; and
- b.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to convey, sell, lease or otherwise dispose of said parcels of land for affordable housing purposes and, in connection therewith, to execute all necessary and appropriate documents.

FINANCE COMMITTEE COMMENTS: Passage of this article will allow the Town to sell three parcels of land for affordable housing purposes. The next Town Meeting article, Article 17: Amend Zoning Bylaw Chapter 198: River's Edge Housing Overlay District, proposes zoning changes to allow for affordable housing to be constructed on this land. The two articles are interrelated and the Finance Committee comments are similar.

The benefits to Wayland of the property sale and proposed housing project include:

- Revenue: New revenue for Wayland in the form of proceeds from sale of the land, plus new annual tax revenue that the development would produce in perpetuity.
- Achievement of 10% housing affordability: By designating the project as rental, and 25% as affordable, then all the units count toward Wayland's affordable housing count, thereby achieving 10% affordability for 2010 census data (the standard in effect until 2020). This widens affordable housing options for Wayland residents, and eliminates the risk of 40B projects (where any developer can bypass local zoning and approvals to build high-density housing if a town's affordable housing count is below 10%), for the near future.
- Senior Housing: The project would provide sorely needed housing options for Wayland's seniors who may need or want to live in independent senior rental housing, who otherwise have to leave Wayland to find it.

For more details on the proposed River's Edge zoning and planning, please see Article 17.

For the Town to sell this land, three steps are necessary.

1. The land owner, the Board of Public Works (BoPW), must vote the land surplus.
2. The Town must authorize the BoPW to transfer the care, custody, management and control of the three parcels to the Board of Selectmen (BoS) for the purpose of conveying, selling, leasing or otherwise disposing of said parcels for affordable housing purposes.
3. The Town must authorized the BoS to convey, sell, lease or otherwise dispose of said parcels for affordable housing purposes and to allow the BoS to execute all necessary documents.

At the 2012 Annual Town Meeting, the Town appropriated CPA and Town funds (total \$360,000) for due diligence, planning and pre-permitting efforts to prepare for the potential sale of Town-owned land at 484-490 Boston Post Road, at and including the former Wayland/Sudbury Septage Facility site, all hereafter referred to as River's Edge Wayland, for development of affordable and market-rate rental housing units, primarily for senior independent housing.

As agreed at the 2012 Town Meeting, the Economic Development Committee (EDC) completed the core due diligence exercises of environmental review and market study before embarking on any further study or expense. These studies were completed in the summer of 2012, and results were reported to Board of Selectmen and Community Preservation Committee (as well as many other interested Town and local boards and committees) in the Fall of 2012. Copies of executive summaries are included in this warrant as Appendix J and full copies of the environmental and market studies are available at EDC's webpage on the Town of Wayland website (go to EDC page, click on "Rivers Edge Wayland" subfolder or http://www.wayland.ma.us/Pages/WaylandMA_BComm/Econ/RiversEdge).

With suitable environmental and market information in hand, the EDC planning for the site proceeded into the fall and winter. Planning efforts included tasks such as wetlands review, site layout, parking, septic, utilities, traffic, building massing and design guidelines for the project. Further professional studies were completed to review traffic impacts and tax revenue and financial impacts. Outreach occurred to gain input from Wayland groups and individuals interested in a wide range of public

concerns, including but not limited to Wayland senior housing, affordable housing, project design guidelines, zoning, environmental impacts and protecting the Sudbury River. All efforts led to definition of a project which achieves the financial and 40B goals for the project, minimizes adverse impacts, meets the needs for senior rental housing in Wayland, and creates a beneficial project for the Town for years to come.

As a result of the review, due diligence and planning efforts outlined below, the EDC recommends the Town approve this article to move forward with conveyance of the land and allow for completion of the River's Edge project. EDC voted 4-0 on 2/22/13 on warrant articles, for Planning Board and Board of Selectmen review. BoPW has expressed a conditional willingness to transfer these parcels to be used as affordable housing.

Full information on the River's Edge project is contained in Article 17 and the referenced Appendices.

If this Article 16 and following Article 17 are approved, then the Board of Selectmen shall designate a selection committee, made up of representatives from relevant Town boards, departments and committees as well as local citizens, to review bids received and advise the Board of Selectmen on the best bid for the Town of Wayland. Conveyance of the land by the Board of Selectmen shall be for construction of rental housing only, shall be in accordance with the River's Edge Housing Overlay District zoning, and shall be for a project in general accordance with the spirit and intent of the qualitative River's Edge Design Guidelines.

ARGUMENTS IN FAVOR: The potential benefits to Wayland of transferring and selling this land for the proposed housing project include:

- First and foremost, a currently vacant, non-revenue generating site can be turned into a financial engine for the Town of Wayland. Last year, EDC preliminarily estimated that financial benefits to the Town included potential sale proceeds from the land of up to \$5 to \$6 million and a potential increase in real estate tax revenues of up to \$750,000 per year upon full build-out. These benefits have been confirmed in the marketplace (subject to an actual bid process), and a third-party professional tax revenue/cost analysis has estimated the project would cost less than \$150,000 per year against its new \$690,000 in net revenues.
- The project would provide both affordable and market rate rental housing for Wayland seniors, providing long-time Wayland residents new housing alternatives to be able to remain in Wayland as they downsize in later years.
- By designating the project as rental, and 25% as affordable, then all the units count toward Wayland's affordable housing count, thereby achieving 10% affordability for 2010 census data (the standard in effect until 2020). This widens the affordable housing options for Wayland residents, and eliminates the risk of 40B projects for the near future.
- By focusing the remainder of Wayland's required affordable units on a single site, the impacts, design, and value can be managed and put to best use, and all other Wayland neighborhoods will be spared the risk and impacts of uncontrollable 40B projects.
- Deed restrictions and Zoning will allow the Town to control the scope and use of the land, and Design Guidelines will help ensure a project that is consistent with the character of our community and that meets the needs of the community.
- The project would enhance the western entrance to Wayland along Route 20.
- The project would make the most of its site and surroundings, which for years have been encumbered with active adjacent landfills, the Septage Facility and dirt piles. Now that the landfill is capped and the Septage Facility is decommissioned, for the first time in decades this

riverfront site can be re-envisioned into an active, attractive part of the community, a natural extension of Wayland Center on the opposite shore of the Sudbury River.

- There are no residential or commercial abutters to the planned development.
- The market for multi-family rental housing is currently very strong and is well poised to take advantage of the current market conditions. If the vote is successful, the RFP would be issued in Summer 2013 and bids to be received in by Fall 2013, which would be well-timed to tap into the strength of the market.

ARGUMENTS OPPOSED:

- By selling the land, the Town would lose the ability to use the site for (non-revenue generating) community-based uses such as playing fields, DPW facility, etc.
- The Route 20 Septage/DPW site is a better location for a new DPW facility than the proposed alternatives, outweighing the financial benefits if the site were to be sold and privately developed.
- While the zoning and deed restrictions are binding, the design guidelines are just guidelines and are not enforceable by the Town.
- The location adjacent to the Sudbury landfill presents common landfill issues of gas and leachate emissions, which will require diligence by a developer and may impact the value of the development.
- This site is currently the location where Wayland school buses are parked. Upon development of the site, the buses would need to be either relocated to an alternative site in Wayland, or when the contract expires in 2014, the vendor would be required to park the busses outside of the Town.
- Transferring the land to the BoS gives that board the authority to execute the final documents. The controls are not strong enough to ensure that the land is sold to a developer who will complete a project in line with the EDC's vision.

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

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

For more information about this article, contact Sam Potter, Economic Development Committee, at Mako71wt@gmail.com, or Rebecca Stanizzi, Economic Development Committee, at rstanizzi@comcast.net. See Appendix G on page 138.

ARTICLE 17: AMEND ZONING BYLAW CHAPTER 198: RIVER'S EDGE HOUSING OVERLAY ZONING DISTRICT

Proposed by: Economic Development Committee, Board of Selectmen, and Planning Board

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Zoning Bylaw of the Town, by adding thereto the following new article:

**ARTICLE 25
River's Edge Housing Overlay District**

§ 198-2501. Purposes and Intent.

2501.1 The purpose of this article is to increase the supply of housing in the Town of Wayland that is available to and affordable by low-income and moderate-income households which might otherwise have difficulty in finding housing in Wayland, and to ensure that such housing is affordable over the long term and provided in accordance with the Wayland Master Plan and the Town's Affordable Housing Production Plan.

2501.2 It is intended that the affordable dwelling units authorized under the provisions of this article be considered as affordable housing units which shall be included in the Town's inventory of subsidized housing units established and administered by the Commonwealth of Massachusetts Executive Office of Housing and Economic Development, Department of Housing and Community Development (DHCD), or its successor.

§ 198-2502. Overlay District.

2502.1 The River's Edge Housing Overlay District ("REHOD") is an overlay district superimposed on the underlying zoning district on the parcels of land on Boston Post Road in Wayland, Massachusetts Plate 22 of the Atlas of the Town of Wayland, Massachusetts, 2002, numbered as Parcels 22-3, 22-6 and 22-7. All uses permitted by right or by special permit in the underlying zoning district shall be similarly permitted in the REHOD, subject to the further provisions of this Article 25. Where the REHOD authorizes uses not otherwise allowed in the underlying district, the provisions of the REHOD shall control. Nothing herein shall be construed to supersede the provisions of other overlay districts applicable to land or structures within the REHOD, except as set forth herein.

§ 198-2503. Administration.

2503.1 The Planning Board shall be designated as the site plan approval authority (SPA) under this article.

2503.2 The Planning Board shall adopt, maintain and file with the Town Clerk a set of regulations that contains the necessary policies, definitions, fee structures, procedures, and requirements to implement the provisions of this article.

§ 198-2504. Permitted Uses.

2504.1 The uses set forth below, individually or in combination, are permitted, as of right, in the REHOD, subject to site plan approval issued by the Planning Board pursuant to Article 6 of this Zoning Bylaw:

2504.1.1 Multi-Family Affordable and Market-Rate Housing Dwelling Units.

2504.1.2 Structures and uses accessory to the uses set forth in §198-2504.1 above, located (with the exception of covered parking areas) within the same building, including but not limited to the following: beauty and barber salons; recreational, physical fitness and therapy services; library; bank automated teller machine without drive-throughs or drive-ups facilities; management offices; adult day health facility; assisted living residences not exceeding twenty-five percent (25%) of the total number of age-restricted dwelling units in the REHOD; and covered parking areas. In addition, food service, including a café or diner primarily for residents but as also may be open to the public for this limited use only.

§ 198-2505. Dimensional Requirements and Aggregate Limits.

2505.1 Minimum building setback from the REHOD perimeter boundary shall be 50 feet.

2505.2 Maximum building height of any building or portion thereof located less than 100 feet from a public way (Route 20) shall not exceed 45 feet in height. In all other areas, maximum building height shall not exceed 58 feet. Height shall be as defined in § 198-701.1.2, except that penthouses shall refer only to mechanical penthouses and that none of the items referred to in that section are used for occupancy purposes. Height shall be measured from the average grade of the land immediately adjacent to the building to the highest point of the roof, except for buildings on the northern edge of the REHOD where average grade shall be determined by the grade of the land immediately adjacent to the three sides of the building which do not face north, to reduce grading on the north-facing sides near wetlands, and to encourage underground parking in these areas. On these north facing facades only, not more than 6 feet of a parking level may be exposed and allow natural ventilation as long as this façade area is screened and buffered with landscape.

2505.3 Maximum building size. No building shall exceed 150,000 square feet of gross floor area.

2505.4 Maximum number of dwelling units. There shall be no more than 216 dwelling units. All dwelling units shall be studio, one bedroom or two bedroom units, with the sole exception that not more than three (3) of the affordable non-age-restricted units may be three bedroom units. No unit shall have more than three bedrooms.

§ 198-2506. Performance Standards

2506.1 Landscaping.

2506.1.1. Landscaping within the REHOD shall be designed to promote the establishment, protection and enhancement of the natural landscape; ensure the appropriate use of plant materials; preserve natural tree cover; and promote inclusion of new tree plantings in order to reduce visual blight, noise and glare, prevent soil erosion, reduce stormwater runoff, increase groundwater discharge, create shade, and reduce solar overheating.

2506.1.2. The applicant shall prepare a landscaping plan showing that the housing development will meet these standards and the standards set forth in § 198-606.

2506.2. Screening and buffer requirements.

2506.2.1 Screening and buffering should create visual barriers between features of the housing development from public streets and abutting properties. Such features shall include dumpsters and trash handling areas, mechanical equipment at ground level or on rooftop, service entrances and utility facilities for building operation, loading docks and spaces, aboveground backflow preventers, and other components of the development as may be reasonably determined by the Planning Board to require screening and buffering.

2506.3. Parking Standards.

2506.3.1 Parking spaces shall be provided at a minimum of 1.0 parking spaces per dwelling unit and maximum of 15 parking spaces for an accessory café or diner in addition to said dwelling unit parking spaces.

2506.3.2. Any large surface parking areas shall be separated, whether by buildings, landscape features, or both. At least ten percent (10%) of the interior of the parking areas shall be maintained with landscaping, including trees, in landscape islands.

2506.3.3. Small parking areas shall be designed to include sidewalks at the perimeter to promote safe pedestrian passage; larger areas may incorporate pedestrian corridors delineated by paving materials, plantings and/or bollards.

2506.4. Lighting Standards.

2506.4.1. The lighting design within the housing development should accommodate public safety and welfare, and protect the night sky from unnecessary ambient light. Any lighting plan submitted for the development shall, at a minimum, include the following:

2506.4.1.1. All lighting installations shall be designed to achieve no greater than the minimum luminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

2506.4.1.2. To prevent glare on off-site locations, all outdoor lighting fixtures shall be full cutoff. Where necessary to prevent light trespass or glare, accessories such as hoods and shields shall be used on lighting fixtures. The source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or onto adjacent property.

2506.4.1.3. Security lighting shall be shielded and directed at a downward angle.

2506.4.2. The applicant must submit a lighting study showing that the housing development will meet these standards and the applicable standards set forth in § **198-606**.

2506.5. Affordable units.

2506.5.1. In lieu of the requirements set forth in Article 22 of the Town's Zoning Bylaw (the "Inclusion of Affordable Housing" bylaw), the following standards shall apply in the REHOD. Twenty-five (25%) of the dwelling units shall be affordable units. The term "affordable unit" shall mean a dwelling unit reserved in perpetuity for occupancy by a household earning less than 80% of area median family income, and priced to conform with the standards of DHCD for units set forth in DHCD's guidelines and regulations, as amended from time to time, in order that such affordable units shall be included in the DHCD Subsidized Housing Inventory for the Town. Affordable units shall be subject to the following conditions:

2506.5.1.1. All affordable units shall be affordable in perpetuity. A deed rider or other suitable restriction shall assure compliance with this condition. The deed rider shall be structured to survive any and all sales, transfers or foreclosures.

2506.5.1.2. In the event that an affordable unit or the project in part or whole is proposed for sale, the continuing enforcement of the deed rider through subsequent resales shall be the subject of a monitoring agreement and in accordance with §§ 198-2207.3 and 198-2207.6 of Article 22 of this Zoning Bylaw.

2506.5.1.3. The deed rider and the monitoring agreement shall be drafted in compliance with DHCD's Local Initiative Program guidelines and regulation, as amended from time to time, and guidelines promulgated thereunder. The deed rider and the monitoring agreement shall be subject to review and approval by the Planning Board and approved as to form by Town Counsel prior to the issuance of the first certificate of occupancy for any dwelling unit in the development.

2506.5.1.4. The affordable units shall conform to the DHCD standards for inclusion in the DHCD Subsidized Housing Inventory for the Town. Any assisted living units as allowed under §§ 198-2504.1.2 above shall conform to DHCD standards for inclusion as affordable units (either as affordable or market-rate rental units, or affordable condominium units) in the DHCD Subsidized Housing Inventory for the Town.

2506.5.1.5. A right of first refusal in accordance with § 198-2207.7 of this Zoning Bylaw shall be granted to the Town or its designee for a period not less than 120 days after receipt of notice thereof.

2506.5.1.6. The affordable units must satisfy the design and construction standards of the Local Initiative Program, as set forth in DHCD's guidelines and regulations, as amended from time to time, with regard to indistinguishability from any market-rate units. The range of affordable units must be representative of the overall market-rate units in terms of unit mix, size and location, except for the unique three bedroom units described above. It is the intent of this Article 25 that the affordable units shall be eligible for inclusion in the DHCD Subsidized Housing Inventory for the Town as Local Initiative Program units.

2506.5.1.7. The affordable units must be constructed and occupancy permits obtained at the rate of one affordable unit for every three market-rate units.

2506.5.1.8. In computing the number of required affordable units, any fraction of a unit shall be rounded up, and the result shall be the number of affordable units to be built within the development.

2506.6 Age restricted units.

2505.6.1 A minimum of two thirds (66.7%) of all dwelling units shall be age restricted to a minimum of at least one occupant aged 55 and over.

2506.7. Efficiency of design.

2507.1.1. Every effort shall be made to design buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, and energy efficiency; to minimize exposure to and consumption of toxics and nonrenewable resources; and to incorporate appropriate "green" design techniques, including but not limited to conservation of water resources.

2506.8. Utilities.

2506.8.1. To the greatest extent practicable, electric, telephone, cable TV, and other utilities on the site shall be placed underground.

§ 198-2507. Peer Review.

2507.1. The Planning Board, at the expense of the applicant and pursuant to M.G.L. c. 44, § 53G, may engage qualified peer reviewers, including, but not limited to, traffic engineers, civil engineers, landscape architects, architects, wetlands scientists, lighting technicians, and attorneys, to review all site plan review applications.

§ 198-2508. Inapplicability of Certain Other Regulations.

2508.1. Where this article specifies some standard or makes some other requirement contrary to a requirement set forth elsewhere in the Town’s Zoning Bylaw, the provisions of this article, as may be amended from time to time, shall govern.

* * * * *

FINANCE COMMITTEE COMMENTS: This proposal is to approve a zoning overlay district to define the scope and nature of the River’s Edge development at 484-490 Boston Post Road, at and including the former Wayland/Sudbury Septage Facility site, for development of affordable and market-rate rental housing units, primarily for senior independent living. The project is to be restricted by a combination of zoning regulations and deed restrictions to ensure that the development conforms to design and attributes desired by the Town of Wayland.

The benefits to Wayland of the proposed housing project include:

- Revenue: New revenue for Wayland in the form of proceeds from sale of the land, plus new annual tax revenue that the development would produce in perpetuity
- Achievement of 10% housing affordability: By designating the project as rental, and 25% as affordable, then all the units count toward Wayland’s affordable housing count, thereby achieving 10% affordability for 2010 census data (the standard in effect until 2020). This widens affordable housing options for Wayland residents, and eliminates the risk of 40B projects (where any developer can bypass local zoning and approvals to build high-density housing if a town’s affordable housing count is below 10%), for the near future.
- Senior Housing: The project would provide sorely needed housing options for Wayland’s seniors who may need or want to live in independent senior rental housing, who otherwise have to leave Wayland to find it.

BACKGROUND:

At the 2012 Town Meeting, the Town appropriated CPA and Town funds (total \$360,000) for due diligence, planning and pre-permitting efforts to prepare for the potential sale of Town-owned land. As agreed, the Economic Development Committee (EDC) completed the core due diligence exercises of environmental review and market study before embarking on any further study or expense. These studies were completed in the summer of 2012, and results were reported to Board of Selectmen and Community Preservation Committee (as well as many other interested Town and local boards and committees) in the Fall of 2012. Copies of executive summaries are included in this warrant as

Appendix G and full copies of the environmental and market studies are available at EDC's webpage on the Town of Wayland website (go to EDC page, click on "Rivers Edge Wayland" subfolder or http://www.wayland.ma.us/Pages/WaylandMA_BComm/Econ/RiversEdge).

With suitable environmental and market information in hand, EDC planning for the site proceeded into the fall and winter. Planning efforts included tasks such as wetlands review, site layout, parking, septic, utilities, traffic, building massing and design guidelines for the project. Further professional studies were completed to review traffic impacts and tax revenue and financial impacts. Outreach occurred to gain input from Wayland groups and individuals interested in a wide range of public concerns, including but not limited to Wayland senior housing, affordable housing, project design guidelines, zoning, environmental impacts and protecting the Sudbury River. All efforts led to definition of a project which achieves the financial and 40B goals for the project, minimizes adverse impacts, meets the needs for senior rental housing in Wayland, and creates a beneficial project for the Town for years to come.

As a result of the review, due diligence, project planning and community outreach efforts outlined in materials in the Appendix, EDC recommends the Town approve the two articles and to move forward with conveyance of the land and completion of the River's Edge project. EDC voted 4-0 to approve both the articles and narratives, including comments of all members, on 2/22/13.

The EDC has provided executive summaries on the due diligence studies (environmental review and market study) which are included in Appendix G. *Full reports as well as the executive summaries are available for download on EDC's webpage.*

PROJECT PLANNING: With the environmental and market studies and guidance in hand, the EDC proceeded to shape a project that would fit within the character of Wayland and the site's surroundings, and create an attractive project for both future residents and the Town.

ZONING OVERLAY & DESIGN GUIDELINES

Wayland has good precedent in terms of density and development processes at the Traditions project on Route 27/126, and the Nike housing site on Oxbow Road, in terms of development guidelines. At Traditions, this assisted living (and independent living condominium) project has 100 units in two, 3-4 story buildings, with average unit sizes similar those recommended for River's Edge. The project was developed based on design guidelines and zoning formulated by the Town. The Nike site, on a smaller scale, was also developed by a private developer based on design guidelines provided by the Town.

Similar to the Traditions and Nike site guidelines, the intent of the River's Edge Design Guidelines and zoning overlay is to provide firm guidance to potential developers as to setbacks, massing, detailing, unit types, affordability and so forth, but still allow design creativity within the specified guidelines and parameters. As long as the design criteria and zoning are met by the developer, then only Site Plan Approval will be needed from the Planning Board for the project. This provides certainty for both the developer, and more importantly, for the Town as to what the completed project can and will be.

It is important to note that the sample project layout provided by EDC is just one possibility within the River's Edge Design Guidelines. It helps to visualize the site and to provide visual cues as to the design goals, but is not meant to be a required layout.

Key criteria and principles for the zoning and design guidelines include:

- **Maintain units as affordable for Wayland's 10% requirement:** River's Edge must always remain as rental property (i.e. units cannot be sold as condominiums in the future) and 25% must be affordable in perpetuity, so that the units are a permanent part of Wayland's affordable unit count.
- **Maintain River's Edge purpose as senior housing:** The zoning has been drafted such that not less than two-thirds of the housing units must be age restricted for 55+ in perpetuity. The goal is for 75% age restriction based on the market study, however (see below, Age Restriction Commentary) the market may require some flexibility. The zoning is currently written for modest flexibility (two-thirds vs. 75%); any further flexibility would require a future Town Meeting vote.
- **Create cost-effective market-rate housing:** Per the market study, only one and two bedroom units shall be planned, to provide cost-competitive housing alternatives versus home ownership. (The only exception to this program is that within the *affordable* units, up to three (3) of the two bedroom sized units may be reconfigured to allow three bedrooms, to help serve this need within Wayland.)
- **Create an attractive entrance to Wayland from the west:** Massing of the project shall step down to three stories closest to Route 20, and have appropriate setback and landscaping. Rooflines and facades shall be articulated. The project entrance will be accessed from the landfill access road, and the collective entrance shall be upgraded in terms of landscaping and appearance.
- **Create an attractive project within the natural setting:** Once the old Septage facility and dirt stockpiles are removed, the site itself is surrounded by natural river basin, wetlands and woods (and of course the Sudbury Transfer Station, but this is a small portion of the overall surroundings). The project should fit into its natural surroundings with its choice of materials, colors, variation in the façade treatments, as well as generous, indigenous landscape materials to soften parking and roadway areas. Views from the Sudbury River shall be taken into account to minimize visual impact
- **Manage the traffic appropriately:** The proposal presumes that the existing landfill access road will remain in place, and the River's Edge project will enter from this road, therefore there will be no new curb cut on Route 20. This will help sort the traffic before reaching Route 20, minimizing the traffic impacts for both the project and the transfer station/DPW uses.
- **Make the property an inviting place to live for Wayland seniors and residents:** As one of the most important criteria for the long term success of the project, the project needs to be an attractive place for Wayland residents to live. Design goals include for example: Creating a sense of destination for the buildings on site; designing inviting entrances; establishing walking paths among the buildings and/or at the perimeter; linking the buildings with covered walkways when possible to allow access to shared facilities even in inclement weather; providing public and private outdoor spaces; providing common amenities; linking the project with local transit (MWRTA) and potentially include a shuttle bus to Town Center; linking the project with the upcoming Wayland bike path.
- **Create rental housing for Wayland:** Currently very few options exist for rental housing in Wayland. This project would help meet this market need, providing new housing options for Wayland residents, especially helping those who need rental housing and would otherwise need to leave Wayland to find it.
- **Protect the semi-rural character of Wayland.** While at first it may seem counterintuitive that a three-to-four story, multi-building rental project protects Wayland's semi-rural character, this goal is at the very core of the project. Unless Wayland acts to fulfill its 10%

affordable housing requirement, then every corner of Wayland is subject to 40B projects (as some neighborhoods have already found). Typically 40B projects in Wayland are condominiums, since these are more profitable; however, with condos, only the affordable units count toward Wayland's 10% requirement. For example, of the 16 units built at recently completed Post Road Village on Route 20, only the 4 affordable units count toward Wayland's 10% affordability threshold. Since Wayland needs 216 units to reach 10% affordability, this would mean we are at risk for *54 more Post Road Village-size 40B projects* before we fulfill our 10% threshold. Or, alternatively, Wayland has had only one other proposed rental 40B project, at the former Katherine Barton nursing home, (which has yet to be built, but has been approved); as rentals, all 56 of the units count toward our 10%. But if Wayland needs 216 units to reach its 10%, this equates to *4 more Katherine-Barton-scale projects*. These projects are out of scale with our neighborhoods and threaten our semi-rural character. If we are serious about protecting our semi-rural character, we must be proactive to secure Wayland's future.

For further detail and site map, please see the River's Edge Design Guidelines which are posted on EDC's webpage.

AGE RESTRICTION COMMENTARY

Although the Market Study has estimated that up to 75% of the housing units could be filled by tenants over 55 years of age, it creates an unusual project for developers: a project that is not fully age-restricted, and not fully non-age restricted. This makes it different than most other projects – and often something different can be difficult to get lenders and investors to understand and accept.

Preliminary discussions with potential developers have shown that the 75% age restriction may be high and could limit their ability to finance the project.

As a result, without having the benefit of actual bids in hand, EDC has drafted the zoning, where the age restriction is specified, by lowering it modestly from 75% to two-thirds (66.7%) to provide short flexibility to allow a buyer who may be close but does not quite reach 75%. (The Request for Proposals will still show preference for those bids reaching 75% or more age-restricted.) However, to provide for the potential case that no bidders step up to the plate with the two-thirds to 75% age restriction, EDC will draft the RFP such that alternative bids may be proposed, down to a minimum of 25% age-restricted housing. If in fact no suitable bid is available at two-thirds to 75% age-restricted housing, then EDC would present the lower age-restricted proposals for selection by the Town in order to revise the zoning by two-thirds vote to allow such use, if the Town agrees the lower age-restricted proposal is acceptable. This change would be presented at the next Town meeting.

As a point of reference, recent traffic and Town tax revenue/cost analyses have been completed with 75% age-restricted as the baseline, but with alternative analyses down to 25% age-restricted, if and when this information is needed in the future.

PROPOSED PROJECT IMPACTS

As part of the due diligence and planning for the project, the EDC analyzed impacts of the proposed project, including traffic and tax revenues/cost benefit analyses; designed, in terms of potential stormwater, wastewater and environmental impacts and mitigation; and reviewed, in terms of the termination of the Wayland Sudbury Septage Agreement:

TRAFFIC

One of the first concerns about any project at this Route 20 site was traffic, given the heavy use and backups in the morning and evening during rush hours along Wayland's stretch of Route 20. Senior housing was seen as one way to help significantly mitigate traffic impacts of any project: seniors are the least likely to be traveling at rush hour times on a consistent basis, or commuting into Boston or to surrounding towns.

Also important to note that with Town Center and surrounding businesses, many everyday needs are now provided within ½ mile to a mile of this site: two grocery stores, three banks, library, pharmacy, doctor/dentist offices, post office, Town Building (which houses the senior center) and so forth. While this is a very attractive marketing point for the residents in terms of proximity, it also helps to contain and focus the natural amount of traffic for the project to a relatively small area, instead of burdening the entire Town's network of side and main roads.

The traffic study was completed including traffic counts from Town Center as well as counts from a pending DPW facility with traffic routed through the landfill. *For more detail, please see the full River's Edge traffic study posted on EDC's webpage.*

TAX REVENUE/COST ANALYSIS

The project was originally estimated to generate \$5 to \$6 million in land value from sale of the property for development. This estimate is still valid as a conservative estimate, but of course is still subject to the bid process. (To put it in perspective, if the project were to have no age restrictions, the value of the property could reach \$10-12 million based on comparables in the market, therefore the final price will be highly dependent on the bids received and how developers perceive the risk for the partial age restriction vs. normal market non-age restricted housing.)

In terms of tax revenues in perpetuity, the built project was originally estimated to create \$750,000 per year in new tax revenues for the Town. It was essential to study the possible costs to the Town created by the project, to confirm that the overall benefit to the Town before proceeding with any disposition of the land. This analysis was completed by a third party professional, Connery Associates. Revenues were confirmed to be in a \$690,000 range (lower than the original \$750,000 estimate primarily because the \$19.01 FY2012 tax rate was used, and original calculations assumed a \$20 per thousand mill rate).

Costs to the Town for the project are only from fire/life safety and education costs, since roads and utilities infrastructure is already in place or will be assumed by the developer. Few families with schoolchildren are projected to move into the project, since all units are one and two-bedroom units only (with the sole exception that up to three of the affordable, non-age-restricted units will be allowed as three bedroom units), so total service and education costs are projected to be approximately \$150,000 per year to the Town. Given this positive net gain to the Town, the proposed development is very favorable on a fiscal impact basis. *For detail, please see the River's Edge Fiscal Impact Analysis Report posted on EDC's webpage.*

COMMUNITY OUTREACH

EDC has spent the last year in study, review and planning, and has been presenting its findings and drafts along the way to many interested committees and groups within Wayland, including Community Preservation Committee, Council on Aging, Board of Public Works, Historical Commission, Conservation Commission, Housing Authority, Housing Partnership, Rail Trail, Planning Board, Design Review Board, Finance Committee, Sudbury Valley Trustees and Sudbury

River Watershed Commission. All have been helpful in providing information and helping to shape the planning for the site.

It should be noted, given the heightened concern in the general riverfront area, that the Historical Commission was consulted early on and it was confirmed by the Commission that there are no sensitive artifacts within the proposed site area.

WAYLAND/SUDBURY SEPTAGE FACILITY AGREEMENT

The Septage Facility on site was decommissioned in 2009. The Town of Wayland owns the land, which is roughly half of the subject site, and the improvements are jointly owned by Wayland and Sudbury. There is an intra-town agreement for the purpose of operating the joint “Septage Facility” that is contractually due to expire in 2017. As part of the Due Diligence efforts, the EDC is working with both Towns in order to effectuate an early termination of that agreement provided the property is sold. Whatever consideration Sudbury requires to terminate this agreement early shall be borne entirely by the Buyer; any payment shall be contingent upon the sale of the property only, and Wayland shall endeavor to minimize these costs while allowing the project to move forward. Any and all costs of demolition will be assumed by the Buyer, most likely at a lower cost than could have been obtained by Wayland/Sudbury, thereby creating savings for both towns.

BUDGET UPDATE

At Spring 2012 Town Meeting, up to \$360,000 was approved to analyze and plan for the site. To date, approximately \$150,000 has been incurred, well below anticipated budget, with \$210,000 remaining which should be more than adequate to cover any further legal closing costs if the Town votes to proceed with the land disposition.

NEXT STEPS

With all planning and due diligence in hand, EDC recommends that the Town of Wayland pass these two articles and proceed with land disposition in the following manner:

REQUEST FOR PROPOSALS PROTOCOL

Should these two Articles pass at Town Meeting, the EDC will finalize any outstanding due diligence material, prepare a bid package and solicit bids from qualified developers to acquire the property and develop the site per the guidelines. The property shall be sold “as is” with as few contingencies as possible.

An extensive amount of due diligence has been done by the Town so that all material will be passed onto prospective buyers and they will be asked to submit a bid that takes all into account. Contingencies are often used by sophisticated buyers to tie a property up for an extended period of time in an attempt to extract additional concessions from a seller; EDC has performed most of the due diligence by the Town thereby limiting the need for an extensive due diligence period or negotiations with the Buyer. All requested contingencies by a prospective buyer shall be identified during the bidding and selection process. Weight will be given to those bids that contain the fewest material contingencies.

A general outline of the Request for Proposals process is as follows:

- 1) Finalize post-Town Meeting due diligence and bid package materials:

-
- a. Obtain ANRAD from Conservation Commission (not able to be completed until Spring 2013, although wetlands have been preliminarily marked for site planning purposes)
 - b. Compile Bid Package, including:
 - i. General overview of project with town goals and objectives with respect to this development
 - ii. River's Edge Housing Overlay District (REHOD) Zoning
 - iii. River's Edge Design Guidelines
 - iv. Due Diligence, including but not limited to:
 1. Environmental Phase I and partial Phase II reports
 2. Housing Market Study
 3. Survey with topographical information and wetlands delineation
 4. Wastewater, Stormwater and Wetlands recommended systems
 - v. Closing Documents package, including:
 1. Land Disposition Agreement
 2. Deed Restriction
 3. Development Agreement
 4. Acceptable offer format
 5. Specification that sale will be all cash with as few contingencies as possible
 6. Specification that any buyer as selected by the Town must post a refundable deposit during a short (30-60 day) due diligence period, which will increase and become non-refundable after the due diligence period expires and the closing date is set.
 - vi. Buyer Responses must include the following:
 1. Number of units, including 25% affordability
 2. Percentage of age restricted units
 3. Time table for development
 4. Identified financing sources for any debt and equity
 5. Proposed site plan and design, including elevations and renderings
 6. Recognition by Buyer of the following conditions:
 - a. Buyer accepts site as-is
 - b. Buyer assumes the cost and responsibility of demolishing the Septage Facility
 - c. Buyer pays any linkage or mitigation funds required by the Town of Sudbury
 - d. If Buyer exercises 40B on the site at any time, land rights will revert back to Town of Wayland
- 2) Issue the Request for Proposals
 - 3) Collect and analyze bids
 - 4) If bid(s) require zoning change due to age restriction, an interim Town Meeting vote may be required to memorialize any change needed (see Age Restriction discussion, above)
 - 5) Select buyer and proceed to closing

As referenced in the Article 16, it is expected that as part of any RFP process, that the Board of Selectmen shall designate a selection committee, made up of representatives from relevant Town boards, departments and committees as well as local citizens, to review bids and advise the Board of Selectmen on the best bid for the Town of Wayland. Conveyance of the land by the Board of Selectmen shall be for construction of rental housing only, shall be in accordance with the River's Edge Housing Overlay District zoning, and shall be for a project in general accordance with the spirit and intent of the qualitative River's Edge Design Guidelines.

ARGUMENTS IN FAVOR: The proposed project has a host of potential benefits to the Town of Wayland:

- First and foremost, a currently vacant, non-revenue generating site can be turned into a financial engine for the Town of Wayland. Last year, EDC preliminarily estimated that financial benefits to the Town included potential sale proceeds from the land of up to \$5 to \$6 million and a potential increase in real estate tax revenues of up to \$750,000 per year upon full build-out. These benefits have been confirmed in the marketplace (subject to an actual bid process), and a third-party professional tax revenue/cost analysis has estimated the project would cost less than \$150,000 per year against its new \$690,000 in net revenues.
- The project would provide both affordable and market rate rental housing for Wayland seniors, providing long-time Wayland residents new housing alternatives to be able to remain in Wayland as they downsize in later years.
- By designating the project as rental, and 25% as affordable, then all the units count toward Wayland's affordable housing count, thereby achieving 10% affordability for 2010 census data (the standard in effect until 2020). This widens the affordable housing options for Wayland residents, and eliminates the risk of 40B projects for the near future.
- By focusing the remainder of Wayland's 10% affordable units on a single site, the impacts, design, and value can be managed and put to best use, and all other Wayland neighborhoods will be spared the risk and impacts of uncontrollable 40B projects.
- Deed restrictions and Zoning will allow the Town to control the scope and use of the land, and Design Guidelines will help ensure a project that is consistent with the character of our community and that meets the needs of the Town.
- The project would enhance the western entrance to Wayland along Route 20.
- The project would make the most of its site and surroundings, which for years have been encumbered with an active adjacent landfill, the Septage Facility and dirt piles. Now that the landfill is capped and the Septage Facility is decommissioned, for the first time in decades this riverfront site can be re-envisioned into an active, attractive part of the community, a natural extension of Wayland Center on the opposite shore of the Sudbury River.
- Independent senior housing at this location provides Wayland's residents with a new living community with on-site services and programming, as well as proximity to the Sudbury River, Town Center and future Wayland Bike Path (which could be used as a walking path and for access to the Town Center) for an attractive community setting.
- There are no residential or commercial abutters to the planned development.
- The market for multi-family rental housing is currently very strong and is well poised to take advantage of the current market conditions. If the vote is successful, the RFP would be issued in Summer 2013 and bids to be received in by Fall 2013, which would be well-timed to tap into the strength of the market.
- Senior housing is the desired use, and the market study has estimated that up to 75% of the units can be age-restricted (this is subject to the actual bidders). At its core, senior housing as compared to non-age restricted housing creates less traffic, offers less uncertainty for schools and

Town services, lower parking requirements, smaller unit sizes (which allows the density required to satisfy the 10% affordability threshold), and brings Wayland seniors close to the amenity of Town Center -- all while meeting a critical housing need.

- With up to 75% of units as age-restricted, then 25% or more of the units will be non-age restricted, which are also in short supply in Wayland.
- If for any reason the age restriction must be lower than two-thirds of the units for the project to be feasible for developers, EDC will return to Town Meeting to secure this approval from the Town to change the zoning.

ARGUMENTS OPPOSED:

- By selling the land, the Town would lose the ability to use the site for (non-revenue generating) community-based uses such as playing fields, DPW facility, etc.
- The Route 20 Septage/DPW site is a better location for a new DPW facility than the proposed alternatives, outweighing the financial benefits if the site were to be sold and privately developed.
- The density of 216 units and the maximum height of 45' closest to Route 20 and up to 58' (when set back more than 100' from Route 20) are not in character with the Town of Wayland's semi-rural identity. It should be blocked here, and Wayland should just run the risk of 40B projects at every other potential site in Wayland.
- While the zoning and deed restrictions are binding, the design guidelines are just guidelines and are not enforceable by the Town.
- The Town should not require the age restriction on the property, thereby potentially increasing the land sale proceeds and the on-going property tax revenue, in return for forgoing the traffic, housing and open space benefits of age-restricted housing. Dropping the age restriction would also decrease the uncertainty for developers, and not risk the market delay of a second Town Meeting vote, which would be needed to reduce the age restriction percentage.
- The location and size of the proposed development will create a large isolated community of seniors and low-income residents on the edge of Wayland.
- The location adjacent to the Sudbury landfill presents common landfill issues of gas and leachate emissions, which will require diligence by a developer and may impact the value of the development.
- This site is currently the location where Wayland school buses are parked. Upon development of the site, the buses would need to be either relocated to an alternative site in Wayland, or when the contract expires in 2014, the vendor would be required to park the busses outside of the Town.

PLANNING BOARD REPORT: The Planning Board unanimously recommends the Article.

The Planning Board held its Public hearing as required by law on February 26, 2013, and voted 4-0 to support the River's Edge Overlay District Zoning Bylaw as amended. This article requests that Town Meeting amend the Zoning By-Laws to add a new overlay district on the existing municipal service district. This new district will only apply to the parcels as shown on the Appendix G on page 138. The Town of Wayland controls these parcels. This district would be required for the Town to implement the plan for a proposed development which is not possible under the existing zoning.

The Planning Board sees this project as a unique opportunity to build attractive, higher density housing for which there is demand, while at the same time controlling future 40b development. The project also meets Commonwealth goals, including Smart Growth principles transforming abandoned municipal industrial property into attractive affordable housing.

The Economic Development Committee should be commended for 1) researching the best and highest use for this land and 2) for being proactive in vetting the proposed development to optimize the outcome for the Town. The Economic Development Committee has reached out to multiple Boards, Committees and interest groups in Town to address concerns pertaining to height, density and form, and is in the process of creating Design Guidelines that are consistent with the Town's guidelines and will furthermore ensure all structures are in context and scale with the character of the zone.

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

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

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

For more information about this article, contact Sam Potter, Economic Development Committee, at Mako71wt@gmail.com, or Rebecca Stanizzi, Economic Development Committee, at rstanizzi@comcast.net. See Appendix G on page 138.

ARTICLE 18: ACCEPT ROADS AS PUBLIC WAYS

Proposed by: Planning Board

To determine if the Town will vote to:

- a.) accept, as town ways, Cart Path, Catherine Farm Road, Cobblestone Road, Ellen Mary Way, Green Way, Pheasant Run, Plainview Road, Rose Hill Lane, Sage Hill Road and Lingley Lane and any appurtenant easements thereto, as laid out by the Board of Public Works, which ways are shown on the following plans:
1. A roadway shown as “Cart Path” on a plan entitled “Whispering Pines a Definitive Subdivision Plan in Wayland, Mass.”; dated: January 15th, 1999; scale: 1”=40’, and recorded in the Middlesex County South District Registry of Deeds, plan number 182 of 2000, a copy of which is on file with the Town Clerk;
 2. A roadway shown as “Catherine’s Farm Road” on a plan entitled “Definitive Subdivision Plan of Chloe’s Way in Wayland, Mass.”; dated: March 20th, 1997 as revised; scale: 1”=40’, and recorded in the Middlesex County South District Registry of Deeds, plan number 905 of 1997, a copy of which is on file with the Town Clerk;
 3. A roadway shown as “Cobblestone Circle” on a plan entitled “Definitive Subdivision Plan of Dayton Estates in Wayland, Mass.”; dated: May 1st, 1999 as revised; scale: 1”=40’, and recorded in the Middlesex County South District Registry of Deeds, plan number 1268 of 1999, a copy of which is on file with the Town Clerk;
 4. A roadway shown as “Ellen Mary Lane” on a plan entitled “Amended Definitive Subdivision Plan, Captain Isaac Glezen Estates in Wayland, Massachusetts.”; dated: August 14th, 2001 as revised; scale: 1”=40, and recorded in the Middlesex County South District Registry of Deeds, plan number 287 of 2002, a copy of which is on file with the Town Clerk;
 5. A roadway shown as “Green Way” on a plan entitled “Definitive Subdivision Plan At The Paine Estate On Cochituate Road in Wayland, MA.”; dated: September 24th, 1997 as revised;

scale: 1"=40, and recorded in the Middlesex County South District Registry of Deeds, plan number 699 of 1998, a copy of which is on file with the Town Clerk;

6. A roadway shown as "Lingley Lane" on a plan entitled "The Village At Lingley Lane, Plan of Land in Wayland, Mass."; dated: February 22nd, 2000 as revised; scale: 1"=40, and recorded in the Middlesex County South District Registry of Deeds, plan number 225 of 2001, a copy of which is on file with the Town Clerk;
 7. A roadway known as "Pheasant Run" and shown as "Lot 26" on a plan entitled "Pheasant Run A Definitive Subdivision in Wayland, MA."; dated: February 3rd, 1999 as revised; scale: 1"=40, and recorded in the Middlesex County South District Registry of Deeds, plan number 842 of 1999, a copy of which is on file with the Town Clerk;
 8. A roadway shown as "Plainview Road" on a plan entitled "Sheet 2 of 2, Subdivision Plan of Plain Road Estates in Wayland, MA."; dated: February 1983; scale: 1"=40, and recorded in the Middlesex County South District Registry of Deeds, plan number 698 of 1993, a copy of which is on file with the Town Clerk; and
 9. A roadway shown as "Sage Hill" on a plan entitled "Definitive Subdivision Plan of Land In Wayland, MA."; dated: February 26th, 2010 as revised; scale: 1"=40, and recorded in the Middlesex County South District Registry of Deeds, plan number 379 of 2010, a copy of which is on file with the Town Clerk; and
- b.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by gift, purchase, eminent domain or otherwise, the land comprising said ways and appurtenant easements;
- c.) appropriate a sum of money for the acquisition of said land easements; and
- d.) determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise.

FINANCE COMMITTEE COMMENTS: This article seeks to accept all of the above roads as public ways. The roads in bold are roads that are over 10 years old and were never officially accepted by the Town of Wayland. These roads were intended to be town roads. Part of the Planning Board's review of subdivision plans submitted is to lay out the standards for construction of roads intended to become part of the Town's roads, and that is an expectation when individuals purchase these properties. For subdivision maps in land records, go to the 2013 Annual Town Meeting town website.

The roads in bold also have outstanding issues, unfortunately all bonds have been released or have expired years ago leaving the ownership of the roads in a state of flux. The developers are not available to take the next step to appear before the Board of Public Works to begin the process of accepting the roads as Town Ways. Therefore, the Town of Wayland is now taking responsibility in following through with the official statutory procedure for street acceptance.

At its meeting held on February 26, 2013, the Planning Board voted 4-0 to accept the roads listed above.

The Board of Public Works discussed this article at its March 4, 2013 meeting. They are also planning to hold a public hearing on or about March 18, 2013 to discuss these roads.

ARGUMENTS IN FAVOR: The roads were built to Town specifications and have passed inspection for acceptance. They were always intended to be accepted as town roads and residents who live on these roads in good faith believed that the Town would honor its commitment to accept the roads.

Accepting the roads and maintaining them to town standards maintains the reputation of the Town and enhances overall property values. The addition of these roads will increase the amount of Chapter 90 money Wayland receives from the Commonwealth.

ARGUMENTS OPPOSED: The Town does not wish to assume the additional cost of maintain these roads. They have not gone through the proper process and if additional work is needed for the roads to meet the requirements for acceptance, the Town should not have to absorb this cost.

Accepting roads that are sub-standard (if that is the case) it would set a precedent to accept other substandard roads in the future.

RECOMMENDATION: The Finance Committee voted 7-0 to defer action on this article until after all the necessary steps have been taken by the relevant parties.

QUANTUM OF VOTE: a.) Majority – see Massachusetts General Laws Chapter 82, Section 23. b.) Two-thirds – see Massachusetts General Laws Chapter 40, Section 14. c.) and d.) Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B. For borrowing two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

For more information about this article, contact Sarkis Sarkisian, Town Planner, at (508) 358-3778, email ssarkisian@wayland.ma.us, or Don Ouellette, Director of Public Works, at (508) 358-3678, email douellette@wayland.ma.us, or Mike Lowery, Chair of the Board of Public Works, at lowery.mike@gmail.com. See maps at Appendix H on page 145. See Annual Town Meeting page on town website for detailed subdivision maps.

ARTICLE 19: AMEND TOWN CODE CHAPTER 193A: LAND CLEARING, GRADING AND PROTECTION OF SPECIMEN TREES

Proposed by: Petitioners

To determine whether the Town will vote to add a new chapter to the Code of the Town of Wayland, primarily dealing with clearing of land and protection of specimen trees, as outlined in the attached document, which provides full details of the proposed new Chapter 193A, The proposal provides that, before anyone may undertake, in anyone year, land clearing activities of an area greater than a total of 20,000 square feet (slightly less than one-half acre), that person must submit an application to the Conservation Commission to obtain a Permit. The Article provides for specified exemptions from the process, provides for the procedures to be utilized to obtain the permit (including providing a survey of existing vegetation, a survey of soil types in the involved area, delineation of bodies of water in the area, “best practices” to be utilized, justification for removal, rather than trimming of trees, and erosion control measures to be implemented). The proposed Article also specifies posting of security to assure performance pursuant to any permit granted, The Article provides for monitoring and inspection of the work being done pursuant to any Permit granted, and provides for penalties for failure to comply. The Conservation Committee is authorized to promulgate regulations to implement the intentions of the Article, and to excuse strict performance with its terms when justice requires.

Chapter 193A

Protection of Specimen Trees.

§ 193A.1. Purposes and objectives.

1.0 Purposes: Pursuant to M.G.L. c. 87, § 14, and otherwise, the purposes of this bylaw are to seek to balance the rights of utilities and others to maintain and utilize their interests in real property while at the same time striving to:

1.1 Protect the health, safety and property of the residents of the Town of Wayland, Massachusetts by regulating tree clearing and maintenance activities associated with land development and ROW maintenance. Its goals include, but are not limited to, preserving existing trees ,and minimizing fragmentation of wildlife habitat and loss of vegetation;

1.2 Limit land clearing prior to development review;

1.3 Protect specimen trees and significant forest communities from damage or removal during site development and maintenance;

1.4 Protect water quality of adjacent wetlands, wellheads and surface water bodies;

1.5 Promote land development and site planning practices that are responsive to the town's scenic character without preventing the reasonable development and maintenance of land and utility rights-of-way;

§ 193A.2. Definitions.

2.0 Definitions: In this bylaw, the following words have the meanings indicated:

2.1 Applicant - Any person proposing to engage in or engaged in any non-exempt clearing of trees within the Town.

2.2 Caliper - American Association of Nurserymen standard for measurement of trunk size of nursery stock. Caliper of the trunk shall be taken 6 inches above the ground up to and including 4 inch caliper trees, and 12 inches above the ground for larger sizes.

2.3 Certified arborist - A professional who possesses the technical competence through experience and related training to provide for or supervise the maintenance of trees and other woody plants in the residential, commercial, and public landscape.

2.4 Clearing - Removal or causing to be removed, through either direct or indirect actions, trees, and/or shrubs from a site. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of trees; and/or any filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.

2.5 Dripline - An area encircling the base of a tree which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground.

2.6 Essential Root Zone - An area located on the ground between the tree trunk and 10 feet beyond the dripline of a tree which is required for protection of a tree's root system. .

2.7 Diameter/diameter-breast-height (dbh) - The diameter of any tree trunk, measured at 4.5 feet above existing grade.

2.8 Filling - The act of transporting or placing (by any manner or mechanism) material from, to, or on any soil surface or natural vegetation.

2.9 Grading - Any excavating, filling, clearing, or the creation of impervious surface, or any combination thereof, which alters the existing surface of the land.

2.10 Hazardous tree - A tree with a structural defect or disease, or which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property.

2.11 Landscape architect - A person licensed by the Commonwealth of Massachusetts to engage in the practice of landscape architecture.

2.12 Protected tree - A tree identified on an approved landscape plan to be retained and protected during construction.

2.13 Right-Of-Way Maintenance - Removal or causing to be removed, through either direct or indirect actions, trees, and/or shrubs from a site. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; and/or any filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage .

2.14 Specimen tree - A native, introduced or naturalized tree which is important because of its impact on community character, its significance in the historic/cultural landscape or its value in enhancing the effects of wildlife habitat. Any tree with a dbh of 6 inches or larger is eligible to be considered a specimen tree. Trees that have a small height at maturity or are slow growing, such as flowering dogwood or american holly with a dbh of 4 inches or larger are eligible to be considered specimen trees.

2.15 Significant forest community - Unfragmented forests including forest types that provide habitat for rare species, unusual ecological processes, highly diverse forest communities, rare forest types, and those forest types which maintain connections between similar or different habitat patches.

2.16 Site Alteration Permit - A permit issued by the Conservation Commission authorizing land clearing and grading activities in the town of Wayland, Massachusetts.

2.17 Understory vegetation - Small trees, shrubs, and groundcover plants, growing beneath and shaded by the canopy of trees.

2.18 Wellhead Protection Plan - Wellhead Protection Plan, June 2011, Prepared by the Wellhead Protection Committee, et al. a copy of which is on file in the Office of the Town Clerk.

§ 193A.3. Applicability

3.0 Applicability: No person or corporation shall undertake clearing activities of an area greater than a total of 20,000 square feet within the Town of Wayland in any year without first obtaining a Site Alteration Permit from the Conservation Commission, unless specifically exempted under §193A.5.0 of this bylaw.

§193A.4. Review and Decision.

4.0 Review and Decision: Within ten (10) business days of receipt of a completed application and required plans, the Conservation Commission shall transmit one copy each to the Board of Health, Planning Board, Building Inspector, Department of Public Works and abutters to the properties. Within 45 days of receipt of completed application/plans, these agencies and optionally the abutters shall submit recommendations to the Conservation Commission. The Conservation Commission shall act on applications within 90 days after filing.

§ 193A.5. Exemptions.

5.0 Exemptions: The provisions of this bylaw shall not apply to the following activities:

5.1 Removal of hazardous trees, as defined herein;

5.2 Routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants, to contain noxious weeds and/or vines in accordance with a Department of Environmental Management (DEM) - approved Forest Management Plan, or to remedy a potential fire or health hazard or an imminent threat to public safety;

5.3 Construction and maintenance of public and private streets and utilities within town-approved and accepted roadway layouts and easements;

5.4 Work conducted in accordance with a valid earth removal permit issued by the Town of Wayland, Massachusetts;

5.5 Agricultural activities in existence at the time this section was adopted, work conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan or agricultural uses on parcels of land of more than five acres as specified in MGL c. 40A, Section 3.

5.6 Construction of roadways and associated infrastructure for subdivisions approved in accordance with the Planning Board's Subdivision Rules and Regulations.

5.7 Construction of any state or town agency project approved by the appropriate agencies and/or officials of the Commonwealth or the Town.

§ 193A.6-. Review Standards

6.0 Review Standards:

The applicant shall demonstrate that the following measures are employed in development of the site or maintenance of the ROW:

6.1 Minimize site alteration/land clearing:

6.1.2 Clearing of trees shall be limited to a percentage (%) of the site with native trees planted in disturbed areas as needed to enhance or restore wildlife habitat, as follows:

Land Use Percentage of Clearing Allowed:

Agriculture 50%, Residential 25%, Institutional, Commercial, Industrial 40%, ROW maintenance in residential areas 25%, ROW maintenance in open areas 50%, within a habitat area identified on a MA Natural Heritage and Endangered Species (NHESP) mapped habitat area (SNRA) 35%

6.1.3 Clearing for utility access and trenching shall be limited to the minimum area necessary to deliver equipment to the site and thereafter to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utilities installation should be utilized wherever feasible to protect root systems of trees.

6.1.4 Protect hilltops and/or scenic views within the Town of Wayland, Massachusetts:

6.1.5 Protect wildlife habitat:

6.1.5.1 Sites shall be designed in such a way as to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.

6.1.6 Avoid impacts to archaeological resources:

6.1.6.1 Applicants shall submit a response from the Massachusetts Historical Commission (MHC) regarding the potential for archaeological or historical resources on the site.

6.1.7 Preserve open space and specimen trees on the site:

6.1.7.1 In the design of a development or the proposal for ROW maintenance, priority shall be given to retention of existing stands of trees, trees at site perimeter, contiguous trees communities with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.

6.1.8 Forested areas shall be preserved if they are associated with:

6.1.8.1 significant forest communities as defined herein;

6.1.8.2 wetlands, waterbodies and their buffers;

6.1.8.3 critical wildlife habitat areas;

6.1.8.4 slopes over 25 percent.

6.2 Protection of wetlands, endangered species and other environmental issues, as required by the Conservation Commission.

6.3 Protection of drinking water, as required by the Board of Public Works pursuant to the Wellhead Protection Plan.

§ 193A.7. Required Security.

7.0 Required Security: The Conservation Commission may require a performance guarantee in a form acceptable to the Town to cover the costs associated with compliance with this bylaw under a Site Alteration Permit.

7.1 The required performance guarantee in the amount of 150% of the cost of site restoration shall be posted prior to the issuance of a Site Alteration Permit for the proposed project.

7.2 The performance guarantee shall be held for the duration of any prescribed maintenance period required by the Conservation Committee to ensure establishment and rooting of all new plantings, and may be reduced from time to time to reflect completed work. Plantings which die within the prescribed maintenance period shall be replaced. Securities shall not be fully released without a final inspection and approval of vegetation replacement by the Town.

§ 193A.8. Monitoring and Inspections

8.0 Monitoring and Inspections:

8.1 Prior to commencement of construction or maintenance, the applicant, land owner, contractor and construction crew, Town Surveyor, engineer and site engineer shall conduct a meeting to review the proposed construction or maintenance phasing and number and timing of site inspections.

8.2 Initial site inspection of placement of tree protection measures shall occur after installation of barriers around preserved areas but before any clearing has begun.

8.3 Routine inspections of preserved areas shall be made at varying intervals depending on the extent of site alteration and the frequency and intensity of rainfall.

8.4 Effective stabilization of revegetated areas must be approved by the town before erosion and sedimentation controls are removed. The Town shall complete an inspection prior to removal of temporary erosion and sedimentation controls.

§ 193A.9. Enforcement.

9.0 Enforcement: Violations of this bylaw shall be punishable by fines in the amount of \$ 300.00 recovered through criminal process or, alternatively, civil noncriminal disposition pursuant to M.G.L. c. 40, § 21D. Each day that a violation continues shall be considered a separate offense. This Bylaw may be enforced by agents of the Conservation Commission.

9.1 An agent of the Conservation Commission may post the site with a Stop Work order directing that all vegetation clearing not authorized under a Site Alteration Permit cease immediately. The issuance of a Stop Work order may include remediation or other requirements which must be met before clearing activities may resume.

9.2 The Conservation Commission or its agent may, after written notice is provided to the applicant, or after the site has been posted with a Stop Work order, suspend or revoke any Site Alteration Permit issued by the Town.

9.3 No person shall continue clearing in an area covered by a Stop Work order, or during the suspension or revocation of a Site Alteration Permit except work required to correct an imminent safety hazard as prescribed by the Town.

§ 193A, 10 Administration.

10 Administration

10.1 The Conservation Commission shall administer, implement and enforce this chapter.

10.2 Regulations. The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, application and inspection fees, procedures and administration of this chapter by majority vote of the Conservation Commission, after conducting a public hearing to receive comments on any proposed revisions. The Commission may by regulation reduce, but not completely eliminate, any requirement imposed by this Bylaw. Such hearing dates shall be advertised in a newspaper of general circulation, at least seven days prior to the hearing date. After public notice and public hearing, the Conservation Commission may promulgate rules and regulations to effectuate the purposes of this bylaw.

§ 193A.11. Severability.

11 Severability:

11.1 If any provision of this section is held invalid by a court of competent jurisdiction, the remainder of the section shall not be affected thereby.

PETITIONERS' COMMENTS: Forty foot trees or bare earth covered with bark chips? Forty foot trees, we had. Bare earth and bark chips, we have. That change, courtesy of NStar, is the genesis of the present article designed to protect our native trees. Trees which provide beauty for all who see them, trees which pull carbon dioxide from the air and replace it with oxygen, helping to regulate green house gases. Trees which provide food, shelter and homes for wildlife. The article would require anyone (other than those engaged in agriculture) who is planning to clear trees on more than 20,000 square feet (a little less than ½ acre) to obtain a permit from the Conservation Commission following a hearing in which the proponent would have to justify removal, rather than pruning, of the trees, and provide plans for tree replacement, if called for. This Article is a revision to a very similar Article submitted at Special Town Meeting in October of 2012, but withdrawn to permit consideration by a specially-appointed Town committee.

FINANCE COMMITTEE COMMENTS: There is no financial impact from this article.

RECOMMENDATION: The Finance Committee takes no position on this article. Vote: 7-0.

QUANTUM OF VOTE: Majority - 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 state and federal law.

For more information about this article, contact petitioner Scott Machanic at smachanic@cmlaw.net.

ARTICLE 20: AMEND TOWN CODE SECTION 91: REGULATION OF DOGS

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend Chapter 91 of Article I of the Town Code relative to the Regulation of Dogs as follows:

[Key to revisions: ~~strikethrough~~ = deletions; underlining = additions]

Article I. Regulation of Dogs

[Adopted 4-30-2001 ATM by Art. 24 Editor's Note: This article also repealed former Article I, Dogs and Kennels, adopted 3-12-1973 ATM by Art. 14 as Art. 7 of the 1973 Bylaws, as amended.]

§ 91-1. Definitions.

A. As used in this article, the following words and terms have the following meanings:

BANISHMENT

~~An order that a vicious dog may no longer reside or visit in the Town of Wayland.~~

DANGEROUS DOG

A dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

DCO

The Dog Control Officer.

DESTRUCTION

~~An order that a vicious dog be destroyed in accordance with Massachusetts General Laws, Chapter 140, and Massachusetts Society for the Prevention of Cruelty to Animals guidelines.~~

EFFECTIVE VOICE CONTROL

To be under effective voice control, the dog must: (i) be within the keeper's sight, (ii) be responsive to the keeper's voice commands and (iii) refrain from illegal activities and the keeper must be carrying a leash ~~and the dog must refrain from illegal activities.~~

EUTHANIZE

To take the life of an animal by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.

KEEPER

A person, business, corporation, entity or society, other than the owner, having possession of a dog.~~Any person having charge of a dog within the Town of Wayland, including but not limited to the dog's owner, dog walkers, dog sitters, and members of the dog owner's household or family.~~

KENNEL

~~Four or more dogs, six months of age or older, kept on a single property, whether for breeding, sale, training, hunting, companionship, or any other purpose.~~

A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

KENNEL LICENSE

A special license issued to a kennel, which allows payment of a single fee covering all dogs in the kennel; with the kennel license, the kennel owner receives a special kennel tag for each dog in the kennel.

LICENSE

A dog's registration, evidenced by a tag issued annually by the Town Clerk to the owner of each dog residing in Wayland and worn by the dog securely fixed to its collar or harness.

LICENSE, TRANSFER

The registration issued to a dog already licensed in another US jurisdiction, after the dog moves into the Town of Wayland.

LICENSE PERIOD

Annually, from January 1 through December 31, inclusive.

MUZZLING

Using a device that fits over a dog's mouth and prevents it from biting, but that does not cause any injury or interfere with the vision or respiration of the dog that wears it.

NUISANCE DOG

~~A dog that repeatedly violates § 91-5 of this article.~~

A dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

PERMANENT RESTRAINT

An order issued by the Board of Selectmen under § 91-6D(1), requiring a dangerous ~~vicious~~ dog's keeper to restrain it.

RESTRAINT

Limiting, restricting, or keeping a dog under control by means of a physical barrier (e.g., a leash, substantial chain or line, visible or invisible fence).

RUNNING AT LARGE

A dog is running at large if it is not on the private property of its keeper, or on private property with the express permission of that property's owner, or on a leash, or under effective voice control (i.e., within the keeper's sight and the keeper is carrying a leash).

TEMPORARY RESTRAINT

An order issued by the DCO under § 91-3C(5), requiring the dog's keeper to restrain a nuisance dog or suspected dangerous ~~vicious~~ dog for 30 days.

~~VICIOUS DOG~~

~~A dog that, without provocation, bites a human being or kills or maims a domestic animal.~~

B. Any word or term defined in Massachusetts General Laws, Chapter 140, § 136A, and not otherwise defined here, is incorporated by reference.

§ 91-2. Vaccination, licensing and fees.

A. Three or fewer dogs.

- (1) License and vaccination requirements. All dogs six months and older, while residing in the Town of Wayland, must have a license. To obtain or renew the license, each dog owner must annually present proof of a current rabies vaccination. When a veterinarian determines that vaccination is inadvisable, the owner may present a veterinarian's certificate exempting an old or sick dog from vaccination for a stated period of time.
- (2) New dogs. Within 30 days of acquiring a dog six months of age or older, each dog owner in Wayland must present proof of that dog's current rabies vaccination and obtain a license and dog tag from the Town Clerk.
- (3) New puppies. Within six months of a puppy being born, each dog owner in Wayland must present proof of that puppy's current rabies vaccination and obtain a license and dog tag from the Town Clerk.
- (4) New residents. A new resident who owns a dog six months of age or older must license it within 30 days after moving into Wayland. The Town Clerk will issue each dog a transfer license, upon the owner's surrender of a current license from another US jurisdiction and proof of current rabies vaccination. The transfer license is valid until the next regular licensing period.
- (5) Lost tags/replacement tags. Dog owners must replace a lost tag within three business days of the loss, by obtaining a replacement tag from the Town Clerk.
- (6) Tag exemptions for dog events and medical reasons.
- (a) A dog while actually participating in an official dog sporting or dog fancy event (if the event sponsors do not allow participants to wear tags) is exempt from the requirement that its license tag be affixed to its collar, provided that its keeper has the tag at the event and available for inspection by the DCO.
- (b) When a veterinarian determines that a dog cannot wear a collar for medical reasons, the dog is exempt until it recovers from the requirement that its license tag be affixed to its collar, provided that its keeper has the tag in his or her possession and available for inspection by the DCO.
- (7) Annual renewal. Dog owners must renew each dog license annually. The annual licensing period runs from January 1 through December 31.
- (8) License due date/late fee. The application form for obtaining, renewing or transferring a license shall be distributed to each household no later than December 1 each year. Dog owners must return forms and fees to the Clerk by January 15 (or the first business day thereafter, if the 15 falls on Saturday, Sunday, or legal holiday). Any license renewed after this date is overdue, and the owner must pay a late fee in addition to the license renewal fee. The overdue license fee and the late fee may be added to the owner's real estate tax bill and/or motor vehicle excise tax bill or may be recovered through the imposition of a municipal charges lien on any property standing in the name of the dog owner, pursuant to Massachusetts General Laws Chapter 40, § 58.
- (9) Distribution of article and rabies symptoms list. At the first licensing period after this article becomes effective, the Town Clerk shall send a copy of the article to each household in Wayland. Thereafter, the Clerk shall give each new applicant or transfer applicant a copy of the article and shall have copies available at the Clerk's Office. The Clerk shall distribute a list of the symptoms of rabies with each dog license issued, as required under Massachusetts General Laws, Chapter 140, § 145.
- (10) License fees. The fees for licensing each dog are:

[Amended 11-12-2008 STM by Art. 16]

(a) Annual license fee for each neutered or spayed dog over six months old: \$15.

(b) Annual license fee for each unaltered dog over six months old: \$20.

(c) License fee for any dog younger than six months: none.

(d) Fee to replace lost dog tag: \$5.

(e) Fee for transfer license: \$5.

(f) Late fee: \$25.

After a public hearing, notice of which is posted for at least two weeks in a conspicuous place in Town Building and published at least once, not less than two weeks prior to the time specified for the hearing, in a newspaper of general circulation within the Town, the Board of Health may change the foregoing license fees pursuant to Massachusetts General Laws Chapter 40, Section 22F. Any such changes shall take effect upon the filing of notice thereof in the Office of the Town Clerk.

B. Four or more dogs.

(1) License and vaccination requirements. Anyone who owns or boards four or more dogs within the Town of Wayland must apply for and obtain a kennel license from the Town Clerk. (This requirement shall not apply to medical boarding by any licensed veterinarian practicing in the Town of Wayland.) To obtain or renew the license, the kennel licensee must present proof of current rabies vaccinations for each dog in the kennel older than six months. When it is off the kennel property, each dog in the kennel must wear a kennel tag, issued by the Town Clerk, affixed to its collar or harness.

(2) New dogs and new puppies. The kennel licensee must report to the Town Clerk each new dog in the kennel within 30 days of its acquisition, show proof of current vaccination, and obtain a kennel tag for that dog. The kennel licensee must show proof of current vaccination and obtain a tag for each puppy when it reaches six months old.

(3) Application process. Every applicant for a new kennel license must first obtain a special permit from the Zoning Board of Appeals, pursuant to Wayland Town Bylaws Chapter **198**, Zoning, § **198-203.1**. The applicant may then submit an application to the Town Clerk on a form prescribed by the Clerk.

(4) Inspection process. Before the Town Clerk can issue the kennel license, the Dog Control Officer must inspect the proposed kennel, file a report on the inspection, and favorably recommend that the kennel meets all the following requirements:

(a) The location of the kennel is appropriate for housing multiple dogs.

(b) The location of the kennel on the property will have no significant adverse effect on the peace and quiet or sanitary conditions of the neighborhood.

(c) The area provided for housing, feeding, and exercising dogs is no closer than 20 feet to any lot line.

(d) The area provided for housing, feeding, and exercising dogs is no closer than 50 feet to any existing dwelling on an abutting lot.

(e) The kennel will be operating in a safe, sanitary, and humane condition.

(f) Records of the numbers and identities of the dogs are properly kept.

(g) The operation of the kennel will be consistent with the health and safety of the dogs and of the neighbors.

(5) Periodic inspections. Before a kennel license is renewed, and at any time the Board of Selectmen or the Dog Control Officer believe it necessary, the DCO may inspect any kennel. If the DCO determines that it is not being maintained in a safe, sanitary, and humane condition, or if the kennel records on the numbers and identities of the dogs are not properly kept, the DCO will report the violations to the Dog Control Appeals Board for a hearing on whether to recommend to the Board of Selectmen that the Board of Selectmen impose fines or revoke the kennel license.

(6) Petitions to revoke kennel licenses. Any group of 25 residents over the age of 18 may file a revocation petition with the Town Clerk, who will forward it promptly to the Dog Control Appeals Board, when they are aggrieved or annoyed to an unreasonable extent by an existing kennel, due to conditions, including (but not limited to) excessive barking or unsanitary conditions at the kennel.

(7) Kennel review hearings. Within seven business days after receiving the DCO's report from the DCO or the residents' petition, the Dog Control Appeals Board will notify all interested parties of a public hearing to be held within 14 days after the notice date.

(a) Within seven business days after the public hearing, the Dog Control Appeals Board shall recommend to the Board of Selectmen that it either dismiss the petition, revoke the kennel license, suspend the kennel license, or otherwise regulate the kennel.

(b) Any person maintaining a kennel after the kennel license has been denied, revoked, or suspended will be subject to the penalties in § 91-7 of this article.

(8) Annual renewal. Each kennel licensee must renew the license annually, at the Town Clerk's Office. The annual licensing period runs from January 1 to December 31.

(9) License due date. Kennel license renewal forms will be sent to each licensed kennel, no later than December 1 each year. Kennel licensees must return forms and fees to the Town Clerk by January 15 (or the first business day thereafter, if the 15th falls on Saturday, Sunday, or legal holiday). Failure to pay on time will result in a late fee, due in addition to the license fee. The overdue license fee and the late fee may be added to the licensee's tax bill or may be recovered through the imposition of a municipal charges lien on any property standing in the name of the kennel licensee, pursuant to Massachusetts General Laws, Chapter 40, § 58.

(10) Fees. The fees for licensing each kennel are:

[Amended 11-12-2008 STM by Art. 16]

(a) Annual kennel license fee for four dogs: \$75.

- (b) Annual kennel license fee for 5-10 dogs: \$100.
- (c) Annual kennel license fee for 11 or more dogs: \$125.
- (d) Fee to replace lost dog tag: \$5.
- (e) Late fee: \$25.

After a public hearing, notice of which is posted for at least two weeks in a conspicuous place in Town Building and published at least once, not less than two weeks prior to the time specified for the hearing, in a newspaper of general circulation within the Town, the Board of Health may change the foregoing license fees pursuant to Massachusetts General Laws Chapter 40, Section 22F. Any such changes shall take effect upon the filing of notice thereof in the Office of the Town Clerk.

(11) Incorporation. The following provisions of Massachusetts General Laws Chapter 140 are expressly incorporated herein: § 137B, Sale or other delivery of unlicensed dog by kennel licensee; and § 137D, Licensee convicted of violation of statutes relating to offenses against animals; ~~and § 138A, Importation of dogs and cats for commercial resale, etc.~~ § 91-3. Dog Control Officer.

A. Appointment. The ~~Town Administrator Board of Selectmen~~ shall annually appoint a Dog Control Officer (DCO) under the provisions of Massachusetts General Laws Chapter 140, §§ 151 ~~and 151A~~ to carry out the provisions of this article and to perform such other duties and responsibilities as the Board may determine. The ~~Town Administrator Selectmen~~ shall determine hours and conditions of work for the DCO. Compensation for persons appointed under this article shall be consistent with other bylaws dealing with salaries for appointed officials. No DCO shall be a licensed or unlicensed animal dealer, registered or unregistered with the United States Department of Agriculture. No DCO, either privately or in the course of carrying out official assignments as an agent for the town, shall give, sell, or turn over any animal, whether alive or dead, which comes into the DCO's custody, to any business or institution operating as a research facility or animal dealer, whether it is licensed or unlicensed, registered or unregistered. Whoever violates the provision of this subsection shall be subject to prosecution as provided in Massachusetts General Laws Chapter 140, § 151.

B. Location and coverage. The DCO shall ~~be housed within the Public Safety Building under the daily supervision of the Chief of Police and shall wear an appropriate uniform while performing official duties.~~ The DCO shall make suitable arrangements for adequate coverage of his or her assigned duties whenever the DCO is temporarily unavailable. This coverage may take the form of a Wayland police officer temporarily filling in; an answering machine for receiving messages; a pager or cellular telephone; an agreement for cross-coverage with dog control officers from adjoining towns, or a combination of any of the arrangements above.

[Amended 5-12-2004 ATM by Art. 30]

C. Duties. The DCO's duties shall include the following:

(1) Bylaw enforcement. The DCO shall enforce the provisions of this article, using the following enforcement actions: issuing findings; assessing fines; making written warnings; performing inspections; confining; issuing orders of temporary restraint; restraining; muzzling; appearing before the Dog Control Appeals Board; making recommendations to the Board of Selectmen concerning ~~dangerous vicious~~ dogs, orders of permanent restraint, ~~banishment~~, or ~~euthanization destruction~~; and other powers that the Board of Selectmen may set from time to time to accomplish the article's purposes.

(2) Explanation of bylaw violations. Whenever the DCO issues a finding, assesses a fine, makes a written warning, issues an order of temporary restraint, or confines, restrains, or muzzles a dog, the DCO shall meet with the dog's keeper, provide a copy of this article (Chapter 91, Article I), explain the violation, and suggest corrective behaviors.

(3) Unlicensed dogs. The DCO shall notify all owners of dogs within the Town of Wayland that have not been licensed by the license due date and shall seek out, catch, and confine any dogs within the Town that remain unlicensed after a reasonable grace period.

(4) Dogs running at large. The DCO shall seek out, catch, and confine any dog within the Town found running at large on public property, or on private property where the property owner or person in control of the property wants the dog removed.

(5) Temporary restraint orders. The DCO shall issue an order of temporary restraint to the keeper of any dog that is a nuisance or that is awaiting a decision under § 91-6 as to whether it is dangerous ~~vicious~~. An order of temporary restraint is an order that the dog must be confined to its keeper's property when not on a 6-foot or shorter leash; muzzling will be at the DCO's discretion. It shall be in force for no more than 30 days unless the DCO renews it in writing for subsequent thirty-day periods. The DCO shall rescind or stop renewing the order when, in the DCO's judgment, restraint is no longer required. The dog's keeper can petition the Dog Control Appeals Board under § 91-4B to rescind the order of temporary restraint.

(a) Nuisance dog. A dog is a nuisance if it repeatedly violates any subsection of § 91-5, particularly if it continues to chase motor vehicles, pedal vehicles, or animals carrying or drawing a person, or continues to damage property after its keeper has been fined for the dog running at large.

(b) Awaiting a decision on a dangerous ~~vicious~~ dog hearing. The DCO must order a dog restrained and (when off the keeper's property) muzzled pending the outcome of a dangerous ~~vicious~~ dog hearing under § 91-6.

(6) Confinement. The DCO shall make arrangements for the temporary housing of any dog who is to be confined under the provisions of this article. The housing may be at local veterinary clinics, or at dog kennels within the Town or neighboring towns, or within dog crates located in a suitable location in the Public Safety Building.

(7) Complaint resolution. The DCO shall investigate all complaints arising within the Town pertaining to violations of this article and try to mediate disputes between Town residents pertaining to the behavior of a dog maintained or located within the Town. If the mediation fails, the DCO will decide on a solution and inform the dog owner and any resident that brought a complaint or problem to the DCO's attention. Any party aggrieved by or disagreeing with the DCO's decision may appeal that decision to the Dog Control Appeals Board; the DCO must attend the meetings of that Board or of any subsequent appeals hearings held by the Board of Selectmen on the matter.

(8) Emergency licensing. In emergency situations, the DCO can issue a license when the Office of the Town Clerk is closed. Any fees and fines collected under such circumstances shall be turned over to the Town Clerk at the earliest opportunity.

(9) Recordkeeping. The DCO shall keep accurate, detailed records of the confinement and disposition of all dogs held in custody and of all bite cases reported, and the results of investigations of the same. The DCO shall maintain a telephone log of all calls regarding

dogs and submit a monthly report summarizing the log to the Town Administrator ~~Board of Selectmen~~.

§ 91-4. Dog Control Appeals Board.

A. Composition of the Appeals Board. The Dog Control Appeals Board is comprised of three Wayland residents, none of whom can be employees of the Town, appointed to three-year overlapping terms by the Board of Selectmen. The Appeals Board will annually select a member to serve as the chair. The Board of Selectmen will also appoint an associate member, who cannot be an employee of the Town, to a three-year term. The associate member shall attend Appeals Board hearings but may vote only when a regular member is unavailable due to absence or conflicts of interest. Two of the four members must be dog owners.

B. Right to appeal. When the Dog Control Officer has investigated a complaint regarding a dog's behavior and has issued a finding or an order of temporary restraint with which either the dog's keeper or the complainant disagrees, then either party may appeal by sending a written request to the Town Clerk within 10 business days after issuance of the DCO's decision. Following the Clerk's receipt of a written appeal, the Appeals Board shall hold a public hearing on the appeal within 10 business days, at which the dog owner, the complainant, and the DCO must appear.

C. Findings and further appeals. The Appeals Board shall vote at the public hearing on whether to uphold, reverse, or modify the DCO's decision and shall mail its ruling to the dog owner, complainant, and DCO within three business days after the public hearing. Should the dog owner or complainant disagree with the Appeals Board's ruling, then either party may appeal to the Board of Selectmen within 10 business days. The Board of Selectmen shall issue its ruling within 30 days thereafter.

D. Hearings on kennel petitions or dangerous vicious dogs. The Appeals Board shall hold public hearings and make recommendations to the Board of Selectmen on any petition filed under § 91-2B(6) and any dangerous vicious dog declaration under § 91-6B.

§ 91-5. Conduct of dogs.

A. Endangering safety. No dog keeper shall allow the dog to bite, menace, or threaten, all without provocation, so as to endanger the safety of any person. This section is not meant to preclude a dog from acting as a watchdog on its keeper's property.

B. Disturbing the peace. No dog keeper shall allow the dog to disturb the peace of any neighborhood by making excessive noise without provocation. Noise is excessive if it is uninterrupted barking, yelping, whining, or howling for a period of time exceeding 15 minutes. This section is not meant to preclude a dog from acting as a watchdog on its keeper's property.

C. Damaging property. No dog keeper shall allow the dog to damage public or private property or realty.

D. Running at large. When not on the private property of its keeper, or on private property with the express permission of that property's owner, a dog must be on a leash or under effective voice control. To be under effective voice control, the dog must be within the keeper's sight and the keeper must be carrying a leash and dog must refrain from illegal activities.

(1) Voice control (in place of leash control) allowed. Unless the spaces are listed in any subsection below, a dog may be under effective voice control while on Town owned open spaces.

(2) Public gatherings and municipal buildings: leash control only. A dog may be in any municipal building and at any public gathering not otherwise specified in this article only if it is on a six-foot or shorter leash, and the dog must refrain from illegal activities.

(3) Cemeteries: dogs not allowed except under specified circumstances. Dogs are not allowed in any Town owned cemetery, except that a dog may attend the funeral of a member of its keeper's family and may accompany family members to visit the grave site of a deceased family member. Under these circumstances, the dog must be kept on a six-foot or shorter leash. The dog may not urinate or defecate on grave sites or gravestones.

(4) Numbered highways: leash control only. A dog must be on a six-foot or shorter leash when it is on the pavement or within 20 feet of the edge of any numbered highway in Wayland.

(5) School grounds: dogs not allowed during school/leash control only at other times. Unless the school principal gives permission in advance, no dog may be on school grounds from 30 minutes before classes begin until 30 minutes after classes end. At all other times, the dog may be on school grounds only if it is on a six-foot or shorter leash. A dog is not violating this prohibition if it remains within a vehicle.

(6) Town beaches: dogs not allowed. A dog may not be on any beach during the posted swimming season.

(7) Exception for assistance dogs. Section 91-5D does not apply to any properly trained assistance dog while performing its duties.

E. Chasing. No dog keeper shall allow the dog to chase a person, motor-powered vehicle, human-powered vehicle, or animal drawing or carrying a person.

F. Dog litter. Every dog keeper is responsible for expeditiously removing any dog feces the dog deposits anywhere except on its keeper's private property, on other private property with the property owner's permission, or on undeveloped land. The keeper must remove the feces from any trail on undeveloped land and from anywhere on posted undeveloped land. This provision does not apply to any assistance dog while it is performing its duties.

§ 91-6. ~~Vicious~~ Dangerous dogs.

A. Declaring a dog ~~dangerous vicious~~. Any dog that, without provocation, bites a human being or kills or maims a domestic animal may be declared ~~dangerous vicious~~ by the Board of Selectmen. An exception may be made for a puppy that draws blood or for a dog that attacks or bites an unaccompanied domestic animal on the dog keeper's property.

B. Procedure for declaring a ~~dangerous vicious~~ dog. Upon the written complaint of the DCO, any other public safety agent, or any individual, the Dog Control Appeals Board must hold a public hearing, after which it must recommend to the Board of Selectmen whether the Board of Selectmen should declare a dog ~~dangerous vicious~~ and, if so declared, what remedy is appropriate. The Board of Selectmen may take additional testimony from the dog's keeper, the DCO, and any other interested parties at a further public hearing.

C. Exceptions. A dog shall not be declared ~~dangerous~~ ~~vicious~~ if the Board of Selectmen determines any of the following:

- (1) The person's skin was not broken.
- (2) The person who was bitten was willfully trespassing, committing a crime, or attempting to commit a crime on the premises occupied by the dog's keeper.
- (3) The dog was being teased, tormented, abused, or assaulted by the injured person or animal prior to attacking or biting.
- (4) The dog was protecting or defending a human being in its immediate vicinity from attack or assault.

D. Remedies. Upon its finding that the dog is ~~dangerous~~ ~~vicious~~, the Board must order one of the following remedies: permanent restraint; ~~banishment~~; or ~~euthanasia~~ ~~destruction~~ in accordance with the American Veterinary Medical Association Guidelines on Euthanasia ~~MSPCA guidelines~~.

(1) Permanent restraint order is an order that the dog must at all times while on its keeper's property be kept within the keeper's house or an enclosure determined by the DCO to be adequate; whenever the dog leaves its keeper's property, it must be muzzled and restrained on a lead no longer than six feet or confined in an escape-proof enclosure.

~~(2) Banishment is an order that a vicious dog may no longer reside or visit in the Town of Wayland. (A vicious dog that is confined to a vehicle while passing through Wayland is not "visiting" and therefore is not in violation of the order of banishment.)~~

~~(3) Euthanization is an order to take the life of a dog by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.~~

~~Destruction is an order that the dog be destroyed in accordance with Massachusetts General Laws, Chapter 140, and Massachusetts Society for the Prevention of Cruelty of Animals guidelines.~~

§ 91-7. Penalties.

A. Fines. Any dog keeper who maintains a kennel after the kennel license has been denied, revoked, or suspended, or who fails to obtain a kennel license; and any dog keeper who fails to comply with § 91-5, Conduct of dogs, shall be subject to the following penalties:

- (1) First violation of a subsection: written warning.
- (2) Second violation of the same subsection: \$20.
- (3) Third violation of the same subsection: \$50.
- (4) Fourth and all subsequent violations of the same subsection: \$100.

B. Reimbursement of costs. If the Dog Control Officer confines a dog, the dog's keeper must reimburse the Town of Wayland for any expenses incurred in boarding that dog. If the dog has not been licensed, the keeper must obtain a license and pay any applicable late fee before the dog can be released.

C. Penalties for violating restraint orders.

- (1) Each violation of an order of temporary restraint: \$100.
- (2) First violation of an order of permanent restraint: ~~\$2500~~.
- (3) Second violation of an order of permanent restraint: \$300. ~~banishment~~.

§ 91-8. Miscellaneous provisions.

A. Use of monies. All funds collected under this article shall be turned over to the Town Treasurer and deposited in the town's General Fund. The Dog Fund created under the previous Dog Control Bylaw, § 91-8.6, is hereby abolished and the funds therein shall be deposited in the town's General Fund.

B. Noncriminal disposition of violations. The DCO may, as an alternative to initiating criminal proceedings, initiate and pursue proceedings for the noncriminal disposition of any violation of this article, in accordance with the provisions of Massachusetts General Laws, Chapter 40, § 21D, to the extent of the specific penalty provided therefor.

C. Incorporation of state law. The provisions of Massachusetts General Laws Chapter 140, Sections 136A through 156 and 158 through 174D, inclusive, as may be amended from time to time and except as modified herein, are hereby incorporated into this article.

D. Severability. The invalidity of one or more sections, subsections, paragraphs, sentences, clauses, or provisions of this article shall not invalidate or impair any other part of this article nor invalidate the article as a whole.

SPONSORS COMMENTS: With three exceptions, the proposed revisions are necessary to make the town dog bylaw conform with amendments to state law adopted in July 2012. The following changes throughout the bylaw are made to conform with state law: the term "dangerous" is defined, replacing "vicious" to describes some dogs, and animals will be "euthanized" rather than "destroyed".

Banishment is no longer permitted to punish dangerous dogs. Changes not required by state law amendments include: the definition of effective voice control is strengthened to allow for proper enforcement; the Dog Control Officer will be appointed by the Town Administrator in keeping with Sec. 60 of the bylaw; and the bylaw is changed to allow for a contractor or an employee to serve as Dog Control Officer.

FINANCE COMMITTEE COMMENTS: There is no financial impact from this article.

RECOMMENDATION: The Finance Committee takes no position on this article. Vote: 7-0.

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

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

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

ARTICLE 21: CHOOSE TOWN OFFICERS*Proposed by: Board of Selectmen*

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

As Trustees of the Allen Fund:	Sema Faigen Benjamin W. Johnson III Michael B. Patterson
As Fence Viewers:	The Selectmen
As Field Drivers:	The Constables
As Measurers of Wood and Bark:	Paul Doerr Lewis S. Russell Jr. Harry F. Sweitzer
As Surveyors of Lumber:	Susan W. Pope Jean B. Pratt Harry F. Sweitzer

FINANCE COMMITTEE COMMENTS: This is a standard article that allows the Town to fill various positions. While many of these positions are obsolete in our current society, they are part of the charm and history of New England town meetings. To date, Wayland has continued the tradition of electing these positions at Town Meeting even though the Board of Selectmen (BOS) may appoint some of them. The purpose of the article as written is to decide whom to elect, not the method of appointment.

A brief description of each position and future alternate means of selection follows.

The Allen Fund was established in 1854 through a gift from Miss Debby Allen and Mrs. Nabby (Allen) Draper. The permanent fund was intended for “beneficent objects.” Although the Allen Fund was virtually depleted by 1990 it has recently grown so that it can now provide annual gifts. (Information taken from Town Report.) As of June 30, 2012 the balance in the Allen Fund was \$5,985.38 with \$400.00 having been disbursed during the last fiscal year. The trustees are responsible for overseeing the fund. The trust provides that the trustee shall be selected annually by vote of the annual town meeting; it also provides that in case no board of trustees is selected, the Selectmen shall be the Trustees of the Allen Fund. At a future Town meeting, citizens could vote to amend the trust document to provide that the Commissioners of Trust Funds serve as Trustees of the Allen Fund without annual vote.

Fence Viewers are arbitrators of fence disputes among neighbors and are established under MGL c. 49, §1. The BOS is authorized to appoint two or more fence viewers for one-year terms.

Field Drivers collect loose sheep, goats or other beasts and under M.G.L. c. 49, §22, the BOS is authorized to appoint one or more field drivers for the Town.

Measurers of Wood and Bark are responsible for inspection, survey, measurement and sale of wood, coal and bark for fuel. They are appointed according to M.G.L. c. 94, §296, which provides for town meeting election of one or more measurers of wood and bark for one-year terms. A future town meeting could delegate the appointment power to the Board of Selectmen, thereby eliminating the need for this article thereafter.

Surveyors of Lumber, sometimes called a Measurer of Lumber, are responsible for measuring, marking or numbering the contents of any kind of wood or lumber, and M.G.L. c. 96, §7 authorizes that towns may elect one or more measurers (surveyors) of lumber. A home rule petition is required to make the position appointive by the BOS.

If town meeting declines to elect the Fence Viewers, Field Drivers and Measurers of Wood and Bark, the Selectmen would make the appointment at the next regular meeting. The Selectmen would serve as the Trustees of the Allen Fund until the 2013 Annual Town Meeting. However, a home rule petition is required to make the position of Surveyors of Lumber appointive by the BOS and given the obsolete nature of the position it may be easier not to fill it if that is the desire of town meeting.

ARGUMENTS IN FAVOR: Choosing town officers allows the Town to conduct its normal business.

ARGUMENTS OPPOSED: Some feel that this article is outdated and also takes too much time to decide at Town Meeting. They suggest that the authority to appoint be deferred to the Board of Selectmen where allowed. (Note: deferral is not within the scope of the article this year.)

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 41, Section 1, Chapter 94, Section 296 and Chapter 96, Section 7.

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

ARTICLE 22: SELL OR TRADE VEHICLES AND EQUIPMENT

Proposed by: Board of Selectmen

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

Department	Vehicle/Equipment	Year
Public Works	Caterpillar Backhoe with attachments	1997

FINANCE COMMITTEE COMMENTS: This standard article allows the Town to sell used vehicles or other personal property. Items are being sold due to mileage and/or condition and a replacement vehicle is part of the FY2014 capital budget to be approved under Article 5.

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

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

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

QUANTUM OF VOTE: Majority.

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

ARTICLE 23: ACCEPT GIFTS OF LAND

Proposed by: Board of Selectmen

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

FINANCE COMMITTEE COMMENTS: This standard article allows the Town to accept gifts of land. This year two parcels of land are gifted as part of land use approvals. Maps of each parcel are shown in Appendix I on page 154.

Both gifts of land occur under Article 18 of the Town Bylaws titled Conservation Cluster Development District, specifically §198-1803.17 of the Bylaws which requires that 35% of the land area of the tract be dedicated as open space if it contains dwelling units.

151 Plain Road: A gift of 6.1 acres of land (66% of the land area) as permanent open space. The Conservation Commission has determined that the proposed open space parcel shall have adequate public access and provides a public benefit through the trailhead at the end of Lundy Lane. The land will be deeded to the Wayland Conservation Commission pursuant to §198-1803.1.8.1. The plan was approved by the Planning Board on October 5, 2012.

The Subdivision at Michael Road: A gift of 9.3 acres (61% of the land area) as permanent open space. This property is also known by the street address of 28 Michael Road. The open space is accessible to all in the conservation cluster and to others that abut the project. The Conservation Commission has determined that the parcel will have access from both Michael Road and Lee Road and provide the neighborhood with passive park and trails. The land will be deeded to the Wayland Conservation Commission pursuant to §198-1803.1.8.1. The plan was approved by the Planning Board on March 23, 2010.

ARGUMENTS IN FAVOR: Acquisition of land by the Town gives the Town more control over the use of such gifted land, adds to the Conservation lands in Town and provides public access to the existing system of trails.

ARGUMENTS OPPOSED: Accepting gifts of land means that the Conservation Commission has more land to monitor and maintain. Any potential loss of tax revenue from the gifted land is a given as it is required for a conservation cluster subdivision.

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

QUANTUM OF VOTE: Majority.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us. Maps of each parcel are shown in Appendix I on page 154.

ARTICLE 24: HEAR REPORTS

Sponsored by: Board of Selectmen

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

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

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

QUANTUM OF VOTE: Majority.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us. See Reports at Appendix J beginning on page 156.

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

4. If a person, who has not registered to vote, seeks permission to address the meeting, the Moderator will ask whether there are any objections. If there are any, he will immediately call for a 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.
 - 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.

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, purchase, sale, lease or rezoning of land, unless the article under which the motion is offered contains a running description of the land in question, a description by metes and bounds or a reference to a plan suitable for recording that is available for public inspection at the office of the Town Clerk, the Town Surveyor, the Planning Board or another place to which the public has access during normal business hours.

- f. The Moderator will accept no motion to appropriate and/or expend a sum of money, which exceeds the estimated cost set forth in the article then under consideration by fifteen (15%) percent, except for motions under the omnibus budget article and motions under a supplementary budget article that contemplates the appropriation of additional money for the current fiscal year to augment moneys previously appropriated and proposes to fund such appropriations by transfer from unappropriated funds, funds appropriated for another purpose or from funds received by the Town as grants or gifts.
- g. The Moderator may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.

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 consideration of an article listed in the Warrant. Such a motion is debatable, may be amended and requires a TWO-THIRDS vote.
- d. You may move to lay an article on the table ("table"). Such a motion is NOT debatable or amendable and requires a TWO-THIRDS vote. A motion to remove such article from the table is also NOT debatable or amendable and requires a TWO-THIRDS vote.
- e. You may ask the Meeting to take no action under an article by moving "that the article be passed over." Such a motion may be deemed a substitute for the main motion, is debatable, may not be amended, requires a MAJORITY vote and serves to dispose of the article under consideration.

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 will ask if anyone, who has not spoken to the motion under consideration, wishes to be recognized. If no one expresses such a wish by raising his or her hand, the Moderator will immediately terminate debate and take a vote upon your motion without permitting any amendment or debate; but if one or more persons, who have not spoken to said motion, raise their hand, the Moderator may, but need not, defer the termination of debate for a reasonable time to permit both sides of the issue to be heard. If a motion to terminate debate carries by a TWO-THIRDS vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a TWO-THIRDS vote, the Moderator will permit debate to continue.

10. If an article of the Warrant has been acted upon and disposed of, a motion to reconsider the article may be made at any time by citing significant new information concerning said article that had not been disclosed or made available to the Meeting when the motion under that article was debated. If the Moderator determines that the information cited is both significant and previously undisclosed to the Meeting, debate and action on said motion to reconsider shall occur after all other articles have been disposed of. In the event that more than one article has been moved for reconsideration, then each article will be dealt with in the order in which it appeared in the Warrant. A motion for reconsideration may not be amended, can be debated, and requires a TWO-THIRDS vote to carry. If a motion for reconsideration carries, then the Moderator will ask for a new motion under the article that is being reconsidered.

D. The Vote

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

1. 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, 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
March 4, 2013

**APPENDIX B: LIST OF TOWN POSITIONS (FTE's) AND PERSONNEL
BYLAWS AND WAGE AND CLASSIFICATION PLAN**

FULL TIME EQUIVALENTS (FTEs) - BY DEPARTMENT

	ACTUAL FTEs FY11	ACTUAL FTEs FY12	ACTUAL FTEs FY12	APPROPRIATED FTEs FY13	APPROPRIATED FTEs FY13	PROPOSED FTEs FY14	PROPOSED FTEs FY14
LAND USE							
<u>Building & Zoning</u>							
Building Commissioner	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Local Building Inspector	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Gas & Plumbing Inspector	0.43	0.43	0.43	0.52	0.52	0.52	0.52
Wiring Inspector	0.86	0.86	0.86	0.51	0.51	0.51	0.51
Department Assistant	1.60	1.60	1.60	1.60	1.60	1.60	1.60
Department Total	4.89	4.89	4.89	4.63	4.63	4.63	4.63
<u>Conservation</u>							
Conservation Administrator	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Department Assistant	0.71	0.71	0.71	0.83	0.83	0.83	0.83
Department Total	1.71	1.71	1.71	1.83	1.83	1.83	1.83
<u>Planning</u>							
Planning Director	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Department Assistant	0.40	0.40	0.40	0.40	0.40	0.40	0.40
Department Total	1.40	1.40	1.40	1.40	1.40	1.40	1.40
<u>Survey</u>							
Surveyor	1.00	1.00	1.00	1.00	1.00	1.00	1.00
GIS Analyst	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Department Total	2.00	2.00	2.00	2.00	2.00	2.00	2.00
FINANCE							
<u>Assessing Office</u>							
Assessing Director	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Assistant Assessor	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Administrative Assessor	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Department Assistant	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Assessing Clerk							
Department Total	4.00	4.00	4.00	4.00	4.00	4.00	4.00
<u>Finance Office</u>							
Finance Director	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Accountant	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Finance Assistant	2.43	2.43	2.43	2.43	2.43	2.43	2.43
Department Total	4.43	4.43	4.43	4.43	4.43	4.43	4.43
<u>Treasurer/Collector</u>							
Treasurer/Collector	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Finance Assistant	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Department Assistant	1.23	1.26	1.26	1.26	1.26	1.26	1.26
Department Total	3.23	3.26	3.26	3.26	3.26	3.26	3.26

ADMINISTRATION								
<u>Council on Aging</u>								
COA Director	1.00		1.00		1.00		1.00	
Outreach Coordinator	0.83		0.86		0.83		0.83	
Department Assistant	1.00		1.00		1.00		1.00	
		2.83		2.86		2.83		2.83
<u>Information Technology</u>								
IT Manager	1.00		1.00		1.00		1.00	
		1.00		1.00		1.00		1.00
<u>Public Buildings</u>								
Public Buildings Director	1.00		1.00		1.00		1.00	
Police Custodian	0.54		0.54		0.54		0.54	
Town Building Custodians	2.00		2.00		2.00		2.00	
Sr Clerk	0.28							
Department Total		3.82		3.54		3.54		3.54
<u>Public Health</u>								
Public Health Director	1.00		1.00		1.00		1.00	
Sanitarian/Health Agent	1.00		1.00		1.00		1.00	
Public Health Nurse	0.86		0.86		0.86		0.86	
Community Health Nurse	4.86		4.86		4.86		4.86	
Department Assistant	1.20		1.00		1.20		1.20	
Sr Clerk	0.26		0.43		0.23		0.23	
Department Total		9.18		9.15		9.15		9.15
<u>Recreation</u>								
Recreation Director	0.57		0.57		0.57		0.57	
Recreation Program Adm	1.00		1.00		1.00		1.00	
Recreation Program Coor			0.50		0.50			
Asst Recreation Program Coor			0.26		0.26		0.26	
Recreation Program Asst	0.86							
Pool Supervisor								
Department Total		2.43		2.33		2.33		1.83
<u>Selectmen's Office</u>								
Town Administrator	1.00		1.00		1.00		1.00	
Asst Town Adm/HR Director	1.00		1.00		1.00		1.00	
Financial/Research Analyst							0.50	
Exec Asst to TA	1.00		1.00		1.00		1.00	
HR Asst	1.00		1.00		1.00		1.00	
Department Total		4.00		4.00		4.00		4.50
<u>Town Clerk</u>								
Town Clerk	1.00		1.00		1.00		1.00	
Asst Town Clerk	1.00		1.00		1.00		1.00	
Department Total		2.00		2.00		2.00		2.00
<u>Veteran's Agent</u>								
Veteran's Agent	0.11		0.11		0.00		0.00	
Department Total		0.11		0.11		0.00		0.00
<u>Youth & Family Services</u>								
Y & F Services Director	1.00		1.00		1.00		1.00	

Assistant Youth Director	1.00	1.00	1.00	1.00
Administrative Assistant	0.11	0.11	0.11	0.11
Department Total	2.11	2.11	2.11	2.11
<u>Wayland Cares</u>				
Wayland Cares Director				0.43
Program Coordinator				0.54
Department Total				0.97
DPW				
<u>Administration</u>				
DPW Director	1.00	1.00	1.00	1.00
Department Assistant	3.00	2.80	2.80	2.80
Sr Clerk	0.71	0.71	0.71	0.71
<u>Highway/Parks/Transfer Station</u>				
Highway/TS Superintendent	1.00	1.00	1.00	1.00
Park Superintendent	1.00	1.00	1.00	1.00
Senior Foreman	1.00	1.00	1.00	1.00
Transfer Station Foreman/Supt	1.00	1.00	1.00	1.00
Working Foreman	2.00	2.00	2.00	2.00
HEO	2.43	3.86	3.86	3.86
MEO	6.00	6.00	5.00	5.00
Sr Grounds Worker	1.00		1.00	1.00
Grounds Worker	2.00	1.00	1.00	1.00
Maintenance Worker	4.00	5.00	5.00	5.00
<u>Mechanics</u>				
Lead Mechanic	1.00	1.00	1.00	1.00
Maintenance Mech/Welder	1.00	1.00	1.00	1.00
Mechanic/Welder	1.00	1.00	1.00	1.00
<u>Water</u>				
Water Superintendent	1.00	1.00	1.00	1.00
WTP Manager	1.00	1.00	1.00	1.00
Water Foreman	1.00	1.00	1.00	1.00
Water Worker 3	1.00	1.00	1.00	1.00
Water Worker 2	2.00	3.00	3.00	3.00
Water Worker 1	2.00	1.00	1.00	1.00
Department Total	37.14	37.37	37.37	37.37
LIBRARY				
Library Director	1.00	1.00	1.00	1.00
Assistant Library Director	1.00	1.00	1.00	1.00
Head of Circulation	1.00	1.00	1.00	1.00
Bibliographic Serv Librarian	1.00	1.00	1.00	1.00
Children's Librarian	1.00	1.00	1.00	1.00
Assistant Children's Librarian	1.00	1.00	1.00	1.00
Reference Librarian	0.77	0.77	0.77	0.77
Comp Spec/Ref Librarian	0.69	0.69	0.71	0.71
Library Assistant	1.76	1.76	1.77	1.77
Library Associate	0.89	0.89	0.89	0.89
Library Administrative Asst	1.00	1.00	1.00	1.00
Library Custodian	1.00	1.00	1.00	1.00

Part-Time Weekend	2.60		2.60		2.60		2.60	
Department Total		14.71		14.71		14.74		14.74
PUBLIC SAFETY								
<u>Fire</u>								
Fire Chief	1.00		1.00		1.00		1.00	
Deputy Chief	1.00		1.00		1.00		1.00	
Captain	3.00		3.00		3.00		3.00	
Lieutenant	4.00		4.00		4.00		4.00	
Inspector	1.00		1.00		1.00		1.00	
Electrician	1.00		1.00		1.00		1.00	
Mechanic	1.00		1.00		1.00		1.00	
Firefighter/EMT	13.00		11.00		10.00		8.00	
Firefighter/Paramedic			2.00		3.00		5.00	
Paramedic	2.67		3.33		3.33		3.33	
Secretary	0.54		0.54		0.54		0.54	
Department Total		28.21		28.87		28.87		28.87
<u>Police</u>								
Police Chief	1.00		1.00		1.00		1.00	
Police Lieutenant	1.00		1.00		1.00		1.00	
Administrative Sgt	1.00		1.00		1.00		1.00	
Detective Sgt	1.00		1.00		1.00		1.00	
Investigator	2.00		2.00		2.00		2.00	
Sgt	4.00		4.00		4.00		4.00	
Community Services Officer	1.00		1.00		1.00		1.00	
Patrolman	11.00		11.00		11.00		12.00	
Administrative Asst	1.00		1.00		1.00		1.00	
Traffic Supervisors	1.33		1.33		1.33		1.33	
Department Total		24.33		24.33		24.33		25.33
<u>JCC</u>								
JCC Dispatcher	8.00		8.00		8.00		8.00	
		8.00		8.00		8.00		8.00
TOTAL TOWN FTEs		161.53		162.07		161.82		163.79
SCHOOLS								
Total School FTEs	360.99		367.26		374.42		374.64	
		360.99		367.26		374.42		374.64
TOTAL TOWN AND SCHOOL FTEs		522.52		529.33		536.24		538.43

The increase in Town FTEs from FY 13 to FY 14 represents the hire of one new Police Officer, the mid-year hire of a Financial/Research Analyst, and the hiring of 2 part-time, non-benefit eligible Wayland Cares employees.

FTE counts exclude seasonals, temporaries, call FFs and other non-regular positions.

Supplemental information regarding School staffing is available on line at:
http://www.wayland.k12.ma.us/administration/superintendent/district_budget

NON-UNION WAGE SCALE, N SCHEDULE
 Effective July 1, 2013 (2.0% Adjustment)

Grade	1	2	3	4	5
N-1	35,363	36,425	37,518	38,645	39,801
N-2	38,482	39,634	40,824	42,048	43,311
N-3	38,866	40,031	41,232	42,471	43,746
N-4	42,293	43,561	44,868	46,212	47,600
N-5	46,436	47,830	49,264	50,741	52,265
N-6	50,987	52,517	54,092	55,714	57,385
N-7	55,984	57,664	59,392	61,175	63,011
N-8	61,470	63,314	65,213	67,170	69,184
N-9	66,092	67,805	69,580	71,539	73,687
N-10	74,110	76,333	78,623	80,981	83,902
N-11	81,372	83,812	86,328	88,916	91,583
N-12	85,358	87,919	90,585	93,277	96,072
N-13	89,345	92,023	94,787	97,630	100,560
N-14	98,102	101,044	104,077	107,198	110,414
N-15*					

Grade	6	7	8	9	10
N-1	40,995	42,227	43,493	44,796	46,142
N-2	44,610	45,947	47,326	48,747	50,210
N-3	45,059	46,410	47,798	49,233	50,710
N-4	49,027	50,037	52,014	53,572	55,181
N-5	53,832	55,153	57,111	58,823	60,589
N-6	58,511	60,882	62,708	64,588	66,526
N-7	64,901	66,847	68,851	70,920	73,045
N-8	71,261	73,397	75,601	77,867	80,205
N-9	75,897	78,172	80,518	82,908	85,360
N-10	85,492	88,490	91,866	93,458	96,694
N-11	94,331	97,160	100,077	103,077	106,172
N-12	98,953	101,921	105,599	108,128	111,538
N-13	103,577	106,683	111,120	113,178	116,903
N-14	113,727	117,138	120,146	124,272	128,002
N-15					154,320 *

- N-1 Secretary, Fire – PT
- N-1 Sr Clerk, Health – PT
- N-1 Asst Rec Program Coord – PT
- N-2 Administrative Asst Y/S –PT
- N-3 Outreach Coordinator
- N-3 Administrative Asst – Police
- N-3 Computer Technician
- N-3 Human Resources Assistant
- N-3 Recreation Program Asst – PT
- N-5 Exec Asst to Town Administrator

- N-8 Recreation Director
- N-9 Police Lieutenant
- N-10 Library Director
- N-12 Public Buildings Director
- N-12 DPW Director
- N-13 Asst Town Administrator/Human Resources Director
- N-13 Finance Director/Town Accountant
- N-13 Fire Chief
- N-14 Police Chief
- N-15 * Town Administrator - Contract anniversary date is in September, amount reflects total wages to be paid during fiscal year.

GROUP: NON-UNION – BUILDING INSPECTORS
 Effective: July 1, 2013 (2.0% Adjustment)

STEP	1	2	3	4	5
	22.25	23.37	24.53	25.76	27.07

Gas & Plumbing Inspector (PT) Wiring Inspector (PT)

GROUP: NON-UNION SUBSTITUTE NURSES
 Effective: July 1, 2013 (2.0% Adjustment)

Hourly
28.02

GROUP: NON UNION - PUBLIC SAFETY
 Effective: July 1, 2013 (2.0% Adjustment)

	Annually	Per Day	Hourly
Traffic Supervisors	7,791	--	--
Traffic Supervisor Substitute	--	44.65	--
Special Police Matrons	--	--	19.85
Call Firefighters	--	--	19.85
Call Firefighter Coordinator	--	--	21.18
Paramedic	--	--	20.59
Police Custodian (PT)	--	--	15.84
Police Intern	--	--	10.28

GROUP: NON-UNION - ON-CALL DISPATCHERS
 Effective: July 1, 2013 (2.0% Adjustment)

	Year 1	Year 2	Year 3	Year 4
On-call Dispatcher	18.73	19.60	20.46	21.32

GROUP: NON-UNION - HOURLY LIBRARY CLERKS
 Effective: July 1, 2013 (2.0% Adjustment)

Step	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	15.01	15.36	15.71	16.02	16.33	16.68	16.99	17.29	17.64	17.97	18.27	18.62	18.95	19.27	19.59

GROUP: NON-UNION - HOURLY LIBRARY PART-TIME WEEKEND PROFESSIONALS
 Effective: July 1, 2013 (2.0% Adjustment)

Step	1	2	3	4	5	6	7	8	9	10	11	12
	23.65	24.19	24.52	24.95	25.38	25.80	26.25	26.66	27.12	27.53	27.96	28.39

GROUP: NON-UNION - LIBRARY PAGES
 Effective: July 1, 2013 (2.0% Adjustment)

Step	Year 1	Year 2	Year 3
	8.89	9.46	9.97

GROUP: NON-UNION SEASONAL – MISCELLANEOUS
 Effective: July 1, 2012 (2.5% Adjustment)

	Year 1	Year 2	Year 3
Seasonal Laborer	12.31	12.93	13.54
Landfill Clerk	12.44		

GROUP: NON-UNION – SEASONAL – MISCELLANEOUS

Effective: July 1, 2012 (2.5% Adjustment)

	Year 1	Year 2	Year 3	Year 4
Beach Director	18.45	19.00	19.58	20.16
Asst. Beach Director	15.38	15.84	16.31	16.80
Beach Head Lifeguard/ Water Safety Instructor	11.79	--	--	--
Senior Lifeguard	10.76	--	--	--
Substitute Lifeguard	10.25	--	--	--
Jr Lifeguard/Swim Aide/Gateguard	9.23	--	--	--
Snack Bar Supervisor	10.76	11.09	11.42	11.76
Snack Bar I	9.74	--	--	--
Snack Bar II	8.71	--	--	--

GROUP: NON-UNION – SEASONAL – SUMMER DAY PROGRAMS

Effective: July 1, 2012 (2.5% Adjustment)

	Year 1	Year 2	Year 3	Year 4
Program Coordinator	18.45	19.00	19.58	20.16
Spec./Asst. Coordinator	15.38	15.84	16.31	16.80
Lead Teacher	13.33	--	--	--
Assistant Teacher	12.30	--	--	--
Sr Counselor	11.28	--	--	--
Counselor	9.74	--	--	--
Substitute Counselor	9.23	--	--	--
Junior Counselor	8.20	--	--	--

GROUP: LIBRARY

Effective: July 1, 2013 (2.0% Adjustment)

Step	1	2	3	4	5	6	7	8	9	10
L-1	36,313	37,403	38,527	39,682	40,872	42,098	43,360	44,662	46,001	47,382
L-2	39,217	40,395	41,605	42,855	44,139	45,463	46,828	48,232	49,680	51,170
L-3	42,357	43,628	44,936	46,285	47,672	49,104	50,576	52,094	53,657	55,266
L-4	45,745	47,116	48,530	49,987	51,486	53,030	54,621	56,260	57,949	59,687
L-5	49,404	50,885	52,412	53,985	55,605	57,273	58,991	60,760	62,583	64,460
L-6	53,355	54,957	56,605	58,303	60,052	61,855	63,709	65,621	67,590	69,617
L-7	57,625	59,354	61,135	62,970	64,858	66,804	68,808	70,871	72,997	75,187
LC	34,791	36,085	37,373	38,740	40,165	42,031				

- L-1 - Library Assistant - Circulation
- L-1 - Library Assistant – Children’s
- L-2 - Library Associate - Periodicals
- L-3 - Assistant Children’s Librarian

- L-4 - Bibliographic Services Librarian
- L-4 - Library Administrative Assistant
- L-4 - Computer Specialist/Ref Librarian
- L-4 - Head of Circulation

- L-4 - Reference Librarian
- L-5 - Children’s Librarian
- L-7 - Assistant Director
- LC - Custodian

GROUP: SEIU

Effective: July 1, 2013(2.0% Adjustment)

Step	1	2	3	4	5	6	7	8	9	10
C-10	31,421	32,363	33,335	34,334	35,628	36,689	37,781	38,907	40,067	41,878
C-12	33,935	34,954	36,001	37,082	38,458	39,603	40,783	42,000	43,251	45,209
C-13	35,303	36,362	37,454	38,576	39,998	41,191	42,417	43,683	44,986	47,020
C-14	36,724	37,827	38,962	40,131	41,597	42,837	44,116	45,432	46,786	48,903
C-15	38,142	39,286	40,465	41,680	43,193	44,481	45,809	47,175	48,582	50,781
CD	35,466	39,566	41,312	43,058	44,806	46,553	49,026			

- | | | | |
|------|--|------|-------------------------------|
| C-12 | Senior Clerk | C-15 | Finance Assistant, Accounting |
| C-13 | Principal Clerk | C-15 | Finance Assistant, Benefits |
| C-14 | Department Assistant | C-15 | Finance Assistant, Payroll |
| C-15 | Assistant Town Clerk | CD | JCC Dispatcher |
| C-15 | Finance Assistant, Treasurer/Collector | | |

GROUP: AFSCME

Effective: July 1, 2013(2.0% Adjustment)

Step	1	2	3	4	5	6	7	8	9	10
G-1	36,136	37,213	38,322	39,463	40,639	41,851	43,098	44,383	45,706	48,000
G-2	39,004	40,165	41,364	42,596	43,867	45,175	46,522	47,910	49,339	51,817
G-3	42,107	43,359	44,652	45,985	47,357	48,769	50,223	51,723	53,269	55,943
G-4	45,451	46,808	48,203	49,643	51,124	52,650	54,220	55,841	57,508	60,397
G-5	49,065	50,530	52,037	53,592	55,191	56,838	58,536	60,289	62,085	65,204
G-6	52,972	54,554	56,181	57,859	59,589	61,368	63,199	65,087	67,033	70,404
G-7	57,882	59,610	61,391	63,225	65,113	67,059	69,064	71,127	73,253	76,936
G-7A	60,212	62,018	63,879	65,796	67,769	69,802	71,897	74,053	76,275	80,123
G-7B	60,476	62,282	64,143	66,059	68,033	70,067	72,161	74,317	76,539	80,388
G-8	63,071	64,954	66,895	68,894	70,953	73,074	75,258	77,508	79,825	83,842
G-9	68,722	70,778	72,891	75,071	78,211	79,626	82,008	84,459	86,984	91,362
G-10	74,621	76,859	79,165	81,539	83,985	86,505	89,100	91,774	94,527	99,298
G-15	43,980	46,532	47,813	49,291	50,733	53,451	54,981	56,555	58,179	62,282

- | | | | |
|----------------------------|-----------------------------|------------------------|--------------------------|
| G-3 – Admin Assessor | G-6 – Rec Program Adm | G-8 – Conservation Adm | G-9 – Assessing Dir |
| G-5 – Assistant Assessor | G-6 – Water Treat Plant Mgr | G-8 – DPW Hwy/TS Supt | G-9 – Building Comm |
| G-5 – Assistant Youth Dir | G-7 – COA Director | G-8 – IT Manager | G-9 – DPW Water Supt |
| G-5 – Sanitarian/Health Ag | G-7 – GIS Analyst | G-8 – Town Planner | G-9 – Health Director |
| G-6 – Accountant | G-7A - Public Health Nurse | G-8 – Town Surveyor | G-9 – Treasurer/Coll |
| G-6 – Local Building Insp | G-7B – DPW Parks Supt | G-8 – Y&F Services Dir | G-15 – Comm Health Nurse |

GROUP: TEAMSTERS - DPW
 Effective: July 1, 2013(2.0% Adjustment)

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
D1	--	--	--	--	--	--
D2	17.58	18.22	18.87	19.54	20.25	21.39
D3	18.12	18.78	19.45	20.15	20.87	22.09
D4	18.92	19.60	20.31	21.03	21.80	23.07
D5	19.36	20.06	20.79	21.52	22.30	23.74
D6	--	--	--	--	--	--
D7	21.98	22.77	23.57	24.42	25.31	26.80
D8	22.36	23.16	24.00	24.87	25.76	27.31
D9	22.77	23.57	24.42	25.31	26.21	27.77
D10	--	--	--	--	--	--
D11	24.57	25.45	26.36	27.30	28.28	29.97

D-2	Maintenance Worker	D-5	Water Worker 1	D-8	Maintenance Mech/Welder
D-3	Grounds Worker	D-7	Highway Working Foreman	D-9	Lead Mechanic/Welder
D-4	Medium Equipment Operator	D-7	Mechanic/Welder	D-9	Sr Foreman
D-5	Heavy Equipment Operator	D-7	Parks Working Foreman	D-9	Water Worker 3
D-5	Sr Grounds Worker	D-7	Water Worker 2	D-11	Water Working Foreman

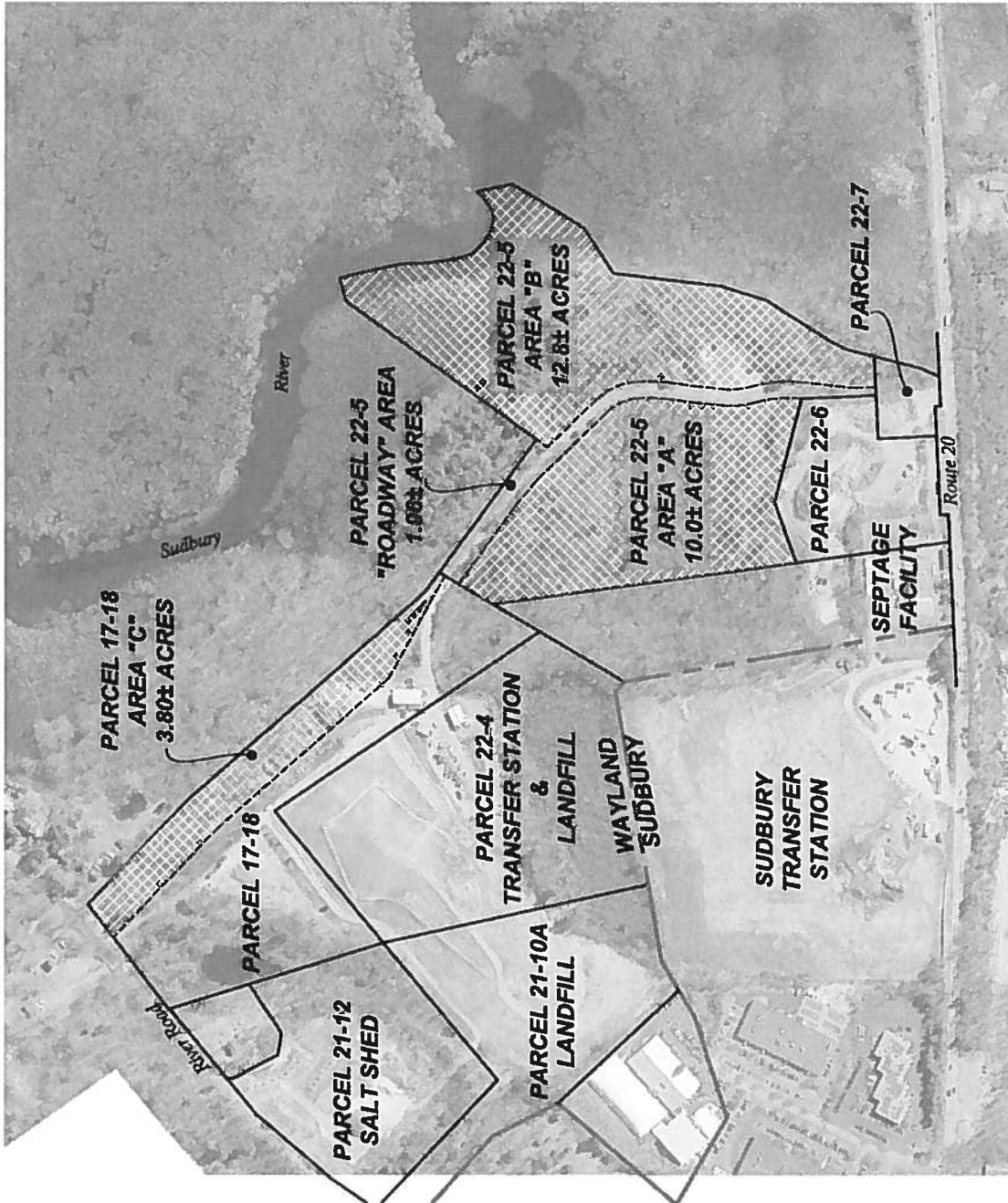
GROUP: FIRE
 Effective: July 1, 2012(Under Contract Negotiations)

Title		Step 1	Step 2	Step 3	Step 4
Deputy	F-6E				78,676
Captain	F-5E	66,311	68,343	70,541	72,735
Lieutenant	F-4E	60,835	62,700	64,717	66,850
FF/Elec/Mech/Insp	F-3E	57,786	59,497	61,608	63,636
Firefighter/EMT	F-1E	52,630	54,328	56,088	57,907

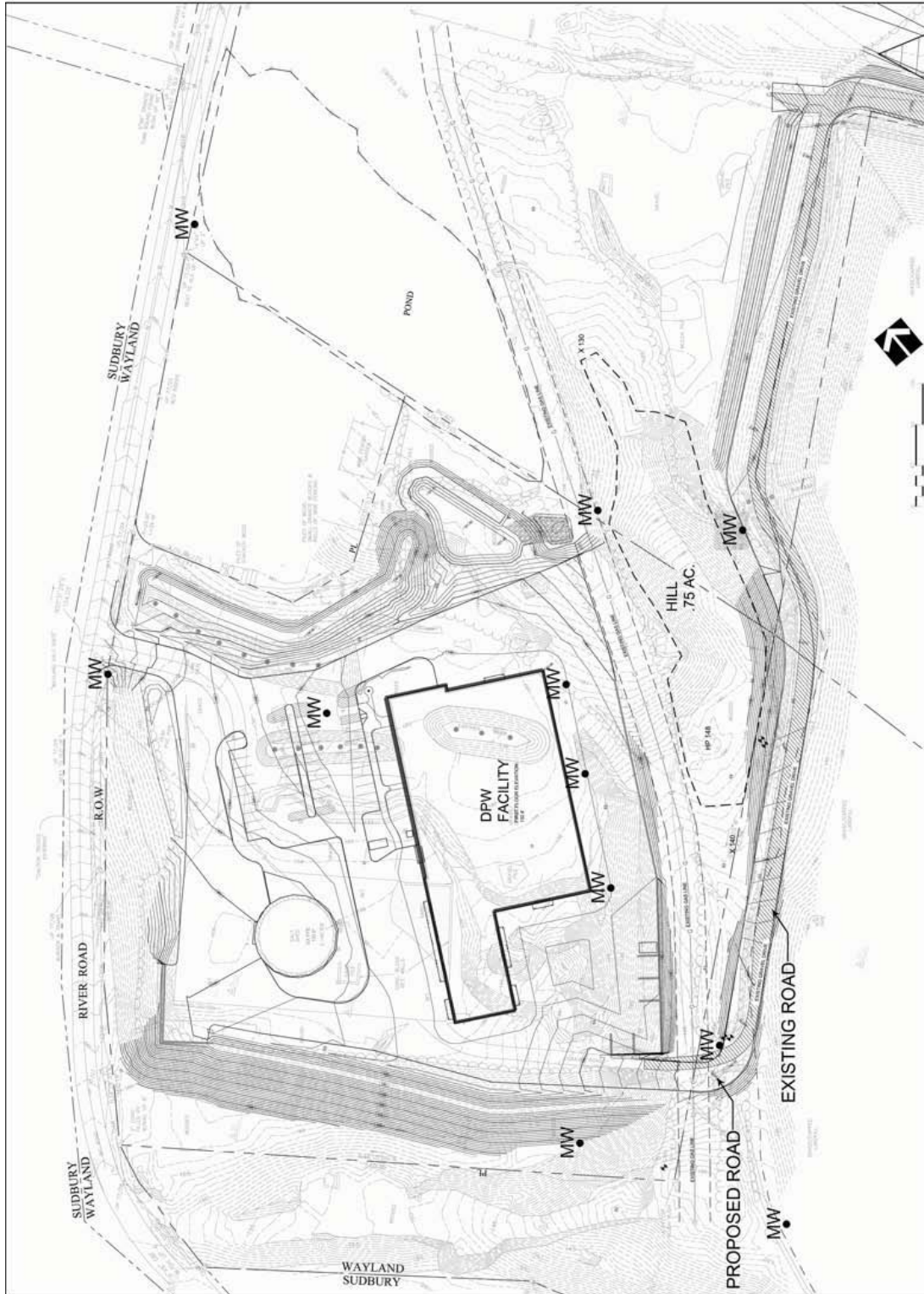
GROUP: POLICE
 Effective: July 1, 2013 (2.0% Adjustment)

Title	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Patrolman	P-1	37,076	49,434	51,907	54,501	57,226	58,251
Sergeant	P-2	61,354	64,422	67,642	71,078	N/A	N/A

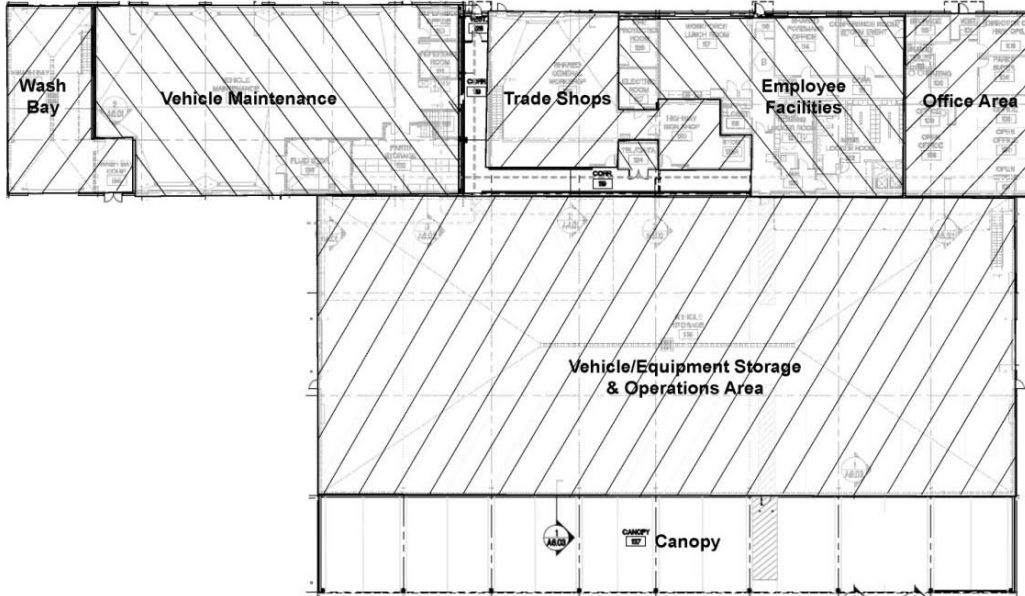
APPENDIX C: MAP OF LAND SHOWING PARCELS 22-5 (AREA "A" AND "B") AND 17-18 (AREA "C") TO BE TRANSFERRED TO CONSERVATION COMMISSION JURISDICTION



APPENDIX D: MAP OF DPW PARCEL AND ADJOINING PARCELS SHOWING FOOTPRINT OF SALT SHED AND DPW BUILDING; INTERIOR LAYOUT OF DPW FACILITY; AND ARTIST RENDERING OF BUILDING ELEVATION



Wayland Public Works Facility Floor Plan



Wayland Public Works Facility Building Rendering

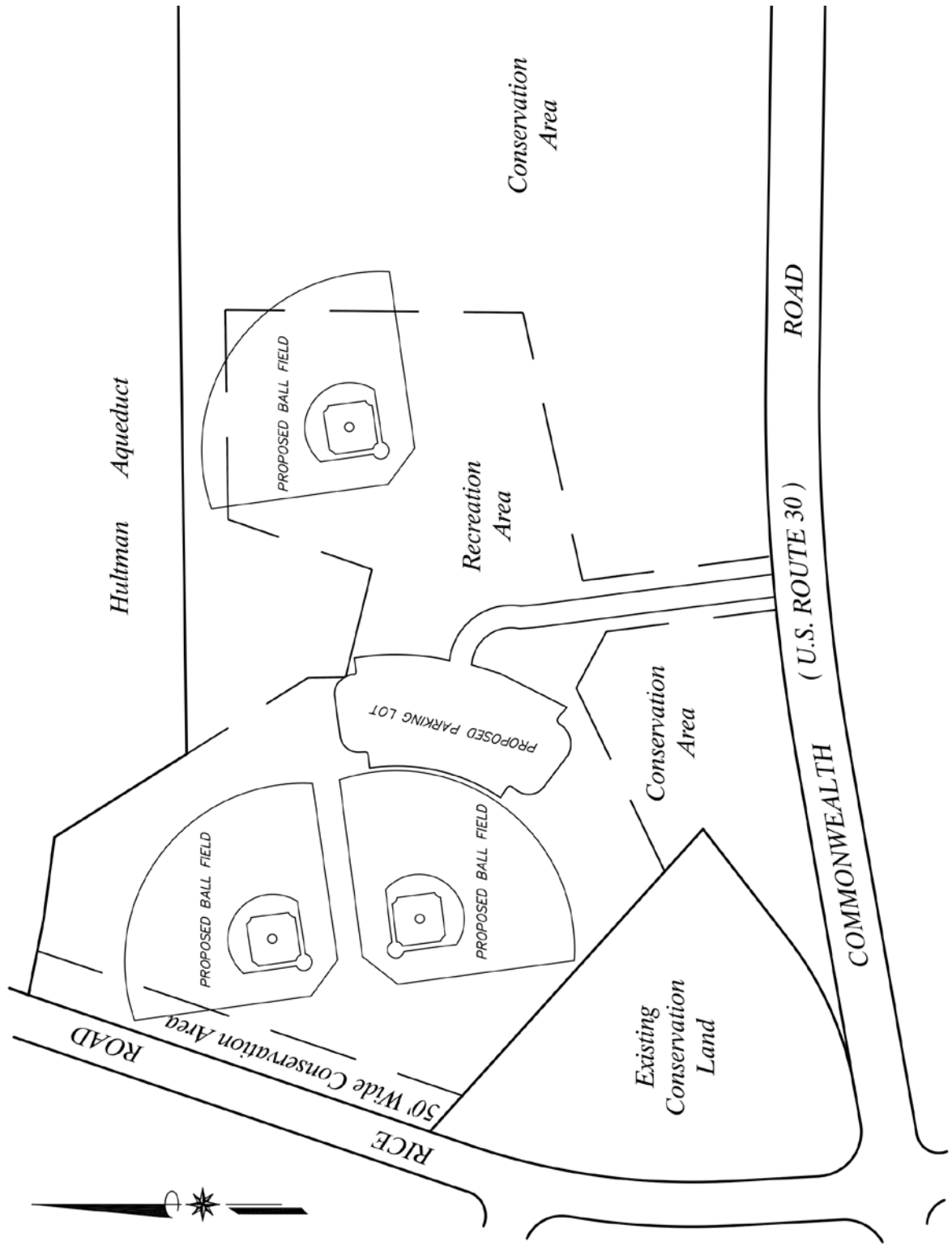


(VIEW 1) BUILDING RENDERING

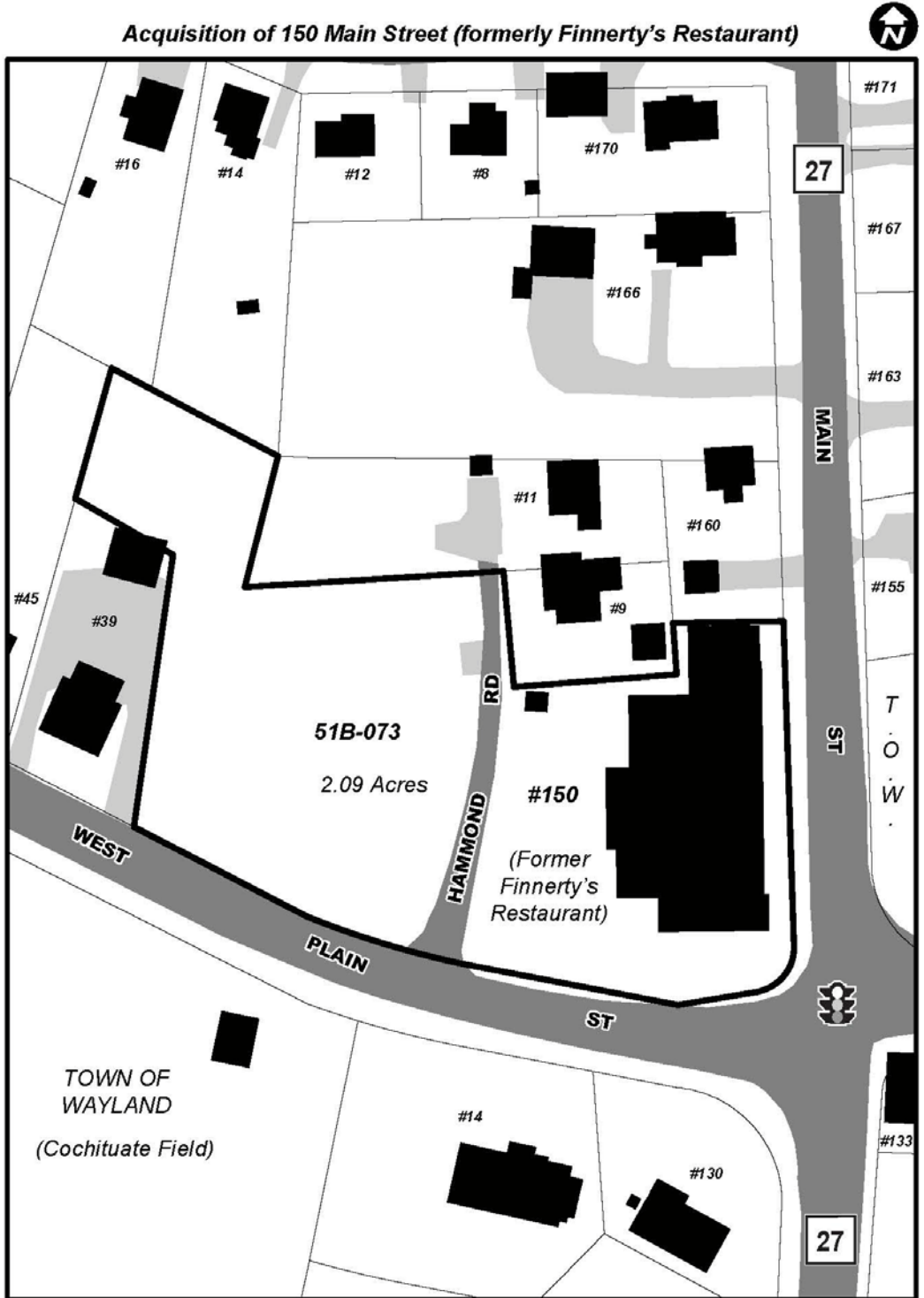


(VIEW 2) BUILDING RENDERING

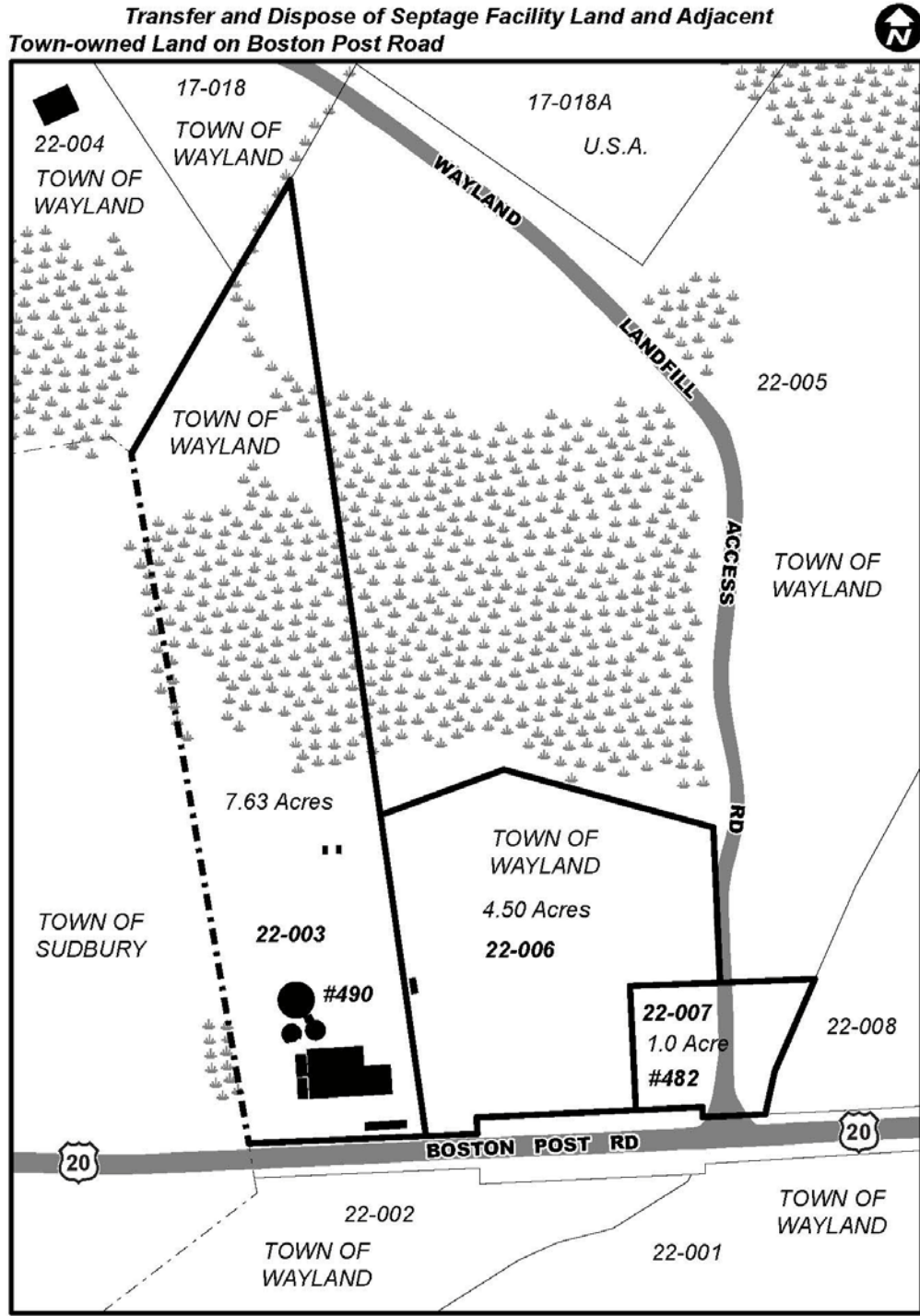
APPENDIX E: MAP OF LOKER CONSERVATION AND RECREATION AREA WITH BASEBALL FIELD LOCATIONS



APPENDIX F
MAP OF 150 MAIN STREET



APPENDIX G: BACKUP INFORMATION FROM ECONOMIC DEVELOPMENT COMMITTEE FOR ARTICLES 10 and 11



1 inch = 200 feet



River's Edge Wayland

(Route 20 Septage Site)

Environmental Executive Summary

Wayland Economic Development Committee (EDC)

As part of our due diligence, Wayland EDC (through the Town) engaged Tighe& Bond to conduct a Phase I Environmental Site Assessment (ESA), and based on the results of the ESA, Tighe& Bond conducted a limited follow up Phase II subsurface investigation. The purpose for conducting the ESA and Phase II was twofold (i) to rule out potential environmental issues that would prevent the Town from selling the property, or alternatively cost so much to remediate that it would render the project uneconomical and (ii) to proactively conduct normal due diligence that would be required by any prudent buyer such that environmental conditions could be removed as a contingency to an eventual purchase and sale agreement. With respect to (i) above EDC is now confident that the identified environmental issues with respect to this property can be either mitigated at a reasonable cost, which would eventually be borne by any prospective buyer or has been reasonably eliminated as an issue. Those significant findings are outlined below:

- **Soil Stockpiles**– There are several Soil Stockpiles that appear to be emanating from one central stock pile. That central stock pile is very large (approximately 40,000 yards of material). It reportedly is the result of 20 – 25 years of stockpiling from projects “around town”. The stock pile is made up of soil, asphalt, brick and concrete. It has also been observed to have very small amounts of asbestos pipe and rail road ties. The quantity of those two items appear small and would not appear to be “characterized” in quantities that would pose any real issues other than pulling it out as the pile is processed and properly disposed of. The stockpile could be processed on site such that it may be utilized as general fill material, which it is anticipated the property will need if developed. To the extent the fill can be used on site, the pile could be considered a cost savings as it eliminates the need to import off-site fill soils at a much higher cost.
- **Firing Range**– A large sand pile is currently being used as a “backstop” for a police firing range. Because the EDC expected to find lead contamination we did not send the sand to be tested by a certified lab as that would cause a “reportable” condition to MassDEP thereby necessitating its clean up within a prescribed time frame. We instead utilized an XRF detection machine on site to determine the approximate quantity and extent of any possible remediation. As expected we detected lead levels which would need to be remediated, however, the extent was less than originally anticipated. Based on the XRF data, the cost can be quantified by a developer as they take on the responsibility of remediation. The cost to remediate is expected to be within the range of \$35,000 - to \$70,000.
- **Arsenic**– Upon review of the Town of Sudbury’s public records we know the Sudbury land fill has some level of arsenic in groundwater. As the only condition that could come of the presence of elevated arsenic on site is the inability to site a drinking well upon the

property, we chose not to test as a positive result could have a material impact on Sudbury. As we are never going to site a drinking well on our property as part of this development, we see no need to conduct any arsenic testing at this time. Note that irrigation wells would also likely not be permitted on site.

- **Underground Storage Tanks (UST)**– Four UST's were removed from the property several years ago. We conducted an extensive search for the property close-out paperwork but were unable to locate anything that could rule out any discharge. As a result, we conducted several soil borings and confirmed there was no such adverse discharge.
- **Methane**– In order to rule out issues with methane we located several soil gas points on the property. Of these points we had only one detection of 29% of lower explosive limits (LEL, a methane-measuring statistic), just above a maximum level allowed of 25%. This means that, in good practice, any structure built on site should have a passive sub-slab venting system so that no build-up of methane could occur underneath the building. This is a relatively inexpensive and common system (similar to a radon system in a house) that would be borne by any prospective developer. It should also be noted the methane was detected at the lowest point on the property which likely will be in-filled as part of any regarding; also, care will be taken to site structures away from the property line as practicable, since methane levels quickly declined based on distance from the property line
- **Groundwater**– Historical data records from Septage Facility groundwater monitoring wells were reviewed, and were confirmed to be acceptable. In addition, a sample was collected from the existing monitoring well on Wayland property is downgradient from the Sudbury land fill. The sample was tested for EPH, with PAHs, VPHs and VOCs (typical environmental contaminants). Contaminant concentrations were either not detected or were detected at levels well below the applicable reportable levels.

It is important to note the Phase II was limited in scope. While the EDC believes the scope to be reasonable in terms of bracketing a prospective Buyer's and the Town's environmental risk, some buyers may seek a higher degree of certainty. It is our intention to offer the property without an environmental contingency however, some Buyers may request to perform additional testing during their due diligence.

SUMMARY OF DUE DILIGENCE STUDIES

DUE DILIGENCE STUDIES: As agreed at the 2012 Annual Town Meeting, as its first tasks EDC completed environmental and market studies for the site. A brief summary of the results are as follows:

ENVIRONMENTAL REVIEW

All aspects of the environmental conditions of the site were reviewed, including soil conditions, effects of the adjacent capped landfill, the Septage Facility and existing monitoring wells, previously removed oil tanks, the police firing range and the soil stockpiles. All were identified in a Phase I and

Partial Phase II study in order to define the site and quantify the issues for the Town of Wayland, and ultimately to a potential buyer. *The full report is posted on EDC's webpage on the Town of Wayland website.*

The intent is to sell the property "as is" with respect to environmental conditions. With a Partial Phase II sub-surface investigation complete, a sophisticated buyer can review the information contained in the report and submit a bid that is commensurate with any known remediation that will be required as result of this development. It is EDC's intent to pursue that no representations or warranties will be made by the Town and the buyer will be at risk for all environmental issues. Note the only expected exception to this may be the "large dirt stockpiles" on site.

Full characterization of all the soils and materials in the large dirt stockpiles was deemed too expensive to perform, especially since there was no affirmative vote by the Town yet to sell the property. As a reasonable alternative, environmental engineer Tighe and Bond recommended undertaking several test pits to verify visual observations made on the upper layers of the pile, and these were completed and confirmed. Based on these representative test pits, it is expected that costs to remediate or dispose of any materials sifted out from the dirt piles during construction (the remaining soils are useful for general fill and will be required to stay on site) will be low, less than \$100,000, however this estimate is based only upon the test pits and visual review to date.

A sophisticated buyer may require full characterization of the piles, or otherwise a sizable holdback from the purchase price until the costs are quantified. Full characterization of the pile by the Town (prior to normal flow of construction activities) could cost approximately \$150,000 - \$200,000, and would take a month or more to sift and process all the piles. This is a large expense, and while Town is not taking on any potential liability that does not exist today -- since the piles are on its property, generated by its own activities -- it is an overly high price to pay for certainty.

For this reason, EDC instead recommends setting aside a reasonable amount of the purchase price (say the \$200,000 that would otherwise be spent on full characterization) to cover the actual costs up to that amount, and then, if required, coordinating for an insurance policy to be secured by either the Town or the buyer to protect against any costs beyond this amount. This will eliminate the redundancy of processing the pile more than once (once by seller and then again by buyer during actual construction), while containing outside exposure for both parties.

MARKET STUDY

A market study was performed by Byrne McKinney & Associates for the River's Edge Wayland site. *For the full market study, see EDC's webpage on the Town of Wayland website.* Rental housing demand is very strong, since there is little rental housing stock in the area; the demand is particularly strong in the 24-34 age band and the 50+ age band, boding well for the desire to plan the project primarily for 55+ age-restricted housing.

Ultimately, it was found that demand may not be deep enough for the entire project to be planned as a 55+ age-restricted project, therefore the market study recommended that only up to 75% of the units should be planned as age-restricted housing, with the remaining 25% being non-age restricted (however a potential developer would not be precluded from a 100% age-restricted project).

Unit sizes are recommended to be designed to be smaller and more efficient than single-family homes/condominium units, since the project's niche is offering lower housing costs than single-family home ownership. Only 1-2 bedroom apartments are recommended, generally averaging 750 and 1000 sf respectively, regardless of age restriction. No market "family" size units (3BR+) are recommended;

this is based on the logic that at a larger-size apartment price point, 55+ tenants would otherwise be able to stay in their home or buy a condominium, and younger families could buy a small or starter home, within the same housing budget. [Note that up to three of the *affordable* units may be 3BR, to help meet a housing need for the Wayland community. As a result only up to three of the total 216 units will be 3BR units.]

RIVER’S EDGE WAYLAND
(ROUTE20 SEPTAGE/DPW SITE)

October 2012

MARKET STUDY EXECUTIVE SUMMARY

The Market Study completed by Byrne McKinney & Associates, Inc. (BM&A) substantiates significant rental housing demand for River’s Edge Wayland site. Specifically:

- If this site were to be fully NON-age restricted, a 216-unit apartment project could be filled 2-4 times over, based on very strong demand -- as verbally described, the project would be a “home run”.
- Given the depth of demand, BM&A confirmed that even a 216-unit project at 100% 55+ is on the cusp of feasibility – but ultimately is too ambitious and just beyond typical market thresholds
- In order to temper the risk of a fully age-restricted project, BM&A recommended three options:
 - Option A: Reducing the threshold age from 55+ to 50+ for a 216 unit development
 - Option B: Reducing the number of units to 160 for a 100% 55+ development
 - Option C: Setting 75% of a 216 unit project for 55+, and the remaining 25% non-age restricted

Option C was clearly the preferred option based purely on market demand data. (See attached)

If non-age restricted apartments are added to the mix, BM&A recommended that there is at minimum a 25% share so there is a critical mass and identity for these units, and further, that these units are clustered together. Say if there are four buildings on site, perhaps one full building would be non-age restricted, so that similar populations are able to habitate together. Overall site amenities can be shared, such as pool, health facilities, parking.

[As a point of reference, EDC recommends *as a maximum no more than 25-30%* non-age restricted units, for the simple reason that higher levels would push traffic counts high enough to trigger a longer and more arduous state MEPA permitting process for the project.]

Smaller unit sizes generate the highest per square foot rents as well as specifically target the market looking for lower costs vs. home ownership. Therefore even with non-age restricted units, smaller unit sizes (maximum 2 BR) are recommended for the site.

The market study was based on 2010 census and forecasts for 2015. The largest population growth in coming years is the 24-34 and the 50+ age brackets. Since these are also the most typical renter age brackets, it results in strong market demand currently seen and projected throughout the greater Boston area as well as at this site. River's Edge Wayland's demand is especially heightened due to lack of current and future projected competing properties in the immediate area.

In the market study, demand is conservatively estimated at 70-90% coming from within just a 10-minute drive radius: Wayland, Weston, Sudbury. For a non-age-restricted project, the percentage is lower at 70% as people will travel further and may not have ties to the community; as the analysis focuses on predominantly/fully 55+, the demand factor is increased to 90% to be generated by the immediate surrounding area. The remaining demand of 10-30% is calculated within a 15-minute drive range, including parts of Marlborough, Lincoln, Concord, Natick, Framingham, etc.

Conservatively, and to meet market lending analysis standards, no weight was given to potential residents moving to the site from beyond a 15-minute drive time. In reality there will be some capture as some future River's Edge tenants may have ties to Wayland (grandchildren etc.) but do not currently live nearby, but these are not counted nor quantified in the market study.

All models were run with 25% of the units designated as affordable, so that all units, affordable and market, will qualify toward Wayland's 40B affordability count. The market demand for affordable units far outstrips supply, so capture rates for affordable vs. market rates are comparatively very low.

The Market Study recommends unit sizes and monthly rents for the proposed project, based on market data for competing projects:

0-10%	Studio/Junior 1 BR units	Average 600 sf	\$1300 (smaller) - \$1800 (larger)
40%-50%	1 BR units	Average 750 sf	\$1600 (smaller) - \$2200 (larger)
40%-50%	2 BR units	Average 1000 sf	\$1800 (smaller) - \$2600 (larger)
0-5%	Larger 2BR units	Average 1250 sf	\$2100 (smaller) - \$3000 (larger)

BM&A estimates absorption of 10-15 units per month, typically starting 2-4 months before occupancy, and therefore lease-up of 216 units could be achieved in 18 months from the start of leasing. This time window meets market criteria and represents a financially feasible timetable.

EDC Recommendation:

Based upon the market study and upon Wayland goals of:

- Achieving 10% affordability to preclude future 40B projects
- Maximizing the land value up front and the tax base in perpetuity
- Meeting independent housing needs for Wayland's seniors

EDC concurs with BM&A for Option C, which is for 216 units, designated at 25% affordable so that all units count toward our affordability threshold; and further, designated with a strong majority (75%) as age-restricted to those 55+, paired with a minority 25% designated as non-age restricted. All units would be generally smaller unit sizes (2BR and less) in order to promote affordability across the board.

RIVER'S EDGE MATERIALS AVAILABLE FOR REVIEW ON EDC WEBPAGE

Go to www.wayland.ma.us

Under "Boards & Committees" click on **Economic Development Committee**

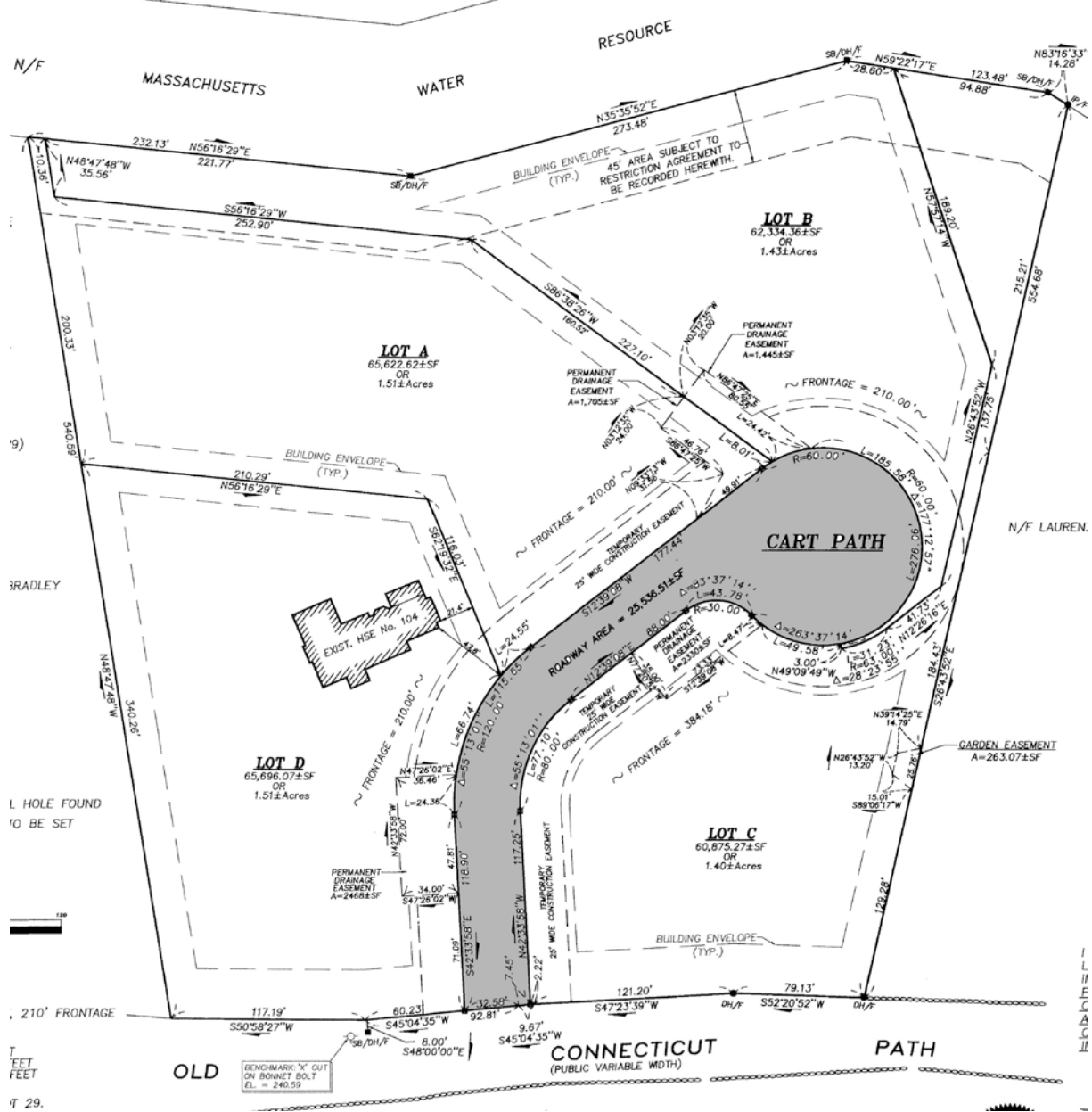
Click on **River's Edge Wayland (Rt 20 Septage/DPW Facility Site)** subfolder

or

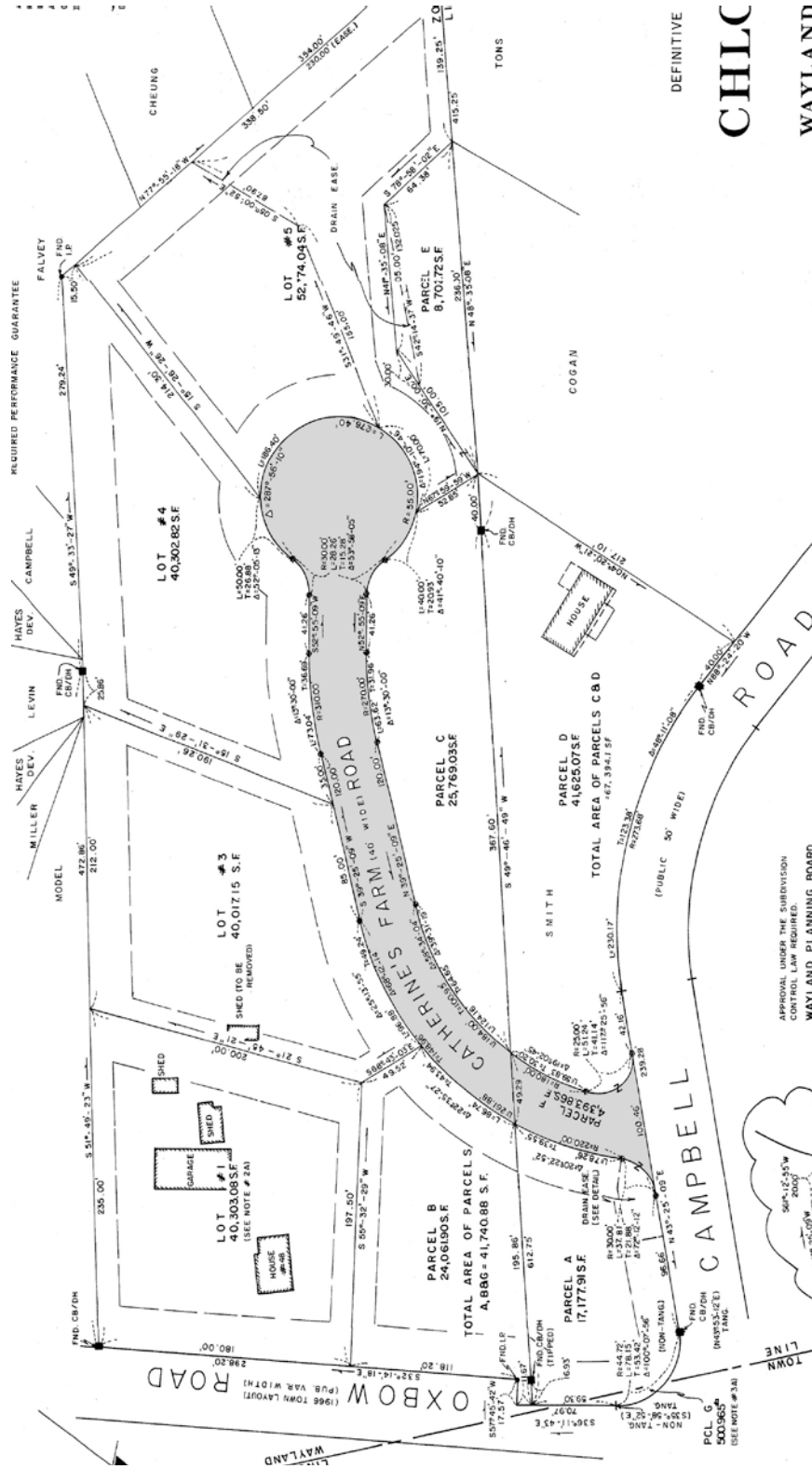
Direct link:

http://www.wayland.ma.us/Pages/WaylandMA_BComm/Econ/RiversEdge

APPENDIX H
MAPS OF ROADS TO BE ACCEPTED AS PUBLIC WAYS



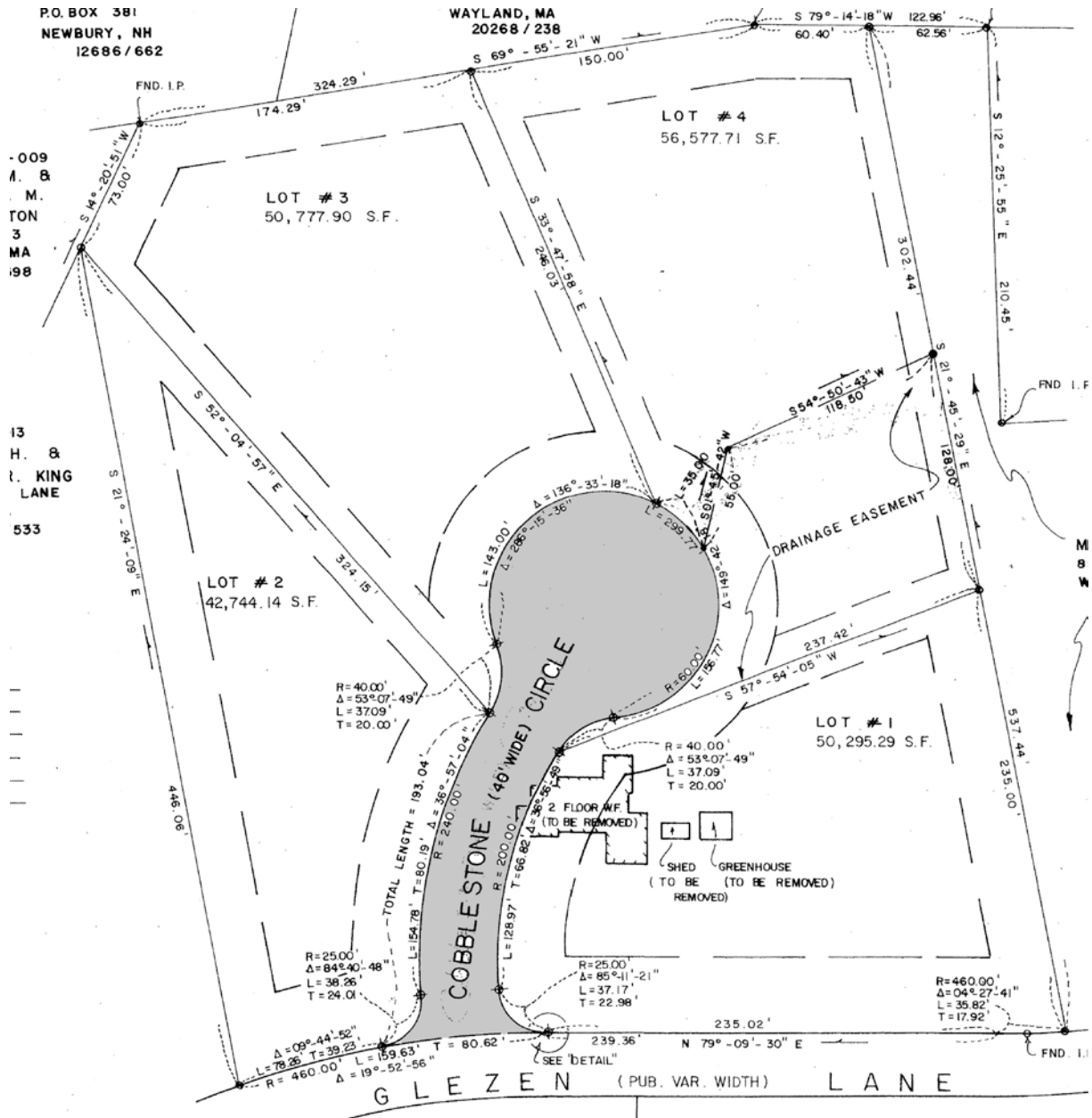
CART PATH



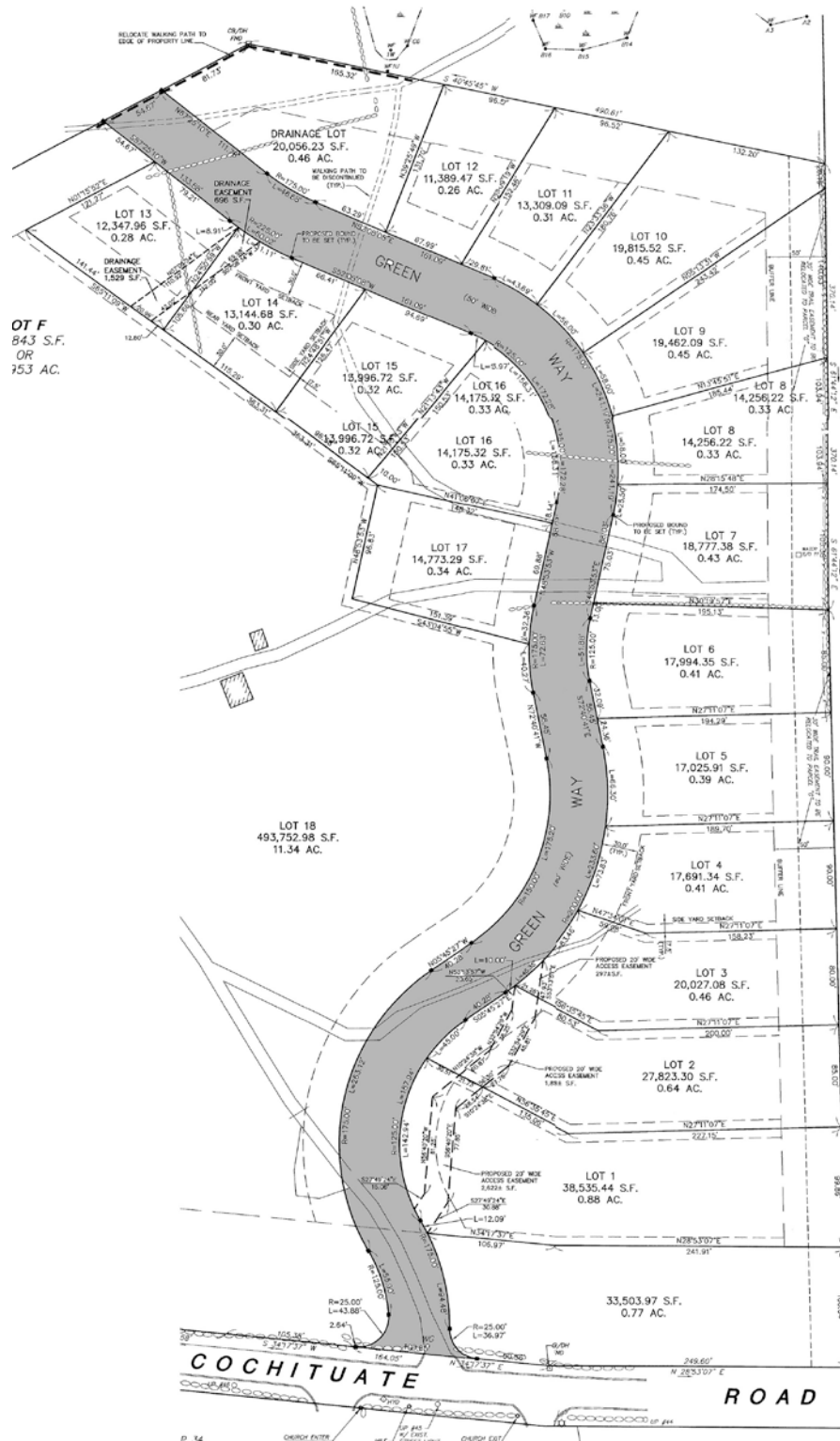
DEFINITIVE
CHLC
 WAYLAND

APPROVAL UNDER THE SUBMISSION CONTROL LAW REQUIRED.
 WAYLAND PLANNING BOARD

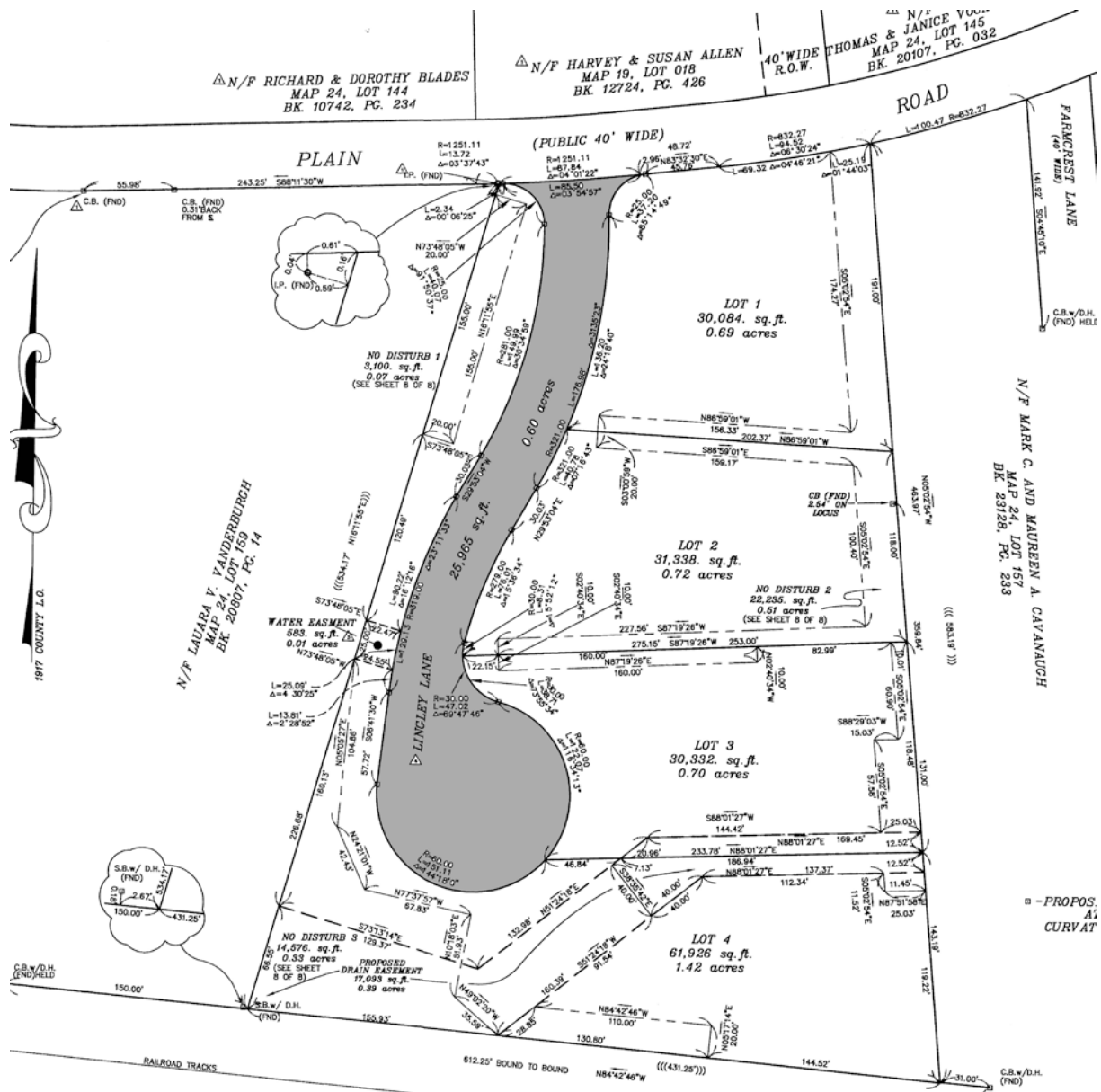
CATHERINE'S FARM ROAD



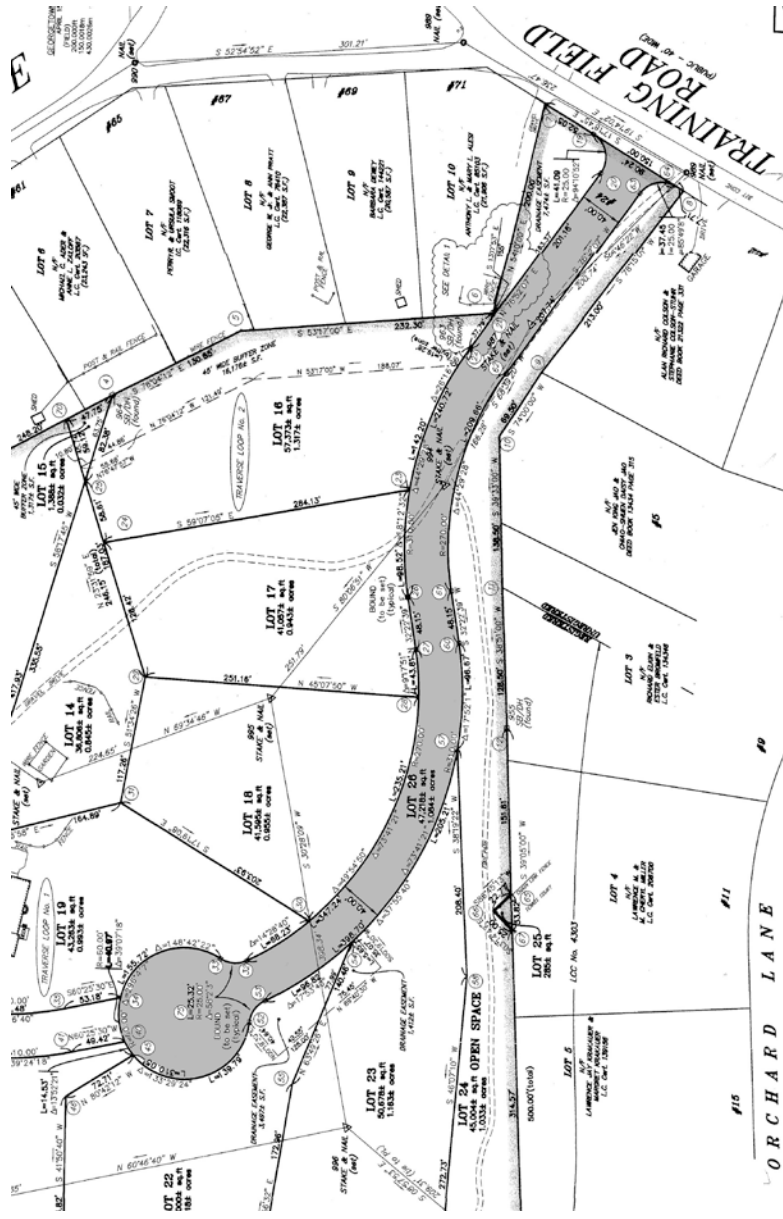
COBBLESTONE CIRCLE



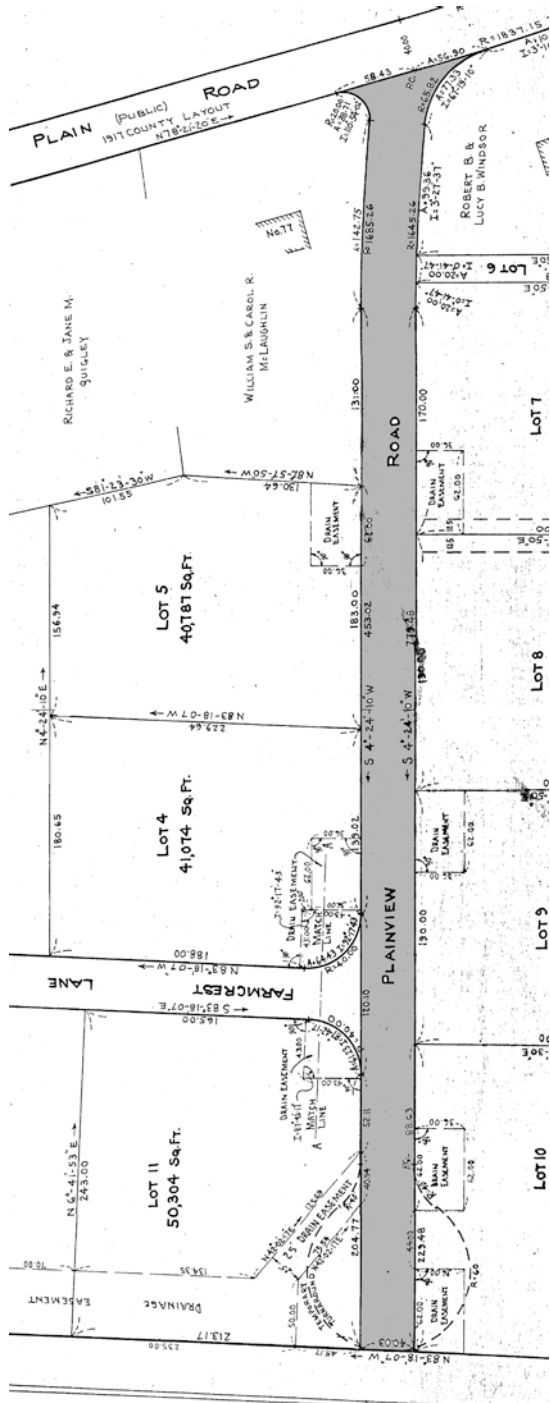
GREEN WAY



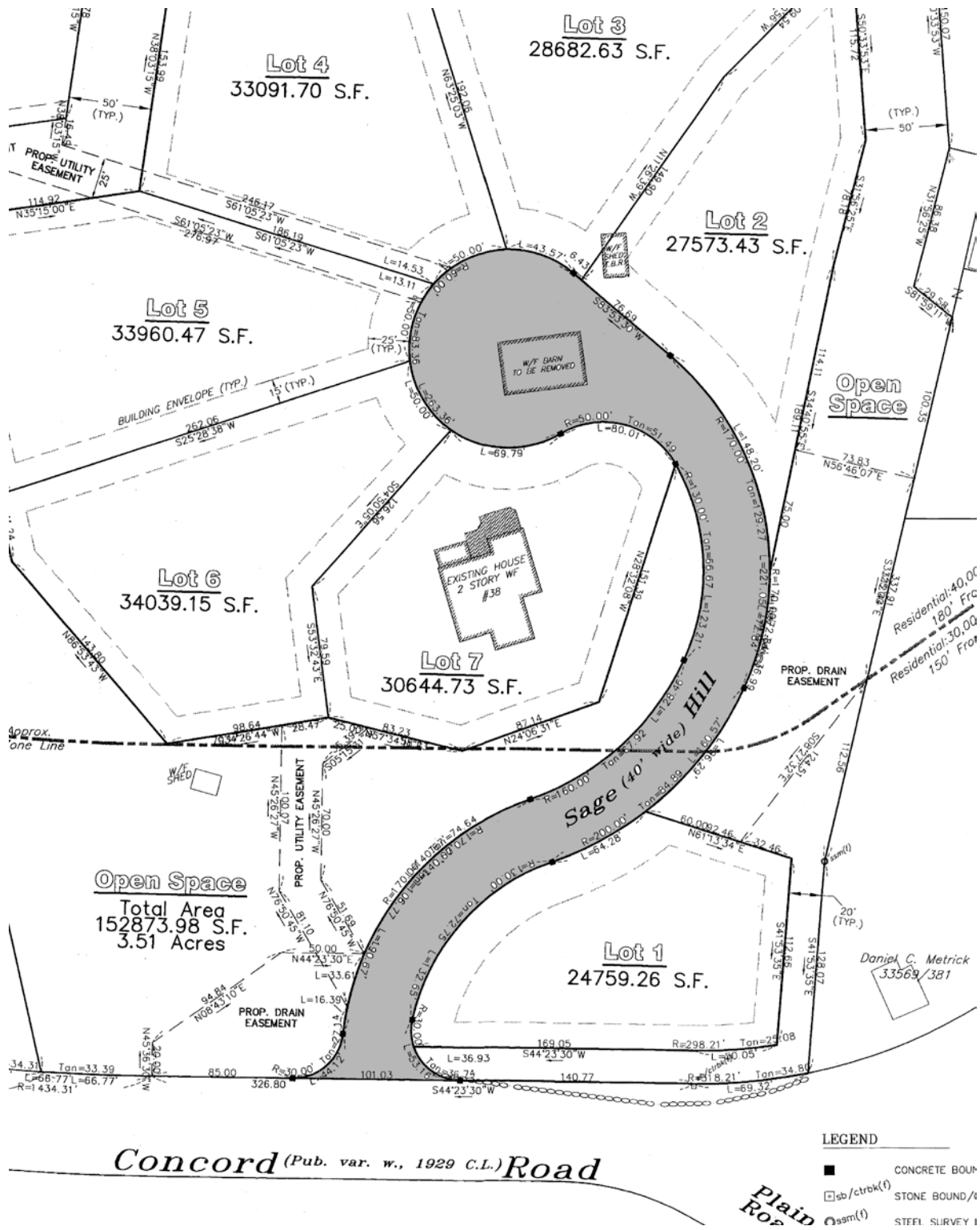
LINGLEY LANE



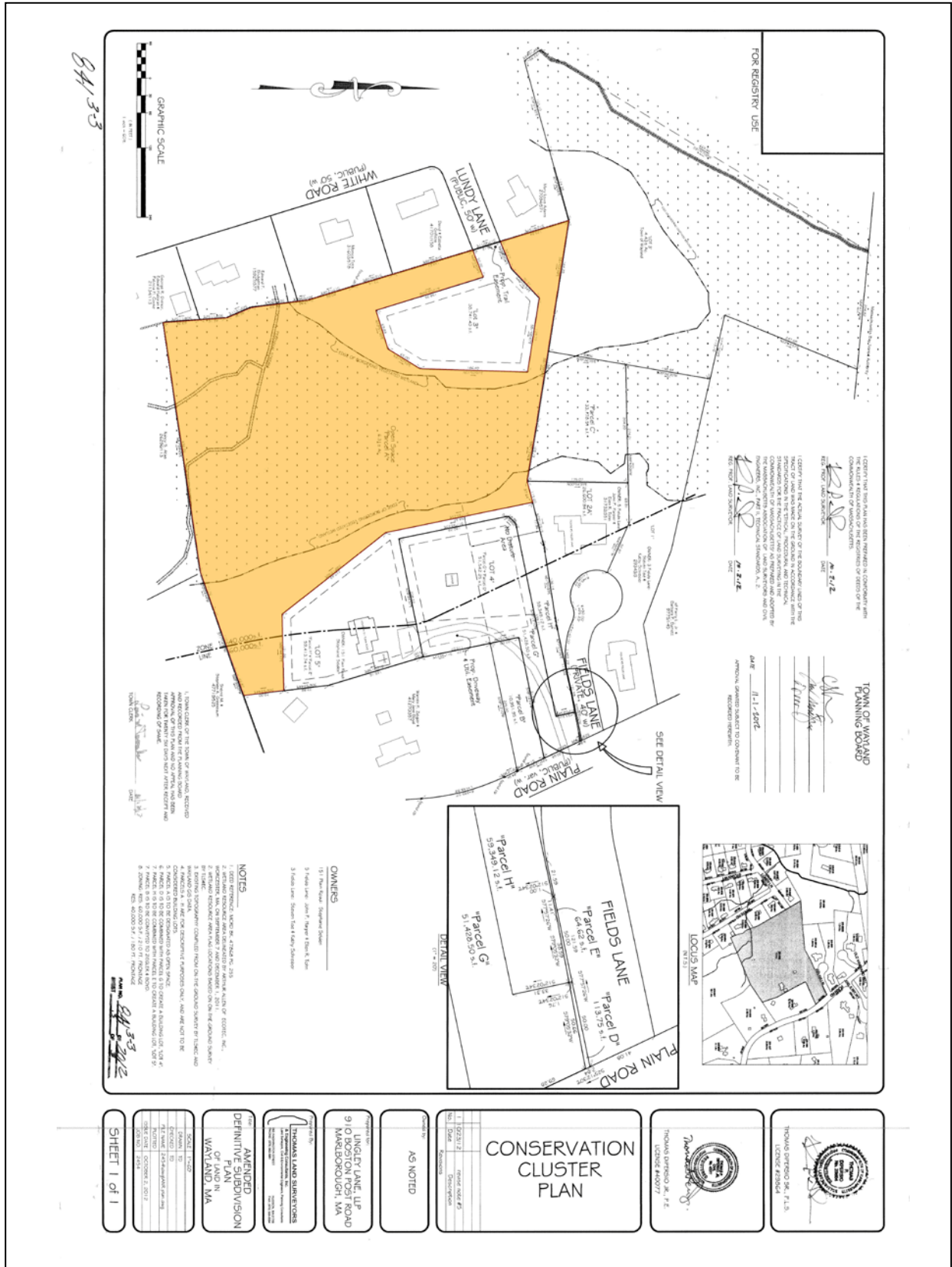
PHEASANT RUN



PLAINVIEW ROAD



SAGE HILL ROAD



APPENDIX J: HEAR REPORTS

REPORT OF THE BOARD OF ASSESSORS

In accordance with section 19-8 of the Code of the Town of Wayland, a report for the Board of Assessors covering the last twelve months (proceeding March 1, 2013) is hereby submitted.
The Board submits the following:

1. Annual Report of calendar year 2012 property transfers.
 - 188 Single Family parcels
 - 55 Condominium parcels
 - 4 Multi Family parcels
 - 4 Land parcels
 - 4 Commercial parcels
 - 170 Family Title Transfers or Non-valid transfers

The data reported above is in the process of being validated and may be modified.

2. The following numbers have been reported related to abatement applications and Appellate Tax Board cases:
 - a. The Board of Assessors logged in 34 real estate and 3 personal property applications, by the February 1, 2013 deadline.
 - b. As of March 1, 2013 thirteen abatements had been granted for FY' 13.
 - c. The average value of an abatement granted in FY' 12 was \$1,912.65
 - d. There were 4 filings with the Appellate Tax Board (ATB) in FY' 12; 1 for a telecommunication account; 1 was denied by the ATB, 2 are waiting for an ATB decision and 1 is pending for a hearing.
 - e. The following is a listing of cases and the decisions issued by the ATB since the last report of March 1, 2011.

Fiscal Year	Street	Assessed Value	ATB Decision
2010	35 Main Street	\$4,702,300	Denied
2011	35 Main Street	\$4,618,800	Denied
2012	35 Main Street	\$4,654,500	Denied

3. The following data verification visits were extracted from the computer assisted mass appraisal database:

Total Property Visits: 3/1/12-2/28/13 3024

Building Permits:

Interior and Exterior	80
Exterior Only	125
Interior Only	48
Refusals	9
Total	262

Cyclical:

Interior and Exterior	419
Exterior Only	1014
Interior Only	276
Callbacks	652
Refusals	179
Total	2540

Abatements:

Interior and Exterior	13
Interior Only	12
Total	25

Quality Control:

Interior and Exterior	14
Exterior Only	11
Interior Only	7
Total	32

Sales:

Interior and Exterior	89
Exterior Only	21
Interior Only	37
Refusals	2
Total	149

Informal Hearings:

Interior and Exterior	15
Interior	1
Total	16

Please note that some of the data verification visits addressed several requirements in one visit, such as a property requiring a building permit visit may also have required a sales visit. One visit would have met both obligations of data verification. An exterior data verification visit represents a visit to the property by a representative of the Assessing Department. The representative measures and verifies the exterior components of the property and leaves a door hanger requesting that the property owner contact the office to schedule an appointment for an interior data verification visit.

The Board members are Jayson Brodie, Chair; Susan Rufo, Vice Chair; Bruce Cummings; Molly Upton; and Zachariah Ventress.

2012Arms Length Sales Report *

Sale Date	Map	Lot	No.	Address	LUC	Sale Price	Sale Date	Map	Lot	No.	Address	LUC	Sale Price
1/3/2012	4	68	3	YORK RD	101	\$ 685,000	7/10/2012	46D	106	192	WEST PLAIN ST	101	\$ 449,900
1/6/2012	40	044B	1	CHRISTINA	102	\$ 450,000	7/11/2012	7	9	242	CONCORD RD	101	\$ 550,000
1/12/2012	7	16	12	SHERMAN BRIDGE RD	101	\$ 650,000	7/11/2012	7	023A	9	ALPINE RD	101	\$ 478,000
1/12/2012	7	016A	12	SHERMAN BRIDGE RD	131	\$ 650,000	7/11/2012	25	77	3	SYLVAN WAY	101	\$ 540,000
1/13/2012	44	69	38	HIGH ROCK RD	101	\$ 1,250,000	7/11/2012	38	65	10	OLD FARM CIR	101	\$ 875,000
1/13/2012	45	046B	4	INDIAN DAWN	102	\$ 300,000	7/12/2012	16	13	53	SEARS RD	101	\$ 1,185,000
1/17/2012	36C	67	243	STONEBRIDGE RD	101	\$ 420,000	7/12/2012	50	29	14	LAKE RD	101	\$ 450,050
1/17/2012	38	50	11	DAVELIN RD	101	\$ 694,000	7/12/2012	50	079C	93	LAKE RD TER	101	\$ 1,510,000
1/17/2012	38	56	227	OLD CONN PATH	101	\$ 470,000	7/12/2012	51A	68	11	BENT AVE	101	\$ 700,000
1/17/2012	48	63	90	LOKER ST	101	\$ 677,000	7/16/2012	45	094D	32	PICKWICK WAY	102	\$ 332,000
1/18/2012	42D	6	391	OLD CONN PATH	101	\$ 481,000	7/18/2012	8	16	75	LINCOLN RD	101	\$ 875,000
1/18/2012	53	3	6	VALLEY VIEW RD	101	\$ 405,000	7/18/2012	11	72	160	GLEZEN LN	101	\$ 1,225,000
1/20/2012	23	123	15	HASTINGS WAY	102	\$ 609,900	7/18/2012	40	043A	5	CHRISTINA	102	\$ 429,900
1/23/2012	47A	73	121	DUDLEY RD	101	\$ 104,000	7/19/2012	19	23	91	CLAYPIT HILL RD	101	\$ 1,605,000
1/25/2012	23	124	17	HASTINGS WAY	102	\$ 679,900	7/19/2012	40	46	1	TURKEY HILL RD	102	\$ 278,000
1/27/2012	49	1	55	RICE RD	101	\$ 267,500	7/23/2012	43B	44	16	HAPPY HOLLOW	101	\$ 500,000
1/27/2012	51B	14	8	MELVILLE PL	101	\$ 349,500	7/24/2012	52	208M	20	DECOLORES DR	102	\$ 472,425
1/27/2012	52	208G	12	DECOLORES DR	102	\$ 435,000	7/26/2012	30	062B	18	OLD CONN PATH	101	\$ 830,000
1/30/2012	11	37	8	LINCOLN RD	101	\$ 480,000	7/26/2012	45	9	70	RICE RD	101	\$ 475,000
1/30/2012	44	136	30	BROOK TRAIL RD	101	\$ 645,000	7/27/2012	47B	65	279	MAIN ST	101	\$ 575,000
1/31/2012	46D	21	208	LAKESHORE DR	101	\$ 240,000	7/30/2012	51B	88	167	MAIN ST	101	\$ 542,000
1/31/2012	48	54	16	BREWSTER RD	101	\$ 662,000	7/31/2012	19	69	74	CLAYPIT HILL RD	101	\$ 915,000
1/31/2012	51D	49	27	WINTER ST	101	\$ 387,000	7/31/2012	24	158	4	LINGLEY LN	101	\$ 1,250,000
2/8/2012	23	121	9	HASTINGS WAY	102	\$ 740,000	7/31/2012	30	011A	4	WESTWAY RD	101	\$ 633,000
2/9/2012	29	32	90	OLD CONN PATH	101	\$ 750,000	7/31/2012	38	30	6	COLE RD	101	\$ 465,000
2/10/2012	40	018B	616	HAYFIELD LN	102	\$ 985,000	7/31/2012	44	45	15	BARNEY HILL RD	101	\$ 634,000
2/16/2012	30	048A	27	PINEBROOK RD	101	\$ 1,140,000	8/1/2012	48	32	48	CNTRY CNRS RD	101	\$ 596,000
2/23/2012	7	24	19	SHERMAN BRIDGE RD	101	\$ 227,500	8/1/2012	51A	91	9	MITCHELL ST	101	\$ 320,000
2/28/2012	12	9	57	HIGHLAND CIR	101	\$ 1,158,000	8/1/2012	45	081B	71	HILLSIDE DR	102	\$ 369,000
2/28/2012	46D	113	20	EDGEWOOD RD	101	\$ 220,000	8/2/2012	47B	47	16	LAKEVIEW RD	101	\$ 445,000
3/6/2012	26	5	266	PELHAM ISLAND RD	101	\$ 563,000	8/3/2012	43D	30	11	PEQUOT RD	101	\$ 463,000

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Wayland, Massachusetts

Sale Date	Map	Lot	No.	Address	LUC	Sale Price	Sale Date	Map	Lot	No.	Address	LUC	Sale Price
3/9/2012	43A	36	27	GARDEN PATH	101	\$ 540,000	8/3/2012	33	21	16	GREEN WAY	102	\$ 785,000
3/12/2012	5	022A	119	LINCOLN RD	101	\$ 1,370,000	8/6/2012	25	104A	1	JOEL'S WAY	101	\$ 900,000
3/15/2012	29	029B	6	CART PATH	101	\$ 2,100,000	8/10/2012	24	128	22	PLAIN RD	101	\$ 403,000
3/16/2012	37	11	21	HIGHGATE RD	101	\$ 435,000	8/10/2012	34	2	4	WINDY HILL LN	101	\$ 1,500,000
3/19/2012	36C	32	60	RIVER VIEW CIR	101	\$ 331,000	8/10/2012	42D	103	62	SYCAMORE RD	101	\$ 197,500
3/20/2012	47A	54	20	CREST RD	326	\$ 250,000	8/10/2012	47A	81	97	DUDLEY RD	101	\$ 380,000
3/26/2012	4	55	42	OXBOW RD	101	\$ 745,000	8/10/2012	47C	044E	5	GENNARO CIR	101	\$ 919,000
3/27/2012	43B	30	6	GOODMAN LN	101	\$ 489,900	8/10/2012	23	146	38	HASTINGS WAY	102	\$ 599,000
3/28/2012	24	150	4	PLAINVIEW RD	101	\$ 1,050,000	8/11/2012	1	23	29	GROVE ST	101	\$ 577,500
3/29/2012	38	149	11	CAMERON RD	101	\$ 435,000	8/13/2012	52	208K	18	DECOLORES DR	102	\$ 445,000
3/30/2012	11	64	142	GLEZEN LN	101	\$ 625,000	8/15/2012	5	24	108	LINCOLN RD	101	\$ 1,420,000
3/30/2012	29	6	12	FORTY ACRES DR	101	\$ 550,000	8/15/2012	30	88	6	WHITE RD	101	\$ 420,000
3/30/2012	51B	16	12	MELVILLE PL	101	\$ 523,000	8/15/2012	47B	8	18	BAYFIELD RD	101	\$ 519,000
3/30/2012	45	062A	13	COLTSWAY	102	\$ 395,250	8/15/2012	48	34	54	CNTRY CNRS RD	101	\$ 760,000
4/2/2012	14	28	22	TRAINING FIELD RD	101	\$ 637,333	8/16/2012	39	14	47	SHAW DR	101	\$ 648,000
4/3/2012	53	032A	212	WILLOWBROOK DR	102	\$ 580,000	8/17/2012	42D	89	3	RUSSELL RD	101	\$ 350,000
4/10/2012	40	018C	617	HAYFIELD LN	102	\$ 985,000	8/17/2012	40	028B	2	BRANDYWYNE	102	\$ 350,000
4/13/2012	2	3	61	CAMPBELL RD	101	\$ 412,000	8/20/2012	55	10	15	PEMBERTON RD	101	\$ 995,000
4/13/2012	23	144	2	HASTINGS WAY	102	\$ 689,900	8/23/2012	51A	64	2	BENT AVE	101	\$ 435,000
4/18/2012	4	119	18	CATHERINE'S FARM	101	\$ 1,082,500	8/24/2012	46B	57	7	RICHARD RD	101	\$ 403,000
4/18/2012	23	89	23	CONCORD RD	101	\$ 570,000	8/27/2012	47C	36	10	PINE NEEDLE RD	101	\$ 487,500
4/18/2012	52	48	66	DEAN RD	101	\$ 322,000	8/28/2012	51B	84	192	MAIN ST	101	\$ 375,000
4/19/2012	23	143	4	HASTINGS WAY	102	\$ 549,900	8/29/2012	36C	023A	10	RIVER VIEW CIR	101	\$ 568,000
4/20/2012	45	099E	17	PICKWICK WAY	102	\$ 585,000	8/30/2012	50	27	128	WEST PLAIN ST	101	\$ 556,500
4/23/2012	42B	75	5	INDIAN RD	101	\$ 282,500	8/30/2012	45	61	14	COLTSWAY	102	\$ 429,000
4/25/2012	45	077B	47	HILLSIDE DR	102	\$ 465,000	9/4/2012	11	90	4	DYLAN'S CR	101	\$ 1,250,000
4/26/2012	3	52	180	OXBOW RD	109	\$ 1,780,000	9/4/2012	11	40	34	LINCOLN RD	109	\$ 3,250,000
4/27/2012	24	144	52	PLAIN RD	101	\$ 740,000	9/4/2012	47C	10	31	MATHEWS DR	109	\$ 342,500
4/27/2012	49	54	35	RICE RD	101	\$ 630,000	9/5/2012	43A	31	13	GARDEN PATH	101	\$ 527,000
4/27/2012	52	89	45	DEAN RD	101	\$ 402,500	9/12/2012	29	48	134	BOSTON POST	125	\$ 1,850,000
4/30/2012	4	57	53	CAMPBELL RD	101	\$ 518,000	9/14/2012	38	121	39	RICE SPRING LN	101	\$ 475,000
4/30/2012	11	47	138	DRAPER RD	101	\$ 736,188	9/14/2012	50	45	95	LAKE RD TER	101	\$ 1,200,000
4/30/2012	33	023L	6	GREEN WAY	102	\$ 290,000	9/14/2012	33	023K	6	GREEN WAY	102	\$ 280,000
5/1/2012	12	33	244	GLEZEN LN	101	\$ 849,000	9/18/2012	35	005A	10	ASTRA	102	\$ 410,000
5/1/2012	19	42	10	ADAMS LN	101	\$ 674,400	9/19/2012	15	11	133	GLEZEN LN	101	\$ 600,000
5/1/2012	45	076D	43	HILLSIDE DR	102	\$ 520,000	9/20/2012	18	092B	26	SAGE HILL RD	101	\$ 1,500,000
5/1/2012	52	208F	10	DECOLORES DR	102	\$ 434,000	9/21/2012	42B	46	37	HIGHGATE RD	101	\$ 475,000
5/4/2012	32	6	6	ERWIN RD	101	\$ 533,000	9/21/2012	51A	18	12	PLEASANT ST	101	\$ 338,500
5/7/2012	51B	25	83	EAST PLAIN ST	101	\$ 435,000	9/24/2012	26	4	269	PELHAM ISLAND	132	\$ 635,000
5/11/2012	25	67	26	WHITE RD	101	\$ 640,000	9/25/2012	24	39	172	BOSTON POST	101	\$ 250,000
5/16/2012	45	097C	52	PICKWICK WAY	102	\$ 299,000	9/27/2012	11	78	21	HAZELBROOK LN	101	\$ 820,000

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Wayland, Massachusetts

Sale Date	Map	Lot	No.	Address	LUC	Sale Price	Sale Date	Map	Lot	No.	Address	LUC	Sale Price
5/18/2012	15	27	99	CONCORD RD	101	\$ 724,000	9/27/2012	35	17	145	BUCKSKIN DR	101	\$ 900,000
5/18/2012	19	081B	14	HIDDEN SPRINGS LN	101	\$ 1,800,000	9/28/2012	3	57	196	OXBOW RD	101	\$ 525,000
5/20/2012	45	072A	1	HILLSIDE DR	102	\$ 515,000	9/28/2012	16	30	105	DRAPER RD	101	\$ 810,000
5/24/2012	51B	89	163	MAIN ST	105	\$ 562,500	10/1/2012	50	40	11	LAKE RD TER	101	\$ 1,022,000
5/25/2012	19	59	29	ADAMS LN	101	\$ 774,600	10/1/2012	46B	002A	2	ALICE DR	101	\$ 962,000
5/25/2012	43D	27	19	PEQUOT RD	101	\$ 865,000	10/5/2012	42D	46	32	PINERIDGE RD	101	\$ 332,000
5/25/2012	45	095C	40	PICKWICK WAY	102	\$ 501,000	10/11/2012	25	69	23	SYLVAN WAY	101	\$ 350,000
5/25/2012	27	13	155	PELHAM ISLAND RD	130	\$ 400,000	10/12/2012	34	17	26	FOREST HILL RD	101	\$ 1,050,000
5/29/2012	1	2	7	PESCE DR	101	\$ 1,024,000	10/12/2012	30	061A	30	OLD CONN PATH	130	\$ 400,000
5/29/2012	28	26	3	JEFFREY RD	101	\$ 965,300	10/17/2012	43A	53	32	RICE SPRING LN	101	\$ 305,000
5/30/2012	43A	10	38	CEDAR CREST RD	101	\$ 390,000	10/26/2012	41	5	190	STONEBRIDGE	101	\$ 665,000
5/30/2012	43C	33	69	MAIDEN LN	101	\$ 350,000	10/26/2012	46D	59	18	LODGE RD	101	\$ 379,000
5/30/2012	51D	3	225	COMMONWEALTH RD	101	\$ 435,000	10/30/2012	50	48	45	LAKE RD	101	\$ 414,511
5/31/2012	44	112	9	RESERVOIR RD	101	\$ 500,000	11/1/2012	47B	74	140	SCHOOL ST	101	\$ 818,000
5/31/2012	47A	61	88	DUDLEY RD	101	\$ 135,000	11/2/2012	45	084A	89	HILLSIDE DR	102	\$ 531,750
5/31/2012	45	56	4	STEEPLETREE	102	\$ 323,000	11/5/2012	46D	75	6	BOGREN LN	101	\$ 620,000
6/1/2012	44	68	34	HIGH ROCK RD	101	\$ 452,000	11/8/2012	4	39	50	RED BARN RD	101	\$ 307,000
6/4/2012	42D	67	4	HEMLOCK RD	101	\$ 328,000	11/9/2012	32	3	9	HEARD RD	101	\$ 783,500
6/4/2012	45	098A	1	PICKWICK WAY	102	\$ 559,000	11/15/2012	30	81	108	BOSTON POST	101	\$ 449,000
6/6/2012	38	159	10	CHARENA RD	101	\$ 567,200	11/16/2012	25	90	151	PLAIN RD	101	\$ 920,000
6/8/2012	33	023N	6	GREEN WAY	102	\$ 270,000	11/16/2012	29	49	143	BOSTON POST	101	\$ 370,000
6/8/2012	23	141	8	HASTINGS WAY	102	\$ 609,900	11/16/2012	47B	18	10	DUDLEY RD	101	\$ 345,000
6/12/2012	40	036B	4	ESSEX	102	\$ 372,500	11/20/2012	3	48	136	OXBOW RD	101	\$ 730,000
6/15/2012	10	60	3	SPRUCE TREE LN	101	\$ 839,000	11/20/2012	15	17	115	GLEZEN LN	101	\$ 430,000
6/15/2012	18	36	47	OLD SUDBURY RD	101	\$ 615,000	11/20/2012	50	68	24	MORRILL DR	101	\$ 635,000
6/15/2012	52	208J	17	DECOLORES DR	102	\$ 450,000	11/20/2012	23	161	27	RIVER ROCK WAY	102	\$ 619,000
6/19/2012	14	44	66	GLEZEN LN	101	\$ 1,295,000	11/20/2012	23	159	23	RIVER ROCK WAY	102	\$ 606,600
6/20/2012	1	5	121	OXBOW RD	101	\$ 458,000	11/26/2012	15	53	4	SQUIRREL HILL	101	\$ 1,025,000
6/20/2012	52	153	377	COMMONWEALTH RD	101	\$ 495,000	11/27/2012	45	060C	15	COLTSWAY	102	\$ 435,000
6/21/2012	51B	45	41	LEARY ST	101	\$ 589,000	11/28/2012	46D	40	177	WEST PLAIN ST	101	\$ 476,000
6/21/2012	40	055A	101	DAHLIA DR	102	\$ 590,000	11/29/2012	4	115	27	YORK RD	101	\$ 985,000
6/21/2012	52	208L	19	DECOLORES DR	102	\$ 462,500	11/29/2012	42D	29	7	CASTLE RD	101	\$ 395,000
6/21/2012	23	125	19	HASTINGS WAY	102	\$ 609,900	11/30/2012	24	153	73	PLAIN RD	101	\$ 1,050,000
6/22/2012	4	055A	38	OXBOW RD	101	\$ 962,500	11/30/2012	46B	36	102	LAKESHORE DR	101	\$ 400,000
6/22/2012	44	43	21	BARNEY HILL RD	101	\$ 825,000	12/4/2012	38	160	16	CHARENA RD	101	\$ 565,000
6/22/2012	52	135	9	TIMBER LN	101	\$ 439,000	12/5/2012	23	158	21	RIVER ROCK WAY	102	\$ 747,721
6/22/2012	30	64	75	BOSTON POST RD	340	\$ 460,000	12/7/2012	10	2	63	MOORE RD	101	\$ 390,000
6/26/2012	39	26	22	DEER RUN	101	\$ 760,000	12/7/2012	42B	49	9	HOLBROOK RD	101	\$ 542,000
6/26/2012	48	135	34	BROOKS RD	101	\$ 525,000	12/7/2012	23	152	7	RIVER ROCK WAY	102	\$ 699,000
6/26/2012	48	142	21	AQUEDUCT RD	101	\$ 470,000	12/7/2012	23	151	5	RIVER ROCK WAY	102	\$ 572,400
6/27/2012	45	055B	6	STEEPLETREE	102	\$ 423,300	12/11/2012	43B	6	3	RICE SPRING LN	101	\$ 500,000

6/28/2012	44	34	20	BARNEY HILL RD	101	\$ 742,000	12/11/2012	45	047A	2	INDIAN DAWN	102	\$ 334,000
6/28/2012	35	001B	18	ASTRA	102	\$ 428,000	12/14/2012	2	18	85	OXBOW RD	101	\$ 510,000
6/29/2012	29	47	152	BOSTON POST RD	101	\$ 453,000	12/14/2012	39	042B	188	COCHITUATE RD	101	\$ 980,000
6/29/2012	30	61	26	OLD CONN PATH	101	\$ 507,000	12/14/2012	23	149	1	RIVER ROCK WAY	102	\$ 659,900
6/29/2012	46B	31	124	LAKESHORE DR	101	\$ 125,000	12/20/2012	15	60	7	SQUIRREL HILL	101	\$ 875,000
6/29/2012	46B	32	122	LAKESHORE DR	101	\$ 125,000	12/20/2012	51B	55	44	EAST PLAIN ST	101	\$ 590,000
6/29/2012	48	95	28	RICE RD	101	\$ 330,000	12/20/2012	51D	47	16	WILLARD ST	102	\$ 329,000
6/29/2012	51C	28	34	BRADFORD ST	101	\$ 488,650	12/21/2012	42D	25	12	CASTLE RD	101	\$ 380,000
6/29/2012	46A	005A	480	OLD CONN PATH	101	\$ 745,000	12/27/2012	23	150	3	RIVER ROCK WAY	102	\$ 159,900
7/2/2012	4	112	39	YORK RD	101	\$ 855,500	12/28/2012	34	6	140	OLD CONN PATH	101	\$ 246,000
7/2/2012	47B	76	11	PECK AVE	101	\$ 593,350	12/28/2012	52	191	36	SCHOOL ST	101	\$ 288,000
7/2/2012	52	54	21	SNAKE BROOK RD	101	\$ 525,000	12/28/2012	40	069A	1501	WISTERIA WAY	102	\$ 669,600
7/6/2012	47D	54	40	JOYCE RD	101	\$ 635,000	12/31/2012	30	91	5	WHITE RD	101	\$ 930,916
7/6/2012	48	20	24	COUNTRY CRNERS RD	101	\$ 555,000	12/31/2012	23	12	297	BOSTON POST	323	\$ 6,300,000
7/9/2012	30	057E	4	DAIRY FARM LN	101	\$ 1,140,000							

*2012Arms Length Sales are in the process of being validated and may be modified

LUC = Land Use Code (101-Single Family, 102-Residential Condominium, 104-Two Family, 106-Vacant Lot with an outbuilding, 109-Two Dwellings on 1 Lot, and 111-Apartment building)

REPORT OF THE COMMUNITY PRESERVATION COMMITTEE

The provisions of the Community Preservation Act (CPA) were adopted at the Annual Town Meeting in 2001. The Community Preservation Committee was formed at that time and its responsibilities are to identify and evaluate potential community preservation projects and, if appropriate, submit project recommendations in the form of articles at town meeting. The CPA requires that the projects focus on open space, historic preservation, and community housing. Funds can also be used for the acquisition, creation or preservation of land for recreational purposes. The Committee currently consists of eight members, one each from the Planning Board, Historical Commission, Recreation Commission, Conservation Commission, Housing Commission, Department of Public Works, and two members appointed by the Board of Selectmen.

CPA Revenue – Since the adoption of the CPA in 2001 through fiscal 2012, Wayland has received \$6,616,958 from the residential property tax surcharge, including interest, and \$3,776,613 in matching State Trust Fund distributions, for a total revenue of \$10,393,571. The funds collected are known as the Community Preservation Fund and are held and administered by the Town’s Treasurer. Below is the list of the amounts approved at Town Meeting and the balances remaining.

Project	Amount	Year Approved	Unexpended Balance
Repair of Town’s historic gravestones	\$65,000	2003	
Study to create railroad interpretive site	\$15,000	2003	
Environmental testing at former Nike site	\$35,000	2003	
Repair/Restore historic markers	\$5,000	2004	\$4,000

Acquire 2.75 acres at Nike site for affordable housing and to provide funds for demolition and site preparation	\$500,000	2004	
Site preparation and demolition on remaining 11 acres of open space at Nike site	\$100,000	2004	
Administrative costs of CPC – expended \$3800 for appraisal of Moon property on Reservoir Road	\$10,000	2004	
Set aside funds for acquiring open space in the future	\$600,000	2004	
Acquire Gilbert land on Brackett Road for conservation purposes	\$100,000	2005	
Architectural, engineering and site planning at Nike site	\$40,000	2006	
Community gardens at landfill and the intersection of Route 30 and Plain Road	\$8,750	2006	
Artificial turf at the high school athletic field	\$300,000	2006	
Weed management techniques, aerial scanning and nutrient analysis at great ponds	\$75,000	2006	\$5,000
Acquisition of seven acres of land on Reservoir Road subject to a perpetual conservation restriction to be held by Sudbury Valley Trustees, Inc.	\$211,000	2007	
Set aside funds for acquiring open space in the future	\$900,000	2008	
Fund an additional portion of costs related to construction of community housing units on the Nike site	\$560,000	2008	
Provide funds for the remaining work necessary to make the passive and active recreation land at former Nike site available for public use	\$250,000	2008	\$78,309
The rehabilitation and preservation of the Town-owned former railroad freight house located at 1 Concord Road next to the Town Library	\$50,000	2008	
Administrative costs of the CPC to be expended for appraisals, association dues, and similar expenditures	\$25,000	2009	\$15,853
Provide funds for an assessment of the preservation and conservation needs of the Town's historical collections	\$10,000	2009	
Provide funds for the purpose of engaging an engineering firm to evaluate the environmental and engineering related to a proposed Wayland Rail Trail	\$25,000	2010	\$25,000
Provide funds for renovations to the Vokes Theatre	\$6,000	2010	\$600
Provide funds for the purpose of engaging a land planner and appraiser for the purpose of determining the value of Mainstone Farm and a proposed conservation restriction on a portion of such land	\$40,000	2010	\$7,750

Provide funds for professional services to study the feasibility of the disposition and use of the town-owned parcels in the Dudley area	\$35,000	2010	
Provide funds for the purpose of authorizing the Historical Commission to engage a firm to preserve and digitize selected Wayland historic documents held in the Town's vault	\$160,000	2011	
Provide funds for pre-permitting and due diligence testing of Town owned land on Boston Post Road	\$90,000	2012	\$90,000
Provide funds for site development for an affordable housing project on Stonebridge Road.	\$356,000	2012	\$356,000
Improve memorial and monuments	\$5,000.00	2012	
TOTAL	\$4,580,750		

Fund Revenues % Expenditures by Year, Total Fund Balance by Year

	FY02 - FY07	FY08	FY09	FY10	FY11	FY12	TOTAL
Revenues							
CPA Taxes:	2,682,094.00	590,941.00	639,877.00	655,272.00	684,768.00	674,200.00	5,927,152.00
State Match:	2,211,317.00	577,711.00	401,077.00	224,375.00	179,104.00	183,029.00	3,776,613.00
Interest:	<u>399,468.00</u>	<u>154,768.00</u>	<u>31,389.00</u>	<u>47,873.00</u>	<u>32,111.00</u>	<u>24,199.00</u>	<u>689,808.00</u>
Subtotal:	5,292,879.00	1,323,420.00	1,072,343.00	927,519.00	895,983.00	881,428.00	10,393,572.00
EXPENDITURES	(721,747.00)	(536,049.00)	(755,994.00)	(8,014.00)	(69,848.00)	103,475.00	(1,988,177.00)
FUND BALANCE	7,960,404.00	5,358,503.00	5,674,852.00	6,594,357.00	7,420,492.00	8,198,443.00	8,198,443.00

FUND SET ASIDES AND BALANCES AS OF JUNE 30, 2012

Category	Balance
Remainder of CPC administrative appropriations	15,853.00
Remainder of committed project appropriations	475,000.00
Reserved for Open Space	2,076,607.00
Reserved for Historical Preservation	731,343.00
Reserved for Community Housing	-
Unallocated Balance	4,899,641.00
Total	8,198,444.00

REPORT OF THE HIGH SCHOOL BUILDING COMMITTEE

This report describes the work of the High School Building Committee (HSBC) during the past year since the Annual Town Meeting of April 2012. The progress of the Wayland High School (WHS) building project is documented in the detailed Monthly Status Reports available on the HSBC website at www.waylandhsbc.org. The work of the HSBC in prior years is available in numerous reports and documents also available on the HSBC web site.

While the project is not yet closed out, the HSBC is pleased to report that the project was completed on schedule and under budget. We estimate that the total project cost at closeout will be less than \$68.1 million compared with the original budget of \$70.8 million. The Massachusetts School Building Authority (MSBA) has committed up to 40% of eligible reimbursable expenses for the Wayland High School project, but we will not know the precise number until the MSBA audit is complete.

The HSBC will close out the project imminently and anticipates the MSBA audit to be approved at the June 4th MSBA Board Meeting. The HSBC anticipates recommending that the School Committee disband the committee at the end of the current fiscal year on June 30, 2013.

The HSBC set a very aggressive schedule in order to minimize costs and disruption. The project team met its goals and opened the renovated Field House in time for the start of school in September 2011 and opened the new buildings on January 3, 2012. Demolition of the old buildings, construction of the parking lots and walkways, and landscaping was ongoing through the summer of 2012. The project was essentially completed in August 2012, with a ribbon cutting ceremony on August 30th. Work since the ribbon cutting addressed post-occupancy adjustments, warranty related issues, commissioning, project closeout details, and the final audit with the Massachusetts School Building Authority (MSBA).

Over the past 12 months, the HSBC met 11 times for a total of 141 regular meetings since January 2004. The most recent meetings focused on working with the project professionals from HMFH Architects, KV Associates (Owner's Project Manager), and Shawmut Design and Construction Company (Construction Manager) in a variety of areas. Specifically, the HSBC and project team:

- Reviewed/approved invoices and change orders
- Completed demolition of the old WHS
- Built new parking lots, walkways, and completed landscaping
- Planned the Ribbon Cutting ceremony on August 30, 2012
- Met on site with the Massachusetts School Building Authority by-monthly and for a final walk-through in June 2012
- Addressed drainage issues resulting from torrential rains during the summer
- Met with the Conservation Commission to plan final steps to close out the Order of Conditions
- Prepared for project closeout regarding "as built" drawings, warranties, attic stock, operating manuals, training, commissioning, closeout permits, and punch list items.
- Submitted information to the MSBA for the final audit

Project Description

The project, designed for 900 students, is composed of the South Building, a new 103,000-squarefoot building with classrooms, science labs, library/media center, and lecture hall and the North Building, a new 53,000-squarefoot building with dining commons, administration, guidance, music and art classrooms, fitness room, and auditorium. The existing Field House (40,000 square feet) renovation included new roof, locker rooms, elevator, and upgrades for plumbing, electrical, heating, ventilation, and seismic systems. The new buildings were constructed on the old parking lots. New parking lots were constructed on the site of the old buildings. There is also a new wastewater treatment plant (WWTP) on the north side of the campus.

Conclusion

The High School Building Committee was committed to managing a high quality project that was on schedule and within budget. Work on this project was a team effort that included Town Boards and Departments, the

Wayland School Committee, School administration, faculty, staff, students and their families, neighbors, the Massachusetts School Building Authority, and our design, project management, and construction professionals.

We are very grateful for the support of the community for the Wayland High School project over these many years.

Respectfully submitted,

Lea T. Anderson, HSBC Chairman

High School Building Committee Members

NAME	TELEPHONE	E-MAIL ADDRESS
Lea Anderson	508-358-2667	lea@anderson.name
Dianne Bladon	508-358-0068	dehbladon@gmail.com
Brian Chase	508-788-1081	abchase@comcast.net
Jim Howard	508-358-2619	howard.james123@gmail.com
Fred Knight	508-358-0834	fred@knightway.org
David Lash	508-358-5294	dclash3@verizon.net
Joe Lewin	508-653-9952	joelewin6@gmail.com
Cindy Lombardo	508-358-5958	cindy.lombardo@comcast.net
Eric Sheffels	508-358-5461	eric.sheffels@lmp.com
Jennifer Steel	508-652-1952	jennifermsteel@gmail.com

Wayland High School site aerial photo taken on November 24, 2012 shows the new buildings and renovated Field House and new parking lots.



REPORT OF THE YOUTH ADVISORY COMMITTEE

The Youth Advisory Committee oversees the Youth and Family Services Department, otherwise known as Wayland Youth and Family Services (WYFS). This board is comprised of representatives from the community as well as the police and school departments. Five categories of services are provided by the department: counseling; consultation; community education and prevention; information and referral; and crisis intervention. After hours emergency coverage is provided by Psychiatric Emergency Services in Framingham.

Confidential counseling services for children and their families are provided free of charge to Wayland children and their families. They are seen at home, at school, or in our office in the Town Building. Issues may include typical problems encountered in daily living as families grow and change, such as communication problems, family conflict, stress management, depression and anxiety, suicidality, and coping with divorce, illness, and death. In addition, we offer evaluation and treatment for substance abuse. In collaboration with the Wayland Police and the High School, our Diversion Program offers a constructive alternative to court involvement for youth who are apprehended for non-violent illegal activities. We maintain an on-site presence at the high school to increase access for students and faculty.

Our staff is available on an informal basis to provide consultation on issues related to the development and psychological wellbeing of children, teenagers, and families. Parents, school personnel, and others in our community who have ongoing contact with youth are invited to call.

Prevention and community education initiatives typically focus on topics related to developmental processes and mental and physical well-being of children and families. In collaboration with Friends of WYFS, WaylandCares, Parent/Teacher Organizations, and other Town departments, we provide lectures, workshops, and other informative events each year. This past year our staff and members of the Friends of WYFS were active in organizing and participating in the Wellness Summit, a community wide educational event offering a large array of workshops on topics of interest to both students and adults. We also co-lead discussion groups for parents, offering support and information to address challenges in parenting at each stage of development. Conversations That Count are another parent offering, and center on providing up to date information and facilitated discussion on topics selected by the parent group.

In recent years, providing opportunities for community service has become an important part of our mission to support healthy development in Wayland youth. Each spring, we work with the High School to put on the annual Community Service Awards Ceremony, where this past year we recognized 34 high school students for significant service over the previous twelve months. Also honored were members of the Wayland High School Building Committee, in recognition of the tremendous commitment they undertook in guiding the design, funding, and construction of the new high school. As in past years, our department offered an 8 week Summer Community Service Program in which 19 high school students volunteered, sometimes several times per week, at their choice of 11 potential service sites.



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 Annual and Special Town Meeting.

Hereof, fail not and deliver this Warrant with your return thereon to the Town Clerk on or before March 21, 2013.

Given under our hands and seals this 20th day of March, 2013.

John Bladon, Chair
Steven J. Correia, Vice Chair
Edward J. Collins
Douglas J. Leard
Joseph F. Nolan
Selectmen of the Town of Wayland

William Steinberg, Chair
Thomas Greenaway, Vice Chair
Nancy Funkhouser
David J. Gutschenritter
Cherry C. Karlson
Steven N. Lesser
Carol B. Martin
Finance Committee of the Town of Wayland



TOWN OF WAYLAND
ANNUAL TOWN MEETING

April 4, 2013

MOTION FOR ARTICLE 9

**MOTION, ARTICLE 9: AMEND 1978 ANNUAL TOWN MEETING VOTE
REGARDING LANDFILL ACCESS ROAD PARCEL AND
DESIGNATE CONSERVATION LAND**

I move you, sir:

MOVED: that the Town amend its vote under Article 19 of the Warrant for the 1978 Annual Town Meeting to require that the care, custody, management and control of the Town-owned parcel of land containing 24 acres, more or less, and shown as Lot B on a plan entitled "Plan of Land in Wayland, Mass. Showing Land Owned by William W. and Mary P. Lord" dated February 28, 1978, prepared by the Wayland Engineering Department and recorded with the Middlesex South Registry of Deeds as Plan Number 482 of 1978 immediately vest in the Conservation Commission, except for the portion of said Parcel B comprising the access way to land and facilities held in the care, custody, management and control of the Board of Public Works being approximately 50 feet wide and shown as "ROADWAY AREA" on a plan entitled "Plan of Land in Wayland, Massachusetts, Landfill/DPW Access Road 2013 ATM, Article 9" dated February 25, 2013, prepared by the Town of Wayland Surveying Department, a copy of which is on file in the Office of the Town Clerk, which access way shall continue to so held by the Board of Public Works for as long the land accessible by it is used for public works purposes by the Town, provided that (i) the Board of Public Works shall, and is hereby authorized to transfer the care, custody, management and control of the portion of the parcel of land described in an order of taking dated March 29, 1971 and recorded with said Registry of Deeds in Book 11977, Page 704 shown as "Area C" on said unrecorded plan prepared by the Town of Wayland Surveying Department and in Appendix C to the Warrant for the 2013 Annual Town Meeting to the Conservation Commission; (ii) floodplain mitigation shall be provided to compensate for flood storage capacity lost when the access way located within said roadway area was constructed in 1978; (iii) wetlands filled in or otherwise lost when said access way was constructed in 1978 shall be replicated at a ratio of 1.5 to 1.0; and (iv) to the extent possible, any fragmentation of wildlife habitat shall be remediated.



TOWN OF WAYLAND
ANNUAL TOWN MEETING

April 4, 2013

MOTION FOR ARTICLE 16

**MOTION, ARTICLE 16: TRANSFER AND DISPOSE OF SEPTAGE FACILITY
LAND AND ADJACENT TOWN-OWNED LAND ON
BOSTON POST ROAD**

I move you, sir:

MOVED: that the Town:

- a.) authorize the Board of Public Works, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of the three parcels of Town-owned land on Boston Post Road, Wayland, Massachusetts (i) known and numbered 490 Boston Post Road, Wayland, Massachusetts, containing 7.63 acres, more or less, as described in an order of taking dated January 11, 1971 and recorded with the Middlesex South Registry of Deeds in Book 11943, Page 420; (ii) containing 4.5 acres and shown as Lot A on a plan entitled "Plan of Land in Wayland, Mass. Showing Land Owned by William W. and Mary P. Lord" dated February 28, 1978, prepared by the Wayland Engineering Department and recorded with said Registry of Deeds as Plan Number 482 of 1978; and (iii) containing 1.0 acre, more or less, and described in an order of taking dated November 15, 1965 and recorded with said Registry of Deeds in Book 11003, Page 389, to the Board of Selectmen for purpose of conveying, selling, leasing or otherwise disposing of said parcels of land for affordable housing purposes; and

- b.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to convey, sell, lease or otherwise dispose of said parcels of land for affordable housing purposes and, in connection therewith, to execute all necessary and appropriate documents, provided that 1.) any housing development constructed on said parcels of land shall: (i) comply with the Town's Zoning Bylaw; (ii) be for rental dwelling units only; and (iii) be in general conformance with the spirit and intent of the River's Edge Housing Project Design Guidelines; and 2.) prior to disposing of said parcels of land, the Board of Selectmen shall solicit and receive a recommendation(s) from a nine-member advisory committee appointed by the Selectmen comprised of one Selectman, one member of the Finance Committee, one member of the Board of Public Works, one member of the Wayland Housing Partnership or the Wayland Housing Authority, one member of the Planning Board or Design Review Board, one member of the Council on Aging, one member of the Economic Development Committee and two citizens of the Town whose terms shall expire upon the disposition of said land by sale or lease or otherwise.



TOWN OF WAYLAND ANNUAL TOWN MEETING

April 4, 2013

FINANCE COMMITTEE COMMENTS ON ARTICLE 14

ARTICLE 14: APPROPRIATE CPA FUNDS FOR STUDY AND DESIGN OF ATHLETIC FIELDS AT LOKER CONSERVATION AND RECREATION AREA

Proposed by: Recreation Commission, Community Preservation Committee Estimated Cost: \$92,000

To determine whether the Town will vote to appropriate a sum of money to be expended under the direction of the Recreation Department for the study and design of athletic fields at Loker Conversation and Recreation Area.

FINANCE COMMITTEE COMMENTS: This article requests \$92,000 to allow for a wetlands delineation study (\$2,500), a historical artifacts study (\$3,500) and design services (\$86,000) for construction of up to three new “little league”/softball size fields for use by youth baseball and softball programs on the Loker Recreation area site. A map is shown in Appendix E on page 136 of the Warrant.

The intent is to develop the fields to include up to three (3) new 60-foot baseball diamonds, site fencing, backstops, parking and related site amenities. The scope of work on this site will be limited to the Recreation parcel and will not impede upon the Conservation parcel.

The funding for the study and design work is requested from the Community Preservation Committee’s (CPC) available funds. There would be no direct tax impact for this Article. The CPC voted to approve funding this article at their meeting of October 23, 2012.

If monies for the design work are approved, the Town would in a subsequent year, vote on the development costs for the full project. These costs are estimated to be \$985,000 based on the Gale Report, July 2010 (available on the Recreation site, Field Use Master Plan). A combination of CPC funds, private funding, grants, and tax dollars could be utilized to fund the development costs.

The development of these three fields will satisfy the need for 60-foot diamonds in the Town for the next 10+ years. This was a deficiency noted in the 2010 Town-wide Athletic Field Master Plan done by Gale Associates. Per the Recreation Commission, the development of the Loker Recreation Area will take some of the burden of use off of Cochituate Field, the Town Building Field (Art King), Riverview Field, Alpine Field, and Claypit Hill School fields.

In the last four years the number of hours that the baseball fields have been used has increased from 6,679 in 2009 to 7,519 in 2012. It is not clear how that additional usage breaks down between baseball and softball usage. However, the number of Town baseball teams has dropped slightly between 2009 and 2012. The Wayland Baseball and Softball Association (WBSA) reports that the increase in usage is driven by improvements in programming with more practice and skill programs for baseball and softball plus the expansion of an AAU baseball program in Wayland.

Today, WBSA and other Town recreation offerings use 7 fields, of which only two are true “little league” fields - Art King and Riverview. The other five fields either do not have pitcher’s mounds, grass infields, or outfields that are large enough for baseball, therefore making them less than ideal for WBSA usage from a safety standpoint. Other groups including an AAU baseball program and adult leagues also use these fields

In addition these other five fields are often adjacent to soccer and lacrosse field utilization, with the soccer and lacrosse play taking place in the outfields of fields like Alpine or Claypit Hill. This often means that the different sports are literally running into each other, which is a problem from a safety standpoint.

This request is the first in a multi-year field development plan outlined by the Gale Report and supported by the Recreation Commission. To meet usage needs (School and Town) as outlined in the report, the Town will need to build 2 additional 60-foot baseball diamonds, 2 90-foot baseball diamonds, 4 multi-purpose fields and one artificial surface field.

ARGUMENTS IN FAVOR: The Loker Recreation Area is owned by the Town and designated for recreational use. This article offers an opportunity to develop a currently undeveloped and underused parcel.

The use of existing CPA funds means no incremental financial impact on Wayland taxpayers for the design funds.

Developing the Loker site will provide more 60-foot baseball diamonds in Town; this proposal is to make this site a dedicated 60-foot diamond facility that can potentially accommodate little league and softball with a multi-purpose ball field. Additionally, having dedicated baseball fields would

- ease the problem of having baseball teams using wrong sized fields during times of peak usage (Spring)
- reduce issues of field overuse which leads to poor field conditions and would help extend the useful field life
- reduce safety issues associated with different sports using overlapping field areas and using non-standard playing surfaces, i.e. no pitcher's mound or no grass infield.
- potentially allow some other baseball fields to be converted for expanded use by other youth programs

The design proposal will be done in a phased approach (wetlands delineation and historic artifacts studies first) and if it is clear that construction of these fields is not likely, the full design analysis will not be completed.

ARGUMENTS OPPOSED: Although there is a recognized need for additional fields in order to allow for better scheduling and maintenance, there are a number of outstanding questions:

- The costs of construction/development are unknown until after design monies are spent.
- The funding source(s) of construction dollars is not clear. Opportunities for funding some/all of the project from CPC and from user groups are being researched. The assumption is that the bulk would be borne by the Town.
- Choosing to construct baseball diamonds precludes any option for other recreational uses identified in the pending facilities report, e.g. a second or replacement indoor basketball court.
- Analysis has not been completely clear on the need for the fields. A stronger case should be shown with data on WBSA use of non-little league fields and how many games need to be scheduled on the non-conforming fields.
- It is also not completely clear on whether any of the existing non-little league fields could be retrofitted for WBSA use. An example of that would be the potential to refurbish one or both of the Claypit Hill fields for baseball use.
- The cost of maintaining the developed Loker site has not been determined (staff and materials).
- An updated field rotation schedule has not been developed to illustrate how adding three baseball diamonds will allow for resting and improved maintenance of other fields.
- There has been discussion of resident vs. non-resident usage in terms of scheduling, wear and tear, demand for future use, pricing and maintenance efforts/costs. It is not clear that resident usage is driving the need for more fields.

Some residents have said that the CPC monies might be better spent on other types of multipurpose fields and that demand is higher for other Spring sports.

The Recreation Commission has created a multi-year plan to develop new fields; however, it is not clear that the other suggested sites can be developed. If they cannot, that might change the desired use of the Loker area from all baseball diamonds to a mix of baseball diamonds and multi-use fields.

Supporting charts for the Gale Report are missing usage data for some teams and the impact quotient was not consistently applied, and the Recreation Commission has not reviewed the field-type assumptions nor corrected for the additional data or impact numbers. Also, the Gale Report was produced based on 2009 usage information, which is now stale.

It seems that Recreation is driven to produce revenue to support the business model of self-sufficiency using a revolving fund, which covers the equivalent of the salaries and benefits of two DPW/Park employees involved in field maintenance. The revolving fund is intended to be self-sufficient for program offerings. Some residents hypothesize that the need to generate revenue drives the rental (and resulting maintenance cost to the Town) to non-resident groups.

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

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 Nancy McShea, Recreation Director, at (508) 358-3662, email nmc Shea@wayland.ma.us, or Jerome Heller, Chairman of the Community Preservation Committee, at heller.j@comcast.net. See map at Appendix E on page 136 of the Warrant.

Town of Wayland New Public Works Facility Frequently Asked Questions

1. What does the DPW do for the Community?

The DPW touches the lives of the residents every day by maintaining the Town's most vital infrastructure including roadways, bridges, water systems, storm water systems, traffic signs, parks, fields and much more. The Public Works profession has also been identified as a key first responder. The DPW is on call 24 hours a day to handle unexpected problems and emergencies including:

- Snow & ice storms
- Windstorm cleanup
- Removal of road hazards
- Cleanup after automotive accidents
- Flooding
- Pothole repair
- Street sign repair / replacement
- Support to other public safety departments

2. Why does the DPW need a new facility?

It has been documented for several years that the Town is in need of a new facility for the DPW to operate. The current facility, on Rte. 27, adjacent to the Middle School, was built in the 1930's and has significant physical problems, including structural issues, ventilation issues, and a long list of required repairs.

In addition, the current facilities are undersized and inefficient which impacts the level of service the DPW is able to provide to the community. The DPW responsibilities have increased significantly over the years along with the number of vehicles and pieces of equipment, but the facilities have not kept pace. The vehicle and equipment types and sizes have also changed significantly since the facility was constructed, making the current support spaces too small to efficiently and safely meet the needs of the DPW and the Town.

3. Can the existing facility be reused or updated to suit your needs?

As mentioned above the existing facility, which is approximately 13,000 SF and was constructed in the 1930's, is undersized and has numerous deficiencies that need to be addressed. The current facility has only one-third of the required vehicle storage space required to protect vehicles during the winter. In addition, undersized storage bays result in inefficient storage of equipment and unsafe working conditions, and there is insufficient space between parked vehicles for safe egress from the garage area. The stacked vehicle parking configuration that is needed due to space limitations impacts response times due to the need to move multiple vehicles to access a single vehicle located in the back. Tight storage conditions also contribute to unnecessary damage to vehicles.

The Town's Facilities Director has determined that the building has exceeded its useful life and has estimated that it will cost in excess of \$2 million in repairs and structural upgrades to allow the building to continue to be used beyond the next few years.

4. What does the current facility lack?

- The building has exceeded its useful life
- The building is undersized and cannot support the operations of the recently formed DPW
- The employee support spaces (locker/shower/toilet facilities, muster area, and training facilities) are undersized and inefficient to meet the basic needs of the DPW staff
- The air quality in the building is an issue for employees where there is inadequate separation of occupied spaces from equipment storage areas
- The current facility does not meet the operational needs of the DPW, given its size and configuration and the limitations it places on various operational requirements of the DPW
- The office space does not meet the departmental needs
- The vehicle wash area is located within the open garage area resulting in wash water permeating throughout the facility and contributing to an increased rate of deterioration of structural columns. Furthermore, the recycling system is undersized to handle the wash needs of the DPW.
- The facility is not equipped with proper vehicle lifts, and the maintenance bay areas do not have enough vertical clearance to support a vehicle lift.
- As mentioned above there are significant physical problems with the facility including structural issues.
- There is insufficient vehicle storage space.

5. What functions are proposed for the new facility and how many square feet?

	November 2014	April 2013
Administration Area –	2,749 SF	2,175 SF
Office/File Storage Space		
Conference Room		
Vestibule/Reception		
Employee Facilities –	3,513 SF	4,957 SF
Male/Female Locker Rooms		
Training/Multipurpose Room		
Storm Event Room		
Workshops and Material Storage	3,388 SF	2,529 SF
Highway Workshop		
Shared General Workshop		
Vehicle Maintenance	9,705 SF	6,429 SF

5 Vehicle Maintenance Bays
 Welding Bay
 Fluid Storage Room
 Maintenance/Tire Workshops
 Parts Storage Room

Vehicle Wash	1,680 SF	1,724 SF
Vehicle and Equipment Storage	24,838 SF	20,456 SF
Total	45,873 SF	38,270 SF

6. How big is the current facility?

Approximately 13,000 SF

7. Why does the DPW need more space than you currently have?

We currently lack space in the most critical of services we provide to the Town. Fleet maintenance bays are cramped and narrow, and do not have enough overhead clearance, and more bays are needed. Inventory that can be kept on hand at the facility is limited and effects the completion time on critical repairs. There is not enough room to store the Town’s multi-million dollar fleet inside. There is not a separate code compliant area to wash vehicles. The undersized muster room is the only place available for staff to meet, receive their daily work assignments, and conduct state mandated training, and there is not enough workshop space to efficiently conduct operations.

8. How many employees will work out of the new facility?

<i>Highway Workforce</i>	13
<i>Highway Administration</i>	1
<i>Landfill Workforce</i>	1
<i>Parks Workforce</i>	8
<i>Parks Administration</i>	1
<i>Water Workforce</i>	8*
	<i>32 Employees Total</i>

**Water employees will store their work truck at the new DPW and will operate out of the water treatment plant.*

9. How many vehicles and pieces of equipment does the DPW maintain?

The DPW maintains approximately 116 pieces of equipment. This total includes vehicles and large pieces of equipment, such as lawn mowers and construction equipment. This number does not include small equipment such as chain saws,

snow blowers, small lawn mowers, and other similar items, that are also maintained by the DPW.

10. How many DPW vehicle trips per day expected to and from the new facility?

In a non-storm event, normal operation of the DPW results in 20-30 department vehicle trips per day.

11. What is the basis for the cost of the Facility?

In 2012, Town Meeting reviewed a proposed facility budget of \$13 million. Today the project total is estimated at \$11.4 million. This reduction of approximately \$1.6 million was achieved through the work of the PMBC, DPW, and town employees. Over the past year this team reviewed all aspects of the facility, site work, access road and more. We reduced the program and cost of the project while still providing the town with a facility meeting the needs of the DPW for many years. Provided below is a breakdown of the project costs:

Building Construction and Site:	\$8,855,700
Roadway Improvements:	\$563,000
Roadway Drainage Improvements:	\$217,000
Soft Costs:	\$1,321,515
Project Contingency:	\$442,785
Total Project Cost:	\$11,400,000

- Notes: 1. Soft Costs Include:
- Architect and Engineering fees
 - Geotechnical, permitting, and environmental testing
 - Furnishings
 - Communication/low voltage Systems
 - Printing/advertisement fees
 - Testing during construction
 - Archeological fees

12. Can the facility be smaller?

Over the past year the PMBC (Permanent Municipal Building Committee), Building Facilities Director and designers have done extensive review of the program and design of the proposed building. That review had reduced the building square footage by over 16%. The proposed facility design meets the needs of the current DPW without excessive space or equipment needs.

13. Are there any functions that you can do without?

The functions that have been identified in the program are recommended to efficiently meet the current/future needs of the DPW, and are consistent with industry standards and what other communities are doing.

14. How long will this facility last?

Estimated life of the building is 50 years or more.

15. Will the facility include any “green” sustainable systems?

The design team, along with the PMBC has discussed many options for “green” or sustainable technologies and how they can be incorporated in the proposed facility.

The design includes the following “green” technologies:

- The building is designed with “southern” facing windows to maximize solar gain to the interior of the building.
- A wash water recycling system is designed in the building. This collects vehicle washing water and treats it and recycles it for future washing needs.
- Photo Voltaic Panels: The proposed design has accounted for a structural load to accommodate solar panels to the roof of the proposed facility should the town wish to pursue adding.
- Insulation and thermal barrier design has exceeded required codes.
- Energy recovery units are proposed to maximize air quality and utilize energy in the building.

16. Why do the vehicles need to be stored inside?

Below are examples of the negative impacts associated with vehicle storage in unheated spaces:

- Cold storage results in the fuel becoming more viscous. This contributes to no-start conditions as well as generates an excessive amount of exhaust due to incomplete combustion of the fuel source.
- Vehicle warm-up times will be increased dramatically resulting in an increase in non-productive labor. It is estimated that the warm-up time will be increased by 15 to 20 minutes per vehicle each day based on actual field tests.
- Any vehicle with a water source will need to be drained and filled each day resulting in an increase in non-productive labor.
- Condensate in the air tanks for the vehicle compressed air braking systems can potentially freeze requiring the tanks to be defrosted prior to operating.
- Cold storage results in the hydraulic oil becoming more viscous. This overstresses hydraulic pumps which in turn damages or reduces the life expectancy of the pumps.
- Increase in response times due to no start conditions and increased warm-up periods.
- Snow pack on vehicles will not melt. This requires vehicles to be “defrosted” before vehicles are placed back into service or before maintenance activities can be performed.
- Increase in operational costs.

18. How does the Wayland DPW compare to other DPWs?

Town	Size (sq.ft.)	Total Project Cost*	\$/sq.ft.
Bedford Public Works Facility(2002)	41,400	\$19.1M	\$461
Lexington Public Services Facility (2007)	78,000	\$32.3	\$414
Sudbury Public Works Facility(2003)	28,000	\$11.5M	\$411
Weston Public Works Facility (2009)	41,846	\$16.4M	\$391
Chatham Public Works Facility (2004)	28,900	\$9.6M	\$333
Wayland Public Works Facility(2013)	38,270	\$11.4M	\$298

* Escalated to 2013 based on results of actual bid prices for similar facilities

Construction Costs:

- Building Construction**
- Industrial Equipment**
- Roadway improvements**
- Site Development/Utilities**
- Construction Contingency**

Soft Costs:

- Printing and Advertisement**
- Architect and Engineering fees**
- Permitting, and Environmental testing**
- Testing during construction**
- Furnishings/communication systems**

17. What is the impact of the roadway from Route 20 on the DPW project?

The proposed roadway improvements are a part of the DPW project. The design for the roadway improvements is completed. Additional design funding is needed to incorporate requested maintenance, new drainage components and wetland mitigation from conservation commission. Costs for design and construction have been anticipated and included in the proposed project budget.

18. What is the length of the existing access road from Route 20 to proposed DPW facility?

The access road measures approximately ¾ of a mile.

19. Is the proposed DPW building in a flood plain?

No. To add, the design of the building does not include any sub grade levels that could experience ground water or flooding.

20. What about methane on the project site?

Methane is a naturally forming gas compound from the earth. Landfills, septic fields and sewage facilities among many others are all common producers of methane gas. It was anticipated that methane may be present due to the location next to the landfill. The building was designed and engineered with this fact in mind.

Monitoring wells have been installed on the property at the proposed location of the building. Currently no tests have shown presence of methane at the proposed site.

The building design has included several methane systems:

- Methane monitoring required by the contractor during construction
- Methane mitigation system: A network a piping under the building slab to transfer and safely dissipate methane into the air.
- Methane alarm system: Just as you have smoke detectors in your home, this building will be equipped with methane detectors to monitor levels and provide added safety.

21. Have projects like this been built near or on landfills?

Yes. In fact the exiting DPW facility is located on a landfill. Many projects have been successfully constructed on and around landfills.

22. What about potential artifacts or burial grounds in proposed work areas?

The Historic Commission and PMBC have worked together to identify areas of concern. We have estimated costs associated with proper review of potentially affected areas and include funds in budget to address concerns of Historic Commission.

23. What happens if artifacts or burial grounds are found?

The project design has an alternate to not affect these areas. Should investigation show historically sensitive artifacts in the potential areas they be avoided.

24. What is the status of town departments' review / approval of the project?

Town Selectmen	Approved
Conservation Commission	Approved
Planning Board	Approved
Board of Health	Approved
Building Department	Under review (awaiting contractor selection)

25. The project is in need of water line from Town of Sudbury, why is this?

During design development phase a flow test was done on the current Town of Wayland owned water line on River Road. The result of that test showed insufficient flow to support a code approved fire suppression system. The proposed budget includes costs to extend water line down River Road from Town of Sudbury and

water line work into River Road site. This line will be used for fire suppression system only. All other water needs will come from existing Town of Wayland water line on River Road.

26. What will happen to existing DPW building and land parcel?

Once construction is completed and the DPW relocates to new facility the property and building at 195 Main St. will return to the control of the town. At this time nothing has been planned for this site.

27. What is the overall construction schedule?

Exact schedules and durations will need to be produced after award to a contractor and commencement of construction. The estimated schedule has 14 month construction duration from commencement to completion. If approved we expect construction to commence by summer 2013.

28. What risks could face the town if the DPW project does not pass town vote?

There are many reasons provided in the Q and A as to why our DPW needs a new facility. IF the project does not pass the following challenges could be faced by the town:

- The DPW will still desperately need a new facility for proper working conditions.
- Immediate need of renovation work to existing building will be required. Early estimates on of work are expected to exceed \$2 million dollars.
- Town's investment of \$900,000 will be lost. New design funding will be needed for code alterations. Additional funding will be needed for another bid / proposal process for town meeting 2014.
- Construction costs can expect to increase by a minimum of 3-5%.
- Interest rates of lending to town are expected to increase.

29. What is the Permanent Municipal Building Committee?

The PMBC is appointed committee serving the town and selectman. It is a design review committee consisting of town resident volunteers. The committee consists of 7 members. Two members are also members of the board of public works. Two other members are also members of the high school building committee. Together the PMBC has a combined experience of over 150 years in construction, site development, real estate development, construction law, and facilities maintenance.



ARTICLES SUBMITTED FOR ADMISSION TO WARRANT FOR ANNUAL TOWN MEETING

April 4, 2013

The following articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Thursday, April 4, 2013. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

RECOGNIZE CITIZENS AND EMPLOYEES FOR PARTICULAR SERVICE TO THE TOWN

Sponsored by: Board of Selectmen

To determine whether the Town will recognize the achievements and contributions to Town government of citizens and employees:

1. To recognize citizens who have served in a volunteer capacity on elected and/or appointed boards, committees, and commissions for a minimum of 25 years (service need not be consecutive);
2. To recognize employees who have retired since the previous Annual Town Meeting or intend to retire prior to June 30, 2013, subject to a minimum of 20 years of service; and
3. To request Town Meeting observe a moment of silence in memory of elected or appointed volunteers, employees with at least 10 years of service, or an employee while in service to the Town without regard to tenure who shall have passed away since the adjournment of the 2012 Annual Town Meeting.

HEAR REPORTS

Sponsored by: Board of Selectmen

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

CHOOSE TOWN OFFICERS

Proposed by: Board of Selectmen

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

PAY PREVIOUS FISCAL YEAR UNPAID BILLS

Proposed by: Board of Selectmen

To determine whether the Town will vote to:

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

CURRENT YEAR TRANSFERS

Sponsored by: Finance Committee

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.

OPEB FUNDING

Proposed by: Board of Selectmen

Estimated Cost: \$1,300,000

To determine whether the Town will vote to appropriate a sum of money to be deposited in the Town’s Other Post-Employment Benefits Trust Fund; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose or otherwise.

FY 2014 OMNIBUS BUDGET

Sponsored by: Finance Committee

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

COMPENSATION FOR TOWN CLERK

Proposed by: Board of Selectmen

To determine whether the Town will vote to fix the salary and compensation of the elected Town Clerk, to be effective July 1, 2011, which salary and compensation is printed below.

SALARY SCHEDULE – TOWN CLERK

	<u>FY 2012</u>	<u>FY 2013</u>
Town Clerk	\$66,773.00	TBD

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APPROVE PERSONNEL BYLAW AND WAGE & CLASSIFICATION PLAN

Sponsored by: Personnel Board

To determine whether the Town will vote to amend the Code of the Town of Wayland, Chapter 43, PERSONNEL and the Personnel Wage and Salary Classification Plan previously adopted by the Town.

SELL OR TRADE VEHICLES AND EQUIPMENT

Proposed by: Board of Selectmen

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

ACCEPT GIFTS OF LAND

Proposed by: Board of Selectmen

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

ACCEPT LAW INCREASING REAL ESTATE TAX EXEMPTION AMOUNTS

Sponsored by: Board of Selectmen and Board of Assessors

To determine whether the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and allow an additional exemption of up to one hundred percent for Fiscal Year 2014.

RESCIND AUTHORIZED BUT UNISSUED DEBT

Proposed by: Board of Selectmen

To determine whether the Town will vote to rescind the \$X,XXX,XXX remaining from the borrowing authorized at the town meetings listed below:

Item Description	Warrant	Town Meeting Year	Amount	Article #	Authorized
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These articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Thursday, April 4, 2013. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

SET ASIDE COMMUNITY PRESERVATION FUNDS FOR LATER SPENDING

Proposed by: Community Preservation Committee

To determine whether the Town will vote to set aside for later spending \$40,000.00 on open space, but not including land for recreational use, \$40,000.00 for historic resources, and \$40,000.00 for community housing pursuant to Massachusetts General Laws Chapter 44B, Section 6.

APPROPRIATE CPA FUNDS FOR STUDY AND DESIGN OF ATHLETIC FIELDS AT LOKER CONSERVATION AND RECREATION AREA

Proposed by: Recreation Commission and Community Preservation Committee

To determine whether the Town will vote to appropriate a sum of money to be expended by the Recreation Commission for professional services and other expenses in connection with the planning, study and design of athletic fields and associated parking area and access way at the Town-owned Loker Recreation Area on Commonwealth Road (Route 30), Wayland, Massachusetts; and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise.

APPROPRIATE CPA FUNDS TO ACQUIRE OPEN SPACE AT 74 PLAIN ROAD

Proposed by: Conservation Commission

To determine whether the town will vote to authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise, the fee or any lesser interest in the parcel of land located on Plain Road known and numbered as 74 Plain Road, Wayland, Massachusetts, containing 8.7 acres, more or less, for open space purposes.

AMEND 1978 ANNUAL TOWN MEETING VOTE REGARDING LANDFILL ACCESS ROAD PARCEL AND DESIGNATE CONSERVATION LAND

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend its vote under Article 19 of the Warrant for the 1978 Annual Town Meeting to require that the care, custody, management and control of the Town-owned parcel of land containing 24 acres, more or less, and shown as Lot B on a plan entitled “Plan of Land in Wayland, Mass. Showing Land Owned by William W. and Mary P. Lord” dated February 28, 1978, prepared by the Wayland Engineering Department and recorded with said Registry of Deeds as Plan Number 482 of 1978 immediately vest in the Conservation Commission, except for the portion of said Parcel B comprising the access way to land and facilities held in the care, custody, management and control of the Board of Public Works being approximately 50 feet wide and shown as “_____” on a plan entitled “_____” dated January ___, 2013, prepared by the Town of Wayland Surveying Department, a copy of which is on file in the Office of the Town Clerk, which access way shall continue to so held by the Board of Public Works for as long the land accessible by it is used for public works purposes by the Town.

These articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Thursday, April 4, 2013. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

APPROPRIATE FUNDS FOR CONSTRUCTION OF NEW DPW MAINTENANCE AND STORAGE FACILITY

Proposed by: Board of Selectmen and Board of Public Works

To determine whether the Town will vote to appropriate a sum of money to be expended under the direction of the Permanent Municipal Building Committee and Board of Selectmen for the purpose of construction and other related expenses for a facility for the maintenance, repair, storage and administrative functions of the Department of Public Works; and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise, provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitation on taxes imposed by Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 and ½, so called).

AMEND ZONING BYLAW CHAPTER 198: DEFINITION OF MEDICAL MARIJUANA FACILITIES

Proposed by: Planning Board

§198- Designation Article: To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Zoning Bylaw of the Town, by making the following amendments: (note ~~cross through~~ represents language to be eliminated and **bold** represents new language)

By inserting a new definition for MEDICAL MARIJUANA FACILITY after MEDICAL/DENTAL CARE CENTER

MEDICAL MARAJUANA FACILITY - a not-for-profit entity, as defined by Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, grinds, bakes, dispenses, or administers marijuana products or related supplies, or educational material to qualifying patients or their personal caregivers.

Insert in 198 Attachment 3

198 Attachment 3

Town of Wayland

Table of Permitted Principal Uses by Districts

[Amended 5-27-1981 ATM by Art. 17; 4-30-1986 ATM by Art. 30; 11-13-1991 STM by Art. 5;
11-13-1991 STM by Art. 6; 5-4-1992 STM by Art. 1; 5-14-1998 ATM by Art. 55;
5-5-1999 STM by Art. 10; 4-30-2001 ATM by Art. 26; 5-5-2005 ATM by Art. 29]

Key to symbols: Yes = Allowed as of right
 P-ZBA = Allowed by permit from Zoning Board of Appeals
 R = Required

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- No = Not allowed
- TM = Allowed by two-thirds majority Town Meeting vote
- NR = Not required
- SP = Allowed by special permit
- TAU = See Table of Accessory Uses by Districts
- NA = Not applicable

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
Business Uses							
7. Medical Marijuana Treatment Facility	No	No	No	No	SP	No	R

Insert NOTES: 5. Reserved for future use. **No Medical Marijuana Facility shall be located within 750 feet of any of the following structures or uses: any school attended by children under the age of 18; any licensed child care facility; house of worship; public athletic field or similar public recreational facility.**

Insert in ARTICLE 24 Municipal Services Overlay District under Permitted uses.

TRANSFER AND DISPOSE OF SEPTAGE FACILITY LAND AND ADJACENT TOWN-OWNED LAND ON BOSTON POST ROAD

Proposed by: Board of Selectmen and Economic Development Committee

To determine whether the Town will vote to:

- a.) authorize the Board of Public Works, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of the three parcels of Town-owned land on Boston Post Road, Wayland, Massachusetts (i) known and numbered 490 Boston Post Road, Wayland, Massachusetts, containing 7.63 acres, more or less, as described in an order of taking dated January 11, 1971 and recorded with the Middlesex South Registry of Deeds in Book 11943, Page 420; (ii) containing 4.5 acres and shown as Lot A on a plan entitled “Plan of Land in Wayland, Mass. Showing Land Owned by William W. and Mary P. Lord” dated February 28, 1978, prepared by the Wayland Engineering Department and recorded with said Registry of Deeds as Plan Number 482 of 1978; and (iii) containing 1.0 acre, more or less, and described in an order of taking dated November 15, 1965 and recorded with said Registry of Deeds in Book 11003, Page 389, to the Board of Selectmen for purpose of conveying, selling, leasing or otherwise disposing of said parcels of land for affordable housing purposes; and
- b.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to convey, sell, lease or otherwise dispose of said parcels of land for affordable housing purposes and, in connection therewith, to execute all necessary and appropriate documents including, without limitation, indemnification agreements.

These articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Thursday, April 4, 2013. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

AMEND ZONING BYLAW CHAPTER 198: RIVER'S EDGE HOUSING OVERLAY ZONING DISTRICT

Proposed by: Economic Development Committee, Board of Selectmen, and Planning Board

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Zoning Bylaw of the Town, by adding thereto the following new article:

**ARTICLE 25
River's Edge Housing Overlay District**

§ 198-2501. Purposes and Intent.

2501.1 The purpose of this article is to increase the supply of housing in the Town of Wayland that is available to and affordable by low-income and moderate-income households which might otherwise have difficulty in finding housing in Wayland, and to ensure that such housing is affordable over the long term and provided in accordance with the Wayland Master Plan and the Town's Affordable Housing Production Plan.

2501.2 It is intended that the affordable dwelling units authorized under the provisions of this article be considered as affordable housing units which shall be included in the Town's inventory of subsidized housing units established and administered by the Commonwealth of Massachusetts Executive Office of Housing and Economic Development, Department of Housing and Community Development (DHCD), or its successor.

2501.3 A minimum of two thirds of the dwelling units shall be aged restricted to persons 55 and over.

§ 198-2502. Overlay District.

2502.1 The River's Edge Housing Overlay District ("REHOD") is an overlay district superimposed on the underlying zoning district on the parcels of land on Boston Post Road in Wayland, Massachusetts Plate 22 of the Atlas of the Town of Wayland, Massachusetts, 2002, numbered as Parcels 22-3, 22-6 and 22-7. All uses permitted by right or by special permit in the underlying zoning district shall be similarly permitted in the REHOD, subject to the further provisions of this Article 25. Where the REHOD authorizes uses not otherwise allowed in the underlying district, the provisions of the REAHOD shall control. Nothing herein shall be construed to supersede the provisions of other overlay districts applicable to land or structures within the REAHOD, except as set forth herein.

§ 198-2503. Administration.

2503.1 The Planning Board shall be designated as the site plan approval authority (SPA) under this article.

2503.2 The Planning Board shall adopt, maintain and file with the Town Clerk a set of regulations that contains the necessary policies, definitions, fee structures, procedures, and

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requirements to implement the provisions of this article.

§ 198-2504. Permitted Uses.

2504.1 The uses set forth below, individually or in combination, are permitted, as of right, in the REHOD, subject to site plan approval issued by the Planning Board pursuant to Article 6 of this Zoning Bylaw:

2504.1.1 Single-Family Affordable Housing Dwelling Units.

2504.1.2 Multi-Family Affordable Housing Dwelling Units.

2504.1.3 Structures and uses accessory to the uses set forth in §198-2504.1 and 2104.1.2 and 2104.1.3 above, located (with the exception of covered parking areas) within the same building, including but not limited to the following: beauty and barber salons; recreational, physical fitness and therapy services; library; bank automated teller machine without drive-throughs or drive-ups facilities; management offices; adult day health facility; food service, including a café or diner for residents but as may also be open to the public; and covered parking areas.

§ 198-2505. Dimensional Requirements and Aggregate Limits.

Minimum setback in the REOHD perimeter boundary shall be 50 feet.

2505.1 Maximum building height shall be 55 feet height. Distance from a Public Way of any building or portion thereof located less than 100' feet from a public way shall not exceed more than 45' feet in height. Height shall be as defined in § 198-701.1.2, except that penthouses shall refer only to mechanical penthouses and that none of the items referred to in that section are used for occupancy purposes. Height shall be measured in accordance with the provisions of § 198-104.2.

2505.2 Maximum building size. No building shall exceed 150,000 square feet of gross floor area.

2505.3 Maximum number of dwelling units. There shall be no more than 216 dwelling units. No unit shall have more than three bedrooms.

§ 198-2506. Performance Standards

2506.1 Landscaping.

2506.1.1. Landscaping within the REAHOD shall be designed to promote the establishment, protection and enhancement of the natural landscape; ensure the appropriate use of plant materials; preserve natural tree cover; and promote inclusion of new tree plantings in order to reduce visual blight, noise and glare, prevent soil erosion, reduce stormwater runoff, increase groundwater discharge, create shade, and reduce solar overheating.

2506.1.2. The applicant shall prepare a landscaping plan showing that the housing development will meet these standards and the standards set forth in § 198-606.

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2506.2. Screening and buffer requirements.

2506.2.1 Screening and buffering should create visual barriers between features of the housing development from public streets and abutting properties. Such features shall include dumpsters and trash handling areas, mechanical equipment at ground level or on rooftop, service entrances and utility facilities for building operation, loading docks and spaces, aboveground backflow preventers, and other components of the development as may be reasonably determined by the Planning Board to require screening and buffering.

2506.3. Parking Standards.

2506.3.1 Parking space shall be provided at a minimum of 1.5 parking spaces per dwelling unit.

2506.3.2. Any larger parking areas shall be separated, whether by buildings, landscape features, or both. At least 10% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands.

2506.3.3. Small parking areas shall be designed to include sidewalks at the perimeter to promote safe pedestrian passage; larger areas may incorporate pedestrian corridors delineated by paving materials, plantings and/or bollards.

2506.4. Lighting Standards.

2506.4.1. The lighting design within the housing development should accommodate public safety and welfare, and protect the night sky from unnecessary ambient light. Any lighting plan submitted for the development shall, at a minimum, include the following:

2506.4.1.1. All lighting installations shall be designed to achieve no greater than the minimum luminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

2506.4.1.2. To prevent glare on off-site locations, all outdoor lighting fixtures shall be full cutoff. Where necessary to prevent light trespass or glare, accessories such as hoods and shields shall be used on lighting fixtures. The source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or onto adjacent property.

2506.4.1.3. Security lighting shall be shielded and directed at a downward angle.

2506.4.2. The applicant must submit a lighting study showing that the housing development will meet these standards and the applicable standards set forth in § **198-606**.

2506.5. Affordable units.

2506.5.1. In lieu of the requirements set forth in Article 22 of the Town's Zoning Bylaw (the "Inclusion of Affordable Housing" bylaw), the following standards shall apply in the REHOD. At

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least twenty-five (25%) of the dwelling units shall be affordable units. The term "affordable unit" shall mean a dwelling unit reserved in perpetuity for rental or ownership by a household earning less than 80% of area median family income, and priced to conform with the standards of DHCD for rental or ownership units set forth in DHCD's guidelines and regulations, as amended from time to time, in order that such affordable units shall be included in the DHCD Subsidized Housing Inventory for the Town. Affordable units shall be subject to the following conditions:

2506.5.1.1. Each affordable unit shall be affordable in perpetuity. A deed rider or other suitable restriction shall assure compliance with this condition. The deed rider shall be structured to survive any and all foreclosures.

2506.5.1.2. When an affordable unit is proposed for sale, the continuing enforcement of the deed rider through subsequent resales shall be the subject of a monitoring agreement and in accordance with §§ **198-2207.3** and **198-2207.6** of Article 22 of this Zoning Bylaw.

2506.5.1.3. The deed rider and the monitoring agreement shall be drafted in compliance with DHCD's Local Initiative Program guidelines and regulation, as amended from time to time, and guidelines promulgated thereunder. The deed rider and the monitoring agreement shall be subject to review and approval by the Planning Board and approved as to form by Town Counsel prior to the issuance of the first certificate of occupancy for any dwelling unit in the development.

2506.5.1.4. The affordable units shall conform to the DHCD standards for inclusion in the DHCD Subsidized Housing Inventory for the Town.

2506.5.1.5. A right of first refusal in accordance with § **198-2207.7** of this Zoning Bylaw shall be granted to the Town or its designee for a period not less than 120 days after receipt of notice thereof.

2506.5.1.6. The affordable units must satisfy the design and construction standards of the Local Initiative Program, as set forth in DHCD's guidelines and regulations, as amended from time to time, with regard to indistinguishability from any market-rate units. It is the intent of this Article 25 that the affordable units shall be eligible for inclusion in the DHCD Subsidized Housing Inventory for the Town as Local Initiative Program units.

2506.5.1.7. The affordable units must be constructed and occupancy permits obtained at the rate of one affordable unit for every three market-rate units.

2506.5.1.8. In computing the number of required affordable units, any fraction of a unit shall be rounded up, and the result shall be the number of affordable units to be built within the development.

2506.6. Efficiency of design.

2506.1.1. Every effort shall be made to design buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, and energy

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efficiency; to minimize exposure to and consumption of toxics and nonrenewable resources; and to incorporate appropriate "green" design techniques.

2506.7. Utilities.

2506.7.1. To the greatest extent practicable, electric, telephone, cable TV, and other utilities on the site shall be placed underground.

§ 198-2507. Peer Review.

2507.1. The Planning Board, at the expense of the applicant and pursuant to M.G.L. c. 44, § 53G, may engage qualified peer reviewers, including, but not limited to, traffic engineers, civil engineers, landscape architects, architects, wetlands scientists, lighting technicians, and attorneys, to review all site plan review applications.

§ 198-2508. Inapplicability of Certain Other Regulations.

2508.1. Where this article specifies some standard or makes some other requirement contrary to a requirement set forth elsewhere in the Town's Zoning Bylaw, the provisions of this article, as may be amended from time to time, shall govern.

AMEND SECTION 19-3: FINANCE COMMITTEE REPORTS, AND AMEND SECTION 36-5: QUANTUM OF VOTE, REPORTS

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend Section 19-3 as follows:

Section 19-3 Finance Committee reports.

The Board of Selectmen, after drawing a warrant for a Town Meeting, shall immediately forward a copy thereof to each member of said Finance Committee, which shall consider all financial articles in the warrant so designated by the Selectmen and make such report, in print or otherwise, to the Town meeting as it deems for the best of the Town. In gathering information to prepare its report, if any, relative to an article, the Finance Committee shall meet with the party or parties that proposed the article and concurrently with others who want to comment thereon, and shall publicly post notice thereof on the Town's principal official bulletin board at least 48 hours, not including Saturdays [but not], Sundays and legal holidays, prior to such meeting. [However, if t] The Finance Committee's report on any article [exceeds 30 words in length], excepting an article which requests approval of the Town's itemized, omnibus operating budget for the ensuing fiscal year, [then that report on said article] shall conclude with a summary of reasons favoring the article that were considered by the Finance Committee in its deliberations and a separate summary of reasons disfavoring the article that were considered by the Finance Committee in its deliberations.

The Committee shall also make an annual report which shall be published as part of the Annual Town Report and which shall include recommendations for appropriations for the ensuing year, a budget and

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such further recommendations regarding the finances of the Town and action in regard thereto as seems to such Committee to be necessary and appropriate.

[Amended 5-5-1983 ATM by Art. 21; 5-1-2000 ATM by Art. 17]

And to determine whether the Town will vote to amend Section 36-5, Quantum of vote; reports, as follows:

A. Each article appearing in the warrant for every Town meeting shall be accompanied therein by a printed statement, prepared by the Board of Selectmen, of the quantum of vote required for taking action under the article and a citation to the legal authority establishing said quantum of vote, except that where, in the opinion of the Board of Selectmen, the quantum of vote and citation are not yet known with reasonable certainty at the time the warrant is prepared, a printed statement to this effect shall suffice.

[Added 5-5-1983 ATM by Art. 22]

B. The Board of Selectmen, after drawing a warrant for a Town Meeting, shall immediately forward a copy thereof to each member of the Planning Board, which shall consider all zoning articles in the warrant so designated by the Selectmen and make such report, in print or otherwise, to the Town Meeting as it deems for the best of the Town. The Board of Selectmen, after drawing a warrant for a Town Meeting, shall consider all remaining articles in the warrant not assigned to either the Finance Committee or the Planning Board, and make such report, in print or otherwise, to the Town Meeting as it deems for the best of the Town.

In gathering information to prepare its report, if any, relative to an article, the Board of Selectmen and the Planning Board shall meet with the party or parties that proposed the article and concurrently with others who want to comment thereon, and shall publicly post notice thereof on the Town's principal official bulletin board at least 48 hours, not including Saturdays [but not], Sundays and legal holidays, prior to such meeting. The Planning Board's or the Board of Selectmen's report on any article shall conclude with a summary of reasons favoring the article that were considered by the Planning Board or the Board of Selectmen in its deliberations and a separate summary of reasons disfavoring the article that were considered by the Planning Board or the Board of Selectmen in its deliberations.

C. If the Board of Selectmen, Finance Committee or Planning Board prepares a printed report for an article in the warrant for any Town meeting, then the governmental body or group of petitioners that sponsors the insertion of that article in the warrant may do likewise. The sponsor's report, not to exceed 150 words, shall be printed in the warrant immediately following the article itself.

[Added 5-2-1988 ATM by Art. 13]

D. Every article appearing in the warrant for every Town meeting that proposes to amend the Code of the Town of Wayland shall be accompanied therein by a printed statement prepared by Town Counsel as to whether the proposed amendment is repugnant to Massachusetts or federal law and, if so, in what manner.

[Added 5-10-1999 ATM by Art. 24]

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AMEND TOWN CODE SECTION 91: REGULATION OF DOGS

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend Chapter 91 of Article I of the Town Code relative to the Regulation of Dogs as follows:

[Key to revisions: ~~strike through~~ = deletions; underlining = additions]

Article I. Regulation of Dogs

[Adopted 4-30-2001 ATM by Art. 24 Editor's Note: This article also repealed former Article I, Dogs and Kennels, adopted 3-12-1973 ATM by Art. 14 as Art. 7 of the 1973 Bylaws, as amended.]

§ 91-1. Definitions.

A. As used in this article, the following words and terms have the following meanings:

BANISHMENT

~~An order that a vicious dog may no longer reside or visit in the Town of Wayland.~~

DANGEROUS DOG

A dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

DCO

The Dog Control Officer.

DESTRUCTION

~~An order that a vicious dog be destroyed in accordance with Massachusetts General Laws, Chapter 140, and Massachusetts Society for the Prevention of Cruelty to Animals guidelines.~~

EFFECTIVE VOICE CONTROL

To be under effective voice control, the dog must be within the keeper's sight and the keeper must be carrying a leash and the dog must refrain from illegal activities.

EUTHANIZE

To take the life of an animal by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.

KEEPER

A person, business, corporation, entity or society, other than the owner, having possession of a dog.~~Any person having charge of a dog within the Town of Wayland, including but not limited to the dog's owner, dog walkers, dog sitters, and~~ and members of the dog owner's household or family.

KENNEL

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~~Four or more dogs, six months of age or older, kept on a single property, whether for breeding, sale, training, hunting, companionship, or any other purpose.~~

A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

KENNEL LICENSE

A special license issued to a kennel, which allows payment of a single fee covering all dogs in the kennel; with the kennel license, the kennel owner receives a special kennel tag for each dog in the kennel.

LICENSE

A dog's registration, evidenced by a tag issued annually by the Town Clerk to the owner of each dog residing in Wayland and worn by the dog securely fixed to its collar or harness.

LICENSE, TRANSFER

The registration issued to a dog already licensed in another US jurisdiction, after the dog moves into the Town of Wayland.

LICENSE PERIOD

Annually, from January 1 through December 31, inclusive.

MUZZLING

Using a device that fits over a dog's mouth and prevents it from biting, but that does not cause any injury or interfere with the vision or respiration of the dog that wears it.

NUISANCE DOG

~~A dog that repeatedly violates § 91-5 of this article.~~

A dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

PERMANENT RESTRAINT

An order issued by the Board of Selectmen under § 91-6D(1), requiring a dangerous ~~vicious~~ dog's keeper to restrain it.

RESTRAINT

Limiting, restricting, or keeping a dog under control by means of a physical barrier (e.g., a leash, substantial chain or line, visible or invisible fence).

RUNNING AT LARGE

A dog is running at large if it is not on the private property of its keeper, or on private property with the express permission of that property's owner, or on a leash, or under effective voice control (i.e., within the keeper's sight and the keeper is carrying a leash).

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TEMPORARY RESTRAINT

An order issued by the DCO under § **91-3C(5)**, requiring the dog's keeper to restrain a nuisance dog or suspected dangerous ~~vicious~~ dog for 30 days.

VICIOUS DOG

~~A dog that, without provocation, bites a human being or kills or maims a domestic animal.~~

B. Any word or term defined in Massachusetts General Laws, Chapter 140, § 136A, and not otherwise defined here, is incorporated by reference.

§ 91-2. Vaccination, licensing and fees.

A. Three or fewer dogs.

(1) License and vaccination requirements. All dogs six months and older, while residing in the Town of Wayland, must have a license. To obtain or renew the license, each dog owner must annually present proof of a current rabies vaccination. When a veterinarian determines that vaccination is inadvisable, the owner may present a veterinarian's certificate exempting an old or sick dog from vaccination for a stated period of time.

(2) New dogs. Within 30 days of acquiring a dog six months of age or older, each dog owner in Wayland must present proof of that dog's current rabies vaccination and obtain a license and dog tag from the Town Clerk.

(3) New puppies. Within six months of a puppy being born, each dog owner in Wayland must present proof of that puppy's current rabies vaccination and obtain a license and dog tag from the Town Clerk.

(4) New residents. A new resident who owns a dog six months of age or older must license it within 30 days after moving into Wayland. The Town Clerk will issue each dog a transfer license, upon the owner's surrender of a current license from another US jurisdiction and proof of current rabies vaccination. The transfer license is valid until the next regular licensing period.

(5) Lost tags/replacement tags. Dog owners must replace a lost tag within three business days of the loss, by obtaining a replacement tag from the Town Clerk.

(6) Tag exemptions for dog events and medical reasons.

(a) A dog while actually participating in an official dog sporting or dog fancy event (if the event sponsors do not allow participants to wear tags) is exempt from the requirement that its license tag be affixed to its collar, provided that its keeper has the tag at the event and available for inspection by the DCO.

(b) When a veterinarian determines that a dog cannot wear a collar for medical reasons, the dog is exempt until it recovers from the requirement that its license tag be affixed to its collar, provided that its keeper has the tag in his or her possession and available for inspection by the DCO.

(7) Annual renewal. Dog owners must renew each dog license annually. The annual licensing period

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runs from January 1 through December 31.

(8) License due date/late fee. The application form for obtaining, renewing or transferring a license shall be distributed to each household no later than December 1 each year. Dog owners must return forms and fees to the Clerk by January 15 (or the first business day thereafter, if the 15 falls on Saturday, Sunday, or legal holiday). Any license renewed after this date is overdue, and the owner must pay a late fee in addition to the license renewal fee. The overdue license fee and the late fee may be added to the owner's tax bill or may be recovered through the imposition of a municipal charges lien on any property standing in the name of the dog owner, pursuant to Massachusetts General Laws Chapter 40, § 58.

(9) Distribution of article and rabies symptoms list. At the first licensing period after this article becomes effective, the Town Clerk shall send a copy of the article to each household in Wayland. Thereafter, the Clerk shall give each new applicant or transfer applicant a copy of the article and shall have copies available at the Clerk's Office. The Clerk shall distribute a list of the symptoms of rabies with each dog license issued, as required under Massachusetts General Laws, Chapter 140, § 145.

(10) License fees. The fees for licensing each dog are:

[Amended 11-12-2008 STM by Art. 16]

(a) Annual license fee for each neutered or spayed dog over six months old: \$15.

(b) Annual license fee for each unaltered dog over six months old: \$20.

(c) License fee for any dog younger than six months: none.

(d) Fee to replace lost dog tag: \$5.

(e) Fee for transfer license: \$5.

(f) Late fee: \$25.

After a public hearing, notice of which is posted for at least two weeks in a conspicuous place in Town Building and published at least once, not less than two weeks prior to the time specified for the hearing, in a newspaper of general circulation within the Town, the Board of Health may change the foregoing license fees pursuant to Massachusetts General Laws Chapter 40, Section 22F. Any such changes shall take effect upon the filing of notice thereof in the Office of the Town Clerk.

B. Four or more dogs.

(1) License and vaccination requirements. Anyone who owns or boards four or more dogs within the Town of Wayland must apply for and obtain a kennel license from the Town Clerk. (This requirement shall not apply to medical boarding by any licensed veterinarian practicing in the Town of Wayland.) To obtain or renew the license, the kennel licensee must present proof of current rabies vaccinations for each dog in the kennel older than six months. When it is off the kennel property, each dog in the

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kennel must wear a kennel tag, issued by the Town Clerk, affixed to its collar or harness.

(2) New dogs and new puppies. The kennel licensee must report to the Town Clerk each new dog in the kennel within 30 days of its acquisition, show proof of current vaccination, and obtain a kennel tag for that dog. The kennel licensee must show proof of current vaccination and obtain a tag for each puppy when it reaches six months old.

(3) Application process. Every applicant for a new kennel license must first obtain a special permit from the Zoning Board of Appeals, pursuant to Wayland Town Bylaws Chapter **198**, Zoning, § **198-203.1**. The applicant may then submit an application to the Town Clerk on a form prescribed by the Clerk.

(4) Inspection process. Before the Town Clerk can issue the kennel license, the Dog Control Officer must inspect the proposed kennel, file a report on the inspection, and favorably recommend that the kennel meets all the following requirements:

(a) The location of the kennel is appropriate for housing multiple dogs.

(b) The location of the kennel on the property will have no significant adverse effect on the peace and quiet or sanitary conditions of the neighborhood.

(c) The area provided for housing, feeding, and exercising dogs is no closer than 20 feet to any lot line.

(d) The area provided for housing, feeding, and exercising dogs is no closer than 50 feet to any existing dwelling on an abutting lot.

(e) The kennel will be operating in a safe, sanitary, and humane condition.

(f) Records of the numbers and identities of the dogs are properly kept.

(g) The operation of the kennel will be consistent with the health and safety of the dogs and of the neighbors.

(5) Periodic inspections. Before a kennel license is renewed, and at any time the Board of Selectmen or the Dog Control Officer believe it necessary, the DCO may inspect any kennel. If the DCO determines that it is not being maintained in a safe, sanitary, and humane condition, or if the kennel records on the numbers and identities of the dogs are not properly kept, the DCO will report the violations to the Dog Control Appeals Board for a hearing on whether to recommend to the Board of Selectmen that the Board of Selectmen impose fines or revoke the kennel license.

(6) Petitions to revoke kennel licenses. Any group of 25 residents over the age of 18 may file a revocation petition with the Town Clerk, who will forward it promptly to the Dog Control Appeals Board, when they are aggrieved or annoyed to an unreasonable extent by an existing kennel, due to conditions, including (but not limited to) excessive barking or unsanitary conditions at the kennel.

(7) Kennel review hearings. Within seven business days after receiving the DCO's report from the

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DCO or the residents' petition, the Dog Control Appeals Board will notify all interested parties of a public hearing to be held within 14 days after the notice date.

(a) Within seven business days after the public hearing, the Dog Control Appeals Board shall recommend to the Board of Selectmen that it either dismiss the petition, revoke the kennel license, suspend the kennel license, or otherwise regulate the kennel.

(b) Any person maintaining a kennel after the kennel license has been denied, revoked, or suspended will be subject to the penalties in § 91-7 of this article.

(8) Annual renewal. Each kennel licensee must renew the license annually, at the Town Clerk's Office. The annual licensing period runs from January 1 to December 31.

(9) License due date. Kennel license renewal forms will be sent to each licensed kennel, no later than December 1 each year. Kennel licensees must return forms and fees to the Town Clerk by January 15 (or the first business day thereafter, if the 15th falls on Saturday, Sunday, or legal holiday). Failure to pay on time will result in a late fee, due in addition to the license fee. The overdue license fee and the late fee may be added to the licensee's tax bill or may be recovered through the imposition of a municipal charges lien on any property standing in the name of the kennel licensee, pursuant to Massachusetts General Laws, Chapter 40, § 58.

(10) Fees. The fees for licensing each kennel are:

[Amended 11-12-2008STM by Art. 16]

(a) Annual kennel license fee for four dogs: \$75.

(b) Annual kennel license fee for 5-10 dogs: \$100.

(c) Annual kennel license fee for 11 or more dogs: \$125.

(d) Fee to replace lost dog tag: \$5.

(e) Late fee: \$25.

After a public hearing, notice of which is posted for at least two weeks in a conspicuous place in Town Building and published at least once, not less than two weeks prior to the time specified for the hearing, in a newspaper of general circulation within the Town, the Board of Health may change the foregoing license fees pursuant to Massachusetts General Laws Chapter 40, Section 22F. Any such changes shall take effect upon the filing of notice thereof in the Office of the Town Clerk.

(11) Incorporation. The following provisions of Massachusetts General Laws Chapter 140 are expressly incorporated herein: § 137B, Sale or other delivery of unlicensed dog by kennel licensee; and § 137D, Licensee convicted of violation of statutes relating to offenses against animals; ~~and § 138A, Importation of dogs and cats for commercial resale, etc.~~
§ 91-3. Dog Control Officer.

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A. Appointment. The ~~Town Administrator Board of Selectmen~~ shall annually appoint a Dog Control Officer (DCO) under the provisions of Massachusetts General Laws Chapter 140, §§ 151 and 151A to carry out the provisions of this article and to perform such other duties and responsibilities as the Board may determine. The ~~Town Administrator Selectmen~~ shall determine hours and conditions of work for the DCO. Compensation for persons appointed under this article shall be consistent with other bylaws dealing with salaries for appointed officials. No DCO shall be a licensed or unlicensed animal dealer, registered or unregistered with the United States Department of Agriculture. No DCO, either privately or in the course of carrying out official assignments as an agent for the town, shall give, sell, or turn over any animal, whether alive or dead, which comes into the DCO's custody, to any business or institution operating as a research facility or animal dealer, whether it is licensed or unlicensed, registered or unregistered. Whoever violates the provision of this subsection shall be subject to prosecution as provided in Massachusetts General Laws Chapter 140, § 151.

B. Location and coverage. The DCO shall be housed within the Public Safety Building under the daily supervision of the Chief of Police and shall wear an appropriate uniform while performing official duties. The DCO shall make suitable arrangements for adequate coverage of his or her assigned duties whenever the DCO is temporarily unavailable. This coverage may take the form of a Wayland police officer temporarily filling in; an answering machine for receiving messages; a pager or cellular telephone; an agreement for cross-coverage with dog control officers from adjoining towns, or a combination of any of the arrangements above.

[Amended 5-12-2004 ATM by Art. 30]

C. Duties. The DCO's duties shall include the following:

(1) Bylaw enforcement. The DCO shall enforce the provisions of this article, using the following enforcement actions: issuing findings; assessing fines; making written warnings; performing inspections; confining; issuing orders of temporary restraint; restraining; muzzling; appearing before the Dog Control Appeals Board; making recommendations to the Board of Selectmen concerning ~~dangerous vicious~~ dogs, orders of permanent restraint, ~~banishment~~, or ~~euthanization destruction~~; and other powers that the Board of Selectmen may set from time to time to accomplish the article's purposes.

(2) Explanation of bylaw violations. Whenever the DCO issues a finding, assesses a fine, makes a written warning, issues an order of temporary restraint, or confines, restrains, or muzzles a dog, the DCO shall meet with the dog's keeper, provide a copy of this article (Chapter 91, Article I), explain the violation, and suggest corrective behaviors.

(3) Unlicensed dogs. The DCO shall notify all owners of dogs within the Town of Wayland that have not been licensed by the license due date and shall seek out, catch, and confine any dogs within the Town that remain unlicensed after a reasonable grace period.

(4) Dogs running at large. The DCO shall seek out, catch, and confine any dog within the Town found running at large on public property, or on private property where the property owner or person in control of the property wants the dog removed.

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(5) Temporary restraint orders. The DCO shall issue an order of temporary restraint to the keeper of any dog that is a nuisance or that is awaiting a decision under § **91-6** as to whether it is dangerous vicious. An order of temporary restraint is an order that the dog must be confined to its keeper's property when not on a 6-foot or shorter leash; muzzling will be at the DCO's discretion. It shall be in force for no more than 30 days unless the DCO renews it in writing for subsequent thirty-day periods. The DCO shall rescind or stop renewing the order when, in the DCO's judgment, restraint is no longer required. The dog's keeper can petition the Dog Control Appeals Board under § **91-4B** to rescind the order of temporary restraint.

(a) Nuisance dog. A dog is a nuisance if it repeatedly violates any subsection of § **91-5**, particularly if it continues to chase motor vehicles, pedal vehicles, or animals carrying or drawing a person, or continues to damage property after its keeper has been fined for the dog running at large.

(b) Awaiting a decision on a dangerous vicious dog hearing. The DCO must order a dog restrained and (when off the keeper's property) muzzled pending the outcome of a dangerous vicious dog hearing under § **91-6**.

(6) Confinement. The DCO shall make arrangements for the temporary housing of any dog who is to be confined under the provisions of this article. The housing may be at local veterinary clinics, or at dog kennels within the Town or neighboring towns, or within dog crates located in a suitable location in the Public Safety Building.

(7) Complaint resolution. The DCO shall investigate all complaints arising within the Town pertaining to violations of this article and try to mediate disputes between Town residents pertaining to the behavior of a dog maintained or located within the Town. If the mediation fails, the DCO will decide on a solution and inform the dog owner and any resident that brought a complaint or problem to the DCO's attention. Any party aggrieved by or disagreeing with the DCO's decision may appeal that decision to the Dog Control Appeals Board; the DCO must attend the meetings of that Board or of any subsequent appeals hearings held by the Board of Selectmen on the matter.

(8) Emergency licensing. In emergency situations, the DCO can issue a license when the Office of the Town Clerk is closed. Any fees and fines collected under such circumstances shall be turned over to the Town Clerk at the earliest opportunity.

(9) Recordkeeping. The DCO shall keep accurate, detailed records of the confinement and disposition of all dogs held in custody and of all bite cases reported, and the results of investigations of the same. The DCO shall maintain a telephone log of all calls regarding dogs and submit a monthly report summarizing the log to the Town Administrator ~~Board of Selectmen~~.

§ 91-4. Dog Control Appeals Board.

A. Composition of the Appeals Board. The Dog Control Appeals Board is comprised of three Wayland residents, none of whom can be employees of the Town, appointed to three-year overlapping terms by the Board of Selectmen. The Appeals Board will annually select a member to serve as the

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chair. The Board of Selectmen will also appoint an associate member, who cannot be an employee of the Town, to a three-year term. The associate member shall attend Appeals Board hearings but may vote only when a regular member is unavailable due to absence or conflicts of interest. Two of the four members must be dog owners.

B. Right to appeal. When the Dog Control Officer has investigated a complaint regarding a dog's behavior and has issued a finding or an order of temporary restraint with which either the dog's keeper or the complainant disagrees, then either party may appeal by sending a written request to the Town Clerk within 10 business days after issuance of the DCO's decision. Following the Clerk's receipt of a written appeal, the Appeals Board shall hold a public hearing on the appeal within 10 business days, at which the dog owner, the complainant, and the DCO must appear.

C. Findings and further appeals. The Appeals Board shall vote at the public hearing on whether to uphold, reverse, or modify the DCO's decision and shall mail its ruling to the dog owner, complainant, and DCO within three business days after the public hearing. Should the dog owner or complainant disagree with the Appeals Board's ruling, then either party may appeal to the Board of Selectmen within 10 business days. The Board of Selectmen shall issue its ruling within 30 days thereafter.

D. Hearings on kennel petitions or ~~dangerous vicious~~ dogs. The Appeals Board shall hold public hearings and make recommendations to the Board of Selectmen on any petition filed under § 91-2B(6) and any ~~dangerous vicious~~ dog declaration under § 91-6B.

§ 91-5. Conduct of dogs.

A. Endangering safety. No dog keeper shall allow the dog to bite, menace, or threaten, all without provocation, so as to endanger the safety of any person. This section is not meant to preclude a dog from acting as a watchdog on its keeper's property.

B. Disturbing the peace. No dog keeper shall allow the dog to disturb the peace of any neighborhood by making excessive noise without provocation. Noise is excessive if it is uninterrupted barking, yelping, whining, or howling for a period of time exceeding 15 minutes. This section is not meant to preclude a dog from acting as a watchdog on its keeper's property.

C. Damaging property. No dog keeper shall allow the dog to damage public or private property or realty.

D. Running at large. When not on the private property of its keeper, or on private property with the express permission of that property's owner, a dog must be on a leash or under effective voice control. To be under effective voice control, the dog must be within the keeper's sight and the keeper must be carrying a leash and dog must refrain from illegal activities.

(1) Voice control (in place of leash control) allowed. Unless the spaces are listed in any subsection below, a dog may be under effective voice control while on Town owned open spaces.

(2) Public gatherings and municipal buildings: leash control only. A dog may be in any municipal building and at any public gathering not otherwise specified in this article only if it is on a six-foot or

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shorter leash, and the dog must refrain from illegal activities.

(3) Cemeteries: dogs not allowed except under specified circumstances. Dogs are not allowed in any Town owned cemetery, except that a dog may attend the funeral of a member of its keeper's family and may accompany family members to visit the grave site of a deceased family member. Under these circumstances, the dog must be kept on a six-foot or shorter leash. The dog may not urinate or defecate on grave sites or gravestones.

(4) Numbered highways: leash control only. A dog must be on a six-foot or shorter leash when it is on the pavement or within 20 feet of the edge of any numbered highway in Wayland.

(5) School grounds: dogs not allowed during school/leash control only at other times. Unless the school principal gives permission in advance, no dog may be on school grounds from 30 minutes before classes begin until 30 minutes after classes end. At all other times, the dog may be on school grounds only if it is on a six-foot or shorter leash. A dog is not violating this prohibition if it remains within a vehicle.

(6) Town beaches: dogs not allowed. A dog may not be on any beach during the posted swimming season.

(7) Exception for assistance dogs. Section **91-5D** does not apply to any properly trained assistance dog while performing its duties.

E. Chasing. No dog keeper shall allow the dog to chase a person, motor-powered vehicle, human-powered vehicle, or animal drawing or carrying a person.

F. Dog litter. Every dog keeper is responsible for expeditiously removing any dog feces the dog deposits anywhere except on its keeper's private property, on other private property with the property owner's permission, or on undeveloped land. The keeper must remove the feces from any trail on undeveloped land and from anywhere on posted undeveloped land. This provision does not apply to any assistance dog while it is performing its duties.

§ 91-6. ~~Vicious~~ Dangerous dogs.

A. Declaring a dog ~~dangerous vicious~~. Any dog that, without provocation, bites a human being or kills or maims a domestic animal may be declared ~~dangerous vicious~~ by the Board of Selectmen. An exception may be made for a puppy that draws blood or for a dog that attacks or bites an unaccompanied domestic animal on the dog keeper's property.

B. Procedure for declaring a ~~dangerous vicious~~ dog. Upon the written complaint of the DCO, any other public safety agent, or any individual, the Dog Control Appeals Board must hold a public hearing, after which it must recommend to the Board of Selectmen whether the Board of Selectmen should declare a dog ~~dangerous vicious~~ and, if so declared, what remedy is appropriate. The Board of Selectmen may take additional testimony from the dog's keeper, the DCO, and any other interested parties at a further public hearing.

C. Exceptions. A dog shall not be declared ~~dangerous vicious~~ if the Board of Selectmen determines

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any of the following:

- (1) The person's skin was not broken.
- (2) The person who was bitten was willfully trespassing, committing a crime, or attempting to commit a crime on the premises occupied by the dog's keeper.
- (3) The dog was being teased, tormented, abused, or assaulted by the injured person or animal prior to attacking or biting.
- (4) The dog was protecting or defending a human being in its immediate vicinity from attack or assault.

D. Remedies. Upon its finding that the dog is dangerous ~~vicious~~, the Board must order one of the following remedies: permanent restraint; ~~banishment~~; or euthanasia ~~destruction~~ in accordance with the American Veterinary Medical Association Guidelines on Euthanasia ~~MSPCA guidelines~~.

(1) Permanent restraint order is an order that the dog must at all times while on its keeper's property be kept within the keeper's house or an enclosure determined by the DCO to be adequate; whenever the dog leaves its keeper's property, it must be muzzled and restrained on a lead no longer than six feet or confined in an escape-proof enclosure.

~~(2) Banishment is an order that a vicious dog may no longer reside or visit in the Town of Wayland. (A vicious dog that is confined to a vehicle while passing through Wayland is not "visiting" and therefore is not in violation of the order of banishment.)~~

~~(3) Euthanization is an order to take the life of a dog by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.~~

~~Destruction is an order that the dog be destroyed in accordance with Massachusetts General Laws, Chapter 140, and Massachusetts Society for the Prevention of Cruelty of Animals guidelines.~~

§ 91-7. Penalties.

A. Fines. Any dog keeper who maintains a kennel after the kennel license has been denied, revoked, or suspended, or who fails to obtain a kennel license; and any dog keeper who fails to comply with § 91-5, Conduct of dogs, shall be subject to the following penalties:

- (1) First violation of a subsection: written warning.
- (2) Second violation of the same subsection: \$20.
- (3) Third violation of the same subsection: \$50.
- (4) Fourth and all subsequent violations of the same subsection: \$100.

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B. Reimbursement of costs. If the Dog Control Officer confines a dog, the dog's keeper must reimburse the Town of Wayland for any expenses incurred in boarding that dog. If the dog has not been licensed, the keeper must obtain a license and pay any applicable late fee before the dog can be released.

C. Penalties for violating restraint orders.

(1) Each violation of an order of temporary restraint: \$100.

(2) First violation of an order of permanent restraint: ~~\$2500~~.

(3) Second violation of an order of permanent restraint: ~~\$300. banishment.~~

§ 91-8. Miscellaneous provisions.

A. Use of monies. All funds collected under this article shall be turned over to the Town Treasurer and deposited in the town's General Fund. The Dog Fund created under the previous Dog Control By-Law, § 91-8.6, is hereby abolished and the funds therein shall be deposited in the town's General Fund.

B. Noncriminal disposition of violations. The DCO may, as an alternative to initiating criminal proceedings, initiate and pursue proceedings for the noncriminal disposition of any violation of this article, in accordance with the provisions of Massachusetts General Laws, Chapter 40, § 21D, to the extent of the specific penalty provided therefor.

C. Incorporation of state law. The provisions of Massachusetts General Laws Chapter 140, Sections 136A through 156 and 158 through 174D, inclusive, as may be amended from time to time and except as modified herein, are hereby incorporated into this article.

D. Severability. The invalidity of one or more sections, subsections, paragraphs, sentences, clauses, or provisions of this article shall not invalidate or impair any other part of this article nor invalidate the article as a whole.

AMEND TOWN CODE SECTION 36-18: ATTENDANCE AND PARTICIPATION OF NON-RESIDENT TOWN OFFICIALS

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend Section 36-18 as follows:

Notwithstanding their place of residence or voter registration status, the Town Administrator, Assistant Town Administrator, Police Chief, Fire Chief, Finance Director, Town Counsel, Director of Public Works, Public Buildings Director and Superintendent of Schools shall have the same right as registered voters of the Town to attend and sit on the floor of Town meetings and speak to articles and answer questions. Said Town officials shall not be considered in determining the presence of a quorum at Town meetings nor shall any of them be permitted to vote unless s/he is a registered voter of the Town.

<p>These articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Thursday, April 4, 2013. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.</p>
--

ACCEPT ROADS AS PUBLIC WAYS

Proposed by: Planning Board

To determine if the Town will vote to accept the following roads as a public way, and any appurtenant easements thereto, as laid out by the Board of Selectmen and as shown on a plan or plans; to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase if truly zero costs, can we eliminate “purchase” from this list, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of the following streets, or other easements related to and further, to authorize the Board of Selectmen, Board of Public Works and other applicable Town of Wayland boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article or otherwise act thereon.

Cart Path
Catherine Farm Road
Cobblestone Road
Ellen Mary Way
Green Way
Pheasant Run
Plainview Road
Rose Hill Lane
Sage Hill
Lingley Lane

APPROPRIATE CPA FUNDS FOR FIRE ALARM AND SPRINKLERS AT COCHITUATE VILLAGE APARTMENTS

Proposed by: Petitioners

Estimated Cost: \$1,000,000

To determine whether the Town will vote to appropriate an amount up to \$1,000,000 from a combination of the community housing, historic preservation, and unassigned accounts of the Community Preservation Act funds for the purpose of equipping the Cochituate Village Apartments with a suitable fire detection, alarm, and suppression system that meets or exceeds the relevant requirements of the U.S. Department of Housing and Urban Development, the Commonwealth of Massachusetts, and the Town of Wayland; and such funds shall be used to accomplish the project including but not limited to performing engineering, design, demolition, construction (including electrical, plumbing, carpentry, drywall, plastering, painting, and all related trades and services), installation, testing, inspection, acquisition of permits, and any other actions necessary and/or appropriate for proper installation and activation of such fire detection, alarm, and suppression system, with such funds to be expended by the Housing Authority; with the condition that the Housing Authority report to the Community Preservation Committee the expenditure of funds, provide notice after the project has been completed, and inform the Community Preservation Committee of the amount of funds, if any, to be returned to the Community Preservation Act funds.

These articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Thursday, April 4, 2013. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

PUBLIC CONSUMPTION OF MARIJUANA

Proposed by: Petitioners

To determine whether the town will vote to approve the following town bylaw:

PUBLIC CONSUMPTION OF MARIHUANA OR TETRAHYDROCANNABINOL

Section 1. No Public Consumption.

No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in General Laws Chapter 94C, Section 1, as amended) for any purpose including medical while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under control of the Town, or in or upon any bus or other passenger conveyance operated by a common carrier within the Town, or in any place accessible to the public within the Town.

Section 2. Violation and Penalties.

Violation of Section 1 is punishable by a fine of up to \$300, enforceable through criminal indictment or complaint under General Laws Chapter 40, Section 21 . Any penalty imposed under this Bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

ACQUISITION OF 150 MAIN STREET PROPERTY (FORMERLY FINNERTY'S RESTAURANT)

Proposed by: Petitioners

Estimated Cost: \$1,130,300

To determine whether the Town will vote to

- a.) authorize and direct the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise, the fee or any lesser interest in the parcel of land at 150 Main Street, Wayland, Massachusetts, recorded with the Middlesex South District Registry of Deeds in Book 56401, Page 357, and known informally as "Finnerty's Property," for the purpose of constructing a community center and/or preserving open space;
- b.) appropriate a sum of money to be expended by the Board of Selectmen for the acquisition of said parcel of land; and
- c.) determine whether such appropriation shall be provided by taxation, by transfer from unappropriated available funds, by transfer from available funds already appropriated for another purpose or purposes, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise, including a combination of such funding sources.

<p>These articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Thursday, April 4, 2013. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.</p>
--

AMEND TOWN CODE CHAPTER 193A: LAND CLEARING, GRADING AND PROTECTION OF SPECIMEN TREES

Proposed by: Petitioners

To determine whether the Town will vote to add a new chapter to the Code of the Town of Wayland, primarily dealing with clearing of land and protection of specimen trees, as outlined in the attached document, which provides full details of the proposed new Chapter 193A, The proposal provides that, before anyone may undertake, in anyone year, land clearing activities of an area greater than a total of 20,000 square feet (slightly less than one-half acre), that person must submit an application to the Conservation Commission to obtain a Permit. The Article provides for specified exemptions from the process, provides for the procedures to be utilized to obtain the permit (including providing a survey of existing vegetation, a survey of soil types in the involved area, delineation of bodies of water in the area, "best practices" to be utilized, justification for removal, rather than trimming of trees, and erosion control measures to be implemented). The proposed Article also specifies posting of security to assure performance pursuant to any permit granted, The Article provides for monitoring and inspection of the work being done pursuant to any Permit granted, and provides for penalties for failure to comply. The Conservation Committee is authorized to promulgate regulations to implement the intentions of the Article, and to excuse strict performance with its terms when justice requires.

AMEND TOWN CODE SECTION 6-4: PUBLIC COMMENT AT MEETINGS

Proposed by: Petitioners

To determine whether the Town will vote to amend Chapter 6 of the Code of the Town of Wayland by adding the following new section thereto:

"§ 6-4. Public Comment.

In order to enhance communication between citizens and their government, every meeting of a public body within the definition of the Open Meeting Law shall commence, aside from introductory remarks by members, with public comment during which attendees are invited to express their views concisely on any matter concerning the Town of Wayland. A public body may conduct more than one public comment session during a meeting and may invite attendees to comment at any time. The public body is under no obligation to respond to attendees' comments.

These articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Thursday, April 4, 2013. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

2013

ANNUAL TOWN ELECTION/ANNUAL TOWN MEETING SCHEDULE

2012

September 18	Finance Committee and Board of Assessors review overlay reserve
October 3 and 4	Finance Committee votes budget guidelines; FY2014 budget guidelines issued to departments, boards and committees
October 25	Capital project requests due from departments, boards and committees
October 31	FY2014 operating budgets and revenue estimates submitted to Town Administrator by committees and departments under BOS jurisdiction
November 5	Board of Selectmen review capital project requests for committees and departments under BOS jurisdiction
November 14	Town Administrator and boards submit capital project forms to Finance Committee
November 19	Board of Selectmen makes tentative decision on dates for Annual Town Meeting and Annual Town Election
November 29	FY2014 operating budget submitted to Board of Selectmen by Town Administrator
November 30	Town Administrator submits five-year capital improvement plan and tentative FY2014 capital budget request to Board of Selectmen and Finance Committee
December 10	Board of Assessors to present recommendation on tax classification; Joint session of Board of Selectmen, Board of Assessors and Finance Committee to review tax recapitulation sheet
December 10	Presentation of FY2011 audit report and management letter by town auditor to joint meeting of Audit Committee, Finance Committee and Board of Selectmen
December 10 and 17	FY2014 operating budget presented to Board of Selectmen by Town Administrator (10 th - budget format, police, fire, unclassified, OPEB, general government; 17 th - all other Selectmen departments and independent boards; review potential cuts; review revenue estimates)
December 13	Deadline for submission of all FY2014 operating budgets by departments and committees (revenue and expenditures) to Finance Committee and Board of Selectmen (per Town Code Sec. 36-3)
December 17	Selectmen vote to open warrant for Annual Town Meeting (per Town Code Sec. 36-1, the Annual Town Meeting shall commence on a day between April 1 and May 15 ordered by the Selectmen, see also MGL c. 39, s. 9 which requires annual town meeting to be held in February, March, April or May);

notice sent to newspaper; posted on town website, Town Building, Wayland Public Library, Happy Hollow School and the Cochituate Post Office

December 19 Notice sent to all Town boards and departments of opening of Annual Town Meeting Warrant and Tuesday, January 15 at 4:30 p.m. article submission deadline

2013

January 7 Finance Committee capital plan and budget review with departments and committees

January 7 Petitioners' Workshop with Selectmen

January 7 Nomination papers available from Town Clerk for Town Election

January 14, 22, 28 Board of Selectmen and independent boards to make budget presentations to Finance Committee (14th - town department budgets; 22nd - school budget; 28th - revenue and begin deliberations)

January 15 Deadline for submission of warrant articles at 4:30 p.m. (per Town Code Sec. 36-3)

January 17 Articles distributed to Moderator, Finance Committee, Selectmen, Town Counsel and Town Clerk; conveyance of submitted zoning by-law articles to the Planning Board, Town Clerk per MGL c. 40A s.5

January 21 Martin Luther King, Jr. Day

January 22 Selectmen letter articles

January 23 Finance Committee ATM article hearing

January 24 Town Counsel, Town Planner, Building Commissioner, Town Clerk and Town Administrator meet to review zoning articles

January 28 Finance Committee begin FY2014 operating and capital budget deliberations

February 4 Finance Committee approves letter to Selectmen requesting debt exclusion ballot question (if any); votes FY2014 operating and capital budget

February 4 Selectmen meeting with Planning Board on Town Meeting articles (if necessary)

February 11 Selectmen determine order of ATM warrant articles

February 11 Finance Committee presents debt exclusion recommendation to Selectmen (if any proposed)

February 11 Selectmen vote to set date of Special Town Meeting and open warrant from February 12-20, 2013 (if necessary)

February 12	Planning Board zoning article hearing
February 12	Last day for submission of nomination papers to Town Clerk for Town Election (49 days)
February 13	Deadline for submission of sponsor's report and petitioners' comments for ATM articles
February 14	Articles put in final form by Town Counsel
February 18 - 22	President's Day (February 18) and school winter recess
<i>February 20</i>	<i>Last day to submit articles for Special Town Meeting at 4:30 p.m. (if necessary)</i>
<i>February 25</i>	<i>Selectmen review and order Special Town Meeting articles for insertion in the Warrant</i>
February 25	Selectmen accept public comment; discuss wording and vote on ballot questions (if any)
February 26	Last day for Selectmen to submit ballot question (if any) to Town Clerk
February 26	Planning Board discuss, vote reports on zoning articles
February 26	Last day to withdraw nomination papers for Town Election (35 days)
February 26	Town Clerk sends ballot to printer
<i>February 27</i>	<i>Deadline for submission of sponsor's reports or petitioner's comments on STM articles</i>
March 1	Motions for articles submitted by Town Counsel and provided to Moderator and Town Clerk
March 1	Vehicle descriptions to be filed with Town Clerk (vehicles valued at \$10,000 or more) per Town Code Sec. 19-7
March 6	Deadline for submission of Finance Committee comments on ATM articles (except budget articles)
<i>March 6</i>	<i>Deadline for Special Town Meeting article comments from Finance Committee and Planning Board</i>
March 7	Deadline for submission of Finance Committee report and budget article with Finance Committee comments
March 8	Compilation of warrant completed and all changes made; Warrant to printer
March 13	Last day to register to vote for Town Election/Town Meeting (20 days prior to election)
March 11	Final Warrant copied and delivered to Selectmen, Moderator, Finance Committee, Town Clerk, Town Counsel and Finance Director

March 20	Selectmen sign warrants for posting
March 21	Town Clerk post warrants (Town Building, Library, Happy Hollow School, Cochituate Post Office) per Town Code Sec. 36-2A (at least 7 days prior to Annual Town Election)
March 21 and 22	Postal delivery of warrants (Town Code 36-2A, MGL c. 39, s10)
March 27	Selectmen conduct ATM Warrant Hearing at 7:00 p.m.; Finance Committee make presentation on debt exclusion ballot question (if any)
March 27	Selectmen review proposed motions and vote positions on Annual Town Meeting Warrant article
<i>March 27</i>	<i>Selectmen review proposed motions and vote positions on Special Town Meeting Warrant articles</i>
APRIL 2	ANNUAL TOWN ELECTION
April 4	Prepare and print final errata sheets, Moderator's instructions to tellers, and Planning Board reports (if necessary) for distribution at Town Meeting
April 4	Warrants and lists delivered to Town Meeting site. List of non-resident employees provided to Moderator and Town Clerk
APRIL 4	ANNUAL TOWN MEETING (Thursday at 7:30 p.m.)
April 7, 9, 10, 11	Adjourned sessions of annual town meeting (Sunday from 1:00 to 6:00 p.m., Tuesday at 7:30 p.m., Wednesday at 7:30 p.m. and Thursday at 7:30 p.m. as necessary)
April 15 - 19	Patriot's Day (April 15) and school spring recess
April 25	Annual Town Meeting follow-up with Town Counsel, Town Clerk, Town Administrator

How to Vote Electronically

Town Meeting, Wayland High School, Thursday April 4th at 7:30 pm

During the April 2012 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 2015. 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 Special 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.

This year's Annual Town Meeting will be held in the High School Field House. As in past Town Meetings, check-in will be organized alphabetically by last name. As you're checking in, you'll be issued a handset for your use during that session. 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. 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 boxes at each of the Field House exits. 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

WARRANT ARTICLE PROCESS: Guide for Petitioners

Citizens have the right to submit articles for consideration by the Town meeting. Such articles must be in writing and signed by ten or more registered voters for Annual Town Meeting (ATM) or 100 or more registered voters for Special Town Meeting (STM), using the attached form. All petitioners' articles must be submitted in accordance with the law on or before January 15 or such earlier time as may be fixed by the Board of Selectmen, and all such articles for Special Town Meeting must be so presented on or before the date fixed by the Selectmen for closing of the warrant for such meeting. All petitioners' articles having the required number of qualified signatures must be included in the Town Meeting Warrant by state statute.

The Board of Selectmen and the Finance Committee encourage citizens to work with appropriate Town boards to achieve their goals whenever possible before submitting petitioners' articles.

ATM Time Line and Process

Date	Action	Responsibility
December	<i>Hold a workshop for citizens interested in submitting petition for Annual Town Meeting.</i> Potential articles and the submission process may be discussed with the Selectmen and experienced volunteers.	Board of Selectmen
On or before January 15 or such earlier time as may be fixed by the Board of Selectmen	<i>Submit petitioners' articles for Annual Town Meeting both on paper with signatures and by email in Microsoft Word.</i> Articles are collected and numbered, and copies are given to the Board of Selectmen, Finance Committee, Moderator, and Town Counsel. Petitioners are encouraged to provide comments, arguments in favor, and arguments against their articles at the time of submission.	Town Administrator
January - March	<i>Review articles, determine their order, vote positions on most articles; may meet with petitioners</i> The Board may discuss substantive articles with petitioners or attend the Finance Committee's meeting with petitioners.	Board of Selectmen
January - March	<i>Study each petitioner's article and prepare a report for the Warrant</i> The Committee meets with petitioners to discuss their article. They may explore alternative means for accomplishing the article's objective. A member of the Committee is assigned to the article to prepare a report for the Warrant, including pro and con arguments and the Committee's recommendation.	Finance Committee
January - March	<i>Meet with Finance Committee and/or Board of Selectmen to discuss article; write report of no more than 150 words to be printed in the warrant if desired and if the Finance Committee prepares a report.</i> Such discussions help to identify issues that require further work on the part of the petitioner as well as to identify arguments for and against passage.	Petitioners
February	<i>Review articles for form and legal correctness, add required legal citation(s), indicating the quantum of vote required for Passage</i>	Town Counsel
Approximately 7 days prior to ATM	<i>Attend a warrant article hearing.</i> Petitioners should attend this hearing to review their warrant articles.	Selectmen with Moderator and Finance Committee
ATM	<i>Move the article and make a brief presentation on the merits of the article</i> Movers of articles have a limited amount of time to explain and present arguments in favor of passage of the article (currently 10 minutes). This presentation is made at the procedural (center) microphone. Petitioners may prepare handouts and slides. If the motion differs substantially from the article printed in the warrant, printed copies should be prepared for the moderator and made available for people attending Town Meeting.	Lead Petitioner or Sponsoring Board or Committee
ATM	<i>Consider each article at Annual Town Meeting</i> Citizens are encouraged to debate the merits of articles, ask questions, and make amendments when appropriate. Amendments should be legibly written for submission to the moderator and made available to people attending Town Meeting.	Town Meeting attendees

INSTRUCTIONS FOR COMPLETING PETITIONERS ARTICLE FORM

Lead Petitioner: The lead petitioner will serve as spokesperson for the article and will be the contact for the Finance Committee and the Board of Selectmen, and by the Planning Board if the petition is a zoning issue.

Date Received: The date received will be stamped on the petition when it is received by the Town Administrator and forwarded to the Town Clerk for certification.

PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING

LEAD PETITIONER _____ DATE RECEIVED _____

DAY PHONE _____ EVENING PHONE _____

TITLE _____

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE _____

ESTIMATED COST _____

ARTICLE: To determine whether the Town will vote to

Add comments and pro and con arguments on the next page. Thank you.

#	Print Name Legibly	Signature	Print Street Address
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			

PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING

Page 2

COMMENTS

PRO ARGUMENTS

CON ARGUMENTS

**THE MODERATOR'S
HANDBOOK**

**FOR WAYLAND
TOWN MEETINGS**

(Second Edition)

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INTRODUCTION

In March, 1980, the League of Women Voters published the third and last revision of its Handbook for Wayland Town Meeting. A great deal has happened during the last twenty-nine years, including the following innovations:

1. The Moderator has, for the first time, codified and published, thanks to the generosity of the Selectmen, the rules and regulations that govern Wayland's town meetings in every town warrant;

2. Time limits have been established for those who wish to address town meeting;

3. A one hour limit has been established for debate on every article, except for the omnibus budget article;

4. Opponents are now recognized immediately after the presentation in support of the main motion under each article and given equal time at the Procedural Microphone;

5. Three microphones have been placed at the front of the room, including a microphone for the proponents and another for the opponents, instead of having students running up and down the aisles to bring traveling mikes to speakers recognized by the Moderator. This allows the Moderator to encourage a more balanced and interesting debate by recognizing the pros and cons in alternate order. Formerly, there were often two or more speakers in a row who spoke to the same side of an issue.

6. Those offering a main motion that differs from the article by more than twenty-five words must now provide a printed copy for everyone attending town meeting.

7. As a result of these and other innovations, the time required to dispose of the average article in the Warrant has been cut almost in half as compared to the time required thirty years ago.

8. Town meetings are now broadcast in their entirety as they occur on Channel 9 for Comcast customers and Channel 37 for Verizon customers for the benefit of those who can not attend in person.

I hope that this new handbook will be informative and useful to Wayland's voters and encourage them to attend and participate fully in our town meetings.

WAYLAND'S TOWN GOVERNMENT

Wayland's government has only two branches, unlike our federal and state governments, which are described as having three branches. There is, of course, no judicial branch.

* * **WAYLAND'S EXECUTIVE OFFICERS** * *

Wayland's executive branch may be thought of as the Board of Selectmen, the School Committee, the Board of Assessors, the Planning Board, the Board of Health, the Recreation Commission, the Housing Authority, the Trust Fund Commissioners and Library Trustees. Candidates for these boards, committees and commissions are elected by ballot at the annual town election in April for a term of three years, although members of the Planning Board and the Housing Authority are elected for a term of five years. Successful candidates serve without pay, except for the Town Clerk, who holds a full time position.

Among the boards, committees and commissions listed above, who are largely concerned with providing services financed by vote of town meeting, the Board of Selectmen has become the principal executive organ of the Town, because they are responsible for appointing members of most committees, including the Finance Committee, filling vacancies and calling town meetings "in pursuance of a warrant under the hands of the selectmen." The other elected boards and committees nevertheless function independently of the Selectmen, their duties defined by statute or By-Law, a term derived from the old English words for town law. The School Committee is responsible for a budget that is far greater than that appropriated for the Selectmen and all the other town boards and committees combined. For a more complete description of the duties of Wayland's elected town officers, please take a look at last year's Annual Reports, which is always available at the Town Building.

The Annual Reports also contains a list of hundreds of residents who serve on all kinds of committees appointed by elected public officials. These include the Cable TV

Committee, the Community Preservation Committee, the Conservation Commission, the Council on Aging, the Finance Committee, the Historical Commission, the Personnel Board, the Board of Registrars (of voters), the Wayland High School Building Committee and the Zoning Board of Appeals among many others. Without the contributions of these volunteers, Wayland would be served by professional politicians. It would not be the wonderful community we cherish.

And if you will look carefully at the Annual Reports, Wayland's website, www.wayland.ma.us, the Wayland Town Crier (our local newspaper), Metrowest Daily News, Wayland's cable TV station, Channel 9 for Comcast customers and Channel 37 for Verizon customers, info@waylandnews.com, waylandvoters1@yahoo.com, or even the bulletin boards at the Wayland Town Building, you will find that there are always vacancies on town committees looking for volunteers like you, who may be interested in helping us to make Wayland a better place to live. And there are many committees and boards looking for help! So, when you have found a committee that appeals to you, I suggest that you contact our Town Administrator to see how you may apply to fill a vacancy. Applications may be found on the last page of each warrant and the Annual Reports.

* * * **WAYLAND'S LEGISLATURE** * * *

Wayland's legislature is our town meeting, which is open to participation by all residents registered to vote.

Suppose, however, that you are too shy or busy (or both) to run for office or to apply for appointment to one of Wayland's boards or committees, I invite you, I urge you, to exercise your franchise as a resident of Wayland by attending our annual town meetings, which are held in the Field House at Wayland High School late in April and early May. There are also special town meetings held on one or more occasions during the year, which welcome your participation.

* * The Call for Town Meetings * *

Town meetings are called by the Selectmen pursuant to their warrant, which must be served on all registered voters, to notify them of the time and place when each town election and annual meeting shall be held as well as the subjects to be acted upon. Article 23 of Wayland's Code provides that our Annual Town Meeting shall commence on a day between April 1 and May 15. Special Town Meetings may be called by the Selectmen at a time of their choosing or in response to a request by 200 of Wayland's voters. Notice of each meeting must also be published in a newspaper of general circulation in the town as well as on Wayland's sign boards. A copy of the Warrant must also be posted at the Town Building, the Public Library at the Cochituate Fire Station or Post Office and at the Happy Hollow School. The Selectmen are also required by G.L. c. 39, sec. 10 to call a Special Town Meeting upon request in writing of two hundred registered voters, which must be held no later than forty-five days after they receive such a request, and they must insert all subjects requested by those voters in the warrant. For more information about this, see chapter 36 of the By-Laws of the Town of Wayland, which is referred to herein as "Section 36 of the Code" and may be seen at the office of the Town Clerk and at www.wayland.ma.us.

* * The Warrant * *

Approximately two weeks before each town meeting, you will receive a booklet in the mail entitled, "Town of Wayland Warrant with Report of the Finance Committee," which contains all of the subjects or proposals (we call them "articles") that will be presented for action to you and every other resident attending the meeting announced by the Warrant. Under each article you will see comments by the Finance Committee as well as their recommendations, a summary of the arguments in favor of each proposal, a summary of the arguments against each proposal and a statement of whether more than a majority vote will be required to pass the motion(s) that may be offered under each article. See Chapter 36-5 of the Code. The Warrant contains the Report of the Finance Committee, which contains a great deal of information about the way that our taxes have been

spent during the past five years as well as a report showing Wayland's capital plans for the next five years and a great deal of other information, including the Moderator's Rules and Regulations, which are hereinafter referred to as "the Moderator's Rules", to help you prepare for Town Meeting.

The Warrant also includes reports of various town boards, including reports of the Planning Board upon articles contemplating amendments to Wayland's Zoning By-Laws, which are required by G.L. c. 40A, sec. 5 before the Town Meeting can approve any such amendment.

* * The Authority of Wayland's Town Meetings * *

If you look at the Warrant for the 2009 Annual Town Meeting for example, you will note that Wayland's Selectmen insert an article in the Warrant each year (usually Article 6) entitled "Omnibus Budget", which contains a detailed description of what they, the School Committee and the other committees and boards hope to spend in the fiscal year starting on July 1 of that year. Article 6 of the 2009 Warrant, for example, presented a six page budget for Wayland's fiscal year ending June 30, 2010 calling for the expenditure of more than 62 million dollars and a capital budget of \$2,415,000, of which more than 57 million dollars was to be raised by taxation of your real estate and mine. You will note that the 2009 Warrant also contains articles (5, 7,15 and 16, for example) proposing the expenditure of moneys above the omnibus budget, because our town officers and committees can not tax us to raise the moneys that they propose to spend for any purpose, without a majority vote of the registered voters in town meeting assembled.

As a result of votes taken at the 2009 Annual Town Meeting, the School Committee was authorized to spend more than 31 million dollars to provide us with an excellent school system, while other boards and committees were authorized to spend the money they had requested for fire and police protection, roads, snow removal, the sanitary landfill for your refuse, an outstanding public library with access to many other libraries in the Minuteman Library Network, recreational programs at the Town beach and elsewhere as well as facilities

and programs for the seniors among us and many other services described in the Warrant, the Annual Reports and the media.

The authority of town meetings is not limited to deciding how much our officers and committees may spend. Town meetings, for example, determine how we may use our land by enacting and amending our zoning by-laws. (See articles 28 of the Warrant for the 2009 Annual Meeting and Article 6 of the Warrant for the April 15, 2009 Special Town Meeting). Town meetings must also authorize the Treasurer to borrow, approve the purchase, sale and lease of land and property by the Town (See Articles 29 and 30 of the Warrant for the 2009 Annual Meeting and Article 3 of the April 15, 2009 Special Town Meeting), the acceptance of gifts of land (Article 18) as well as the by-laws governing Wayland's employees and their compensation (Articles 10 and 15). In addition to all of the foregoing powers, town meetings can also adopt by-laws governing non-criminal disposition of by-law violations (Article 20), the deadline for submission of annual town meeting articles (Article 34) and the imposition of fines for tobacco law violations (Article 32). Town Meetings can even enact by-laws that govern our private conduct, insofar as it pertains to our animals, our fire alarms, our boats (in Wayland), hunting, our swimming pools, lawn irrigation systems, the consumption of alcoholic beverages on public property and many other ways. See Chapters 83 to 196 of Wayland's Code. Although Wayland no longer elects its executive officers at town meetings, as it did during colonial times, we still elect our Fence Viewers, Field Drivers, Measurers of Wood and Bark and Surveyors of Lumber at town meeting. See Article 3 of the 2006 Warrant.

With all that power available to those who attend our town meetings, why doesn't everyone attend our town meetings, which are scheduled on average for only four or five nights (7:30-10:30 p.m.) per year? (In 2007, the Selectmen scheduled Wayland's first Sunday afternoon session of our town meeting on April 29 in the hope of reducing the time for our meetings, but the experiment has not been repeated, even though we completed the entire 23 article warrant that afternoon.)

Apart from the usual reasons that keep us from leaving home on a cool weekday evening, there are other reasons why more people don't attend our town meetings: (1) The voters at town meeting can not vote on matters that have not been included in the Warrant by the Selectmen or certain petitioners; (2) town meetings may not approve spending that would increase the total taxes assessed on Wayland's residents by more than two and a half percent over the preceding year, without the prior approval of an override at the annual town election. (See G.L. c. 59 and sec. 21C(3)). There are also constitutional and statutory limits on the authority of town meetings and their power to legislate and borrow moneys. So, if you think that the Town should consider and vote on a matter or proposal that you think is important at a future town meeting, try to persuade the Selectmen to insert your article in the warrant for the next annual meeting before January 15 or consult with the Town Administrator to see how you may get an article into the warrant as a petitioner. You may also want to refer to Chapters 36 and 37 of the Code as well as Chapter 39, Section 10 of the Massachusetts General Laws, a copy of which is in the Library as well as in the Selectmen's room at the Town Building.

* * Arriving at Town Meeting * *

When you arrive at the Wayland High School Field House to participate in a town meeting, you will encounter a group of checkers sitting behind a row of tables, who will ask you for your name and address and check it against the list of registered voters before them. Registered voters may bring their child(ren) to sit on town meeting floor so long as the child(ren) sit(s) quietly beside his or her parent at all times. You will then see tables on both sides of the checkers topped with additional copies of the Warrant for those, who may have forgotten to bring theirs, as well as stacks of reports and additional information concerning the articles in the Warrant, including plans, photographs and illustrations to help you consider and vote on the motions that will be offered under each article.

After you have picked up the documents that provoked your interest, you will soon find yourself in a large domed room built in 1960 that covers nearly an acre and seats

approximately 1800 people on folding chairs and bleachers that are normally available to spectators at Wayland High School basketball games and track meets. You will note that there is a podium for the Moderator, who presides at town meetings, and a desk for the Town Clerk, who records the proceedings at town meetings and maintains a recording of everything that is said and done at town meetings, on a raised platform at the far end of the Field House. There are tables below the Moderator's podium for the Selectmen and the Town Administrator (on your right) and other tables on your left for the Finance Committee. Feel free to take any seat on the floor or the bleachers, except for the section reserved for nonresidents. There are no reserved seats, although the members of the School Committee and the Superintendent of Schools usually arrive early to claim most of the first row facing the Moderator on your left.

Non-residents and those who have not registered to vote will find excellent seats reserved for them at the front of the room on the left-hand side. By vote of the Town at the 2009 Town Meeting, the Town Administrator, Assistant Town Administrator, Police Chief, Fire Chief, Finance Director, Director of Public Works and Superintendent of Schools have the right to attend and sit on the floor of town meetings. The Moderator usually permits certain other senior town employees to sit on town meeting floor with members of the Board or Committee they serve, even though those employees are not registered to vote.

Town meetings are usually called to order at 7:30 p.m. sharp, or as soon thereafter as a quorum of 100 voters has been checked in. See Chapter 36.12 of the Code. If you are among those who arrive before 7:30, you may even be asked to serve as a teller to help the Moderator count the votes when a voice vote is so close that it is difficult to discern which side is more numerous. On May 3, 2006, for example, more than 2313 voters (46% of Wayland's households) attended a special town meeting to vote on a proposal to change the zoning of a certain parcel of land near the center of town bounded by the Sudbury River, Routes 20 and 27 near the center of town. In order to accommodate all of those attending that town meeting, nearly five hundred voters were seated in the High School Little

Theater, which was connected to the Field House by television cameras, microphones, video screens and loudspeakers so that everyone could hear and see what was going on in the other venue. In order to control the proceedings, the Moderator appointed an assistant moderator to preside in the Little Theater and twenty-two tellers to help him count the vote.

* * The Moderator * *

The Moderator, who is elected by ballot for a term of three years, presides, regulates the proceedings, decides all questions of order and declares all votes at town meeting. And, unless seven or more voters immediately question the Moderator's declaration, the vote stands as declared. (G.L. c. 39, sec. 15) "No person shall address a town meeting without leave of the moderator and all persons shall, at the request of the moderator, be silent." If a person, after a warning from the moderator, persists in disorderly behavior, the moderator may order a constable to remove and confine him (or her) until the meeting shall be adjourned. (G.L. c. 39, sec. 17)

* * The Moderator's Rules and Regulations * *

Unlike some towns, which look to Robert's Rules of Order, which is based on English parliamentary procedure, or even "Town Meeting Time," a manual published by the Massachusetts Moderators' Association, Wayland's town meetings were formerly conducted according to unwritten rules of its moderators. The current moderator has adapted, codified and published updated Rules and Regulations governing Wayland's Town Meetings in each warrant since 1989. If you are in doubt as to what you must or can do in a specific situation, you may ask the Moderator before or after the meeting or rise to a point of information during the course of the meeting. Meanwhile, please read the Rules during the meeting when you have decided on how you will vote on the motion under consideration.

* * The Call to Order * *

The Moderator will call the meeting to order with three taps of his gavel saying, "The meeting will be in order. I note that a quorum is present and the Clerk will so record," as soon as the Town Clerk has told him or her that a quorum is present. If there is a long line of voters waiting to be checked in, the Moderator may wait to call the meeting to order until the line has shrunk. The Moderator has sometimes called the meeting to order and asked for the unanimous vote of the meeting to consider one or more noncontroversial articles, as he did on May 3, 2006, while the voters were being checked in.

We have exceeded the capacity of the Field House on only two occasions: in 1969 and 2006. On such occasions, the Moderator must suspend the proceedings immediately and consult with the Selectmen before he or she can announce an alternate means or location and time, if necessary, where all registered voters, who wish to attend, can participate fully in the proceedings. See Chapter 36-17 of the Code.

* * Articles and Motions * *

After the Moderator has completed certain preliminaries, he or she will ask if there is a motion under Article 1. Someone will then rise, proceed to the Procedural Microphone at the front of the room just below the Moderator's lectern and address the Moderator behind her as she faces the voters:

"Mr. Moderator, (she might say) my name is Susan Burke. I live at 33 Hampshire Road. I move that the Town accept the provisions of Chapter 25 of the Acts of 2005 exactly as printed in the Warrant."

The form of address illustrated above is designed to accomplish two objectives: (1) to identify the speaker and (2) to address all motions, questions and arguments to the Moderator in order to avoid quarrels among voters, which are strictly forbidden at Town Meeting.

The Moderator will then ask if there is a “second” to see if anyone, other than the person who has offered the motion, has any interest in its adoption. Absent a second, the Moderator will not permit debate or a vote on the merits of the motion. But there always seems to be someone who will call out, “second,” to permit debate on the motion.

Quite a lot of people are confused about the difference between an article and a motion. As I have pointed out above, the articles in the warrants may be compared to an agenda, which is designed to notify the public of “the subjects to be acted upon” at town meeting. If the subject is not in the Warrant, it can not be proposed for action at that meeting, because voters might have stayed home thinking that the subject would not be raised. G.L. c. 39, sec. 10 puts it more succinctly, No action shall be valid unless the subject matter thereof is contained in the Warrant.”

A motion may then be defined as a proposal to act on any aspect of the subject matter described in the article then under consideration.

That sounds simple enough, but the definition of “subject matter” is more complex than it seems: Suppose an article reads as follows,

“To determine whether the Town will vote to appropriate \$7,000.00 to be expended by Wayland Beautification to beautify the Town.” See Article 26 of the 2006 Warrant.

Since that article was submitted to the Selectmen on or before December 15, more than four months before the annual town meeting, the Wayland Beautification Committee may have found that it needed much more money to do the job proposed. So, a member of the Committee may rise and move from the Procedural Mike that the Town appropriate \$10,000.00 under the article. After the motion has been seconded, a voter may rise to a point of order. In response to the Moderator’s question, “What is your point of order?,” the voter may reply that the motion violates Section IV.C.4.f. of the Moderator’s Rules, because it asks the Town to appropriate more than 115% of the

amount set forth in the Warrant. The Moderator will then rule the motion out of order and permit no further debate or vote on it. Wayland Beautification may, of course, offer another motion proposing an appropriation of \$8050.00, or less. Such a motion would be in order.

A second example might involve a proposal to purchase, sell or rezone one or more parcels of land, which may be described in an article. See Article 19 of the 2006 Warrant. If a motion proposes to purchase, sell or rezone any land that is not included in the legal description set forth in the article, the Moderator will declare it to be out of order.

Similarly, a motion to change the zoning district or regulations described in an article will not be accepted, unless the Moderator determines 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 proposals set forth in the article.”

See Section IV. C.4.d. of the Moderator’s Rules.

* * The Debate * *

After a motion has been made and seconded, the Moderator will usually ask the moving party whether the motion is identical word for word with the substantive portion of the article then under consideration as printed in the warrant. If the moving party responds that it is not identical, the Moderator will ask him or her to describe the differences in wording. See Chapter 36-14 of the Code.

The Moderator will then invite a proponent of the motion to present his or her arguments in support of said motion from the Procedural Mike within the next ten minutes. When

the proponent has completed the presentation, the Moderator will grant an opponent equal time to present arguments in opposition to said motion from the same mike, except that the opponent will be entitled to a response of three minutes if the proponent shall have used less time. The Moderator and the voters usually appreciate a short summary of the arguments from both sides.

The time remaining for each speaker's presentation is shown on electrical scoreboard at the front of the room above the Moderator's podium, on both sides of the Field House and in the rear. The crew that works so hard to set up and manage the audio system that facilitates our meetings has jury rigged a red light visible to the speaker and everyone else in the room that warns him or her that the speaker has only one minute left. When it begins to flash, there are ten seconds left. A speaker's time is up when he or she finishes the sentence interrupted by the bell.

In the event that a motion proposes to amend the Town's Zoning By-Laws, the Moderator will invite the Planning Board to present its report concerning the proposal before permitting debate or a vote on the motion. See G.L. c. 40A, sec. 5.

When the Moderator recognizes a voter, that person is said to have obtained "the floor" and may then offer a presentation, a question or make a point of order within the three minutes provided by the Moderator's Rules. No one may interrupt a speaker, except for a voter rising to a point of order, a point of personal privilege, or if he or she can not hear the speaker. Upon such interruption, the speaker must stop speaking and yield the floor at the Moderator's request, until the issue shall have been decided. The speaker may also be interrupted by the Moderator, if the speaker drifts too far from the motion under debate or engages in any kind of attack on a person or a person's character or integrity.

Upon the conclusion of the opening arguments, the Moderator will recognize other proponents and opponents of

the motion then under consideration and permit them to address the town meeting from the “Pro” and “Con” microphones at the front of the room respectively for a period of three minutes each. “Traveling” handheld mikes will be brought to voters, who find it difficult to walk to the standing mikes or to stand in line waiting to be recognized.

If a person, who is not registered to vote, wishes to address the meeting, the Moderator will ask if there are any objections. If there is an objection, the Moderator will immediately call for a vote. If the majority shall vote to hear that person, the Moderator will give him or her the floor. By vote under Article 25 of the 2009 Town Meeting, the Town Administrator, Assistant Town Administrator, Police Chief, Fire Chief, Finance Director, Director of Public Works and Superintendent of Schools shall have the right to answer questions, but they shall not be counted as part of a quorum, nor shall they be permitted to vote or engage in debate.

Voters wishing to address the meeting will usually be recognized in alternating order, but the Moderator is not obliged to do so, especially if the pro or con line is longer than the other. And no one can present more than three, three-minute arguments to the meeting upon any one motion.

If you have never attended Wayland’s town meetings or watched them on Channels 9 or 37, you may be surprised at how Wayland manages to debate even the most controversial issues in a civilized and respectful manner. There are several reasons for this: (1) Wayland’s voters are courteous, civilized people, who respect each other and the diverse views we present to each other, even when we disagree; (2) The Moderator tries to recognize each voter by name and treats everyone with courtesy and respect, as he or she expects us to treat each other; (3) The Moderator insists that every voter, who has been given the floor, address the issues before the meeting, not the personalities of those who may have had a role in the issue or previously spoken to the issue; (4) The Moderator listens carefully to everything that is said and will interrupt any speaker, who tries to denigrate or attack another person or raise questions about that person’s character or integrity, instead of addressing

that person's conduct, and (5) the Moderator will not permit applause or any other form of approval by those who support the remarks of a speaker or those who wish to celebrate their victory when the vote has been declared.

How many other towns could have managed to conduct a town meeting attended by more than 2300 voters, who came on May 3, 2006 because they felt strongly about the issues, and disposed of eleven articles in four hours and thirty-eight minutes, without rancor, acrimony or bad feelings about the process?

Amendments

Sometimes a voter will offer an amendment to the main motion offered by the proponent. If the amendment offered exceeds ten words, the Moderator will demand a written copy before a second is invited. See Chapter 36-8 of the Code. If an amendment is seconded, the Moderator will give the proponent three minutes to present his or her arguments and an opponent a similar period to state the case for opposing such amendment. All subsequent debate will be limited to the amendment proposed, until a vote shall have been taken. Whereupon, debate on the main motion will continue in its amended or original form depending on the outcome of the vote. A vote to amend a motion requires a majority vote, even though the main motion, such as a motion to borrow money, may require a two-thirds vote.

Occasionally, a voter will move to amend a proposed amendment. If that amendment is seconded, the Moderator will permit debate on the amendment to the amendment proposed until that proposal has been decided by vote, whereupon the Moderator will permit debate on the first amendment to continue until that proposal has been decided.

In no event, however, will the Moderator permit an amendment to the second amendment to be considered.

Motions to Pass Over

You will sometimes hear someone move to “pass over” an article. This unusual motion is Wayland’s way of disposing of an article without actually voting against a motion to act on the subject matter or objectives described in the article. The usual reason for such a motion is to avoid the provisions of G.L. c. 40A, sec. 5, which provides that no proposed zoning bylaw that has been defeated at town meeting can be considered again within two years without a favorable recommendation by the Planning Board; but motions to “pass over” have been offered for other purposes as well, especially where Town committees need more time to draft proposed by-laws.

If a motion to pass over the article before the meeting is made after a main motion under the article has been made and seconded, it will be deemed to have amended the main motion by striking it in its entirety and substituting the pass over language. Therefore, if the motion to pass over shall pass by a majority vote, the Moderator will declare the article “disposed of”.

Interruptions of Debate

Voters who wish to present a point of order, ask a question of the Moderator, move to adjourn or terminate debate by “calling the question” may proceed to the Procedural Mike and will usually be recognized on a priority basis. Only persons rising to a point of order or personal privilege can interrupt a speaker, however.

A voter may rise to a point of order, for example, (1) if he or she believes that a motion is not within the scope of the article, (2) that the speaker has strayed too far from the issues raised by the motion, (3) that there is no quorum present or (4) if he or she believes that the proceedings somehow violate the laws of the Commonwealth of Massachusetts, the By-Laws of Wayland or the Moderator’s Rules. When the voter has been recognized, the Moderator will ask the voter, “What is your point of order?” Upon hearing the voter’s reply, the Moderator will rule on the voter’s point of order and give his or her reasons

therefor. The Moderator's ruling is final and will not be reconsidered, unless significant new information that was not previously brought to the Moderator's attention shall be disclosed or a patent error of law or these Rules shall have been brought to his or her attention.

Termination of Debate

In any event, debate on every article, except the omnibus budget article, concludes upon the expiration of sixty minutes after the main motion of each article has been seconded, unless the meeting shall vote, during said hour, to extend the time for debate upon the article.

Debate upon any motion can always be terminated before the expiration of sixty minutes, if a voter is recognized by the Moderator, moves the question (or previous question) and gains a second for his motion. Such a motion to terminate debate is not debatable. If a motion to terminate receives a second, the Moderator may ask if anyone, who has not spoken to the motion under consideration, wishes to be recognized. If no one expresses such a wish by raising his or her hand, the Moderator will immediately terminate debate and take a vote upon the motion without permitting any amendment or debate; but if one or more persons, who have not spoken to said motion, raise their hand, the Moderator may, but need not, defer the termination of debate for a reasonable time to permit both sides of the issue to be heard. If a motion to terminate debate carries by a two-thirds vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a two-thirds vote, the Moderator will permit debate to continue until the expiration of the sixty minute time period.

There is an important exception to the foregoing rules: Debate under the omnibus budget article is not limited to sixty minutes, although it may be limited by a two-thirds vote of the meeting in response to a motion to terminate debate. The scope of debate is also more informal, because Wayland has always given the voters in town meeting assembled a generous opportunity to ask their elected town officers how they have

spent their tax money in the past and how they plan to spend it in the future, thereby contributing some balance to our two branches of government and some oversight over the conduct of our elected officers and committees.

* * The Vote * *

Motions at Wayland's town meeting are normally decided by voice vote or by standing counted vote. Sometimes, however, a voter will move that the meeting be polled by secret ballot. The procedure for secret ballots is set forth in the Moderator's Rules, but such a motion has carried on only two occasions during the last forty-four years, if I am not mistaken.

Upon the termination of debate under each article, the Moderator will ask all those in favor of the motion to indicate their support by saying "aye" and those opposed to say, "no." If the Moderator is satisfied that the motion has passed by the majority or super majority required by law, he or she will declare that the motion has carried; or if it has failed to gain the support needed, that the motion has not carried. The quantum of the vote needed to carry a motion under each article is printed under each article in the Warrant. See Chapter 36-5A of the Code.

If seven or more voters shall immediately question the Moderator's declaration of the vote based on his reading of a voice vote or a standing vote by rising and calling out, "I question the vote", the Moderator will verify the vote he or she has declared by conducting a standing counted vote with the help of tellers that the Moderator has appointed.

When the tellers have come forward, the Town Clerk will supply each teller with a sheet of paper, a pencil and a calculator. The Moderator will then assign two tellers to count each section of the hall and invite "all those in favor of the motion to rise and remain standing (at their seats) until they have been counted." As each team of tellers has finished counting a row, they will ask the voters they have counted to be seated and count the next row until they have counted all the ayes in their section. The tellers will then add and compare their individual count. When they have agreed, the Moderator will invite a member of each team to

announce the result of their count from the Procedural Microphone. When all of the tellers have reported the result of their count, the Moderator will invite “all those opposed to the motion to rise and remain standing until you have been counted.” When the tellers have completed and announced their count of the “no” votes, the Moderator will add the result of the several counts, compare his calculations with those of the Town Clerk and declare, for example,

“435 having voted in the affirmative and 279 having voted in the negative, the motion has carried (or has not carried),”

depending on whether a majority or super majority is required.

The result of that standing counted vote and the Moderator’s declaration of the vote thereafter is final, unless clear and convincing evidence shall have been submitted to the Moderator immediately after the declaration that fraud, errors by 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. See G.L. c. 39, § 15.

* * Disposition of Each Article * *

After declaring the vote on every motion under the article, the Moderator will ask whether there is anything more to be said under the article under consideration, thereby giving each voter an opportunity to offer another motion or to ask questions. You must be quick to respond, however, because the Moderator will soon say, “There being no further business under this article, I declare that article disposed of” and give his lectern a sharp blow with his gavel.

The Moderator’s declaration that an article has been “disposed of” is very important for three reasons: (1) a two-thirds vote will be required thereafter if someone moves that the Town reconsider its vote under that article, whereas only a majority vote to reconsider such vote is required before the Moderator’s gavel has fallen; (2) Town Meeting can not consider

any other article in the Warrant until the prior article has been “disposed of;” and (3) Town Meeting can not adjourn sine die (or dissolve) until every article in the Warrant has been “disposed of.” See Chapter 36-11 of the Code.

Upon the disposition of Article 1, the Moderator will invite a motion under Article 2 following the same procedure described above. Then, on to Article 3, 4 and beyond in the order specified in the Warrant.

Sometimes, however, a voter may move that the Town advance or postpone consideration of an article in the Warrant. Such a motion is debatable, but it requires a two-thirds vote to prevail. See Chapter 36-9 of the Code.

* * Reconsideration * *

One of the more controversial issues at Town Meeting are motions for reconsideration. Such motions to return to an article to reconsider the vote that was duly declared at the time it was first considered are sometimes prompted by important new information that was not known or made available to the voters at the time. At other times, it has been used as a parliamentary device to permit those who lost the first vote to gain the majority they need at a subsequent session of town meeting when their adversaries may be fewer in number and their supporters have been encouraged to come in greater numbers. Unlike other towns which require a mere majority to pass a motion to reconsider, Wayland requires those offering such a motion to disclose

“significant new information to the Town Meeting concerning said article, which had not been disclosed or made available to the meetings when the motion under that article was debated.” See Chapter 36-10 of the Code.

In the event that a moving party has disclosed such significant new information and obtained a second, the proponents must then wait until all of the articles in the Warrant have been disposed of before debate upon their motion to reconsider will be

permitted. Upon the conclusion of that debate, the proponents must muster a two-thirds majority before the prior vote under the original article is deemed void, even though the motion under the original article was approved by only a majority. If the proponents achieve such a two-thirds majority, new motions under the article may be accepted, debated and voted.

* * Adjournment * *

Each session of a town meeting will be adjourned by the Moderator at 10:30 p.m. or as soon thereafter as the article then being considered has been disposed of, unless the voters shall have voted prior to 10:30 p.m. to extend the time for adjournment.

If the Selectmen shall schedule a session of town meeting for a Sunday afternoon, the Moderator will adjourn that session at 6:00 p.m. subject to the same conditions that apply to evening sessions.

If all of the articles in the Warrant have not been disposed of upon adjournment of the first or a subsequent session of Town Meeting, the meeting will reconvene at the time announced in the Warrant or at a time voted by Town Meeting and consider each of the remaining articles in numerical order, unless the meeting shall have voted to change that order. See Chapter 36-11 of the Code.

When every article in the Warrant has been duly considered, acted upon and disposed of, including all articles that the meeting has voted to reconsider, a motion to dissolve the Town Meeting can be offered by a motion to adjourn the meeting "sine die" meaning that the moving party does not mean to adjourn the meeting to a specified time. The Moderator will accept that motion and ask all those in favor to rise and go home. There is never anyone in the building who opposes that motion.

* * * **EXHORTATION** * * *

As registered voters living in Wayland, we have the unusual opportunity to help make the political decisions that affect our property, bank accounts and freedoms by participating fully in Wayland's open town meetings, instead of delegating that power to an elected representative, whose name may adorn the lawns of our neighbors and whose portrait may appear in the paper. We even have the right on Town Meeting floor personally to question the conduct of our elected leaders and the officials they appoint about how Wayland spends the money it raises from our taxes and any other subject in the Warrant. This is a right that residents of towns with representative town meetings, like Natick and Framingham, and cities like Newton do not have.

If you value and wish to preserve Wayland's town government, which has functioned as a pure democracy since 1638, I urge you to attend and participate in our Town Meetings. And, if you have the time and inclination, I invite you to offer your skills and services to one or more of the committees and boards whose activities appeal to you. I assure you that your offers will be welcome and that you will find your contributions to be surprisingly rewarding, even if the rewards are not monetary. Who, after all, can contribute more to the Town of Wayland than you can?

You have been invited; so come and join us to do the Town's business.

Respectfully submitted,

C. Peter R. Gossels
Moderator of the Town of Wayland

March 18, 2010

SOME STATISTICS CONCERNING
WAYLAND'S ANNUAL TOWN MEETINGS
DURING THE LAST TWENTY-FIVE YEARS

BY C. PETER R. GOSSELS, MODERATOR

<u>Year</u>	<u>Number of Articles</u>	<u>Number of Nights</u>	<u>Time in Minutes</u>	<u>Time Per Article</u>	<u>Average Attendance</u>
1986	39	7*	1045	27	299
New Rules of Procedure Instituted					
1987	37	4*	595	16	422
1988	42	5	870	21	215
1989	28	4*	598	21	590
Live TV Coverage Instituted					
1990	35	4*	647	18	247
1991	33	4*	575	17	282
1992	31	3*	456	15	160
1993	31	3	494	19	255
1994	40	3	575	14	373
1995	41	4*	672	16	213
1996	46	7*	1055	23	199
1997	51	6*	852	17	312
1998	66	7*	1198	18	370
1999	68	7*	1153	17	233
2000	51	5	917	18	203
2001	44	5	754	17	157
2002	44	3*	545	12	231
2003	45	5	937	21	301
2004	62	6*	1126	18	237
2005	46	4*	789	17	469
2006	27	2*	304	11	867
2007 (Sunday)	23	1 (day)	290	13	644
2008	28	3	534	20	634
2009	39	3*	563	14	326
2010	<u>29</u>	<u>3</u>	<u>641</u>	<u>22</u>	<u>465</u>
25-Year Average	41	4	727	18	348

* Includes a Special Town Meeting within the Annual Town Meeting.

STATISTICS CONCERNING WAYLAND'S SPECIAL TOWN MEETINGS
 THAT WERE NOT INCORPORATED IN THE ANNUAL
TOWN MEETING DURING THE LAST TWENTY-FIVE YEARS

BY C. PETER R. GOSSELS, MODERATOR

	<u>Number of Articles</u>	<u>Number of Nights</u>	<u>Time in Minutes</u>	<u>Time Per Article</u>	<u>Average Attendance</u>
5/1983	11	1	188	17.1	238
4/1984	9	2	290	32.2	905
3/1985	6	1	173	28.8	205
6	--	-	---	--	---
7 Rules of Procedure Instituted					
7	--	-	---	--	---
8	--	-	---	--	---
9	--	-	---	--	---
10 TV Coverage Instituted					
10	--	-	---	--	---
1	--	-	---	--	---
2	--	-	---	--	---
3	--	-	---	--	---
4	--	-	---	--	---
5	--	-	---	--	---
3/1996	9	1	195	21.7	133
7	--	-	---	--	---
14/1998	9	1	130	14.4	461
12/1998	19	2	341	17.9	471
7/1999	11	1	208	18.9	637
8/2001	4	1	125	31.3	481
10/2003	11	2	410	37	1,052
7/2005	6	1	175	29	892
11/2005	7	1	234	33.4	1,656
13/2006	11	1	263	24	2,313
19/2006	8	1	153	19.1	471
18/2007	9	1	123	13.7	338
2/2008	19	1	125	7.0	242
Year Average	9.9	1.2	208.8	23	699.7



TOWN OF WAYLAND
ANNUAL TOWN MEETING

April 4, 2013

MOTIONS FOR ARTICLE 4 AND ARTICLE 5

MOTION, ARTICLE 4: OPEB FUNDING

I move you, sir: **MOVED:** that the Town appropriate \$744,202. to be deposited in the Town's Other Post-Employment Benefits Trust Fund; and that said appropriation shall be provided by (i) raising \$645,668; (ii) transferring \$12,285 from Water revenues; (iii) use of \$1,321 in the Transfer Station Revolving Fund; (iv) use of \$5,284 in the Recreation Revolving Fund; (v) use of \$24,266 in the Food Services Account; (vi) use of \$24,522 in the BASE Program Account; (vii) use of \$24,028 in the Children's Way Account; and (viii) use of \$6,776 in the Full-Day Kindergarten Fee Account.

MOTION 1, ARTICLE 5: FY 2014 OMNIBUS BUDGET

I move you, sir: **MOVED:** "That the report of the Finance Committee respecting the Fiscal Year 2014 Budget be accepted; and that each and every numbered item set forth in the Finance Committee's Budget for Fiscal Year 2014 be voted, granted and appropriated as an expenditure for the several purposes and uses set forth in said budget establishing a total budget of \$72,354,918, which sum shall be expended only for the purposes shown under the respective boards, committees and offices of the Town; and, of the total sum so appropriated, \$63,113,156 shall be raised by taxation, \$360,000 shall be provided by transfer from Ambulance receipts, \$111,000 shall be provided by transfer from Premium on Bonds Account, \$1,148,577 shall be provided by transfer from other funds, \$845,000 shall be provided by transfer from Overlay Surplus, \$2,500,000 shall be provided by transfer from Unreserved Fund Balance, \$3,556,100 shall be provided from Water revenue, \$33,205 shall be provided from Septage Retained Earnings, and \$687,880 shall be provided from Wastewater revenues.

MOTION 2, ARTICLE 5: FY 2014 OMNIBUS BUDGET

I move you, sir: **MOVED:** For what it considers to be the proper management of the Town and its finances, the Finance Committee makes the following recommendations, and they are, therefore, incorporated under the motion to be made under Article 5 at the Annual Town Meeting, as follows:

That the Town Administrator be charged with responsibility for (1) the operation, maintenance, and administration of the Wayland Town Building, the Public Safety Building, the DPW Garage, the Baldwin Pond Water Treatment Plant, the Wastewater Treatment Facility, and the Cochituate Town Building, their equipment, and their grounds, as well as (2) the supervision, except for matters relating to policy, of all employees in those buildings, other than elected officials, non-salaried appointed officials, and employees of the School Department;"

That the Director of Youth and Family Services and Staff be under the jurisdiction of the Youth Advisory Committee which shall report to the Town on the activities of the Director of Youth and Family Services and Staff at the Annual Town Meeting;"

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

That the Town continue for Fiscal Year 2014 the Transfer Station revolving fund by vote of the 2011 Annual Town Meeting pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws by the Board of Public Works for transfer station programs and activities, to be funded by user fees and recycling receipts collected; and that the amount to be expended not to exceed the sum of \$500,000;" and

That the Town continue for Fiscal Year 2014 the revolving fund established by vote of the 2006 Annual Town Meeting pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws by the Recreation Commission for recreation programs and activities, to be funded by user fees collected; and that the amount to be expended not to exceed the sum of \$450,000;” and

That the Town continue for Fiscal Year 2014 the revolving fund established by vote of the 1994 Annual Town Meeting pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws for use by the Council on Aging for education, cultural and entertainment programs and purposes, to be funded by receipts from said programs; and that the amount to be expended not exceed the sum of \$50,000.

MOTION 3, ARTICLE 5: FY 2014 OMNIBUS BUDGET

I move you sir, **MOVED:** That each and every numbered item set forth in the Finance Committee’s capital budget of Fiscal Year 2014 listed on pages 50-51 in the total amount of \$3,085,000 be appropriated for equipment and vehicle acquisitions and projects for the listed departments, except for Item No. 7, Middle School – Roof Replacement, which shall be the subject of a separate motion, each of which shall be a separate appropriation, and, of the total sum so appropriated, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$1,060,000, pursuant to the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8, \$470,000 shall be raised from taxation, \$180,000 shall be provided by transfer from Unreserved Fund Balance, \$395,000 shall be provided from water surplus, and \$700,000 shall be provided from Water revenues, and \$280,000 shall be provided from Ambulance receipts, provided that the debt services costs related to the improvements to the Transfer Station and Recycling Center Facility shall be funded by transfer to the General Fund from fees paid for the use of said facility.

MOTION 4, ARTICLE 5: FY 2014 OMNIBUS BUDGET

I move you, sir, **MOVED:** that the Town :

- a.) appropriate the sum of \$2,915,000 Dollars to be expended under the direction of the Permanent Municipal Building Committee for the purpose of paying costs of repairs to the Wayland Middle School, 201 Main Street, Wayland, Massachusetts 01778, including the payment of all costs incidental or related thereto (the “Project”) which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”);
- b.) to meet said appropriation, (i) authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$915,000 under Massachusetts General Laws Chapter 44, or any other enabling authority; (ii) use \$1,500,000 of the proceeds from the sale of bonds for said project authorized by vote of the 2012 Annual Town Meeting; and (iii) transfer \$500,000. from the General Fund Unreserved Fund Balance.
- c.) reduce the amount of borrowing authorized pursuant to this vote by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA, provided further that any grant that the Town may receive from the MSBA for said project shall not exceed the lesser of (1) thirty-six percent (36 %) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount as determined by the MSBA;
- d.) acknowledge that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; and
- e.) authorize the School Committee to enter into all necessary and appropriate agreements for the repairs to the Wayland Middle School, including but not limited to a project funding agreement and a project scope and budget agreement with the MSBA, which agreements with the MSBA may include a provision requiring the Town to indemnify the MSBA for losses associated with the Town’s performance of its obligations and exercise of its rights under such agreements.



TOWN OF WAYLAND
ANNUAL TOWN MEETING
April 4, 2013 ERRATA SHEET

TABLE OF CONTENTS – PAGE TWO

Article 17. Amend Zoning Bylaw Chapter 198: River's Edge Housing ~~Overlay~~ Overlay Zoning District Set Aside Community Preservation Funds for Later Spending

Add asterisk to Article 21: * 21. Choose Town Officers

Appendix G. Backup Information from Economic Development Committee for Articles ~~10 and 11~~ - Articles 16 and 17.

ADJOURNED MEETINGS – PAGE 1

~~April 4~~ – Sunday 1:00 p.m. **Should be** April 7 – Sunday 1:00 p.m.

ARTICLE 7: APPROVE PERSONNEL BYLAW AND WAGE & CLASSIFICATION PLAN - PAGE 63, BOTTOM OF PAGE:

*See Personnel Wage and Salary Classification Plan at ~~Appendix B at page 124~~ should be
See Personnel Wage and Salary Classification Plan at Appendix B1 at page 128.*

ARTICLE 9: AMEND 1978 ANNUAL TOWN MEETING VOTE REGARDING LANDFILL ACCESS ROAD PARCEL AND DESIGNATE CONSERVATION LAND – PAGE 65, LAST PARAGRAPH, THIRD LINE:

shown on the map is transferred to the care ~~of~~ and custody of the Conservation Commission, that floodplain

ARTICLE 18: ACCEPT ROADS AS PUBLIC WAYS, FINANCE COMMITTEE COMMENTS, PAGE 93, SECOND SENTENCE IN FIRST PARAGRAPH:

Reference to "The roads in bold" reflect each of the roads proposed for acceptance except Pheasant Run and Sage Hill

APPENDIX B: LIST OF TOWN POSITIONS (FTE's) AND PERSONNEL BYLAWS AND WAGE AND CLASSIFICATION PLAN, PAGE 124

The Full Time Equivalents (FTEs) chart by Department beginning on page 124 and continuing through page 127 should be identified as Appendix B.

The Wage & Classification Plan beginning on page 128 and continuing through page 132 should be identified as Appendix B1.

APPENDIX D: MAP OF DPW PARCEL AND ADJOINING PARCELS SHOWING FOOTPRINT OF SALT SHED AND DPW FACILITY; INTERIOR LAYOUT OF DPW FACILITY; AND ARTIST RENDERING OF BUILDING ELEVATION, PAGE 134

"MW" symbol shown on the map refers to methane monitoring well

APPENDIX J: HEAR REPORTS, PAGE 162

Middle table, Fund Revenues % Expenditures by Year, Total Fund Balance by Year: FY2012 expenditure number should appear in parentheses (103,475)



TOWN OF WAYLAND
ANNUAL TOWN MEETING
April 4, 2013

**SUMMARY OF BOARD OF PUBLIC WORKS FINDINGS
FOLLOWING HEARING ON MARCH 18, 2013**

On March 18th, the Board of Public Works held a public hearing on the roads proposed for acceptance under Article 18 of the Town Meeting warrant. After the hearing, the board voted unanimously to accept the layouts of all roads except Green Way. Five of the eight roads have as-built plans and the town surveyor will update plans of the other three during 2013 to show as-built conditions.

The Board of Public Works' normal role in accepting streets is technical - to accept the layouts of the roads after they have been specified by town regulations, constructed by the developer, and inspected and approved by the Planning Board. Because some of the proposed roads were older and required maintenance, the board wished to inform Town Meeting of the likely cost to bring the roads up to a reasonable standard.

Cart Path, Sage Hill Road and Plainview Road were paved recently and require no immediate maintenance. Maintenance is required on Pheasant Run, but the work will be done by the developer and the town holds a security bond to assure completion.

The DPW Director, Highway Superintendent and board members inspected pavements for Catherine's Farm Road, Cobblestone Road, Ellen Mary Lane, and Lingley Lane. Pavements were in fair to good condition. A process of crack sealing and a sprayed top coating was recommended to extend pavement life by 5-7 years. The estimate for the process on these four roads is \$9,696.

Through Chapter 90 state reimbursement, the town can expect approximate \$1,250/year for these four roads, covering the planned expenditure in roughly eight years.

These costs and reimbursements are estimates and were not part the board's decision to accept the road layouts. The board has not taken a position on the merits of accepting these roads - only that the information to accept them is sufficient.

The board expects to evaluate Green Way after an access agreement is reached with the owner of under-road sewer lines, after a maintenance access to a lot used for drainage is assured, and after a determination on the status of a security bond.

Developer or Applicant	Cart Path	Catherine Farm Road	Cobblestone Road	Ellen Mary Lane	Green Way	Pheasant Run	Sage Hill	Plainview Road	Ungley Lane
Michael Durand	Michael Durand	Michael Durand	Michael Durand	NFB Realty Partners	McNeil	Sacra	Keystone Development	Planning Board	Lingley Lane LLP
Length (ft)	650	650	350	450	1600	1100	600	900	635
Width (ft)	22	22	20	20	22	21	7	8	21
# of abutters	4	4	4	5	17	4	un-registered plan	23646 341	6
Book & Page	2/618 6	30844 365	30844 365	35130 054	28781 596	30508 338	6/1/2010	7/6/1993	32496 57
Subdivision Plan Approved	8/20/1997	11/15/1999	11/15/1999	2/12/2002	6/2/1998	7/22/1999	6/1/2010	7/6/1993	1/6/2001
Year PB Accepted	2006 ?	2006 ?	2006 ?	no ?	no ?	c.2001	2013	2013	2004
Year Security Released							holding		2004
As Built?	no	yes	yes	yes	holding?	holding	holding	no	needs work
PB OK Core Samples?	yes	yes	yes	yes	yes	yes	yes	yes	yes
Drainage Structures on plan?	yes	yes	yes	yes	yes	yes	yes	yes	yes
In MSA area?	yes	yes	yes	no	yes	yes	yes	yes	yes
Last Paved Year	2011		c.2005	c.2004	2001	2001	2012	2012	2004
DPW Inspected	2/26/2013	2/26/2013	2/26/2013	2/26/2013	2/26/2013	2/26/2013	2/26/2013	2/26/2013	2/26/2013
DPW Drainage Inspection	Good Leaching, Trees around the drainage system	Needs to check drain design	depression by one drain	good, structures within drainage easement	drainage is not on Town Land - need easement or ownership on the layout.	Issue with off road drains	good, possible issue at base of roadway	good	good
DPW Roadway Condition	good	fair, cracks, rough intersection	needs crack seal	road good	needs work around manholes & structures	needs repaving, cracks	new	good	good but needs a little crack sealant
other Issues	structures in ROW, do we remove?	sidewalk maintenance		no turn around,	"Sewer" manhole covers - sewer lines below? Grant easement for maint?	island maintenance, drainage on private land?	less than one year since completion, ConCom still has open OC	Town funds used to complete, lawn irrigation systems in ROW	island belongs to owners, need as-builts
Security \$Remaining	\$6,300				\$200,000 - bond apparently lost, chair to ask TC the status	\$50,000	\$75,000		
Cost/Labor to Prepare as-builts?		2013 - town surveyor						2013 - town surveyor	2013 - town surveyor
Restore Seal Estimate (\$2/sq.yd)		\$3,178	\$1,556	\$2,000	\$7,822	\$5,134			\$2,962
2" Overlay Estimated Cost		\$12,315	\$6,030	\$7,750	\$30,310	19984 (\$32,00 total cost)			\$11,478
Annual Chapter 90 Reimburse	\$269.83	\$389.75	\$209.87	\$269.83	\$959.39	\$659.58	\$359.77	\$539.66	\$380.76

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

4. If a person, who has not registered to vote, seeks permission to address the meeting, the Moderator will ask whether there are any objections. If there are any, he will immediately call for a 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.
 - 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.

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, purchase, sale, lease or rezoning of land, unless the article under which the motion is offered contains a running description of the land in question, a description by metes and bounds or a reference to a plan suitable for recording that is available for public inspection at the office of the Town Clerk, the Town Surveyor, the Planning Board or another place to which the public has access during normal business hours.
- f. The Moderator will accept no motion to appropriate and/or expend a sum of money, which exceeds the estimated cost set forth in the article then under consideration by fifteen (15%) percent, except for motions under the omnibus budget article and motions under a supplementary budget article that contemplates the appropriation of additional money for the current fiscal year to augment moneys previously appropriated and proposes to fund such appropriations by transfer from unappropriated funds, funds appropriated for another purpose or from funds received by the Town as grants or gifts.
- g. The Moderator may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.

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 consideration of an article listed in the Warrant. Such a motion is debatable, may be amended and requires a TWO-THIRDS vote.
- d. You may move to lay an article on the table ("table"). Such a motion is NOT debatable or amendable and requires a TWO-THIRDS vote. A motion to remove such article from the table is also NOT debatable or amendable and requires a TWO-THIRDS vote.
- e. You may ask the Meeting to take no action under an article by moving "that the article be passed over." Such a motion may be deemed a substitute for the main motion, is debatable, may not be amended, requires a MAJORITY vote and serves to dispose of the article under consideration.

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 will ask if anyone, who has not spoken to the motion under consideration, wishes to be recognized. If no one expresses such a wish by raising his or her hand, the Moderator will immediately terminate debate and take a vote upon your motion without permitting any amendment or debate; but if one or more persons, who have not spoken to said motion, raise their hand, the Moderator may, but need not, defer the termination of debate for a reasonable time to permit both sides of the issue to be heard. If a motion to terminate debate carries by a TWO-THIRDS vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a TWO-THIRDS vote, the Moderator will permit debate to continue.

10. If an article of the Warrant has been acted upon and disposed of, a motion to reconsider the article may be made at any time by citing significant new information concerning said article that had not been disclosed or made available to the Meeting when the motion under that article was debated. If the Moderator determines that the information cited is both significant and previously undisclosed to the Meeting, debate and action on said motion to reconsider shall occur after all other articles have been disposed of. In the event

that more than one article has been moved for reconsideration, then each article will be dealt with in the order in which it appeared in the Warrant. A motion for reconsideration may not be amended, can be debated, and requires a TWO-THIRDS vote to carry. If a motion for reconsideration carries, then the Moderator will ask for a new motion under the article that is being reconsidered.

D. The Vote

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

1. 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, 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
March 4, 2013

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 ~~upon each article~~, and additional information concerning the finances and administration of the Town to help us formulate our votes.

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

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

II. THE VOTERS

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

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

4. If a person, who has not registered to vote, seeks permission to address the meeting, the Moderator will ask whether there are any objections. If there are any, he will immediately call for a 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 the 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.

b. Any person wishing to offer a presentation in opposition to the main motion under an article must so notify the Moderator prior to the 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.

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, purchase, sale, lease or rezoning of land, unless the article under which the motion is offered contains a running description of the land in question, a description by metes and bounds or a reference to a plan suitable for recording that is available for public inspection at the office of the Town Clerk, the Town Surveyor, the Planning Board or another place to which the public has access during normal business hours.

f. The Moderator will accept no motion to appropriate and/or expend a sum of money, which exceeds the estimated cost set forth in the article then under consideration by fifteen (15%) percent, except for motions under the omnibus budget article and motions under a supplementary budget article that contemplates the appropriation of additional money for the current fiscal year to augment moneys previously appropriated and proposes to fund such appropriations by transfer from unappropriated funds, funds appropriated for another purpose or from funds received by the Town as grants or gifts.

g. The Moderator may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.

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 consideration of an article listed in the Warrant. Such a motion is debatable, may be amended and requires a TWO-THIRDS vote.

d. You may move to lay an article on the table ("table"). Such a motion is NOT debatable or amendable and requires a TWO-THIRDS vote. A motion to remove such article from the table is also NOT debatable or amendable and requires a TWO-THIRDS vote.

e. You may ask the Meeting to take no action under an article by moving "that the article be passed over." Such a motion may be deemed a substitute for the main motion, is debatable, may not be amended, requires a MAJORITY vote and serves to dispose of the article under consideration.

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 will ask if anyone, who has not spoken to the motion under consideration, wishes to be recognized. If no one expresses such a wish by raising his or her hand, the Moderator will immediately terminate debate and take a vote upon your motion without permitting any amendment or debate; but if one or more persons, who have not spoken to said motion, raise their hand, the Moderator may, but need not, defer the termination of debate for a reasonable time to permit both sides of the issue to be heard. If a motion to terminate debate carries by a TWO-THIRDS vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a TWO-THIRDS vote, the Moderator will permit debate to continue.

10. If an article of the Warrant has been acted upon and disposed of, a motion to reconsider the article may be made at any time ~~if the person offering the motion discloses by citing~~ significant new information concerning ~~said that~~ article, ~~which that~~ had not been disclosed or made available to the Meeting when the motion under that article was debated. If the Moderator determines that information disclosed is both significant and previously undisclosed to the meeting, ~~provided however, that~~ debate and action on said motion to reconsider shall ~~be deferred until~~ occur after all other articles shall have been disposed and shall occur in the numerical order of each such article. In the event that more than one article has been moved for reconsideration, then each article will be dealt with in the order in which appeared in the warrant. ~~In any event,~~ A motion ~~to for~~ reconsideration ~~is~~ may not be debated ~~debatable, may not be amended~~ and requires a TWO- THIRDS vote to carry ~~unless it shall have been made before the article has been disposed of; in which event it requires a vote equal to the quantum of the vote that was required to pass the motion under the article to be reconsidered.~~ If ~~such~~ a motion for reconsideration carries, the Moderator will ask ~~whether there is~~ for a new motion under the article to be reconsidered.

D. The Vote

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

1. 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, 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, or otherwise at the Moderator's discretion the Moderator will audit the vote by choosing a set of voters to come forward call for a Teller's Audit. ~~All Tellers having previously identified electronic voting handsets will 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 their vote to a print out showing the identification number of their electric voting handset and the vote recorded~~ 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
March 4, 2013