

DATE: AUGUST 21, 2017  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: LIBRARY: NEXT STEPS

## (6) LIBRARY NEXT STEPS

**THE BOARD WILL DISCUSS WITH THE CHAIR OF THE LIBRARY TRUSTEES THE NEXT STEPS FOR THE LIBRARY PROJECT INCLUDING THE PROCESS TO CONSIDER RE-USE OF THE EXISTING LIBRARY BUILDING AT 5 CONCORD ROAD**

### BACKGROUND:

- In 2017, Wayland is one of nine communities awarded a grant from the Massachusetts Board of Library Commission (MBLC) for approximately \$10 million to build a new library.
- In order to accept the MBLC grant, Town Meeting must vote to fund the approximately \$28 million project, including the locally funded balance of approximately \$18 million. A Special Election will also be required to approve a ballot question for a capital or debt exclusion (Prop. 2.5). Both actions (Town Meeting and Election) must occur by early January under MBLC requirements. Below please find an explanatory memorandum from Town Counsel.

### LOCAL APPROVAL REQUIREMENTS:

- The following is an example timetable, assuming the Library Trustees make a request on August 28<sup>th</sup> to the Board of Selectmen to place a debt (or capital) exclusion question on a ballot at a Special Election. This is an example only – There is time for the Trustees to submit a later request and for the Special Election to occur at a later time.
  - By August 30<sup>th</sup>: Library Trustees submit a warrant article to fund the Library Project by the close of the Special Town Meeting Warrant on August 30<sup>th</sup>. Since funding is likely through a debt exclusion, the funding Article will be written so that the appropriation is contingent on the ballot question.
  - By August 28<sup>th</sup>: The Library Trustees must provide a request to place a debt (or capital) exclusion question on a ballot at least 14 days prior to a Selectmen's Meeting. (Board Policy) Only the Selectmen may place a question on the ballot (MGL 59 –Section 21 C (a))
  - On September 11<sup>th</sup>: The Selectmen would approve placement of a debt or capital exclusion on the ballot by a 2/3 vote. (4 of 5) The Board of Selectmen must provide written notice to the Town Clerk 35 days prior to the date of the requested Special Election at which the ballot question will appear. (MGL 54 Section 42 C)
  - Assume September 12<sup>th</sup>: Notification by Selectmen to Town Clerk. MGL lists the Town Clerk's requirements which occur over a 35 day period.
  - October 17<sup>th</sup>: Earliest date for Special Election

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### Note:

- The Special Election may be held before or after the Town Meeting vote.
- The Special Election must be held within 90 days of the Special Town Meeting with certain exceptions.

- If Town Meeting approves funding at Annual Town Meeting and not at Special Town Meeting (if allowed by MBLC), the Town has until September 15<sup>th</sup> to hold a Special Election.
- If the ballot question is not approved, the Town Meeting appropriation is void.

#### PLANNING FOR RE-USE OF 5 CONCORD ROAD:

- Prior to Town Meeting discussion some additional committee work is necessary to develop a preliminary plan for the re-use of the existing library at 5 Concord Road.
  - A “threshold” question the Library Trustees might consider is whether the part of the Library that is restricted for library use by the Roby estate could continue to be used for library purposes. If the Trustees decide they do not want a Library use at 5 Concord Road, the Library Trustees could ask the Board of Selectmen to authorize Town Counsel to proceed in Probate Court to remove the restriction imposed by the Roby will.
  - An initial review of re-use options for the existing Library could be made by the Library Planning Committee. The Facilities Director and Town Engineer could provide advice and consultation. The PMBC may be asked to use Library project funds (\$15,000 +/-) for the Library Architect to do conceptual drawings demonstrating alternative uses for 5 Concord Road. Legal opinions are available to support the Committee’s consideration of a possible action in Probate Court.

#### FROM TOWN COUNSEL:

**From:** Carolyn M. Murray [<mailto:CMurray@k-plaw.com>]  
**Sent:** Tuesday, July 18, 2017 1:47 PM  
**To:** Balmer, Nan  
**Cc:** Amy E. Kwesell  
**Subject:** Wayland - WFPL -- state grant and town funding

Nan,

Through you, the Board of Library Trustees have requested guidance regarding the process and timing for a Proposition 2 ½ ballot question relating to the library project. The appropriation article associated with this project may be proposed at either the Special Town Meeting scheduled in November or the Annual Town Meeting in the Spring, and you have inquired as to the timing of a related Proposition 2 ½ ballot question. You have not indicated whether the Proposition 2 ½ question would be a debt exclusion, override, or capital expenditure, so my comments address all scenarios.

A Proposition 2 ½ ballot question may be placed on the ballot by the Board of Selectmen (the “Board”) at an Annual Town Election or a Special Town Election, so long as the Board provides written notice to the Town Clerk at least 35 days prior to the date of the election at which the question will appear in accordance with G.L. c.54, §42C. The Proposition 2 ½ election may be called prior to or after the Town Meeting appropriation vote. If the appropriation article is voted upon first, the Town should make the appropriation vote contingent upon approval of the ballot question. In such a case, the ballot question must be presented to the voters within 90 days of a Special Town Meeting vote or by September 15<sup>th</sup> if the appropriation article occurs at an Annual Town Meeting.