

ARTICLE 3: RETURN UNUSED FUNDS

Proposed by: Petitioners

Instruct the Selectmen to immediately return to the General Fund – Unreserved Fund Balance the \$75,583 remaining from the amount appropriated under Article 26 at the 2015 Annual Town Meeting and the \$470,000 remaining from the amount appropriated under Article 20 at the 2018 Annual Town Meeting.

PETITIONERS' COMMENTS: The appropriated funds were to be used to come up with a design as well as construction and bid documents for a multi-use community center to be constructed on a specifically identified parcel of land (i.e., “the municipal parcel”) that was to be donated to the Town for \$1.00. The Selectmen have spent \$74,417 of the appropriated funds for work tied to that specific land but still have not been successful in acquiring control of the land. They have given up trying to acquire it.

Because Town Meeting appropriated the funds years ago, Wayland property owners have already been taxed for those amounts that have been sitting, unused. The remaining \$545,583 of those appropriations are unavailable for another use and should be returned to the General Fund to increase our available reserves and to accommodate unbudgeted expenses associated with COVID-19.

Future requests, must clearly define a project and its location.

FINANCE COMMITTEE COMMENTS: Passage of this article will return to the General Fund \$545,583 of monies voted, but unspent, for the design, construction and bid documents for a Council on Aging/Community Center (CoA/CC). Funds returned to the General Fund under this article will not be available until the FY2022 budget, because the Department of Revenue must certify the General Fund balance before the funds can be appropriated for any use. These funds could not be used for operating expenses associated with COVID-19 during Fiscal Year 2021. Passage of this article would also foreclose Town Meeting discussion and vote on Annual Town Meeting Article 11, Reallocate Previously Appropriated Funds for a Community Center, because Article 11 looks to reallocate the same funds for feasibility and design of a COA/CC on a different site. Simply, if this article returns the unspent funds to the General Fund, then those same funds are not available for reallocation under Article 11 which comes up later.

The \$545,583 of unspent monies that are the subject of this Article were appropriated by Annual Town Meeting in 2015 (FY16 budget year) and 2018 (FY19 budget year). These articles appropriated money for funding Due Diligence, Feasibility Design, Construction and Bid documents for a proposed Council on Aging/Community Center (CoA/CC). The multi-use Community Center was envisioned to be constructed on four parcels of land, which is known as the “Municipal Parcel”, located on and off Boston Post Road and Andrew Avenue at the Wayland Town Center and shown as Lot 4-1, Parcel R20-1, Parcel R-21 and Lot 8-1. Specific parcels were listed to give the Town the most flexibility in negotiating the lease or purchase of these four parcels and in the placement of a CoA/CC building.

History: The Town of Wayland entered into a Development Agreement with the developer (Twenty Wayland LLC) of the Wayland Town Center project, which provides for the right of the Town to own or lease a parcel of land for \$1.00. This “Municipal Parcel” opportunity was to create a gathering place for residents of Wayland, as set forth in the Mixed Use Overlay District document that was signed by the Planning Board in January 2008.

The Board of Selectmen finalized negotiations with Twenty Wayland LLC in 2018 resulting in a proposed settlement to bring closure to the terms of the 2006 development agreement. One aspect of the

agreement gifts the Town parcels of land for municipal and conservation purposes, totaling over 24 acres with approximately half for conservation. The settlement term expired without negotiations being completed.

The Council on Aging seeks to consider other locations within the Town to build a new community center as it remains unclear when the Town may acquire control of the four parcels needed at the Town Center. The Board of Selectmen recognized the importance to the community of a CoA/CC and on December 18, 2019 issued an RFP 20-10-Real Property Acquisition CoA/CC R. RFP responses were received in February 2020. An evaluation committee was on schedule to complete its work prior to and present at the April 2020 Annual Town Meeting. However, the evaluation committee was not able to complete its work due to the COVID-19 health pandemic. Recently, discussions have resumed, and Article 11 is ready for discussion during Annual Town Meeting.

This year's Annual Town Meeting Warrant Article 11, Reallocate Previously Appropriated Funds for a Community Center, reallocates the same \$545,583 that this article proposes to give back to the General Fund. Warrant Article 11 proposes that these funds be used to complete feasibility and design at a new proposed site for a CoA/CC. The Board of Selectmen and the Council on Aging are considering other site options to address concerns with the length of negotiations on the municipal parcel. Article 11 states that design funds are needed to insure all the identified requirements can be met within a new site.

The Town has spent \$74,417 of the originally appropriated \$620,000 for work tied to the specific parcel at the Town Center. It has been suggested that the remaining \$545,583 is encumbered and should be returned to the General Fund. This article suggests making the funds available to increase the Town's reserves and to accommodate unbudgeted expenses associated with COVID-19. Any monies returned to the General Fund would go into the Free Cash Reserve and would need to be certified before they could be appropriated for any operating use. Free Cash Certification would not take place until the FY 2022 budget and could not be used for COVID-19 this year.

Monthly financial reviews by the Town Administrator and Finance Director have managed the Town's revenue and expenditures during this pandemic, and the Town has seen minimal financial impact to date. State and Federal COVID-19 relief funds can be expected by the Town to offset certain non-budgeted capital and operating expenses.

The Board of Selectmen does not recommend approval. Vote: 0-5-0

ARGUMENTS IN FAVOR:

These Funds should be made available for other uses since negotiations with the Town Center Developer have not progressed.

Prior year Warrants as well as Town Meeting deliberations and votes show support for expenditures of funds for a Council on Aging/Community Center only to be located on Town Center parcels including the one known as the "municipal parcel".

Proponents believe that funds should not be spent until the Town has a complete understanding of design features that will be required in a post COVID-19 era. All major projects should be reconsidered at this time.

Some believe that Town Meeting should not consider using funds for projects on land that is not under the control of the Town beforehand.

Funds should be made available to increase the Town's reserves and to accommodate unbudgeted expenses associated with COVID-19 if there should be any.

ARGUMENTS OPPOSED: Town Meeting should have a discussion of the merits of reallocating the CoA/CC funds for another location under Annual Town Meeting Article 11. That article was submitted in January 2020 for Town Meeting discussion. Passage of this Article will eliminate the ability to have that discussion as the funds will no longer be available.

Opponents argue that these funds are needed to keep the Council on Aging/Community Center project moving forward.

The need for more space for the COA is acute and growing. Giving back these funds would put 15 years of work by many committees planning for new COA space back to Phase One.

Some believe that these funds, that are also for a multi-generational Community Center, specifically addresses the limited or lack of space for recreational programs needed today.

Prior Town Meeting articles detailed many uses of these funds including site reviews, feasibility design and due diligence.

RECOMMENDATION: The Finance Committee does not recommend approval. Vote: 2-4-0

QUANTUM OF VOTE:

For more information about this article, contact lead petitioner Nancy Funkhouser at nancyfunkhouser@verizon.net.