

**Town of Wayland
Annual Town Meeting April 2008**

**ARTICLE 19: SELL TOWN POOL LAND FOR PRIVATE CONSTRUCTION
OF A POOL TO BE LEASED TO THE TOWN**

Proposed by: Petitioners

To determine whether the Town will vote to

- (1) Instruct the Park and Recreation Commission, with the approval of Town Counsel as to form to transfer the care, custody, management and control of the parcels of land, with the building thereon, on Old Connecticut Path in Wayland, Massachusetts, known and numbered as the Town Pool at 258 Old Connecticut Path and shown as Lot 63 on a subdivision plan filed in the Land Court, a copy of which plan is filed in the Land Registration Office at the Middlesex South Registry of Deeds in Registration Book 757, Page 8, with Certificate of Title No. 125358 (registered land) and described in a deed dated April 29, 1999 and recorded with said Registry of Deeds in Book 30107, Page 475 (unregistered land) to the Board of Selectmen for the purposes set forth in Paragraph (2) below;
- (2) Authorize the Board of Selectmen, with the approval of the Park and Recreation Commission, and the approval of Town Counsel as to form, to transfer, sell, convey or otherwise dispose of the fee or any lesser interest in all or any portion of said parcels of land, subject to a restriction that the existing building with a swimming pool shall be demolished and removed from said land and a new building with a swimming pool and accessory structures shall be constructed in its place and lease back to the Town, for recreational purposes; and
- (3) Authorize the Board of Selectmen, with the approval of the Park and Recreation Commission, and the approval of Town Counsel as to form, to lease, as lessee, said parcels of land, with said new improvements thereon, for recreational purposes, upon such terms and conditions as the Selectmen deem appropriate.

PETITIONERS' COMMENTS: Wayland has an opportunity to have a new town pool with open-air summer memberships available with passage of this article. The current facility, while well loved, is aged, in need of building repairs and new filtration systems, and is not cost effective to operate.

In 2006, Park and Recreation agreed to keep the pool open while Wayland Community Pool (WCP) developed plans to build a new pool by FY10. After much research, WCP developed a business plan that uses private funding to build a new pool and operate it on a basis where usage fees exceed costs. This article is the first step toward construction of the new pool and keeping swimming in Wayland.

This article allows Park and Recreation to transfer the land for purposes of building a pool. Upon completion, the facility will be leased back to Park and Recreation for town recreation purposes.

FINANCE COMMITTEE COMMENTS: The Wayland town pool was slated to close in spring 2006 as part of the Ad Hoc Budget Advisory Committee recommendations. Under the Park & Recreation Commission, the facility was losing memberships, had an operating deficit of

about \$125,000 per year, and required capital investment. The Ad Hoc Committee's recommendation was to close the pool and save \$94,000 per year in operating costs. The remaining funds (approximately \$36,000/year) would be used to close and mothball the building and perhaps to ultimately demolish it.

A group of Wayland citizens worked with Park & Recreation Commission to alter the business plan for the pool and to contain costs, thereby allowing the pool to remain open with an operating deficit (~\$36,000) similar to the cost of mothballing the facility. The Park & Recreation Commission agreed to this plan given that the citizen group would work to construct a new pool by FY2010 and would assist in the staffing of the existing pool. The pool now operates on a rental basis and is only open when rented to cover costs. Four Wayland swim teams use it regularly, including the Wayland High School boys and girls swim teams, the Wayland Jr. Warrior recreation swim team and the Wayland Summer Warriors, and occasionally, birthday parties are held there.

The current facility needs many changes to be financially viable. The pool itself (five lanes) is not large enough to attract rentals. The water filtration systems and air handling system, while both functional, are antiquated and should be replaced. The building has had structural issues with the roof beams for years and routine maintenance is no longer enough. Similarly, areas of the building have had to be shut down (the lower level) because of building code issues (no elevator). The cost to repair the structure and bring it up to current building code is significant, estimated in excess of \$500,000 and then the pool is still too small to draw enough rental business to support the additional operating and capital costs. The Park and Recreation Commission plans to permanently close the town pool in March 2009.

WCP surveyed the community, met with potential renters, explored various pool construction methods, reviewed various sites throughout Wayland, held multiple meetings with abutters for the proposed site and developed a business plan for a facility with a removable structure allowing for outdoor use of the pool during the summer months. During this process WCP has continued to work closely with the Park & Recreation Commission.

This article seeks to transfer the real interest in the town pool parcel of land from Park & Recreation Commission for the purposes of constructing a pool facility and then leasing it back to Park & Recreation Commission for town use. On February 12, 2008 the Park and Recreation Committee voted unanimously in support of this article.

There are three components to this article: the first is that Park & Recreation Commission declares the land surplus and transfers it to the control of the Board of Selectmen. Second, the Board of Selectmen offers to transfer (sell or lease) the land to an entity that will build a new pool to the specifications defined by Park and Recreation. WCP plans to bid on the land. Third, upon completion of the project, the pool is leased back to Park & Recreation Commission for town use.

Assuming that Town Meeting approves the transfer of land, WCP plans to implement its fundraising plan and proceed with construction planning. WCP intends to keep Park & Recreation Commission, the larger Wayland community and the immediate neighbors updated throughout the process.

ARGUMENTS IN FAVOR: All town residents and swim teams, including Wayland's High School girl's state championship team, will have a modern pool facility and will continue to be able to swim in Wayland. Swimming is a lifetime sport and residents will once again have access to a facility

The Town's financial and construction risk will be minimized since a private entity (WCP) will be financing and managing the construction process. The WCP will be working with Park & Recreation Commission to implement a financially viable business operating plan. Control over the facility specifications will remain with the Park & Recreation Commission when it transfers the land as the bid document will specify the type of pool to be built with all requirements specified (lanes, locker rooms, deck space, office space, etc).

There will be no change in use for the land parcel as it is already used as a pool facility and currently shares parking with the High School.

Any land transfer will not take place until both the Park & Recreation Commission and the Board of Selectmen agree that the business plan and construction/financing plan for the pool is financially viable.

The Town's financial expense for the pool will be monitored by the Park and Recreation Commission based on their contracted usage of the pool thus eliminating the Town's risk of funding any operating deficits.

ARGUMENTS OPPOSED: The project may not be completed on time and the town may need to finance the pool for another year (FY2010).

While the town can control its costs for the pool it will still have some financial expense based on its usage of the facility.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 4-0.

QUANTUM OF VOTE: (1) Two thirds – see Massachusetts General Laws Chapter 40, Section 15A.

(2) Majority - see Massachusetts General Laws Chapter 40, Section 3.

(3) Two thirds – see Massachusetts General Laws Chapter 40, Section 14.
