

**PRESIDENTIAL PRIMARY
MARCH 6, 2012**

Pursuant to a warrant duly served, the Presidential Primary was held on March 6, 2012 in:

- Precinct 1 – Parish Hall of the United Methodist Church of Weston located at 377 North Avenue
- Precinct 2 – Basement of St. Peter’s Church located at 320 Boston Post Road
- Precincts 3 & 4 – Parish Hall of Westgate Church located at 100 Winter Street

The Polls were open from 7:00 a.m. to 8:00 p.m.

**Town of Weston – Presidential Primary
March 6, 2012
Final Results
Democratic Party – Summary Vote**

	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
Presidential Preference					
Blanks	1	3	3	2	9
Obama	47	55	48	58	208
No Preference	2	3	0	2	7
<u>Write-Ins:</u>					
Scattering	1	0	0	0	1
Paul			1		1
Romney				1	1
Total	51	61	52	63	227
State Committee Man					
Blanks	12	17	14	18	61
Cordes	39	44	38	44	165
<u>Write-Ins:</u>					
Scattering	0	0	0	1	1
Total	51	61	52	63	227
State Committee Woman					
Blanks	11	17	13	15	56
Beyer	40	44	39	48	171
<u>Write-Ins:</u>					
Scattering	0	0	0	0	0
Total	51	61	52	63	227

<i>Town Democratic Committee</i>	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
Blanks	722	797	897	688	3,104
Haas	35	41	29	50	155
Carlton-Foss	31	40	25	41	137
Parrish	32	38	29	45	144
Hennessey	32	39	24	39	134
Armour	29	37	25	39	130
Gleysteen	31	41	27	46	145
Waxman	33	40	27	46	146
S. Rahman	31	41	27	40	139
H. Rahman	33	40	28	40	141
Scholosberg	27	39	25	43	134
Durbrow	30	36	23	39	128
D. Boucher	29	35	23	40	127
R. Boucher	28	35	22	37	122
Gilani	31	35	25	38	129
Musinsky	29	38	25	40	132
Marsh	31	41	27	41	140
Chacon	30	37	24	40	131
Orth	36	40	29	46	151
Hirsch	31	37	23	40	131
Hastings	31	44	27	42	144
Mullin	32	39	27	44	142
Alam	30	35	22	39	126
Foster	28	44	28	47	147
Shaw	30	37	27	43	137
Stirling	28	38	26	41	133
Smith	30	37	24	40	131
Chacon	30	35	24	38	127
Gee	35	40	27	44	146
Rossiter	32	37	28	43	140
Jancourtz	26	37	27	40	130
Paborsky	28	37	22	39	126
Nychis	28	35	22	40	125
Ward	27	38	24	39	128
Campos	29	38	24	41	132
Pappone	30	37	23	39	129
Total	1,785	2,135	1,786	2,137	7,843

Town of Weston - Presidential Primary
March 6, 2012
Final Results
Republican Party - Summary Vote

	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
Presidential Preference					
Blanks	1	0	0	0	1
Paul	19	22	11	21	73
Romney	241	235	205	240	921
Perry	0	1	0	0	1
Santorum	20	13	9	18	60
Huntsman	5	1	0	2	8
Bachmann	1	0	1	0	2
Gingrich	6	13	10	16	45
No Preference	1	1	1	0	3
<u>Write Ins:</u>					
Scattering	1	0	0	0	1
Total	295	286	237	297	1,115
State Committee Man					
Blanks	89	77	80	87	333
Dulchinos	59	66	46	54	225
Benn	94	94	57	98	343
Stanton, II	53	49	54	58	214
<u>Write Ins:</u>					
Scattering	0	0	0	0	0
Total	295	286	237	297	1,115
State Committee Woman					
Blanks	96	91	82	95	364
Martinez	199	193	155	202	749
<u>Write Ins:</u>					0
Scattering	0	0	0	0	0
L. Kenderes		1			1
V. Ward		1			1
Total	295	286	237	297	1,115

<i>Town Republican Committee</i>	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
Blanks	8,045	7,953	6,700	8,116	30,814
A. Hersum	157	136	111	132	536
F. Foster	129	126	96	140	491
C. Foster	129	121	97	138	485
Michaud	141	130	106	137	514
Wajsfelner	137	120	89	130	476
W. Hersum	146	132	106	131	515
W. Norquist	145	135	103	138	521
C. Norquist	144	130	107	133	514
Noone	147	140	104	129	520
Faucett	154	122	97	142	515
Sarkisian	135	124	93	147	499
Peatman	142	126	101	130	499
Palmer	143	128	97	147	515
Cronin	146	135	105	128	514
Maystrovsky	134	126	89	132	481
De Jong	143	124	93	139	499
<u>Write-Ins:</u>					0
T.Moir	1				1
D. Levine	1				1
R. Murray	1				1
T. Galligin	1				1
R. Williams	1				1
G. Williams	1				1
T. Mcgrath	1				1
R. Chacon	1				1
M. McDonald		1			1
L. Kenderes		1			1
T. Douglass			2		2
D. Goldsmith				2	2
J. Rosenfeld				2	2
Total	10,325	10,008	8,296	10,293	38,922

Town of Weston - Presidential Primary
March 6, 2012
Final Results
Green Rainbow Party - Summary Vote

	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
Presidential Preference					
Blanks	0	0	0	0	0
Mesplay	0	0	0	0	0
Stein	1	0	0	0	1
Mikkelson	0	0	0	0	0
No Preference	0	0	0	0	0
<u>Write-Ins</u>	0	0	0	0	0
Scattering	0	0	0	0	0
C. McKinney				1	1
Total	1	0	0	1	2
State Committee Man					
Blanks	1	0	0	0	1
<u>Write-Ins</u>	0	0	0	0	0
Scattering	0	0	0	0	0
D. Rolde				1	1
Total	1	0	0	1	2
State Committee Woman					
Blanks	1	0	0	0	1
<u>Write-Ins</u>	0	0	0	0	0
Scattering	0	0	0	0	0
A. Donahue				1	1
Total	1	0	0	1	2
Town Committee					
Blanks	10	0	0	10	20
<u>Write-Ins:</u>					
Scatterings	0	0	0	0	0
Total	10	0	0	10	20

ANNUAL TOWN ELECTION
May 5, 2012

Pursuant to a Warrant duly served, the Annual Town Election was called to order in the Town Hall Auditorium by Warden Susan Banghart at 8:00 a.m. on May 5, 2012, for the election of Town Officers. Ms. Banghart swore the election officers to the faithful performance of their duties.

Total ballots cast were as follows:

Precincts 1 & 2	952
<u>Precincts 3 & 4</u>	<u>668</u>
TOTAL	1,620

The results of the election were as follows:

Moderator - One Year			
Wendy Spector*	8 Conant Road	Caucus Nominee	872
William T. Sandalls, Jr.	20 Wood Ridge Road	Caucus Nominee	703
Blanks			45
Scattering			0
Selectman - Three Years			
Edward H. Coburn	25 Old Road	Caucus Nominee	1,235
Blanks			351
<u>Write-Ins:</u>			
Scattering			14
Henry Viles	300 Conant Road		11
Edmund Ward	21 Overlook Drive		9
Assessor - Three Years (vote for 2)			
Gary C. Koger*	26 Pond Brook Circle	Caucus Nominee	1,069
Phyllis R. Kominz	233 Glen Road	Caucus Nominee	1,060
Blanks			1,102
Scattering			9
School Committee - Three Years (vote for 2)			
Richard A. Manley, Jr.	205 Boston Post Road	Caucus Nominee	1,091
Rosemary B. Tomaso	16 Bemis Street	Caucus Nominee	1,089
Blanks			1,049
Scattering			14
Recreation Commission - Three Years (vote for 2)			
Richard L. Hall.*	60 Hidden Road	Caucus Nominee	1,104
Allison Payne Jones Elvekrog	1 Holly Circle	Caucus Nominee	1,048
Blanks			1,082
Scattering			6
Planning Board - Five Years (vote for 1)			
Pamela W. Fox*	686 Boston Post Road	Caucus Nominee	1,056
George M. Gordon, Jr.	297 North Avenue	Caucus Nominee	435
Blanks			127
Scattering			2
Library Trustee - Three Years (vote for 2)			
Joel S. Angiolillo*	326 Conant Road	Caucus Nominee	1,089
Denise Mosher	84 Wellesley Street	Caucus Nominee	1,131
Blanks			1,018
Scattering			2

Board of Health - Three Years (vote for 1)			
Peter K. Taylor	33 Conant Road	Caucus Nominee	1,129
	Blanks		490
	Scattering		1
Commissioner of Trust Funds - Three Years (vote for 1)			
Thomas E. Bator	78 School Street	Caucus Nominee	1,124
	Blanks		492
	Scattering		4
Measurers of Lumber - One Year (Vote for not more than 3)			
Robin Peakes Coutts	12 Hemlock Road	Caucus Nominee	947
Richard L. Hall	60 Hidden Road	Caucus Nominee	1,014
Susan L. Kannenberg	115 Meadowbrook Road	Caucus Nominee	957
	Blanks		913
	Scattering		12

** Indicates Incumbent*

BALLOT QUESTION NO. 1: PROPOSITION 2½ DEBT EXCLUSION

Shall the Town of Weston be allowed to exempt from the provisions of Proposition two and one-half, so called, the amounts required to pay for the bond(s) issued in order to design, engineer, construct and equip the following, including all costs incidental and related thereto: (1) DPW Drainage Improvement Projects and (2) South Side Drainage Improvement Project?

Yes: 1,010

No: 420

BALLOT QUESTION NO. 2: APPROVAL TO GRANT CLUB AND SPECIAL LICENSES FOR THE SALE OF ALCOHOL

Shall an act passed by the General Court in the year 2012, entitled "An Act Relative to the Granting of Club and Special Licenses for the Sale of Alcoholic Beverages in the Town of Weston" be accepted?

Yes: 1,287

No: 234

SUMMARY

In order for the Weston Golf Club and Pine Brook Country Club to be able to sell alcoholic beverages, they must be duly licensed. In order for licensing to take place in Weston, a special act was authorized under Article 25 of the May 2011 Annual Town Meeting and subsequently approved by the Legislature and Governor as Chapter 27 of the Acts of 2012. This special act allows the Board of Selectmen to issue so-called "club licenses" to the Weston Golf Club and Pine Brook Country Club. The Hazel Hotchkiss Wightman Tennis Center was also included in this legislation so that they may request a license in the future, which will not be granted unless an amendment to their 1968 special permit, which prohibits the serving or consumption of alcoholic beverages, is approved by the Zoning Board of Appeals. In addition, the special act provides for the issuance by the Board of one-day or special licenses to non-profit organizations to sell alcoholic beverages during special events. The final step in the approval process is acceptance by Weston voters.

This question shall be approved if a majority of the persons voting thereon vote "yes."

**SPECIAL TOWN MEETING
MAY 7, 2012**

Pursuant to a Warrant, duly served, Wendy Spector, the Moderator, called the Special Town Meeting to order at 7:30 p.m. in the auditorium of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service.

The Moderator welcomed visitors and outlined the change in procedures to be followed. A Majority vote was taken on the procedural changes to the Town Meeting format.

The Moderator appointed tellers and the Town Clerk swore them to their duties.

Tellers in the Auditorium:

Alex Shimada-Brand
Grant Gilbard
Mary Shaw
Nathalie Thompson

ARTICLE 1: AMEND FISCAL YEAR 2012 OPERATING BUDGET

Mr. Douglas Gillespie moved to amend the following line items in the Fiscal Year 2012 Operating Budget adopted under Article 2 of the 2011 Annual Town Meeting, by reducing line items and appropriating additional funds to other line items as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Minuteman Regional Voc. Technical School District	\$ 74,819	\$ 81,140	\$ 6,321
Conservation Commission - Expenses	122,100	132,100	10,000
Insurance - Property & Liability	300,000	283,679	(16,321)
Information Systems - Salaries	258,145	243,145	(15,000)
Information Systems - Expenses	235,176	250,076	15,000

The motion was approved unanimously

ARTICLE 2: AMEND FISCAL YEAR 2012 RECREATION ENTERPRISE BUDGET

Mr. Gillespie moved to amend the following line item in the Fiscal Year 2012 Recreation Enterprise Budget adopted under Article 4 of the 2011 Annual Town Meeting, by appropriating additional funds as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Expenses	\$408,600	\$434,600	\$26,000

And as funding therefor, that \$26,000 be transferred from Recreation Enterprise fund retained earnings

The motion was approved unanimously

ARTICLE 3: AMEND FISCAL YEAR 2012 BROOK SCHOOL APARTMENTS ENTERPRISE BUDGET

Mr. Gillespie move to create a new line item in the Fiscal Year 2012 Brook School Apartments Enterprise Budget adopted under Article 5 of the 2011 Annual Town Meeting, by appropriating additional funds as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Capital Improvements+	\$0	\$500,000	\$500,000

And as funding therefor, that \$500,000 be transferred from Brook School Apartments Enterprise fund retained earnings

The motion was approved unanimously

ARTICLE 4: AMEND FISCAL YEAR 2012 WATER ENTERPRISE BUDGET

Mr. Gillespie moved to amend the following line item in the Fiscal Year 2012 Water Enterprise Budget adopted under Article 3 of the 2011 Annual Town Meeting, by appropriating additional funds as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Salaries	\$267,292	\$272,292	\$5,000

And as funding therefor, that \$5,000 be transferred from Water Enterprise fund retained earnings.

The motion was approved unanimously

ARTICLE 5: APPROPRIATE FOR ARSENIC REMEDIATION AT FIELD SCHOOL

Mr. Edward Heller moved to appropriate \$200,000 from free cash for the purpose of removing arsenic contaminated soil on Town-owned land, including testing and other engineering services, as well as the actual removal and replacement of soil, and all other incidental costs related thereto; to be spent under the direction of the School Committee.

The motion was approved unanimously

Mr. Harrity expressed gratitude to retiring elected and volunteer officers of the Town of Weston.

In memory of J. Ward Carter for his service to the Town of Weston

J. Ward Carter	Executive Secretary and Town Administrator	1949-2001
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Following is a list of persons who have left or are leaving office whose service to the Town is greatly appreciated and should be duly recognized.

<u>Elected Officers</u>	<u>Office or Committee</u>	<u>Served Since</u>
Steven L. Charlip	Board of Selectmen	2006
Thomas (Court) H. Chilton	School Committee	2008
Gregory Czarnowski	Recreation Commission	1994
Michael J. Glynn	Measurer of Lumber	2011
Emily L. Hutcheson	Measurers of Lumber	2011
Maryanne R. Rogers	Measurers of Lumber	2011

Officers and Committee Members Appointed by the Board of Selectmen

<u>Committee</u>	<u>Officer</u>	<u>Served Since</u>
Affordable Housing Trust	Susan M. McGann	2011
Affordable Housing Trust	Eileen O'Halloran	2011
Council on Aging	Shirley Dolins	2008
Council on Aging	Laura Efron	2004
Cultural Council	Daniel Woloshen	2007
Housing Partnership	M. Shams Alam	2009
Housing Partnership	Sarah Like Rhatigan	2009

Officers and Committee Members Appointed by the Board of Selectmen, continued

<i>Committee</i>	<i>Officer</i>	<i>Served Since</i>
Housing Partnership	Nicolas Timperio	2009
MWRA Advisory Board Representative	Earl J. Forman	2004
Permanent Building Committee	Reiner Kuhr	2006
Tree Advisory Group	Nina Danforth	2003
Tree Advisory Group	Nea Glenn	2007
Tree Advisory Group	Barbara J. Kirkpatrick	2005

Officers and Committee Members Appointed by Moderator

<i>Committee</i>	<i>Officer</i>	<i>Served Since</i>
Finance Committee	Lisa Pierce	2009
Finance Committee	James J. Ricotta	2007
Finance Committee	Brandon White	2009
Memorial Day Committee	William Jacobs	2011
Minuteman Regional Vocational Technical School District	David V. Harmon	2005

Appointed by the Selectmen and School Committee

<i>Committee</i>	<i>Officer</i>	<i>Served Since</i>
Permanent Building Committee	Maryanne Rogers	2010
Recreation Master Plan Steering Committee	Diane Williams	2008

Appointed by the Selectmen and Moderator

<i>Committee</i>	<i>Officer</i>	<i>Served Since</i>
Tercentennial Committee	Lee Marsh	2010
Tercentennial Committee	Pam Fox	2010

Appointed by Other Authorities

<i>Committee</i>	<i>Officer</i>	<i>Served Since</i>
Community Preservation Committee	Sarah Like Rhatigan	2005

A Motion to dissolve Special Town Meeting was made, seconded, and adopted at 7:46 p.m.

**ANNUAL TOWN MEETING
MAY 7 2012**

Pursuant to a Warrant, duly served, Wendy Spector, the Moderator, called the Special Town Meeting to order at 8:00 p.m. in the auditorium of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service.

The Moderator welcomed visitors and outlined procedures to be followed, warned about brevity, and requested citizens to give their names and addresses before speaking.

ARTICLE 1: Deborah M. Davenport, Town Clerk, read the results of the May 5, 2012, Annual Town Election, of which the results appear in the report of the Town Election above.

ARTICLE 2: APPROPRIATE THE FISCAL YEAR 2013 OPERATING BUDGET

Mr. Gillespie moved that the several sums of money recommended by the Board of Selectmen for the fiscal year beginning July 1, 2012, in accordance with Section 5 of Article II of the General By-laws, as amended, and set forth in the report entitled, "Fiscal Year 2013 Recommended Operating Budget," be raised and appropriated for their respective purposes as set forth on said pages, and that the Town transfer the following sums to meet, in part, appropriations made at this Town Meeting:

- a. \$2,300,000 from the Free Cash Account;
- b. \$50,000 from the "Accrued Income, Well Litigation Settlement" account;
- c. \$35,000 from the Cemetery Trust Fund;
- d. \$210,000 from Overlay Surplus; and
- e. \$6,000 from the Josiah Smith Tavern Trust Fund;

and that the Board of Assessors be authorized to use such available funds to meet appropriations in their computation of the tax rate for fiscal year 2013.

The motion was approved unanimously

ARTICLE 2 (Motion 2)

Mr. Gillespie moved that the Town transfer \$250,000 from the Well Litigation Settlement Account to meet, in part, appropriations made at this Town Meeting.

The motion was approved unanimously

ARTICLE 2 (Motion 3)

Mr. Gillespie moved that the compensation for the following elected officers of the Town for the fiscal year commencing July 1, 2012, as required by Massachusetts General Laws, Chapter 41, Section 108, be fixed at:

Assessors	\$100
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and that all other elected officers of the Town be unpaid.

The motion was approved unanimously

ARTICLE 2 (Motion 4)

Mr. Gillespie moved that five persons be appointed by the Moderator to serve as a Memorial Day Committee in 2013 with authority to expend funds for the 2013 Memorial Day observance from the World War Trust Fund for this purpose.

The motion was approved unanimously

ARTICLE 2 (Motion 5)

Mr. Gillespie moved that in purchasing property or equipment, any allowance for turning in or selling other property or equipment may be applied to the purchase price.

The motion was approved unanimously

ARTICLE 3: APPROPRIATE THE FISCAL YEAR 2013 WATER ENTERPRISE BUDGET

Mr. Gillespie moved that that the Town appropriate \$2,692,817 to operate the Water Division of the Department of Public Works during fiscal year 2013, under the provisions of M.G.L. Chapter 44, section 53F½; and that said \$2,692,817 be funded as follows:

\$2,442,817 from water receipts and \$250,000 from Water Enterprise Fund retained earnings.

The motion was approved unanimously

ARTICLE 4: APPROPRIATE THE FISCAL YEAR 2013 RECREATION ENTERPRISE BUDGET

Mr. Gillespie moved that that the Town appropriate \$1,538,232 to operate the Recreation Department during fiscal year 2013, under the provisions of M.G.L. Chapter 44, Section 53F½; and that said \$1,538,232 be funded as follows: \$1,076,514 from departmental receipts and \$461,718 to be raised from the tax levy.

The motion was approved unanimously

ARTICLE 5: APPROPRIATE THE FISCAL YEAR 2013 RECREATION ENTERPRISE BUDGET

Mr. Gillespie moved that the Town appropriate from rental receipts \$952,565 to operate the Brook School Apartments during fiscal year 2013, under the provisions of Chapter 76 of the Acts of 2009.

The motion was approved unanimously

ARTICLE 6: APPROPRIATE TO STABILIZATION FUND

Mr. Gillespie moved that the Town raise and appropriate \$250,000 to the Stabilization Fund, pursuant to M.G.L. Chapter 40, section 5B, to be used for any lawful purpose.

The motion was approved unanimously

ARTICLE 7: APPROPRIATE TO OPEB TRUST FUND

Mr. Gillespie moved the Town raise and appropriate \$1,356,000 to the Other Post Employment Benefits Trust Fund for costs of post employment benefits.

The motion was approved unanimously

ARTICLE 8: CONTINUE DEPARTMENTAL REVOLVING FUNDS

Mr. Gillespie moved that the Town continue revolving funds for certain Town departments pursuant to the provisions of M.G.L. chapter 44, section 53E½ for the fiscal year beginning July 1, 2012.

<i>Revolving Fund</i>	<i>Authority to Spend</i>	<i>Revenue Source</i>	<i>Use of Fund</i>	FY13 Budget
Recreation Skating Programs	Recreation Director	Program Fees	Program Costs	\$50,000
Historic Marker	Historical Commission	Program Fees	Costs Related to Purchase of Historic Markers	\$1,500
Josiah Smith Tavern	Town Manager	Rental Fees from Women's Community League	Building Repairs and Maintenance (Improvements)	\$30,000

<i>Revolving Fund</i>	<i>Authority to Spend</i>	<i>Revenue Source</i>	<i>Use of Fund</i>	<i>FY13 Budget</i>
Council on Aging Special Programs	Council on Aging Director	Program Fees	Program Expenses	\$25,000
Town Building Rentals	Town Manager	Rental Fees Town Hall	Utilities, Cleaning, Building Monitor	\$6,000
Board of Health	Health Director	Insurance Reimbursement, Flu Clinics	Public Health Education, Outreach, Health Clinics, Emergency Preparedness	\$20,000
Affordable Housing Monitoring	Town Manager	Fees from Original Sale and Resale of Affordable Homes	Monitoring Costs, including Salaries and Benefits	\$35,000
Fiske Law Office	Town Manager	Rental Fees	Building Repairs and Maintenance	\$25,000
Ambulance Services	Fire Chief	Ambulance Fees	Paramedic (ALS) Service Fees	\$150,000

The motion was approved unanimously

ARTICLE 9: ACCEPT CHAPTER 90 ROAD IMPROVEMENT FUNDS

Mr. Gillespie moved that the Town authorize the Board of Selectmen to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town Ways and authorize the expenditure of \$480,030 and any other sums of money that may be received for the fiscal year commencing July 1, 2012 from the Massachusetts Department of Transportation.

The motion was approved unanimously

ARTICLE 10: APPROVE PROPERTY TAX DEFERRAL INCOME LIMITS

Mr. Gillespie moved that the Town establish a fiscal year 2013 income eligibility limit of \$70,000 under Chapter 421 of the Acts of 2004, An Act Authorizing the Town of Weston to Regulate Certain Property Tax Exemption Eligibility Requirements for the Elderly.

The motion was approved unanimously

ARTICLE 11: AMEND GENERAL BY-LAW, ARTICLE 1: TOWN MEETING

Mr. William Sandalls moved to amend the Town's General By-Laws by deleting Section 9 of Article I, in its entirety and replacing it as follows:

"SECTION 9. All votes, unless otherwise provided by the laws of the Commonwealth, shall be taken in the first instance by a "Yes" and "No" voice vote. If a supermajority vote of Town Meeting is required by law or by-law and the voice vote is not unanimous, or if the Moderator or any registered voter immediately doubts a voice vote for a simple majority, the Moderator shall call for a standing count in the manner hereinafter prescribed. For any standing count, the Moderator shall first call the voters who appear to be in the minority to stand and be counted, and then call the voters who appear to be in the majority to stand and be counted only to the extent necessary to determine the result of the vote. In lieu of a standing count, the Moderator may call for a vote by ballot."

Yea: 203

Nay: 86 --

The motion was approved

ARTICLE 12: OBSERVANCE OF RULES BY ELECTED OFFICIALS

Ms. Isabella Jancourtz moved that all elected officials be directed to follow the By-laws of the Town of Weston at Town Meeting; that "Robert's Rules of Order" be followed without deviation by the Moderator, as required by said By-laws; and that any changes in longstanding rules of Town Meeting procedure in effect prior to the November 2010 Town Meeting, shall require an article in the warrant setting forth both the proposed rule change and the fact that a 2/3 vote will be required to pass it at Town Meeting.

The motion was defeated

ARTICLE 13: TIMELY AGENDA AND MINUTES

Ms. Jancourtz moved that all boards and committees be directed to post informative agenda on the Town's website at least four business days prior to each meeting, and to post complete minutes within two business days after the next meeting, upon approval of the minutes.

Speaking in support of this motion: Mr. Gordon and Ms. Norquist. Mr. Caruso inquired if this motion is a by-law change. Ms. Lauren Goldberg, Town Counsel, stated in her opinion the item should be a by-law change in consideration with Massachusetts Open Meeting Law.

Mr. McCahan, Council on Aging board member, stated that per the Massachusetts Open Meeting Law, agendas are required to be posted within 48 hours of the meeting. Mr. Hugh Jones, Housing Partnership member, objected, stating do not change the rules.

The motion was defeated

ARTICLE 14: TERM LIMITS FOR WESTON, MASSACHUSETTS SELECTMEN AND SELECTWOMEN

Mr. William Crum moved to amend the by-laws of the Town of Weston by adding a new section following Article II, Section 1 as follows:

Section 1A. No one shall serve more than three consecutive terms as Selectman or Selectwoman. For purposes of the foregoing, anyone serving as Selectman or Selectwoman for eighteen months or more within a term shall be deemed to have served a full term.

Mr. Harmon and Mr. Czarnowski spoke against this article.

The motion was defeated

ARTICLE 15: RAISE QUORUM FOR WESTON, MASSACHUSETTS TOWN MEETINGS

Mr. Crum moved Amend Article 1, Section 6 by deleting the old Section and replacing it as follows:

SECTION 6: One hundred sixty registered voters shall constitute a quorum at any Town Meeting (annual or special). The Moderator shall determine and announce the presence of a requisite quorum at the start of each meeting, but any registered voter may at any time call for a physical count of all voters present by the Town Clerk and his or her designated staff to confirm the continued existence of a quorum. If at any time during the meeting a quorum is no longer present, the meeting shall end immediately, except that a majority of the remaining voters still present may vote to adjourn the session to a later time, date and place. The Town Clerk shall record in the meeting records all counts made of registered voters and post them on the Town website within four business days following each meeting. Any persons present at a Town Meeting who are not registered voters shall be seated separately and the Moderator and Clerk shall ensure that such spectators do not participate in voice or other votes at the meeting.

Mr. Gillespie moved to amend the main motion, by replacing it in its entirety with the following:

To amend Article I, Section 6 of the By-laws of the Town of Weston by replacing, "forty (40)," with, "eighty (80)," so that it will read as follows:

The number of voters necessary to constitute a quorum at any town meeting shall be eighty (80), but any number may adjourn any meeting to a stated time and place. The Moderator shall determine and announce the presence of a quorum, and his determination shall be conclusive upon the question of fact unless his determination be doubted by a registered voter, in which case a count shall be taken and recorded in the records by the Town Clerk.

Mr. Crum accepted the motion to amend.

The amended motion was approved

ARTICLE 16: AMEND THE WESTON, MASSACHUSETTS DOG BY-LAW (ARTICLE XX)

Mr. Crum moved to amend the last sentence of Article XX, Section 9.1 to read:

The annual fee for such a permit shall be \$50 per walker per year and may only be increased by a two thirds vote at Town Meeting.

Amend Article XX, Section 9.2 to read:

The permit issued under this section shall state the commercial dog walker's name and address, and the number of dogs that he or she may walk at any time, up to and including five dogs. Permits shall only be granted under this section if the commercial dog walker: 1) agrees that he or she shall indemnify and hold harmless the Town of Weston from any loss, liability, damage or cost incurred related to the permit holder's dog walking activities or the activities of dogs under his or her care, and 2) provides evidence of commercial general liability insurance coverage.

Amend Article XX, Section 9.3 b. to read:

All dogs walked by a commercial dog walker shall wear current dog license and rabies tags. If the dog is missing its rabies tag, the dog walker or owner shall provide, at the request of an enforcing authority, proof of a current rabies vaccination.

Amend the first sentence of Article XX, Section 9.4 a. to read:

This By-law may be enforced as provided in Article V. Sections 1 and 2 of the General By-laws, including non-criminal disposition, however, any fines for violating this Article (XX) shall be limited to \$25 per walker per day.

Amend Article XX, Section 9.4 b to read:

The Board of Selectmen may for cause suspend or revoke for a period of time a permit issued under this section following an evidentiary hearing held after advance written notice to the dog walker of at least ten business days, at which hearing the dog walker may be represented by legal counsel, call witnesses, submit affidavits, and cross examine accusers and hostile witnesses. No suspension or revocation of a dog walking permit shall take effect if appealed by the dog walker within two weeks of the Selectmen's written decision unless affirmed by a state district court judge after a de novo hearing.

Ms. Susan Crum spoke in support of Mr. Crum's motion. Mr. Harrity, Mr. Greg Czarnowski and Ms. Jeri Cooper spoke in opposition of the motion.

The motion was defeated

ARTICLE 17: AUTHORIZE STUDY OF DISTRIBUTED ANTENNA SYSTEM (DAS) OPTIONS AND AMEND BY-LAW AND LEASING AUTHORITY

To (a) authorize a panel to investigate Weston's distributed antenna system (DAS) options for wireless services, (b) fund the panel for this purpose, (c) amend zoning by-law, and (d) amend water parcel leasing authority as follows:

- (a) Authorize establishment of a panel to investigate DAS options for the Town of Weston, with cooperative assistance from the Town Manager, Town Planner, and from Town boards, departments, committees, panels, partnerships, etc. and from experts, consultants, and industry as the panel determines is needed. The panel is to provide a report to the 2013 Annual Town Meeting with a summary of its findings and recommendations. The panel will be comprised of Weston resident volunteers, with opportunity for balanced participation from across geographical areas within Weston, rather than appointed members. The Town Manager's office will assist volunteers in scheduling the panel's first meeting.
- (b) Appropriate or transfer from available funds a sum of money for use by and at the direction of the panel through the Town Manager for purposes of DAS investigation, including, for example, tasking a wireless communications expert and performing pertinent tests.
- (c) Amend Zoning By-law.

Add Section V.J.9 to Article VIII:

"9. Water Supply. Weston Town water supply facilities such as and including water tanks and the land parcels in which they are sited are explicitly excluded from Personal Wireless Service Overlay District I and Personal Wireless Service Overlay District II."

In the Weston By-law Article VIII Section IV.B.6 Personal Wireless Service Overlay District II list, remove the line:

"Map #13, Parcel #93: Town of Weston Water Tank, Cat Rock Tank;"

and in the Weston By-law Article VIII Section V.J.3 Personal Wireless Service Overlay District II list, remove the line:

"Map #13, Parcel #93: Town of Weston Water Tank, Cat Rock Tank;"

Repeal leasing authority granted in Article 23 of the 2010 Annual Town Meeting. Restore the Cat Rock water tank and parcel to its original purpose of water supply purpose only. Transfer land under the care, custody and control of the Board of Selectmen to the Board of Selectmen for water purposes only, known as "Cat Rock," located off a graveled road that originates at the end of the Bradford Road cul-de-sac, and shown as Parcel 93 Assessor's Map 13, and to revoke all authority of the Board of Selectmen to lease said land or a portion thereof to a telecommunications service provider or providers.

Mr. Aydelott, member of the Planning Board, stated that the Planning Board is required to hold a Public Hearing to review Citizens Petitions that affect the Zoning By-law. In accordance with that requirement, the Planning Board held the required hearing to review portions of this by-law, and is required to report to Town Meeting. Mr. Aydelott stated that the review focused on the portions of the By-law dealing with wireless facilities attached to Town water tanks. At the Board's request, Town Council reviewed this portion of the by-law and found that a general ban on attaching antennas to the Cat Rock Tank or another water tank could be found in particular circumstances to undermine the Town's position regarding Federal Law. Under those circumstances, the Planning Board cannot recommend passage of this motion.

Ms. Virginia Ward, Mr. Warren Norquist and Mr. Ed Ward spoke in favor of this motion.

Yea: 63

Nay: 122

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The motion was defeated

**The Moderator accepted a motion to adjourn the Annual Town Meeting
Motion to adjourn until Wednesday, May 9, 2012
Motion to adjourn Annual Town Meeting passed at 10:42 p.m.**

**ADJOURNED ANNUAL TOWN MEETING
Wednesday, May 9, 2012**

Pursuant to a Warrant, duly served, Wendy Spector, the Moderator, called the Adjourned Annual Town Meeting to order at 7:30 p.m. in the auditorium of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service.

The Moderator appointed tellers and the Town Clerk swore them to their duties.

Tellers in the Auditorium:

Grant Gilbard
Peter Hill
Mary Shaw
Nathalie Thompson

ARTICLE 18: AMEND ZONING BY-LAW SECTION V, D, 1

Mr. George Gordon moved to amend the Zoning By-laws of the Town of Weston to add to section V,D,1. USE REGULATIONS, BUSINESS DISTRICTS (A & B) By-Right Uses the following section:

c. Office Use

And further amend by-laws by deleting sections V.D.2a

The motion was defeated

ARTICLE 19: AMEND ZONING BY-LAWS - STAND-BY GENERATORS AS AN ACCEPTED USE

Mr. John Hennessey moved that this article be passed over and so disposed of.

The motion was approved unanimously

ARTICLE 20: APPROPRIATE FOR DEPARTMENT OF PUBLIC WORKS - DRAINAGE IMPROVEMENTS

Mr. Michael Harrity moved that the Town appropriate \$300,000 to pay costs of the construction or reconstruction of surface drains and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. Chapter 44, Section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

The motion was approved unanimously

ARTICLE 21: APPROPRIATE FOR DEPARTMENT OF PUBLIC WORKS - SOUTH SIDE DRAINAGE IMPROVEMENT PROJECT

Mr. Harrity moved that the Town appropriate \$450,000 to pay costs of the construction or reconstruction of surface drains and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. Chapter

44, Section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

The motion was approved unanimously

ARTICLE 22: APPROPRIATE FOR CAPITAL PROJECTS

Mr. Gillespie moved that the Town appropriate \$741,000 from free cash, to be spent under the direction of the Town Manager, for the capital projects listed below:

Purpose	Amount	Expend Under Direction of
A. DPW Departmental Equipment	\$218,000	Town Manager
B. Transfer Station Bridge Replacement	\$293,000	Town Manager
C. Boston Post Road/Route 20 Traffic Study	\$30,000	Town Manager
D. High School/Middle School Traffic Study	\$30,000	Town Manager
E. Fire Departmental Equipment – Replacement Vehicle	\$50,000	Town Manager
F. Fiber Network Improvements/Expansions	\$120,000	Town Manager

Mr. Richard Sher inquired about the cost estimate for the Transfer Station Bridge Replacement and whether there is a review process. Mr. Gillespie responded that amount was based on estimates from engineers. Mr. Steve Fogg, town engineer, stated the estimates includes enhancement to the bridge and road.

The motion was approved

ARTICLE 23: APPROPRIATE FOR WATER MAIN REHABILITATION

Mr. Gillespie moved that the Town appropriate \$216,000 to pay costs of laying and relaying water mains of not less than six inches but less than sixteen inches in diameter, and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under authority of M.G.L. Chapter 44, Section 8, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

The motion was approved unanimously

ARTICLE 24: APPROPRIATE FOR FISCAL YEAR 2013 COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET

Mr. Steve Ober moved that the Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2013 Community Preservation budget and appropriate or reserve the following amounts from the Community Preservation Fund:

Appropriations from fiscal year 2013 estimated annual revenues -
\$104,000 for Community Preservation Committee administrative expenses

Reservations from fiscal 2013 estimated annual revenues -

- \$383,000 for the acquisition, creation and preservation of open space excluding land for recreational use;
- \$210,000 for the acquisition, preservation, rehabilitation and restoration of historic resources; and

- \$268,000 for the creation, preservation and support of community housing.

Appropriations for Debt Service Payments -

- \$268,658 from the Community Housing Reserve for the expansion of the Brook School Apartments, as approved under Article 19 of the May 2004 Annual Town Meeting; and
- \$466,050 from the Open Space Reserve for the purchase of the Case Estates land, as approved under Article 1 of the November 8, 2006 Special Town Meeting.

Mr. Steven Wishner inquired about the administrative expense. Mr. Ober explains the amount includes annual part-time salary, appraisals, and surveys.

The motion was approved

ARTICLE 25: APPROPRIATE FOR OPEN SPACE - HOBBS POND DAM RECONSTRUCTION AND POND PRESERVATION: 80 ACRE CONSERVATION AREA

Mr. Brian Donahue moved to appropriate \$317,000 for the preservation of open space under the Community Preservation Program, to be used for the reconstruction of Hobbs Pond Dam and pond preservation at 80 Acre Conservation Area, located off Lexington Street, and all incidental costs related thereto, to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Unallocated allocation of the Community Preservation Fund.

The motion was approved

ARTICLE 26: APPROPRIATE FOR OPEN SPACE - HOBBS POND DAM REMOVAL AND BROOK PRESERVATION: 80 ACRE CONSERVATION AREA

Mr. Donahue moved that this article be passed over and so disposed of.

The motion was approved unanimously

ARTICLE 27: APPROPRIATE FOR OPEN SPACE - FIELD PRESERVATION

Mr. Donahue moved that the Town transfer \$20,000 from the Community Preservation Fund Unallocated Reserve to be used for the preservation of several fields under the jurisdiction of the Conservation Commission, to be spent under the direction of the Town Manager.

The motion was approved

ARTICLE 28: APPROPRIATE FOR COMMUNITY HOUSING - BROOK SCHOOL APARTMENTS BUILDING ENVELOPE PROJECT

Mr. Ober moved that the Town appropriate \$2,750,000 to pay costs of the preservation of and making extraordinary repairs to the Brook School Apartments, 44 School Street, and all incidental costs related thereto, to be spent under the direction of the Town Manager, and as funding therefor, to transfer \$1,375,000 from the Unallocated Reserve of the Community Preservation Fund, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$1,375,000 under the authority of M.G.L. Chapter 44, Section 7, or any other enabling authority, and issue bonds and notes therefor.

The motion was approved by a two-thirds majority as declared by the Moderator

ARTICLE 29: APPROPRIATE FOR COMMUNITY HOUSING - REGIONAL HOUSING OFFICE AND HOUSING STAFF SUPPORT

Ms. Dolins moved that the Town transfer \$15,343 from the Unallocated Reserve of the Community Preservation Fund for community housing purposes under the Community Preservation Program in order to provide funds needed to participate in a regional housing services office and for staff assistance for the creation, preservation, and support of community housing; to be spent under the direction of the Town Manager.

The motion was approved unanimously

ARTICLE 30: APPROPRIATE FOR HISTORIC RESOURCES - TOWN HALL ARCHIVES

Mr. Wagner moved that the Town transfer \$210,579 from the Historic Resources Reserve of the Community Preservation Fund and \$331,421 from the Unallocated Reserve of the Community Preservation Fund for historic resource purposes under the Community Preservation Program, to be used to construct a historic archives facility in the Town Hall basement, located at 11 Town House Road, and all incidental costs related thereto, to be spent under the direction of the Town Manager.

Mr. Mark Susser moved to strike out "Town Hall basement" and insert "an appropriate location."

Mr. Wagner and Mr. Charlip accept the amended motion.

The amended motion was approved

ARTICLE 31: APPROPRIATE FOR HISTORIC RESOURCES - HISTORIC ARTIFACT PRESERVATION/RESTORATION

Ms. Pam Fox moved that the Town transfer \$9,500 from the Unallocated Reserve of the Community Preservation Fund for historic resource purposes under the Community Preservation Program, to be used for the preservation and restoration of historic artifacts owned by the Weston Historical Society, as a grant to the Weston Historical Society, pursuant to a grant agreement between the Town Manager and the Weston Historical Society, on such terms and conditions as the Town Manager, in consultation with the Community Preservation Committee, deems appropriate, and as funding therefor, to transfer said sum from the Unallocated allocation of the Community Preservation Fund

The motion was approved unanimously

ARTICLE 32: APPROPRIATE FOR RECREATION - DESIGN FEES

Mr. Steve Ober moved that this article be passed over and so disposed of.

The motion was approved unanimously

ARTICLE 33: AMEND GENERAL BY-LAWS - ARTICLE XXX - FARM PRESERVATION

Ms. Diana Chaplin moved to Vote to amend the By-laws of the Town of Weston, Article XXX - Farm Preservation, by deleting Section 2 and replacing it with the following:

Section 2 - Definitions

"Farming" or "agriculture" shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering

operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

The motion was approved unanimously

ARTICLE 34: AMEND ZONING BY-LAW - DEFINITION OF FARM

Mr. Aydelott moved to amend Section II of the Zoning By-law of the Town of Weston, by deleting the definition of Farm and replacing it with the following:

FARM, FARMING

“Farming” or “agriculture” shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

The motion was approved unanimously

ARTICLE 35: AMEND ZONING BY-LAW - SECTION XI. K. - LIMITED SITE PLAN APPROVAL

Mr. Aydelott moved to amend SECTION XI. K. of the Zoning By-law of the Town of Weston as follows:

K. Limited Site Plan Approval Exception for Religious, Educational, and Child Care Facility Uses in accordance with G.L. c. 40A, §3.

~~For those uses listed under Section VI.A.3 as being permitted by right in all districts subject to Site Plan Approval, the Planning Board’s review and evaluation of the Site Plan shall be limited to the following criteria:~~

1. For uses listed under Section V.A.3.c., Limited Site Plan Approval is required for the construction, alteration or use of structures or premises or for the establishment, intensification, or change of use of a structure or premises. Construction, extension, alteration, establishment or change may not commence, and no building permit or occupancy permit may be issued, until Limited Site Plan Approval has been issued by the Planning Board.

2. Applications for Limited Site Plan Approval shall be administered consistent with Sections XI.C through XI.I, with the exception of Sections XI.E and XI.F entitled Review of Site Plan – Reasons for Disapproval and Standards and Criteria respectively.

3. The Planning Board’s review and evaluation of an application for Limited Site Plan Approval shall be limited to the following criteria:

~~4. a.~~ Adequate parking shall be provided, meeting the applicable requirements of Section VIII of the Zoning By-law as to minimum number of off-street parking spaces, the location and size of the parking area(s), and construction standards, in a manner which allows for safe vehicular maneuvering and pedestrian movement within the site. Where applicable, adequate facilities for loading and unloading of stock, merchandise, material, and supplies shall be provided and screened in accordance with Section VIII.

- ~~2.~~ b. The site drainage shall be designed in accordance with the Town of Weston Stormwater By-laws in effect at the time.
- ~~3.~~ c. The design and adequacy of the sewage disposal system(s) to serve the proposed development shall be in accordance with Board of Health requirements.
- ~~4.~~ d. Electric, telephone, cable TV and other such utilities shall be installed underground, except where this cannot be accomplished because it is physically or environmentally infeasible.
- e. Parking areas adjacent to residential uses shall be adequately screened year-round from view from said residence by trees, vegetation, and/or fence.
- f. There shall be no unreasonable glare onto public roads and other public ways, into the night sky, or onto neighboring properties from lighting or reflection.
- ~~5.~~ g. The site plan shall demonstrate conformance with applicable lot area, setback and height regulations for the zoning district in which the premises are located.
4. The Planning Board shall approve an Application in the form submitted or with reasonable conditions which shall pertain to the Standards and Criteria set forth in Subsection K.3 unless the Planning Board finds that the Application is incomplete.

The motion was approved by a two-thirds majority as declared by the Moderator

ARTICLE 36: AMEND ZONING BY-LAW - DEFINITION OF STRUCTURE

Mr. Aydelott moved that this article be passed over and so disposed of.

The motion was approved unanimously

ARTICLE 37: ACCEPT CHAPTER 73, SECTION 4 OF THE ACTS OF 1986 (INCREASE IN PROPERTY TAX EXEMPTION LIMITS)

Mr. Harrity moved to accept, for fiscal year 2012, the provisions of section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, which amends Chapter 59 of the Massachusetts General Laws relative to real estate property tax exemptions and to approve an increase in the amount of 100 percent for each eligible exemption.

The motion was approved

**The Moderator accepted a motion to dissolve the Adjourned Annual Town Meeting.
Motion to dissolve 2012 Adjourned Annual Town Meeting accepted at 10:33 p.m.**

**STATE PRIMARY
SEPTEMBER 6, 2012**

Pursuant to a warrant duly served, the State Primary was held on September 6, 2012 in:

- Precinct 1 - Parish Hall of the United Methodist Church of Weston located at 377 North Avenue
- Precinct 2 - Basement of St. Peter's Church located at 320 Boston Post Road
- Precincts 3 & 4 - Parish Hall of Westgate Church located at 100 Winter Street

The Polls were open from 7:00a.m. to 8:00 p.m.

The results of the State Primary were as follows:

**Town of Weston - State Primary
Final Results
September 6, 2012
Democratic Party - Summary Vote**

	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
SENATOR IN CONGRESS					
Blanks	28	23	15	16	82
Warren	247	166	109	134	656
<u>Write-Ins:</u>					
scattering	5	1	1	1	8
Total	280	190	125	151	746
REPRESENTATIVE IN CONGRESS					
Blanks	35	32	21	19	107
Markey	244	156	104	131	635
<u>Write-Ins:</u>					
scattering	1	2	0	1	4
Total	280	190	125	151	746
COUNCILLOR					
Blanks	73	43	27	42	185
Devaney	98	55	40	46	239
Margolis	51	47	21	23	142
Shapiro	56	45	35	40	176
<u>Write-Ins:</u>					
scattering	2	0	2	0	4
Total	280	190	125	151	746
SENATOR IN GENERAL COURT					
Blanks	4	4	2	4	14
Barrett	70	51	35	43	199
Buck	2	0	0	0	2
Dolan	10	13	14	12	49
Goodwin	52	52	40	42	186
Mullin	142	70	34	50	296

<i>Senator in General Court, cont.</i>	<u>Precinct 1</u>	<u>Precinct 2</u>	<u>Precinct 3</u>	<u>Precinct 4</u>	<u>Total</u>
<u>Write-Ins:</u>					
scattering	0	0	0	0	0
Total	280	190	125	151	746
REPRESENTATIVE IN GENERAL COURT					
Blanks	23	12	4	4	43
Peisch	238	153	116	135	642
Carr	19	24	5	11	59
<u>Write-Ins:</u>					
scattering	0	1	0	1	2
Total	280	190	125	151	746
CLERK OF COURTS					
Blanks	78	65	30	53	226
Sullivan	200	125	95	98	518
<u>Write-Ins:</u>					
scattering	2	0	0	0	2
Total	280	190	125	151	746
REGISTER OF DEEDS					
Blanks	98	65	41	58	262
Antonelli	37	17	11	18	83
Ciano	15	11	4	4	34
Concannon, Jr.	60	49	42	42	193
Curatone	31	17	12	8	68
Doto	8	3	3	2	16
Heuston	30	28	10	18	86
<u>Write-Ins:</u>					
scattering	1	0	2	1	4
Total	280	190	125	151	746
SHERIFF					
Blanks	68	65	30	50	213
Koutoujian	212	125	95	101	533
<u>Write-Ins:</u>					
scattering	0	0	0	0	0
Total	280	190	125	151	746

**Town of Weston -State Primary
Final Results
September 6, 2012
Republican Party - Summary Vote**

	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
SENATOR IN CONGRESS					
Blanks	4	2	1	0	7
Brown	77	63	56	78	274
<u>Write-Ins:</u> scattering	1	1	0	0	2
Total	82	66	57	78	283
REPRESENTATIVE IN CONGRESS					
Blanks	12	12	4	8	36
Addivinola, Jr.	15	15	15	18	63
Semon	19	14	19	15	67
Tierney	36	25	19	37	117
<u>Write-Ins:</u> scattering	0	0	0	0	0
Total	82	66	57	78	283
COUNCILLOR					
Blanks	69	66	57	78	270
<u>Write-Ins:</u> scattering	13	0	0	0	13
Total	82	66	57	78	283
SENATOR IN GENERAL COURT					
Blanks	5	8	1	2	16
Howes	28	27	15	28	98
Martinez	49	31	41	48	169
<u>Write-Ins:</u> scatterings	0	0	0	0	0
Total	82	66	57	78	283
REPRESENTATIVE IN GENERAL COURT					
Blanks	82	66	57	78	283
<u>Write-Ins:</u> scattering	0	0	0	0	0
Total	82	66	57	78	283
CLERK OF COURTS					
Blanks	78	65	57	78	278
<u>Write-Ins:</u> scattering	4	1	0	0	4
Total	82	66	57	78	282

REGISTER OF DEEDS	<u>Precinct 1</u>	<u>Precinct 2</u>	<u>Precinct 3</u>	<u>Precinct 4</u>	<u>Total</u>
Blanks	79	65	57	78	279
<u>Write-Ins:</u>					
scattering	3	1	0	0	4
Total	82	66	57	78	283
SHERIFF					
Blanks	79	66	57	78	280
<u>Write-Ins:</u>					
scattering	3	0	0	0	3
Total	82	66	57	78	283

Town of Weston -State Primary
Final Results
September 6, 2012
Green Rainbow Party - Summary Vote

	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
SENATOR IN CONGRESS					
Blanks					0
Total	0	0	0	0	0
REPRESENTATIVE IN CONGRESS					
Blanks					0
Total	0	0	0	0	0
COUNCILLOR					
Blanks					0
Total	0	0	0	0	0
SENATOR IN GENERAL COURT					
Blanks					0
Total	0	0	0	0	0
REPRESENTATIVE IN GENERAL COURT					
Blanks					0
Total	0	0	0	0	0
CLERK OF COURTS					
Blanks					0
Total	0	0	0	0	0
REGISTER OF DEEDS					
Blanks					0
Total	0	0	0	0	0
SHERIFF					
Blanks					0
Total	0	0	0	0	0

**STATE ELECTION
NOVEMBER 6, 2012**

Pursuant to a warrant duly served, the State Election was held on November 6, 2012 in:

- Precinct 1 - Parish Hall of the United Methodist Church of Weston located at 377 North Avenue
- Precinct 2 - Basement of St. Peter's Church located at 320 Boston Post Road
- Precincts 3 & 4 - Parish Hall of Westgate Church located at 100 Winter Street

The Polls were open from 7:00a.m. to 8:00 p.m.

The results of the State Election were as follows:

**Town of Weston - State Election
November 6, 2012
Final Result**

	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
ELECTORS OF PRESIDENT AND VICE PRESIDENT					
Blanks	5	5	4	7	21
Johnson and Gray	10	18	4	13	45
Obama and Biden	963	830	759	838	3,390
Romney and Ryan	787	750	757	865	3,159
Stein and Honkala	10	8	5	4	27
<u>Write-Ins:</u>					
scattering	10	2	3	1	16
Total	1,785	1,613	1,532	1,728	6,658
SENATOR IN CONGRESS					
Blanks	12	9	10	7	38
Brown	898	848	896	984	3,626
Warren	873	755	625	736	2,989
<u>Write-Ins:</u>					
scattering	2	1	1	1	5
Total	1,785	1,613	1,532	1,728	6,658
REPRESENTATIVE IN CONGRESS					
Blanks	82	76	90	69	317
Markey	1056	932	840	992	3,820
Tierney	639	602	601	667	2,509
<u>Write-Ins:</u>					
scattering	8	3	1		
Total	1,785	1,613	1,532	1,728	6,658

	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
COUNCILLOR					
Blanks	394	328	375	363	1,460
Devaney	914	805	722	857	3,298
Sheff	471	475	432	507	1,885
<u>Write-Ins:</u>					
scattering	6	5	3	1	15
Total	1,785	1,613	1,532	1,728	6,658
SENATOR IN GENERAL COURT					
Blanks	177	145	197	183	702
Barrett	896	774	680	785	3,135
Martinez	708	691	653	759	2,811
<u>Write-Ins:</u>					
scattering	4	3	2	1	10
Total	1,785	1,613	1,532	1,728	6,658
REPRESENTATIVE IN GENERAL COURT					
Blanks	524	469	494	504	1,991
Peisch	1,217	1,104	1,012	1,194	4,527
<u>Write-Ins:</u>					
scattering	44	40	26	30	140
Total	1,785	1,613	1,532	1,728	6,658
CLERK OF COURTS					
Blanks	614	548	558	594	2,314
Sullivan	1,141	1,040	953	1,112	4,246
<u>Write-Ins:</u>					
scattering	30	25	21	22	98
Total	1,785	1,613	1,532	1,728	6,658
REGISTER OF DEEDS					
Blanks	620	569	577	627	2,393
Curtatone	1,133	1,021	935	1,080	4,169
<u>Write-Ins:</u>					
scattering	32	23	20	21	96
Total	1,785	1,613	1,532	1,728	6,658
Sheriff					
Blanks	417	366	397	396	1,576
Koutoujian	1,033	911	839	934	3,717
Petrone	328	328	286	395	1,337
<u>Write-Ins:</u>					
scattering	7	8	10	3	28
Total	1,785	1,613	1,532	1,728	6,658

		<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
Question 1						
	Yes	1,369	1,186	1,174	1,341	5,070
	No	210	202	199	191	802
	Blanks	206	225	159	196	786
	Total	1,785	1,613	1,532	1,728	6,658
Question 2						
	Yes	1,030	960	878	1,030	3,898
	No	687	574	592	639	2,492
	Blanks	68	79	62	59	268
	Total	1,785	1,613	1,532	1,728	6,658
Question 3						
	Yes	1,082	962	932	1,031	4,007
	No	643	556	533	633	2,365
	Blanks	60	95	67	64	286
	Total	1,785	1,613	1,532	1,728	6,658
Question 4						
	Yes	1,122	954	909	1,042	4,027
	No	325	343	320	402	1,390
	Blanks	338	316	303	284	1,241
	Total	1,785	1,613	1,532	1,728	6,658

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

This proposed law would prohibit any motor vehicle manufacturer, starting with model year 2015, from selling or leasing, either directly or through a dealer, a new motor vehicle without allowing the owner to have access to the same diagnostic and repair information made available to the manufacturer's dealers and in-state authorized repair facilities.

The manufacturer would have to allow the owner, or the owner's designated in-state independent repair facility (one not affiliated with a manufacturer or its authorized dealers), to obtain diagnostic and repair information electronically, on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

The manufacturer would have to provide access to the information through a non-proprietary vehicle interface, using a standard applied in federal emissions-control regulations. Such information would have to include the same content, and be in the same form and accessible in the same manner, as is provided to the manufacturer's dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would require a manufacturer of motor vehicles sold in Massachusetts to make available for purchase, by vehicle owners and in-state independent repair facilities, the same diagnostic and repair information that the manufacturer makes available through an electronic system to its dealers and in-state authorized repair

facilities. Manufacturers would have to make such information available in the same form and manner, and to the same extent, as they do for dealers and authorized repair facilities. The information would be available for purchase on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would also require manufacturers to make available for purchase, by vehicle owners and in-state independent repair facilities, all diagnostic repair tools, incorporating the same diagnostic, repair and wireless capabilities as those available to dealers and authorized repair facilities. Such tools would have to be made available for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For all years covered by the proposed law, the required diagnostic and repair information would not include the information necessary to reset a vehicle immobilizer, an anti-theft device that prevents a vehicle from being started unless the correct key code is present. Such information would have to be made available to dealers, repair facilities, and owners through a separate, secure data release system.

The proposed law would not require a manufacturer to reveal a trade secret and would not interfere with any agreement made by a manufacturer, dealer, or authorized repair facility that is in force on the effective date of the proposed law. Starting January 1, 2013, the proposed law would prohibit any agreement that waives or limits a manufacturer's compliance with the proposed law.

Any violation of the proposed law would be treated as a violation of existing state consumer protection and unfair trade-practices laws.

A *YES VOTE* would enact the proposed law requiring motor vehicle manufacturers to allow vehicle owners and independent repair facilities in Massachusetts to have access to the same vehicle diagnostic and repair information made available to the manufacturers' Massachusetts dealers and authorized repair facilities.

A *NO VOTE* would make no change in existing laws.

YES: 5,108 NO: 810 BLANKS: 802

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

This proposed law would allow a physician licensed in Massachusetts to prescribe medication, at a terminally ill patient's request, to end that patient's life. To qualify, a patient would have to be an adult resident who (1) is medically determined to be mentally capable of making and communicating health care decisions; (2) has been diagnosed by attending and consulting physicians as having an incurable, irreversible disease that will, within reasonable medical judgment, cause death within six months; and (3) voluntarily expresses a wish to die and has made an informed decision. The proposed law states that the patient would ingest the medicine in order to cause death in a humane and dignified manner.

The proposed law would require the patient, directly or through a person familiar with the patient's manner of communicating, to orally communicate to a physician on two occasions, 15 days apart, the patient's request for the medication. At the time of the second request, the physician would have to offer the patient an opportunity to rescind the request. The patient would also have to sign a standard form, in the

presence of two witnesses, one of whom is not a relative, a beneficiary of the patient's estate, or an owner, operator, or employee of a health care facility where the patient receives treatment or lives.

The proposed law would require the attending physician to: (1) determine if the patient is qualified; (2) inform the patient of his or her medical diagnosis and prognosis, the potential risks and probable result of ingesting the medication, and the feasible alternatives, including comfort care, hospice care and pain control; (3) refer the patient to a consulting physician for a diagnosis and prognosis regarding the patient's disease, and confirmation in writing that the patient is capable, acting voluntarily, and making an informed decision; (4) refer the patient for psychiatric or psychological consultation if the physician believes the patient may have a disorder causing impaired judgment; (5) recommend that the patient notify next of kin of the patient's intention; (6) recommend that the patient have another person present when the patient ingests the medicine and to not take it in a public place; (7) inform the patient that he or she may rescind the request at any time; (8) write the prescription when the requirements of the law are met, including verifying that the patient is making an informed decision; and (9) arrange for the medicine to be dispensed directly to the patient, or the patient's agent, but not by mail or courier.

The proposed law would make it punishable by imprisonment and/or fines, for anyone to (1) coerce a patient to request medication, (2) forge a request, or (3) conceal a rescission of a request. The proposed law would not authorize ending a patient's life by lethal injection, active euthanasia, or mercy killing. The death certificate would list the underlying terminal disease as the cause of death.

Participation under the proposed law would be voluntary. An unwilling health care provider could prohibit or sanction another health care provider for participating while on the premises of, or while acting as an employee of or contractor for, the unwilling provider.

The proposed law states that no person would be civilly or criminally liable or subject to professional discipline for actions that comply with the law, including actions taken in good faith that substantially comply. It also states that it should not be interpreted to lower the applicable standard of care for any health care provider.

A person's decision to make or rescind a request could not be restricted by will or contract made on or after January 1, 2013, and could not be considered in issuing, or setting the rates for, insurance policies or annuities. Also, the proposed law would require the attending physician to report each case in which life-ending medication is dispensed to the state Department of Public Health. The Department would provide public access to statistical data compiled from the reports.

The proposed law states that if any of its parts was held invalid, the other parts would stay in effect.

A YES VOTE would enact the proposed law allowing a physician licensed in Massachusetts to prescribe medication, at the request of a terminally-ill patient meeting certain conditions, to end that person's life.

A NO VOTE would make no change in existing laws.

YES: 3,930 NO: 2,507 BLANKS: 283

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

This proposed law would eliminate state criminal and civil penalties for the medical use of marijuana by

qualifying patients. To qualify, a patient must have been diagnosed with a debilitating medical condition, such as cancer, glaucoma, HIV-positive status or AIDS, hepatitis C, Crohn's disease, Parkinson's disease, ALS, or multiple sclerosis. The patient would also have to obtain a written certification, from a physician with whom the patient has a bona fide physician-patient relationship, that the patient has a specific debilitating medical condition and would likely obtain a net benefit from medical use of marijuana.

The proposed law would allow patients to possess up to a 60-day supply of marijuana for their personal medical use. The state Department of Public Health (DPH) would decide what amount would be a 60-day supply. A patient could designate a personal caregiver, at least 21 years old, who could assist with the patient's medical use of marijuana but would be prohibited from consuming that marijuana. Patients and caregivers would have to register with DPH by submitting the physician's certification.

The proposed law would allow for non-profit medical marijuana treatment centers to grow, process and provide marijuana to patients or their caregivers. A treatment center would have to apply for a DPH registration by (1) paying a fee to offset DPH's administrative costs; (2) identifying its location and one additional location, if any, where marijuana would be grown; and (3) submitting operating procedures, consistent with rules to be issued by DPH, including cultivation and storage of marijuana only in enclosed, locked facilities.

A treatment center's personnel would have to register with DPH before working or volunteering at the center, be at least 21 years old, and have no felony drug convictions. In 2013, there could be no more than 35 treatment centers, with at least one but not more than five centers in each county. In later years, DPH could modify the number of centers.

The proposed law would require DPH to issue a cultivation registration to a qualifying patient whose access to a treatment center is limited by financial hardship, physical inability to access reasonable transportation, or distance. This would allow the patient or caregiver to grow only enough plants, in a closed, locked facility, for a 60-day supply of marijuana for the patient's own use.

DPH could revoke any registration for a willful violation of the proposed law. Fraudulent use of a DPH registration could be punished by up to six months in a house of correction or a fine of up to \$500, and fraudulent use of a registration for the sale, distribution, or trafficking of marijuana for non-medical use for profit could be punished by up to five years in state prison or by two and one-half years in a house of correction.

The proposed law would (1) not give immunity under federal law or obstruct federal enforcement of federal law; (2) not supersede Massachusetts laws prohibiting possession, cultivation, or sale of marijuana for nonmedical purposes; (3) not allow the operation of a motor vehicle, boat, or aircraft while under the influence of marijuana; (4) not require any health insurer or government entity to reimburse for the costs of the medical use of marijuana; (5) not require any health care professional to authorize the medical use of marijuana; (6) not require any accommodation of the medical use of marijuana in any workplace, school bus or grounds, youth center, or correctional facility; and (7) not require any accommodation of smoking marijuana in any public place.

The proposed law would take effect January 1, 2013, and states that if any of its part were declared invalid, the other parts would stay in effect.

A YES VOTE would enact the proposed law eliminating state criminal and civil penalties related to the medical use of marijuana, allowing patients meeting certain conditions to obtain marijuana produced and distributed by new state-regulated centers or, in specific hardship cases, to grow marijuana for their own use.

A *NO VOTE* would make no change in existing laws.

YES: 4,044 NO: 2,374 BLANKS: 302

QUESTION 4

THIS QUESTION IS NOT BINDING

Shall the state representative from this district be instructed to vote in favor of a resolution calling upon Congress to propose an amendment to the U.S. constitution affirming that (1) corporations are not entitled to the constitutional rights of human beings, and (2) both Congress and the states may place limits on political contributions and political spending?

YES: 4,055 NO: 1,404 BLANKS: 1,261

SPECIAL TOWN MEETING

NOVEMBER 26, 2012

Pursuant to a Warrant, duly served, Wendy Spector, the Moderator, called the Special Town Meeting to order at 7:30 p.m. in the auditorium and gymnasium of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service.

The Moderator appointed Thomas Crane to serve as Assistant Moderator in the gymnasium and the Town Clerk swore him to his duties.

The Moderator appointed tellers and the Town Clerk swore them to their duties.

Pamela Bator	Jacqueline Haas
Denise Mosher	Lisa Reitano
Alex Shimada-Brand	Patricia Siek

The Moderator welcomed visitors and outlined procedures to be followed; warned about brevity and requested that citizens give their names and addresses before speaking.

ARTICLE 1: AMEND FISCAL YEAR 2013 OPERATING BUDGET

Mr. Harrity moved to amend the following line items in the Fiscal Year 2013 Operating Budget adopted under Article 2 of the 2012 Annual Town Meeting, by raising and appropriating additional sums as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Minuteman Regional Voc. Technical School District - Assessment	\$81,634	\$81,925	\$291
Police - Salaries	2,557,548	2,592,548	35,000

Mr. Harrity reminded the body that the fiscal year 2014 budget process has begun and encouraged citizens to read the Finance Committee minutes and agendas and review all budget information on the Town website. He also encouraged citizens to attend the Finance Committee meetings which he reported will be held Thursday evenings beginning in January.

Mr. Harrity explained the two line items in Article 1: He stated the article provides a small amount of additional funding to pay the final assessment for Weston's membership in the Minuteman Regional Vocational Technical School District, as well as police overtime pay to cover the cost of assigning a police officer to direct traffic on school mornings at the intersection of Brown Street, Wellesley Street and the

Middle School driveway where a child was recently struck by a car while crossing the street. Mr. Harrity stated that the primary concern here is safety and that while some measures have been taken to implement some traffic calming, the master plan has not been completed, and that in the interim, this was the best plan. Mr. Harrity stated the Town has a contractual obligation to pay a minimum of four hours of overtime pay. He stated that the officer would work for one hour as a crossing agent and would work the remaining three hours providing other valuable traffic control and community work.

The Moderator stated that before the Article is open to the floor, she wanted to invite the Finance Committee to weigh in on the Articles.

Mr. Thomas Palmer, Chair of Finance Committee stated that Finance Committee unanimously supports Articles 1, 2 and 3. The Finance Committee has not had time to meet and discuss the remaining Articles.

The Moderator opened the floor for discussion.

Mr. Jim Kappel asked for “the math” on the amount of \$35,000. Mr. Harrity stated the amount was based on 180 days at \$45 per hour with a four hour minimum per day.

Mr. Clint Schuckel stated that he is a member of the Traffic Advisory Committee, however, his views are in no way to represent the Committee as the Committee has not had the opportunity to meet and discuss this issue. He stated the potential cost of this approach would be approximately \$50,000 per year when the afternoon crossing guard is added to the plan. He stated this is not a sustainable long-term solution. He added that more families need to use the free bus service.

Ms. Rochelle Nemrow stated she is the mother of the child who was hit by the car in the intersection. She talked about how dangerous the intersection is and asked the audience if a child’s life is worth \$50,000. She stated that there needs to be safety precautions in place while the Town waits for the grand scheme.

Ms. Marcy Dorna stated her son rides his bike to school. The school is on a major thoroughfare with historic traffic issues. She urges voters to consider safety of the community.

The motion was approved

ARTICLE 2: APPROPRIATE TO OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST FUND

Mr. Harrity moved that the Town raise and appropriate \$250,000 to the Other Post Employment Benefits Trust Fund, to be used for costs of post employment benefits.

Mr. Harrity stated that the Town is obligated by law to provide health insurance to Town and School retirees and their spouses. He explained that this article provides funding for this future Town liability which amounts to approximately \$60 million. He stated that there are currently 409 retirees and spouses enrolled in Town-sponsored health insurance plans. Mr. Harrity stated that by funding this liability through the OPEB Trust Fund, as opposed to pay-as-you-go, the Town will eventually save significant costs. Currently the Town has \$4.8 million in the OPEB Trust Fund. The Town is proposing to move an additional \$250,000 in the Fund as a result of State Aid being \$250,000 in excess of what was budgeted.

The motion was approved

ARTICLE 3: AUTHORIZE REVOLVING ACCOUNT - PLANNING BOARD

Mr. Aydelott moved to establish a revolving fund for the Planning Board, pursuant to the provisions of M.G.L. Chapter 44, §53E ½ for the purpose indicated below:

Revolving Fund: Planning Board Revolving Account

Authority to Spend: Planning Board

Revenue Source: Fees Paid, in connection with Applications to the Planning Board, for the employment of such consultants as deemed necessary by the Planning Board for review of such Applications, also known generally as "Review Fees," but specifically excluding so-called "Project Review Fees" imposed under G.L. c.44, §53G and applicable Planning Board Regulations

Use of Fund: Expenses related to action on applications, including administrative expenses and costs for professional assistance such as payment for consultants, and excluding personnel/salaries

Fiscal Year 2013 Budget: \$75,000

Mr. Aydelott stated the revolving fund was suggested by Town Counsel and does in no way represent any increase in costs. He stated the Revolving Fund must be authorized annually by vote of the Town Meeting. The Fund is credited only with review fees submitted in support of applications under the jurisdiction of the Planning Board, excluding those fees submitted pursuant to MGL Chapter 44, section 53G and expenditures may be made from the Revolving Fund without further appropriation.

The motion was approved

ARTICLE 4: APPROPRIATE FOR HISTORIC RESOURCES

Mr. Stephen Ober moved that the Town transfer \$18,000 from fiscal 2013 estimated annual revenues of the Community Preservation Act Fund and reserve such sum for future appropriation for the acquisition, preservation, rehabilitation and restoration of historic resources.

Mr. Ober, Chair of the Community Preservation Committee gave a brief presentation and update on the Community Preservation Act Funds. The Community Preservation Act requires that 10 percent of revenues be set aside annually for historic resources. At the time of the 2012 Annual Town Meeting, the Committee expected a state match of 22 percent, but the Town received a state match of 29 percent. Additionally, the Committee projected a higher property surcharge in fiscal 2013 which was anticipated at the time of Annual Town Meeting, but the amount that was set aside at Annual Town Meeting is insufficient based on the higher state match and higher anticipated local surcharge. Setting aside an additional \$18,000 for historic resources will satisfy the 10 percent requirement of the Community Preservation Act.

The motion was approved

ARTICLE 5: APPROPRIATE FOR RECREATION - DESIGN FEES

Mr. Andrew Keene moved that the Town transfer \$82,500 from the Undesignated allocation of the Community Preservation Fund for recreation purposes under the Community Preservation Program for the rehabilitation and/or restoration of existing recreational areas under the jurisdiction of the Board of Selectmen and School Committee; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Undesignated allocation of the Community Preservation Fund.

The motion was approved

ARTICLE 6: APPROPRIATE FOR HISTORIC RESOURCES - 88 NORTH AVENUE

Mr. Steven Wagner moved that the Town transfer \$165,000 from the Undesignated allocation of the Community Preservation Fund and authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise for historic resource purposes under the Community Preservation Program an historic preservation restriction, in land and structures, located at 88 North Avenue, shown as Assessors Map 19, Block 70, containing 1.41 acres, more or less, in the Town of Weston, and more fully described in deeds recorded in the Middlesex South Registry of Deeds in Book 14579, Page 384, said restriction to be held, managed and controlled by the Historical Commission, and as funding therefor, to transfer said sum from the Undesignated allocation of the Community Preservation Fund.

Mr. Wagner turned the floor over to Alicia Primer, member of the Historical Commission. Ms. Primer gave a presentation showing the historical and architectural significance of 88 North Avenue, also known as the "Hobbs-Hagar" house.

The stated purpose of the article is to purchase a historic preservation restriction on the land and the exterior of the building and to pay any costs related to obtaining, executing and administering the historic preservation restriction. The Weston Historical Commission authorized an appraisal of the requested preservation restriction which estimates the value of this restriction at \$160,000. The Historical Commission is requesting \$160,000 to purchase this restriction and an additional \$5,000 to pay expenses associated with obtaining and administering this restriction. The restriction, to be administered by the Historical Commission, would be registered with the property deed and would be binding on all future owners.

The motion was approved

ARTICLE 7: AMEND ZONING BY-LAW - REPLACEMENT CONSTRUCTION

Mr. Aydelott moved that this article be passed over and so disposed of.

The motion was approved unanimously

ARTICLE 8: AMEND ZONING BY-LAW - EARTH REMOVAL AND MOVEMENT AND GENERAL BY-LAWS - MATERIAL REMOVAL

Mr. Aydelott moved to amend the Zoning By-law, Section II, DEFINITIONS, "EARTH" and "MOVE or MOVEMENT" and Section V. USE REGULATIONS, I. GENERAL USE PROVISIONS IN ALL DISTRICTS, 3. Material Removal and Earth Movement, as set forth in detail below:

(1) Amend Section II. Definitions by amending the current definitions of "EARTH" and "MOVE OR MOVEMENT" by deleting text (indicated in strikethrough lettering) and inserting the text (indicated in underlined lettering), and by inserting a new definition for "REMOVAL OF EARTH," as follows:

EARTH -- Shall include, but not be limited to, clay, dirt, gravel, loam, sod, soil, loam, sand, peat, gravel, clay, rock, stone or and other natural minerals (whether quarried or not) and peat any other natural inorganic material.

MOVE or MOVEMENT OF EARTH-- To dig, excavate, ~~remove~~, deposit, fill, grade, replace, level, or otherwise alter or change the location of ~~earth~~ Earth or otherwise change the contour or grading of land by moving Earth.

REMOVAL OF EARTH - To take Earth away from one parcel of land to a different parcel of land that the first parcel has not merged with for zoning purposes.

(2) Delete Section V.I.3 Material Removal and Earth Movement and insert in place thereof the following:

3. Earth Removal and Movement

The goal of this Earth Removal and Movement By-law is to minimize land disturbance and to achieve a condition where material being imported to a site is equal to or greater than the amount being removed from the site.

a. EARTH REMOVAL

The Removal of Earth from any land in any district shall be allowed by right provided the removal of material from a property does not exceed the import of material associated with the following lawful activities: 1) the construction, alteration of a way (including a driveway); 2) the construction or installation of a residential septic system, drainage system, underground fuel storage tank, or utility on the same premises that the system would be served; 3) and/ or the removal of unsuitable material. The following instances are exempt from this provision when such removal is incidental to the lawful:

- (i) Construction or alteration of a building or structure limited to the foot print of the foundation;
- (ii) Construction, operation, or work undertaken by the Town or other public body at the location where the removal occurs;
- (iii) Operation of a greenhouse or nursery; or
- (iv) Farming, gardening or landscaping done on the farm premises.
- (v) Removal of up to 1,000 cubic yards of material in Residential Districts A & B and 750 cubic yards of material in Residential Districts C & D where the removal of material is required to allow for proper drainage away from foundation.

In all other instances, other than those specifically enumerated above, Removal of Earth from any land in any district shall be prohibited, except that, subject to the provisions of Section X and XI, Removal of Earth may be authorized by the Planning Board by Special Permit in any appropriate instance where the Board determines that the removal will be advantageous to the premises in question or to the neighborhood or otherwise desirable and will be of such a character and can be so accomplished that by proper re-grading, re-loaming, reseeding or other means, which shall be re-graded if necessary, the land involved will be left in a slightly condition and protected against erosion, and that proper stormwater drainage measures are in place.

b. EARTH MOVEMENT

For non-residential uses, in any district, no Earth in excess of 1,000 cubic yards on any parcel of land shall be moved unless the quantity of material to be moved is certified by a registered professional engineer or land surveyor and a special permit from the Planning Board is obtained in accordance with the procedure provided in Section X. Special Permits, and only under such conditions as the Planning Board may impose, except that a special permit shall not be required for such Earth Movement if the Movement would be:

- i. Incidental to farm, nursery, or gardening activities.
- ii. Incidental to Commercial Agricultural activities, as defined by G.L. c. 40A. §3.
- iii. Incidental to the maintenance and landscaping activities normally conducted on a golf course (i.e. activities, including, but not necessarily limited to, tee box and green relocation and fairway restoration).
- iv. On Town-owned land or involve a transfer of Earth between or among Town-owned parcels

- c. Nothing herein shall be interpreted to allow the movement of Earth as a primary use.
- d. Before a special permit is issued pursuant to Section V.I.3.b, the applicant shall show to the satisfaction of the SPGA that the movement will not impair the usability of the area for the purposes permitted in this Zoning By-law, that the grades to be established within the area will permit vehicular access to the area and the continuation of streets from the abutting premises, and that the area may ultimately be developed compatibly with the neighboring land.

And further, to amend the General By-laws, Article XI, Material Removal, by deleting, in Section 2 the words "Board of Appeals or" to clarify that only the Planning Board has authority to issue special permits under Section V, Subsection I.3. of the Zoning By-law.

The motion was approved unanimously

The Moderator accepted a motion to dissolve the Special Town Meeting at 10:10 p.m.