

2013 ANNUAL TOWN MEETING

Commonwealth of Massachusetts

Middlesex, ss.

To any Constable in the Town of Weston, Greetings:

In the name of The Commonwealth you are hereby required to notify and warn the voters of said Town, qualified to vote in elections and Town affairs, to meet in the auditorium of the Town Hall in said Town, on Saturday, the eleventh day of May, 2013, at 8:00 o'clock A.M. to act on Article 1 and Question 1 of this warrant for which polls will be open from 8:00 o'clock A.M. until 6:00 o'clock P.M. in said auditorium; and to meet in the auditorium of the High School in said Town, and also in the gymnasium of the High School if the number of voters in attendance shall exceed the capacity of the auditorium, on Monday, the thirteenth day of May, 2013 at 7:45 o'clock P.M. to act upon the remaining articles of this warrant.

ARTICLE 1: TO BRING IN THEIR VOTES FOR THE FOLLOWING TOWN OFFICERS TO BE VOTED FOR ON ONE BALLOT

	<u>For a term of</u>
A Moderator	One Year
One Selectman	Three Years
One Assessor	Three Years
One Assessor (to fill a vacancy)	One Year
Two Members of the School Committee	Three Years
Two Members of the Recreation Commission	Three Years
One Member of the Recreation Commission (to fill a vacancy)	Two Years
One Member of the Planning Board	Five Years
One Member of the Planning Board (to fill a vacancy)	Four Years
Two Library Trustees	Three Years
One Member of the Board of Health	Three Years
One Commissioner of Trust Funds	Three Years
Three Measurers of Lumber	One Year

And to give their vote, Yes or No, on the following questions:

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; (2) South Side Drainage Improvement Project; (3) Roundabout at Newton, Wellesley, School Streets; (4) Case Campus Master Plan – Phase 1; and (5) New Police Station – Design Services?

Yes_____ No_____

SUMMARY

State law provides for an exemption from the limits of Proposition two and one-half of those amounts required to pay for the debt service for bonds approved by the voters. Question 1 would exempt the debt service for the bonds issued for projects to be considered at the May 2013 Annual Town Meeting:

1. New Police Station – Design Services (Article 12)	\$800,000
2. Case Campus Master Plan (Article 13)	709,000
3. Roundabout at Newton, Wellesley, School Streets (Article 14)	681,000
4. DPW Drainage Improvement Projects (Article 15)	300,000
5. South Side Drainage Improvement Project (Article 16)	<u>1,220,000</u>
Total	\$3,710,000

2013 ANNUAL TOWN MEETING

Separate articles will appear in the Annual Town Meeting Warrant to appropriate the funds and authorize borrowing for each purpose. A two-thirds vote of Town Meeting in favor is required for approval. This ballot question is only to exempt the debt service from the limits of Proposition 2½, should these items be approved by Town Meeting.

The debt service for these projects will be approximately \$46,375 in fiscal year 2014, \$417,617 in fiscal year 2015, then decreasing each year until the bond reaches maturity. This Proposition two and one-half debt exemption shall be approved if a majority of the persons voting thereon vote "yes."

FINANCE/BUDGET ARTICLES

ARTICLE 2: APPROPRIATE THE FISCAL YEAR 2014 OPERATING BUDGET

To raise and appropriate and transfer from available funds such sums of money as may be necessary to defray the costs of government and other Town charges for the fiscal year beginning July 1, 2013, and to fix the salaries and compensation of elected officials of the Town on an annual basis for the said period; or take any other action relative thereto.

Article 2 Explanation: The recommended fiscal year 2014 operating budget can be found on pages 8-10. It is anticipated that the following available funds will be transferred to fund a portion of the operating budget:

1. Undesignated Fund Balance (free cash)	\$2,300,000
2. Overlay Surplus	213,000
3. Well Litigation Settlement Account (principal)	250,000
4. Accrued Income-Well Litigation Settlement	25,000
5. Cemetery Trust Fund	35,000
6. Josiah Smith Tavern Trust Fund	6,000
Total	\$2,829,000

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 3: APPROPRIATE THE FISCAL YEAR 2014 WATER ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2014, under the provisions of M.G.L. Chapter 44, section 53F½:

	Expended FY11	Expended FY12	Appropriated FY13	Recommended FY14
Salaries	\$254,742	\$263,127	\$271,945	\$276,749
Expenses	203,422	212,293	219,280	229,280
MWRA Assessment/ Water Purchases	1,396,813	1,770,776	1,732,674	1,949,150
Debt Service (non-exempt)	235,874	595,248	461,418	458,117
Capital Outlay	<u>112,632</u>	<u>13,842</u>	<u>7,500</u>	<u>55,000</u>
Total	\$2,203,483	\$2,855,286	\$2,692,817	\$2,968,296

Or take any other action relative thereto.

Article 3 Explanation: The increase in the MWRA Assessment is because 11% more water was used during calendar year 2012 and the rate is increased. Debt service includes 20% of the cost of construction of the new DPW facility, and an additional capital project: water main rehabilitation, to be considered under Article 18. The operating expenses for the Water Division are entirely funded by water fee revenue.

The Finance Committee unanimously supports adoption of this Article.

2013 ANNUAL TOWN MEETING

ARTICLE 4: APPROPRIATE THE FISCAL YEAR 2014 RECREATION ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Recreation Department during fiscal year 2014, under the provisions of M.G.L. Chapter 44, section 53F½:

	Expended FY11	Expended FY12	Appropriated FY13	Recommended FY14
Salaries	\$931,995	\$943,594	\$1,042,382	\$1,065,702
Expenses	414,371	436,216	407,350	406,925
Community Center	90,670	66,702	88,500	75,450
Emergency Generator+	<u>0</u>	<u>0</u>	<u>0</u>	<u>125,000</u>
Total	\$1,437,036	\$1,446,512	\$1,538,232	\$1,673,077

Or take any other action relative thereto.

Article 4 Explanation: Program fees cover approximately 70 percent of the salaries and expenses for this department; the remaining 30 percent is funded by property taxes. For FY14, there will be a request for two amounts to be appropriated from retained earnings: \$46,543 to support the operating budget, because revenue for pool and camp programs will likely be reduced because of the Field School construction; and \$125,000 to purchase and install an emergency generator for the Community Center.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 5: APPROPRIATE THE FISCAL YEAR 2014 BROOK SCHOOL APARTMENTS ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Brook School Apartments during fiscal year 2014, under the provisions of Chapter 76 of the Acts of 2009 and M.G.L. Chapter 44, section 53F½:

	Expended FY11	Expended FY12	Appropriated FY13	Recommended FY14
Salaries	\$131,297	\$156,494	\$156,515	\$166,494
Expenses	355,702	306,569	380,200	364,600
Repairs and Replacements+	97,609	89,987	109,674	116,254
Payment in Lieu of Taxes	19,656	20,148	20,652	21,168
Capital Improvements+	0	0	500,000	200,000
Debt Service	<u>228,494</u>	<u>258,071</u>	<u>285,524</u>	<u>245,439</u>
Total	\$832,758	\$831,269	\$1,452,565	\$1,113,955

Or take any other action relative thereto.

Article 5 Explanation: Funding for the operation of the Brook School Apartments comes from rental income and the Community Preservation Fund, which is covering the cost of the debt service for construction of thirteen affordable units completed as part of the expansion project in 2004.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 6: APPROPRIATE TO STABILIZATION FUND

To raise and appropriate a sum of money to the Stabilization Fund, as provided under M.G.L. Chapter 40, section 5B, as amended, to be used for any lawful purpose, capital budget program or purpose for which the Town may borrow; or take any other action relative thereto.

Article 6 Explanation: A stabilization fund is a type of reserve fund. This Stabilization Fund will be used for catastrophic or emergency events or when certain revenue sources are below prior year levels, which

2013 ANNUAL TOWN MEETING

typically occurs during a recession. Currently the Town has approximately \$2.2 million in this Stabilization Fund. An appropriation of \$250,000 is anticipated. A two-thirds vote of Town Meeting is required to appropriate both to and from the Stabilization Fund.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 7: APPROPRIATE TO OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST FUND

To raise and appropriate or transfer from available funds a sum of money to the Other Post Employment Benefits (OPEB) Trust Fund, to be used to pay the costs of post employment benefits; or take any other action relative thereto.

Article 7 Explanation: This article allows the Town to continue to fund its future liability for other post employment benefits (retiree health insurance) for Town of Weston retirees, which amounts to approximately \$69 million. Currently, the Town has \$5.2 million in this Trust Fund. An appropriation of \$1,631,367, the amount recommended by an actuarial study, is anticipated.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 8: CONTINUE DEPARTMENTAL REVOLVING FUNDS

To 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, 2013:

Revolving Fund	Authority to Spend	Revenue Source	Use of Fund	FY14 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
Council on Aging Special Programs	Council on Aging Director	Program Fees	Program Expenses	\$30,000
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
Planning Board	Planning Board	Application Fees	Expenses Related to Action on Applications	\$75,000

Or take any other action relative thereto.

2013 ANNUAL TOWN MEETING

Article 8 Explanation: A Revolving Fund established under the provisions of M.G.L. Chapter 44, section 53E½ must be authorized annually by vote of the Town Meeting. Each Revolving Fund is credited with only the departmental receipts received in connection with the programs supported by such Revolving Fund, and expenditures may be made by the specified personnel from each Revolving Fund without further appropriation. Please see Appendix 4 for a report on these Revolving Funds.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 9: ACCEPT CHAPTER 90 ROAD IMPROVEMENT FUNDS

To authorize the Board of Selectmen to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town Ways and to authorize the expenditure of such sums of money as may be received for the fiscal year commencing July 1, 2013 provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Department of Transportation; or take any other action relative thereto.

Article 9 Explanation: State law requires that Town Meeting approve the use of funds received from the State for road construction purposes, including engineering or addressing traffic improvements. In fiscal year 2013, the Town received \$480,030 from the State for this purpose. The amount anticipated to be received in fiscal year 2014 is not yet known.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 10: APPROVE PROPERTY TAX DEFERRAL INCOME LIMITS

To establish fiscal year 2014 income eligibility limits 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; or take any other action relative thereto.

Article 10 Explanation: Several years ago, Weston obtained special legislation to change the eligibility criteria for the property tax deferral program, allowing the Board of Selectmen to set the interest rate for residents over 60 who defer their property taxes. For fiscal year 2014, the rate has been set at 4 percent. This legislation also allows the Board of Selectmen, with Town Meeting approval, to establish the income eligibility limit for this program each year. The Board of Selectmen is recommending that the income limit remain at \$70,000 for fiscal year 2014. Ratification of this amount is required by Town Meeting.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 11: APPROPRIATE FOR WESTON MEDIA CENTER, INC.

To raise and appropriate or transfer from available funds a sum of money as a grant to Weston Media Center, Inc., to provide continued support for PEG (Public Educational and Government) television programming on local cable channels; said sum to be expended by the Town Manager pursuant to a grant agreement between the Town Manager and the Weston Media Center, Inc., on such terms and conditions as the Town Manager deems appropriate; or take any other action relative thereto.

Article 11 Explanation: The Weston Media Center, Inc. is an independent, non-profit corporation that provides PEG television programming in Weston. Funding is provided by a "pass through" charge of 3.25% from Comcast and Verizon revenues collected from Weston cable television subscribers. In addition, a small amount is raised through donations, grants, and DVD sales for total gross revenues of \$174,000 in 2012. In order for WMC to sustain its operations in the next fiscal year, and on an ongoing basis, they are requesting additional funding from the Town in the amount of \$150,000. With this amount, they expect to be able to continue operations at the current level, provide their employees with a competitive compensation package, establish a DVD archive, and expand their operations to include viewing all Town government meetings currently covered as video on demand.

The Finance Committee unanimously takes no position on this Article, as it has not had sufficient opportunity to review the Article prior to publication of the Warrant.

CAPITAL IMPROVEMENT BUDGET ARTICLES

ARTICLE 12: APPROPRIATE FOR DESIGN OF NEW POLICE STATION

To appropriate a sum of money to pay costs of engineering and architectural services for plans and specifications for the design and construction of a new Police Station, including all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be transferred from the amounts appropriated under Article 14 of the May 11, 2009 Annual Town Meeting for the construction of the DPW building, which project is now complete, and the remainder borrowed pursuant to M.G.L. Chapter 44, section 7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; or take any other action relative thereto.

Article 12 Explanation: At the 2007 Annual Town Meeting, funds were appropriated to evaluate the police station in order to prioritize and plan for needed repairs and improvements in the future. This study was conducted as part of the planning process for the new DPW facility. The study, completed in 2008, concluded that the most cost effective solution to address numerous deficiencies in the building was to construct a new police station. At the time, it was decided that the police station project should proceed after the new Field School was constructed. In the fall of 2012, a new Police Station Study Committee was formed by the Selectmen and charged with confirming the program and findings of the 2008 study and identifying site issues and opportunities. The Committee has reviewed and made adjustments to the program, confirmed the finding that a new building should be constructed, and recommended to the Selectmen that the new building be re-built on the current site. The next step is to appropriate design funds that will be used, under the direction of the Permanent Building Committee, to develop detailed plans, specifications, and bid documents, working with an architect and owner's project manager. It is expected that funds to construct the new facility will be requested at the 2014 Annual Town Meeting.

More information about the proposed new Police Station can be found on the Town's website at www.weston.org. The amount to be requested under this article is \$1,200,000, of which \$400,000 will be re-appropriated from the remaining balance in the appropriation for construction of the new DPW facility. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 13: APPROPRIATE FOR CASE CAMPUS MASTER PLAN – PHASE 1

To appropriate a sum of money to pay costs to design and reconstruct, resurface or alter the configuration of roadways, walkways and parking areas on the Case Campus, generally located on either side of Alphabet Lane and within the boundaries of School Street, and Wellesley Street, including 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 to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; or take any other action relative thereto.

Article 13 Explanation: The Case Campus Master Plan addresses needs resulting from the transformation of the campus from exclusively school-related uses to a place that now also serves as one of the Town's most popular social, recreational, and cultural destinations. From its beginnings as the elementary school campus and school department administration, the use has expanded to include the Town Library, the Town Pool, and the Community Center, housing the Recreation Department and Council on Aging. This development was not accompanied by a campus-wide plan taking into account the aggregate needs for roadway access, parking and safe pedestrian access among these facilities.

More than 200 townspeople and others who regularly use these facilities participated in focus groups at the beginning of the new Field School design process. The purpose of these focus sessions was to identify issues surrounding the current Field School, and problems to be solved or avoided in the construction of the

2013 ANNUAL TOWN MEETING

new school. Due to the limitations of scope placed on the Field School project by the Massachusetts School Building Authority guidelines, many of these issues and their design solutions were documented for consideration in a separate Master Planning project. The Selectmen and School Committee then formed a 22 person committee that has prioritized and organized the work into a multi-phased, multi-year Case Campus Master Plan (CCMP).

This appropriation addresses two Packages of work in the CCMP. First, it would fund the design and construction of Package 1 of the CCMP. This represents roadway and sidewalk improvements that are adjacent to the new Field School construction site that could not be included in the Field School project. The most cost effective way to fix the roadway and pedestrian safety issues addressed by this package is to do the work in parallel with the Field School construction, which is currently underway.

Second, this appropriation would provide the design funds for Package 2. This package includes improvements to Alphabet Lane not included in the Field School project or Package 1, above. These needs include: to widen selective portions of the road to meet Town standards, to provide safe parking; to accommodate emergency access during heavy parking times for athletic and other events; to improve pedestrian access to Alphabet Field; to complete paved sidewalk connections between the Town Pool, Country and Woodland Schools and shared parking; to improve parking for the Town Pool; and to repave much of Alphabet Lane.

The amount to be requested is \$709,000. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously supports adoption of this Article.

**ARTICLE 14: APPROPRIATE FOR TRAFFIC CALMING & SAFETY IMPROVEMENTS AT
NEWTON, WELLESLEY AND SCHOOL STREETS (CASE'S CORNER)**

To appropriate a sum of money for the construction of a modern roundabout at the intersection of Newton Street and Wellesley Street and reconfiguration of the intersection of Wellesley Street and School Street, 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 to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; or take any other action relative thereto.

Article 14 Explanation: The Traffic and Sidewalk Committee's charge is to recommend roadway improvements that address the evolving traffic conditions and pedestrian safety needs of the Town of Weston. The article proposes measures to improve two critical intersections adjacent to many of the Town's educational, recreational, and cultural destinations located at Case Campus (three elementary schools, Community Center-Recreation/COA, Town Library, Town Pool, and Case House) and Land's Sake Farm. The intersection of Newton Street and Wellesley Street would be reconstructed as a modern roundabout and the Wellesley Street and School Street intersection would be realigned to create a right angle "T" intersection. This proposal follows five years of study by three separate Town Committees, each of which reached the same conclusion about the best approach to balance safety, traffic flow, and the rural/historic nature of this prominent area. The timing of this request would allow the completion of roadway improvements prior to the opening of the new Field School in Fall 2014. The resulting traffic flow patterns of the new school have been extensively studied and vehicular and school bus traffic will increase at the Alphabet Lane/Wellesley Street intersection, especially during drop-up, pick-up, and special event times; this proposal is intended to safely and efficiently accommodate these changes and to address existing issues related to non-school traffic. The proposal also includes a new crosswalk which links Land's Sake Farm to the Case Campus, roadway drainage improvements, associated signage and pavement markings, and site-appropriate landscaping and materials.

The amount estimated to be requested is \$681,000, but will be based on actual bids received prior to Town Meeting. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee, by a majority vote, takes no position on this Article.

ARTICLE 15: APPROPRIATE FOR DEPARTMENT OF PUBLIC WORKS – DRAINAGE IMPROVEMENTS

To appropriate a sum of money for the construction or reconstruction of surface drains and all incidental costs related thereto, including the acquisition of such temporary or permanent easements as may be necessary for this project, 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 to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; or take any other action relative thereto.

Article 15 Explanation: This request is part of the ongoing program to replace, upgrade or install new storm drainage lines and structures to improve substandard drainage systems in town. Future projects on the high priority list are on Summer Street, Pine Street, and Ridgeway Road. These funds will also be used for a variety of public/private partnerships whereby both the Town and property owner contribute to resolve deficient drainage systems which are on both public ways and private property. Drainage funds are also used for street drainage repairs for the road paving program. Future projects include: North Avenue, Newton Street, and Country Drive. The amount to be requested is \$300,000. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 16: APPROPRIATE FOR DEPARTMENT OF PUBLIC WORKS – SOUTH SIDE DRAINAGE IMPROVEMENT PROJECT

To appropriate a sum of money for the construction or reconstruction of surface drains and all incidental costs related thereto, including the acquisition of such temporary or permanent easements as may be necessary for this project, 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 to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; or take any other action relative thereto.

Article 16 Explanation: Improvements to the entire Shady Hill Road/Ledgewood Road/Woodchester Drive/Pond Brook Circle area stormwater drainage water shed are long overdue. Residents in this area regularly experience flooding of their properties due to an outdated and undersized drainage infrastructure. A recent study of this area has resulted in a phased construction plan totaling approximately \$2.9 million in improvements over five years. This is the second year of funding for this project (the first year was \$450,000 for design funding); the estimated amount to be requested is \$1,220,000 to install a large drainage system in the Pond Brook Circle area, but will be based on actual bids received prior to Town Meeting. This year's appropriation is expected to be the largest amount for the project. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 17: APPROPRIATE FOR CAPITAL PROJECTS

To raise and appropriate or transfer from available funds the following sums of money:

Purpose	Amount	Expend Under Direction of:
A. Kendal Green Parking Lot Improvements	\$25,000	Town Manager
B. Transfer Station Bridge Replacement	\$110,000	Town Manager
C. Traffic Signal Design – Wellesley Street at Brown Street/Middle School Driveway	\$75,000	Town Manager
D. Fire Departmental Equipment – Pumper	\$600,000	Town Manager

2013 ANNUAL TOWN MEETING

E. Fire Department Replacement Equipment - Radios	<u>\$50,000</u>	Town Manager
Total	\$860,000	

Or take any other action relative thereto.

Article 17 Explanation:

- A. **Kendal Green Parking Lot Improvements - \$25,000:** *The Public Transportation Committee has proposed the institution of fees at the Kendal Green Railroad Station parking lot. A kiosk for collection of the fees would need to be installed. This project is timed to proceed after the new transfer station bridge is constructed and in conjunction with the repaving of the transfer station roadway, previously approved.*
- B. **Transfer Station Bridge Replacement - \$110,000:** *The Transfer Station bridge is the only access to the Town's solid waste and recycling facility. This one lane bridge has been flooded from rising waters of the Stony Brook numerous times in recent years, which has resulted in structural damage to the bridge deck and steel beams. A bridge inspection by the State indicated that the bridge should be replaced as soon as possible. Last year's Annual Town Meeting appropriated \$293,000 for this project. Issues raised by the Cambridge Water Department related to their watershed in the Conservation Commission process have increased the cost to construct the bridge.*
- C. **Traffic Signal Design – Wellesley Street at Brown Street/Middle School Driveway - \$75,000:** *Following a campus-wide study of traffic safety, circulation, and parking at the High School/Middle School completed by a consultant through funding from a previous Town Meeting article, the intent of this article is to fund the design of traffic signal controls and intersection improvements, including a potential realignment of Brown Street at Wellesley Street. A traffic signal at this location would include pedestrian phases for crossings and therefore eliminate the approximately \$50,000 in annual Town labor costs currently associated with providing a police officer to direct traffic in the morning and a crossing guard in the afternoon. It is anticipated that the design work will result in a request for associated construction funds at Fall 2013 Special Town Meeting or May 2014 Town Meeting such that if approved, improvements would be substantially complete by Fall 2014.*
- D. **Fire Department - Pumper and Related Equipment- \$600,000:** *The Fire Department has two first response pumpers and two backup pumpers, and they are used on a daily basis to respond to nearly all calls. The Department's equipment replacement plan calls for a new pumper to be purchased every five years, with the oldest being traded in. This request is to replace a 1996 pumper with 67,000 miles on it, for which parts can no longer be easily obtained, making it difficult to repair in a timely manner.*
- E. **Fire Department Replacement Equipment - Radios - \$50,000:** *This request is to begin to replace the department's portable radios. The manufacturer recommends replacement of the radios after 10 years; the current radios have been in service for 10 years.*

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 18: APPROPRIATE FOR WATER MAIN REHABILITATION

To appropriate a sum of money 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 the authority of M.G.L. Chapter 44, section 8, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; or take any other action relative thereto.

Article 18 Explanation: *This request is part of a program to replace old cast iron and asbestos transite water mains. These mains are no longer used in water transmission service. This appropriation is to*

2013 ANNUAL TOWN MEETING

replace 1,700 linear feet of asbestos transite water main in Fairview Road that was installed in 1946. The design for this project will be completed by the DPW's engineering division. The amount to be requested under this article is \$253,000, to be funded from water rates. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 19: APPROPRIATE FOR SOUTH AVENUE AND WELLESLEY STREET INTERSECTION IMPROVEMENTS

To appropriate a sum of money and to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise the fee and/or permanent and temporary easements in certain parcels of land, adjacent to and/or contiguous to South Avenue (Route 30) and Wellesley Street, as depicted on certain plans titled "Massachusetts Department of Transportation Highway Division Preliminary Right of Way Plans South Avenue (Route 30) & Wellesley Street," dated 12/2009, revised through 2/2013, on file with the Town Clerk, and the fee and/or permanent and temporary easements in parcels of land located within 200 feet of said parcels, as such additional areas may be shown on said Right of Way Plans, as hereinafter revised, for public way purposes, including, without limitation, drainage, utility, slope, grading and construction of improvements and structures, and other related purposes, which will enable the Town to undertake the South Avenue (Route 30) and Wellesley Street improvement project; or take any other action relative thereto.

Article 19 Explanation: Traffic and roadway safety improvements at the intersection of Wellesley Street and South Avenue are needed to address existing vehicular and pedestrian traffic, due to tremendous growth of traffic traveling through the intersection. New traffic signals and turning lanes are proposed for the intersection. This request is for authorization to acquire permanent and/or temporary easements on adjacent property that are needed to make the improvements to this intersection. The Town is requesting construction funding through the Transportation Improvement Program (TIP) which is the mechanism for receiving federal or state funding for local transportation projects. The Town's engineer is working closely with MassDOT to bring the design to 100% completion, at which point construction funding can be requested. The amount to be requested under this article is estimated to be \$10,000. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously supports adoption of this Article.

CITIZENS' PETITIONS

ARTICLE 20: AMEND GENERAL BY-LAW, ARTICLE III, POLICE REGULATIONS – NO HUNTING ON TOWN-OWNED LAND

Amend General By-law, Article III, Police Regulations, by adding a new Section 14, as follows: "There shall be no hunting on any Town-owned land in the Town of Weston, Massachusetts."

Article 20 Explanation (provided by a petitioner): After a self-selected survey with 231 respondents, or 1.9% of the town's population, 72% of whom (166 people) considered deer a "problem", the Conservation Commission determined that deer are a "problem" in Weston. Their solution was to allow hunters onto our town lands. White-footed mice, not deer, carry the Lyme Disease bacteria. Deer and other mammals are hosts. Reducing the deer population allows regrowth of underbrush that hides mice, supporting increased rodent population, and forces the ticks to seek other hosts, large mammals like humans and dogs. The U.S. Center for Disease Control reports that the incidence of Lyme Disease in MA has declined dramatically from a peak in 2009. Even as the number of car trips in Weston increases every year, the Weston Police Department reports that deer-car incidents peaked in 2009 and have declined each year since. Twenty-six hunters were given permits for hunting in Weston, only six of whom are Weston residents. Twenty-six hunters had use of many acres of our town conservation land for three of the most beautiful months of the year. Not the wooden bows and arrows from movie westerns, modern bow hunters use high tech metal weapons that powerfully propel arrows with long, razor sharp blades. These blades are dangerous to any children or pets who may encounter them in our town lands. The issue of safety cannot be undervalued. Hunting is forbidden on public land in every single town neighboring Weston: Lincoln,*

2013 ANNUAL TOWN MEETING

Wayland, Natick, Wellesley, Newton and Waltham. Weston is the only one to allow hunting on public land. Killing eighteen deer in a season is not a population management program. Reliable data suggests a “compensatory rebound effect” in which multiple births and increased fertility follow periods of hunting, and the population spike is supported by foliage regrowth. Additionally, since Weston is not an island, deer from surrounding towns may be drawn into any newly under-populated areas.

(submitted by petition)

**This explanation was submitted by a petitioner for the above article, and reflects that petitioner’s opinion with respect to the article. The Town of Weston cannot confirm that this explanation was approved by all of the voters signing the petition to include Article 20 on the warrant. The Town of Weston does not endorse the explanation provided, and does not certify the truth or accuracy of any statement made therein.*

The Finance Committee unanimously takes no position on this Article.

ARTICLE 21: AMEND GENERAL BY-LAW, ARTICLE 1: TOWN MEETING

To amend the Town’s General By-Laws by deleting Section 9 of Article 1, in its entirety and replacing it as follows:

“Section 9. All votes on all motions, unless otherwise mandated by the laws of the Commonwealth or otherwise provided hereinafter, shall be taken initially by display of official voting cards issued one each to every registered voter upon entry to Town Meeting, and the Moderator shall declare the outcome of such votes.

If a supermajority vote of Town Meeting is required by law or by-law and the initial vote is not unanimous, or if the Moderator or any registered voter immediately doubts the initial vote for a simple majority, the Moderator shall call for a count in the following manner: The Moderator shall first call the voters voting “No” to display their official voting cards and be counted, and then call the voters voting “Yes” to display their official voting cards and be counted to the extent necessary to ascertain if there is the required majority for the motion being voted to pass. The Moderator shall then declare the outcome of the count upon the report of the tellers.

If circumstances at any Town Meeting impair the use of official voting cards, the Moderator may instead call for voice votes. In lieu of a counted vote, the Moderator may call for a vote by ballot.”

Article 21 Explanation (provided by a petitioner): This article would allow Town Meeting votes to be taken by the display of official voting cards as an aid to the Moderator in determining the outcome of votes, which would be particularly useful if numerous nonvoting persons are present. All other procedural aspects of Section 9 remain unchanged.*

(submitted by petition)

**This explanation was submitted by a petitioner for the above article, and reflects that petitioner’s opinion with respect to the article. The Town of Weston cannot confirm that this explanation was approved by all of the voters signing the petition to include Article 21 on the warrant. The Town of Weston does not endorse the explanation provided, and does not certify the truth or accuracy of any statement made therein.*

The Finance Committee unanimously takes no position on this Article.

ARTICLE 22: AMEND GENERAL BY-LAW, ARTICLE II, POWERS AND DUTIES OF TOWN OFFICERS – RESIDENT COMMENT PERIOD, DRAFT MINUTES OF MEETINGS

Amend General By-law, Article II, Powers and Duties of Town Officers, by adding a new Section 15, as follows:

“The first 10 minutes of each meeting of every Town of Weston board and committee shall be available for resident questions and comments. Draft minutes of each such meeting shall be posted on the Town of Weston website within 10 days of the meeting.”

Article 22 Explanation (provided by a petitioner): The author of this citizens’ petition wishes to improve communication between Weston voters and our local government. By devoting at least 10 minutes to*

2013 ANNUAL TOWN MEETING

resident comments and questions, every board in town will have the benefit of voter input. This is currently happening at meetings of our Board of Selectmen, who have started the practice of devoting the first 10 minutes of every meeting to resident comments. However few other boards have followed their example. Committee decisions made in a vacuum are often based on insufficient or faulty information, resulting in actions or recommendations which are unrealistic and/or out of touch with the wishes of the voters. As the voters are the ultimate deciders, it is clearly makes much sense and saves much money and time to have the voice of the voters heard throughout. The 10 minute proposal, if approved by the voters, would give town boards and committees a sense of the will of town meeting and encourage them to do as the selectmen do, making communication a 2-way street, at least for 10 minutes of each meeting. Attorney General Martha Coakley did not approve a similar citizen's petition article from Stoughton last year. Their by-law amendment was found to be in conflict with MA G.L.c.30A, sec. 20(f) "because they remove the discretion from the presiding officer (the chair of the Board of Selectmen) whether or not to allow public comment, and instead require the Board to allow a 15 minute period of public comment."

For that reason, the drafter of the explanation intends to make a motion from the floor of town meeting to bifurcate the two provisions of this Article so that there will be two separate votes. The first vote would provide a "sense of the meeting" with respect to the issue of public participation time at meetings of public bodies.

The second vote would address the proposed requirement that all Weston boards and committees post draft minutes within 10 days of each meeting. Whether the Attorney General would approve such a bylaw is not as clear cut. However, the lack of timely and informative agenda and minutes is a systemic problem. Although the Open Meeting Law requires that agenda be posted at least two business days before a meeting, there is no time frame required for the posting of minutes. Generally the secretary will submit draft minutes for approval by the board at the next meeting. Changes to draft minutes, in my experience, are generally minor, if any. If draft minutes were posted on the town website within 10 days of a meeting, the voters would at least have some idea of what is going on. In addition, the secretary would be required to transcribe notes within days rather than months of the meeting, when memory may have faded. Presently, many boards wait months before posting approved minutes and share little information with the voters when they do. Once the approved minutes are posted, it takes a vote of the board to amend them. If draft minutes were posted within 10 days of a meeting, information would be available to the voters in a more timely and complete manner. Errors and omissions could be noted to the secretary by voters as well as by board members.

(submitted by petition)

**This explanation was submitted by a petitioner for the above article, and reflects that petitioner's opinion with respect to the article. The Town of Weston cannot confirm that this explanation was approved by all of the voters signing the petition to include Article 22 on the warrant. The Town of Weston does not endorse the explanation provided, and does not certify the truth or accuracy of any statement made therein.*

The Finance Committee, by a majority vote, opposes the adoption of this Article.

ARTICLE 23: AMEND GENERAL BY-LAW, ARTICLE II – FILLING OF VACANCIES

To amend the General By-Laws of the Town of Weston by adding a new section 15 to Article II, as follows:

Section 15 Vacancy

Vacancy. A vacancy occurs when an official or board member:

- a. Resigns;
- b. Ceases to be a resident of the Town, if required to be a resident or registered voter;
- c. Dies;
- d. Is barred by law from serving in the position; or
- e. No longer has the qualifications required for the position.

2013 ANNUAL TOWN MEETING

Vacancy in Board of Selectmen. A vacancy in the Board of Selectmen shall be governed by the provisions of chapter 41, Section 10 of the General Laws, which provides for a special election under certain conditions.

Vacancy in Elected Positions. A vacancy in an elected board other than the Board of Selectmen shall be filled by appointment in accordance with Chapter 41, Section 11 of the General Laws, or by election in accordance with Chapter 41, Section 10. However, no person who is appointed to fill a vacancy shall be eligible to be elected, in the subsequent election, to the position to which they were appointed.

A vacancy in the office of Town Clerk shall be filled in accordance with Chapter 41, Section 14 of the General Laws.

Vacancy in Appointed Positions. A vacancy in any appointed board or office shall be filled by appointment in the same manner as the original appointment was made, except as otherwise specifically provided by law.

Article 23 Explanation: This article, proposing a bylaw amendment, was submitted by petition, and no explanation was provided.

(submitted by petition)

The Finance Committee unanimously takes no position on this Article.

ARTICLE 24: AMEND ARTICLE XXIX: COMMUNITY PRESERVATION COMMITTEE

To see if the Town will vote to amend Section 1 of Article XXIX of the Town By-laws to change the manner of selection of the four optional members of the Community Preservation Commission from appointed to elected by deleting section (6) of said by-law and inserting in place thereof the following:

- 6) Four Weston registered voters to be elected by the voters; appointed incumbents holding office as of the effective date of this amendment shall serve until the expiration of their appointed term or sooner resignation or removal, after which the office shall appear on the ballot for a three-year term.

And further, by deleting the last two sentences of said Section 1 and inserting in place thereof:

Vacancies in any appointed position shall be filled by the respective appointing authority for the remainder of the three-year term; vacancies in any elected position shall be filled in accordance with the provisions of G.L. c. 41, Section 11 until the next annual election by the board of selectmen and the remainder of the members of the Community Preservation Committee.

Or take any other action relative thereto.

Article 24 Explanation (provided by a petitioner): Currently only one of the nine members of the Community Preservation Committee (CPC) is elected, namely the designated representative of the Planning Board. This amendment, if approved at this Town Meeting will establish direct representation of voters and tax payers by the four at-large members with respect to the CPC's allocation and expenditures of the taxes and surcharges paid into the Community Preservation Act fund.*

(submitted by petition)

**This explanation was submitted by a petitioner for the above article, and reflects that petitioner's opinion with respect to the article. The Town of Weston cannot confirm that this explanation was approved by all of the voters signing the petition to include Article 24 on the warrant. The Town of Weston does not endorse the explanation provided, and does not certify the truth or accuracy of any statement made therein.*

The Finance Committee unanimously takes no position on this Article.

ARTICLE 25: AMEND SPECIAL ACT AUTHORIZING BOARD OF SELECTMEN TO ISSUE LICENSE FOR SALE OF WINE AT FOOD STORE TO ALSO INCLUDE SALE OF MALT BEVERAGES

To petition the General Court to amend Chapter 37 of the Acts of 2008, "An Act Authorizing the Town of Weston to Grant a License for the Sale of Wines at a Food Store" to authorize the Board of Selectmen to grant to a food store, as defined in the act, a license to sell both beer and wine; and further, to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto:

AN ACT AUTHORIZING THE TOWN OF WESTON TO GRANT A SINGLE LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES AT FOOD STORES.

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the Board of Selectmen as the licensing authority of the Town of Weston shall be authorized to issue a single license for the sale of wine and malt beverages at food stores, not to be drunk on the premises, and, for such purposes, the provisions of chapter 37 of the acts of 2008 shall be amended by inserting, in the first paragraph of section 1 after the words "wines" the following: and malt beverages.

SECTION 2: The holder of the license issued under said chapter 37, as of the effective date of this act, shall be eligible at any time, or at the time of renewal, to apply for an amendment of said license to authorize the sale of malt beverages in addition to wines.

SECTION 3. This act shall take effect upon passage.

Article 25 Explanation (provided by a petitioner): The purpose of the Home Rule Petition to the State Legislature is to amend the prior special legislation, Chapter 37 of the Acts of 2008, which authorized the Board of Selectmen to issue a license for the sale of wine at a food store to be drunk off the premises. The proposed amendment would allow the Board to issue a single license to such food store for the sale of wine and beer. Be reminded that a "Food Store" is defined for purposes of Chapter 37 as a grocery store or supermarket that sells food to consumers to be eaten elsewhere (the food MUST include fresh and processed meat, poultry, dairy products, eggs, fresh fruit and produce, baked goods and baking ingredients, canned goods and dessert items), and that may sell other items usually found in grocery stores. As proposed, the petition would not require approval of the voters, and would take effect upon enactment by the General Court.*

(submitted by petitioner)

**This explanation was submitted by a petitioner for the above article, and reflects that petitioner's opinion with respect to the article. The Town of Weston cannot confirm that this explanation was approved by all of the voters signing the petition to include Article 25 on the warrant. The Town of Weston does not endorse the explanation provided, and does not certify the truth or accuracy of any statement made therein.*

The Finance Committee unanimously takes no position on this Article.

COMMUNITY PRESERVATION ACT ARTICLES

**ARTICLE 26: APPROPRIATE FOR FISCAL YEAR 2014
 COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET**

To hear and act on the report of the Community Preservation Committee on the fiscal year 2014 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for fiscal year 2014; and further, to reserve for future appropriation for purposes consistent with the Community Preservation Act the amounts as recommended by the Community Preservation Committee for open space, including land for recreational use, historic resources and affordable housing; and further, to appropriate from the Community Preservation Fund a sum of money for payment of debt service on Community Preservation projects previously approved by Town Meeting, all as recommended by the Community Preservation Committee, or take any other action relative thereto.

Article 26 Explanation: The Community Preservation property tax surcharge will raise over \$1,800,000 in fiscal year 2014, which is expected to be matched, in part, by the State. By law, a minimum of ten percent of Community Preservation funds must be spent or set aside for future spending in each of three categories: open space, which recent legislation has defined to include land for recreational use, historic resources and community housing. The remaining 70% of available funds may be allocated to any one or a combination of the three categories, all as specified in G.L. c.44B, §5(b)(2), as most recently amended.

The administrative expense budget is estimated to be \$122,000 and is funded from the Community Preservation Fund. The administrative expense budget covers the cost of a part-time staff person for the Committee and Committee expenses such as appraisal fees, legal fees, and advertising for public hearings.

The appropriation for debt service includes \$259,713 for Brook School Apartments and \$454,800 for Case Estates.

The Finance Committee unanimously supports adoption of this Article.

**ARTICLE 27: AMEND ZONING BY-LAW –HISTORIC STRUCTURES PRESERVATION
 DEVELOPMENT**

To amend the Zoning By-law to add a new Section V. M., HISTORIC STRUCTURES PRESERVATION DEVELOPMENT, for the purpose of encouraging and promoting the rehabilitation and re-use of historically important structures, by allowing the re-use of such structures in the Single Family Residence (A), Single Family Residence (B), Single Family Residence (C), and Business (B) Districts, pursuant to a Concept Plan to be approved by Town Meeting and subsequent site plan and special permit review, which projects may be permitted to incorporate a mix of uses, as described in the by-law, pursuant to said approvals; or take any other action relative thereto.

Article 27 Explanation: This article proposes a by-law encouraging and promoting the rehabilitation and re-use of qualified historic structures through a special permit review process incorporating standards and criteria including, but not limited to, compatibility of proposed use or uses, preservation of architectural features, landscaping, lighting, and parking. The intent of the bylaw is to preserve Weston's historical character while providing for and encouraging the rehabilitation and re-use of historic structures. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously takes no position on this Article.

ARTICLE 28: TRANSFER AND AUTHORIZE SALE OF OLD LIBRARY

To transfer the care, custody, management and control of the land shown as Lot 22 on Assessors' Map 27 (Old Library, 356 Boston Post Road) described in the deed dated March 1, 1894 and recorded with the Middlesex South Registry of Deeds as Book 2254, Pages 519 and 520, from the Board of Selectmen for municipal purposes, to the Board of Selectmen for the purpose of conveyance, and to authorize the Board

2013 ANNUAL TOWN MEETING

of Selectmen, on such terms and conditions as it may determine, to convey all or any portion or any interest in said land; or take any other action relative thereto.

Article 28 Explanation: The Old Library was vacated in 1994 and, aside from a few short-term uses, has had no Town purpose for 19 years. It is currently without a working boiler and needs much work, both on the interior and exterior of the building. After a previous re-use proposal for the Old Library and adjacent Josiah Smith Tavern, Barn and Connector failed to get the necessary votes in 2009 at town meeting to move forward, the Board of Selectmen hired a consultant to conduct an extensive public process in order to gather public input regarding acceptable uses. As a result, the Selectmen issued a Request for Proposals last year for re-use of these buildings. Only one response was received from Urbanica, Inc., which proposes to purchase both buildings and develop the Old Library into three residential condominium units and the Josiah Smith Tavern, Barn and Connector into four commercial condominium units: a restaurant, bed and breakfast inn and space for the Weston Historical Society and Women’s Community League.

The Selectmen have determined that more time is needed to work out the details of the sale of the Josiah Smith Tavern, Barn and Connector, but that the sale of the Old Library is more straightforward and can proceed after a vote of town meeting providing authorization to do so. If sold, the Old Library will be subject to an historic preservation restriction to be held by the Town, and also subject to a Land Development Agreement outlining certain terms and conditions.

The Finance Committee unanimously takes no position on this Article, as it has not had sufficient opportunity to review the Article prior to publication of the Warrant.

ARTICLE 29: APPROPRIATE FOR HISTORIC RESOURCES – OLD LIBRARY

To appropriate a sum of money for historic resource purposes under the Community Preservation Program as a grant to Urbanica/Weston 358 LLC or other owner to be used for the preservation, rehabilitation and restoration of the historic Old Library building, located at 356 Boston Post Road, to be spent under the direction of the Town Manager, pursuant to a grant agreement between the Town Manager and Urbanica/Weston 358 LLC or said other owner, on such terms and conditions as the Town Manager deems appropriate, in consultation with the Community Preservation Committee; said sum to be transferred from the amount appropriated under Article 29 of the May 2011 Annual Town Meeting from the Historic Resources allocation of the Community Preservation Fund for exterior repairs to said building; or take any other action relative thereto.

Article 29 Explanation: The May 2011 Annual Town Meeting appropriated \$850,000 in CPA funds to be used to restore the exterior of the Old Library in order to stabilize it and prevent further deterioration. At that time, emergency repairs were made, and the Permanent Building Committee has worked since then to develop plans and specifications for appropriate restoration of the exterior. The cost estimate for the remainder of the work initially proposed exceeded the original appropriation, so the PBC worked to revise the scope of work to fit within the appropriation. If the motion under Article 28 is approved, the balance of the original appropriation, approximately \$780,000, will be provided as a grant to the new owner of the Old Library to restore the exterior in accordance with the specifications approved by both the Historical Commission and the Permanent Building Committee. The Town of Weston will be the beneficiary of a preservation restriction, to be administered by the Historical Commission, would be registered with the property deed, and would be binding on all future owners.

The Finance Committee unanimously takes no position on this Article, as it has not had sufficient opportunity to review the Article prior to publication of the Warrant.

ARTICLE 30: TRANSFER AND AUTHORIZE CONVEYANCE OF WARREN AVENUE PARCEL

To transfer the care, custody, management and control of the land shown as Lot 26 on Assessors’ Map 26 (66-68, 71 and 74 Warren Avenue) described in the deed dated July 1, 1921 and recorded with the

2013 ANNUAL TOWN MEETING

Middlesex South Registry of Deeds as Book 4446, Page 148, from the Board of Selectmen for water purposes, to the Board of Selectmen for the purpose of conveyance for affordable housing purposes, which may be to the Affordable Housing Trust or to another entity, and to authorize the Board of Selectmen, on such terms and conditions as it may determine, to convey all or any portion or any interest in said land for such purposes, or take any other action relative thereto.

Article 30 Explanation: The subsequent article authorizes predevelopment funding to create approximately seven affordable housing units in three buildings on this parcel. The land and buildings are no longer needed for Town purposes; therefore, it is recommended that the parcel be conveyed for affordable housing purposes. A two-thirds majority vote is required for approval of this vote.

The Finance Committee unanimously takes no position on this Article.

ARTICLE 31: APPROPRIATE FOR COMMUNITY HOUSING – DESIGN OF WARREN AVENUE AFFORDABLE HOUSING

To appropriate a sum of money for community housing purposes under the Community Preservation Program in order to pay costs of engineering, architectural services for plans and specifications, and other predevelopment expenses for the development of affordable housing on an approximately 8 acre parcel of Town-owned land located at 66-68, 71 and 74 Warren Avenue, Weston as a grant to the Weston Affordable Housing Trust, pursuant to a grant agreement between the Town Manager and the Weston Affordable Housing Trust, 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; or take any other action relative thereto.

Article 31 Explanation: There are three buildings on this Town-owned parcel: 66-68 Warren Avenue is a two-family house, currently occupied; 71 Warren Avenue is a single family house no longer occupied; and 74 Warren Avenue is the recently vacated Water Division garage. A feasibility study has been conducted by TBA Architects, with input from the neighborhood and Town committees, and the Affordable Housing Trust is proposing that affordable housing units be developed in these buildings.

This request will provide the funds needed to prepare plans and specifications and complete the predevelopment work for the creation of approximately seven affordable housing units in the three existing buildings. The Permanent Building Committee will oversee the design and construction of these units. The amount to be requested under this article is \$180,000.

The Finance Committee unanimously takes no position on this Article.

ARTICLE 32: APPROPRIATE FOR COMMUNITY HOUSING – REGIONAL HOUSING SERVICES OFFICE AND HOUSING STAFF SUPPORT

To appropriate a sum of money 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, and as funding therefor, to transfer said sum from the Unallocated allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 32 Explanation: For the last two years, Weston has collaborated with the Towns of Acton, Bedford, Concord, Lexington, and Sudbury to provide a regional housing services office. Staff from the Sudbury Housing Trust offer a variety of services related to lottery, monitoring, administration of the subsidized housing inventory, and consultation on specific projects. The amount requested is Weston's share, which represents 8.6% of the total cost. This request will also fund hours worked by an existing employee on affordable housing-related issues in the amount of 2.5 hours/week. The amount to be requested under this article is \$15,480.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 33: APPROPRIATE FOR HISTORIC RESOURCES – FARMERS’ BURIAL GROUND AND CENTRAL CEMETERY RESTORATION

To appropriate a sum of money for historic resource purposes under the Community Preservation Program, to be used to assess, preserve and restore gravestones, tombs, and other elements in the historic Farmers’ Burial Ground, located on Boston Post Road at Colpitts Road and Central Cemetery, located on Boston Post Road at Linwood Avenue, and all incidental costs related thereto, to be spent under the direction of the Town Manager, said sum to be transferred from the Historic Resources Reserve or Unallocated allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 33 Explanation: Farmers’ Burial Ground and Central Cemetery are important historic landmarks within the Boston Post Road corridor. The first recorded burial in Farmers’ Burial Ground took place in 1703, a decade before Weston’s incorporation. The first burial of record in Central Cemetery occurred in 1792. Some of the community’s earliest and most prominent citizens, including Josiah Smith and Colonel Lamson, and at least 25 Revolutionary War veterans are interred in these two cemeteries. These historic outdoor museums are in poor condition and deteriorating. More than 300 years of Weston’s history is recorded in these scenic places. The funds requested under this article will be used to complete a condition assessment for these historic cemeteries and to begin the conservation of the gravestones and surrounding structures in the oldest cemetery, which is an important part of Weston’s 300 year history.

This is the first phase of a project that will be phased in over a five-year period, and additional funds will be requested for each subsequent year. The total cost of the project is estimated to be up to \$500,000 over the 5 year period, with the larger amounts requested in the first 2 years. The amount to be requested under this article is \$125,000.

The Finance Committee, by a majority vote, takes no position on this Article.

ARTICLE 34: APPROPRIATE FOR LAND FOR RECREATIONAL USE – WALKWAYS

To appropriate a sum of money for land for recreational use under the Community Preservation Program for the creation of walkways for recreational purposes; 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; or take any other action relative thereto.

Article 34 Explanation: The Recreation Commission unanimously supports the creation of walkways or sidewalks to provide safe recreational opportunities and connections to open space, land for recreational use and recreational facilities. Studies have shown that there exists a positive relationship between existence of walkways and the use of the same for recreational activities as well as the general health benefits of activities such as walking and running. Funds requested under this article would be spent in accordance with the priorities established in the Traffic and Sidewalk Committee’s 2010 Master Plan to construct approximately one mile of walkway/sidewalk along portions of Brown Street and Winter Street. The 2010 Master Plan also sets as priorities, to be addressed in future CPA funding requests, walkways/sidewalks along Ash St., Glen Road, Highland Avenue, and Merriam Street. Similar CPA funding requests are expected in each of the following three years in order to construct a total of four miles of new walkways/sidewalks as proposed in the referenced Master Plan. The amount to be requested under this article is \$250,000.

The Finance Committee unanimously takes no position on this Article.

ARTICLE 35: APPROPRIATE FOR OPEN SPACE – ADDITIONAL FUNDS FOR HOBBS POND DAM RECONSTRUCTION AND POND PRESERVATION: 80 ACRE CONSERVATION AREA

To appropriate an additional sum of money 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 the 80 Acre Conservation Area, located off Lexington Street, as shown on Assessors Map 9, Parcels 8-10, and

2013 ANNUAL TOWN MEETING

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; or take any other action relative thereto.

Article 35 Explanation: In May 2012, Town Meeting voted to appropriate \$317,000 in Community Preservation Act Funds to reconstruct Hobbs Pond Dam off Lexington Street. The dam was severely damaged from rainstorms in 2010 and the reconstruction of the dam is necessary to preserve Hobbs Pond. The preliminary cost estimates prepared by the Commission's engineering consultant at the time estimated the total project cost at \$495,000. In addition to the \$317,000 secured at Town Meeting, the remaining funds were secured by private donors (\$100,000) and FEMA (\$80,000).

In September 2012, the Commission hired Pare Corp to oversee the design, permitting, and construction monitoring of Hobbs Pond Dam. In March 2013, Pare Corp completed its in-depth cost study of the project and determined that the overall project cost will amount to \$645,000 - \$150,000 more than what was anticipated.

The original opinion of construction cost developed during the preliminary assessment was based upon a general understanding of the needs. The design as developed and presented by Pare Corporation includes a restoration of the pond to its historic pond depth elevation (rather than one-foot lower as was originally designed), incorporation of additional features to improve current operations, and decrease potential beaver activity (and beaver/human conflict). In addition, the spillway will be the same width as the present one, with an auxiliary spillway constructed along the eastern dam embankment to provide additional discharge capacity. This will limit potential future erosion during larger storm/runoff events. Additional information about this project can be found at: www.tinyurl.com/HobbsPondDam. The amount to be requested under this article is \$150,000.

The Finance Committee unanimously takes no position on this Article.

ARTICLE 36: **REDUCE THE COMMUNITY PRESERVATION ACT SURCHARGE FROM 3% TO 1% (SUBMITTED BY CITIZENS' PETITION)**

To see if the Town will vote to amend its acceptance of the Community Preservation Act, Massachusetts General Laws Chapter 44B, Section 3 through 7 inclusive, approved under Article 6 of the March 12, 2001 Special Town Meeting and accepted at the May 5, 2001 Annual Town Election, by decreasing the surcharge on real property from 3% to 1%; provided, however, that before such decrease in the surcharge may take effect, the change must also be approved by the voters at the May 2014 Annual Town Election; or take any other action relative thereto.

Article 36 Explanation (provided by proponents): This article, if approved and then ratified by voters in the May 2014 town election, will provide some tax relief for all Weston tax payers, beginning with Fiscal Year 2015, by reducing the surcharge to the statutory minimum of 1%. In view of the substantial unallocated balance in the town's Community Preservation Act fund, there is no continuing need to levy the surcharge at its maximum statutory rate of 3%. Furthermore, Weston's forbearance will serve to free up state matching grants for other towns with more immediate funding needs.

(submitted by petition)

The Finance Committee, by a majority vote, takes no position on this Article.

2013 ANNUAL TOWN MEETING

GENERAL BY-LAWS ARTICLE

ARTICLE 37: AMEND GENERAL BY-LAWS – SELECT BOARD

To amend the Town By-laws to change the title of the “Board of Selectmen” to the “Select Board” by:

- (a) inserting a new sentence prior to the existing text of Article II, Section 1, as follows:

The Board of Selectmen of the Town of Weston shall be referred to as the Select Board of the Town of Weston; provided, however, that regardless of such nomenclature, said board shall constitute a board of selectmen for purposes of the General Laws and of any special law applicable to the Town.

- (b) and further, to replace the words “Board of Selectmen” or “Selectmen”, in each instance in which they appear throughout the Town By-laws, with the words, “Select Board”,

all as on file with the Town Clerk, or take any other action relative thereto.

Article 37 Explanation: A number of towns in Massachusetts, including Dartmouth, Amherst, and several other towns in western Massachusetts, have changed “Board of Selectmen” to the gender-neutral “Select Board” to eliminate the implied sexism of the name for the town’s executive branch. This article, if approved, will modify all references in the Town’s By-laws from the “Board of Selectmen” to the “Select Board”; provided, however that such change in nomenclature shall have no effect on the duties, responsibilities and authority of the Board for all purposes of the General Laws or any special acts applicable to the Town.

The Finance Committee unanimously takes no position on this Article.

STATE LAW ACCEPTANCE AND OTHER

ARTICLE 38: ACCEPT DONATION OF LAND ON HOBBS BROOK ROAD FOR CONSERVATION PURPOSES

To authorize the Board of Selectmen to acquire the fee simple in land on Hobbs Brook Road and shown as Assessors Map 19, Parcels 66 and 67, described in deeds recorded with the Middlesex South Registry of Deeds as Book 27095, Page 419 and Book 27095, Page 420 comprised of .92 acres each, by donation or by deed in lieu of foreclosure, pursuant to M.G.L. Chapter 60, section 77C, for conservation purposes, from Salvatore A. Vinciullo, and further to authorize the Board of Selectmen to enter into any and all agreements, covenants, or other instruments necessary to effectuate this vote; or take any other action relative thereto.

Article 38 Explanation: The Conservation Commission is requesting Town Meeting accept a donation of land in lieu of back taxes. Specifically, Salvatore Vinciullo owns two undeveloped parcels of land off Hobbs Brook Road. The properties total 1.8 acres of land which abut Hobbs Brook and are part of Cambridge Water Supply Zone A area. Therefore, it was the Commission’s opinion that these properties contribute to important public values (open space, wildlife habitat, groundwater protection, drinking water protection, storm damage prevention, and passive recreation opportunities).

The current owner is offering these properties as a gift to the Conservation Commission contingent upon the Town waiving all back taxes owed (approximately \$12,000). The Commission has conducted a Phase I environmental site inspection with a Licensed Site Professional and is awaiting testing results. Test results will be available prior to Town Meeting.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 39: TRANSFER AND AUTHORIZE A LONG TERM LEASE TO PLACE SOLAR PANELS ON THE CLOSED LANDFILL

To transfer from the Board of Selectmen for landfill purposes to the Board of Selectmen for such purposes and also for the purpose of leasing for the installation and operation of solar photovoltaic panel purposes the closed landfill located off Church Street and shown as Assessors Map 23, Parcel 35, and authorize the Board of Selectmen to enter into a long term lease agreement, pursuant to M.G.L. Ch. 30B, Section 16, or any other enabling authority for such purposes; and further, to authorize the Town Manager to enter into alternative energy power purchase and/or net metering credit purchase agreements in connection with such installation, for a term or terms of more than three years, on such terms and conditions as the town Manager deems in the best interest of the Town, and to authorize the Board of Selectmen and Town Manager to take all actions necessary to administer and implement such agreements; or take any other action relative thereto.

Article 39 Explanation: This article authorizes the Town to enter into a long-term lease and power purchase agreement, both needed to bring solar photovoltaic renewable energy to Weston. The May 2011 Town Meeting modified the zoning by-laws by adopting a Renewable Energy Overlay District on property owned by Boston Properties, currently housing Biogen Idec, and on Town-owned property housing the transfer station and the closed landfill. The by-law allows for the permitting of large-scale ground mounted photovoltaic installations through the Town's site plan review process. The likely source of financing for a solar PV installation is a private developer who is able to capture federal tax breaks not applicable to public entities. This article allows the Town to lease the closed landfill to a developer for siting the solar PV installation for a long term, typically 20 years. It also allows the Town to sign a power purchase agreement with the developer to buy all the generated energy for that term at a negotiated price less than the Town pays for electricity from the existing power grid. The installation uses no Town capital funds, and it must comply with zoning and permitting requirements.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 40: ACCEPT CHAPTER 73, SECTION 4 OF THE ACTS OF 1986: (INCREASE IN PROPERTY TAX EXEMPTION LIMITS)

To accept, for fiscal year 2013, 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; or take any other action relative thereto.

Article 40 Explanation: Acceptance of this statute permits the Town to grant an additional property tax exemption to certain taxpayers who are surviving spouses, parents of veterans who died in wartime service, blind persons and those who qualify for an exemption under any one the following clauses of section 5 of Chapter 59 of the Massachusetts General Laws:

Clauses 17, 17C, 17D, 22, 22A, 22B, 22C, 22E, 37, 37A, 41, 41B, 41C, 42, or 43.

Town Meeting approval of the additional exemption, as well as application for the exemption by the taxpayer, must be made annually. The Board of Selectmen has recommended that the amount of the exemption be increased by 100 percent, the maximum amount over the standard amount provided by this State law. This increase in the exemption was first approved by Town Meeting in 2002.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 41: RESCIND BOND AUTHORIZATION

To rescind all or a part of an authorization to borrow funds, which was approved in a prior year, where the purpose of the borrowing has been completed and/or it was unnecessary to borrow the amount approved:

Article 19 May 11, 2009 Annual Town Meeting – Field School Feasibility \$178,066

Or take any other action relative thereto.

Article 41 Explanation: This project was funded partially by the Massachusetts School Building Authority (MSBA). The MSBA requires authorization of the full project amount by the Town. This part of the Field School project has now been completed, and the Town was not required to borrow the full amount authorized by Town Meeting for such purpose. At this time, it is necessary for Town Meeting to rescind the balance of the bond authorization to appropriately reflect the Town's debt position and to update the Town's financial reporting accordingly.

The Finance Committee unanimously supports adoption of this Article.

And you are to serve the warrant by posting four attested copies thereof at the Town Hall, at the Kendal Green Railroad Station, at the Town of Weston Transfer Station and on the kiosk at the front of the Weston High School on Wellesley Street by the gymnasium, seven days at least before the time appointed for said meeting.

Hereof fail not to make due return of this warrant with your doings thereon to the Selectmen at the time and place of said meeting.

Given under our hands April 8, 2013.

Edward H. Coburn
Douglas P. Gillespie
Michael H. Harrity
Selectmen of the Town of Weston