



TOWN CLERK'S RECORD
OF THE 130th ANNUAL TOWN MEETING

April 5, 2010
Wellesley Middle School

April 6, 2010

In pursuance of a Warrant dated January 26, 2010, the duly elected Town Meeting Members proceeded as follows:

The Moderator, Margaret Ann Metzger, called the 130th Annual Town Meeting to order at 7:30 P.M. The Moderator declared a quorum present.

Susan Troy, Spiritual Director and Candidate for Doctor of Ministry degree at Boston University School of Theology, offered the invocation.

Representatives of the Wellesley Veterans' Council presented the colors to the meeting.

The Middle School Jazz Band, under the direction of Mr. Henry Platt, played the "Star Spangled Banner".

Barbara Searle, Chairman of the Board of Selectmen, led the meeting in a salute to the flag.

The Moderator informed the Town Meeting Members that the General Laws require that all members be sworn to the faithful performance of their duties. Kathleen F. Nagle, Town Clerk, administered the oath to the Town Meeting Members elected at the March 2, 2010 Annual Town Election.

The Town Clerk, Kathleen F. Nagle, read the Officer's Return of the Service of the Warrant.

The meeting was held under the provisions of Chapter 202 of the Acts of 1932 as amended. The checklist of Town Meeting Members showed there were 218 members present. Only 121 were needed for a quorum.

The duly elected Town Meeting Members were segregated from the other voters of the Town by occupying the front section of the auditorium, and were in the charge of a detail of police. Entrance to the enclosure was through one door, and each Town Meeting Member was checked from the official list of members before being admitted to the enclosure.

The following were seated within this area by permission of the Moderator, but did not vote: Peter Cory, Jack Haley, Rick Hill, Derek Redgate, and Steve Sykes, Advisory Committee; David A.T. Donohue, Board of Public Works, Chairman; Judith Curby, DPW Assistant Director, Michael Pakstis, DPW Director, Stephen S. Fader, DPW Town Engineer, and David A. Cohen, DPW Sr. Management Analyst; Hans Larsen, Executive Director; Sheryl Strother, Finance Director; Christopher Ketchen, Deputy Director General Government; Terrance J. Connolly, Assistant Director, General Government; Terry Duggan, Budget Project Manager; Terrence Cunningham, Police Chief, William Brooks, Deputy Police Chief, Sergeant Marie Cleary; Rick Delorie, Fire Chief, and Jeff Peterson, Deputy Fire Chief; John Moran, Director of Facilities; Susan Adler, Human Resources, Director; Amanda Henshon and Ann Mara Lanza, Library Trustees, Janice Coduri, Library, Director; Heidi Gross and Neal Seaborn, NRC, Janet Bowser, NRC, Director; Bella Wong, WPS Superintendant, Carol Gregory, WPS Asst. Superintendant, Liam Hurley, WPS Asst Bus Mgr; Michael Zehner, Planning Staff; Marc Waldman, Treasurer; Teddy Applebaum and Alyssa Persim, Wellesley Townsman; Caitlin Costello, Boston.com.

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Head Teller, Jackie Hatch, assisted by Nancy Galligan, Marijane Tuohy, Roberta Francis, Rusty Kellogg, Trina Foster, and Pamela Kubbins.

The Moderator expressed appreciation to the attendance checkers for the Annual Town Meeting: Paul Carter, Ralph Bailey, Jim Corscadden, and Philip Rolph.

The Junior Class of Wellesley High School will provide refreshments at the breaks.

The Moderator announced the dates of the Town Meeting: April 5, and 6, April 12, and 14. If additional sessions are required there will be no meetings the week of April 19 and resume if needed April 26, and 27.

The Moderator explained the rules and regulations of the Town Meeting and the power and duties of the Moderator in connection with the conduct of the meeting.

The Moderator stated that to her knowledge no motions would be offered under Articles 1, 2, 10, 22, 23, 25, 28, 35, 36, 37, and 38. Article 29 will be taken up on after Article 5.

The Moderator noted that a Special Town Meeting will convene on April 12 and the regular Annual Town Meeting will be suspended for that business and continue after the matters of the Special have been concluded.

The Moderator informed the meeting that unless objections were raised, the meeting would dispense with the reading of the Warrant. No objections were raised and the meeting proceeded.

ARTICLE 1. To choose a Moderator to preside over said meeting.

No Motion offered.

The Moderator then entertained the following resolution offered by Robert Sechrest, to wit:

RESOLUTION IN MEMORY OF ROBERT L. DI SCHINO

WHEREAS: With the death of Robert L. (Bob) Di Schino on December 20, 2009, at age 84, the Town of Wellesley lost a true gentleman and civic leader.

WHEREAS: Bob was first elected a Town Meeting Member at age 22 from the former Precinct 3 and served - although not continuously - for 36 years, ending in 2006. He served on the Advisory Committee, on the Board of Wellesley's former Regional Vocational High School for 8 years, and on the Planning Board for 11 years, where he was instrumental in incorporating a "disaster rebuild" provision into the zoning by-law.

WHEREAS: Bob also served his community in other ways: as President of the Wellesley Club, founded with the object of discussing the Town's welfare, and as a Social Studies teacher at the Dover-Sherborn Junior High School for 20 years. During World War II, he served in the United States Navy, receiving three battle stars. Bob was a staunch supporter of Boston College, his alma mater; St. Paul Church; and the Sisters of Charity; all of which he supported financially and with his presence. He was devoted to Boston College athletic teams.

WHEREAS: Bob had close ties to Wellesley Square. He lived nearly all his life at or near 144 Linden Street. His father ran a fruit and produce store on Washington Street in the early 1900's and bought some houses on Central Street, replacing them with some of today's retail stores. Bob inherited and managed these along with other real estate. His son Dennis, a current Town Meeting Member, and his twin brother Daniel, a former Town Meeting Member and officer of the Wellesley Club, now follow their father. Hence, Bob's keen interest in Wellesley Square. He always put Wellesley's best interests ahead of any personal gain.

WHEREAS: Bob, the father of eight children, will best be remembered, along with his wife Dorothy who died two months later, as a warm, friendly, compassionate, honest human being, always seeking discussion, understanding and compromise of diverse points of view. Wellesley values the civic engagement of all its residents for which Bob Di Schino set a high standard.

NOW THEREFORE BE IT RESOLVED that this Town Meeting acting on behalf of all the residents of the Town of Wellesley and its municipal employees expresses its deep sorrow in the passing of Robert L. Di Schino and publicly acknowledges its appreciation for his dedicated service and

significant contributions to the welfare of the Town, and further that the Town Clerk shall record this Resolution in the minutes of this meeting and transmit copies to Mr. Di Schino's family.

The Town Meeting unanimously adopted the foregoing resolutions and observed a moment of silence in honor of Mr. DiSchino.

ARTICLE 2. To receive reports of town officers, boards and committees, including the Annual Town Report, the Report to this Town Meeting of the Advisory Committee, the Report of the Community Preservation Committee, and the Reports of the Board of Selectmen on the Five Year Capital Budget Program and the Town-Wide Financial Plan pursuant to Town Bylaw Sections 19.5.2 and 19.16 respectively; and discharge presently authorized special committees; or take any other action relative thereto.

The following Committee Reports were filed with the Town Clerk: Advisory Committee Report, Community Preservation Committee, Green Ribbon Study Committee Sustainable Energy Plan, Town Wide Financial Plan (BOS) and Capital Budgeting Schedule, Planning Board, School Building Committee Wellesley Middle School

Barbara Searle, Precinct A, Chairman of the Board of Selectmen, thanked the Public Safety departments including the Police, Fire, Public Works, and Municipal Light Plant for recent efforts to protect the citizens and property of the town from damage due to unprecedented rains.

Ms. Searle then presented the FY 11 Town Wide Financial Plan as required under Town of Wellesley Bylaw Article 19.16 and the 5 Year Capital Budget Program as required by Article 19.5.2

Peter Cory, Precinct E, Chairman of the Advisory Committee reported on the general process of the Advisory Committee and the overview picture of Town finances.

ARTICLE 3. To see what action the Town will take relative to revenue as follows:

- a) Establish new and/or amend current fees or other charges for services and programs provided to the public;
- b) Vote to authorize the Board of Assessors to use any monies paid to the Town from the Wellesley Municipal Light Plant as an estimated receipt when computing the Fiscal Year 2011 Tax Rate;

or take any other action relative thereto.

Barbara Searle, Precinct A, Chair of the Board of Selectmen offered the following motion which was

VOTED, unanimously, that the Town authorizes the Board of Assessors to use \$1,000,000 paid to the Town from the Municipal Light Plant as an estimated receipt when computing the fiscal year 2011 tax rate.

ARTICLE 4. To see if the Town will vote to amend ARTICLE 31 of the Town Bylaws by making changes in Schedule A entitled “Job Classifications by Groups” which constitutes part of said Bylaws; or take any other action relative thereto.

Susan Hurwitz, Precinct B, Chairman of the Human Resources Board, offered the following motion, which was

VOTED, unanimously, that the Classification Plan established at the 1950 Annual Town Meeting as amended, be further amended as recommended by the Human Resources Board by striking Schedule A, “Job Classification by Groups” and inserting a new Schedule A as follows:

New Classifications

<u>Classification</u>	<u>Department</u>	<u>Job Group</u>
Administrative Assistant	FAC	51
Carpenter/Painter	FAC	T19
Electrician	FAC	T19
Park Facilities Technician	DPW	17
Park Maintenance Worker	DPW	13

Reclassifications

<u>Classification</u>	<u>Department</u>	<u>From Job Group</u> <u>To Job Group</u>
Fire Mechanic	FIRE	F19 to T19
Medium Equipment Operator – H’ way	DPW	14 to 15
Truck Driver A/Laborer	DPW	14 to 15
Water and Sewer Systems Engineer	DPW	56 to 57

Title Changes

<u>From Title</u>	<u>To Title</u>	<u>Department</u>	<u>Job Group</u>
Crane Operator	Construction Equipment Operator	DPW	17

Reclassifications and Title Changes

<u>From Title and Job Group</u>	<u>Department</u>	<u>To Title and Job Group</u>
Clerk 43	REC	Secretary II 44

SCHEDULE A
JOB CLASSIFICATIONS BY GROUPS

GROUP 69	
Executive Director of General Government Services	SEL
GROUP 66	
DPW Director	DPW
Finance Director	DFS
GROUP 64	
Director of Facilities and Grounds	FAC
GROUP 63	
Chief of Police	POL
Treasurer/Collector	TRS
GROUP 62	
Fire Chief	FIR
Human Resources Director	HR
Library Director	LIB
Programs Manager/Assistant Director	DPW
Superintendent, Park & Highway	DPW
Town Engineer	DPW
GROUP 61	
Assistant Director of General Government Services	SEL
Deputy Chief of Police	POL
NIS Director	NIS
Superintendent, RDF	DPW
Superintendent, Water and Sewer Division	DPW
GROUP 60	
Assistant Director of Facilities and Grounds	FAC
Chief Assessor	ASR
Deputy Fire Chief	FIR
Director of Public Health	HLTH
Director of Recreation	REC
Planning Director	PLN
Senior Deputy Director	SEL
GROUP 59	
Assistant Director for Library Services	LIB
Assistant Director for Technology	LIB
Assistant Superintendent, Water and Sewer Division	DPW
Assistant Town Engineer	DPW
Facilities Maintenance Administrator	FAC
GROUP 58	
Assistant NIS Director	NIS
Assistant Superintendent, Highway Division	DPW
Assistant Superintendent, Park and Tree Division	DPW
Deputy Director	SEL
Inspector of Buildings	BLDG

Senior Civil Engineer	DPW
Senior Management Analyst	DPW
GROUP 57	
Assistant Director	REC
Assistant Director/Health	HLTH
Assistant Planning Director	PLAN
Deputy Assistant Director, General Government Services	SEL
Director of Natural Resources	NRC
GIS Manager	NIS
Network Manager/Webmaster	NIS
Technical Operations Manager	NIS
Water and Sewer Systems Engineer	DPW
Youth Director	YC
GROUP 56	
Assistant Town Accountant	DFS
Civil Engineer	DPW
Director of Senior Services	COA
Finance and Budget Analyst	DFS
Landscape Planner	DPW
Management Analyst	DPW
GROUP S55	
Fleet Maintenance Supervisor	DPW
GROUP 55	
Environmental Health Specialist	HLTH
GIS Administrator	NIS
Local Building Inspector	BLDG
Program Administrator	REC
Senior Engineer	DPW
Senior Human Resources Generalist	HR
GROUP S54	
Customer Services Supervisor	MLP
General Foreman, All Divisions	DPW
Overhead Line Foreman	MLP
Supervisor of Accounting	MLP
Supervisor, RDF	DPW
Underground Line Foreman	MLP
GROUP 54	
Assistant Treasurer/Collector	TRS
Director of Veterans' Services	VET
Horticulturist, Park and Tree Division	DPW
Human Resources Generalist	HR
Inspector of Wires	BLDG
Plumbing and Gas Inspector	BLDG
Projects Administrator	PBC
Public Health Nurse Supervisor	HLTH
GROUP S53	
Coordinator, Light Plant	MLP

Signal Alarm Foreman, Light Plant	MLP
GROUP 53	
Analyst/Programmer	NIS
Environmental Education Coordinator	NRC
Health and Social Services Administrator	COA
Health Communication and Services Specialist Planner	HLTH PLN
Public Health Nurse	HLTH
Safety Coordinator	DPW
GROUP 52	
Conservation Administrator	NRC
GIS Analyst	DPW
Parking Clerk	SEL
RDF Business Manager	DPW
GROUP 51	
Administrative Assistant	FAC
Assistant Administrator	ASR
Assistant Town Clerk	TC
Executive Secretary, Director, DPW	DPW
Executive Secretary, Zoning Board of Appeals	ZBA
Microcomputer Coordinator	NIS
Sealer of Weights and Measures	SEL
GROUP S50	
Collections Representative	MLP
GROUP 50	
Animal Control Officer/Inspector of Animals	POL
GROUP 49	
Accountant B	DFS
Administrative Secretary	SEL
Assessor Technician	ASR
Elections and Registration Administrator	TC
Office Administrator, Water and Sewer Division	DPW
GROUP 48	
Administrative Assistant	HLTH
Head Maintenance Custodian, Town Hall	FAC
Office Administrator	LIB
Office Assistant, Building	BLDG
Personnel Administrative Assistant	HR
Senior Accounting Assistant	DPW
Senior Office Assistant	DPW
GROUP 47	
Accounting Assistant	POL
Administrative Assistant	FIR
Administrative Assistant	POL
Office Assistant, Municipal Light Plant	MLP
Office Assistant, Engineering Division	DPW

Office Assistant, Management Division	DPW
Office Assistant, Park and Highway Divisions	DPW
Office Assistant, RDF	DPW
Office Assistant, Water and Sewer Division	DPW
Secretary, Recreation	REC
Senior Secretary, Selectmen	SEL
Voter Registration Clerk	TC
GROUP 47D	
Dispatcher	POL
GROUP 46	
Accounting Clerk, Treasurer/Collector	TRS
Office Assistant	SEL
Office Assistant/Records Clerk	POL
GROUP 45	
Secretary, Assessor's	ASR
Secretary, Director's Office	DPW
Secretary, NRC	NRC
Secretary/Technical Assistant	PLAN
GROUP 44	
Clerk	TC
Custodian	FAC
Program and Office Assistant	COA
Secretary, Building	BLDG
Secretary II	REC
Seniors Activities Coordinator	COA
GROUP 42	
Office Clerk	HLTH
GROUP 41	
Night Watchman, Highway Division	DPW
GROUP 38	
Senior Customer Service Representative	MLP
GROUP 35	
Accounts Payable Clerk	DPW
Bookkeeping/Account Clerk	DPW
Clerk/Engineering	DPW
Customer Service Representative	MLP
GROUP 34	
Administrative Clerk	DPW
Communications Clerk/Receptionist	MLP
Credit/Collections Clerk	MLP
GROUP 33	
Administrative Records Clerk	MLP
Cashier/Records Assistant	MLP
Clerk	DPW

GROUP 31	
Clerk, General	DPW
GROUP 22	
Crew Leader	MLP
GROUP 21	
Electrician A	MLP
Lead Cablesplicer	MLP
Lead Lineman	MLP
GROUP 20	
Automotive Mechanic Foreman A	DPW
Cablesplicer, 1st Class	MLP
Chief Substation Operator, Municipal Light Plant	MLP
Construction Craftsman, Highway Division	DPW
Construction Foreman/MLP	MLP
Engineer A	DPW
Foreman A - All Divisions	DPW
Foreman A - Athletic Fields	DPW
Foreman A – Tree Care	DPW
Horticultural Technician	DPW
Lineman, 1st Class	MLP
Senior Welder	DPW
GROUP 19	
Meter and Sign Repair Person, Highway Division	DPW
Meter/Backflow Prevention Device Coordinator	DPW
GROUP 18	
Automotive Mechanic	DPW
Engineering Technician	MLP
Foreman B - All Divisions	DPW
Groundskeeping Foreman, Park and Tree Division	DPW
Highway Craftsman	DPW
Lead Baler	DPW
Lead Tree Climber, Park and Tree Division	DPW
Park Maintenance Craftsman	DPW
Primary Water Treatment Plant Operator	DPW
Welder	DPW
GROUP 17	
Apprentice Lineworker/Stockkeeper	MLP
Cablesplicer, 2nd Class	MLP
Construction Equipment Operator	DPW
Lineman, 2nd Class	MLP
Meter/Backflow Prevention Device Technician	DPW
Park Facilities Technician	DPW
Park Technical Services Craftsman	DPW
Power Shovel Operator, Water and Sewer Division	DPW
Stockkeeper, Automotive, Highway Division	DPW
Substation Operator, Municipal Light Plant	MLP
Tractor Trailer Operator	DPW

Tree Climber, Park and Tree Division	DPW
GROUP 16	
General Mechanic A, Water and Sewer Division	DPW
Groundskeeper, Park and Tree Division	DPW
Head Custodian	DPW
Heavy Equipment Operator, Highway Division	DPW
Secondary Water Treatment Plant Operator	DPW
Stockkeeper, Municipal Light Plant	MLP
Transfer Haul Equip. Operator, RDF	DPW
GROUP 15	
Industrial Equipment Operator, RDF	DPW
Medium Equipment Operator, Highway Division	DPW
Stockkeeper, Water and Sewer Division	DPW
Truck Driver A/Laborer, Water and Sewer Division	DPW
GROUP 14	
Building Maintenance Person, Highway Division	DPW
Cablesplicer Helper, Municipal Light Plant	MLP
Custodian	DPW
Groundman, Municipal Light Plant	MLP
Medium Equipment Operator, Park and Tree Division	DPW
GROUP 13	
Park Maintenance Worker	DPW
Permit Verifier/Trash Collector, RDF	DPW
GROUP 12	
Light Equipment Operator, Park and Highway Divisions	DPW
GROUP 11	
Laborer - All Divisions	DPW
GROUP L17	
Public Services Coordinator	LIB
GROUP L16	
Children's Services Supervisor	LIB
Reference Services Supervisor	LIB
Technical Services Supervisor	LIB
GROUP L15	
Branch Libraries Supervisor	LIB
Interlibrary Loan Supervisor	LIB
GROUP L14	
Reference Librarian	LIB
GROUP L9	
Circulation Supervisor	LIB
Facilities Supervisor	FAC
GROUP L6	

Acquisitions Specialist	LIB
Cataloging Assistant	LIB
Assistant Circulation Supervisor	LIB
Bookkeeper	LIB
GROUP L4	
Technology Assistant	LIB
GROUP L3	
Circulation Assistant	LIB
Library Assistant	LIB
Preservation Assistant	LIB
GROUP L1	
Helper	LIB
GROUP C4	
Custodian	FAC
GROUP P40	
Lieutenant	POL
GROUP P30	
Sergeant	POL
GROUP P20	
Detective	POL
Prosecuting Officer	POL
Safety Officer	POL
GROUP P18	
Police Officer – EMT	POL
GROUP P15	
Police Officer – Special	POL
GROUP P10	
Police Officer	POL
GROUP F40	
Captain	FIR
Captain, Special Services	FIR
GROUP F30	
Lieutenant	FIR
GROUP F10	
Firefighter	FIR
GROUP T19	
Automotive Mechanic	FIR
Carpenter/Painter	FAC
Electrician	FAC

GENERAL GROUP: This group includes all part-time seasonal, casual, special and other jobs or positions not otherwise classified above, whose job titles shall be as shown on the personnel records of the Human Resources Board.

The rates of pay, as shown in the personnel records of the Human Resources Board, shall continue in effect until otherwise adjusted by the Human Resources Board or by amendment of the Plan.

ARTICLE 5. To see if the Town will vote to amend ARTICLE 31 of the Town Bylaws by making changes in Schedule B entitled “Salary Plan – Pay Schedule” established under Section 31.6, which constitutes part of said Bylaws; to raise and appropriate, or otherwise provide, money therefor; or take any other action relative thereto.

MOTION 1, Susan Hurwitz, Precinct B, chairman of the Human Resources Board offered the following Motion 1, which was:

VOTED, by declared voice vote, that the Salary Plan as established at the 1950 Annual Town Meeting as amended, be further amended effective July 1, 2010, as recommended by the Human Resources Board, by striking the existing pay schedule for the non-bargaining unit, non-management personnel (Job Groups 40-49) and inserting the new schedule as follows:

**SCHEDULE B
SALARY PLAN – PAY SCHEDULES**

*Rates effective as indicated as of July 1, 2010
Hourly rates – reflects 2% increase over FY10*

Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
49	20.87	21.80	22.79	23.82	24.89	26.00
48	20.04	20.94	21.88	22.86	23.89	24.96
47	19.22	20.08	20.99	21.94	22.92	23.94
46	18.42	19.25	20.11	21.02	21.97	22.96
45	17.56	18.35	19.18	20.04	20.94	21.88
44	16.74	17.50	18.29	19.11	19.96	20.87
43	15.91	16.63	17.38	18.16	18.97	19.83
42	15.08	15.76	16.47	17.22	17.99	18.81
41	14.40	15.06	15.74	16.44	17.18	17.94

Hourly rates – reflects 2% over FY 10

Trade positions – non-union

Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
T19	23.93	25.12	26.38	27.70	29.09	30.54

MOTION 2, Susan Hurwitz, Precinct B, chairman of the Human Resources Board offered the following Motion 2, which was

VOTED, by declared voice vote, that the Salary Plan as established at the 1950 Annual Town Meeting as amended, be further amended effective July 1, 2010, as recommended by the Human Resources Board, by striking the existing pay schedule for the Merit Pay Plan (Job Groups 50-69) and inserting the new schedule as follows:

SCHEDULE B
SALARY PLAN – PAY SCHEDULES

Salary rates effective as indicated as of July 1, 2010
Reflects 1% increase over FY 10 ranges

Job Group	Minimum	Midpoint	Maximum
69	116,640	145,800	174,960
68	108,080	135,100	162,120
67	100,160	125,200	150,240
66	92,720	115,900	139,080
65	85,920	107,400	128,880
64	80,160	100,200	120,240
63	74,960	93,700	112,440
62	70,160	87,700	105,240
61	65,600	82,000	98,400
60	61,360	76,700	92,040
59	57,120	71,400	85,680
58	53,600	67,000	80,400
57	50,000	62,500	75,000
56	46,800	58,500	70,200
55	43,680	54,600	65,520
54	41,680	52,100	62,520
53	39,760	49,700	59,640
52	37,680	47,100	56,520
51	35,920	44,900	53,880
50	34,240	42,800	51,360

Network and Information Systems

Job Group	Minimum	Midpoint	Maximum
61	74,080	92,600	111,120
60	69,360	86,700	104,040
59	64,880	81,100	97,320
58	60,400	75,500	90,600
57	56,480	70,600	84,720
56	52,880	66,100	79,320
55	50,240	62,800	75,360
54	47,920	59,900	71,880
53	45,680	57,100	68,520
52	43,360	54,200	65,040
51	41,440	51,800	62,160

MOTION 3, Susan Hurwitz, Precinct B, chairman of the Human Resources Board offered the following Motion 3, which was

VOTED, by declared voice vote, that the sum of \$12,000 be appropriated to the Human Resources Board for the purpose of granting salary increases to employees in Job Groups 50 and above in the classification plan.

At 9:00 pm the Moderator declared a recess. The meeting reconvened at 9:20 pm.

Barbara Searle, Precinct A, Chairman of the Board of Selectmen, offered the following motion which was

VOTED, unanimously by voice vote, that when this Annual Town Meeting adjourns, it does so until Tuesday, April 6, 2010, at 7:30 p.m. in this same hall.

The motion was projected on the screen.

ARTICLE 5, MOTION 4, Katherine Babson, Precinct E, member of the Board of Selectmen, offered a motion, and Hans Larsen, Executive Director spoke in support of the following Motion 4, which was

VOTED, by declared voice vote, That the Salary Plan as established at the 1950 Annual Town Meeting as amended, be further amended as recommended by the Human Resources Board by striking the existing Pay Schedules for and Local 1795, International Association of Firefighters and inserting the new Pay Schedule as follows:

Classification	1st Step	2nd Step	3rd Step	4th Step
Captain of Special Services	\$ 1,249.91	\$ 1,323.64	\$ 1,397.20	\$ 1,470.73
Captain	1,168.14	1,237.05	1,305.80	1,374.51
Lieutenant	995.30	1,053.77	1,112.37	1,170.88
Firefighter	865.45	916.39	967.18	1,018.14

MOTION 5, Katherine Babson, Precinct E, member of the Board of Selectmen, offered a motion, and Hans Larsen, Executive Director spoke in support of the following Motion 5 which was:

VOTED, by declared voice vote, that the Salary Plan as established at the 1950 Annual Town Meeting as amended, be further amended as recommended by the Human Resources Board by striking the existing Pay Schedules for the Wellesley Police Patrolmen’s Association and for the Wellesley Police Superior Officers’ Association and inserting the new Pay Schedules as follows:

POLICE PATROLMENS UNIT – Rate per week

Group	Title	Step 1	Step 2	Step 3	Step 4
Weekly rates effective July 1, 2011					
47	Police Officer	899.99	952.86	1,005.97	1,058.99
Weekly rates effective July 1, 2012					
47	Police Officer	908.99	962.39	1,016.03	1,069.58

POLICE SUPERIOR OFFICERS UNIT – Rate per week

FY 12 (effective July 1, 2011)

P40 Lieutenant	1,538.15
P30 Sergeant	1,302.41

FY 03 (effective July 1, 2012)

P40 Lieutenant	1,553.53
P30 Sergeant	1,315.43

ARTICLE 29. To see if the Town will vote to remove the police department from the provisions of the Civil Service Laws, and the rules and regulations relating to the same, by revoking the Town’s acceptance of Section 37 of Chapter 19 of the Revised Laws voted under Article 30 of the Warrant for the 1908 Annual Meeting; to authorize the Board of Selectmen to place the same on the ballot and/or to petition the General Court for special legislation on the same as shall be necessary or expedient; or take any other action relative thereto.

Katherine Babson, Precinct E, member of the Board of Selectmen, offered the following motion, which was

VOTED, by declared voice vote, that the Town revoke the its acceptance of Section 37 of Chapter 19 of the Revised Laws voted under Article 30 of the Warrant for the 1908 Annual Meeting, thereby removing the police department from the provisions of the Civil Service Laws.

ARTICLE 6. To see if the Town will vote to amend the Town Bylaws regarding the Human Resources Board and the classification and salary plans, as follows:

- (a) Amend Bylaw Article 30. HUMAN RESOURCES BOARD, Section 30.5. Review Work, regarding the review by the Human Resources Board of the work of positions subject to the Classification Plan.
- (b) Amend Bylaw Article 31. CLASSIFICATION AND SALARY PLANS, Section 31.2. New or Changed Positions, relating to the allocation of positions to appropriate groups;
- (c) Amend the Appendix to the Classification and Salary Plans established under Sections 31.1. Classification Plan and 31.6. Salary Plan respectively, which constitutes part of said Bylaws, relating to promotional increases for non-union employees and to the calculation of the service required for vacations with pay for non-union employees;

the current proposals of the Bylaw Amendments referenced above being on file in the office of the Human Resources Department (said proposals being subject to change before or at Town Meeting); or take any other action relative thereto.

MOTION 1, Susan Hurwitz, Precinct B, chairman of the Human Resources Board offered the following Motion 1, which was

VOTED, by declared voice vote, that Article 30 HUMAN RESOURCES BOARD of the Town Bylaws be amended by striking Section 30.5 Review Work in its entirety and substituting in its place the following:

30.5. Review Work. The Board shall, as necessary and appropriate and consistent with good human resources practices, review the work of all positions subject to the Classification Plan. Such reviews shall be so scheduled as to respond to requests by department heads or upon the Board's initiative when it becomes aware of circumstances that indicate that a review is appropriate. As a result of such review, the Board may tentatively add a new position to the Classification Plan or reclassify an existing position to a different group subject to the subsequent ratification of its action by a formal amendment of the Classification Plan at the next annual or special Town Meeting.

MOTION 2, Susan Hurwitz, Precinct B, chairman of the Human Resources Board offered the following Motion 2, which was

VOTED, unanimously, that Article 31 CLASSIFICATION AND SALARY PLANS of the Town Bylaws be amended by striking Section 31.2 New or Changed Positions in its entirety and substituting in its place the following:

31.2. New or Changed Positions. Whenever a new position is established that is not included in a collective bargaining unit, or the duties of an existing position not included in a collective bargaining unit are so changed that in effect a new position is created, upon presentation of substantiating data satisfactory to the Human Resources Board, the Board shall allocate such new or changed position to its appropriate group. The allocation of new or changed positions included in collective bargaining units shall be subject to negotiations as required by Chapter 150E of the Massachusetts General Laws.

MOTION 3, Susan Hurwitz, Precinct B, chairman of the Human Resources Board offered the following Motion 3, which was

VOTED, by declared voice vote, that the Appendix to the Town's Classification and Salary Plan established under Article 31 CLASSIFICATION AND SALARY PLANS. Section 31.6 Salary Plan of the Town By-laws be amended by striking paragraph 4 of Section I – B Salary Increases in its entirety and substituting in its place the following:

4. Employees promoted in or to Job Group 50 and above may be granted an increase in salary on the recommendation of the Department Head and approval of the appropriate Board, Committee or Commission and the Human Resources Board, based on standing in the range, skills and experience, but shall receive at least the minimum, but not more than the midpoint, of the salary range for the position to which they are promoted.

MOTION 4, Susan Hurwitz, Precinct B, chairman of the Human Resources Board offered the following Motion 4, which was

VOTED, unanimously, that the Appendix to the Town's Classification and Salary Plan established under Article 31 CLASSIFICATION AND SALARY PLANS. Section 31.6 Salary Plan of the Town By-laws be amended by adding a new paragraph 5 to Section II – E Vacations with Pay as follows:

5. Full-time employees who worked for the Town on a part-time, benefit-eligible basis immediately prior to entering into their full-time position shall be eligible to have their part-time benefit-eligible service included in the calculation of their vacation eligibility by converting such part-time service to its full-time equivalent.

The Moderator noted the hour of 10:51 pm and suggested an adjournment. The motion carried unanimously. The Meeting adjourned to April 6, 2010.

Attest:

Kathleen F. Nagle
Town Clerk

CERTIFICATE OF NOTICE
OF ADJOURNED ANNUAL TOWN MEETING



April 6, 2010
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from April 5, 2010 to April 6, 2010 at 7:30 p.m. at the Wellesley Middle School was posted on the screen in the Hall during the recess of the meeting on April 5, 2010 and was voted unanimously by the Town Meeting. That said adjournment was announced by the Moderator at the close of the meeting of April 5, 2010 and a notice was posted on the town website (www.wellesleyma.gov) and in the Town Hall at the office of the Town Clerk on April 6, 2010.

Attest:

Kathleen F. Nagle
Town Clerk

TOWN CLERK'S RECORD
OF ADJOURNED SESSION OF 2010 ANNUAL TOWN MEETING



April 6, 2010
Wellesley Middle School

April 7, 2010

An adjourned session of the Annual Town meeting from April 5, 2010 was held this evening at the Wellesley Middle School Auditorium, 50 Kingsbury Street. The Moderator, Margaret Ann Metzger, called the meeting to order at 7:30 P.M. The Moderator declared a quorum present.

The meeting was held under the provisions of Chapter 202 of the Acts of 1932 as amended. The checklist of Town Meeting Members showed there were 207 members present. Only 121 were needed for a quorum.

The duly elected Town Meeting Members were segregated from the other voters of the Town by occupying the front section of the hall, and were in the charge of a detail of police. Entrance to the enclosure was through one door, and each Town Meeting Member was checked from the official list of members before being admitted to the enclosure.

The following were seated within this area by permission of the Moderator, but did not vote: Peter Cory, Chair Advisory Committee, Jack Haley, Derek Redgate and Steve Sykes, Advisory Committee; David A.T. Donohue, Chair Board of Public Works; Michael Pakstis, DPW Director, Judith Curby, DPW Assistant Director, Stephen S. Fader, Town Engineer, David A. Cohen, DPW, Sr. Management Analyst; Christopher Ketchen, Deputy Dir Gen Government; Terrance J. Connolly, Deputy Director, General Government; Terry Duggan, Budget Project Manager; Richard A. DeLorie, Fire Chief; Jeff Peterson, Deputy Fire Chief; Terrence Cunningham, Police Chief, William Brooks, Deputy Police Chief; John Moran, Director of Facilities; Hans Larsen, Executive Director; Sheryl Strother, Finance Director; Amanda Henshon, Chair Library Trustees, Ann Mara Lanza, Library Trustee, Janice Coduri, Library, Director; Jack Stewart, Chair Municipal Light Board, Richard Joyce, Municipal Light Plant, Director, Peter Bracken, Debra Healy, and Don Newell, MLP, Staff; Heidi Gross, NRC, Janet Bowser, NRC Director; Michael Eby, Chair, Permanent Building Committee, Robert Shupe and Matt King, PBC, Katherine Mullaney, PBC Staff; Michael Zehner, Planning Staff; Bella Wong, WPS Superintendant, Liam Hurley, WPS Asst Bus Mgr, Carol Gregory, WPS Asst. Superintendant; Susan Minio, CPC staff; Teddy Applebaum, Wellesley Townsman; Caitlin Costello, Boston.com.

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Head Teller, Jackie Hatch, assisted by Nancy Galligan, Edward Hand, Roberta Francis, Bob White, Marijane Touhy, and Pamela Kubbins.

The Moderator announced that a Special Town Meeting will convene as the first order of business on April 12, 2010.

ARTICLE 7. To see what sums of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, or borrowing, to supplement or reduce appropriations previously approved by the 2009 Annual Town Meeting; or take any other action relative thereto.

MOTION 1 Barbara Searle, Precinct A, Chair of the Board of Selectmen offered the following motion which was

VOTED, by declared voice vote, and confirmed by a second vote which was unanimous 4/5 vote required, to appropriate the sum of \$234.25 to the Zoning Board of Appeals in accordance with the provisions of Chapter 44, Section 64 of the General Laws, said funds, to be taken from Free Cash as certified as of June 30, 2009, being necessary to pay the aggregate balance of two prior year bills for services rendered by W.B. Mason Company, Inc.

MOTION 2 Barbara Searle, Precinct A, Chair of the Board of Selectmen offered the following motion which was

VOTED, by declared voice vote, to transfer the sum of \$2,000 from Natural Resources expenses (01171200-530900) as voted under Motion 1, Article 8 of the Warrant for the 2009 Annual Town Meeting to Natural Resources personal services (01171100-511260) to complete the open space plan.

MOTION 3, Barbara Searle, Precinct A, Chair of the Board of Selectmen offered the following motion which was

VOTED, by declared voice vote, that the sum of \$300,000 be appropriated for snow and ice removal costs, said sum to be taken from Free Cash, as certified as of June 30, 2009, and added to the amount appropriated to the Board of Public Works – 456 Winter Maintenance under Motion 1 of Article 8 of the Warrant for the 2009 Annual Town Meeting.

MOTION 4, Ilissa Povich, Precinct B, Chair of the School Committee offered the following motion which was

VOTED, unanimously, to transfer from the appropriation approved under Motion 1, Article 8 of the Warrant for the 2009 Annual Town Meeting, the sum of \$67,000 from the following Facilities Maintenance personal services accounts:

01192100-511340	\$26,000
13490639-511340	\$41,000

To the following Facilities Maintenance expense accounts:

13420610-524010	\$4,000
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13420610-524090	\$2,000
13420614-524030	\$4,000
13420616-524010	\$4,000
13421039-548020	\$1,000
13420531-543060	\$11,000
13420612-524010	\$12,000
13420621-524010	\$14,000
13420621-524030	\$7,500
13420631-524030	\$7,500

ARTICLE 8. To see what sums of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, or borrowing, for the following:

(a) for the operation of the several Town departments, including capital outlay, maturing debt and interest, and to provide for a Reserve Fund;

(b) for extraordinary maintenance, special capital projects and other capital outlay items for the several Town departments;

(c) for such purposes as may be voted contingent upon passage by the voters of referendum questions as authorized by the General Laws Chapter 59, Section 21c (m), as amended;

or take any other action relative thereto.

Barbara Searle, Precinct A, Chair of the Board of Selectmen moved the Omnibus Budget motion for Operating and Capital appropriations for the several departments. Ms. Searle spoke in support of the General Government sections of the motion. Ilissa Povich, Precinct B, spoke in support of the School Department section of the motion. David Donohue, Chair of the Board of Public Works, spoke in support of the Public Works section of the motion. Amanda Henshon, Chair of the Library Trustees, spoke in support of the Library section of the motion. Peter Cory, Chair of the Advisory Committee, gave the report and recommendation of the Advisory Committee.

At 8:55 pm the Moderator declared a recess. The meeting reconvened at 9:20 pm.

Barbara Searle, Precinct A, Chairman of the Board of Selectmen, offered the following motion which was

VOTED, unanimously by voice vote, that when this Annual Town Meeting adjourns, it does so until Monday, April 12, 2010, at 7:30 p.m. in this same hall.

The motion was projected on the screen.

The Moderator then entertained questions and discussion for each section of Article 8, Motion 1. After discussion it was

VOTED, by declared voice vote: (page intentionally partially blank)

ARTICLE 8, MOTION 1

That the following sums of money be appropriated to the Town boards and officials and for the purposes as hereinafter set forth:

Funding Item	Personal Services 01	Expenses 02	Total Operations
GENERAL GOVERNMENT			
To the Board of Selectmen for General Government; \$1,782,042 for 01-Personal Services and \$1,566,963 for 02-Expenses. And it is recommended that the sums be allocated as follows:			
Board of Selectmen - Administration			
122 Executive Director's Office	364,184	26,250	390,434
126 Sustainability Coordinator	19,000	0	19,000
199 Central Administrative Services	0	98,614	98,614
133 Finance Department	343,109	8,990	352,099
155 Network & Information Systems	441,879	207,373	649,252
145 Treasurer & Collector	249,074	121,725	370,799
197 Parking Fines Processing	45,742	55,400	101,142
195 Town Report	0	4,000	4,000
181 Human Relations Committee	0	0	0
Board of Selectmen - Human Services			
541 Council on Aging	154,026	73,125	227,151
183 Fair Housing Committee	0	200	200
543 Veterans' Services	54,836	20,350	75,186
542 Youth Commission	63,260	22,050	85,310
Board of Selectmen - Other Services			
180 Housing Development Corporation	0	3,500	3,500
182 Metro West Planning	0	0	0
691 Historical Commission	0	750	750
690 Historical District Commission	0	250	250
693 Memorial Day	0	0	0
692 Celebrations Committee	0	4,700	4,700
176 Zoning Board of Appeals	46,932	7,115	54,047
Board of Selectmen - Shared Services			
151 Law	0	272,360	272,360
945 Risk Management	0	312,000	312,000
458 Street Lighting	0	328,211	328,211
Subtotal - Board of Selectmen - General Government	1,782,042	1,566,963	3,349,005
Other General Government			
To the following Town boards and officials:			
192 Facilities Maintenance and Grounds - Town	779,020	211,919	990,939
300 Facilities Maintenance and Grounds - School	1,917,959	342,380	2,260,339
161 Town Clerk/Election & Registration	248,908	45,650	294,558
141 Board of Assessors	238,845	72,932	311,777
175 Planning Board	208,767	42,273	251,040
135 Audit Committee	0	56,250	56,250
185 Permanent Building Committee	9,546	5,900	15,446
152 Human Resources Board	262,608	20,175	282,783
131 Advisory Committee	8,681	13,800	22,481
132 Advisory Committee - Reserve Fund	0	175,000	175,000
125 Green Ribbon Committee	0	6,000	6,000
Subtotal - Other General Government	3,674,334	992,279	4,666,613
GENERAL GOVERNMENT TOTAL	5,456,376	2,559,242	8,015,618

<u>Funding Item</u>	Personal Services 01	Expenses 02	Total Operations
<u>PUBLIC SAFETY - BOARD OF SELECTMEN</u>			
To the Board of Selectmen for Public Safety, \$9,170,643 for 01-Personal Services and \$1,138,837 for 02-Expenses. And it is recommended that the sums be allocated as follows:			
210 Police Department	4,519,570	692,386	5,211,956
299 Special School Police	96,644	2,772	99,416
220 Fire Department	4,165,250	336,029	4,501,279
241 Building Department	376,129	24,850	400,979
230 Emergency Medical Services	0	80,000	80,000
244 Sealer of Weights & Measures	13,050	2,800	15,850
PUBLIC SAFETY TOTAL - BOARD OF SELECTMEN	9,170,643	1,138,837	10,309,480
<u>PUBLIC WORKS</u>			
To the Board of Public Works, \$3,740,693 for 01-Personal Services and \$2,437,895 for 02-Expenses. And it is recommended that the sums be allocated as follows:			
410 Engineering	479,325	79,788	559,113
420 Highway	948,026	440,772	1,388,798
454 Fleet Maintenance	127,100	56,462	183,562
430 Park	998,318	267,537	1,265,855
440 Recycling & Disposal	855,079	1,191,720	2,046,799
450 Management	332,845	52,913	385,758
456 Winter Maintenance	0	348,703	348,703
PUBLIC WORKS TOTAL	3,740,693	2,437,895	6,178,588

Provided that the cash on hand in the RDF Baler and Compactors Major Repairs and Replacement Fund on June 30, 2010 be appropriated to the Board of Public Works for major repairs and replacement of the baler and the trash compactors and their attachments at the Recycling and Disposal Facility (major repair being defined as repairs or scheduled maintenance costing more than \$5,000); and that expenditures from this fund may be made by the Board of Public Works for major repairs, but expenditures for equipment replacement shall be subject to Town Meeting Appropriation.

WELLESLEY FREE LIBRARY

To the Trustees of the Wellesley Free Library:

610 Library Trustees	1,525,661	562,212	2,087,873
620 Regional Services (Non-Tax Impact)	143,523	69,536	213,059
LIBRARY TOTAL	1,669,184	631,748	2,300,932

RECREATION

To the Recreation Commission:

630 Recreation Commission	267,254	61,166	328,420
RECREATION TOTAL	267,254	61,166	328,420

HEALTH

To the Board of Health:

510 Board of Health	332,520	89,610	422,130
523 Mental Health Services	0	210,399	210,399
HEALTH TOTAL	332,520	300,009	632,529

<u>Funding Item</u>	Personal Services 01	Expenses 02	Total Operations
<u>NATURAL RESOURCES</u>			
To the Natural Resources Commission:			
171 Natural Resources Commission	177,561	18,450	196,011
172 Morses Pond	0	160,370	160,370
NATURAL RESOURCES TOTAL	177,561	178,820	356,381
<u>FIRE ALARMS/TRAFFIC SIGNALS</u>			
To the Board of Selectmen:			
492 Fire & Traffic Signal Systems	85,000	27,137	112,137
TAX IMPACT TOTAL	85,000	27,137	112,137
NON-SCHOOL TOTAL	20,899,231	7,334,854	28,234,085
<u>WELLESLEY PUBLIC SCHOOLS</u>			
To the School Committee, \$55,031,413 in the aggregate for 01-Personal Services and 02-Expenses. And it is recommended that the sum be allocated as follows:			
320 Instruction	40,151,513	1,398,275	41,549,788
330 Administration	852,893	161,925	1,014,818
340 Operations	593,819	1,887,576	2,481,395
360 Special Tuition/Transportation/Inclusion	5,133,608	4,851,804	9,985,412
SCHOOL TOTAL	46,731,833	8,299,580	55,031,413
<u>EMPLOYEE BENEFITS</u>			
To the following Town boards and officials for the purposes indicated:			
914 Board of Selectmen - Group Insurance	0	13,633,918	13,633,918
919 Board of Selectmen - Other Post Empl. Benefits Liability Fund	0	3,000,000	3,000,000
910 Board of Selectmen - Retirement Contribution	0	1,732,000	1,732,000
912 Board of Selectmen - Workers' Compensation	0	225,363	225,363
913 Board of Selectmen - Unemployment Compensation	0	100,000	100,000
950 Board of Selectmen - Compensated Absences	0	90,000	90,000
911 Contributory Retirement Board - Non-Contributory Pensions	0	30,218	30,218
EMPLOYEE BENEFITS TOTAL	0	18,811,499	18,811,499
And further, that the balance on hand in the Workers' Compensation fund on June 30, 2010 and any interest earnings of the program, are appropriated for expenses related to the Workers' Compensation Program of the Town for Fiscal Year 2011.			
ALL PERSONAL SERVICES & EXPENSES	67,631,064	34,445,933	102,076,997

<u>Funding Item</u>	Personal Services 01	Expenses 02	Total Operations
<u>CAPITAL & DEBT</u>			
To the following Town boards and officials for the purposes indicated:			
<i>Departmental Cash Capital</i>			
400 Board of Public Works - Capital	0	1,300,000	1,300,000
300 School Committee - Capital	0	569,714	569,714
300 School Committee - Facilities Capital	0	243,747	243,747
122 Board of Selectmen - Capital	0	216,975	216,975
192 Facilities Maintenance	0	255,850	255,850
192 Facilities Maintenance - Replenish reserve	0	35,000	35,000
610 Library Trustees - Capital	0	34,215	34,215
171 Natural Resources Commission - Capital	0	50,500	50,500
172 Morses Pond - Capital	0	50,500	50,500
Subtotal - Cash Capital	0	2,756,501	2,756,501
To the Town Treasurer and Collector for:			
700 Current Inside Levy Debt Service - Issued	0	3,491,273	3,491,273
700 New Debt Service - Inside Levy	0	100,000	100,000
700 Current Outside Levy Debt Service - Issued	0	7,050,847	7,050,847
700 New Outside Levy Debt Service - Unissued	0	2,637,250	2,637,250
Subtotal - Maturing Debt & Interest	0	13,279,370	13,279,370
CAPITAL & DEBT TOTAL	0	16,035,871	16,035,871
<u>RECEIPTS RESERVED FOR APPROPRIATION</u>			
To the Board of Selectmen, to be taken from the Parking Meter Receipts Account:			
293 Traffic & Parking Operations	159,186	361,200	520,386
RECEIPTS RESERVED TOTAL	159,186	361,200	520,386
TOTAL APPROPRIATIONS - ARTICLE 8, MOTION 1			\$ 118,633,254

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ARTICLE 9. To see what action the Town will take to fix the salary and compensation of the Town Clerk as provided by the General Laws Chapter 41, Section 108, as amended; or take any other action relative thereto.

Ellen Gibbs, Precinct A, Board of Selectmen, offered the following motion which was:

VOTED, by declared voice vote, that the annual (52 week) salary of the Town Clerk be fixed at the amount of \$76,178 effective July 1, 2010.

ARTICLE 10. To see what sum of money the Town will raise and appropriate, or otherwise provide, for the Stabilization Fund pursuant to the provisions of Section 5B of Chapter 40 of the General Laws, as amended; or take any other action relative thereto.

No motion offered.

ARTICLE 11. To see what sum of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, to the Municipal Light Board for the Municipal Light Plant; or take any other action relative thereto.

Paul Criswell, Precinct B, offered a motion and Jack Stewart, Chair Municipal Light Board, spoke in support of the following motion which was

VOTED, unanimously, that the Municipal Light Plant be authorized to expend the following sums:

Operating Budget*

Operating Salaries	\$980,641
Materials and Services	852,542
Health Insurance	289,157
FICA - Medicare	9,733
Purchase Power	22,639,235
Transmission	<u>3,337,610</u>
Sub Total	\$28,108,918

Capital Outlays

Salaries	845,239
Services/Materials	3,602,407
Vehicles	209,785
Insurance	291,491
FICA - Medicare	<u>8,391</u>

Sub Total **4,957,313**

Payments That Benefit The Town**

Payment in Lieu of Taxes	1,000,000
Holiday Lights, Banners and Civic Events	40,000
Fiber Optic Network for Town	<u>56,000</u>
Total Benefits to Town	1,096,000

Emergency Contingencies

750,000

Total fiscal year 2011 Budget Request

\$34,912,231

Said sum to be raised by Municipal Light Plant revenues and retained earnings.

* Excludes depreciation expense in the amount of \$2,497,600.

** Town benefits do not include electric rate subsidization for Municipal Buildings (\$178,118); Streetlights (\$110,150) and Network and Information Support fees (\$125,370).

ARTICLE 12. To see what sum of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, to the Board of Public Works for the Water Program; or take any other action relative thereto.

Paul Criswell, Precinct B, Board of Public Works, offered the following motion which was

VOTED, unanimously, that the sum of \$7,174,199 be appropriated to the Water Enterprise Fund, to be expended as follows:

Salaries	\$1,539,935
Expenses (incl. interest, and all non-op exp) 2,860,537	
OPEB	55,940
Depreciation	855,100
Capital Outlay	810,000
Debt	730,428
Emergency Reserve	<u>322,259</u>
Total Authorized Use of Funds	\$7,174,199

And that \$7,174,199 be raised as follows:

Department Receipts	\$5,731,211
Depreciation	855,100
Retained Earnings	<u>587,888</u>
Total Sources of Funds	\$7,174,199

ARTICLE 13. To see what sum of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, to the Board of Public Works for the Sewer Program; or take any other action relative thereto.

Paul Criswell, Precinct B, Board of Public Works, offered the following motion which was

VOTED, unanimously, that the sum of \$8,467,918 be appropriated for the Sewer Enterprise Fund, to be expended as follows:

Salaries	\$ 702,757
Expenses (incl. interest, and all non-op exp)	5,824,603
OPEB	23,974
Depreciation	337,700
Capital Outlay	660,000
Debt	326,482
Emergency Reserve	<u>592,402</u>
Total Authorized Use of Funds	\$8,467,918

And that \$8,467,918 be raised as follows:

Department Receipts	\$7,002,787
Depreciation	337,700
Retained Earnings	<u>1,127,431</u>
Total Sources of Funds	\$8,467,918

ARTICLE 14. To see if the Town will vote pursuant to Section 53E½ of Chapter 44 of the General Laws, as amended, to authorize/reauthorize the establishment of one or more revolving fund(s) for the purpose of funding the activities of certain departments of the Town; or take any other action relative thereto.

Ellen Gibbs, Precinct A, Board of Selectmen, offered the following motion which was

VOTED, unanimously, that the Town vote to renew and/or establish revolving funds, pursuant to Section 53E ½ of Chapter 44 of the General Laws, as amended, for the following purposes:

Street Opening Maintenance, said funds to be expended under the direction of the Department of Public Works, annual expenditures not to exceed \$ 150,000;

DPW Field Use, said funds to be expended under the direction of the Department of Public Works, annual expenditures not to exceed \$200,000;

Council on Aging Bus Fund, said funds to be expended under the direction of the Council on Aging Department, annual expenditures not to exceed \$104,000;

Council on Aging Social and Cultural Programs, said funds to be expended under the direction of the Council on Aging Department, annual expenditures not to exceed \$45,000;

Building Department Document Fees, said funds to be expended under the direction of the Building Department, annual expenditures not to exceed \$50,000;

Teen Center Program Revenues, said funds to be expended under the direction of the Recreation Department, annual expenditures not to exceed \$35,000;

Recreation Summertime Revenues, said funds to be expended under the direction of the Recreation Department, annual expenditures not to exceed \$30,000;

Recreation Scholarship Revenues, said funds to be expended under the direction of the Recreation Department, annual expenditures not to exceed \$35,000;

Library room rental, said funds to be expended under the direction of the Library Department, annual expenditures not to exceed \$20,000;

Branch Library Maintenance, said funds to be expended under the direction of the Library Department, annual expenditures not to exceed \$25,000;

Brookside Gardens, said funds to be expended under the direction of the Natural Resources Department, annual expenditures not to exceed \$5,000.

ARTICLE 15. To see what sum of money the Town will raise and appropriate, or otherwise provide, for architectural, engineering and/or other services for plans and specifications for a new Senior Center, and for the construction and furnishing of the same; and for other services in connection therewith; to determine whether such sum shall be raised by taxation, through borrowing or otherwise; or take any other action relative thereto.

The Moderator announced that Article 15 will be held open until a later date.

ARTICLE 16. To see what sum of money the Town will raise and appropriate, or otherwise provide, for architectural, engineering and/or other services for plans and specifications for the reconstruction of the interior flooring of the Central Street Fire Station (Station Number 1), and for the construction, reconstruction, remodeling, rehabilitation and/or modernization of the same; and for other services in connection therewith; to determine whether such sums shall be raised by taxation, through borrowing or otherwise; or take any other action relative thereto.

Owen Dugan, Precinct B, Board of Selectmen, offered the following motion which was

VOTED, unanimously, that the sum of \$375,000 be appropriated to the Permanent Building Committee for architectural, engineering and/or other services for plans and specifications for the reconstruction of the interior flooring of the Central Street Fire Station (Station Number 1), and for the construction, reconstruction, remodeling rehabilitation, modernization of the same and for other services in connection therewith; said sum to be taken from Free Cash, as certified as of June 30, 2009; and shall be available for use immediately upon dissolution of this Town Meeting.

The Moderator noted the hour of 11:01 pm and suggested an adjournment. The motion carried unanimously. The Meeting adjourned to April 12, 2010.

Attest:

Kathleen F. Nagle
Town Clerk

CERTIFICATE OF NOTICE
OF ADJOURNED ANNUAL TOWN MEETING



April 7, 2010
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from April 6, 2010 to April 12, 2010 at 7:30 p.m. at the Wellesley Middle School was posted on the screen in the Hall during the recess of the meeting on April 6, 2010 and was voted unanimously by the Town Meeting. That said adjournment was announced by the Moderator at the close of the meeting of April 6, 2010 and a notice was posted on the town website (www.wellesleyma.gov) and in the Town Hall at the office of the Town Clerk on April 7, 2010.

Attest:

Kathleen F. Nagle
Town Clerk

TOWN CLERK'S RECORD
OF ADJOURNED SESSION OF 2010 ANNUAL TOWN MEETING



April 12, 2010
Wellesley Middle School

April 13, 2010

An adjourned session of the Annual Town meeting from April 6, 2010 was held on April 12, 2010 at the Wellesley Middle School Auditorium, 50 Kingsbury Street. The Moderator, Margaret Ann Metzger, called the meeting to order at 7:35 P.M. The Moderator declared a quorum present.

The meeting was held under the provisions of Chapter 202 of the Acts of 1932 as amended. The checklist of Town Meeting Members showed there were 220 members present. Only 121 were needed for a quorum.

The duly elected Town Meeting Members were segregated from the other voters of the Town by occupying the front section of the hall, and were in the charge of a detail of police. Entrance to the enclosure was through one door, and each Town Meeting Member was checked from the official list of members before being admitted to the enclosure.

The following were seated within this area by permission of the Moderator, but did not vote: Peter Cory, Chair Advisory Committee, Peter Hill, Derek Redgate and Steve Sykes, Advisory Committee; Michael Pakstis, DPW Director, Judith Curby, DPW Assistant Director, Stephen S. Fader, Town Engineer, David A. Cohen, DPW, Sr. Management Analyst; Christopher Ketchen, Deputy Dir Gen Government; Terrance J. Connolly, Deputy Director, General Government; Hans Larsen, Executive Director; Sheryl Strother, Finance Director; Richard Joyce, Municipal Light Plant, Director, Peter Bracken, Debra Healy, and Don Newell, MLP, Staff; Neal Seaborn, NRC; Michael Eby, Chair, Permanent Building Committee, Katherine Mullaney, PBC Staff; Michael Zehner, Planning Staff; Mary Bowers, Barbara Peacock-Cody, Council on Aging.

Barbara Searle, Precinct A, Chair of the Board of Selectmen, offered the following motion to adjourn the Annual Town Meeting:

VOTED, unanimously, that this third session of the 2010 Annual Town Meeting is hereby adjourned, to reconvene in this same hall upon the adjournment or dissolution of the 1st session of the April 12, 2010 Special Town Meeting.

The meeting adjourned to consider the articles under the April 12, 2010 Special Town Meeting. Such deliberations and decisions are recorded in the Minutes of the April 12, 2010 Special Town Meeting.

The Moderator reopened the Annual Town Meeting at 11:19 pm.
Barbara Searle, Precinct A, Chair of the Board of Selectmen, offered the following motion to adjourn which was

VOTED, by declared voice vote, that the Annual Town Meeting adjourn until the dissolution or adjournment of the second session of the April 12, 2010, Special Town Meeting.

The Annual Town Meeting adjourned at 11:20 pm.

Attest:

Kathleen Nagle
Town Clerk

CERTIFICATE OF NOTICE
OF ADJOURNED ANNUAL TOWN MEETING



April 13, 2010
Wellesley, MA

I hereby certify that notice that the April 12, 2010, Special Town Meeting would adjourn from April 12, 2010 to April 14, 2010 at 7:30 p.m. at the Wellesley Middle School was posted on the screen in the Hall at the close of the session of April 12, 2010 and was voted unanimously by the Town Meeting. A notice was posted on the town website (www.wellesleyma.gov) and in the Town Hall at the office of the Town Clerk on April 13, 2010. And further that the Annual Town Meeting would adjourn to the conclusion of the second session of the Special Town Meeting. And that this notice was displayed upon the screen and posted to the website and in the office of the Town Clerk.

Attest:

Kathleen F. Nagle, Town Clerk

TOWN CLERK'S RECORD
OF ADJOURNED SESSION OF 2010 ANNUAL TOWN MEETING



April 14, 2010
Wellesley Middle School

April 15, 2010

An adjourned session of the Special Town meeting from April 12, 2010 was held on April 14, 2010 at the Wellesley Middle School Auditorium, 50 Kingsbury Street. The Moderator, Margaret Ann Metzger, called the meeting to order at 7:38 P.M. The Moderator declared a quorum present.

The meeting was held under the provisions of Chapter 202 of the Acts of 1932 as amended. The checklist of Town Meeting Members showed there were 207 members present. Only 121 were needed for a quorum.

The duly elected Town Meeting Members were segregated from the other voters of the Town by occupying the front section of the hall, and were in the charge of a detail of police. Entrance to the enclosure was through one door, and each Town Meeting Member was checked from the official list of members before being admitted to the enclosure.

The following were seated within this area by permission of the Moderator, but did not vote Peter Cory, Rick Hill, Derek Redgate, and Steve Sykes, Advisory Committee; Hans Larsen, Executive Director, Terrance J. Connolly, and Chris Ketchen Deputy Directors, General Government; Michael Pakstis, DPW Director, Judith Curby, DPW Assistant Director, David A. Cohen, DPW, Sr. Management Analyst, Steve Fader, Town Engineer; Richard Joyce, Municipal Light Plant, Director, Debra Healy and Peter Bracken, Donald Newell, MLP, Staff; Michael Zehner, Planning Department; Michael Eby, Chair PBC, Kathryn Mullaney, PBC Staff; Neal Seaborn and Ursula King, NRC; Susan Minio, CPC.

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Head Teller, Jackie Hatch, assisted by Betsy Kessler, Andrew Wrobel, Marijane Tuohy, Rusty Kellogg, Roberta Francis and Bob White.

The Moderator took up the business of the Special Town Meeting. Such deliberations and Decisions are recorded among the minutes of the April 12, 2010 Special Town Meeting.

At 10:26 pm the Special Town Meeting dissolved.

The Moderator reopened the Annual Town Meeting at 10:27 pm.

ARTICLE 15. To see what sum of money the Town will raise and appropriate, or otherwise provide, for architectural, engineering and/or other services for plans and specifications for a new Senior Center, and for the construction and furnishing of the same; and for other services in connection therewith; to determine whether such sum shall be raised by taxation, through borrowing or otherwise; or take any other action relative thereto.

Terri Tsagaris, Precinct D, Board of Selectmen, offered the following motion which was

VOTED, by standing counted vote, 122-62, simple majority required, that the sum of \$57,500 be appropriated to the Permanent Building Committee for architectural, engineering and/or other services for plans and specifications for the new Senior Center; said sum to be taken from Free Cash, as certified as of June 30, 2009; and shall be available for use immediately upon the foregoing appropriation becoming final following dissolution of this Town Meeting.

Provided further that the above appropriation is contingent upon the acquisition of property located at 494 Washington Street, as authorized by Motion 3 under Article 3 of the Warrant for the April 12, 2010 Special Town Meeting.

The Moderator noted the hour of 11:00 and entertained a motion to adjourn. The Motion was displayed upon the screen. The motion carried unanimously.

The Annual Town Meeting adjourned to April 26, at 7:30 pm in this same hall.

Attest:

Kathleen F. Nagle
Town Clerk

CERTIFICATE OF NOTICE
OF ADJOURNED ANNUAL TOWN MEETING



April 15, 2010
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from April 14, 2010 to April 26, 2010 at 7:30 p.m. at the Wellesley Middle School was posted on the screen in the Hall at the close of the meeting of April 14, 2010 was voted unanimously by the Town Meeting. A notice was posted on the town website (www.wellesleyma.gov) and in the Town Hall at the office of the Town Clerk on April 15, 2010.

Attest:

Kathleen F. Nagle
Town Clerk

TOWN CLERK'S RECORD
OF THE ANNUAL TOWN MEETING



April 26, 2010
Wellesley Middle School

April 27, 2010

An adjourned session of the Annual Town meeting from April 14, 2010 was held this evening at the Wellesley Middle School Auditorium, 50 Kingsbury Street. The Moderator, Margaret Metzger, called the meeting to order at 7:35 p.m. The Moderator declared a quorum present.

The meeting was held under the provisions of Chapter 202 of the Acts of 1932 as amended. The checklist of Town Meeting Members showed there were 197 members present. Only 121 were needed for a quorum.

The duly elected Town Meeting Members were segregated from the other voters of the Town by occupying the assigned rows of the hall, and were in the charge of a detail of police. Entrance to the enclosure was through one door, and each Town Meeting Member was checked from the official list of members before being admitted to the enclosure.

The following were seated within this area by permission of the Moderator, but did not vote: Peter Cory, Jack Haley, Rick Hill, and Steve Sykes, Advisory Committee; Terrance J. Connolly, and Chris Ketchen, Deputy Directors, General Government; Hans Larsen, Executive Director; Michael Eby Chair PBC, Kathryn Mullaney, PBC staff; David A. T. Donohue, BPW, Mike Pakstis, Judi Curby, Don Newell, David Cohen, DPW, Steve Fader, Town Engineer; Dick Joyce, Director MLP, Peter Bracken, Debra Healy, MLP; Michael Zehner, Ethan Parsons, Planning Department, Stephanie Wasser, Planning Board; Heidi Gross, Neal Seaborn and Ursula King, NRC; Susan Mineo, CPC Staff; Kara Cicchetti, WHC; Teddy Applebaum, Wellesley Townsman; Rob Borkowski, Press, Patch.com.

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Head Teller, Jackie Hatch, assisted by assisted by Nancy Galligan, Andrew Wrobel, Roberta Francis, Bob White, Joe Feiner, Heather Sawitsky.

The Second Update to the Report of the School Building Committee for Wellesley Middle School was filed with the Town Clerk.

The Moderator informed the Town Meeting there will be no motion under Article 20.

The Moderator reviewed the Rules for the Conduct of Town Meeting, stating that our rules are designed to facilitate an efficient and courteous meeting, and allow the moderator flexibility to make rulings to that end.

ARTICLE 17. To see what sum of money the Town will raise and appropriate, or otherwise provide, for architectural, engineering and/or other services for plans and specifications for the construction of a Municipal Light Plant Administration Building, and for the construction, reconstruction, remodeling, rehabilitation and/or modernization and furnishing of the same; and for other services in connection therewith; to determine whether such sums shall be raised by taxation, through borrowing, transfer, or otherwise; or take any other action relative thereto.

Thomas Peisch, Precinct D, member of the Municipal Light Board, offered the following motion, which was presented by Jack Stewart, Chair of the Municipal Light Board and

VOTED, by declared voice vote, that the project proposed by the Municipal Light Board to construct a building addition to the Municipal Light Plant's ("MLP") garage and warehouse for office space for the MLP's engineering and administrative staff and for customer service personnel, to be shared with the Water & Sewer Department, is hereby approved; and

That the sum of \$1,920,000 is hereby appropriated, to be expended under the direction of the Permanent Building Committee, for the purpose of final design and construction of the estimated 7,600 square foot addition; said sum to be raised by a transfer of \$1,920,000 from MLP cash; The Permanent Building Committee being authorized to take all action necessary to complete said project;

Town Meeting understanding that the MLP intends to expend approximately \$80,000 from MLP cash for furnishings, fixtures and equipment in connection therewith.

ARTICLE 18. To see what sum of money the Town will raise and appropriate, or otherwise provide, for architectural, engineering and/or other services for plans and specifications for the construction of a Department of Public Works Administration Building, and for the construction, reconstruction, remodeling, rehabilitation and/or modernization and furnishing of the same; and for other services in connection therewith; to determine whether such sums shall be raised by taxation, through borrowing or otherwise; or take any other action relative thereto.

William Charlton, Precinct B, Chair of the Board of Public Works, offered the following motion which was

VOTED, by declared voice vote, that the sum of \$250,000 be appropriated to the Permanent Building Committee for engineering and/or other services for plans and specifications, and for construction, reconstruction, remodeling, rehabilitation and/or modernization of a new DPW office facility; said sum to be taken from Free Cash, as certified as of June 30, 2009; and shall be available for use immediately upon the foregoing appropriation becoming final following dissolution of this Town Meeting.

ARTICLE 19. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Board of Public Works for water and/or sewer line rehabilitation; and for any equipment or services connected therewith; to determine whether such sums shall be

raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

William Charlton, Precinct B, Chair of the Board of Public Works, offered the following motion which was

VOTED, unanimously, 2/3 required, that \$272,800 (Two Hundred Seventy Two Thousand, Eight Hundred Dollars) is appropriated for the purpose of financing the construction and reconstruction of sewers and sewerage systems for inflow/infiltration purposes; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$272,800 (Two Hundred Seventy Two Thousand, Eight Hundred Dollars) and issue bonds or notes therefore under Chapter 44 of the General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority and in connection therewith to enter into a loan agreement and financial assistance agreement with the Authority; and that the Board of Public Works is authorized to expend all funds available for the project and to take any other action necessary to carry out the project.

ARTICLE 20. To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the Permanent Building Committee, School Committee or other Town board for architectural design, consultation, engineering and permitting services, construction and/or equipment related to renovations, additions and/or modular construction at the Wellesley Middle School to meet projected enrollment, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”); or take any other action relative thereto. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

No Motion Offered.

ARTICLE 21. To act on the report of the Community Preservation Committee on the fiscal year 2011 community preservation budget and, pursuant to the provisions of General Laws Chapter 44B, to appropriate or reserve for later appropriation monies from Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the year; or take any other action relative thereto.

MOTION 1 Jack Morgan, Precinct E, Chair of the Community Preservation Committee reported on the overall financial situation of the Community Preservation Fund Balances and offered the following motion, which was

VOTED, by declared voice vote, that \$250,000 be appropriated to the Community Preservation Committee for Historic Resources purposes for Phase I of a project for the preservation, rehabilitation and restoration of Fuller Brook Park to be managed through the

Fuller Brook Park Coordinating Committee, a task force chaired by a representative of the Natural Resources Commission, including one or more additional representatives or designees from each of the Natural Resources Commission, the Community Preservation Committee, the Board of Selectmen, the Board of Public Works, the Historical Commission, the School Committee, the Trails Committee and other citizens to be funded entirely from balances on hand in the undesignated Community Preservation Fund, said funds to be available immediately upon the foregoing appropriation becoming final following dissolution of this Town Meeting.

The Moderator declared a short break at 9:10 pm, the meeting resumed at 9:25 pm.

Barbara Searle, Precinct A, Chairman of the Board of Selectmen, offered the following motion which was

VOTED, unanimously by voice vote, that when this Annual Town Meeting adjourns, it does so until Tuesday, April 27, 2010, at 7:30 p.m. in this same hall.

The motion was projected on the screen.

ARTICLE 21, MOTION 2. Mr. Morgan offered the second motion under this article which was

VOTED, by declared voice vote, that \$375,000 be appropriated to the Wellesley Housing Development Corporation, for the acquisition, creation, rehabilitation and support of community housing, said appropriation to be funded \$123,000 from balances on hand in the Community Preservation Fund Community Housing Reserve and \$252,000 from balances on hand in the undesignated Community Preservation Fund.

ARTICLE 21, MOTION 3. Mr. Morgan offered the third motion under this article to wit:

That the following amounts recommended by the Community Preservation Committee be appropriated for fiscal year 2011 for Historic Resources purposes, with each item to be considered a separate appropriation:

1. To the Historical Commission, the sum of \$30,000 for part 2 of a project to create a historic resources inventory for the Town;
2. To the Community Preservation Committee, the sum of \$24,500 for the Wellesley Historical Society to fund a study of the feasibility of a possible rehabilitation and expansion of the Dadmun-McNamara House;
3. To the Department of Public Works, the sum of \$3,000 for the restoration and re-installation of the historic Abbott Road / Belvedere street sign;

all said appropriations to be funded entirely from balances on hand in the Community Preservation Fund Historic Resources Reserve.

Mr. Switzler, Precinct C, rose to a point of order to question if he could move to divide the question. The Moderator ruled that this could be taken up as an amendment to the main motion.

Royall Switzler **MOVED to amend the main motion** that each item be taken up separately and voted thereon, which was

VOTED by standing counted vote, 104-60 to divide the main motion.

The Moderator then asked for the vote on each section:

Article 21, Motion 3, Part A: VOTED by declared voice vote, to appropriate to the Historical Commission, the sum of \$30,000 for part 2 of a project to create a historic resources inventory for the Town, said appropriation to be funded entirely from balances on hand in the Community Preservation Fund Historic Resources Reserve.

Article 21, Motion 3, Part B: VOTED by declared voice vote, to appropriate to the Community Preservation Committee, the sum of \$24,500 for the Wellesley Historical Society to fund a study of the feasibility of a possible rehabilitation and expansion of the Dadmun-McNamara House, said appropriation to be funded entirely from balances on hand in the Community Preservation Fund Historic Resources Reserve.

Article 21, Motion 3, Part C: VOTED by declared voice vote, to appropriate to the Department of Public Works, the sum of \$3,000 for the restoration and re-installation of the historic Abbott Road / Belvedere street sign, said appropriation to be funded entirely from balances on hand in the Community Preservation Fund Historic Resources Reserve.

ARTICLE 21, Motion 4. Mr. Morgan, offered the following Motion 4 which was

VOTED, by declared voice vote, that \$10,000 be appropriated to the Planning Board for Open Space and Community Housing purposes to be expended for a study on drafting potential Open Space Residential Design or Cluster Zoning Bylaw provisions, said appropriation to be funded 50% from balances on hand in the Community Preservation Fund Open Space Reserve and 50% from balances on hand in the Community Preservation Fund Community Housing Reserve.

ARTICLE 21, Motion 5. Mr. Morgan offered the following Motion 5, which was

VOTED, by declared voice vote,

I. That the amount of \$60,000 be appropriated to the Community Preservation Committee to be expended for any permissible administrative purpose under the Community Preservation Act, said appropriation to be funded entirely from unreserved balances on hand in the Community Preservation Fund;

And

II. That the following respective amounts from the annual Community Preservation Fund revenues received for fiscal year 2010 be reserved for the following community preservation categories:

Open Space (excluding Recreation)	\$ 128,000
Historic Resources	\$ 128,000
Community Housing	\$ 128,000

and in the case of the Open Space Reserve and Historic Reserve categories, such reserved amounts shall be for future appropriation, and in the case of the Community Housing Reserve category, such reserved amount shall be made available to fund Community Housing appropriations authorized by this Town Meeting.

ARTICLE 22. To see what action, if any, the Town may take to increase the amount of the surcharge under the Massachusetts Community Preservation Act subject to voter approval and additional limitations set forth in Chapter 44B, Section 16(a) of the General Laws, or take any other action relative thereto.

No Motion Offered.

ARTICLE 23. To see what sum of money the Town will raise and appropriate, or otherwise provide for implementation of the Fuller Brook Park Preservation Master Plan, including the preservation, rehabilitation and restoration of the park's natural and man-made infrastructure including its landscape, vegetation, trees, streamcourse, drainage system, path system and to ensure that the park meets all ADA requirements; and/or for other services including, but not limited to, design, property boundary survey, permitting and project management, in connection therewith; to determine whether such sum shall be raised by taxation, through borrowing, or otherwise; to determine whether all or part of such sum shall be appropriated from the Community Preservation Fund, and/or by transfer from available funds; or take any other action relative thereto.

No Motion Offered.

ARTICLE 24. To see if the Town will vote to grant, accept and/or abandon one or more easements, including but not limited to utility and drainage easements, at one or more locations in the Town; or take any other action relative thereto.

Paul Criswell, Precinct B, member of the Board of Public Works offered the following motion which was

VOTED, unanimously, that the Town hereby accepts, and abandons, as the case may be, the utility and electric, roadway and vault easements identified on the document entitled

“Easements for 2010 Annual Town Meeting Article 24”, dated March 8, 2010, a copy of said document being on file in the Office of the Town Clerk.

ARTICLE 25. To see whether the Town will vote to authorize the license, lease or other use of a portion of the Recycling and Disposal Facility for cell towers and related agreements; to designate and transfer a portion of the Recycling and Disposal Facility land for the purpose of a license, lease or other use; or take any other action relative thereto.

No motion offered.

ARTICLE 26. To see if the Town will vote to authorize the Board of Selectmen to enter into one or more leases of certain parcels of town-owned land within the Cochituate Aqueduct; and/or to renew existing leases; on such terms and conditions, including dollar amounts, as said Board deems to be in the Town’s interest; or take any other action relative thereto.

Owen Dugan, Precinct B, Board of Selectmen, offered the following motion, to wit:

That the Town vote to authorize the Board of Selectmen to execute a lease for a parcel of Town-owned land not presently being required for Town purposes, upon such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town; said parcel being shown as “Parcel A” on a plan entitled “Plan of Land in Wellesley, Mass. Owned by Town of Wellesley,” by John E Bezanson, Town Engineer, dated December 14, 1966, said parcel containing 30,894 square feet, according to said plan, a copy of which is on file in the office of the Town Clerk.

After extended discussion, Robert Sechrest rose to make a motion to adjourn, which was

VOTED unanimously, to adjourn immediately to April 27 as stated in the earlier motion of Barbara Searle.

The meeting adjourned at 11:25 pm.

Attest:

Kathleen F. Nagle
Town Clerk

CERTIFICATE OF NOTICE
OF ADJOURNED ANNUAL TOWN MEETING



April 27, 2010
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from April 26, 2010 to April 27, 2010 at 7:30 p.m. at the Wellesley Middle School voted after the break of the meeting of April 26, 2010 and was announced by the Moderator and posted on the screen in the Hall at the recommencement of the meeting on April 26, 2010. The notice was also posted to the Town Website ([www.wellesley ma.gov](http://www.wellesley.ma.gov)) and in Town Hall at the office of the Town Clerk on April 27, 2010.

Attest:

Kathleen F. Nagle
Town Clerk

TOWN CLERK'S RECORD
OF THE ANNUAL TOWN MEETING



April 27, 2010
Wellesley Middle School

April 28, 2010

An adjourned session of the Annual Town meeting from April 26, 2010 was held this evening at the Wellesley Middle School Auditorium, 50 Kingsbury Street. The Moderator, Margaret Metzger, called the meeting to order at 7:35 p.m. The Moderator declared a quorum present.

The meeting was held under the provisions of Chapter 202 of the Acts of 1932 as amended. The checklist of Town Meeting Members showed there were 190 members present. Only 121 were needed for a quorum.

The duly elected Town Meeting Members were segregated from the other voters of the Town by occupying the assigned rows of the hall, and were in the charge of a detail of police. Entrance to the enclosure was through one door, and each Town Meeting Member was checked from the official list of members before being admitted to the enclosure.

The following were seated within this area by permission of the Moderator, but did not vote: Peter Cory, Jack Haley, Rick Hill, Derek Redgate and Steve Sykes, Advisory Committee; Terrance J. Connolly Deputy Director, General Government; Hans Larsen, Executive Director; Meghan Jop, Planning Director, Michael Zehner, Ethan Parsons Planning Staff; Rob Borkowski, Press Patch.com.

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Head Teller, Jackie Hatch, assisted by assisted by Dona Kemp. Brenda Docktor, Roberta Francis, Bob White, Linda Senecal, Rusty Kellogg.

The Moderator directed Town Meeting to resume discussion of Article 26.

ARTICLE 26. To see if the Town will vote to authorize the Board of Selectmen to enter into one or more leases of certain parcels of town-owned land within the Cochituate Aqueduct; and/or to renew existing leases; on such terms and conditions, including dollar amounts, as said Board deems to be in the Town's interest; or take any other action relative thereto.

Hans Larsen, Executive Director, offered Town Meeting additional information on the substance of the motion.

After substantial debate the following motion was

VOTED, by declared voice vote, that the Town vote to authorize the Board of Selectmen to execute a lease for a parcel of Town-owned land not presently being required for Town purposes, upon such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town; said parcel being shown as "Parcel A" on a plan entitled "Plan of Land in Wellesley, Mass. Owned by Town of Wellesley," by John E Bezanson, Town Engineer, dated December 14, 1966, said parcel containing 30,894 square feet, according to said plan, a copy of which is on file in the office of the Town Clerk.

ARTICLE 27. To see if the Town will vote to approve changes, as recommended by the Board of Selectmen, in the implementation of the Development Agreement for Linden Square dated June 3, 2005 between the Town of Wellesley and Lindwell SC, Inc., Lindwell OP, Inc., and Lindwell Realty Trust, authorized by Town Meeting on June 13, 2005 relative to the continued use and operation of the VW parcel (as defined in the Development Agreement) as a car dealership and repair facility through December 31, 2013; or take any other action relative thereto.

Owen Dugan, Precinct B, Board of Selectmen, offered the following motion, to wit:

That, pursuant to Section 10 of the Development Agreement dated as of June 3, 2005, as previously modified by a letter agreement dated as of February 13, 2006 and amended by the First Amendment to Development Agreement dated March 27, 2009 and subsequently approved by the 2009 Annual Town Meeting, relative to the Linden Square shopping area on Linden Street in Wellesley, the Town Meeting hereby approves the Second Amendment to Development Agreement, dated April 14, 2010, between the Town, acting by the Board of Selectmen, and FR Linden Square, Inc., as the owner, which (i) extends the outside date for extension of the lease of the VW Parcel set forth in Section 2(c) of the Development Agreement through December 31, 2013, (ii) provides for an additional payment by the owner to the Town of \$50,000, all on the terms and conditions set forth in said Second Agreement.

The Moderator called for a short break at 8:56 pm. The Meeting resumed at 9:16 pm.

Todd Himstead, Precinct B, offered the following **AMENDMENT 1** to the main motion, which was

VOTED, by declared voice vote, to amend the main motion to add the following:

Provided, the foregoing approval is conditioned on the following:

- a) That the developer agree to a noise mitigation plan approved by the Board of Selectmen at a duly called public meeting; and
- b) That the developer comply with all restrictions on hours of operation in the Development Agreement as follows:
 - i. 200 Linden Street trash removal operations limited to the hours of 8am to 8pm;

- ii. Truck operations on Linden Square property limited to the hours of 7am - 9pm and trash removal activities at Roche Bros. to the hours of 8am - 8pm.

The Moderator called for the vote on the amended motion, which was

VOTED, unanimously, that pursuant to Section 10 of the Development Agreement dated as of June 3, 2005, as previously modified by a letter agreement dated as of February 13, 2006 and amended by the First Amendment to Development Agreement dated March 27, 2009 and subsequently approved by the 2009 Annual Town Meeting, relative to the Linden Square shopping area on Linden Street in Wellesley, the Town Meeting hereby approves the Second Amendment to Development Agreement, dated April 14, 2010, between the Town, acting by the Board of Selectmen, and FR Linden Square, Inc., as the owner, which (i) extends the outside date for extension of the lease of the VW Parcel set forth in Section 2(c) of the Development Agreement through December 31, 2013, (ii) provides for an additional payment by the owner to the Town of \$50,000, all on the terms and conditions set forth in said Second Agreement.

Provided, the foregoing approval is conditioned on the following:

- a) That the developer agree to a noise mitigation plan approved by the Board of Selectmen at a duly called public meeting; and
- b) That the developer comply with all restrictions on hours of operation in the Development Agreement as follows:
 - i. 200 Linden Street trash removal operations limited to the hours of 8am to 8pm;
 - ii. Truck operations on Linden Square property limited to the hours of 7am - 9pm and trash removal activities at Roche Bros. to the hours of 8am - 8pm.

ARTICLE 28. To see if the Town will authorize the use of funds received from Federal or State sources for engineering services, for plans and specifications, for construction, reconstruction, remodeling, rehabilitation and/or modernization of Town facilities and infrastructure, including School, Municipal Light Plant, Water and Sewer facilities and infrastructure; to raise and appropriate, or otherwise provide, money for the same; and to determine whether additional sums for said projects shall be raised by taxation, through borrowing and/or transfer from available funds; or take any other action relative thereto.

No motion offered.

ARTICLE 29. See action during first session of this Annual Town Meeting.

ARTICLE 30. To see if the Town will vote to amend the Zoning Bylaw provisions for Signs and Identification Devices by amending SECTION XXIIA – SIGNS AND IDENTIFICATION DEVICES, by striking said section as it currently appears and substituting

an entirely new section; the current draft of the proposed amendments being on file in the office of the Planning Board (said proposal being subject to further change before or at Town Meeting); or take any other action relative thereto.

Don McCauley, Precinct A, Chair of the Planning Board, offered the following motion, which was

VOTED, by declared voice vote, 2/3 required, that the Town vote to amend the Zoning Bylaw by striking SECTION XXIIA. SIGNS AND IDENTIFICATION DEVICES., and replacing with an entirely new section to read as follows:

SECTION XXIIA, SIGNS

A. TITLE.

This section shall hereafter be known and cited as the “Town of Wellesley Sign Bylaw” or “Sign Bylaw.”

B. PURPOSE.

1. Purpose. This Section was enacted with the following purposes:

- a. To protect the rights of individuals and businesses to convey their messages through signs;
- b. To encourage the effective use of signs as a means of communication;
- c. To promote and protect business viability and economic opportunity;
- d. To improve traffic and pedestrian safety as it may be affected by distracting signs;
- e. To preserve the natural beauty and environment, as well as the architectural and historical assets, of the Town;
- f. To protect the public health, safety, and general welfare;
- g. To encourage and promote aesthetic integrity, village character, creativity and community appearance by exercising reasonable control;
- h. To encourage compatibility and harmony with surrounding buildings, land and land uses;
- i. To ensure the fair and consistent enforcement of sign standards; and
- j. To make it easier, faster, and more economically efficient to apply for a sign permit.

C. DEFINITIONS.

Words and phrases used in this Section shall have the meanings set forth herein. Words and phrases not defined herein, but defined in the Town of Wellesley Zoning Bylaw, shall be given the meanings set forth in such Bylaw. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Headings or captions are for reference purposes only and shall not be used in the interpretation of this Section.

Abandoned Sign - Any sign associated with a use which has ceased operations for sixty (60) or more days and/or contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt.

Address Sign - A sign indicating the numerical location, or numerical and street location, of a particular property.

Animated Sign - Any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene.

Audible Sign - Any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.

Awning - Any device, fixed or retractable, of any material, which extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway, or other area or space whether that area or space is intended for pedestrians, vehicles or other purposes. Also known as a “canopy.”

Awning Sign - Any sign that is a part of, attached to, or displayed on an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.

Banner - A sign placed above or across a public or private street or way with the prior written permission of the Board of Selectmen; the Board of Selectmen shall determine the terms and conditions for the use of such sign, including, but not limited to, dimensional and length of time of allowances. Neither flags nor awning signs are considered banners.

Beacon - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Building Sign - Any sign attached to any part of a building, as contrasted to a ground sign.

Business Establishment - Any non-residential use, whether or not consisting of one (1) or more buildings. In a building with more than one (1) non-residential tenant, each tenant shall constitute a separate business establishment.

Changeable Copy - Any lights, lettering, or images that may be electronically or manually changed to form a sign message or messages.

Commercial Districts - Shall refer to the Business Districts, Business Districts A, Industrial, Industrial A, Lower Falls Village Commercial District, and Wellesley Square Commercial District.

Commercial Message - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Director - The Planning Director of the Town of Wellesley, or his or her designee for a particular purpose.

Directional Signs - Any sign limited solely to directing both vehicular and pedestrian traffic within or setting out restrictions on the use of parking areas.

Directory Sign - A sign which may be utilized by multiple business establishments occupying a single building with a shared public entrance.

Entrance - A means of accessing a building. For the purpose of regulating signage the following are types of entrances:

- a. Public Entrance - An entrance to a single business establishment available for use by the general public during hours of operation.
- b. Principal Entrance - The primary public entrance to a single business establishment.
- c. Secondary Entrance - A public entrance to a single business establishment that is additional to the principal entrance.
- d. Shared Public Entrance - A common public entrance that provides access to multiple business establishments but does not directly access any single business establishment.

Externally Illuminated Sign - A sign illuminated by an external light source directed solely toward such sign.

Facade of the Business Establishment - That portion of the building wall facing a street or containing a public entrance, which corresponds to the height and width of the interior space rented or owned by the tenant of the business establishment.

Flag - Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization.

Flashing Sign - A sign, the illumination of which is not kept constant in intensity at all times when in use or which exhibits marked changes in lighting effects.

Gasoline Filling Station - A business engaged, as a primary purpose, in the retail dispensing of motor vehicle fuels to the public.

Ground Sign - Any sign, supported by structures or supports that are placed on or anchored in the ground, independent from any building or other structure.

Inspector of Buildings - The Inspector of Buildings of the Town of Wellesley, or his or her designee for a particular purpose.

Institutional Use - For the purpose of this Section, shall mean any religious or educational use.

Internally Illuminated Sign - A sign illuminated by an internal light source, utilizing translucent panels, canvas or other fabric, letters, devices or other similar components to create an image by allowing light to pass through. A "Reverse Lit" sign is not an internally illuminated sign.

Lot - An area of land in single ownership with definite boundaries, established by a recorded plan or deed, including a lot created by combining several previously recorded lots, and used or available for use as a site of one (1) or more buildings or for any other purpose.

Moving Sign - Any and every sign any part of which moves, is designed to move, or to be moved, by any means.

Multi-Faced Sign - Any sign consisting of more than one (1) sign face.

Non-Conforming Sign - Any sign legally erected prior to the adoption of this section, or any amendment thereof, which does not conform to the requirements of this section or such future amendments.

Normal Grade - The lower of 1) existing grade prior to construction or 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Obscene Matter - As defined in M.G.L. Chapter 272, § 31.

Office and Professional Districts - Shall refer to the Administrative & Professional Districts, Limited Business Districts, Educational Districts, Educational Districts A, and Educational Districts B.

Out-of-Store Marketing Device - An out-of-store marketing device is any facility or equipment which is located outside of a primary building on a site zoned for non-residential uses, which is used for the primary purpose of providing a product or service without the owner's or agent's immediate presence, and which is manufactured to include a color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided thereby to the public. Examples of out-of-store marketing devices include: fuel pumps, bank ATM units, vending machines, newspaper racks, drink machines, ice boxes, and phone booths.

Open Face - A type of sign and/or sign illumination utilizing an open or clear plastic sign face, allowing the light source to be visible.

Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind. Also known and referred to as a streamer.

Permanent Sign - Any sign of a type and construction as not to be easily or readily removed, which, when installed, is intended for permanent use. Types of permanent signs include, but are not limited to, standing signs, wall signs, awning signs, and window signs.

Person - A natural or legal person, including a partnership, trust, corporation or similar entity.

Portable Sign - A sign which is not permanently affixed to the ground or to a structure, including but not limited to signs on trailers which are parked in such a manner as to serve the purpose of a sign.

Principal Building - The building in which the principal use of the lot is conducted. Non-residential lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other structures with clearly accessory uses shall not be considered principal buildings.

Projecting Sign - A type of wall sign which is perpendicular to the wall to which it is attached and projects away from such wall.

Residential Districts - Shall refer to the Single Residence Districts, Single Residence Districts A, Town House Districts, General Residence Districts, General Residence Districts A, Multi-Family Residence Districts, Limited Residence Districts, and Limited Apartment Districts.

Reverse Lit - A type of sign and/or sign illumination using an opaque face and sides, generally constructed of aluminum, and a clear polycarbonate back or no back. Light does not pass through the face of the sign, but rather comes out of the back of the sign and is cast off the wall behind the sign, thereby creating a silhouette of the outline of the sign face. Also known and referred to as “Reverse Back Lit”, “Halo”, or “Halo Lit” sign or sign illumination.

Roof Sign - Any sign erected and constructed above, or projecting above, the lowest point of the eave or the top of a parapet wall of any building, or which is painted or otherwise attached or affixed to a roof.

Sign - Any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public.

Sign Face - That part of a sign that is or can be used for the purpose of advertising, identification or conveying a message.

Sign Permit - A permit issued by the Inspector of Buildings allowing a sign to be installed on a piece of property.

Standard Informational Sign - A sign with no one side consisting of an area greater than six (6) square feet, with a sign face made for short term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than six (6) feet. Sandwich board signs shall be considered to be a type of standard informational sign.

Standing Sign - A permanent sign erected on or affixed to the ground and not attached to a building.

Temporary Sign - Any and every sign which by its design and/or use is temporary in nature and/or is not permanently mounted. Neither flags nor awning signs are considered temporary signs.

Town - The Town of Wellesley, Massachusetts.

Wall Sign - A permanent building sign not considered to be a roof sign, window sign, temporary sign, temporary window sign, or directory, attached to or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building. Wall signs may be mounted parallel or perpendicular to a wall, subject to the requirements herein.

Window Sign - Any sign attached, painted or otherwise similarly affixed directly to the glass surface of a window or door, either inside or outside the building, and designed to be visible from the exterior of the structure.

D. POWERS AND DUTIES OF PERSONNEL.

The Inspector of Buildings is hereby authorized and directed to interpret, administer and enforce this Section.

E. APPLICABILITY.

The standards and regulations of this Section shall apply to all signs erected, maintained, or replaced in any district within the corporate limits of the Town of Wellesley.

F. SIGN PERMITS.

1. Sign Permit Required. Unless a Sign Permit is specifically not required by the standards of this Section, it shall be unlawful for any person to erect or replace a sign without first having obtained a Sign Permit. Refer to Table 22A.1 to determine if a Sign Permit is required for a specific sign type.
2. Application Submittal and Content. When required by this Section, Sign Permit applications shall be filed in the office of the Inspector of Buildings upon forms furnished by that office. The submittal of the following information, material and fees shall constitute a complete application:
 - a. The application shall describe and set forth the following:
 - i. The type and purpose of the sign(s) as defined in this Section (i.e. wall sign, window sign, etc.);
 - ii. Dimensions and area of the sign(s), including letter height and aggregate sign area if more than one (1) sign and/or sign face;
 - iii. Materials and colors of the sign(s);
 - iv. Type of illumination;
 - v. Number, type and area of existing signs;
 - vi. Height of sign;
 - vii. The zoning district in which the subject property is located;
 - viii. The Business Certificate ID number, if a non-residential use;
 - ix. The name, address, telephone number and signature of the business owner;
 - x. The name, address, telephone number and signature of the owner of the property upon which the sign is to be located. The owner's agent

may sign if an authorization letter from the property owner is submitted; and

- xi. The name, address, and telephone number of the contractor.
 - b. The following attachments, and necessary copies as required by the Inspector of Buildings, shall be submitted:
 - i. For standing signs, a location plan or survey showing the property upon which the subject sign is to be located, the proposed location of the subject sign on the property, the distance of the proposed sign from the subject property's boundaries, and all existing structures or buildings on the subject property. Such plan shall be to a legible engineer's scale;
 - ii. For all signs, dimensioned drawings of the sign including lettering, borders, proposed color scheme, height and other design elements. Such drawings shall be to a legible architect's scale;
 - iii. For wall, awning and window signs, a dimensioned drawing or photograph of the façade indicating the placement of the signs, area of the façade of the business establishment, and height of the sign. Such drawings shall be to a legible architect's scale;
 - iv. Color photographs of the property including all buildings and the proposed sign location; and
 - v. For all signs, a copy of a letter from the Planning Director indicating the recommendation of the Design Review Board or, for signs requiring a Special Permit, a copy of a letter from the Zoning Board of Appeals indicating approval of the Special Permit.
 - c. Appropriate fees, as set from time to time by the Board of Selectmen and/or the Planning Board, shall be paid.
3. Processing Time; Permit Issuance. The Town shall process all complete and accurate Sign Permit applications within thirty (30) days of the Inspector of Buildings' actual receipt of a complete (per F.2. of this Section) and accurate application and upon remittance of the appropriate fee. No Sign Permit shall be issued by the Inspector of Buildings sooner than thirty (30) days unless the advisory recommendation of the Design Review Board has been received. If the advisory recommendation of the Design Review Board is not received within thirty (30) days, the Inspector of Buildings shall act on the Sign Permit.
 4. Application Rejection. The Inspector of Buildings shall reject any application that is incomplete (per F.2. of this Section), that contains false material statements or

omissions, or that is for a sign which would violate any standard within this Section within thirty (30) business days of receipt of said application.

5. Resubmission. A rejected application later resubmitted in conformity with this Section shall be deemed to have been submitted on the date of resubmission, instead of the original submission date. An application which is resubmitted shall meet all the standards for an original application.
6. Permit Revocation. Should it be determined that a Sign Permit was issued in error and/or pursuant to an application containing a false material statement or omission, or for a sign not meeting the standards of this Section, the Inspector of Buildings shall revoke said permit and the subject sign shall be immediately removed.
7. Expiration Date. A Sign Permit shall become null and void if the sign for which the permit was issued has not been installed and completed within six (6) months after the date of issuance; provided, however, that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one (1) ninety (90) day extension may be granted by the Inspector of Buildings. No refunds shall be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

G. DESIGN REVIEW.

1. Design Review Required. All signs requiring a Sign Permit or Special Permit under the provisions of this Section shall require the review of the Design Review Board (refer to subsection H. for DRB Special Permit review procedures).
2. Process. Following the Inspector of Buildings' receipt of a complete and compliant Sign Permit application (per F.2. of this Section), the applicant shall submit a Design Review Board application, attachments, and the appropriate number of copies to the Planning Director, upon forms furnished by that office. The submitted application and attachments shall include the information and documents as required under subsection I., Sign Permits, 2., Application Submittal and Content, a. and b., of this Section (excluding those letters indicating the recommendation of the DRB or the action of the ZBA). The application shall be scheduled for review by the Design Review Board at the next meeting of the Board not less than seven (7) days following the Director's receipt of the application. The Design Review Board shall render an advisory recommendation regarding the design of the sign within thirty (30) days of the Director's receipt of a Design Review Board application. Failure of the Design Review Board to make a recommendation within thirty (30) days from the date of the submission of application materials to the Director shall be deemed to constitute a recommendation for approval. The Director shall forward such recommendation in writing to the applicant and the Inspector of Buildings, to be either hand-delivered or mailed.

3. Criteria for Review. The Design Review Board's review and advisory recommendation of proposed signs shall be based on the following:
 - a. Those criteria contained in Section XXII, *Design Review*, Part C., *Design Criteria*, Subpart 4., *Signs and advertising devices*, of this Bylaw;
 - b. The Design Guidelines Handbook as referenced in Section XXII, *Design Review*, Part D., *Design Guidelines Handbook*, of this Bylaw;
 - c. Consideration of how the proposed sign(s) relates to:
 - i. The context of the building façade;
 - ii. Buildings in the immediate vicinity of the sign;
 - iii. The basic pattern of the street front to which the sign is oriented; and
 - iv. The size, brightness, style, height and colors of other permanent structures and elements in the immediate vicinity; and
 - d. Consideration of whether the proposed sign(s) is:
 - i. Sized and located so as to avoid obscuring existing architectural features such as columns, sill lines, roof eaves, and cornices;
 - ii. Comprised of materials and colors that reflect the character of the building to which it is attached or associated with; and
 - iii. Displaying graphics, symbols, logos, and/or letters of a size that are proportional to the sign and the building to which it is attached or associated with, does not create a sign with a cluttered appearance, and are legible and visible to both vehicle operators and pedestrians; such graphics, symbols, logos, and/or letters on secondary signs should be proportionally smaller than those on a primary sign.
4. Recommendation. The Design Review Board's advisory recommendation shall take one of the following forms:
 - a. Approval: The Design Review Board shall recommend the approval of proposed signs that meet the Criteria for Review and comply with all requirements of this Section.
 - b. Approval with Conditions: The Design Review Board shall recommend the approval with conditions of proposed signs that comply with the requirements of this Section, but do not meet the Criteria for Review. The Design Review Board

may recommend conditions that require changes to the sign; conditions shall relate to the Criteria for Review with the intent being that the conditions serve to conform the sign to such Criteria.

- c. Denial: The Design Review Board shall recommend denial of all proposed signs that do not comply with the requirements of this Section; the Design Review Board may recommend denial of Sign Permits that do not meet the Criteria for Review if, in the opinion of the Board, there are no possible conditions which will allow the sign to more closely meet the Criteria for Review.

H. SPECIAL PERMITS.

1. Special Permit Granting Authority. The Zoning Board of Appeals (“ZBA”) shall serve as the Special Permit Granting Authority for all Special Permits for signs and shall consider requests for Special Permits in accordance with this subsection and Section XXV., Special Permit Granting Authority, of the Zoning Bylaw.
2. Circumstances in Which a Special Permit May Be Sought. Special Permits may be considered and issued for any request for relief from the requirements of this Section; however, Special Permits may not be issued to allow those signs indicated in subsection I., Exempt and Prohibited Signs and Devices, 2., Prohibited Signs, b. through p., of this Section.
3. Required Findings. A Special Permit for a sign may be issued provided the ZBA makes the following findings:
 - a. The sign is otherwise in compliance with the provisions of this Section;
 - b. Sign scale is determined to be in reasonable relation to development scale, viewer distance and travel speed, and sign sizes on nearby structures;
 - c. Sign size, shape, and placement serve to define or enhance architectural elements of the building such as columns, sill lines, cornices, and roof edges, and does not unreasonably interrupt, obscure, or hide them;
 - d. Sign design is in reasonable continuity with the mounting location, height, proportions and materials of other signage on the same or adjacent structures;
 - e. Sign materials, colors, lettering style, illumination and form are reasonably compatible with building design, neighborhood context and use; and
 - f. Sign size, location, design and illumination are not judged to present a safety hazard to vehicular or pedestrian traffic.
4. Design Review. Prior to the granting of a Special Permit by the ZBA, the Design Review Board shall submit an advisory recommendation on the Special Permit to the

ZBA. Such recommendation shall address compliance of the sign with H.3., Required Findings. An unfavorable report of the Design Review Board shall indicate which of the findings were not met and shall state what modifications to the sign or signs could be made to render a favorable report. Failure of the Design Review Board to make such report within thirty (30) days from the date of the submission of application materials to the Design Review Board shall be deemed by the ZBA to constitute a favorable report.

I. EXEMPT AND PROHIBITED SIGNS AND DEVICES.

1. Exempt. The following signs shall not count toward the total amount of signage allowed and shall be exempt from regulation under this Section:
 - a. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or statute;
 - b. Any sign inside a building, not attached to a window or door;
 - c. Banners;
 - d. Address signs, the letter and number height of which does not exceed eight (8) inches;
 - e. Flags;
 - f. Works of art that do not include a commercial message;
 - g. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort; and
 - h. Signs located on property owned by the Town and approved by the Board of Selectmen.
2. Prohibited Signs. The following types of signs are prohibited in the Town:
 - a. Any sign not specifically identified in Table 22A.1, Signage Allowances Based on Zoning District or Use, as allowed or any sign not allowed by the issuance of a Special Permit;
 - b. Promotional beacons, laser lights or images;
 - c. Audible signs;
 - d. Moving signs;

- e. Roof signs;
- f. Signs in the right-of-way, other than those belonging to a government, public service agency, or railroad;
- g. Signs mounted or located on a tree, utility pole, or other similar structure;
- h. Portable signs;
- i. Signs which depict obscene matter or are considered obscene matter, as defined in M.G.L. Chapter 272, § 31;
- j. Signs which advertise an activity which is illegal under federal, state or local laws;
- k. Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters;
- l. Abandoned signs, identifying abandoned or discontinued business. Such signs shall be removed within sixty (60) days following the abandonment or discontinuance as ordered by the Inspector of Buildings;
- m. Animated signs; flashing signs;
- n. Imitation traffic signs, signs which contain or are an imitation of an official traffic sign or signal or contain the words “stop,” “go,” “slow,” “caution,” “warning,” or similar words in such a manner as to resemble official traffic control signs;
- o. Pennants; and
- p. Signs and/or portions of signs rented, leased, and/or purchased by an individual, group and/or business and located upon property to which such individual, group and/or business does not possess a Business Certificate ID to operate a commercial activity. This prohibition shall not apply to signs attached or affixed to, or an integral part of, out-of-store marketing devices or to standard informational signs installed on a property during such time that permitted construction activity is occurring, the property is being considered for sale, lease, or rent, and/or beginning thirty (30) days before and ending five (5) days after any federal, state or local election, ballot initiative or referendum.

J. MEASUREMENT OF SIGN AREA AND HEIGHT.

1. Measurement of Sign Area.

- a. Generally. Sign area shall be computed as the area within the smallest single rectangle or square enclosing the extreme limits of the sign face including any

cabinet or frame or material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed. For purposes of determining the maximum size limitations, any intermediary removable surface to which a sign is attached shall be deemed part of the sign, and any sign composed of separate letters, numbers, or symbols cut into or attached to a wall or painted on or otherwise attached to an awning, canopy, or window shall be deemed to occupy the entire area within a single rectangle or square enclosing the extreme limits of the sign, including any structural elements.

- b. **Structure.** The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those parts contained within the rectangle or square that delimits the sign face.
- c. **Changeable Copy.** For any signs on which the words, letters, figures, symbols, logos, fixtures, colors, or other design elements routinely change or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture or coloring forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.
- d. **Multi-Faced Signs.** For multi-faced signs, the sign area shall be the sum of the area of both sign faces and shall be limited to the maximum sign area for the sign type in the specific zoning district or for the specific use.

2. Measurement of Sign Height.

- a. **Ground Signs.** The height of a standing sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest component of the sign. Where the normal grade is below the normal grade of a public street, the sign base can be raised to the elevation of the normal grade of the street before the height limitations are applied (surveyor's certificate required).
- b. **Building Signs.** The height of a wall sign shall be determined to be the vertical distance measured from grade to the top of the highest attached component of the sign.

K. LOCATION, CONSTRUCTION AND DESIGN STANDARDS.

- 1. **Setback.** Unless a more restrictive setback is specified otherwise in this Section, all ground signs, whether permanent or temporary, shall be set back at least fifteen (15) feet from the nearest property line, whether or not said line abuts a public or private street or way.

2. Corner Clearance. All signs shall meet the corner clearance requirements contained within the Town Bylaws.
3. Right-of-Way. No sign or any part thereof, except authorized government, public service agency, or railroad signs, shall be located in any right-of-way. Any pre-existing sign which projects into, on or over a public sidewalk, street or way shall be subject to the provisions of the State Building Code regulating such signs and shall be subject to bonding and/or insurance requirements as determined by the Board of Selectmen.
4. Compliance with Building Code. All signs permitted under this Section shall be constructed and installed in accordance with the applicable provisions of the State Building Code and with the reasonable requirements of the Inspector of Buildings.
5. Maintenance. All signs, together with the structural elements, shall be kept in good repair and in a proper state of preservation to the reasonable satisfaction of the Inspector of Buildings. The Inspector of Buildings may order the removal of any sign that is not maintained in accordance with the provisions of this Section, the State Building Code and/or the Zoning Bylaw.
6. Installation. No sign shall be painted or posted directly on the exterior surface of any wall. All signs must be painted, posted or otherwise securely attached to a substantial intermediary removable surface which shall be securely attached to the building; however, the foregoing shall not prevent the installation of a sign consisting of individual letters or devices securely attached to the exterior wall of the building. Installed signs shall display the name of the installer and the permit number issued by the Inspector of Buildings in a conspicuous location.
7. Illumination.
 - a. Permitted: The following types of illumination shall be allowed:
 - i. Externally Illuminated Signs: Signs may be externally illuminated by white, steady, stationary light shielded and directed solely at the sign; and
 - ii. Reverse Lit Signs: Signs may be reverse lit, illuminated by white light only.
 - b. Prohibited: The following types of illumination shall be prohibited, except as may be permitted by the issuance of a Special Permit:
 - i. Internally Illuminated Signs;
 - ii. Open Face Channel Letters; and
 - iii. Exposed neon tubing or exposed LEDs.

- c. Time: Unless a business establishment is open to the public, no sign shall be illuminated between the hours of 12:00 a.m. and 6:00 a.m.

L. REGULATIONS BASED ON SIGN TYPE.

1. Standing Signs.

- a. Location: Standing signs shall be located on the same lot with the principal building.

2. Wall Signs.

- a. Orientation: A wall sign shall be mounted parallel or perpendicular to the wall of the building and shall not project beyond the face of the wall to which it is attached.
- b. Projection: A wall sign shall not project more than one (1) foot, in the case of a sign mounted parallel to a wall, or four (4) feet in the case of a sign mounted perpendicular to a wall, from the face of the wall to which it is attached. No wall sign shall project into, on or over a public sidewalk, street or way.
- c. Location: Wall signs shall be mounted on the façade of the business establishment owned or leased by the Sign Permit applicant.

3. Awning Signs.

- a. Location: Awning signs shall be mounted on the façade of the business establishment owned or leased by the Sign Permit applicant.
- b. Display: Awning signs shall be painted on or attached flat against the surface of the awning or canopy and shall not be attached to or displayed on the underside.

4. Temporary Signs and Temporary Window Signs.

- a. Registration: Prior to their installation, temporary signs and temporary window signs shall be registered with the Inspector of Buildings.
- b. Time: Lots or business establishments upon which a temporary sign and/or temporary window sign is allowed, per Table 22A.1, Signage Allowances Based on Zoning District or Use, shall be limited to display such signs for a period not exceeding thirty (30) days with no more than three (3) such thirty (30) day periods permitted per calendar year. Thirty (30) day periods may be utilized consecutively.

M. SIGNAGE ALLOWANCES BASED ON ZONING DISTRICT OR USE.

If not otherwise stated, any sign not specifically allowed in a zoning district or for a specific use as provided herein shall be prohibited, except as otherwise provided for under this Section. The following table (Table 22A.1, Signage Allowances Based on Zoning District or Use) provides standards governing signs within specific zoning districts or for specific uses. Specific uses shall be allowed signage as indicated for such use rather than based on the zoning district of such use, unless the signage allowances of the zoning district are less restrictive than those indicated for the specific use. Signs for which a permit is not required shall meet all other provisions of this Section applicable to the subject sign.

Table 22A.1, SIGNAGE ALLOWANCES BASED ON ZONING DISTRICT OR USE							
Sign Type	Standard	Zoning Districts and Uses					
		Residential Districts	Office and Professional Districts	Commercial Districts Fronting Streets Other Than Worcester Street	Commercial Districts Fronting Worcester Street	Gasoline Filling Stations	Institutional Uses
TOTAL PERMANENT SIGNAGE	Number of Signs	1 per lot	2 per building	<ul style="list-style-type: none"> • 1 standing sign per lot. • 2 permanent signs, consisting of no more than 1 wall sign, 1 awning sign, or 1 window sign (not to include window signs 1 sq. ft. or less in area) per business establishment. 		NA	1 standing sign per lot
	Maximum Total Area	1 sq. ft.	30 sq. ft. (per building)	For the sum of all wall, awning, and window signs, 50 sq. ft. or 10% of the area of the façade of the business establishment, whichever is less, per business establishment; for standing signs, 25 sq. ft.	For the sum of all wall, awning, and window signs, 75 sq. ft. or 10% of the area of the façade of the business establishment, whichever is less, per business establishment; For standing signs, 50 sq. ft.	100 sq. ft.	25 sq. ft. for lots fronting on streets other than Worcester Street; 50 sq. ft. for lots fronting on Worcester Street
STANDING SIGNS	Permit Required	No	Yes				
	Number of Signs	1 per lot	1 per building	1 per lot			

Table 22A.1, SIGNAGE ALLOWANCES BASED ON ZONING DISTRICT OR USE

Sign Type	Standard	Zoning Districts and Uses						
		Residential Districts	Office and Professional Districts	Commercial Districts Fronting Streets Other Than Worcester Street	Commercial Districts Fronting Worcester Street	Gasoline Filling Stations	Institutional Uses	
	Maximum Area	1 sq. ft.	15 sq. ft.	25 sq. ft.	50 sq. ft.	50 sq. ft. for lots fronting on streets other than Worcester Street; 75 sq. ft. for lots fronting on Worcester Street	25 sq. ft. for lots fronting on streets other than Worcester Street; 50 sq. ft. for lots fronting on Worcester Street	
	Maximum Letter Height	NA	14 inches	14 inches	18 inches	14 inches for lots fronting on streets other than Worcester Street; 18 inches for lots fronting on Worcester Street		
	Maximum Height	4 feet	6 feet		10 feet	6 feet for lots fronting on streets other than Worcester Street; 10 feet for lots fronting on Worcester Street		
WALL SIGNS	Permit Required	No	Yes					

Table 22A.1, SIGNAGE ALLOWANCES BASED ON ZONING DISTRICT OR USE

Sign Type	Standard	Zoning Districts and Uses					
		Residential Districts	Office and Professional Districts	Commercial Districts Fronting Streets Other Than Worcester Street	Commercial Districts Fronting Worcester Street	Gasoline Filling Stations	Institutional Uses
	Number of Signs	1 per lot	1 per building	<ul style="list-style-type: none"> • 1 per business establishment • 1 additional sign shall be allowed for each additional street level public entrance, beyond the principal entrance, utilized by the business establishment. • For business establishments occupying more than 1 building, 1 additional sign shall be allowed per building, to be affixed to such additional building. • For buildings occupied by more than 1 business establishment which share a common public entrance, 1 additional wall sign may be displayed on the building and such sign may be located on one or more business establishment's facade. 		NA	
	Maximum Area	1 sq. ft.	15 sq. ft.	50 sq. ft. or 10% of the area of the façade of the business establishment, whichever is less.	75 sq. ft. or 10% of the area of the façade of the business establishment, whichever is less.	50 sq. ft. for lots fronting on streets other than Worcester Street; 75 sq. ft. for lots fronting on Worcester Street	
			Additional signs allowed per additional public entrances and additional signs allowed for building occupied by more than 1 business establishment, shall not exceed 25 sq. ft. or 10% of the area of the wall to which attached.				
Maximum Letter Height	NA	14 inches		18 inches		14 inches for lots fronting on streets other than	

Table 22A.1, SIGNAGE ALLOWANCES BASED ON ZONING DISTRICT OR USE

Sign Type	Standard	Zoning Districts and Uses					
		Residential Districts	Office and Professional Districts	Commercial Districts Fronting Streets Other Than Worcester Street	Commercial Districts Fronting Worcester Street	Gasoline Filling Stations	Institutional Uses
						Worcester Street; 18 inches for lots fronting on Worcester Street	
	Maximum Height	4 feet	15 feet	20 feet		NA	
AWNING SIGNS	Permit Required			Yes			
	Number of Signs			1 per business establishment			
	Maximum Area			25% of the area of the portion of the awning to which such sign is affixed or 10% of the façade of the business establishment, whichever is less.			
	Maximum Letter Height			8 inches			
WINDOW SIGNS	Permit Required			Yes; No, if sign area is 1 sq. ft. or less			
	Number of Signs			2 per business establishment, consisting of 1 sign, 1 sq. ft. or less in area, and 1 sign greater than 1 sq. ft. in area. Window signs 1 sq. ft. or less in area shall not count toward the Maximum Total Area of all Permanent Signage.			
	Maximum Area			10 sq. ft. or 10% of the area of all exterior windows (excluding doors) of the business establishment, whichever is less.			
	Maximum Letter Height			8 inches			
DIRECTORY SIGNS	Permit Required		No				
	Number of Signs		1 per shared public entrance to a building occupied by more than 1 business establishment				

Table 22A.1, SIGNAGE ALLOWANCES BASED ON ZONING DISTRICT OR USE

Sign Type	Standard	Zoning Districts and Uses					
		Residential Districts	Office and Professional Districts	Commercial Districts Fronting Streets Other Than Worcester Street	Commercial Districts Fronting Worcester Street	Gasoline Filling Stations	Institutional Uses
	Maximum Area		1 sq. ft. per business establishment occupying the building or 6 sq. ft., whichever is less				
DIRECTIONAL SIGNS	Permit Required		No				
	Maximum Area		4 sq. ft.				
STANDARD INFORMATIONAL SIGNS	Permit Required	No					
	Number of Signs	1 per lot; lots shall be allowed an unlimited number of signs during a period beginning thirty (30) days before and ending five (5) days after any federal, state or local election, ballot initiative and/or referendum					
	Maximum Area	No single sign face shall exceed 6 sq. ft.					
	Maximum Height	3 feet or 6 feet for post and arm type signs					
TEMPORARY SIGNS	Permit Required		No Sign Permit is required, but the sign must be registered consistent with L.4.a. of this Section				
	Number of Signs		1 per lot. Refer to L.4.b of this Section for time limits on the display of such signs				
	Maximum Area		25 sq. ft.	12 sq. ft.	25 sq. ft.	12 sq. ft. for lots fronting on streets other than Worcester Street; 25 sq. ft. for lots fronting on Worcester Street	6 sq. ft.
	Maximum Height		15 feet				6 feet

Table 22A.1, SIGNAGE ALLOWANCES BASED ON ZONING DISTRICT OR USE							
Sign Type	Standard	Zoning Districts and Uses					
		Residential Districts	Office and Professional Districts	Commercial Districts Fronting Streets Other Than Worcester Street	Commercial Districts Fronting Worcester Street	Gasoline Filling Stations	Institutional Uses
TEMPORARY WINDOW SIGNS	Permit Required			No Sign Permit is required, but the sign must be registered consistent with L.4.a. of this Section			
	Number of Signs			1 per business establishment. Refer to L.4.b of this Section for time limits on the display of such signs			
	Maximum Area			25% of the area of the window on which it is attached			
OUT OF STORE MARKETING DEVICE SIGNS	Permit Required			No			
	Number of Signs			1 sign shall be allowed on each out-of-store marketing device			
	Maximum Area			14 sq. ft.			
	Maximum Height			No more than 2 feet above the device			
MENU SIGN	Permit Required			Yes			
	Number of Signs			1 sign per drive-thru facility			
	Maximum Area			10 sq. ft.			
	Maximum Height			6 feet			

N. NON-CONFORMING SIGNS.

Any non-conforming sign may continue to be maintained but shall not be enlarged, redesigned or altered in any way unless it is brought into conformity with the requirements of this Section and the Zoning Bylaw. This shall not include the substitution or interchange of poster panels, painted boards, or dismountable material on non-conforming signs, which shall be permitted. Any such sign which has been destroyed or damaged to such an extent that the cost of restoration would exceed thirty-five percent

(35%) of the replacement value of the sign at the time of the destruction or damage, shall not be repaired or rebuilt or altered unless in conformity with this Section.

The exemption herein granted shall terminate with respect to any sign which:

- a. Shall have been abandoned;
- b. Advertises or calls attention to any products, businesses or activities which are no longer carried on or sold, whether generally or at the particular premises; or
- b. Shall not have been repaired or properly maintained within sixty (60) days after notice to that effect has been given by the Inspector of Buildings.

The Moderator noted the hour of 10:35 and suggested an adjournment.
The Meeting adjourned at 10:35 until May 3, 2010 at 7:30 pm in this same hall.

Attest:

Kathleen Nagle
Town Clerk

CERTIFICATE OF NOTICE
OF ADJOURNED ANNUAL TOWN MEETING



April 28, 2010
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from April 27, 2010 to May 3, 2010 at 7:30 p.m. at the Wellesley Middle School was posted on the screen in the Hall at the break and at the close of the meeting of April 27, 2010 was voted unanimously by the Town Meeting. A notice was posted on the town website (www.wellesleyma.gov) and in the Town Hall at the office of the Town Clerk on April 28, 2010.

Attest:

Kathleen F. Nagle
Town Clerk

TOWN CLERK'S RECORD
OF THE ANNUAL TOWN MEETING



May 3, 2010
Wellesley Middle School

May 4, 2010

An adjourned session of the Annual Town meeting from April 27, 2010 was held this evening at the Wellesley Middle School Auditorium, 50 Kingsbury Street. The Moderator, Margaret Metzger, called the meeting to order at 7:30 p.m. The Moderator declared a quorum present.

The meeting was held under the provisions of Chapter 202 of the Acts of 1932 as amended. The checklist of Town Meeting Members showed there were 184 members present. Only 121 were needed for a quorum.

The duly elected Town Meeting Members were segregated from the other voters of the Town by occupying the assigned rows of the hall, and were in the charge of a detail of police. Entrance to the enclosure was through one door, and each Town Meeting Member was checked from the official list of members before being admitted to the enclosure.

The following were seated within this area by permission of the Moderator, but did not vote: Peter Corey, Jack Haley and Steve Sykes, Advisory Committee; Terrance J. Connolly Deputy Director, General Government; Hans Larsen, Executive Director; Meghan Jop, Planning Director, Michael Zehner, Ethan Parsons Planning Staff, Chris Chan, Stephanie Wasser Planning Board; Rob Borkowski, Press Patch.com; Teddy Applebaum, Wellesley Townsman

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Head Teller, Jackie Hatch, assisted by assisted by Dona Kemp, Marijane Tuohy, Nancy Galligan, Bob White, Brenda Docktor, Joe Feiner.

ARTICLE 31. To see if the Town will vote to amend the Zoning Bylaw provisions for Large House Review by amending SECTION XVID – LARGE HOUSE REVIEW, by: altering the definition of Total Living Area plus Garage Space to clarify calculations and add certain attic areas; allowing modifications to pending applications and approved plans; modifying exemptions for attics and basements; modifying the standards and criteria for review; and clarifying the appeals process; the current draft of the proposed amendments being on file in the office of the Planning Board (said proposal being subject to further change before or at Town Meeting); or take any other action relative thereto.

Don McCauley, Precinct A, Planning Board Chair, made the flowing motion and Stephanie Wasser, Planning Board member spoke in support of the motion, which was

VOTED, by declared voice vote, 2/3 required, that the Town vote to amend SECTION XVID. LARGE HOUSE REVIEW. of the Zoning Bylaw, to be effective July 1, 2010, to clarify the calculation methodology, exemptions, procedures, standards for review, rules and regulations, and appeals, as follows:

by deleting the word “plan” after the words “pre-construction and post-construction” within A. PURPOSE, so the paragraph will read as follows:

A. PURPOSE

This Section is adopted by the Town to provide pre-construction and post-construction review of single family dwellings which meet the applicability standards set forth below.

by altering the definition of Total Living Area plus Garage Space to clarify calculations by striking B. DEFINITIONS (i) “all finished area above ground calculated by using the outside measurements of the dwelling expressed in square feet and in accordance with the methodology used by the Board of Assessors” and replacing with “The sum of the horizontal area(s) of the above-grade floors, including portions of attics, in the residential building(s) on a lot, measured from the exterior face of the exterior walls”; and by adding a new (ii) to read “Area(s) of attic(s) measured from the floor to the interior roofline if 7 ft. or greater in height, and 5 ft. or greater in height on a sloped interior roofline; and”; and by renumbering the remaining section; and by striking the word “space” after “Garage” in (ii) and by replacing the word “buildings” after the word “storage” in (ii) with the word “space”; and by adding the words “, whether in principal or accessory structures, “ after the word “space”; and by adding at the end of the Section the words “Calculations shall be determined in accordance with the Rules and Regulations adopted by the Planning Board.”, so the paragraph will read as follows:

B. DEFINITIONS

Total Living Area plus Garage Space - This term includes:

- (i) The sum of the horizontal area(s) of the above-grade floors, including portions of attics, in the residential building(s) on a lot, measured from the exterior face of the exterior walls; and
- (ii) Area(s) of attic(s) measured from the floor to the interior roofline if 7 ft. or greater in height, and 5 ft. or greater in height on a sloped interior roofline; and
- (iii) Garage and storage space, whether in principal or accessory structures, in excess of 600 sq. ft.; and
- (iv) Basement areas multiplied by a fraction, the numerator of which is the external above ground surface of basement walls and the denominator of which is the total surface (both above and below ground) of external basement walls, provided that if such fraction is less than .25, than the basement areas shall not be included.

Calculations shall be determined in accordance with the Rules and Regulations adopted by the Planning Board.

and by modifying the exemptions of C. APPLICABILITY by striking “this section shall not apply to” and replacing with “the following are exempt from Planning Board review”; and by capitalizing “changes” at the beginning of “1.”; and by capitalizing “the” at the beginning of “2.”; and by striking “and” at the end of “1.”; and by adding two new exemptions: “3. Attics that are determined by the Building Inspector to remain unfinished in perpetuity due to the slope or construction of the roof; and” and “4. The completion or finishing of attics in existing structures where there are no exterior alterations or changes.”, so the new exemptions will read as follows:

Notwithstanding the foregoing, the following are exempt from Planning Board review:

1. Changes to non-conforming single-family dwellings which are subject to a Finding in accordance with Section 6 of Chapter 40A M.G.L and SECTION XVII. PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS., of this Zoning Bylaw;
2. The reconstruction of pre-existing, non-conforming buildings, damaged or destroyed by accidental cause, including fire, or otherwise damaged or destroyed without the consent of the owner, in accordance with SECTION XVII. PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS., C. DISASTER REBUILD;
3. Attics that are determined by the Building Inspector to remain unfinished in perpetuity due to the slope or construction of the roof; and
4. The completion or finishing of attics in existing structures where there are no exterior alterations or changes.

and in Section D. PROCEDURE 1. General by adding “required” after the words “shall submit the”; and by adding the words “, including plans indicating the delineation of the neighborhood, existing and proposed site conditions, photographs, topography, building elevations, proposed grading and landscape design” after the word “information”; and by striking the word “below” before the words “to the Planning Board” and replacing with “in the Rules and Regulations”; and by striking “and the Design Review Board” after the words “Planning Board”; and by adding “the” before the words “issuance of a building permit”; and by striking from D. PROCEDURE Section 2. Submission of Plans. and renumbering the remainder of the Section; and by adding to 3. Waivers. the words “certain application and review” after the words “waive strict compliance with” and by striking the word “the” before “requirements contained in this Section”; and by striking the word “his” before “application until after meeting” and replacing with “an”; and by striking from 4. Review and Timing. the words “not fewer than 21 days” before the words “after receipt of the submission” and by adding the words “at least 10 days prior to the public meeting” after the words “on the most recent applicable tax list” and by striking “Chairs of each” after “oral comments will be considered only at the discretion of the” and by inserting “Planning”; and by adding in 5. Approval. the words “and other applicable Boards and Departments,” before the

words “and all other materials”; and by adding in 6. Issuance of Building Permit and Certificate of Occupancy. the words “and is filed at the Registry of Deeds” after “The Building Inspector shall not issue a building permit unless and until the project is approved by the Planning Board or is deemed approved in accordance with this Section”; and by adding a new provision for revisions and amendments to be titled 6. Revision and Amendment of Plans., so the Section will read as follows:

D. PROCEDURE

1. General. Any applicant for a single family residential dwelling which is subject to this Section shall submit the required information, including plans indicating the delineation of the neighborhood, existing and proposed site conditions, photographs, topography, building elevations, and proposed grading and landscape design described in the Rules and Regulations to the Planning Board through the Planning Director and shall not be entitled to the issuance of a building permit unless and until the dwelling is approved in accordance with this Section.
2. Waivers. The Planning Board may, in any particular case where it determines such action to be consistent with the purpose and intent of the Zoning Bylaw and otherwise in the public interest, waive strict compliance with certain application and review requirements contained in this Section and with the Rules and Regulations adopted by it under this Section if it finds that the proposed construction, or certain aspects of the construction are de minimus based on the Standards and Criteria contained in Part E of this Section. Waiver requests must be made in writing and shall be addressed in a preliminary meeting between the Planning Board and the prospective applicant, held not later than 21 days after receipt of the waiver request. An applicant who makes a waiver request shall not submit an application until after meeting with the Planning Board on the waiver request.
3. Review and Timing. The Planning Board and Design Review Board shall each meet separately with the applicant to discuss the applicability of the Standards and Criteria set forth in Part E of this Section after receipt of the submission to discuss the project. Although a public hearing is not required, notice of the Planning Board meeting shall be sent by mail, postage prepaid, to the abutters and abutters to the abutters within 300 feet of the property line of the applicant, as they appear on the most recent applicable tax list at least 10 days prior to the public meeting. Owners of land directly opposite the applicant on any public or private street or way shall be considered abutters under this Section. Written comments from abutters will be received and considered, and oral comments will be considered only at the discretion of the Planning Board. The Design Review Board shall prepare comments and recommendations as it deems appropriate and shall submit these to the Planning Board. The Planning Board shall prepare its decision and provide it to the applicant within 90 days of the submission as well as to the Building Inspector and Zoning Board of Appeals as may be appropriate. The Planning Board may seek the recommendations of other Town Departments depending on the nature of the application. If the Planning Board has not issued its decision within 90 days of

receipt of the submission from the applicant, the project, as described in the submission, shall be deemed approved. The 90-day time limit may be extended by written agreement between the Planning Board and the applicant, signed by, or on behalf of, the applicant.

4. Approval. The Planning Board shall determine whether the Standards and Criteria for Review set forth below have been satisfied. In reaching its decision, the Planning Board shall consider the recommendations of the Design Review Board and other applicable Boards and Departments, and all other materials submitted to the Planning Board. If the Planning Board finds that the Standards and Criteria for Review have been satisfied, it shall approve the project as set forth in the submissions, provided that it may approve the project subject to conditions or plan modifications specified by the Planning Board in writing. A construction mitigation plan may be required if the site warrants erosion and sedimentation control measures. If the Planning Board finds that the Standards and Criteria for Review have not been satisfied, it shall disapprove the project, and shall state in writing the basis for its decision.
5. Issuance of Building Permit and Certificate of Occupancy. The Building Inspector shall not issue a building permit unless and until the project is approved by the Planning Board or is deemed approved in accordance with this Section and is filed at the Registry of Deeds. The Building Inspector shall verify compliance with all required conditions or plan modifications prior to the issuance of a Certificate of Occupancy. The Building Inspector shall inform the Planning Director and the applicant of any failure to comply with conditions of plan approval or plan modifications pursuant to this section.
6. Revision and Amendment of Plans. Any revision, amendment or new information relating to an LHR application shall be considered as follows:
 - a. Pending LHR Applications. Revisions or amendments relating to a pending LHR application that is before the Planning Board for review shall be accepted by the Planning Board as part of the original submission.
 - b. Previously Approved LHR Applications. Revisions or amendments to an LHR Application that has previously been approved by the Planning Board must be submitted to the Planning Director who shall make a determination as to whether the revisions are major or minor and shall be processed as follows:
 - i. Minor. If the Planning Director determines the proposed revisions or amendments to be minor, he or she shall determine the consistency of the revisions with the Planning Board's previous findings and the Standards and Criteria for Review, and either approve or deny the revisions accordingly. If denied, the Planning Director shall notify the applicant and Planning Board within five (5) business days of the applicant's submittal of such revisions. The applicant may submit denied minor revisions to the

Planning Board for their consideration; the Board shall either accept or reject the proposed revisions as part of the approved LHR application.

- ii. Major. If the Planning Director determines the proposed revisions or amendments to be major, the Director shall notify the applicant and Planning Board within five (5) business days of the applicant's submittal to such revisions. The applicant may then submit the proposed revisions to the Planning Board, which shall either accept or reject the proposed revisions as part of the approved LHR application.

and by adding to Section E. STANDARDS AND CRITERIA FOR REVIEW 1. Preservation of Landscape. the words "use of wetlands, floodplains, hilltops," before the words "any grade changes and vegetation", and by striking the last sentence which reads "Management of storm water shall be provided so as to minimize the impact on Town streets and abutting properties.", so the section will read as follows:

1. Preservation of Landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing use of wetlands, flood plains, hilltops, any grade changes and vegetation and soil removal. Unique natural areas, topographic features such as ledge outcrops, significant trees and landscaping, and historic features shall be saved or enhanced insofar as practicable.

and by amending Section E. STANDARDS AND CRITERIA FOR REVIEW by adding a new criteria for "Drainage" and by renumbering the remaining section, to read as follows:

5. Drainage. The development shall incorporate measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased rates of runoff, and minimize potential for flooding. Drainage shall be designed so that groundwater recharge is maximized, and so that the rate of runoff shall not be increased at the project boundaries.

and by amending Section G. RULES AND REGULATIONS by inserting the words ", and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and specifications, and the procedure for the submission and approval of such review" after the words "to the plan approval process under this section", so the Section will read as follows:

G. RULES AND REGULATIONS

The Planning Board may promulgate or amend Rules and Regulations which pertain to the plan approval process under this Section, and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and specifications, and the procedure for the submission and approval of such review so long as the Rules and Regulations conform to this SECTION XVID. LARGE HOUSE REVIEW of the Zoning By-law. The adoption or amendment

of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

and by adding to Section H. APPEALS the words “Planning Board’s approval, denial,” after the words “An applicant, or any person receiving notice under Paragraph D., 4. above, may appeal the”, so the Section will read as follows:

H. APPEALS

An applicant, or any person receiving notice under paragraph D., 4. above, may appeal the Planning Board’s approval, denial, conditions or plan modifications to the Zoning Board of Appeals in accordance with SECTION XXIV. PERMIT GRANTING AUTHORITY.

ARTICLE 32. To see if the Town will vote to amend the Zoning Bylaw by amending SECTION XX – HEIGHTS OF BUILDINGS OR STRUCTURES, to calculate building height from original or preconstruction grade instead of average finished grade; the current draft of the proposed amendments being on file in the office of the Planning Board (said proposal being subject to further change before or at Town Meeting); or take any other action relative thereto.

Don McCauley, Precinct A, Planing Board Chair, offered the following motion and Chris Chan, Planning Board spoke in support of the motion which was

VOTED, by declared voice vote, that the Town vote to amend SECTION XX. HEIGHTS OF BUILDINGS OR STRUCTURES. of the Zoning Bylaw, to modify the measurement of building height by converting to a base elevation using the original grade, or the average finished grade if it is lower, by adding the words “original grade or” before “finished grade” in the first paragraph and by adding the words “, whichever is lower,” before the words “of the land surrounding the exterior walls” and by adding the words “to the highest roofline” after the phrase, and by adding “; however, building height shall be measured from the average finished grade of the land surrounding the exterior walls to the highest roofline for projects being developed under a Special Permit for a Project of Significant Impact issued prior to March 1, 2010.” after “or three stories” to clarify the grandfathering of previously approved projects, and by deleting “,exclusive of” and capitalizing “parapets” and adding “shall not be included in the measurement of height” to the end of the paragraph, so that the first paragraph will read as follows:

No building or structure, except one for religious or non-residential municipal purposes, or excepting further, a building or structure in Limited Apartment Districts authorized by SECTION VIA. 3., shall be constructed, enlarged or altered so as to exceed a height measured from the average original grade or finished grade, whichever is lower, of the land surrounding the exterior walls to the highest roofline, of forty-five (45) feet or three stories; however, building height shall be measured from the average finished grade of the land surrounding the exterior walls to the highest roofline for projects being developed under a

Special Permit for a Project of Significant Impact issued prior to March 1, 2010. Parapets, chimneys, flag poles, solar collectors or necessary projections shall not be included in the measurement of height.

and by adding a new definition to SECTION IA. DEFINITIONS. to read as follows:

Original Grade - The grade of the lot before development begins. If an existing structure is to be demolished, the original grade shall be the grade determined prior to demolition of the structure. If there is no existing structure on the property, the natural grade of the property, prior to any modification, shall be considered the original grade; except in new subdivisions where the original grade shall mean the approved and recorded grade.

ARTICLE 33. To see if the Town will vote to adopt a town-wide Sustainable Energy Plan and to create a sustainable energy committee by amending the Town Bylaws to add a new ARTICLE 12 – SUSTAINABLE ENERGY COMMITTEE, which will, among other things, create a Sustainable Energy Coordinator position, the current draft of the proposed bylaw being on file in the office of the Town Clerk (said proposal being subject to further change before or at Town Meeting); to raise and appropriate or otherwise provide a sum of money therefor; or to take any other action relative thereto.

MOTION 1. Katherine A. Babson, Jr., Precinct E, Board of Selectmen, offered the following MOTION 1 and Katy Gibson, Chair Green Ribbon Study Committee spoke in support of the motion which was

VOTED, by declared voice vote, that this Town Meeting hereby approves the Sustainable Energy Plan to achieve a 10% reduction in the Town’s greenhouse gas emissions (public and private) below 2007 levels by 2013.

The Moderator declared a short break at 9:25, the meeting resumed at 9:42 pm.

Article 33, MOTION 2. Katy Gibson, Precinct E, Chair Green Ribbon Study Committee, offered the following Motion 2 which was:

VOTED by declared voice vote, that the Town hereby approves the creation of a Sustainable Energy Committee and a sustainable energy coordinator position and amends the Town Bylaws by adding a new Article 12 SUSTAINABLE ENERGY COMMITTEE to read as follows:

12.1 **Membership.** The Town shall have a Sustainable Energy Committee consisting of 7 members. The Board of Selectmen, the Municipal Light Board and the School Committee each shall appoint one member. These members may be a board member, officer, official or paid employee and may be a non-resident of the Town. The Board of Selectmen shall also appoint the remaining four members from residents active in the Town’s volunteer sustainable energy initiatives or

others who bring relevant expertise, such as knowledge about sustainable energy practices, marketing, or community engagement.

12.2 **Term.** The term of office shall be three years commencing on July 1. Members may be reappointed at the end of their term.

12.3 **General Duties.** The Committee shall propose sustainable energy goals, to reduce Town greenhouse gas emissions from the municipal, residential, commercial, industrial and institutional sectors, to Town Meeting. The Committee shall prepare a multiyear action plan to achieve the Town sustainable energy goals and shall revise it as needed. The Committee shall work with municipal departments, businesses, institutions, and civic and volunteer organizations to initiate and carry out actions to achieve these goals and shall coordinate municipal activity with initiatives of these other organizations. The Committee shall prepare an annual Townwide emissions inventory and develop an annual action plan that includes significant planned initiatives by both municipal and community organizations.

12.4 **Staff.** The Committee shall appoint a sustainable energy coordinator and such other staff as it deems necessary.

12.5 **Annual Report.** The Committee shall report to Annual Town Meeting on (a) the actions of the prior year, (b) emissions trends and performance as compared to the Town goals, (c) any proposed revisions to the multiyear Sustainable Energy Action Plan, and (d) recommended action plans for the coming year.

12.6 **Budget.** The Committee shall prepare an annual budget which will be subject to approval by the Selectmen. The Selectmen are responsible for presenting the budget to the Advisory Committee and for presenting the motion for the budget appropriation to Town Meeting.

12.7 **General Provisions.** The Committee shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

Provided, each appointing authority shall have thirty days after the above bylaw becoming effective to make their appointments, which shall be as follows:

a. The three members to be appointed by the Board of Selectmen, the Municipal Light Board and School Committee shall be for an initial term of three years, and thereafter for a term of three years.

- c. The terms of the community members to be appointed by the Board of Selectmen shall be two for an initial term of two years, and two for an initial term of one year, and thereafter each for a term of three years.

Mr. Switzler challenged the voice vote. He was not supported by 7 other town meeting members and the call of the Moderator was final.

ARTICLE 34. To see what action the Town will take on the authorized and unissued loans including those identified in the list of same on file in the offices of the Board of Selectmen and Town Clerk; to authorize the transfer of unused proceeds from previously issued loans to one or more eligible appropriations previously authorized; or take any other action relative thereto.

Barbara Searle, Precinct A, Board of Selectmen, offered the following motion which was

VOTED, unanimously, that the sum of \$478,465 is hereby transferred from amounts previously appropriated and borrowed under the following warrant articles and for the purposes set forth below:

Amount to be

<u>Transferred</u>	<u>Article/(Motion)</u>	<u>Authorized</u>	<u>Purpose</u>
\$273,434	8/(1)	12/06/04	Modular Classrooms
\$205,031	23/(1)	04/10/06	Modular Classrooms

which amounts are no longer needed to complete the projects for which they were initially borrowed, to pay costs of School Building Infrastructure Improvements previously approved by vote of the Town under Article 23 of the Warrant at the Town Meeting held on April 10, 2007, thereby reducing, by a like amount, the borrowing approved for this purpose by such vote, all as permitted by Chapter 44, Section 20 of the General Laws.

And, that the sum of \$482,824 is hereby transferred from the amounts previously appropriated and borrowed under the following warrant article and for the purpose set forth below:

Amount to be

<u>Transferred</u>	<u>Article/(Motion)</u>	<u>Authorized</u>	<u>Purpose</u>
\$482,824	7/(1)	12/06/04	MS Renovations

which amount is no longer needed to complete the project for which it was initially borrowed, to pay costs of High School Construction previously approved by vote of the Town under Article 5 of the Warrant at the Town Meeting held on October 20, 2008, thereby reducing, by a like amount, the borrowing approved for this purpose by such vote, all as permitted by Chapter 44, Section 20 of the General Laws.

And further, to rescind \$408,000 in unused borrowing authorization approved as follows:

Amount

<u>Authorized</u>	<u>Article/(Motion)</u>	<u>Authorized</u>	<u>Purpose</u>
\$275,000	24/(1)	4/24/07	MS contingency
\$90,000	15/(1)	4/7/08	Linden Signal

\$13,000	29/(1)	4/24/07	Woodside Avenue
\$30,000	26/(1)	4/24/07	Parking Meters

such amounts are no longer needed to complete the projects for which they were initially authorized and which sums were never borrowed.

ARTICLE 35. To see if the Town will vote, as authorized by Section 9 of Chapter 258 of the General Laws, to indemnify Town Board members, officers, officials and employees from personal financial loss and expenses, including legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, action, award, compromise, settlement or judgment by reason of an intentional tort, or by reason of any act or omission which constitutes a violation of the civil rights of any person under any federal or state law, if such employee or official is acting within the scope of his official duties or employment; and to raise and appropriate or otherwise provide money victullar; or take any other action relative thereto.

No Motion Offered.

ARTICLE 36. To see what sum of money the Town will raise and appropriate, or otherwise provide, for expenses incurred by Town departments prior to July 1, 2009; or take any other action relative thereto.

No Motion Offered.

ARTICLE 37. To see what sum of money the Town will authorize the Board of Selectmen to pay in settlement of claims, actions and proceedings against the Town; to raise and appropriate or otherwise provide monies therefor; or take any other action relative thereto.

No Motion Offered.

ARTICLE 38. To see what action the Town will take to authorize the disposal of tangible Town property having a value in excess of \$10,000; or take any other action relative thereto.

No Motion Offered.

ARTICLE 39. To see if the Town will authorize the Board of Selectmen to appoint one or more of their number as fire engineer; or take any other action relative thereto.

Barbara Searle, Precinct A, Board of Selectmen, offered the following motion which was

VOTED, unanimously, that the Town authorize the Selectmen to appoint one or more of their number as fire engineers.

Mr. Switzler rose to a point of information. He asked whether the Board of Selectmen had reached an agreement on the purchase of 494 Washington St.

Mrs. Searle reported there was no further information available.

The Moderator commended Peter Cory and the Advisory Committee for their diligence in service to this meeting.

David Himmelberger rose to make a motion to reconsider Article 32. Mr. Himmelberger stated there was additional information that might cause Town Meeting to Change its mind. He Wished to make an amendment to the text of the definition of original grade to clarify its applicability to multistage projects.

Mr. Dennis Brown rose to a point of order questioning the propriety of this motion to reconsider.

Mr. Robert Sechrest rose to appoint of order, that the propriety of a motion to reconsider rests solely in the judgment of the Moderator.

The Moderator ruled the motion was in order and asked for Town Meetings vote on the motion to reconsider Article 32. The Motion to reconsider failed on a declared voice vote (60% being required)

Barbara Searle thanked the Moderator, Margaret (Peg) Metzger for her leadership of this meeting and offered a motion to dissolve, which was

VOTED, unanimously, that this Annual Town Meeting be and hereby is dissolved.

The Meeting dissolved at 10:50 pm.

ATTEST:

Kathleen F. Nagle
Town Clerk