



TOWN CLERK'S RECORD

November 14, 2011 Special Town Meeting

ARTICLE		PAGE
1	Choose Moderator	1
2	Receive Reports	
3	Supplemental Appropriation - Traffic and Parking	
4	Amend Salary Plan Pay Schedule - Wellesley Firefighters Local 1795	
5	Remove Fire Department from Civil Service	
6	Appropriation - MLP Administration Building	
7	Appropriation - Ad hoc Facilities Maintenance Committee	
8	Appropriation - Fuller Brook Park Preservation Project	
9	Special Legislation - Alcohol Licenses	
10	Amend TBL- Fingerprinting	
11	Amend Linden Square Development Agreement	
12	Cochituate Aqueduct Leases	
13	Authorized and Unissued Loans	

November 15, 2011

In pursuance of a Warrant dated October 4, 2011, the duly elected Town Meeting Members proceeded as follows:

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

The Town Clerk announced the names of new Town Meeting Members since the last town meeting: **G Lane Johnson**, Precinct A, appointed to fill seat vacated by Mark Taylor who moved from Wellesley in 2011; **Scott Renner and Robert L Moore**, Precinct G, elected by Special Election to fill vacancies created by resignations of Linda Lutfy Clayton and Alex Morse; **Derek Redgate and Mark Miller**, Precinct D, elected by special election earlier this evening, to fill vacancy created by Bradley Boyd who moved from Wellesley and Greg Mills who resigned. These new town meeting members were sworn in.

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 210 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:

Susan	Adler	Human Resources Director
Janet	Bowser	Director, NRC
Peter	Bracken	MLP Staff
Terry	Connolly	Dep. Director Gen. Gov.
Rick	DeLorie	Fire Chief
David A. T.	Donohue	Chairman, BPW
Mike	Eby	Chair, PBC
Marjorie	Frieman	Advisory Committee
Heidi	Gross	NRC Commissioner
Debra	Healy	MLP Staff
Catherine	Johnson	Advisory
Meghan	Jop	Director, Planning
Richard	Joyce	MLP
Christopher	Ketchen	Sr. Dep. Director Gen. Gov

Hans	Larsen	Exec. Director Gen. Gov.
Phil	Licari	Advisory
Kathy	Mullaney	PBC Staff
Donald	Newell	MLP Staff
Rich	Page	Advisory
Michael P.	Pakstis	Director, DPW
Jeffrey	Peterson	Deputy Fire Chief
Deb	Robi	Advisory Committee
Neal	Seaborn	Chairman, NRC
Sheryl	Strother	Finance Director

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 Lucy Kapples, Joe Feiner, Roberta Francis, Jim Conlin, Wendy Garber and Rusty Kellogg.

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

Refreshments at the break were provided by the Wellesley High School Sophomore Class for this meeting.

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 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.

The Moderator expects no motions under Articles 1, 2, 7, 11, 12.

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

No Motion

ARTICLE 2. To receive reports of Town officers, boards and committees and act thereon, and discharge presently authorized special committees; or take any other action relative thereto.

The following reports were submitted for filing: Advisory Committee Report, Fuller Brook Park Coordinating Committee.

ARTICLE 13. 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; or take any other action relative thereto.

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

VOTED, unanimously, to rescind \$1,998,000 in unused borrowing authorization approved as follows:

<u>Amount</u>	<u>Article/(Motion)</u>	<u>Authorized</u>	<u>Purpose</u>
\$1,998,000	19/(1)	4/30/07	MLP Garage

And to rescind \$917,000 in unused borrowing authorization approved as follows:

<u>Amount</u>	<u>Article/Motion</u>	<u>Authorized</u>	<u>Purpose</u>
\$7,417,000	19/(1)	4/30/07	Water/Sewer garage

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

ARTICLE 3. To see what sum of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds or borrowing, for the purpose of supplementing the budget for Traffic and Parking as voted under Article 8 of the warrant for the 2011 Annual Town Meeting; or take any other action relative thereto.

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

VOTED, by declared voice vote, to transfer the sum of \$34,800 from the Parking Meter Receipts Account to Traffic & Parking Operations expenses (27293200-530900) to complete a study of the traffic signals along Washington Street, Central Street, and Linden Street; said sum to be in addition to the amount voted under Motion 1, Article 8 of the Warrant for the 2011 Annual Town Meeting.

ARTICLE 4. 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.

Katherine L. Babson, Jr., Precinct E, Board of Selectmen, offered the following motion, 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:

Effective July 1, 2011 (1%)

Classification	1st Step	2nd Step	3rd Step	4th Step
Captain of Special Services	1,262.41	1,336.88	1,411.17	1,485.44
Captain	1,179.82	1,249.42	1,318.86	1,388.26
Lieutenant	1,005.25	1,064.31	1,123.49	1,182.59
Firefighter	874.10	925.55	976.85	1,028.32

Effective July 1, 2012 (1.5%)

Classification	1st Step	2nd Step	3rd Step	4th Step
Captain of Special Services	1,281.35	1,356.93	1,432.34	1,507.72
Captain	1,197.52	1,268.16	1,338.64	1,409.08
Lieutenant	1,020.33	1,080.27	1,140.34	1,200.33
Firefighter	887.21	939.43	991.50	1,043.74

Effective July 1, 2013 (2%)

Classification	1st Step	2nd Step	3rd Step	4th Step
Captain of Special Services	1,306.98	1,384.07	1,460.99	1,537.87
Captain	1,221.47	1,293.52	1,365.41	1,437.26
Lieutenant	1,040.74	1,101.88	1,163.15	1,224.34
Firefighter	904.95	958.22	1,011.33	1,064.61

contingent upon passage of Motion 1, Article 5.

ARTICLE 5. To see if the Town will vote to remove the fire 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 48 of Chapter 31 of the General Laws voted under Article 27 of the Warrant for the 1922 Annual Town Meeting; or take any other action relative thereto.

Katherine L Babson, Jr., Precinct E, Board of Selectmen offered the flowing motion which was

VOTED, unanimously, that the Town revoke its acceptance of Section 48 of Chapter 31 of the General Laws voted under Article 27 of the Warrant for the 1922 Annual Meeting, thereby removing the fire department from the provisions of the Civil Service Laws.

ARTICLE 6. To see what sum of money the Town will raise and appropriate, or otherwise provide, in addition to the amount appropriated under motion 1 of Article 17 of the Warrant for the 2010 Annual Town Meeting, 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.

Paul Criswell, Precinct B, Municipal Light Board, offered the following motion, which was

VOTED, unanimously, that the sum of \$819,975 is hereby appropriated 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 expended under the direction of the Permanent Building Committee; said sum to be raised by a transfer of \$819,975 from MLP cash; The Permanent Building Committee being authorized to take all action necessary to complete said project.

At 9:10 pm the Moderator declared a recess. At 9:25 the meeting reconvened.

ARTICLE 7. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Ad Hoc Facilities Maintenance Committee for consultation services related to Centralized staffing and reporting configurations, composition of an oversight board, timetables for implementing changes, and projected costs and benefits associated with changes from current maintenance practices; to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

No motion offered.

ARTICLE 8. To see what sum of money the Town will raise and appropriate, or otherwise provide, to implement Phase 3 (Final Design) of the Fuller Brook Park Preservation Master Plan; to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

Theodore Parker, Precinct E, Chair Community Preservation Committee, offered the following motion, Rosemary Donahue, Precinct E, Chair Fuller Brook Park Coordinating Committee spoke in support of the motion, which was

VOTED, unanimously, that \$665,000 be appropriated to the Fuller Brook Park Coordinating Committee for the Final Design (Phase 3, so called) of the Fuller Brook Park Preservation Master Plan, said appropriation to be funded entirely from balances on hand in the Community Preservation Fund Historic Resources Reserve.

ARTICLE 9. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing said Board, as the local licensing authority, to grant special licenses for the sale of all alcoholic beverages to restaurants having a seating capacity of at least 50 seats; or take any other action relative thereto.

Katherine L. Babson Jr., Precinct E, Board of Selectmen, offered the following motion, which was

VOTED, unanimously, that the Town hereby authorizes the Board of Selectmen to petition the General Court for special Home Rule Legislation authorizing said Board, as the local licensing authority, notwithstanding any general or special law to the contrary, upon voter approval, to grant licenses for the sale of all alcoholic beverages, subject to the limitation on number as provided in Section 17 of Chapter 138 of the General Laws, and also no more than twelve licenses for the sale of wine and malt beverages, to restaurants and function rooms having a seating capacity of at least fifty seats.

ARTICLE 10. To see whether the Town will vote, as authorized by chapter 256 of the Acts of 2010, and incorporated into the Massachusetts General Laws as chapter 6, section 172 B 1/2, to amend the Town Bylaws to enable the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for or in possession of certain licenses including but not limited to those engaged in the business of Hawking and Peddling or other Door-to-Door Salespeople, Ice Cream Truck Vendors, Pawn Dealers, and Hackney Drivers, a copy of the bylaw being proposed being on file in the office of the Board of Selectmen; and to authorize the adoption of appropriate policies and procedures to effectuate the purposes of said by-law, or take any other action relative thereto.

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

VOTED, by declared voice vote, that the Town vote to accept Chapter 6, Section 172B½ of the General Laws enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for or in possession of certain licenses;

And further, that the Town Bylaws be amended by inserting the following in Article 49. Police Regulations:

49.36 Fingerprint-Based Criminal Record Background Checks

49.36.1 Purpose and Authorization

In order to protect the health, safety, and welfare of the inhabitants of the Town of Wellesley, and as authorized by Chapter 6, section 172B ½ of the Massachusetts General Laws as enacted by Chapter 256 of the Acts of 2010, this by-law shall require a) applicants for certain Town licenses permitting the engagement in specific occupational activities within the Town as enumerated in Section 49.36.2 below to submit to fingerprinting by the Wellesley Police Department, b) the Police Department to conduct criminal record background checks based on such fingerprints, and c) the Town to consider the results of such background checks in determining whether or not to grant a license.

The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI) as may be applicable to conduct on the behalf of the Town and its Police Department fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize FBI records in connection with such background checks, consistent with this by-law.

49.36.2 Applicant's Submission to Fingerprinting by the Wellesley Police Department

Any applicant for a license to engage in any of the following occupational activities within the Town shall submit a full set of fingerprints taken by the Wellesley Police Department within ten (10) days of the date of the application for a license for the purpose of conducting a state and national criminal record background check to determine the suitability of the applicant for the license:

Manager of Alcoholic Beverage License
Hawker and Peddler
Owner or Operator of Public Conveyance
Dealer of Second-Hand Articles
Ice Cream Truck Vendor

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's FBI criminal history records.

49.36.3 Police Department Processing of Fingerprint-Based Criminal Record Background Checks and Communication of Results

The Police Department shall transmit fingerprints it has obtained pursuant to Section 49.36.2 of this by-law to the Identification Section of the Massachusetts State Police, DCJIS, and/or the FBI as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in Section 49.36.2.

The Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based criminal record background check and supply the applicant the opportunity to complete or challenge the accuracy of the information contained in it, including in the FBI identification record. The Police Department shall also supply applicants with information regarding the procedures for obtaining a change, correction, or updating of a criminal record, including a copy of 28 C.F.R. Part 16.34 pertaining to FBI identification records. The Police Department shall not utilize the fingerprint-based criminal record background check pursuant to the paragraph below until it has taken the steps detailed in this paragraph and otherwise complied with the Town's policy applicable to Town licensing-related criminal record background checks.

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the applicable licensing authority within the Town. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

49.36.4 Reliance on Results of Fingerprint-Based Criminal Record Background Checks

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in Section 49.36.2. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check

render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination. The licensing authority shall not deny a license based on information in a criminal record unless the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.

49.36.5 Compliance with Law, Regulation, and Town Policy

Implementation of this by-law and the conducting of fingerprint-based criminal record background checks by the Town shall be in accordance with all applicable laws, regulations, and Town policies, including, but not limited to, the Town's policy applicable to licensing-related criminal record background checks which shall include record retention and confidentiality requirements. The Town shall not disseminate the results of fingerprint-based criminal background checks except as may be provided by law, regulation, and Town policy. The Town shall not disseminate criminal record information received from the FBI to unauthorized persons or entities.

49.36.6 Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100). A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

This by-law shall take effect May 4, 2012.

ARTICLE 11. 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; or take any other action relative thereto.

No motion offered.

ARTICLE 12. 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.

No motion offered.

Katherine L. Babson, Jr., Precinct E, Board of Selectmen, offered the following motion

Voted, unanimously, that this Special Town Meeting be and hereby is dissolved.

The meeting dissolved at 10:34 pm.

Attest:

Kathleen F. Nagle
Town Clerk