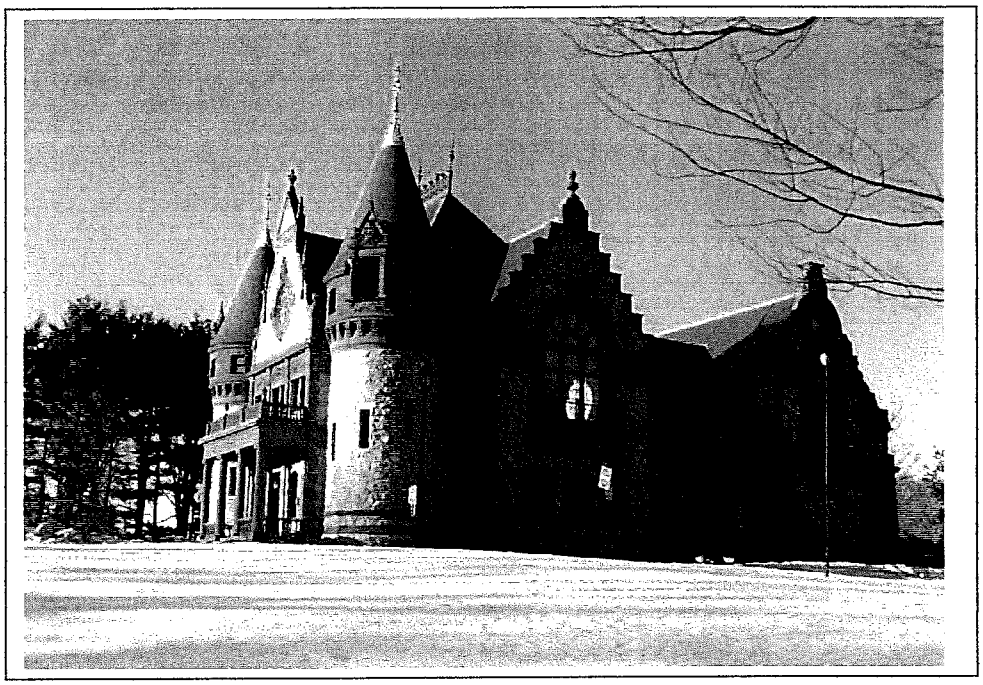
TOWN GOVERNMENT HANDBOOK



Wellesley, Massachusetts Town Government Handbook

A Guide for Elected and Appointed Officials

LEAGUE OF WOMEN VOTERS
OF WELLESLEY

Wellesley, Massachusetts
Town Government Handbook

A guide for Elected and Appointed Officials

Compiled and Edited by the League of Women Voters, 1976

Recompiled and Edited by the Board of Selectmen, 1979

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The League of Women Voters of Wellesley thanks the Town employees who contributed to the 2011 update of this publication.

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INTRODUCTION

The Town of Wellesley

Wellesley has a Town Meeting form of government. It derives its authority for self-government from a Special Act of the Massachusetts General Court in 1881. After its incorporation, Wellesley had an open or unlimited Town Meeting that could be attended by all registered voters and at which they could all debate and vote. By 1932 the growth of the Town made this form of government unwieldy, and the voters adopted a limited or representative Town Meeting as permitted by the General Court (CH. 202 of the Acts of 1932.) There are 240 elected Town Meeting members apportioned among the seven precincts into which the town is divided, and three non-voting *ex officio* Town Meeting members: the Moderator, the Town Clerk, and Town Counsel. The Town Meeting is the legislative branch of the town government. Meeting pursuant to a Warrant that states the subjects to be acted upon, it adopts all local bylaws, appropriates all funds, and determines most matters of Town policy.

Wellesley and the State

The State regulates the conduct of local government in many ways, especially in relation to financial matters, but also in matters such as traffic regulation signs and lights, welfare laws, and voting procedures. All Town officers have their duties and functions outlined in some detail by the State laws, and the Secretary of State notifies the official concerned when changes in the law or other regulations are made.

Wellesley also must conform to certain optional parts of the General Laws if the Town by majority vote has accepted them. The Planning Board was established by the acceptance of Chapter 41, Sec. 70 of the General Laws. The Town has a Department of Public Works because it voted to accept Chapter 41, Sec. 69, C-F of the General Laws. Wellesley also voted to accept the General Laws covering Civil Service status for its police force and fire departments. However, in 1991 the Town Meeting voted to remove from Civil Service status the chiefs of those departments.

The governmental powers of the Town were enhanced in 1966 by passage of the Home Rule Amendment (Article 89) to the Massachusetts Constitution. This Amendment gives the right of self-government in local matters, limited only by the Constitution, the amendment itself, and the standards and requirements established by statute. Chapter 59, Sec. 21C of the General Laws, the so-called Proposition 2 ½ provision, limits the tax revenue that the Town may generate from property taxes.

Wellesley has adopted, over a period of years, a comprehensive Town Bylaw and frequently updated Zoning Bylaw. The Town Bylaw may be changed by a majority vote of the

Town Meeting and the Zoning Bylaw may be changed by a two-thirds vote of the Town Meeting. The Attorney General of the Commonwealth must approve any such changes.

Wellesley and the County

Wellesley is located in Norfolk County. The county seat is in Dedham, as are the District and Superior Courts, the Registry of Deeds, the Land Court, and the Court of Probate and Insolvency.

Wellesley and the Metropolitan Area

The City of Boston and 46 cities and towns around it comprise the Metropolitan District, which was originally organized as a unit for the control of water supply and sewers and for the care of the system of State parks, parkways, and bathing beaches within the area. We now pay an annual bill to the Massachusetts Water Resources Authority (MWRA) because our wastewater empties into the MWRA sewer system and is treated by the MWRA. The approximately 70 acres of park land along the Charles River near the Lower Falls and the Sudbury River Aqueduct are still under the supervision of the Department of Conservation and Recreation (DCR).

The Metropolitan Area Planning Council (M.A.P.C.) is a public agency established by statute and is responsible to its 101-member communities. Its basic operating budget is derived from per capita assessment on these cities and towns, as well as through grants received from the federal and state governments. M.A.P.C. membership ensures community eligibility in more than 150 federal funding categories - eligibility that often brings back many times the cost of M.A.P.C. membership to a local municipality. Each community is represented on the Council by its Chief Executive Officer or a designee. The heads of 11 local, regional, and state agencies and 21 gubernatorial appointees bring the total membership to 133.

The Board of Selectmen is represented on a Metrowest Growth Management Committee. Funded by a State grant, this regional committee, with two representatives from each of nine Metrowest communities, meets to share concerns and develop policy about growth issues such as traffic, the environmental impacts of development, and the region's need for affordable housing.

The Board of Selectmen is represented in the Suburban Coalition, an organization of School Committee members, Selectmen, and Finance Committee members from 14 suburban Boston communities. The basic goal of the Coalition is to develop strategies and gather data to attempt to change the distribution practice for state aid so that all communities in the Commonwealth can receive additional aid to help them cope with the financial squeeze of Proposition 2½.

TOWN GOVERNMENT

Town Meeting and Special Town Meeting

The Annual Town Meeting has two components. The first, the Town Election, is generally held on the first Tuesday in March to elect Town Officers and Town Meeting Members. The second is the business meeting, or what is referred to as Town Meeting. The Annual Town Meeting is held in the spring, usually later in March, on a date set by the Selectmen in accordance with the Town Bylaw. The first session of Town Meeting is usually held on a Monday evening. Additional meetings are frequently required to complete the business of the Warrant and are usually held on the following Tuesday, and then on the succeeding Monday and Tuesday evenings for as many sessions as are needed (subject to a recess for April school vacations). Town Meeting is customarily held in the auditorium of the Middle School. Town Meeting is open to the public but only Town Meeting Members are allowed to vote.

The Selectmen may call a Special Town Meeting any time during the year when necessary, and they are required by law to call one if petitioned by 200 voters of the Town.

Powers and duties of Town Meeting are stated at length in the General Laws of Massachusetts. The Town Meeting makes, amends, or repeals sections of the Town Bylaw and the Zoning Bylaw. It appropriates money for annual Town expenses and permanent improvements. All borrowing of money for short or long term and the issue of notes or bonds must be authorized by the Town Meeting. The members also vote on the establishment of special committees and the acceptance of streets, receive committee reports and recommendations, and act on other matters included in the Warrant. The Town Meeting is empowered, at a meeting held for the purpose, to fill a vacancy in the office of Moderator.

The Warrant

The Warrant is the agenda, or list of articles, to be considered by the Town Meeting. No action at Town Meeting is valid unless the subject matter is contained in the Warrant for that meeting. A copy of the Warrant is sent to every household, or published in the Townsman. It informs the citizens of the date, place, and subject matter of the Town Meeting.

The Selectmen and other Town officials insert articles having to do with routine business and requests for appropriations for the various departments. Groups of ten or more citizens may submit articles, known as "Citizens Petitions" for the Warrant of an Annual Town Meeting and 100 citizens may do so for a Special Town Meeting, providing they act on or before a date

publicly announced by the Selectmen. Also, an individual owning land may include in the Warrant a zoning article that affects the subject land.

An article for the Warrant need not be in the form of the motion that will ultimately be presented at Town Meeting; rather, it must give notice of the subject matter of the motion. The Selectmen's office is available to help anyone with the wording of the Warrant article. The Town Counsel inspects the Warrant to ensure clarity and legality. The Selectmen announce when the Warrant for a Town Meeting closes, that is, the date when all articles for inclusion in the Warrant must be submitted. Usually the Warrant for the Annual Town Meeting closes in late December or early January in order to give the Advisory Committee time to conduct its examination and prepare its report.

Filing of Motions

At the time the Board of Selectmen gives notice of a Town Meeting, whether Annual or Special, included within such notice shall be a date by which drafts of motions proposed to be offered to the Town Meeting must be submitted to the Selectmen by the sponsor of the article under which action is to be requested.

Persons who intend to make a motion with respect to an article should inform the Moderator and the Chairman of the Advisory Committee prior to the Meeting or, if the decision to make a motion is reached during the Meeting, as early as convenient thereafter.

The Selectmen distribute copies of all draft motions to the Moderator, Town Counsel, and Advisory Committee. No motion or amendment thereof shall be voted on by Town Meeting unless the exact form of the motion or amendment being voted on shall either have been distributed or, at the time of the vote, made visually available to the Town Meeting Members present.

Advisory Committee

The Advisory Committee is required by law to review each Warrant article. It consults with each Town department, reviews their budgets, and may recommend changes in proposed budgets in view of the overall financial picture of the Town. The sponsor of each article is invited to appear before the Committee to make a presentation. Individual Advisory Committee members are assigned to each Warrant article to obtain the necessary background information to assist the Committee in its deliberative process. Public hearings are held at which citizens may express opinions on the articles in the Warrant. On the basis of this and other information it collects, a decision is made as to whether favorable or unfavorable action is recommended. The Committee sends a printed report to all households before Town Meeting with the reasons for its

recommendations. The Advisory Committee is also responsible for allocations from the Town's Reserve Fund. This fund is used for unforeseen and extraordinary expenses which occur between Town Meetings and which cannot be accommodated within a department or committee's approved budget.

Public Hearings

Many other committees and boards also hold hearings prior to Town Meeting. The Planning Board is required by law to hold a hearing on any proposed zoning change and must submit its recommendations to Town Meeting. Notice is given of all of these meetings and the public is encouraged to express opinions on the articles on the Warrant at the meetings.

FINANCIAL STRUCTURE OF THE TOWN

Financial Officers/Departments

Department of Financial Services

The Department of Financial Services is under the supervision and management of the Finance Director, who also acts as Chief Financial Officer and Town Accountant. The Executive Director may elect to enter into a contract with the Finance Director, subject to the Board of Selectmen's approval. The Finance Director is *ex officio* a member of the Retirement Board. The Department's responsibilities include: Coordinating and administering the Town's financial services and activities; carrying out the duties vested by law in Town Accountants and Town Treasurers and Collectors of Taxes; assisting in the development of budgets; assisting the Executive Director in developing and supervising purchasing and inventory control procedures; administering the disposal of Town property. An outside auditor, appointed by the Audit Committee, audits the financial records of the Town each year.

The Finance Director/Town Accountant has responsibility for the maintenance of Town accounting records and financial statements and also for the payment of all Town obligations, after securing the required approvals. He/she monitors the expenditures of Town funds and prepares timely reports for the Selectmen and other appropriate boards of actual or foreseeable incurring of obligations or expenditures of funds in excess of budgeted appropriations. At regular intervals he/she sends each board a statement of the funds expended during the preceding period and a statement of the balances remaining under appropriated budgets.

Town Treasurer and Tax Collector

This position is held by one person who is appointed by the Finance Director, subject to the approval of the Executive Director, for a three-year term and is paid for full-time service.

The Treasurer and Tax Collector must post bonds for faithful performance of both duties. The Town Bylaw requires a report "in detail" of his/her acts and a full statement of all financial transactions of the Town. He/she receives and takes charge of all money belonging to the Town, and no other person shall pay any bill of any department.

As Treasurer, he/she has custody of insurance policies, bonds, and deeds to Town property. Subject to the approval of the Board of Selectmen, he/she borrows and disburses money for the Town, handles bond issues, and executes the taking and sale of land on tax title.

As Tax Collector, this official collects all taxes on real estate and personal property, betterment assessments, and the motor vehicle excise tax. Under the title of Town Collector,

he/she collects all accounts committed to him/her for collection. Collection of accounts due for water, sewer or electricity charges are handled by persons bonded through him/her to the Town at the Department of Public Works.

Board of Assessors

As the primary generator of Wellesley's revenue, the Board of Assessors functions as part of the Town governmental system but is regulated by the Massachusetts Department of Revenue. The principal function of the assessors' office is the responsibility for administrating Massachusetts' property tax laws effectively and equitably and to produce accurate, fair appraisals of all taxable property in Wellesley. The assessors' office generates approximately 75% of the revenue used in the Town's budget.

This Board consists of three members, each elected for a three-year term. Any assessor, elected or appointed, must meet certain minimum qualification standards established by the Commissioner of Revenue. The Assessors main responsibilities are:

- Assess all property (real and personal) within the Town at a fair valuation;
- Calculate the Town's annual levy growth and set the tax rate;
- Process motor vehicle excise bills and adjustments for Wellesley residents;
- Calculate payment in lieu of taxes for exempt properties;
- Review and take action on overvaluation appeals on property assessments at both the local and State levels;
- Review and act on applications for Personal Exemptions and Tax Deferrals;
- Annual review of chapter land discounts and filing of liens;
- Collect data as a result of building permits and deed transfers;
- Manage the computerized property database.

Each year the Board of Assessors prepares data relevant to the Board of Selectmen's vote on whether to adopt a single property tax rate or separate rates for residential and commercial properties. The Assessors present this data at an open meeting on or before the annual "classification hearing."

The assessors' office maintains property characteristics on over 8,400 properties on their CAMA system (computer assisted mass appraisal) and the full and fair cash value of the $8.7 billion Town tax base. The properties are inspected on a regular schedule to reflect changes, primarily as a result of building permits.

Massachusetts General Laws require each city and town annually to assess property at its full and fair cash value on the January 1 assessment date. The Massachusetts Department of Revenue (DOR) reviews local assessment practices to assure the municipality is assessing at full

and fair cash value. Every three years the DOR performs a more in depth review, often referred to as a "certification year". During calendar year 2008 the Massachusetts Department of Revenue performed a comprehensive audit of the office administration and a statistical analysis of all property values. After completion of the audit, the assessors' office received certification for fiscal year 2009. Certification is required before tax bills can be mailed.

Common Terms Used in Town Finance

Appropriations

Money can be appropriated from the tax levy only at the Annual Town Meeting or at a Special Town Meeting prior to the fixing of the tax rate. Money appropriated at a Special Town Meeting may be raised by borrowing or by transferring funds from available funds such as revenue surplus. The Town Meeting may appropriate money for a specific purpose only when there is an article in the Warrant to cover the matter.

Town Revenues

While real estate taxes are the chief single source of income for the Town, there is revenue from many other sources. The Commonwealth allocates money to Wellesley for various programs, including school aid, school building assistance and highway programs, which it has raised by income and sales taxes and the lottery. The Federal Government makes available certain grant programs for school and public works programs. Wellesley collects a substantial amount of money from the motor vehicle excise tax (approximately $4 million) and also collects fees for services of the various Town Departments as well as charges for various licenses and permits. In Wellesley, where we have municipally owned and operated light, water, and sewer services, the income and expenses of these enterprises enter into the Town bookkeeping.

Proposition 2½

A statewide tax limitation law limits the property tax levy in cities and towns in the Commonwealth to 2½ % of the full and fair cash valuation of the taxable real estate and personal property in that city or town. The statute also places an annual growth cap of 2½ % on the increase in the total property tax levy, exclusive of growth resulting from new construction.

Override

A provision of Proposition 2½ that allows the voters to add funds on a permanent basis to the total tax levy, thus increasing the amount of taxes a community can raise. A majority vote from the voters is required for passage.

Exclusions

A provision of Proposition 2½ that allows the voters to add funds on a **temporary** basis to the total tax levy. An EXCLUSION is usually a capital expenditure, and increases the town's taxing capabilities for one year. A DEBT EXCLUSION increases the Town's taxing capabilities for as long as the debt is in service. It diminishes as the debt service diminishes over a specified number of years or until the debt is paid off. A majority vote from the voters is required for passage.

Cherry Sheet

The "Cherry Sheet" takes its name from the color of the paper on which it is printed. It is issued annually to the Assessors by the Department of Revenue of the Commonwealth. It contains an estimate of the charges the Town will be required to pay for its share of the costs of operating certain programs of the Commonwealth, Norfolk County government, or metropolitan assessments. It also contains an estimate of the funds the Town will receive from the Commonwealth. The Assessors must use these estimates in computing the tax rate.

Overlay

The overlay is the sum of money, in excess of appropriations, which the Assessors add to the tax rate. It is used to cover abatements granted on real estate and personal property taxes and to avoid fractions in the tax rate.

Overlay Reserve

After the tax accounts of any year have been settled, the remaining money in the overlay is transferred to the Overlay Reserve. The funds in the Overlay Reserve may be used by vote of Town Meeting.

Reserve Fund

This fund is established by the voters at the Annual Town Meeting and may be composed of an appropriation not exceeding 5% of the tax levy. Transfers out of the Reserve Fund are within the exclusive control of the Advisory Committee and are for extraordinary or unforeseen expenditures that occur after Town Meeting approval of the Town budget and which cannot be accommodated within a department or committee's budget.

Revenue Surplus

The balance in this account is from two main sources: unexpended appropriation balances; and the excess of receipts over those estimated in setting the tax rate. Appropriations from this account may be made at any Town Meeting, by a majority vote, for any purpose for which the Town can expend money. However, those appropriations cannot exceed the balance in the account less any uncollected real and personal property tax of prior fiscal years.

Stabilization Fund

This fund is a special account created to provide a reserve for capital expenditures. It helps to even out the impact of capital projects. Appropriations from this fund can be made only by Town Meeting and with the approval of two-thirds of the members voting.

Tax Rate

The formula for figuring the tax rate is:

Add:
1. All appropriations voted since the last tax rate was set.
2. Debt service not otherwise provided for.
3. An amount for overlay.
4. Estimates of charges or assessments of the Cherry Sheet.
5. Any other amounts required to be raised.

Subtract:
1. Estimates of receipts in the Cherry Sheet.
2. Estimates of motor vehicle excise taxes and departmental receipts.
3. Amounts voted from Revenue Surplus or other available funds.
4. Municipal Light Plant contribution.

Balance is the amount to be raised by the tax levy.

Divide the answer by the total assessed value of real and personal property. That gives the amount necessary to raise $1.00, which is multiplied by 1,000 to give the official tax rate per $1,000 property valuation. At this time (2011) each $8.7 million in the tax levy equals a $1.00 in the tax rate.

PERSONNEL MOTIONS FOR TOWN MEETING

Background

Prior to 1947, municipal departments operated without uniform personnel policies. The State Legislature, recognizing the need for guidelines to eliminate inequities among the growing numbers of municipal employees, enacted in 1947 Section 108A, Chapter 41 of the General Laws which enabled towns to "classify any or all of its employees, except those appointed or employed by the School Committee, into groups and classes ... and ... to establish minimum and maximum salaries...". Section 198C followed in 1954 enabling Towns to "...consolidate in a single chapter or article, all provisions of its by-laws pertaining to the administration of its personnel ..."

Wellesley established a Classification Plan and a Salary Plan as well as a Personnel Board to administer them in 1950; the Board was subsequently renamed the Human Resources Board in 2000. Article 30 of the Town's current Bylaws pertains to the Human Resources Board and its scope of responsibilities. Article 31 addresses the Classification and Salary Plans.

Overview of Motions

The Board generally submits motions to Town Meeting in three areas:

1. The first area addresses changes to the Job Classification Plan. The updated list of job titles and job classifications is presented as Schedule A. Per Article 31.1, the Human Resources Board must approve any additions, deletions, or changes to the Classification Plan. In 1950 the Town began using a point factor system to evaluate job descriptions and in 1965 the Town procured the Hay method of evaluating and classifying jobs. The Hay System is a point factor system that rates jobs based on three major factors: Required Knowledge, Problem-Solving Skills, and Accountability.
2. The second area addresses changes in the Town's Salary Plans, generally contains four motions, and is presented as Schedule B. The *first motion* for Schedule B reflects any changes in negotiated union contract wages. The *second motion* for Schedule B reflects changes in the salaries for the Town's non-union staff positions. The *third motion* reflects the percentage of movement in the salary ranges for the Merit Pay Plan employees. The *fourth motion* deals with the funding for the Merit Pay Plan increases.
3. The third area for which the Human Resources Board may submit motions is changes in the Appendix to the Salary Plan. The Appendix lists the various benefits for the Town's non-union employees.

Overview of the Personnel Systems

Classification System

In 1965 the Town began using the Hay method of evaluating position descriptions. Hay is a point factor evaluation system using Guide Charts that define key factors and subfactors as well as the different levels or degrees of each. Each combination of definitions under each Key Factor has a pre-determined point value.

The use of job analysis to allocate positions to Groups and ultimately to determine pay levels of various positions assures a higher degree of fairness and equity than might otherwise be attained. It eliminates favoritism and political considerations and it can be used by the Town to defend itself against allegations of unlawful discrimination in pay practices. In fact, the Hay System has been accepted by the courts in racial/sex discrimination cases to justify pay differential.

The Salary Plan

Establishing the relationship of one job to another and to all other jobs results in a job structure and classification plan. Assigning rates of pay to established job groupings results in a salary structure. Several inter-relationships are considered when developing and maintaining a salary structure. For example, what should the difference in pay be between a job group and the one above it or below it? How much should the trainee or beginner receive versus an experienced employee? There are no single correct answers but there are generally accepted guidelines that are used.

In making its recommendations for changes in Schedule B (the Salary Plans), the Board considers more than the rate of pay for a particular job or group of jobs. It considers the whole salary structure and its relationship to wage surveys of comparable communities, the U.S. Dept. of Labor Consumer Price Index Reports, and local job market information as reported by outside consulting firms and the media in general. Wellesley's comparable communities were selected by Hay in the 1960s and this selection was confirmed through a 1980 arbitration case with the Fire Union. The Human Resources Board believes it is important to use appropriate bench marks that reflect current economic and labor market conditions with respect to compensation.

Union and Non-Union Salary Plans

The Salary Plans for union and non-union employees change annually by means of a general wage increase which all employees receive. The salary ranges for these job groups contain incremental steps that employees receive on a yearly basis, in addition to the general wage increase, until they have reached the top step. The only eligibility requirement for a step

increase is satisfactory performance. Thus, if the employees in these groups perform at an acceptable level or above, they are assured of reaching the maximum of their pay range.

Merit Pay Plan

The Merit Pay Plan was adopted in 1972 and is used for all non-union professional and managerial employees (Job Groups 50 and above). The essence of the Merit Pay Plan is that no one can receive an annual increase unless it is recommended by their immediate supervisor who must justify the recommendation based on an evaluation of the employee's performance as well as the standing in the salary range.

Unlike the Salary plans for all other Town employees, the salary ranges for the "50 Series" employees do not contain any automatic steps. By definition and design, the midpoints of these salary ranges are the standard salary for competent performance. This level of pay is the market rate for an experienced employee performing at a competent level.

The original intent of the plan, as stated in a 1977 mailing to Town Meeting Members, was that "each person who performs at the competent level should be paid at or about the mid-point. A person whose performance is superior should therefore be paid above the mid-point and a person whose performance is less than competent should be paid below the mid-point..."

Benefits

Total compensation for employees includes wages and benefits. The Board reviews the benefit packages regularly to keep benefits for non union employees comparable to those for union employees. The most recent additions to the Town's benefit package offer employees access to tax-sheltered programs such as flexible spending accounts for medical expenses and dependent care and a 529 college savings plan, for which the Town's contribution is limited to administrative support through payroll deduction.

Eligibility for health insurance and retirement benefits are matters of state law not subject to change by the Board or the Town.

HOW TO BECOME A PUBLIC OFFICIAL

Town-wide Office

Any resident may become a candidate for Housing Authority, Library Trustees, Natural Resources Commission, Planning Board, Recreation Commission, and Board of Public Works when there is a vacancy to be filled. Any *registered voter* may become a candidate for Board of Assessors, Board of Health, Moderator, Board of Selectmen, School Committee, and Town Clerk. His/her name will go on the official ballot if he/she has properly filed nomination papers. It is also possible to be elected to office as the result of a write-in vote.

Anyone who wishes to become a candidate must file nomination papers. Those papers may be obtained from the Town Clerk's office in the Town Hall. They must be signed by 50 registered voters and filed with the Board of Registrars at the Town Clerk's Office. Information on the dates after which papers can be taken out and by which they must be returned is available through the Town Clerk's Office.

A person who has not filed nomination papers may organize a campaign to have her/his supporters write in her/his name on the ballot. However any person wishing to be a "Write-in" should call the Town Clerk for additional information.

Town Meeting Member

There are 240 Town Meeting Members (TMMs) from Wellesley's seven precincts, one-third of whom are elected each year for terms of not more than three years. A candidate must obtain a nomination paper in person from the Town Clerk's Office. He/she must obtain the signatures of at least 10 registered voters from his/her precinct. The papers should be filed with the Board of Registrars at the Town Clerk's office. If running for re-election, a TMM will be sent a form and need only return the signed notice to the Town Clerk's Office at least 42 days before the election.

There are usually vacancies for a term of three years and frequently for two years and one year. Town Meeting Members elected are assigned terms of office on the basis of the number of votes they receive. Those receiving the highest number of votes will be assigned three-year terms, and then, in descending order, two-year terms and one-year terms.

A TMM may resign by sending a letter to the Town Clerk. If a member moves to another precinct within Wellesley, he/she serves until the next annual election. A member who moves out of Wellesley must resign his/her Town Meeting seat. The Town Clerk is empowered to fill any vacancy that may occur by choosing the person who received the highest number of votes in

the precinct among the defeated candidates at the previous Town Election, providing that person received at least 20 votes. If there were no defeated candidates the Town Clerk will hold a "mini election" in which the elected Town Meeting Members from the precinct vote for the replacement from among the candidates running.

The Moderator

The Moderator is elected by the voters for a one-year term and is an *ex officio* member of Town Meeting without a vote. The Moderator presides at Town Meeting and regulates the proceedings in accordance with the applicable statutes of Massachusetts, the Town Bylaw, and other practices as defined in the *Guidelines for Conduct of Wellesley Representative Town Meeting* which are published each year in the Advisory Committee's Report to the Annual Town Meeting and which appear in this document as well. The Moderator's ruling on matters of procedure is final. However, on the question of determining a vote count, if seven or more TMMs immediately question the Moderator's declaration of a voice vote, the result is determined by a standing vote. If 20 or more TMMs support a motion made prior to any vote on a question, the result is determined by a ballot vote. If 60 or more TMMs support a motion to have a roll call vote, prior to the taking of a standing vote, the vote is made by a roll call of all TMMs.

The Moderator has the responsibility for making all appointments to the Advisory Committee and certain standing and special committees unless the motion or Town Bylaw provides differently.

Standing/Special Committees

The Moderator, the Board of Selectmen, and other Boards appoint these committees. The composition of such committees is made from the citizen population of the Town. Various *ad hoc* committees are also appointed by the Moderator and by Town boards.

Standing/Special committees appointed by the Moderator are:

Advisory Committee	Article 11, Town Bylaw
Audit Committee	Article 13, Town Bylaw
Permanent Building Committee	Article 14, Town Bylaw
Community Preservation Committee (4 of the 9 members)	Article 18, Town Bylaw
Human Resources Board	Article 30, Town Bylaw

Standing/Special committees appointed by the Board of Selectmen are:

Celebrations Committee	Article 16, Town Bylaw
Historical Commission	Article 17, Town Bylaw
Historic District Commission	Article 18, Town Bylaw
Telecommunications Advisory Committee	Article 20, Town Bylaw
Wellesley Cable Access Corporation	Article 20A, Town Bylaw
Board of Registrars of Voters	Article 27, Town Bylaw
Retirement Board	Article 32, Town Bylaw
Council on Aging	Article 33, Town Bylaw
Youth Commission	Article 40, Town Bylaw
Zoning Board of Appeals	Article 41, Town Bylaw
Wellesley Cultural Council	Chapter 790, Acts of 1980
Wellesley Housing Development Corporation	Chapter 311, Acts of 1998

Standing/Special committee appointed by the Board of Selectmen, Municipal Light Board, and School Committee is:

Sustainable Energy Committee	Article 12, Town Bylaw

Standing/Special committees appointed by the Natural Resources Commission are:

Wetlands Protection Committee	Article 43, Section 43.7 Town Bylaw
Trails Committee	

Standing/Special committee appointed by the Planning Board is:

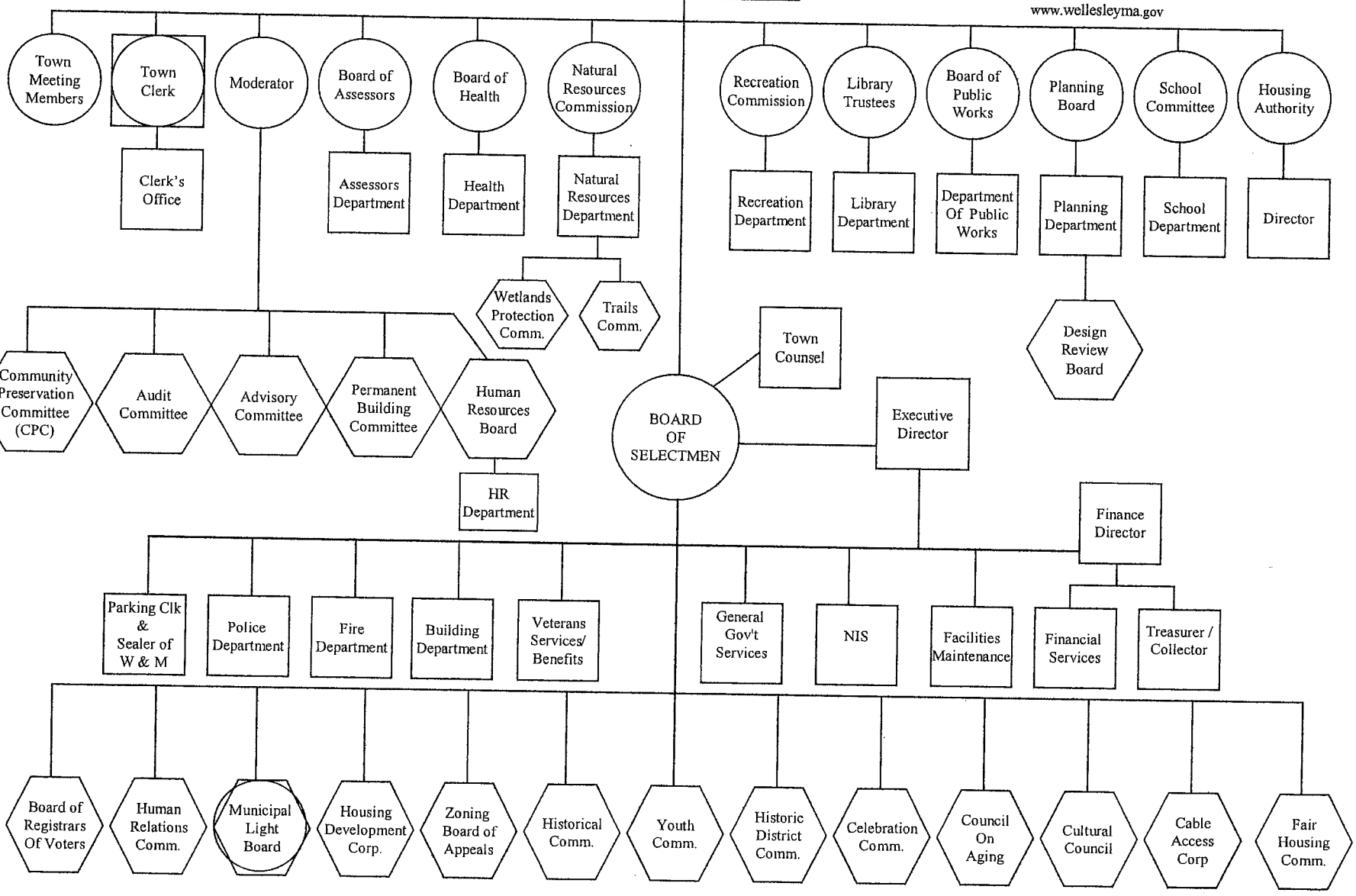
Design Review Board	Article 46 Town Bylaws Appointed in accordance with Section XXII of the Zoning Bylaw

NOTE: For detailed descriptions of terms, duties, etc., see Town Bylaw.

Elected Town Boards and Offices

Board of Assessors	3 members	3 year term	Article 42, Town Bylaw
Board of Health	3 members	3 year term	Article 34, Town Bylaw
Housing Authority	5 members	5 year term	Article 35, Town Bylaw
	One member appointed by MA Department of Community Affairs		
Library Trustees	6 members	3 year term	Article 36, Town Bylaw
Moderator	1 member	1 year term	Article 9, Town Bylaw
Natural Resources Commission	5 members	3 year term	Article 43, Town Bylaw
Planning Board	5 members and 1 alternate member	5 year term	Article 45, Town Bylaw
Board of Public Works	3 members	3 year term	Article 29, Town Bylaw
Recreation Commission	5 members	3 year term	Article 37, Town Bylaw
School Committee	5 members	3 year term	Article 38, Town Bylaw
Board of Selectmen	5 members	3 year term	Article 19, Town Bylaw
Town Clerk	1 member	3 year term	Article 26, Town Bylaw

Wellesley Town Government Organization



GUIDELINES FOR TOWN COMMITTEES

Appointment

While these guidelines are printed primarily for the use of temporary Town committees, many of the procedures outlined here are relevant to other appointed or elected Standing/Special committees.

Generally there are three kinds of temporary, appointed Town committees:

Committee authorized by Town Meeting Vote-Selectmen appointed
Committee authorized by Town Meeting Vote-Moderator appointed
Special committees-appointed by Selectmen or other elected boards

Members of committees created by Town Meeting vote receive notification of their appointment from the appointing authority. The appointee should make an appointment to be sworn in by the Town Clerk who will give the appointee copies of the Open Meeting Law, G.L. c. 30A, §§18-25; the Open Meeting regulations, 940 CMR 29.00; the Guide to the Open Meeting Law published by the Attorney General; and the Summary of the Conflict of Interest Law for Municipal Employees. Appointed committee members are considered municipal employees for the purposes of the Conflict of Interest Law. Within 30 days of appointment committee members must complete a training module prepared by the State Ethics Commission and found at www.mass.gov/ethics. Upon completion of the training module the committee member should file the completion certificate with the Town Clerk.

Traditionally, the appointing authority will organize the initial meeting or ask one of the appointees to do so. Special committees may be appointed by the Selectmen in the interim between Town Meetings when it is determined that the subject matter is such that it needs immediate attention, involves a subject that is generally limited to the Selectmen's area of responsibility, and for which it is determined that unnecessary delay would occur by waiting for official Town Meeting action. Other elected Boards may appoint advisory committees to assist with the work of the Board. The appointing authority, after appointing such a committee, usually meets with the members to discuss the charge to the committee.

Resignation

Resignations from committees become effective upon written notification to the Town Clerk.

Meetings, Organization, Officers

All meetings of Town committees are subject to the Massachusetts Open Meeting Law. Each meeting must be "posted" (listed) at the Town Clerk's office at least 48 hours in advance. Under the Open Meeting Law of 2010 postings must contain the date, time and place of the meeting; and list the topics that, as of the time the notice is filed, the chair reasonably anticipates will be discussed at the meeting. The list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting. Meetings are generally posted by sending an electronic copy of the proposed agenda to the Town Clerk. The agenda is then posted physically on the Town Hall bulletin board and electronically on the Town website meetings calendar.

The Selectmen's Office will reserve a meeting room in the Town Hall. If a school building is desired for a meeting, a School Use Permit must be filed at the appropriate school. Houses are acceptable meeting locations so long as the meeting is open to the public and the requirements of the Massachusetts Open Meeting Law are satisfied. However, committees are discouraged from using private houses for public meetings.

It is customary for a committee to organize by electing a chairman and secretary at its first meeting. It is the duty of the chairman to call meetings, prepare agendas, and see that the work of the committee progresses. The secretary usually posts the meetings, keeps minutes (which are public records), keeps other committee records, and presides in the absence of the chairman.

All meetings of a committee are public meetings and must be conducted in a manner that allows public participation and scrutiny of the proceedings. There are limited topics that may be discussed in executive session. Committee members should become familiar with the requirements for executive sessions by reference to the Open Meeting Guidelines published by the Attorney General's Office and found at www.mass.gov/ag under the Government Open Meeting section.

Communication and deliberations/use of email

With certain exceptions, all meetings of a public body must be open to the public. A meeting is generally defined as "a deliberation by a public body with respect to any matter within the body's jurisdiction." As explained more fully below, a deliberation is a communication between or among members of a public body.

The Open Meeting Law defines deliberation as "an oral or written communication through any medium, **including electronic mail,** between or among a quorum of a public body on any public business within its jurisdiction." Distributing a meeting agenda, scheduling or procedural information, or reports or documents that may be discussed at the meeting will not

constitute deliberation, so long as the material does not express the opinion of a member of the public body. E-mail exchanges between or among a quorum of members of a public body discussing matters within the body's jurisdiction may constitute deliberation, even where the sender of the email does not ask for a response from the recipients.

To be a deliberation, the communication must involve a quorum of the public body. A quorum is usually a majority of the members of a public body. Thus, a communication among less than a quorum of the members of a public body will not be a deliberation, unless there are multiple communications among the members of the public body that would together be a communication among a quorum of members. Courts have held that the Open Meeting Law applies when members of a public body communicate in a manner that seeks to evade the application of the law. Thus, in some circumstances, communications between two members of a public body, when taken together with other communications, may be a deliberation.

Minutes

Committees are required to create and maintain accurate minutes of all meetings, including executive sessions. The minutes, which must be created and approved in a timely manner, must state the date, time and place of the meeting, a list of the members present or absent, and the decisions made and actions taken including a record of all votes. While the minutes must also include a summary of the discussions on each subject, a transcript is not required. In addition, the minutes must include a list of the documents and other exhibits used at the meeting. While public bodies are required to retain these records in accordance with records retention laws, the documents and exhibits listed in the minutes need not be physically stored with the minutes.

The minutes, documents and exhibits are public records and a part of the official record of the meeting. Whether records are subject to disclosure under the Open Meeting Law will depend on whether the records are from an open session or an executive session.

The Open Meeting Law requires public bodies to create and approve minutes in a timely manner. The law requires that existing minutes be made available to the public within 10 days upon request, whether they have been approved or remain in draft form. Materials or other exhibits used by the public body in an open meeting are also to be made available to the public within 10 days upon request. If the committee does not have a defined town office to conduct their business, approved minutes should be filed with the Town Clerk.

Executive session minutes may be kept confidential until the purpose for the executive session has been concluded. Once disclosure would no longer defeat the purposes of the

executive session, minutes and other records from that executive session must be disclosed unless they are within an exemption to the Public Records Law, G.L. c. 4, § 7, cl. 26, or are attorney-client privileged. The public body is also required to review periodically the executive session minutes to determine whether continued non-disclosure is warranted, and such determination must be included in the subsequent meeting minutes.

Budgets and Bills

In some cases an appropriation is linked to the warrant article for the use of the committee it creates. If, however, Town Meeting does not approve funds, or the committee is *ad hoc*, there are specific procedures for handling expenses.

The Selectmen's Office will attempt to accommodate all routine, small volume clerical work. If a committee must incur outside expense, a request should be made to the Selectmen's office prior to incurring such expense and if approval is received, a bill made out to the Town of Wellesley, signed by a majority of the committee, should be submitted to the Selectmen. The Selectmen, in turn, send a voucher to the Executive Director of General Government following which a warrant is issued and the Treasurer receives authorization to make payment of the bill.

Occasionally a committee may determine that it needs to spend an amount of money that cannot be accommodated within existing budgets, for example, to hire a consultant. In this case the committee should determine whether it is possible to wait until the next Town Meeting at which time an appropriation can be requested. If a committee determines that the matter is of an emergency nature and one that should not wait for Town Meeting action, it is possible to request the funds from the Reserve Fund, which is under the control of the Advisory Committee. Committees should seek assistance from the Selectmen's Office for making out the necessary forms. The burden of proof as to the immediate need will fall upon the committee to demonstrate that the requested funds are for reasons of extraordinary nature and were not foreseeable at the time of budget preparation. The transfer, if granted, would ordinarily be made to the Selectmen.

Copying

There is available a copying machine in the Town Hall, located in the office of the Selectmen where committee persons may make copies for committee use. If the committee does not have its own appropriation, the charges may be paid for through the Selectmen's Office subject to prior approval from the Selectmen.

Special Mailings

The Selectmen have a bulk mailing permit number and if a special mailing is contemplated, the chairman or designee of a committee may obtain necessary information from the Selectmen's Office in order to take advantage of the bulk mailing rate.

Contracts, Services, Advertising, and Bidding

Contracts are subject to the Public Building Laws. If proposals are to be invited, the committee should carefully outline the specifications of what it wants and submit them to the Selectmen. The Selectmen will assist the committee in performing other administrative duties to assure compliance with bidding procedures including the requests for proposals. The opening of bids may be handled in whatever manner the committee wishes. Although formal bid procedures are not always followed, written proposals should be requested.

If a committee wishes to advertise in the Townsman, for example to announce a hearing or public meeting, copy must be at the Townsman by Monday of the week in which the announcement is to appear. Bills, made out to the Town of Wellesley, should be sent to the Selectmen's Office, attention of the committee.

If a committee recommends the creation of a new Town position, a job description should be developed with the assistance of the Human Resources Board. When the job description is developed, the Human Resources Board then evaluates the position and the position is slotted in an appropriate job classification category. Following that procedure and subject to appropriation, the Human Resources Board would, through advertisement, recruit candidates, screen applicants if requested by the committee, and present a list of the most qualified persons to the appropriate board or department head who makes the final selection.

Warrant Articles and Advisory Committee

Any committee that anticipates bringing matters, substantive or budgetary, to Town Meeting should be aware of some important dates and procedures preceding Town Meeting.

The Board of Selectmen announces the date by which articles must be submitted for inclusion in the Warrant when a Town Meeting is called.

Articles are usually written in fairly general language so as not to limit the scope of the

motion. There is also a date by which specific motions under articles should be filed. The Selectmen's Office is willing to assist any committee in the proper form and wording of articles and motions.

Committees should read the Town Bylaw regarding the Advisory Committee, its duties and authority. A committee should notify the Advisory Committee chairman in January for the Annual Town Meeting and a specified date for a Special Town Meeting of its intended business for Town Meeting and request a hearing date. The committee should be well prepared to answer Advisory Committee questions at the time of its hearing.

Filing Reports

Committees created by Town Meeting vote should submit their reports at the time indicated in the article that created them or, barring such a provision, when their job is completed. If ready, these reports may be published in the Advisory Committee Report. Deadline dates are established when Town Meeting is announced. The reports are transmitted electronically to the Advisory Committee.

The Selectmen determine whether or not the final reports of their special committees should have townwide distribution. In most cases, these reports are included in the Advisory Committee Report.

A copy of the final report of all committees should be filed with the Town Clerk. All other records deemed important by a committee should be given to the Selectmen for safekeeping.

When a committee has fulfilled its charge, a letter should be written to the Selectmen requesting that the committee be discharged. At the next Town Meeting, a vote on a motion made under an article in the Warrant for that Town Meeting would discharge the committee.

GUIDELINES FOR CONDUCT OF WELLESLEY REPRESENTATIVE TOWN MEETING

Introduction

The purpose of Wellesley Town Meeting ("the Meeting") is to reach decisions with respect to the matters brought before the Meeting by a democratic process. The process should not be partisan or adversarial; rather it should demonstrate an effort by the elected representatives of the Town in open discussion, free from technicalities of parliamentary procedure, to establish constructive policies for the government of the Town. The Meeting depends for its effectiveness on familiarity of the Town Meeting Members with the matters before the Meeting and upon their ability to rely one upon the other and upon their elected or appointed boards and committees.

All who speak to the Meeting or prepare reports to it should seek to be worthy of this trust. Proponents of action should make full and fair disclosure of all facts and considerations bearing on a problem, not merely those favoring their proposal. On the other hand, those opposed to a proposal should make their opposition known to the sponsors and the Advisory Committee as soon as possible rather than seeking to succeed by surprise at the Meeting. Negotiations prior to Town Meeting are more likely than debate at Town Meeting to clarify the issues and to produce solutions that will receive the support of the Meeting as a whole.

The great diversity among the residents of the Town will often lead to differences with respect to the matter before the Meeting. The good faith of no one should be questioned; rather there should be a cooperative effort to find solutions that are reasonably responsive to the needs of all. The Meeting will abide by the laws of the Commonwealth including the prohibitions on smoking and on carrying firearms on school property.

The following guidelines are intended to inform and guide those who participate in the Meeting and thus to assist in its orderly conduct. The guidelines, except to the extent that they embody statutes and Town Bylaw, are not intended as rules having legal effect.

Participants in the Meeting

Public Meeting

Town Meeting is a public meeting and may be attended by all. Since only members may make motions and vote thereon, they are seated separately from non-members.

Quorum

A majority of the Town Meeting Members shall constitute a quorum for doing business; but a lesser number may adjourn the Meeting to another time.

Moderator

The Moderator shall preside at the Meeting and, after consultation with Town Counsel, if appropriate, shall regulate the proceeding and decide all questions of order. No one shall distribute any material at Town Meeting except with permission of the Moderator.

The Moderator may appoint other persons to assist in the conduct of the Meeting, including determination of the vote of the Meeting.

If the Moderator is absent or cannot act, a Moderator *Pro Tempore* may be elected by the Meeting, the Town Clerk to preside at such election.

The Moderator shall not be an elected Town Meeting Member and shall not vote with respect to any matters before the Meeting. A Town Meeting Member may be a Moderator *Pro Tempore*, but shall not vote while presiding at the Meeting.

Clerk

The Town Clerk shall determine the presence of a quorum and shall maintain the records of the Meeting, including the results of all votes and other action taken at the Meeting.

If there is no Town Clerk, or if the Town Clerk is absent from the Meeting, the Meeting shall elect another person (usually the Assistant Town Clerk) to act as Temporary Clerk of the Meeting, the Selectmen to receive and count the votes and declare the election of such Temporary Clerk. Immediately upon such election, the Temporary Clerk shall be sworn by the Moderator and thereafter perform the duties of the Clerk of the Meeting.

The Town Clerk shall not be an elected Town Meeting Member and shall not vote with respect to any matters before the Meeting. A Town Meeting Member may be Temporary Clerk, but shall not vote while acting as Clerk of the Meeting.

Town Counsel

Town Counsel shall be present at all Meetings and, upon request, shall advise the Moderator and any Member or other person present with respect to any pertinent question of law on which his/her opinion is requested. Such opinion is advisory only and not binding upon the

Town, any person, or the Meeting.

If Town Counsel is unable to attend, the Selectmen shall designate another attorney as Acting Town Counsel to perform those duties at the Meeting.

Town Counsel shall not be an elected Town Meeting Member and shall not vote with respect to any matter before the Meeting. A Town Meeting Member may be Acting Counsel, but shall not vote while so acting.

Tellers

The Moderator shall appoint Town Meeting Members as Tellers for the purpose of counting the votes of the Meeting. Such appointments may, at the Moderator's discretion, be effective for more than one session of any Meeting. The Tellers shall report the results of their count of the section of the Meeting assigned to them indicating the number in favor of the motion, the number opposed, and, if so instructed by the Moderator, the number abstaining, and such reports shall be announced to the Meeting and maintained with the records of the Meeting. Tellers may vote on any question on which they act as Tellers, but any Teller who decides to participate in the debate of a question should request the Moderator to appoint another Teller to count the vote on that question.

Motions

Need for Motion

Action by the Meeting is taken solely by a vote of the Meeting on a motion duly made at the Meeting.

Subject of Motions

An action by Town Meeting is precipitated by making a motion. Except for such matters as resolutions recognizing individual achievements and the like, no motion shall be entertained by Town Meeting unless the subject thereof is contained within the Warrant. The Moderator shall determine whether the particular subject matter of a motion is "within the scope" of the Warrant article under which it is made; that is, whether the Warrant gave adequate notice that the action proposed by the motion might be taken at the Meeting. More than one motion may be made under a given article.

Motions may propose action at variance with that desired by the sponsor of the article.

Such motions may, for example, propose the establishment of a guideline, referral to an existing board or committee or one to be established; but all such motions are proper only if within the scope of the Warrant as determined by the Moderator.

Order of Consideration

All articles shall be considered in the order in which they appear in the Warrant, unless the Moderator in his/her discretion, or the Meeting by majority vote, changes the order.

Where there are a number of motions relating to a project calling for the expenditure of funds, the motion calling for the expenditure of the largest sum shall be the first put to vote, unless the Moderator in his/her discretion decides to change the order.

Formal Requirements

Only a Member of the Meeting can make motions. All motions other than procedural motions must be in writing signed by the sponsoring Member. No seconds are needed for any motion. Sponsors of motions are required to submit their proposed motions to the Selectmen by a date specified by the Selectmen. The motions must also be submitted to the Moderator and the chairman of the Advisory Committee.

The exact final form of any motion or amendment must be either distributed to Town Meeting Members or projected on a screen at Town Meeting before a vote thereon can be taken.

After the initial call to order of an Annual or Special Town Meeting, if a proponent informs the Moderator of an intention to present an amendment or substitute motion or resolution, notice of the action and the text must be made available to Town Meeting Members before action is taken on the article to which it relates.

Notice to Moderator

Every person who, prior to the Meeting, has decided to make a motion with respect to an article should inform the Moderator and the Chairman of the Advisory Committee prior to the Meeting, or if the decision to make a motion is reached only during the Meeting, as early as convenient thereafter.

Reconsideration

Motions to reconsider any action shall be entertained only if in the view of the Moderator there is reason to suppose that Members may have changed their minds. The Moderator may rule that any motion is a motion for reconsideration if it is not substantially different from a motion previously voted upon.

No action taken at any session of a Town Meeting shall be reconsidered at any subsequent session, unless notice of intention to move for reconsideration shall have been given at the session at which such action was taken. If action taken at the final session is to be reconsidered, debate and a vote on a motion for reconsideration may occur at the same session only after all articles have been acted upon unless, in the Moderator's discretion, debate and a vote on the motion at an earlier point in the session would expedite the conduct of the session. Any vote that requires more than a simple majority for passage shall require a 3/5 vote in order to be reconsidered by Town Meeting.

The Debate

Persons Authorized

Any resident of Wellesley, whether or not a Town Meeting Member or registered voter, may address the Meeting. Non-residents may address the Meeting with the approval of the Moderator or a majority of the Meeting.

Permission of the Moderator

Persons wishing to address the Meeting shall raise their hand or stand and wait until they are recognized by the Moderator and no one shall address the Meeting without first requesting and receiving the permission of the Moderator.

Identification of Speaker

Each person addressing the Meeting shall begin by stating his or her name and precinct, if a resident of Wellesley, or place of residence if a non-resident.

Conduct

All remarks should be limited to the subject under discussion. It is improper to indulge in references to personalities and all expressions of approval or disapproval, such as applause or booing, are out of order.

The Moderator may request any person to keep silent. If, after warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order such person to withdraw and if he or she fails to withdraw, may order a police officer to remove such person from the Meeting.

Personal or Financial Interest

Individuals who have a personal or financial interest with respect to a matter may speak thereon but should frankly disclose their interest before speaking. Individuals having such an interest who do not speak may vote without any disclosure. However, no Town Meeting Member should accept compensation for speaking to or voting at the Meeting.

Time

There is no time limit to the debate of any question. Accordingly, motions to limit debate or to call the question are not in order. However, each individual who speaks to the Meeting should make an effort to be as brief as possible, out of consideration for the others attending the Meeting and the need to give adequate time to all matters coming before it. The Moderator may request that all persons who intend to speak for more than five minutes give him/her notice before the start of the session.

Repeated Speaking

In order to give all a fair opportunity to speak, no one who had addressed the Meeting on any particular motion shall speak again, except to answer questions, until all others wishing to speak to the motion have done so.

Maps

The Planning Board, if so requested prior to Town Meeting, can prepare slides or transparencies of Town maps for projection at the Meeting.

Voting

Method

Except as specifically otherwise provided by law or these rules, voting shall be by voice vote or show of hands as the Moderator may determine and the Moderator shall declare the results of such vote. If a vote so declared is immediately questioned by seven or more Members, the result shall be determined by counting the votes of the Meeting by means of a standing vote. If a two-thirds vote is required for action by the Meeting, the Moderator is authorized to declare the vote without taking a count, subject to the roll call and ballot vote provisions noted below. If more than a two–thirds vote is required, the moderator may first determine whether the vote is unanimous, and if it is not, the vote shall be counted by means of a standing vote or a ballot or a roll call as provided in the Town Bylaw.

Ballot Vote

Upon a motion supported by not fewer than 20 Members made prior to a vote on any question (whether required by law to be a counted vote or not), the vote shall be taken by ballot in such form as will in the opinion of the Moderator indicate how individual Town Meeting Members have voted on a question. The results of such vote shall be announced in terms of the numbers of yes, no, or abstain votes cast. The Town Clerk shall, within a reasonable time after the session has been adjourned, compile a list of Members voting on the question, which list shall disclose how each Member voted. Said list, together with the original ballots, shall be open to public inspection so that the public shall be able to determine the way in which each Town Meeting Member voted on the question, and shall be preserved for at least three years.

Roll Call

Upon a motion supported by not fewer than sixty members and made prior to the taking of a standing vote, the vote shall be by a roll call of all Members, the Clerk to indicate on the record with respect to each Member, Yes, No, Abstain, or Not Present as the case may be.

Secret Votes

There shall be no secret ballots or other secret votes at Town Meeting.

Majorities

Except as otherwise provided by law or the Town Bylaw, all action of the Meeting shall be taken upon vote of a simple majority of those present and voting. There are set out below some of the matters, which under applicable law or the Town Bylaw, require more than a simple majority.

A two-thirds vote is required for the following:

- The sale, grant, lease, license, abandonment, or use for any other purpose of land acquired for park purposes (G.L. Ch. 40, Section 15A)
- Purchasing land (G.L. Ch. 40, Section 14)
- Selling or abandoning land taken other than by purchase. (G.L./. Ch. 40, Section 15)
- Transfer of land to another board. (G.L. Ch. 40, Section 15A)
- Amending the Zoning Bylaw. (G.L. Ch. 40, Section 7)
- Incurring debt within or without debt limit, except for temporary loans in anticipation of revenue. (G.L. Ch. 44, Sections 2, 4, 7 - 8)

The following votes must be taken at an Annual Town Meeting and require a two-thirds vote:

- Use of borrowed money for other purposes. (G.L. Ch. 44, Section 20)
- Acquiring property by eminent domain. (G.L. Ch. 44, Section n19)
- Increases in pensions, annuities and retirement benefits. (G.L. Ch. 32, Sections 88, 90A, 90C, 95, and 97)
- Appropriating funds from the Stabilization Fund. (G.L. Ch. 40, Section 5B)

A four-fifths vote at the Annual Town Meeting or a nine-tenths vote at a Special Town Meeting is required for the payment of bills incurred in a prior year in excess of appropriation. (G.L. Ch. 44, section 64)

Adjournment and Dissolution

Adjournment

Sessions of the Town Meeting shall normally adjourn at about 11:00 p.m. but may

adjourn at such earlier or later time as the Town Meeting, upon vote of a majority of its Members, may determine.

Dissolution

The Meeting shall not dissolve until all articles in the Warrant with respect to which any Member wishes to make a motion have been considered.

Record of Meeting

Complete Record

The Town Clerk, in consultation with the Moderator, shall prepare and maintain a complete record of the Meeting at the office of the Town Clerk where, upon request, it may be inspected by any interested person and also shall deposit a copy of such record at the Main Library. Such record may, but need not, be verbatim. However, it shall as a minimum contain the text of all articles and motions, whether main motions or subsidiary motions, the name of the moving party, the action of the Meeting with respect thereto, and such summary of statements made at the Meeting as will in the opinion of the Town Clerk contribute to a better understanding of the action of the Meeting.

REFERENCE TO TOWN MEETING RULES

Chapter 202 of the Acts of 1932, which has been amended several times since then, established Wellesley Representative Town Meeting. Certain customs have developed in the conduct of the Town Meeting which are referred to as "Wellesley Custom." Wellesley Custom does not differ substantially from the custom of other representative town meetings, as generally described in Town Meeting Time (Massachusetts Moderators Association 2001), a book which also contains references to applicable court decisions and statutes. All custom may be changed by law, or the Town Bylaw, as from time to time amended.

It is the combination of the foregoing which produces the "rules" of Wellesley Town Meeting in conformity with which the Moderator regulates the conduct of the meeting. The Guidelines reflect certain of these rules.