

# TOWN OF WELLESLEY



## REPORTS TO THE SPECIAL TOWN MEETING

**MONDAY, November 14, 2011  
7:30 PM**

**WELLESLEY MIDDLE SCHOOL AUDITORIUM**

**by the**

**ADVISORY COMMITTEE**

**FULLER BROOK PARK PRESERVATION  
COORDINATING COMMITTEE**

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**Please read this book and bring it with  
you to the Special Town Meeting.**

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# TOWN OF WELLESLEY



## REPORT OF THE ADVISORY COMMITTEE TO THE 2011 SPECIAL TOWN MEETING—November 14, 2011 at 7:30 P.M.

### TERM ENDS 2012

Virginia Ferko, Chair  
Jack Haley  
Maura Murphy, Secretary  
Rich Page  
Derek Redgate

### TERM ENDS 2013

Laura Hockett, Vice-Chair  
Catherine Johnson  
Philip Licari  
David Murphy, Vice-Chair

### TERM ENDS 2014

Robert Capozzi  
Becky Epstein  
Ann Marie Gross  
Marjorie Freiman  
Deborah Robi  
Rich Woerner

### To the Citizens of the Town of Wellesley:

**November 2, 2011**

Special Town Meeting will convene on Monday, November 14, 2011. Town Meeting will be asked to consider Articles proposed by the Board of Selectmen, the Community Preservation Committee, the Human Resources Board and Municipal Light Plant Board. All residents are welcome to attend the meeting in person, or follow the proceedings on the new Wellesley Government Channel (WCMG-TV, Comcast Channel 8, Verizon Channel 40).

The Advisory Committee Report (Report) summarizes the key features of each Article and presents the Advisory Committee's overall perspective and recommendations to Town Meeting. The Report will be mailed to all Town Meeting members and to all Town departments. The Report will also be posted on the Town's website, [www.wellesleyma.gov](http://www.wellesleyma.gov). Additional copies of the Report will be available for pick-up at the Town Clerk's Office and at the Wellesley Free Library no later than seven days before the meeting. The Town Clerk's Office will mail a copy of the Report to any resident who requests one. If any further recommendations are made by the Advisory Committee in the period of time between publication of the Report and the opening of Special Town Meeting, a notice will be sent to Town Meeting Members by e-mail, and the new recommendations will be posted on the Town's website.

The Advisory Committee thanks the dedicated Town employees, elected and appointed officials, and concerned citizens who devote so much time, energy, and expertise to the Town's affairs.

Town Meeting is an opportunity to examine important issues, enter into dialogue, and vote as a community on how to best serve our Town and its residents. The Advisory Committee welcomes input as to how we may better inform and advise Town Meeting. Our meetings are open to the public and begin with a "Citizen Speak" session. We receive e-mail at [advisorycommittee@wellesleyma.gov](mailto:advisorycommittee@wellesleyma.gov).

Sincerely,

Virginia Ferko, Chair

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

**(Board of Selectmen)**

**Advisory expects no motion under this Article.**

**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.**

**(Board of Selectmen)**

**Advisory expects no motion under this Article.**

**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.**

**(Board of Selectmen)**

Under this Article the Board of Selectmen (BOS) requests a supplemental appropriation to the FY12 Operating Budget for Traffic and Parking Operations of \$34,800 from parking meter receipts to fund an evaluation of traffic signal timing and phasing operations along the Route 16 (Washington Street) and Linden Street corridor.

The Town utilizes a software system to regulate traffic signal timing at major intersections to improve efficiency, optimize traffic flow and ensure safety. Citizens and members of the Police Department have recently expressed concerns about how the system is functioning at several intersections, causing unnecessary delays. The proposal is to engage the Town's traffic engineers, Beta Group, Inc. to evaluate current traffic volume data, to identify deficiencies in the signal timing and phasing system, and to provide a revised signal plan for the affected intersections. It is expected that Beta Group would then work with the signal contractor to implement the revised plan. The cost of work that may be required by the signal contractor is not included in this appropriation.

Parking meter receipts are reserved by the Town for appropriation only for certain traffic and parking related purposes.

Advisory believes that this appropriation will fund necessary evaluation and planning to restore proper function to our traffic signal timing system and that this is an appropriate use of reserved parking meter receipts.

**Advisory recommends favorable action, 14 to 0.**

**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.**

**(Board of Selectmen)**

This article seeks Town Meeting approval to amend Article 31 of the Town Bylaws to make changes to salary and wage schedules consistent with the collective bargaining agreement reached with the Wellesley Firefighters Local 1795, International Association of Fire Fighters

(IAFF). Schedule B sets the rates of pay for all Town employees except School Department personnel.

The agreement achieves the Town's four key collective bargaining objectives: Maintain an educated Fire Department; remain competitive in terms of pay levels; gain flexibility with regard to hiring and promotions; and control costs. A central feature of the agreement is the removal of the Fire Department from the provisions of Civil Service, effective January 1, 2012 (see Article 5) and the addition of a Secondary Education Incentive Program (SEIP).

Due to the increased and more complex demands on the Fire Department over the past decade the BOS and Fire Department have identified an increased need for a skilled and educated staff. An increase in EMS/service calls, changes in building construction materials and technology (requiring knowledge of hazardous materials and technological expertise) and greater emphasis on fire prevention (inspectional services, regulatory requirements) require an increased level of education. The removal from Civil Service in conjunction with the SEIP provides the incentive and opportunity to enable the development of a Fire Department able to effectively meet the current demands.

**Base Salary Increase**

Under the agreement, base salary increases for the 55 Fire Department employees under union contract will be as follows:

FY12	1.0%
FY13	1.5%
FY14	2.0%

**Secondary Education Incentive Program**

In addition to these salary and wage adjustments, the agreement contains a provision for the establishment of a *Secondary Education Incentive Program*. The program is designed to encourage employees to pursue relevant secondary education by providing the following increases upon completion of:

Bachelor's/Master's Degree	\$4,000/year additional compensation
Associate's Degree or 20 years career experience	\$2,000/year additional compensation
Fire-Service Certification Pay (up to a max of 4 certifications)	\$275/year/certification

There are currently 6 Fire Department employees eligible for the Bachelor's/Masters Degree increase and 17 eligible for the Associate's Degree/20 years increase. These employees will receive the relevant increases effective July 1, 2012. This program is similar to the post-Quinn Bill education incentives provided by the Wellesley Police Department and consistent with that provided by comparable communities.

**EMT Recognition**

The contract also provides increases for employees who are active Emergency Medical Technicians (EMTs):

- In FY12: An increase in the EMT stipend from \$45 to \$55 per week (effective July 1, 2011);
- In FY13: An increase in the EMT stipend to the amount equivalent of 5% of the base pay for a 4th step Lieutenant (in FY13, this will be \$60.02 per week).

The net budget impact of the negotiated agreement is as follows:

Fiscal Year	Net Budget Impact (%)	Net Budget Impact (\$)	Comments
FY12	+1.5%	\$67,647	This increase is covered by the appropriation to the Fire Department under the FY12 operating budget and does not require a supplemental appropriation.
FY13	+5.0%*	\$228,446*	The net budget impact for FY 13 includes estimated payments for the SEIP as well as salary and wage increases. In FY13, this increase will be partially offset by a proposed reduction in the Fire Department Operating Budget.*
FY14	+2.0%	\$87,000	

*\*The increase associated with the agreement will be partially offset in the Fire Department FY13 Operating Budget (now under development) by the elimination of the ambulance subsidy for an annual savings of \$80,000. The net budget impact in FY13 including this reduction is +3.2% (\$148,446).*

The agreement has been approved by the Board of Selectmen and has been ratified by the Wellesley Firefighters Local 1795, IAFF. Schedule B sets forth the adjustments to the Town's salary and wage schedule based on this agreement.

**SCHEDULE B**  
**SALARY PLAN - PAY SCHEDULE**  
 Effective July 1, 2011 (1%)

<b>Classification</b>	<b>1st Step</b>	<b>2nd Step</b>	<b>3rd Step</b>	<b>4th Step</b>
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%)

<b>Classification</b>	<b>1st Step</b>	<b>2nd Step</b>	<b>3rd Step</b>	<b>4th Step</b>
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%)

<b>Classification</b>	<b>1st Step</b>	<b>2nd Step</b>	<b>3rd Step</b>	<b>4th Step</b>
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

Advisory will be hearing a presentation on the negotiated agreement by the Board of Selectmen and will be discussing the details prior to Town Meeting, but after the date this Report goes to press. Therefore, Advisory will provide its comments and recommendation in a supplemental Report or in remarks at Town Meeting.

**Advisory will make its recommendation at or before Town Meeting.**

**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.**

**(Board of Selectmen)**

This article seeks the approval of Town Meeting to remove all uniformed Fire Department personnel from the provisions of the Civil Service laws as part of a negotiated agreement between the Town of Wellesley and the Wellesley Fire Fighters Local 1795, IAFF ("the Union").

Town Meeting first accepted the statute to put the Wellesley Fire Department under Civil Service in 1922. The original objectives of Civil Service were to ensure fair and equal opportunities for all applicants and employees and to create an efficient work environment. By establishing a standard exam required for hire, the Civil Service provided protections for employees in non-military government agencies specifically to mitigate an environment of political influence and patronage.

Today, however, the Civil Service system is fraught with inefficiency and antiquated hiring and promotion procedures such that it constrains the ability of the Town to maintain a highly competent, educated and diverse Fire Department. Further, the Civil Service statutory protections afforded employees with respect to external review of disciplinary matters have been replaced by a negotiated grievance and arbitration process, which is generally agreed to provide resolution on a considerably more timely basis.

In 2010, Town Meeting voted to remove the Police Department from the provisions of the Civil Service laws for the same reasons. The experience over the last year has been an increased pool of applicants for open positions leading to the hiring and promotion of qualified, highly educated and diverse individuals. It is the opinion of the Chief of Police that the value attained so far and the anticipated future value to the Department have been and will be worth the costs associated with the decision.

Upon approval by Town Meeting, the negotiated agreement between the Town and the Union will remove the Wellesley Fire Department from the provisions of Civil Service, effective January 1, 2012 (applicable to all new hires and new promotions; current employees remain grandfathered in Civil Service). In its stead, the Fire Department will strictly adhere to non-civil service hiring procedures detailed in the agreement which are designed to identify the best qualified candidates to meet the Town and Department's needs. These procedures use a wider spectrum of selection tools than are available under Civil Service, including tactical exercises (interactive simulations) and the evaluation of communication skills which are elements absent from the Civil Service written exam. The procedures for promotion detailed in the agreement also expand the factors that will be considered when a lieutenant or captain position is filled. The Fire Chief will have final authority to recommend candidates for hiring and promotion. Final appointing authority remains with the Board of Selectmen.

**Advisory will make its recommendation at or before Town Meeting.**

**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.**  
**(Municipal Light Board)**

The Municipal Light Plant Board (MLP) requests an appropriation, to be expended under the direction of the Permanent Building Committee (PBC), for the construction of a two-story, 8,220 square foot addition to the existing Municipal Light Plant garage, located at 2 Municipal Way, to accommodate administrative, engineering and customer service personnel.

This request is for an appropriation incremental to \$1,920,000 already authorized for this project by ATM 2010. The entire appropriation, including the incremental amount for this project will be from MLP funds and will have no tax impact.

The amount of the 2010 request was based on the project architect's estimate for an addition constructed using modular components. At that time, it was believed that this form of construction would save the MLP between \$300,000 to \$500,000 in construction costs, though bids had not yet been received. The original project was advertised for bid in August 2010. Four bids were received ranging from \$2.6M to \$3.1M, substantially more than projected. The PBC and MLP reviewed the bids and agreed that the expected benefits of modular construction were not realized in the bids. The project was not awarded to any of the bidding contractors.

In January 2011, the MLP engaged a new architectural firm, Gienapp Architects, to prepare revised contract documents for the purpose of re-bidding the project to be constructed by standard construction methods. The scope and size of the project are substantially unchanged from the initial building project presented in 2010, but for additional elements required to comply with the Stretch Building Code and a highly efficient HVAC system

The inadequacies of the current MLP/DPW administrative building have been well documented at previous Town Meetings. Advisory agrees that an MLP administrative building addition is needed and will provide benefits to the Town and MLP without tax impact. The MLP has sufficient cash reserves to complete this project and has no plan to issue debt or increase rates for this purpose.

Advisory believes that the MLP and the PBC made an appropriate decision to reject the initial bids for modular construction when the expected cost benefits were not realized and to rebid this as a standard construction project.

Advisory will further evaluate this request following MLP's receipt of bids for the project. MLP's current cost estimate for construction of this project is \$2,739,975, which would necessitate a request for an incremental appropriation of \$819,975 from MLP funds to the PBC.

**Advisory will make its recommendation at or before Town Meeting.**

**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.**

**(Ad Hoc Facilities Maintenance Committee)**

**Advisory expects no motion under this Article.**

**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.**

**(Community Preservation Committee)**

This Article seeks an appropriation for Phase 3 of the Fuller Brook Park Preservation Project. The Community Preservation Committee (CPC) recommends that \$665,000 be appropriated from the Community Preservation Fund to the Fuller Brook Park Preservation Coordinating Committee (FBPCC) to complete the final design, additional studies, permitting and development of construction and bid documents for the project. The Report of the FBPCC may be found on page 14.

The Community Preservation Act (CPA) was accepted in Wellesley in 2002. Pursuant to the CPA, Wellesley imposes a 1% surcharge on the annual tax bill assessed on real property (with exceptions). Funds raised through the local surcharge and any matching funds provided by the Massachusetts Community Preservation Trust Fund are held in the Community Preservation Fund. The CPA specifies that at least 10% of the funds collected each fiscal year be spent or reserved for each of the CPA's three main purposes: 1) acquisition and preservation of open space and land; 2) acquisition and creation of affordable housing; and 3) acquisition and preservation of historic buildings and landscapes. Funds not spent in one year may be carried over to subsequent years as long as they are ultimately used for the purpose for which they were reserved. The remaining 70% of the annual funds may be appropriated or saved, for one or more of these primary purposes or for the purpose of recreation. Multi-use projects can draw funds from one or more categories.

Fuller Brook Park is a popular and well-used public open space, dating back to the 1890s and encompassing 23 acres, spanning two and one-half miles from Dover Road to Maugus Avenue. The stream drains nearly one third of Wellesley's storm water run-off and the paths are used for recreation and pedestrian access to schools, public transportation, the main library and town center. The land is under the jurisdiction of the Natural Resource Commission (NRC) and is maintained by the Department of Public Works (DPW). Much of the park's vegetation needs treatment, removal or stabilization; the path network needs repair and is crumbling in places. The path is not ADA accessible. Invasive species are taking over sections of the park; the stream course, damaged by erosion, invasive plants and sedimentation buildup, needs repair; and its flood control capacity is substantially diminishing.

In 2009, the NRC commissioned the development of a Preservation Master Plan which defined the park's historical significance, analyzed the current needs and identified the public's concerns about the park and its future. The plan also articulated guiding principles and goals for

preservation, management and public use. A program of improvements was recommended to protect the park from further deterioration and destruction and to make repairs that preserve and restore it for its intended use. The Wellesley Historical Commission has reviewed the characteristics of Fuller Brook Park and determined that the entire park qualifies as historic for purposes of the CPA.

The Fuller Brook Park Preservation Project has been broken down into distinct phases:

**Phase 1:** Park Preservation Master Plan completed by Halvorson Design Partnership in 2009. The cost of this phase was \$50,000, funded by NRC.

*Phase 1 was followed by the creation of the Fuller Brook Park Coordinating Committee (FBPCC) comprised of representatives from the Board of Selectmen, Natural Resources Commission, Board of Public Works, Planning Board, Community Preservation Committee, Historical Commission, School Committee and Trails Committee, and two at-large members. The FBPCC would oversee the project going forward.*

**Phase 2:** Creation of a Preliminary Design Plan (“10% drawings”) that advanced the Master Plan with more detailed recommendations to preserve and restore the park, completed by Pressley Associates in January 2011 and funded by CPA at a cost of \$250,000. The FBPCC decided not to make the Phase 3 appropriation request at the April 2011 ATM, believing that the Pressley cost estimate of \$775,000 was too high, but instead put the project out to bid in order to have *actual* cost estimates;

**Phase 2:1:** Construction of a Demonstration Path (in process October 2011) and development of the Phase 3 Request for Proposal (RFP). The RFP process has been completed and the design/engineering company selected. This Phase was also CPA funded at a cost of \$23,000;

**Phase 3:** Final design, additional studies, permitting, development of construction documents and bid process (\$665,000 in CPA funds is the subject of this appropriation request); and

**Phase 4:** Implementation/construction phase.

Phase 3, for which funding is currently sought, includes the following:

- preparation of final designs;
- bid and construction documents;
- permitting (the permitting phase, including eight separate permits, would begin in May 2012; the permits being sought are expected to be valid for a range of 3-5 years and renewable if necessary);
- exploration of possible alternatives for phasing and funding of the work in Phase 4; and,
- the plan for ongoing maintenance of the park (maintenance costs and alternatives will be included in the evaluation and recommendation of each element of the project).

Final cost estimates and phasing options are projected to be completed in March-April 2013.

The documentation produced in Phase 3 will provide the detailed costs, scope and timing options for Phase 4 which will be subject to future Town Meeting approval. Phase 4, the construction phase of the project, is expected to require both CPC and other town resources for completion. The CPC’s Five Year Plan anticipates an allocation of \$3.6 million in CPC funds for this project and the Town-wide Financial Plan projects an allocation of town funds, estimated at \$1.8 million, potentially subject to voter approval of a debt exclusion.

## **Advisory Review**

Advisory supports the efforts of the FBPPC as it proceeds to the next phase of the project development. The decision to hold the appropriation request until actual bids were available has reduced the request by approximately \$110,000 and has provided assurances in the actual cost of Phase 3.

Advisory has some concern about the availability of funds for Phase 4 of this project in FY14. While the project enjoys substantial support, it is not certain that funds sufficient for completion will be immediately available given competing demands for town resources and CPA funding. Advisory is satisfied, however, that the design, planning and permitting proposed in Phase 3 will allow segmenting or phasing of construction over time, if necessary.

Questions about the costs of maintaining improvements to the park were raised by Advisory. The FBPPC has indicated that a detailed maintenance plan and full cost estimates for maintenance of the improvements to the park will be developed in Phase 3. Town Meeting will have the opportunity to consider cost estimates for future maintenance of the park as it evaluates any funding requests for Phase 4 of the project.

Advisory recognizes that the Fuller Brook Park is an important town asset that should be restored and preserved. The Park and its paths are a valuable recreational and aesthetic Town resource, the paths have the potential to provide even greater pedestrian transportation opportunities and the stream is an essential component of the town's storm water management plan. Advisory agrees that funding for Phase 3 is necessary to move the project forward and that this is an appropriate use of CPC funds.

**Advisory recommends favorable action, 14 to 0.**

**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.  
(Board of Selectmen)**

Under this Article, the Board of Selectmen (BOS) requests authorization to seek special legislation from the Massachusetts General Court (State Legislature) to enable the BOS to grant alcohol licenses to restaurants with a seating capacity of at least 50, as opposed to the current minimum of 100.

### **Background**

Massachusetts General Law Chapter 138 authorizes cities and towns to permit the sale of alcoholic beverages by restaurants having a seating capacity of not less than 100 persons. Over a series of three successive elections the voters of Wellesley approved this measure for the Town, as of 1976. The Town has the authority to grant either an all alcohol license or a more limited wine and malt beverages (beer) license. In 1983 the Massachusetts Legislature also authorized the towns to issue liquor licenses to educational institutions and social clubs.

Currently in Wellesley there are six liquor licenses issued to colleges and social clubs and there are 12 liquor licenses issued to restaurants. Each of these is an all alcohol license. A total of 29 all alcohol and 6 wine and malt beverages licenses are available to be issued in Wellesley specifically for restaurants, based upon the Town's population. It is important to note that the Town's regulations concerning the sale of alcoholic beverages stipulate that the restaurant that serves alcohol in Wellesley do so in conjunction with serving food at tables. Restaurants are

also permitted to have up to 10 bar seats where alcohol is served, so long as food is also served.

Several existing Wellesley restaurants with fewer than 100 seats have expressed interest in this special legislation to lower the minimum seat requirements for obtaining a liquor license. In addition, landlords of commercial spaces that could accommodate restaurants with 50 to 100 seats have indicated that the availability of liquor licenses, without the required space and capital investment necessary for a 100 seat establishment, would make some vacant commercial sites attractive for restaurant use.

If the authorization to seek special legislation is approved by Town Meeting, the BOS will petition the General Court immediately. Unless required by the State Legislature, a town-wide vote is not required and will not be pursued. It is possible that the General Court could act upon the petition as early as January or February of 2012. Therefore, the change could be implemented in a timely way. In conjunction with the request to file the special legislation, the BOS has requested that the Police Department review the current requirements concerning the sale of alcohol in restaurants.

### **Advisory Review**

In evaluating this proposed authorization, Advisory considered the potential impacts on the Town of an increase in both the number of current restaurants that serve alcohol and the expected increase in the number of new restaurants seeking Common Victualler and liquor licenses due to the enhanced economic viability of smaller commercial sites for restaurant use. Advisory also considered what actions comparable Massachusetts towns have taken in regards to this issue.

Advisory believes that new restaurants locating in Wellesley could bring added vitality to certain commercial areas of Town. There is also potential for a small increase in revenue to the Town through the 0.75% meals tax which may be offset somewhat by the potential for some increase in public safety expense due to higher traffic, especially in the evenings.

The total number of liquor licenses that may be granted is capped by state law. The BOS, in its role as Licensing Board for the Town, will continue to scrutinize all Common Victualler and liquor license applications under all other current regulations. The BOS has the authority to impose conditions on licenses to minimize negative community impacts, including those associated with traffic and parking. Advisory notes that there has been past voter support for the sale of alcohol in restaurants and perceives no significant impact on that support as a result of this amendment which relates only to the minimum seating capacity. If a town-wide vote is required by the State Legislature, Advisory encourages that the election be combined with another scheduled municipal or state election if possible to avoid the cost of a separate election.

Advisory agrees that the reduction in minimum seating capacity for a restaurant in Wellesley to obtain a liquor license would bring a net benefit to the Town.

**Advisory recommends favorable action, 14 to 0.**

**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.**

**(Board of Selectmen)**

The Board of Selectmen (BOS) proposes the adoption of a Bylaw, authorized by State law, to allow the Wellesley Police Department (WPD) to conduct fingerprint based national and state criminal background checks on applicants for the following occupational activity licenses: manager of alcoholic beverage license (licensee and manager); hawker and peddler (includes for-profit door-to-door solicitors); owner or operator of public conveyance (taxi and livery); dealer of second-hand articles and ice-cream truck vendors. A draft of the proposed Bylaw is available on the Town's website at [www.wellesley.ma.gov](http://www.wellesley.ma.gov).

Criminal background checks are currently conducted by the WPD to determine the suitability of applicants for each of these licenses, with the exception of ice-cream truck vendor and dealer of second-hand articles. State law will, however, require the Town to license and perform criminal background checks on ice-cream truck vendors beginning next year. The Town licenses dealers of second-hand articles but does not currently perform background checks. Current regulations governing occupational licenses specify the types of criminal offenses that are relevant to a determination of an applicant's suitability for that license.

Criminal background checks are currently conducted utilizing the Massachusetts Criminal Offender Record Information (CORI) system. The CORI system is name-based rather than fingerprint based and includes only records of Massachusetts offenses. This Bylaw would authorize WPD access to broader criminal record databases, most notably the criminal records from states that have fingerprint databases and the FBI, for the sole purpose of determining the suitability of applicants for the licenses. The Bylaw specifies a process for applicants to receive a copy of background check results and to challenge the accuracy of the information obtained. The Bylaw would authorize the WPD to charge applicants a fee of \$100. A portion of the fee, currently \$30, is required by State law to be deposited into the Firearms Fingerprint Identity Verification Trust Fund. The remainder of the fee is to be retained by the Town for costs associated with the administration of the fingerprint system. The WPD has determined that the fingerprinting associated with this proposed Bylaw will not require additional resources.

Adoption of this Bylaw does not increase the discretion of the WPD or BOS in determining whether a license will be granted or denied. It simply will authorize WPD to obtain information about license applicants utilizing fingerprint based checks of state and national criminal databases, rather than information from Massachusetts only. This information is expected to be more complete and accurate than that obtained by a Massachusetts CORI check alone.

Some members of Advisory question whether there has been a demonstrated need for additional criminal background information about applicants for each of the occupational licenses specified in the proposed Bylaw; whether the additional information is expected to substantially improve the Town's decision making process; and whether the benefit to the Town justifies the imposition of a fingerprinting requirement on license applicants.

A majority of Advisory believes that the increased accuracy of fingerprint based background checks and access to a national database will improve the quality of criminal background checks that the Town is already authorized to perform and will provide a benefit at no additional cost to the Town.

**Advisory recommends favorable action, 12-1.**

**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.**

**(Board of Selectmen)**

Through this article, the Board of Selectmen seeks approval of an amendment to the existing Development Agreement between the Town and the owner/developer of Linden Square (the "Developer"), which would permit the Developer to extend the term of its lease with the Volkswagen dealership (the "VW Lease") for 20 years.

The Development Agreement was entered into in 2005 in connection with the Town's grant of permits to the Developer for the redevelopment of Linden Square. The original Development Agreement prohibited the extension of the VW Lease beyond its expiration date of December 30, 2010 and provided that the Developer would not permit another automobile dealership on its property in Linden Square after such expiration. In 2009, the Developer requested and was granted an amendment to the Development Agreement permitting the Developer to extend the term of the VW Lease to December 31, 2011. In exchange, the Developer agreed to certain concessions, including, among other things, sidewalk improvements in front of the Volkswagen dealership and \$50,000 in payments to the Town. This amendment was approved at the 2009 ATM.

In 2010, the Developer requested and was granted a further amendment to the Development Agreement permitting it to extend the Volkswagen lease through December 31, 2013. In exchange, the Developer made additional concessions including additional sidewalk improvements and an additional \$50,000 in payments to the Town. This amendment was approved at the 2010 ATM.

The Developer has now requested an additional amendment to the Development Agreement that would permit it to extend the VW Lease for up to 20 years in exchange for certain concessions to the Town. Negotiations are still in progress as this report goes to press, neighbors have just recently been informed of the proposed lease extension and the Board of Selectmen has not yet made its recommendation.

**Advisory will make its recommendation at or before Town Meeting.**

**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.**

**(Board of Selectmen)**

**Advisory expects no motion under this Article.**

**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.**

**(Board of Selectmen)**

This Article seeks approval to rescind unused borrowing authority as follows:

- \$1,998,000 authorized by ATM 2007 for the Municipal Light Plant garage project (\$1,998,000 was authorized but none borrowed);
- \$917,000 authorized by ATM 2007 for the Water/Sewer garage project (\$7,417,000 was authorized of which \$917,000 was not borrowed).

Additional borrowing is no longer needed because both of these projects are now complete.

**Advisory recommends favorable action, 14 to 0.**

## **REPORT OF THE FULLER BROOK PARK**

### **COORDINATING COMMITTEE**

The Fuller Brook Park Coordinating Committee (FBPCC) is seeking an appropriation of \$665,000 under Article 8 of the 2011 Special Town Meeting for Phase 3 of its project to preserve, restore and rehabilitate Fuller Brook Park.

Fuller Brook Park, Wellesley's first public park, was established in 1899. This 23 acre linear, two-and-a-half mile green space parallels Washington Street along Caroline and Fuller Brooks from Dover Road to Phillips Park at Maugus Avenue. It is an important historic and open space that provides crucial environmental and recreational resources and services. Specifically, the park comprises a vital part of the Town's stormwater and drainage system, as well as its trail system. The Massachusetts Historical Commission has determined that the Park is eligible for listing on the National Register of Historic Places, confirming that the Park qualifies for Community Preservation Act (CPA) funding for projects focused on preservation, restoration, and rehabilitation.

### **BACKGROUND**

Fuller Brook Park was originally designed in the late 1800s to facilitate the drainage of an indigenous swamp surrounding a small brook. In particular, this was achieved by converting the brook into the robust stream course we know today as the Fuller Brook. The goal of this endeavor was to use the surrounding land for housing in order to serve the expansion and consequent growth of the newly incorporated Town of Wellesley.

This idea was realized through the input of enlightened landscape architects, such as Warren Manning and the Olmsted Office. Manning and other select engineers collaborated with accomplished landscape architects who had worked on similar projects, such as the draining of the Muddy River in order to create the Emerald Necklace. The founders of Wellesley, who had feared that slum housing would be assembled along this former stretch of swampland, initiated this design to improve drainage in the area while creating a public green space. The constructed streambed that resulted from the project served the emerging neighborhoods of Wellesley quite well for many decades.

Over time (particularly during the 1950s) more houses were constructed and streets were paved and Fuller Brook Park served as the repository for increased runoff from paved surfaces and rooftops. The increased water flow caused frequent flooding, destroying fragile stream banks and the Park's vegetation. Today, Fuller Brook Park manages 32 percent of the Town's entire water runoff, much more than the original plans had intended. As a result, the Brook's banks are in a dangerous state of deterioration and regular flooding of large areas is commonplace.

The Natural Resources Commission (NRC) has worked hard over a number of years to plan and implement a comprehensive program that will preserve, restore and rehabilitate Fuller Brook Park. Part of this effort has included hiring Halvorson Design Partnership to develop a Preservation Master Plan (Phase 1 of the project). Based on that Plan, the NRC and the Trails Committee initially applied to the Community Preservation Committee (CPC) for funding for a comprehensive, multi-year project for the Park.

After input from a public hearing and discussions among the CPC and NRC, the FBPCC was formed with the mission of assisting the Town and the NRC with the development of a revised approach to the task of protecting and improving the Park. The FBPCC is a task force comprised of designees from relevant Town boards, including the NRC, Board of Selectmen, Board of Public Works, Historical Commission, Trails Committee, and School Committee, and

two at-large members. These members provide input on behalf of their board or committee and contribute technical expertise and guidance in the development and implementation of the project. Additionally, the Directors of the Department of Public Works (DPW), NRC and Planning Department, and the Town Engineer all participate in the meetings.

Phase 2 of the process, consisting of extensive hydrological, ecological, and historical studies by a team of landscape architects and scientists under the direction of Pressley Associates, led to a report and public presentations in 2010. These in turn yielded plans, data, and cost estimates based on this phase's "10 percent design" threshold.

Following the completion of Phase 2, FBPCC sought bids from consulting firms, or teams of firms, to conduct Phase 3 of the project. Components of Phase 3 included completing all required designs, obtaining all permits, and preparing bids. Concurrently, FBPCC planned a test of materials for a restored path, which is the feature of the Park that has been most discussed by town residents in public meetings and written comments.

In August 2011, FBPCC selected a team headed by Beta Group, Inc. to carry out Phase 3. In October, DPW workers installed test segments on the path between State Street and Wellesley Avenue.

FBPCC plans to make a formal request to the CPC no earlier than the 2013 Annual Town Meeting for funding. This funding would support the completion of Phase 4 of the project, during which work identified in Phase 3 will be carried out.

#### **APPROPRIATION REQUEST**

<b>Current Request</b>	<b>FBPCC Estimate for Phase 3</b>	<b>Pressley Preliminary Design Issued January 2011</b>
Consultant	\$473,900	\$525,035
Project manager	86,400	70,000
Additional studies	Included in Consultant fee above	<u>110,000</u>
Additional Survey Work	<u>20,000</u>	0
Subtotal	\$580,300	\$705,035
Contingency	<u>84,700</u> (14.59%)	<u>63,504</u> (10%)*
Total	\$665,000	\$768,539

**\*Calculated without including the Project Manager Fee**

The consultant for Phase 3 will provide final stream, vegetation and path design as well as the permitting services that will allow the project to progress from approximately 10 percent design completion to bids-in-hand.

The FBPCC decided it should bring bids-in-hand to the next Town Meeting for Phase 3 of the project. Following the close of the 2011 Annual Town Meeting, the FBPCC issued its Request for Proposals. Thirty firms showed interest in the proposal, six of which ultimately submitted

bids. Five of the six firms were interviewed and their bids ranged from \$473,900 to \$561,454. The firm disciplines necessary in this Phase of the project include consultants in the fields of landscape architecture, engineering, forestry, environmental science, and historic preservation. Beta Engineering, the selected firm, submitted a bid of \$473,900. Their team includes the Horsley, Whitten Group (leaders in stream bank restoration and stormwater management), Park Planning Associates and Gates, Leighton and Assocs., Inc.

Proposed project manager fees cover two years in the amount of \$86,400. Specific services include meeting attendance, review of all plans and designs, coordination of meetings with other Town departments, budget monitoring, and task tracking, including permitting processes.

The \$20,000 in the current budget request reflects the identification of additional survey work needed, particularly in the Segment 3 area.

The FBPCC sees two potential areas for additional costs: expanded State permitting requirements and costs associated with more detailed soil sampling and sedimentation removal.

The actual Phase 3 design costs are quite a bit lower than those estimated by Pressley Landscape Architects as outlined in its January 2011 report, which was produced at a 10 percent design phase. Its estimate of \$768,539 was based on a commonly used industry standard for calculating design costs, which is 8 percent of the final construction cost.

## **SUPPORT FOR THE PROJECT**

To date, the following boards have all specifically voted to support the project: Advisory Committee, Board of Public Works, Board of Selectmen, CPC, NRC, School Committee, Trails Committee, and the Wellesley Historical Commission.

## **CONCLUSION**

Fuller Brook Park is an essential part of Wellesley's built infrastructure. Without adequate funding to address the park's wide range of problems, its vital ecological systems, recreational resources and stormwater management infrastructure will continue to deteriorate to the point where its use and function will be severely compromised. It is imperative that we recognize Fuller Brook Park as an asset that has served this Town for over a century and restore it to its former splendor and functionality.

Respectfully submitted,

Katherine Babson  
William Charlton  
Rose Mary Donahue, Chair  
Ursula King

Heidi Kost-Gross  
Suzanne Newman  
Herbert Nolan  
Robert White, Vice-Chair  
David Wright

# **GUIDELINES FOR CONDUCT**

## **OF WELLESLEY REPRESENTATIVE TOWN MEETING**

### **I. 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 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 often will 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 shall abide by the laws of the Commonwealth including the prohibitions of smoking and 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. These guidelines, except to the extent that they embody statutes and Town Bylaws, are not intended as rules having legal effect.

### **II. PARTICIPANTS IN THE MEETING**

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

**B. *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.

**C. *Moderator*** - The Moderator shall preside at the Meeting and shall regulate the proceedings 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 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.

**D. 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 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.

**E. 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 or 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.

**F. Tellers** - The Moderator shall appoint Town Meeting Members as Tellers for the purpose of counting the votes of the Meeting. Such appointments may, in 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 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.

### III. MOTIONS

**A. Need for Motion** - Action by the Meeting is taken solely by a vote of the Meeting on a motion duly made at the Meeting.

**B. Subject of Motions** - 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 a motion is "within the scope of the warrant," that is, whether the warrant gave adequate notice that the action proposed by the motion might be taken at the Meeting.

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.

**C. 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.

**D. Formal Requirements** - Motions can be made only by a Member of the Meeting. 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 motions to the Selectmen by a date specified by the Selectmen. The motions must also be submitted to the Moderator and the Chair of the Advisory Committee.

The exact form of any motion or amendment must either be 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 any 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.

**E. 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 Chair 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.

**F. 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 3/5ths vote in order to be reconsidered by Town Meeting.

#### IV. DEBATE

**A. Persons Authorized** - All residents of Wellesley, whether or not Town Meeting Members or registered voters, may address the Meeting. Non-residents may address the Meeting with the approval of the Moderator or a majority of the Meeting.

**B. 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.

**C. 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.

**D. Conduct** - All remarks should be limited to the subject then 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 a 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.

**E. Personal or Financial Interest** - Individuals who have a personal or financial interest with respect to a matter may speak or vote thereon but should frankly disclose their interest

before speaking. However, no Town Meeting Member should accept compensation for speaking to or voting at the Meeting.

- F. Time** - There is no time limit to the debate of any question. Accordingly, motions to limit time for 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.
- G. Repeated Speaking** - In order to give all a fair opportunity to speak, no one who has 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.
- H. Maps** - The Planning Board has slides of Town maps available for use at all Meetings and may be requested on reasonable notice to make available a slide of any map appropriate to the subject under discussion.

## V. 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.

## VI. DEFINITIONS

- A. Roll Call** - Upon motion supported by not less 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, "Aye," "Nay," "Abstain," or "Not Present" as the case may be.
- B. Secret Votes** - There shall be no secret ballots or other secret votes at Town Meeting.
- C. Majorities** - Except as otherwise provided by law or the Town's Bylaw, all actions of the Meeting shall be taken upon vote of a simple majority of those present and voting.
- D. Ballot Vote**
  - (a) Upon a motion supported by not less 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 aye, nay, 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 3 years.
  - (b) If a law or a bylaw requires a two-thirds vote 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 above. 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 either by means of a standing vote, by roll call or by ballot as provided in the Town's Bylaw.

## **VII. ADJOURNMENT AND DISSOLUTION**

- A. *Adjournment*** - Sessions of the Town Meeting shall normally adjourn about 11 o'clock in the evening but may adjourn at such earlier or later time as the Town Meeting upon vote of a majority of its Members may determine.
- B. *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.

## **VIII. RECORD OF MEETING**

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.

## **IX. REFERENCE TO TOWN MEETING RULES**

Wellesley Representative Town Meeting was established by Chapter 202 of the Acts of 1932 which has been amended several times since then. Certain customs have developed in the conduct of the Town Meeting. Wellesley custom does not differ substantially from the custom of other representative town meetings, as generally described in *Town Meeting Time* (Little, Brown, and Company 1962), a book that also contains references to applicable court decisions and statutes. All custom may be changed by law, or the Bylaws of Wellesley, 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.