

Final

TOWN OF WELLESLEY



MASSACHUSETTS

**WARRANT
for the
SPECIAL TOWN MEETING
November 2, 2015**

ADVISORY COMMITTEE PUBLIC HEARING (WARRANT ARTICLES)
October 7, 2015, 7:00 P.M. at Town Hall

Commonwealth of Massachusetts
Norfolk, ss.

To any Constable of the Town of Wellesley in the County of Norfolk.

GREETINGS:

In the name of the Commonwealth aforesaid you are hereby required to notify the qualified voters of said Town of Wellesley to meet in the

**Wellesley Middle School Auditorium
50 Kingsbury Street
November 2, 2015**

at 7:00 P.M. at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members, in accordance with Chapter 202 of the Acts of 1932, and amendments thereto, and subject to the referendum provided thereby.

**ARTICLE 1
Board of Selectmen
Town Reports**

To see if the Town will vote to choose a Moderator to preside over said meeting and to receive reports of town officers, boards and committees, including the Reports of the Advisory Committee and the Town Government Study Committee; or take any other action in relation thereto.

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ARTICLE 2
Board of Selectmen
Retire Bond Anticipation Notes

To see if the Town will appropriate a sum of money to permanently retire bond anticipation notes originally issued on June 15, 2015 to pay costs of various capital projects, such funds to be derived from excess bond premium received by the Town on account of the issuance of bonds in fiscal year 2015, or take any other action in relation thereto.

ARTICLE 3
Town Government Study Committee
Special Act and Bylaw Provisions Providing for a Selectmen – Town
Manager Form of Government

To see if the Town will vote:

A. To authorize the Board of Selectmen, on behalf of the Town, to petition the General Court for passage of a special law substantially as provided below. The Legislature may make clerical or editorial changes in form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the Legislature. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

**An Act Providing for a Selectmen – Town Manager Form of Government in
the Town of Wellesley**

Section 1. Board of Selectmen

(A) The board of selectmen of the town of Wellesley shall consist of five registered voters of the town elected for a term of three years each, the terms of no more than two of which shall expire in any year.

(B) The executive powers of the town shall be vested in the board of selectmen, who shall have all of the powers and duties granted to boards of selectmen by the Constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be provided by special law, by town bylaw, or by town meeting vote, except for those powers expressly granted thereby to the town manager.

(C) The town of Wellesley may, by bylaw, authorize the board of selectmen to appoint, by vote of a majority of its members, a town manager with the powers set forth in Section 3 of this act or an acting town manager with such powers as the board of selectmen may deem necessary or appropriate. The board shall appoint a town counsel, special police in accordance with Chapter 330 of the Acts of 1946 as amended and any other appointed board or committee member or official for whom

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no other method of selection has been provided pursuant to this act or by town bylaw.

(D) Notwithstanding the provisions of any general law to the contrary, the board of selectmen or its designee shall be the local licensing authority of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses. The board of selectmen shall be the local licensing authority for the issuance of all licenses pursuant to Chapter 138 of the General Laws; provided, however, that the board of selectmen or its designee may issue temporary licenses in accordance with Chapter 138, Section 14 of the General Laws.

Section 2. Town Manager

(A) The town manager of the town of Wellesley shall be appointed solely on the basis of executive and administrative qualifications. The town manager shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. No person holding elective public office in the town with the exception of a town meeting member shall, within twelve months of holding the office, be eligible for appointment as town manager. The town may, by bylaw, establish such additional qualifications as it may deem necessary and appropriate; provided, however, that the board of selectmen may establish such further additional qualifications as it may deem necessary and appropriate.

(B) The terms of the town manager's employment may be the subject of a written contract entered into pursuant to Chapter 41, Section 108N of the General Laws. The town manager's compensation shall not exceed the amount annually appropriated for that purpose.

(C) The town manager may be appointed or re-appointed for successive terms of office, no term of which shall be for more than five years.

Section 3. Powers and Duties of Town Manager

(A) Upon appointment, the town manager shall be the chief administrative officer of the town, shall be vested with the powers and duties set forth in Section 3(B), and shall be responsible to the board of selectmen for the proper administration of all town affairs placed in the town manager's charge by or in accordance with this act.

(B) The town manager's powers and duties shall include:

(1) Notwithstanding the provisions of Chapter 41, Sections 69E and 97A, the town manager may fix the compensation of all town officers and employees appointed by the town manager within the limits established by applicable appropriations and any compensation plan in effect at such time.

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(2) Notwithstanding the provisions of Chapter 48, section 42 or 42A, if accepted at any time by the town, or any other general or special law to the contrary, the town manager may appoint and remove a police chief, a fire chief or chief fire engineer, a town clerk and all department heads, officers, subordinates and employees of the town, except for employees of the school committee, the municipal light board, appointments made by the commonwealth and those appointments for which another method of appointment is provided for in this act. Appointments of the police chief and fire chief or chief fire engineer shall not take effect unless approved by the board of selectmen. Any appointment of other department heads or chief staff employees of elected and appointed boards and committees shall take effect no sooner than (1) it is approved by such board or committee; or (2) 15 calendar days after notice of the appointment has been provided to such board or committee without any action thereon; whichever occurs first. The town manager shall provide notice to the affected board or committee before such removal if practicable, but in no case later than the end of the third business day following the removal of a department head or chief staff employee.

(3) The town manager shall manage and supervise all town departments except for the school department and the municipal light department.

(4) The town manager may, except as otherwise prohibited by law, reorganize, consolidate, abolish or create town departments in whole or in part, and transfer the duties, powers and appropriations incidental to the reorganization of one town department to another as follows:

(i) For town departments under the supervision of the board of selectmen, with the approval of the board of selectmen; and

(ii) For all other town departments, after consultation with the affected board, and with the approval of the affected board or Town Meeting.

(5) The town manager shall direct the operational and strategic planning for the town.

(6) The town manager shall provide for the execution and enforcement of the provisions of law that require enforcement by town officers and employees subject to the town manager's direction and supervision.

(7) The town manager shall keep the board of selectmen fully informed as to the financial condition and needs of the town and to make such recommendations to the board of selectmen as the town manager may deem necessary or appropriate.

(8) The town manager shall ensure that a full and complete record of the financial and administrative activities of the Town is kept, and render a report of such activities to the board of selectmen at the end of each fiscal year and at such other times as may be required by the board of selectmen.

(9) The town manager shall negotiate collective bargaining agreements for execution by the board of selectmen.

(10) The town manager shall attend all regular and special meetings of the board of selectmen except when excused.

(11) The town manager shall attend all sessions of town meeting in order to be available to answer all questions directed to the town manager that are related to the town manager's office or to matters within the town manager's authority.

(12) The town manager shall prepare and submit a proposed town-wide annual operating budget, financial plan and the long-range capital budget program.

(13) The town manager shall have the authority to approve any warrants for the payment of town funds prepared by the finance director; provided, however, that the approval of any such warrant by the town manager shall be sufficient to authorize payment by the treasurer, and provided further that the board of selectmen or its designee shall have the authority to approve such warrants in the event of a vacancy in the office of town manager or in the town manager's absence.

(14) The town manager shall serve as the Executive Officer of the town for the purposes of Chapter 258 of the General Laws.

(15) The town manager shall devote full-time to the office and except as expressly authorized by the board of selectmen, shall not engage in any other business or occupation during the term of office. Except as expressly provided in this act the town manager shall not hold any other public elective or appointive office in the town; provided, however, that, with the approval of the board of selectmen, the town manager may serve as the town's representative to regional boards, commissions, and the like, but the town manager may not receive additional compensation for such services.

(16) The town manager shall perform any other duties required by town bylaw, town meeting vote or the board of selectmen not inconsistent with this act.

Section 4. Removal Procedures

The board of selectmen may remove the town manager from office as follows:

(A) By affirmative vote of a majority of its members, the board of selectmen may adopt a preliminary resolution of removal setting forth in reasonable detail the reason or reasons for the proposed removal. The preliminary resolution may suspend the town manager for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the town manager forthwith following its adoption.

(B) Within five days after the delivery of a preliminary resolution of removal, the town manager may request a public hearing on the reasons cited for removal by filing a written request therefor with the board of selectmen. The hearing shall be convened by the board of selectmen not less than twenty, nor more than thirty days

after such request is submitted. Not less than five days prior to such hearing, written notice thereof shall be given to the town manager at the town manager's last known address. The time limitations set forth herein may be waived in writing by the town manager. Not less than forty-eight hours prior to the time set for the commencement of the public hearing, the town manager may file a written statement with the board of selectmen responding to the reasons cited for the proposed removal. The town manager may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing.

(C) The board of selectmen may, by a vote of a majority of its members, adopt a final resolution of removal, which shall be effective upon its adoption or such later date as may be designated therein; provided, however, that such resolution shall not be adopted until:

- i. Ten days after the date of delivery to the town manager of the preliminary resolution of removal; or
- ii. If the town manager has made a timely request for a public hearing, five days after completion of the public hearing or forty-five days after the adoption of the preliminary resolution, whichever occurs later.

(D) Failure to adopt a final resolution of removal within the time limitations provided in this section shall be deemed to nullify the preliminary resolution of removal. The action of the board of selectmen in suspending or removing the town manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the board of selectmen. The town manager shall continue to receive the town manager's compensation until a final resolution of removal has become effective.

Section 5. The term of office of any Town Clerk holding office on the effective date of this section shall continue until it shall have expired and a successor Town Clerk is appointed and qualified, or until the position otherwise becomes vacant.

Section 6. Section 3 of Chapter 555 of the Acts of 1978, as amended by Section 1 of Chapter 247 of the Acts of 1995 and Section 1 of Chapter 164 of the Acts of 2005, is hereby further amended by striking the first and second paragraphs in their entirety and inserting, in place thereof, the following –

Notwithstanding any general or special law to the contrary, the town of Wellesley is hereby authorized to establish by town bylaw a finance department. Any such bylaw shall provide that the department shall be responsible to the town manager. The department's duties and responsibilities may include coordination and administration of town financial services and activities, including the town's financial planning; investment of town funds; maintenance of town accounting records and financial statements; payment of all town obligations after securing required approvals; assisting in the development of budgets and reviewing all budgets for format, completeness, and accuracy before submission to the advisory committee; monitoring of all

expenditures of town funds; timely reporting to the town manager and to appropriate boards and officers of actual or foreseeable obligations of expenditures of funds in excess of budgeted appropriations; maintenance of payroll and other financial records relating to all town personnel; preparing and supervising town purchasing and inventory control procedures; administering the disposal of town property; and assisting the town manager in the supervision of all data processing and the development and enforcement of internal controls.

The finance department shall be under the supervision and management of the finance director, who shall be appointed by the town manager, subject to the approval of the board of selectmen, for a term of up to three years. The finance director shall be the chief financial officer of the town and shall serve as the town comptroller and town accountant. Subject to the approval of the town manager, the finance director shall appoint, for up to a three-year term, a town treasurer and collector of taxes, who shall be under the supervision and management of the finance director and shall have, except as otherwise expressly provided by this act, the powers and duties vested by law in town treasurers and collectors of taxes.

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Section 7 Chapter 555 of the Acts of 1978 is hereby amended by striking out Section 4 in its entirety and inserting, in place thereof, the following -

Section 4. Notwithstanding any contrary provisions of the General Laws, the town is authorized to establish by bylaw a natural resources commission consisting of five members elected for a term of three years, which shall have the powers and duties of conservation commissions and forest committees under the General Laws and the powers and duties (currently vested in the board of public works of the town) of park commissioners, tree wardens, moth superintendents and superintendents of insect pest control under the General Laws, and which shall appoint a wetlands protection committee to which shall be delegated the power and authority to administer and enforce the provisions of section 40 of chapter 131 of the General Laws, a landscape advisory committee and a long-range planning committee. The town manager shall appoint a director of natural resources and such staff as the town manager deems necessary. Any such commission shall have overall authority and responsibility with respect to: the use, acquisition, management, preservation, and protection of conservation land, park land and such other land as may be transferred to or acquired by the commission, forest and tree nursery management, insect pest and moth control, and administration of the conservation fund under sections 5(51) and 8C of chapter 40 of the General Laws. In addition, it shall study and make recommendations regarding the use, maintenance, management, preservation, and protection of the natural resources of the town which are under the jurisdiction of other boards, establish general policies to be implemented by the department of public works for the carrying out of work affecting natural resources, propose for acquisition by the town those natural resources that the commission deems useful or important to the town, and carry out such other related

responsibilities as the town may assign to it or as may be permitted or required by law.

Section 8. Chapter 555 of the Acts of 1978 is hereby amended by striking out Section 9 in its entirety and inserting, in place thereof, the following -

Section 9. Notwithstanding any contrary provisions of Section 69E of Chapter 41 of the General Laws, the superintendent of public works appointed by the town manager shall have the title "Director of Public Works."

Section 9. Sections 5 through 8, inclusive, take effect, and the position of executive director of general government services, created by Section 1 of Chapter 247 of the Acts of 1995, shall be abolished upon the initial appointment of a town manager pursuant to Section 1(C) or the thirtieth day of November, two thousand sixteen, whichever is later.

Section 10. All laws, bylaws, votes, rules and regulations, whether enacted by authority of the town or any other authority, that are in force in the town of Wellesley on the effective date of this Act, or any portion or portions thereof, not inconsistent with the provisions of this Act, shall continue in full force and effect until modified in accordance with applicable law.

Section 11. Nothing in this Act shall be construed to abridge, alter, or amend the powers and duties of the municipal light board or manager of the municipal light plant as set forth in Chapter 164 of the General Laws.

Section 12. This act shall be submitted for acceptance to the qualified voters of the town of Wellesley at the next regular or special town election following its enactment in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said election: -- "Shall an act passed by the General Court in the year two thousand sixteen entitled 'An Act providing for a selectmen-town manager form of government in the town of Wellesley', be adopted?"

If a majority of the votes cast in answer to the question is in the affirmative, this act shall take effect in the town, but not otherwise.

B. To amend Article 19, Board of Selectmen, of the General Bylaws, as authorized by such Special Act. The proposed revisions to Article 19 replace references to the Executive Director of General Government Services with references to the Town Manager; update provisions related to appointments and licensing in accordance with such Special Act; delete sections that are to be moved to Article 20, Town Manager, of the General Bylaws, as further proposed under this Warrant Article, and to a new Article 6A, Budget Provisions, of the General Bylaws, as proposed in Warrant Article 4; and add new provisions setting forth the procedure and responsibilities for a Town-wide strategic plan. A copy of the proposed language for Article 19 of the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library.

C. To amend the General Bylaws by deleting Article 20, Telecommunications Advisory Committee, thereof in its entirety and inserting, in place thereof, a new Article 20, as authorized by such Special Act. The proposed Article 20 establishes the position of Town Manager in accordance with the Special Act, assigns powers and duties to the Town Manager, establishes basic qualifications for the Town Manager, recodifies and updates sections related to the Department of Financial Services to reflect the Town Manager's supervisory role over the Department, and adds new provisions for temporary and acting Town Managers. A copy of the proposed language for Article 20 of the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library.

or take any other action in relation thereto.

ARTICLE 4
Town Government Study Committee
Amend of the General Bylaws to Implement Town Manager Authority

To see if the Town will vote:

A. To amend the General Bylaws by adding a new Article 6A entitled "Budget Provisions." The proposed Article 6A consolidates general budget provisions from existing bylaws into a single article, amends the bylaws to reflect the Town Manager's role in the budget process as authorized by the Special Act to be requested pursuant to Warrant Article 3, and establishes a timeline for the budget process. This Warrant Article also amends other sections throughout the General Bylaws to conform to Special Act and the proposed Town Manager and Budget bylaws. A copy of the proposed language for Article 6A and the other proposed amendments to the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library.

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B. To amend certain appointment provisions throughout the General Bylaws to provide for appointments by the Town Manager, as authorized by the Special Act to be requested pursuant to Warrant Article 3. A copy of the proposed amendments to the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library.

C. To amend Articles 30, Human Resources Board, and 31, Classification and Salary Plans, of the General Bylaws to establish the roles of the Town Manager, Human Relations Board and Human Relations Director in the administration of personnel policies, the Classification and Salary Plan and collective bargaining agreements. A copy of the proposed language for Articles 30 and 31 of the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library.

D. To amend certain provisions throughout the General Bylaws to provide for appointment of the Town Clerk pursuant to the Special Act to be requested pursuant

to Warrant Article 3, to require that the Board of Selectmen fix the date for Annual Town Meeting by November 15 of the preceding year, and to make other miscellaneous changes to Town Government in accordance with such Special Act. A copy of the proposed amendments to the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library.

or take any other action in relation thereto.

ARTICLE 5
Town Government Study Committee
Implementation of Town Manager Authority

To see if the Town will vote to authorize the Board of Selectmen to take any action they deem necessary or appropriate to implement the Special Act and Bylaw amendments approved under Warrant Articles 4 and 5; or take any other action in relation thereto.

ARTICLE 6
Town Government Study Committee
Add a New General Bylaws Article 42A - Planning and Land Management
Division

To see if the Town will vote to authorize the Board of Selectmen to create a new administrative division known as the "Planning and Land Management Division" and to appoint a Deputy Town Manager or Deputy Director of General Government Services to serve as the Director of said Division. The Division shall include the following boards and related staff: the Building Department, Planning Board, Zoning Board of Appeals, Natural Resources Commission, Wetlands Protection Committee, Design Review Board, Historical Commission, Historic District Commission, and Neighborhood Conservation Districts. The Director of the Division shall be responsible for developing and managing the Division budget, administering all personnel functions, developing a strategic plan for the Division, coordinating the Division's daily operations, and developing communications and archive protocols; or take any other action in relation thereto.

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ARTICLE 7
Town Government Study Committee
BPW Study Committee

To see if the Town will vote to establish a five-member committee to be appointed by the Moderator to be known as the "BPW Study Committee"; to direct the Committee to review and make findings and recommendations on:

- The ongoing functions of the Department of Public Works and the ongoing role and composition of the Board of Public Works;

- Whether the Board of Public Works should be elected, appointed or eliminated altogether;
- If the recommendation is that the Board of Public Works should be appointed, the composition and appointing authority of such Board recommended to be appointed;
- If the recommendation is that the Board of Public Works should be eliminated, whether the Board of Selectmen or the Town Manager should be responsible for the supervision of the Department of Public Works;
- The composition and appointing authority of the Municipal Light Board; and
- Whether the responsibility for water, stormwater, sewer, electric services should be consolidated into a new Public Utilities Department or otherwise transferred;

to direct the Committee to hold public hearings and to make a report to the 2017 Annual Town Meeting; and to see what sum of money the Town will raise and appropriate, transfer from available funds or otherwise provide for such Committee; or take any other action in relation thereto.

ARTICLE 8
Board of Selectmen
Town Manager/Executive Director of General Government Services Search

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money, to be expended under the direction of the Board of Selectmen, for the cost of conducting a search for a Town Manager or Executive Director of General Government Services; or take any other action in relation thereto.

ARTICLE 9
School Committee
School Security Enhancements

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money, to be expended under the direction of the Permanent Building Committee, for construction, reconstruction, remodeling, rehabilitation or modernization of School District buildings, structures and land area including any necessary site work, and for any other services in connection therewith, to enhance security throughout the Wellesley Public School District; or to take any other action in relation thereto.

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ARTICLE 10
Board of Selectmen
Police Station Building Repairs

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money, to be expended under the direction of the Permanent Building Committee, for the cost for engineering services, for preparation of plans and specifications and preparation of bid documents, for roofing and building envelope repairs, including but not limited to replacement of the roof, replacement of windows, replacing of exterior caulking, foundation waterproofing, and other building envelope elements at the Wellesley Police Station; or take any other action in relation thereto.

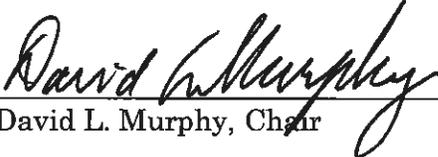
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And you are directed to serve this warrant by posting attested copies in not less than two conspicuous places in the Town and by causing this warrant to be posted on the Town of Wellesley website (www.wellesleyma.gov).

Hereof fail not and make due return of this warrant and your doings thereon unto the Town Clerk at or before the time of holding said meeting.

Given under our hands this 28th day of September 2015.

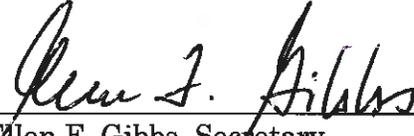
Board of Selectmen



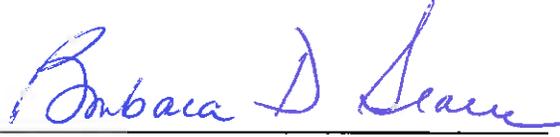
David L. Murphy, Chair



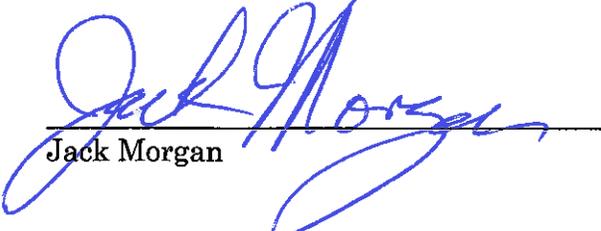
Marjorie R. Freiman, Vice-Chair



Ellen F. Gibbs, Secretary



Barbara D. Searle



Jack Morgan

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A true copy, Paul M. Jubin
Attest: Constable, Town of Wellesley
COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

Wellesley, MA September 29, 2015

I have this date caused the within warrant to be served by posting two copies in two conspicuous places in the Town, *i.e.*, the Town Hall and Wellesley Square, and causing the warrant to be posted to the Town of Wellesley website.

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