



TOWN CLERK'S RECORD
OF THE 129th ANNUAL TOWN MEETING

March 30, 2009
Wellesley Middle School

March 31, 2009

In pursuance of a Warrant dated January 21, 2009, the duly elected Town Meeting Members proceeded as follows:

The Moderator, Margaret Ann Metzger, called the 129th Annual Town Meeting to order at 7:35 P.M. The Moderator declared a quorum present.

Rev. Matthew Fitzgerald, Wellesley Hills Congregational Church, offered the invocation.

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

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

Greg Mills, Chairman of the Board of Selectmen, led the meeting in a salute to the flag.

The Moderator informed the Town Meeting Members that the General Laws require that all members be sworn to the faithful performance of their duties. Kathleen F. Nagle, Town Clerk, administered the oath to the Town Meeting Members elected at the March 3, 2009 Annual Town Election.

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

The meeting was held under the provisions of Chapter 202 of the Acts of 1932 as amended. The checklist of Town Meeting Members showed there were 213 members present. Only 121 were needed for a quorum.

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

The following were seated within this area by permission of the Moderator, but did not vote: Peter Cory, Steve Hansen, Rick Hill, Dave Mooney, Steve Simons, Steve Sykes, Advisory Committee; Hans Larsen, Executive Director, Sheryl Strother, Finance Director, Terrance J. Connolly, and Chris Ketchen Deputy Directors, General Government, Terry Duggan, Budget Project Manager; Marc Waldman, Treasurer; John Moran, Director of Facilities; David A.T. Donohue, Board of Public Works, Chairman, Michael Pakstis, DPW Director, Judith Curby, DPW Assistant Director, David A. Cohen, DPW, Sr. Management Analyst; Richard A. DeLorie, Fire Chief; Terrence Cunningham, Police Chief, William Brooks, Deputy Police Chief; Susan Adler, Human Resources Director, Richard Hartley, Human Resources Board; James Pender, Labor Counsel; Richard Joyce, Municipal Light Plant Director, Debra Healy and Peter Bracken, Donald Newell, MLP Staff; Meghan Jop, Director of Planning; Janet Bowser, NRC Director;

Janice Coduri, Library Director. Ann Mara Lanza, Library Trustee; Bella Wong, Superintendent WPS, Carol Gregory, Asst Superintendent, Ruth Q. Berdell, WPS Business Manager, Liam Hurley, Asst. Business Mgr; Lisa Keen, Boston Globe; Elana Zak, Wellesley Townsman.

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Head Teller, Jackie Hatch, assisted by Nancy Saunders, Susan Troy, Kate Griffin, Richard Page, Andrew Wrobel, and Pamela Kubbins.

The Moderator expressed appreciation to the attendance checkers for the Annual Town Meeting: Paul Carter, Ralph Bailey, Deb Rempis, and June Nacey.

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

The Moderator announced the dates of the Town Meeting: March 30, 31, April 6, 7, April 13, 14. If additional sessions are required there will be no meetings April 20 and 21 and resume if needed April 27, 28.

The Moderator stated that to her knowledge no motions would be offered under Articles 1, 6, 10, 17, 18, 21, 22, 25, 26, 27, 32, 34, 35, 38, 42-47, and 49. Article 20 Senior Center will be taken up on April 6.

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

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

The Moderator entertained the following resolution offered by Salvatore DeFazio, III, to wit:

RESOLUTION IN MEMORY OF ROBERT H. LUBKER

WHEREAS: On November 23rd, 2008, the Town of Wellesley was saddened by the death of our esteemed fellow citizen, Robert H. Lubker. Robert made numerous and impressive contributions to our community throughout the years. With his passing, Wellesley lost a dedicated citizen, good neighbor and faithful friend.

WHEREAS: He was an active member and Chaplain and Secretary of the American Legion, Wellesley Post 72. Robert also participated in the Wellesley Veterans' Council and served as Council Treasurer. He was a member of the Wellesley Wetlands Protection Committee for thirty years and the former Conservation Commission for twenty-four years with periods of service as Chairman of both groups. From 1996 through 2004 Robert was a Precinct Inspector and Clerk for elections. He served our community with a deep sense of commitment and devotion. Robert earned the regard and heartfelt respect of all who were privileged to know him.

WHEREAS: Robert gave earnestly of his time to our Town and we think of the many citizens who have benefited from his leadership and participation in Veterans Organizations and Community Activities. His former associates and the veterans of the Town regard his passing as a great loss.

WHEREAS: The thanks of this Meeting and the community are due Robert Lubker for the able manner in which he performed his various appointed, elected and volunteer duties.

WHEREAS: On behalf of the Citizens of Wellesley, this Resolution is being presented as an opportunity to express the esteem in which we hold him as a faithful and devoted citizen.

NOW THEREFORE BE IT RESOLVED, that this TOWN MEETING, on behalf of the residents of the Town of Wellesley, expresses its deep regret at the passing of Robert H. Lubker and publicly acknowledges its appreciation for his dedicated service and significant contributions to the citizens of our Town, and further, that the Town Clerk be instructed to record this Resolution in the minutes of this Meeting, and to transmit copies to Mr. Lubker's family.

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

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

No motion offered..

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

The following Committee Reports were filed with the Town Clerk: Advisory Committee Report, Supplemental Advisory Committee Report, Advisory Committee on Gift Acceptance Policy, Community Preservation Committee, Denton Road NCD, Green Ribbon Study Committee, Town Wide Financial Plan (BOS)), Joint Interim Report on the High School Project (School Committee, SBC, PBC), (did you also get the Senior Study Committee report,

Greg Mills, Precinct D, Chairman of the Board of Selectmen, introduced the FY 10 Town Wide Financial Plan as required under Town of Wellesley Bylaw Article 19 section 16.

Morris "Rusty" Kellogg, Precinct C, Chairman of the Advisory Committee reported on the general process of the Advisory Committee and the overview picture of Town finances.

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

- (a) Establish new and/or amend current fees or other charges for services and programs provided to the public;
- (b) Vote to authorize the Board of Assessors to use any monies paid to the Town from the Wellesley Municipal Light Plant as an estimated receipt when computing the Fiscal Year 2010 Tax Rate;

or take any other action relative thereto.

Greg Mills, Precinct D, Chair of the Board of Selectmen offered the following motion which was

VOTED, unanimously, that the Town authorizes the Board of Assessors to use \$1,000,000 paid to the Town from the Municipal Light Plant as an estimated receipt when computing the fiscal year 2010 tax rate.

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

GROUP 64	
Director of Facilities and Grounds	FAC
GROUP 63	
Chief of Police	POL
Treasurer/Collector	TRS
GROUP 62	
Fire Chief	FIR
Human Resources Director	HR
Library Director	LIB
Programs Manager/Assistant Director	DPW
Superintendent, Park & Highway	DPW
Town Engineer	DPW
GROUP 61	
Asst. Director of General Government Services	DFS
Deputy Chief of Police	POL
NIS Director	NIS
Superintendent, RDF	DPW
Superintendent, Water & Sewer Division	DPW
GROUP 60	
Assistant Director of Facilities and Grounds	SEL
Chief Assessor	ASR
Deputy Fire Chief	FIR
Director of Public Health	HLTH
Director of Recreation	REC
Planning Director	PLN
Senior Deputy Director	SEL
GROUP 59	
Assistant Director for Library Services	LIB
Assistant Director for Technology	LIB
Assistant Superintendent, W&S Division	DPW
Assistant Town Engineer	DPW
Facilities Maintenance Administrator	SEL
GROUP 58	
Assistant NIS Director	NIS
Assistant Superintendent, Highway Division	DPW
Assistant Superintendent - Park & Tree	DPW
Deputy Director	SEL
Inspector of Buildings	BLDG
Senior Civil Engineer	DPW
Senior Management Analyst	DPW
GROUP 57	
Assistant Director	REC
Assistant Director/Health	HLTH
Assistant Planning Director	PLAN
Deputy Assistant Director, General Govt. Services	SEL
Director of Natural Resources	NRC
GIS Manager	NIS
Network Manager/Webmaster	NIS
Technical Operations Manager	NIS
Youth Director	YC
GROUP 56	
Assistant Town Accountant	DFS
Civil Engineer	DPW
Director of Senior Services	COA
Finance and Budget Analyst	DFS

Landscape Planner	DPW
Management Analyst	DPW
Water/Sewer Systems Engineer	DPW
GROUP S55	
Fleet Maintenance Supervisor, Highway	DPW
GROUP 55	
Environmental Health Specialist	HLTH
GIS Administrator	NIS
Local Building Inspector	BLDG
Program Administrator	REC
Senior Engineer	DPW
Senior Human Resources Generalist	HR
GROUP S54	
Customer Services Supervisor	MLP
General Foreman, All Divisions	DPW
Overhead Line Foreman	MLP
Supervisor of Accounting	DPW
Supervisor, RDF	DPW
Underground Line Foreman	MLP
GROUP 54	
Assistant Treasurer/Collector	TRS
Director of Veterans' Services	VET
Horticulturist, Park & Tree Division	DPW
Human Resources Generalist	HR
Inspector of Wires	BLDG
Plumbing & Gas Inspector	BLDG
Projects Administrator	PBC
Public Health Nurse Supervisor	HLTH
GROUP S53	
Coordinator, Light Plant	MLP
Signal Alarm Foreman, Light Plant	MLP
GROUP 53	
Analyst/Programmer	NIS
Environmental Education Coordinator	NRC
Health and Social Services Administrator	COA
Health Communication and Services Specialist	HLTH
Planner	PLN
Public Health Nurse	HLTH
Safety Coordinator	DPW
GROUP 52	
Conservation Administrator	NRC
GIS Analyst	DPW
Parking Clerk	SEL
RDF Business Manager	DPW
GROUP 51	
Assistant Administrator	ASR
Assistant Town Clerk	TC
Executive Secretary, Director, DPW	DPW
Executive Secretary, Zoning Board of Appeals	ZBA
Microcomputer Coordinator	NIS
Sealer of Weights and Measures	SEL
GROUP S50	
Collections Representative	MLP

GROUP 50 Animal Control Officer/Inspector of Animals	POL
GROUP 49 Accountant B Administrative Secretary Assessor Technician Elections & Registration Administrator Office Administrator	DFS SEL ASR TC DPW
GROUP 48 Administrative Assistant Head Maintenance Custodian, Town Hall Office Administrator Office Assistant, Building Personnel Administrative Assistant Senior Accounting Assistant Senior Office Assistant	HLTH SEL LIB BLDG HR DPW DPW
GROUP 47 Accounting Assistant Administrative Assistant Administrative Assistant Office Assistant, Electric Office Assistant, Engineering Office Assistant, Management Office Assistant, Park and Highway Office Assistant, RDF Office Assistant, W&S Secretary, Recreation Senior Secretary, Selectmen Voter Registration Clerk	POL FIR POL MLP DPW DPW DPW DPW DPW REC SEL TC
GROUP 47D Dispatcher	POL
GROUP 46 Accounting Clerk, T&C Office Assistant Office Assistant/Records Clerk	TRS SEL POL
GROUP 45 Secretary, Assessor's Secretary, Director's Office Secretary, NRC Secretary/Technical Assistant	ASR DPW NRC PLAN
GROUP 44 Clerk Custodian Program and Office Assistant Secretary, Building Seniors Activities Coordinator	TC SEL/REC COA BLDG COA
GROUP 42 Office Clerk	HLTH
GROUP 41 Night Watchman, Highway	DPW
GROUP 38 Senior Customer Service Representative	MLP

GROUP 35	
Accounts Payable Clerk	DPW
Bookkeeping/Account Clerk	DPW
Clerk/Engineering	DPW
Customer Service Representative	DPW/MLP
GROUP 34	
Administrative Clerk	DPW
Communications Clerk/Receptionist	MLP
Credit/Collections Clerk	MLP
GROUP 33	
Administrative Records Clerk	DPW
Cashier/Records Assistant	MLP
Clerk	DPW
GROUP 31	
Clerk, General	DPW
GROUP 22	
Crew Leader	MLP
GROUP 21	
Electrician A	MLP
Lead Cablesplicer	MLP
Lead Lineman	MLP
GROUP 20	
Automotive Mechanic Foreman A, Highway	DPW
Cablesplicer, 1st class	MLP
Chief Substation Operator, Electric	MLP
Construction Craftsman, Highway	DPW
Construction Foreman/Electric	MLP
Engineer A	DPW
Foreman A - All Divisions	DPW
Foreman A - Athletic Fields	DPW
Foreman A – Tree Care	DPW
Horticultural Technician	DPW
Lineman, 1st class	MLP
Senior Welder, Highway	DPW
GROUP 19	
Meter & Sign Repair Person, Highway	DPW
Meter/Backflow Prevention Device Coordinator	DPW
GROUP 18	
Automotive Mechanic, Highway	DPW
Engineering Technician	MLP
Foreman B - All Divisions	DPW
Groundskeeping Foreman, Park	DPW
Highway Craftsman	DPW
Lead Baler	DPW
Lead Tree Climber/Park & Tree	DPW
Park Maintenance Craftsman	DPW
Primary Water Treatment Plant Operator	DPW
Welder, Highway	DPW
GROUP 17	
Apprentice Lineworker/Stockkeeper	MLP
Cablesplicer, 2nd class	MLP
Crane Operator	DPW
Lineman, 2nd class	MLP
Meter/Backflow Prevention Device Technician	DPW

Park Technical Services Craftsman	DPW
Power Shovel Operator, W&S	DPW
Stockkeeper, Automotive, Highway	DPW
Substation Operator, Electric	MLP
Tractor Trailer Operator	DPW
Tree Climber, Park & Tree	DPW
GROUP 16	
General Mechanic A, W&S	DPW
Groundskeeper, Park & Tree	DPW
Head Custodian	DPW
Heavy Equipment Operator, Highway	DPW
Secondary Water Treatment Plant Operator	DPW
Stockkeeper, Electric	MLP
Transfer Haul Equip. Operator, RDF	DPW
GROUP 15	
Industrial Equipment Operator, RDF	DPW
Stockkeeper, W&S	DPW
GROUP 14	
Building Maintenance Person, Highway	DPW
Cablesplicer Helper, Electric	MLP
Custodian	DPW
Groundman, Electric	MLP
Medium Equipment Operator, Highway, Park	DPW
Truck Driver A/Laborer, W&S	DPW
GROUP 13	
Permit Verifier/Trash Collector, RDF	DPW
GROUP 12	
Light Equipment Operator, Highway, Park	DPW
GROUP 11	
Laborer - All Divisions	DPW
GROUP L17	
Public Services Coordinator	LIB
GROUP L16	
Children's Services Supervisor	LIB
Reference Services Supervisor	LIB
Technical Services Supervisor	LIB
GROUP L15	
Branch Libraries Supervisor	LIB
Interlibrary Loan Supervisor	LIB
GROUP L14	
Reference Librarian	LIB
GROUP L9	
Circulation Supervisor	LIB
Facilities Supervisor	LIB
GROUP L6	
Acquisitions Specialist	LIB
Cataloging Assistant	LIB
Assistant Circulation Supervisor	LIB
Bookkeeper	LIB
GROUP L4	

Technology Assistant	LIB
GROUP L3	
Circulation Assistant	LIB
Library Assistant	LIB
Preservation Assistant	LIB
GROUP L1	
Helper	LIB
GROUP C4	
Custodian	LIB
GROUP P40	
Lieutenant	POL
GROUP P30	
Sergeant	POL
GROUP P20	
Detective	POL
Prosecuting Officer	POL
Safety Officer	POL
GROUP P18	
Police Officer – EMT	POL
GROUP P15	
Police Officer – Special	POL
GROUP P10	
Police Officer	POL
GROUP F40	
Captain	FIR
Captain, Special Services	FIR
GROUP F30	
Lieutenant	FIR
GROUP F19	
Automotive Mechanic	FIR
GROUP F10	
Firefighter	FIR

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

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

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

MOTION 1. Susan Hurwitz, Precinct B, Chairman of the Human Resources Board, offered the first motion, after a presentation of the background on the contracts,

Hans Larsen, Executive Director, spoke to the specifics of each contract settlement and the financial resources required to fund the retroactive elements of each contract.

At 9:00 pm the Moderator declared a recess. The meeting reconvened at 9:15 pm.

Greg Mills, Precinct D, Chairman of the Board of Selectmen, offered the following motion which was

VOTED, unanimously by voice vote, that when this Annual Town Meeting adjourns, it does so until Tuesday, March 31, 2009, at 7:30 p.m. in this same hall.

The motion was projected on the screen.

The Meeting resumed discussion of Article 5, Motion 1 which was,

VOTED, by declared voice vote, that the Salary Plan as established at the 1950 Annual Town Meeting as amended, be further amended as recommended by the Human Resources Board by striking the existing Pay Schedules for the Wellesley Free Library Staff Association, the DPW/MLP Supervisory Unit, AFSCME Local 335, the DPW/MLP Clerical Unit, AFSCME Local 335, the Wellesley Police Dispatchers Association, and Local 1795, International Association of Firefighters, and inserting the new Pay Schedules as follows:

Wellesley Free Library Staff Association – rate per hour

Effective July 1, 2008

Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
L-17S		26.31	27.36	28.45	29.59	30.77	32.00	33.28
L-16S		26.03	27.07	28.15	29.28	30.45	31.67	32.94
L-16		24.35	25.32	26.33	27.38	28.47	29.61	30.79
L-15		22.69	23.60	24.54	25.52	26.54	27.60	28.70
L-14		22.08	22.96	23.88	24.84	25.83	26.86	27.93
L-11		21.87	22.74	23.65	24.60	25.58	26.60	27.66
L-9		21.32	22.17	23.06	23.98	24.94	25.94	26.98
L-8	19.45	20.23	21.04	21.88	22.76	23.67	24.62	25.60
L-7		19.55	20.33	21.14	21.99	22.87	23.78	24.73
L-6		16.32	16.97	17.65	18.36	19.09	19.85	20.64
L-4		15.14	15.75	16.38	17.03	17.71	18.42	19.16
L-3		15.14	15.75	16.38	17.03	17.71	18.42	19.16
C-4		16.76	17.43	18.13	18.86			

Effective January 1, 2009

Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
L-17S		26.31	27.36	28.45	29.59	30.77	32.00	33.28	
L-16S		26.03	27.07	28.15	29.28	30.45	31.67	32.94	
L-16		24.35	25.32	26.33	27.38	28.47	29.61	30.79	
L-15		22.69	23.60	24.54	25.52	26.54	27.60	28.70	
L-14		22.08	22.96	23.88	24.84	25.83	26.86	27.93	
L-11		21.87	22.74	23.65	24.60	25.58	26.60	27.66	
L-9		21.32	22.17	23.06	23.98	24.94	25.94	26.98	
L-8	19.45	20.23	21.04	21.88	22.76	23.67	24.62	25.60	
L-7		19.55	20.33	21.14	21.99	22.87	23.78	24.73	
L-6		16.32	16.97	17.65	18.36	19.09	19.85	20.64	21.47
L-4		15.14	15.75	16.38	17.03	17.71	18.42	19.16	19.93
L-3		15.14	15.75	16.38	17.03	17.71	18.42	19.16	19.93

C-4		16.76	17.43	18.13	18.86
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Effective July 1, 2009

Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
L-17S	26.97	28.04	29.16	30.33	31.54	32.80	34.11	
L-16S	26.68	27.75	28.85	30.01	31.21	32.46	33.76	
L-16	24.96	25.95	26.99	28.06	29.18	30.35	31.56	
L-15	23.26	24.19	25.15	26.16	27.20	28.29	29.42	
L-14	22.63	23.53	24.48	25.46	26.48	27.53	28.63	
L-11	22.42	23.31	24.24	25.22	26.22	27.27	28.35	
L-9	21.85	22.72	23.64	24.58	25.56	26.59	27.65	
L-8	20.74	21.57	22.43	23.33	24.26	25.24	26.24	
L-7	20.04	20.84	21.67	22.54	23.44	24.37	25.35	
L-6	16.73	17.39	18.09	18.82	19.57	20.35	21.16	22.01
L-4	15.52	16.14	16.79	17.46	18.15	18.88	19.64	20.43
L-3	15.52	16.14	16.79	17.46	18.15	18.88	19.64	20.43
C-4	17.18	17.87	18.58	19.33				

Effective July 1, 2010

Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
L-17S	27.71	28.81	29.96	31.16	32.41	33.70	35.05	
L-16S	27.41	28.51	29.64	30.84	32.07	33.35	34.69	
L-16	25.65	26.66	27.73	28.83	29.98	31.18	32.43	
L-15	23.90	24.86	25.84	26.88	27.95	29.07	30.23	
L-14	23.25	24.18	25.15	26.16	27.21	28.29	29.42	
L-11	23.04	23.95	24.91	25.91	26.94	28.02	29.13	
L-9	22.45	23.34	24.29	25.26	26.26	27.32	28.41	
L-8	21.31	22.16	23.05	23.97	24.93	25.93	26.96	
L-7	20.59	21.41	22.27	23.16	24.08	25.04	26.05	
L-6	17.19	17.87	18.59	19.34	20.11	20.91	21.74	22.62
L-4	15.95	16.58	17.25	17.94	18.65	19.40	20.18	20.99
L-3	15.95	16.58	17.25	17.94	18.65	19.40	20.18	20.99
C-4	17.65	18.36	19.09	19.86				

DPW/MLP Supervisory Unit, AFSCME Local 335 – rate per hour

Effective July 1, 2008

DPW - 2.5%								
Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	
S55	25.71	26.72	27.75	28.72	29.88	31.04	32.47	
S54	24.14	25.08	26.05	26.97	28.04	29.13	30.48	
S53	21.65	23.55	24.45	25.32	26.34	27.36	28.62	
Municipal Light Plant - 3%								
Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
ES54	24.26	25.20	26.17	27.10	28.18	29.27	30.63	33.14
ES53	21.75	23.67	24.57	25.44	26.47	27.49	28.76	
ES50	18.85	19.59	20.31	21.07	21.91	22.76	23.79	

Effective July 1, 2009

DPW - 3%							
Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
S55	26.48	27.52	28.58	29.58	30.78	31.97	33.44

S54	24.86	25.83	26.83	27.78	28.88	30.00	31.39	
S53	22.30	24.26	25.18	26.08	27.13	28.18	29.48	
Municipal Light Plant - 3%								
Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
ES54	24.99	25.96	26.96	27.91	29.03	30.15	31.55	34.13
ES53	22.40	24.38	25.31	26.20	27.26	28.31	29.62	
ES50	19.42	20.18	20.92	21.70	22.57	23.44	24.50	

Effective July 1, 2010

DPW - 2%								
Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
S55	27.01	28.07	29.15	30.17	31.40	32.61	34.11	35.47
S54	25.36	26.35	27.37	28.34	29.46	30.60	32.02	33.30
S53	22.75	24.75	25.68	26.60	27.67	28.74	30.07	31.27
Municipal Light Plant - 3%								
Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
ES54	25.74	26.74	27.77	28.75	29.90	31.05	32.50	35.15
ES53	23.07	25.11	26.07	26.99	28.08	29.16	30.51	
ES50	20.00	20.79	21.55	22.35	23.25	24.14	25.24	

DPW/MLP Clerical Unit, AFSCME Local 335 – rate per hour

Effective July 1, 2008 – 3%

Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
38	18.72	19.57	20.56	21.38	22.19	23.21
37	17.85	18.63	19.56	20.32	21.13	22.11
36	17.10	17.83	18.67	19.50	20.25	21.01
35	16.41	17.03	17.85	18.63	19.34	20.19
34	15.66	16.23	17.03	17.85	18.45	19.25
33	14.81	15.44	16.08	16.91	17.50	18.29
32						
31	13.39	14.08	14.71	15.30	15.94	16.56

Effective July 1, 2009 – 3%

Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
38	19.28	20.16	21.18	22.02	22.86	23.91
37	18.39	19.19	20.15	20.93	21.76	22.77
36	17.61	18.36	19.23	20.09	20.86	21.64
35	16.90	17.54	18.39	19.19	19.92	20.80
34	16.13	16.72	17.54	18.39	19.00	19.83
33	15.25	15.90	16.56	17.42	18.03	18.84
32						
31	13.79	14.50	15.15	15.76	16.42	17.06

Effective July 1, 2010 – 3%

Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
38	19.86	20.76	21.82	22.68	23.55	24.63
37	18.94	19.77	20.75	21.56	22.41	23.45
36	18.14	18.91	19.81	20.69	21.49	22.29
35	17.41	18.07	18.94	19.77	20.52	21.42
34	16.61	17.22	18.07	18.94	19.57	20.42
33	15.71	16.38	17.06	17.94	18.57	19.41
32	-	-	-	-	-	-

31	14.20	14.94	15.60	16.23	16.91	17.57
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Local 1795, International Association of Firefighters - rate per week

Effective July 1, 2007 - 3.5%

Job Group	Step 1	Step 2	Step 3	Step 4
F40B	1,087.48	1,151.62	1,215.63	1,279.59
F40A	1,087.48	1,151.62	1,215.63	1,279.59
F30A	926.57	981.00	1,035.56	1,090.03
F10A	805.69	853.11	900.40	947.84

Effective July 1, 2008 - 3.5%

Job Group	Step 1	Step 2	Step 3	Step 4
F40B	1,125.54	1,191.93	1,258.18	1,324.38
F40A	1,125.54	1,191.93	1,258.18	1,324.38
F30A	959.00	1,015.34	1,071.80	1,128.18
F10A	833.89	882.97	931.91	981.01

Effective July 1, 2009 - 2%

Job Group	Step 1	Step 2	Step 3	Step 4
F40B	1,228.41	1,300.87	1,373.17	1,445.43
F40A	1,148.05	1,215.77	1,283.34	1,350.87
F30A	978.18	1,035.65	1,093.24	1,150.74
F10A	850.57	900.63	950.55	1,000.63

Wellesley Police Dispatchers Association - rate per hour

Effective July 1, 2009 (2%)

Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
47	18.852	19.697	20.685	21.506	22.386	23.373

Effective July 1, 2010 (2%)

47	19.229	20.091	21.099	21.936	22.834	23.840
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and further,

that the sum of \$43,317 be appropriated and added to the amounts appropriated under Motion 1 of Article 8 of the Warrant for the 2008 Annual Town Meeting to the Trustees of the Wellesley Free Library; said sum to be raised by a transfer from Free Cash, as certified as of June 30, 2008, and allocated as follows:

610	Wellesley Free Library	
	610-01 Library Personal Services	\$37,420
	610-02 Library Expenses	5,897

and further,

that the sum of \$9,302 be appropriated and added to the amounts appropriated under Motion 1 of Article 8 of the Warrant for the 2008 Annual Town Meeting to the Board of Public Works; said sum to be raised by a transfer from Free Cash, as certified as of June 30, 2008, and allocated as follows:

Public Works

420-01 Highway Personal Services	\$2,190
430-01 Park Personal Services	2,463
440-01 Recycling and Disposal Personal Services	2,339
450-01 Management	378
454-01 Fleet Maintenance Personal Services	1,932

and further,

that the sum of \$118,000 be appropriated and added to the amounts appropriated under Motion 1 of Article 8 of the Warrant for the 2007 Annual Town Meeting to the Board of

Selectmen for Public Safety, said sum to be raised by a transfer from Free Cash, as certified as of June 30, 2008, and allocated as follows:

220-01 Fire Personal Services \$118,000

and further,

that the sum of \$221,000 be appropriated and added to the amounts appropriated under Motion 1 of Article 8 of the Warrant for the 2008 Annual Town Meeting to the Board of Selectmen for Public Safety, said sum to be raised by a transfer from Free Cash, as certified as of June 30, 2008, and allocated as follows:

220-01 Fire Personal Services \$221,000

Motion 2. Susan Hurwitz, Precinct B, Chairman of the Human Resources Board, offered the second motion, which was

VOTED, by declared voice vote, that the Salary Plan as established at the 1950 Annual Town Meeting as amended, be further amended effective July 1, 2009, as recommended by the Human Resources Board, by striking the existing pay schedule for the non-bargaining unit, non-management personnel (Job Groups 40-49) and inserting the new schedule as follows:

Rates effective as indicated as of July 1, 2009

Hourly rates – reflects 3% increase over FY 09

Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
49	20.46	21.37	22.34	23.35	24.40	25.49
48	19.65	20.53	21.45	22.41	23.42	24.47
47	18.84	19.69	20.58	21.51	22.47	23.47
46	18.06	18.87	19.72	20.61	21.54	22.51
45	17.22	17.99	18.80	19.65	20.53	21.45
44	16.41	17.16	17.93	18.74	19.57	20.46
43	15.60	16.30	17.04	17.80	18.60	19.44
42	14.78	15.45	16.15	16.88	17.64	18.44
41	14.12	14.76	15.43	16.12	16.84	17.59

Fire Department

Weekly rates – reflects 3% over FY 09

(Mechanic - not in bargaining unit)

Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
F19	938.27	985.18	1,034.43	1,086.42	1,140.77	1,197.79

Motion 3. Susan Hurwitz, Precinct B, Chairman of the Human Resources Board, offered the third motion, which was

VOTED, by declared voice vote, That the sum of \$120,000 be appropriated to the Human Resources Board for the purpose of granting salary increases to employees in Job Groups 50 and above in the classification plan.

ARTICLE 6. To see if the Town will vote to amend ARTICLES 30 and 31 of the Town Bylaws by making changes in the appendix to the Classification and Salary Plans established under Sections 31.1 and 31.6 respectively, and by making changes relative to the procedure for amending the Classification Plan; the proposed changes to said appendix and procedure (which are recognized to be subject to change before or at town meeting) being on file in the Human Resources Department; or take any other action relative thereto.

No motion offered..

ARTICLE 7. To see what sums of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, or borrowing, to supplement appropriations previously approved by the 2008 Annual Town Meeting; or take any other action relative thereto.

Greg Mills, Precinct D, Chair of the Board of Selectmen offered the following motion which was

VOTED, unanimously, that the sum of \$600,000 be appropriated for snow and ice removal costs, said sum to be taken from Free Cash, as certified as of June 30, 2008, and added to the amount appropriated to the Board of Public Works – 456 Winter Maintenance under Motion 1 of Article 8 of the Warrant for the 2008 Annual Town Meeting.

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

- (a) for the operation of the several Town departments, including capital outlay, maturing debt and interest, and to provide for a Reserve Fund;
- (b) for extraordinary maintenance, special capital projects and other capital outlay items for the several Town departments;
- (c) for such purposes as may be voted contingent upon passage by the voters of referendum questions as authorized by the General Laws Chapter 59, Section 21c (m), as amended;

or take any other action relative thereto.

Greg Mills, Precinct D, Chair of the Board of Selectmen offered the Omnibus operating and Capital Budget for Fiscal Year 2010. Mr. Mills spoke in support of the General Government portion of the budget. Suzanne Littlefield, Chair of the School Committee spoke in support of the Schools portion of the Budget, William Charlton, Chair of the Board of Public Works spoke in support of the Public Works portion of the budget, Marla Robinson, Chair of the Library Trustees, spoke in support of the Library portion of the budget. Mr. Kellogg, Chair of the Advisory Committee gave the recommendation of Advisory Committee.

VOTED, by declared voice vote, that the following sums of money be appropriated to the Town boards and officials and for the purposes as hereinafter set forth: (blank space intended)

ARTICLE 8, MOTION 1

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

Funding Item	01 Pers Srvs	02 Expenses	Total Ops
GENERAL GOVERNMENT			
To the Board of Selectmen for General Government; \$1,710,765 for 01-Personal Services and \$1,140,652 for 02-Expenses. And it is recommended that the sums be allocated as follows:			
<i>Board of Selectmen - Administration</i>			
122 Executive Director's Office	355,756	29,500	385,256
199 Central Administrative Services	0	18,595	18,595
133 Finance Department	336,946	8,900	345,846
155 Network & Information Systems	427,842	201,223	629,065
145 Treasurer & Collector	238,583	125,375	363,958
197 Parking Fines Processing	44,989	60,200	105,189
195 Town Report	0	4,000	4,000
181 Human Relations Committee	0	200	200
<i>Board of Selectmen - Human Services</i>			
541 Council on Aging	146,885	65,575	212,460
183 Fair Housing Committee	0	400	400
543 Veterans' Services	53,878	18,808	72,686
542 Youth Commission	60,661	21,848	82,509
<i>Board of Selectmen - Other Services</i>			
180 Housing Development Corporation	0	3,500	3,500
182 MetroWest Planning	0	4,418	4,418
691 Historical Commission	0	525	525
690 Historical District Commission	0	250	250
693 Memorial Day	0	2,500	2,500
692 Celebrations Committee	0	4,700	4,700
176 Zoning Board of Appeals	45,225	8,465	53,690
<i>Board of Selectmen - Shared Services</i>			
151 Law	0	269,670	269,670
945 Risk Management	0	292,000	292,000
Subtotal - Board of Selectmen - General Government	1,710,765	1,140,652	2,851,417
<i>Other General Government</i>			
To the following Town boards and officials:			
192 Facilities Maintenance and Grounds	2,555,575	592,245	3,147,820
161 Town Clerk/Election & Registration	219,699	40,400	260,099
141 Board of Assessors	232,427	79,300	311,727
175 Planning Board	209,052	36,649	245,701
135 Audit Committee	0	56,250	56,250
185 Permanent Building Committee	9,243	7,500	16,743
152 Human Resources Board	254,808	21,220	276,028
131 Advisory Committee	8,400	28,300	36,700
132 Advisory Committee - Reserve Fund	0	175,000	175,000
125 Green Ribbon Committee	0	6,000	6,000
Subtotal - Other General Government	3,489,204	1,042,864	4,532,068
GENERAL GOVERNMENT TOTAL	5,199,969	2,183,516	7,383,485

Funding Item	01 Pers Srvs	02 Expenses	Total Ops
PUBLIC SAFETY - BOARD OF SELECTMEN			
To the Board of Selectmen for Public Safety, \$9,009,651 for 01-Personal Services and \$1,234,201 for 02-Expenses. And it is recommended that the sums be allocated as follows:			
210 Police Department	4,414,992	708,282	5,123,274
211 Injured on Duty Insurnace	0	30,000	30,000
299 Special School Police	95,724	2,745	98,469
220 Fire Department	4,119,583	337,129	4,456,712
241 Building Department	364,611	25,655	390,266
122 Emergency Medical Services	0	126,890	126,890
244 Sealer of Weights & Measures	14,741	3,500	18,241
PUBLIC SAFETY TOTAL - BOARD OF SELECTMEN	9,009,651	1,234,201	10,243,852
PUBLIC WORKS			
To the Board of Public Works, \$3,633,753 for 01-Personal Services and \$2,787,642 for 02-Expenses. And it is recommended that the sums be allocated as follows:			
410 Engineering	465,673	76,875	542,548
420 Highway	919,849	440,772	1,360,621
454 Fleet Maintenance	123,393	56,462	179,855
430 Park	975,497	267,537	1,243,034
440 Recycling & Disposal	827,321	1,228,468	2,055,789
450 Management	322,020	40,825	362,845
458 Street Lighting	0	328,000	328,000
456 Winter Maintenance	0	348,703	348,703
PUBLIC WORKS TOTAL	3,633,753	2,787,642	6,421,395
Provided that the cash on hand in the RDF Baler and Compactors Major Repairs and Replacement Fund on June 30, 2009 be appropriated to the Board of Public Works for major repairs and replacement of the baler and the trash compactors and their attachments at the Recycling and Disposal Facility (major repair being defined as repairs or scheduled maintenance costing more than \$5,000); and that expenditures from this fund may be made by the Board of Public Works for major repairs, but expenditures for equipment replacement shall be subject to Town Meeting Appropriation.			
WELLESLEY FREE LIBRARY			
To the Trustees of the Wellesley Free Library:			
610 Library Trustees	1,496,629	562,746	2,059,375
620 Regional Services (Non-Tax Impact)	144,786	75,567	220,353
LIBRARY TOTAL	1,641,415	638,313	2,279,728
RECREATION			
To the Recreation Commission:			
630 Recreation Commission	263,399	61,166	324,565
RECREATION TOTAL	263,399	61,166	324,565
HEALTH			
To the Board of Health:			
510 Board of Health	321,612	87,742	409,354
523 Mental Health Services	0	208,316	208,316
HEALTH TOTAL	321,612	296,058	617,670

Funding Item	01 Pers Svcs	02 Expenses	Total Ops
<u>NATURAL RESOURCES</u>			
To the Natural Resources Commission:			
171 Natural Resources Commission	172,827	20,140	192,967
171 Moses Pond Project - Interdepartmental (NRC, BPW, Rec)	0	160,370	160,370
NATURAL RESOURCES TOTAL	172,827	180,510	353,337
<u>MLP - TAX IMPACT</u>			
To the Municipal Light Board:			
492 Fire & Traffic Signal Systems	67,957	26,834	94,791
MLP - TAX IMPACT TOTAL	67,957	26,834	94,791
NON-SCHOOL TOTAL	20,310,583	7,408,240	27,718,823
<u>WELLESLEY PUBLIC SCHOOLS</u>			
To the School Committee, \$53,283,503 in the aggregate for 01-Personal Services and 02-Expenses. And it is recommended that the sum be allocated as follows:			
320 Instruction	39,738,409	1,568,692	41,307,101
330 Administration	854,303	178,800	1,033,103
340 Operations	569,168	1,977,380	2,546,548
350 Community Service	0	0	0
360 Special Tuition/Transportation/Inclusion	3,736,434	4,660,317	8,396,751
SCHOOL TOTAL	44,898,314	8,385,189	53,283,503
<u>EMPLOYEE BENEFITS</u>			
To the following Town boards and officials for the purposes indicated:			
914 Board of Selectmen - Group Insurance	0	13,543,200	13,543,200
919 Board of Selectmen - Other Post Employment Benefits Liability Fund	0	3,000,000	3,000,000
910 Board of Selectmen - Retirement Contribution	0	866,000	866,000
912 Board of Selectmen - Workers' Compensation	0	225,438	225,438
913 Board of Selectmen - Unemployment Compensation	0	100,000	100,000
950 Board of Selectmen - Compensated Absences	0	90,000	90,000
911 Contributory Retirement Board - Non-Contributory Pensions	0	34,540	34,540
EMPLOYEE BENEFITS TOTAL	0	17,859,178	17,859,178
And further, that the balance on hand in the Workers' Compensation fund on June 30, 2009 and any interest earnings of the program, are appropriated for expenses related to the Workers' Compensation Program of the Town for Fiscal Year 2010.			
ALL PERSONAL SERVICES & EXPENSES	65,208,897	33,652,607	98,861,504

Funding Item	01 Pers Svcs	02 Expenses	Total Ops
<u>CAPITAL & DEBT</u>			
To the following Town boards and officials for the purposes indicated:			
Departmental Cash Capital			
400 Board of Public Works - Capital	0	1,358,500	1,358,500
300 School Committee - Capital	0	687,876	687,876
122 Board of Selectmen - Capital	0	182,234	182,234
192 Facilities Maintenance	0	422,300	422,300
610 Library Trustees - Capital	0	36,500	36,500
171 Natural Resources Commission - Capital	0	50,000	50,000
175 Planning Board - Capital	0	0	0
161 Town Clerk - Capital	0	0	0
172 Morses Pond - Capital	0	50,000	50,000
Subtotal - Cash Capital	0	2,787,410	2,787,410
To the Town Treasurer and Collector for:			
700 Current Inside Levy Debt Service - Issued	0	3,563,418	3,563,418
700 Current Outside Levy Debt Service - Issued	0	5,381,489	5,381,489
700 New Debt Service - Inside Levy	0	156,403	156,403
700 New Debt Service - Outside Levy	0	1,639,260	1,639,260
Subtotal - Maturing Debt & Interest	0	10,740,570	10,740,570
Of which \$58,500 shall be taken from the Parking Meter Receipts Account.			
CAPITAL & DEBT TOTAL	0	13,527,980	13,527,980
<u>RECEIPTS RESERVED FOR APPROPRIATION</u>			
To the Board of Selectmen, to be taken from the Parking Meter Receipts Account:			
293 Traffic & Parking Operations	160,633	271,100	431,733
293 Traffic & Parking Maintenance Capital	0	56,500	56,500
RECEIPTS RESERVED TOTAL	160,633	327,600	488,233
TOTAL APPROPRIATIONS - ARTICLE 8, MOTION 1			112,877,717

And to help meet said appropriations, transfer the sum of \$80,000 from the Police detail account, \$110,000 from the school lunch fund, and \$1,029,353 from Free Cash.

The Moderator noted the hour of 10:56 pm and suggested an adjournment. The motion carried unanimously. The Meeting adjourned to March 31, 2009.

Attest:

Kathleen F. Nagle
Town Clerk

CERTIFICATE OF NOTICE
OF ADJOURNED ANNUAL TOWN MEETING



March 31, 2009
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from March 30, 2009 to March 31, 2009 at 7:30 p.m. at the Wellesley Middle School was posted on the screen in the Hall during the recess of the meeting on March 30, 2009 was voted unanimously by the Town Meeting. That said adjournment was announced by the Moderator at the close of the meeting of March 30, 2009 and a notice was posted on the town website (www.wellesley.ma.gov) and in the Town Hall at the office of the Town Clerk on March 31, 2009.

Attest:

Kathleen F. Nagle
Town Clerk

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



March 31, 2009
Wellesley Middle School

April 1, 2009

An adjourned session of the Annual Town meeting from March 30, 2009 was held this evening at the Wellesley Middle School Auditorium, 50 Kingsbury Street. The Moderator, Margaret Ann Metzger, called the meeting to order at 7:32 P.M. The Moderator declared a quorum present.

The meeting was held under the provisions of Chapter 202 of the Acts of 1932 as amended. The checklist of Town Meeting Members showed there were 204 members present. Only 121 were needed for a quorum.

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

The following were seated within this area by permission of the Moderator, but did not vote Peter Cory, Steve Hansen, Rick Hill, Dave Mooney, Steve Simons, Steve Sykes, Advisory Committee; Hans Larsen, Executive Director, Sheryl Strother, Finance Director, Terrance J. Connolly, and Chris Ketchen Deputy Directors, General Government; John Moran, Director of Facilities; David A.T. Donohue, Board of Public Works, Chairman, Michael Pakstis, DPW Director, Judith Curby, DPW Assistant Director, David A. Cohen, DPW, Sr. Management Analyst; Richard Joyce, Municipal Light Plant, Director, Debra Healy and Peter Bracken, Donald Newell, MLP, Staff; Meghan Jop, Planning Department, Director; Janice Coduri, Library, Director, Amanda Henshon and Ann Mara Lanza, Library Trustee; Bella Wong, Superintendent WPS, Carol Gregory, Asst Superintendent; Elana Zak, Wellesley Townsman.

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Head Teller, Jackie Hatch, assisted by Cathy Taylor, Christine Kehoe, Andrew Wrobel, Tom Skelly, Kate Griffin and Richard Page.

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

Greg Mills, Precinct D, Chairman of the Board of Selectmen, offered the following motion which was

VOTED, by declared voice vote, that the annual (52 week) salary of the Town Clerk be fixed at the amount of \$75,135 effective July 1, 2009.

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

No motion offered..

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

Michael Humphrys, Precinct A, Chair of the Municipal Light Board, offered the following motion which was

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

Operating Budget*

Operating Salaries	\$1,038,515
Materials and Services	665,309
Health Insurance	346,297
FICA - Medicare	10,629
Purchase Power	24,423,600
Transmission	<u>2,400,000</u>
Sub Total	\$28,884,350

Capital Outlays

Salaries	702,413
Services/Materials	1,650,153
Vehicles	149,681
Insurance	234,268
FICA - Medicare	<u>7,190</u>
Sub Total	2,743,705

Payments That Benefit The Town**

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

Emergency Contingencies **750,000**

Total fiscal year 2010 Budget Request **\$33,474,055**

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

* Excludes depreciation expense in the amount of \$2,436,746.

** Town benefits do not include electric rate subsidization for Municipal Buildings (\$134,196); Streetlights (\$111,064) and Network and Information Support fees (\$124,649).

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

William Charlton, Precinct B, Chairman of the Board of Public Works offered the following motion. David A.T. Donohue, spoke in support of the motion which was

VOTED, unanimously, that the sum of \$7,072,506 be appropriated to the Water Enterprise Fund, to be expended as follows:

Salaries	\$1,528,165
Expenses (incl. interest and all non-op exp)	2,877,189
OPEB	56,756
Depreciation	800,000
Capital Outlay	764,000
Debt	715,762
Emergency Reserve	<u>330,634</u>
Total Authorized Use of Funds	\$7,072,506

And that \$7,072,506 be raised as follows:

Department Receipts	\$6,019,878
Depreciation	800,000
Retained Earnings	<u>252,628</u>
Total Sources of Funds	\$7,072,506

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

William Charlton, Precinct B, Chairman of the Board of Public Works offered the following motion. David A.T. Donohue, spoke in support of the motion which was

VOTED, unanimously, that the sum of \$8,247,881 be appropriated for the Sewer Enterprise Fund, to be expended as follows:

Salaries	\$ 676,076
Expenses (incl. interest and all non-op exp)	5,659,977
OPEB	24,324
Depreciation	297,000
Capital Outlay	635,000
Debt	361,485
Emergency Reserve	<u>594,019</u>
Total Authorized Use of Funds	\$8,247,881

And that \$8,247,881 be raised as follows:

Department Receipts	\$7,099,174
Depreciation	297,000
Retained Earnings	<u>851,707</u>
Total Sources of Funds	\$8,247,881

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

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

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

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

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

Council on Aging Bus Fund, said funds to be expended under the direction of the Council on Aging Department, annual expenditures not to exceed \$110,000;

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

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

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

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

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

Library room rental, said funds to be expended under the direction of the Library Department, annual expenditures not to exceed \$15,000

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

ARTICLE 15. To see what sum of money the Town will raise and appropriate, or otherwise provide, including transfer of rent receipts from the approved leases of the branches, to the Library Trustees for the purpose of funding capital improvements to be made at the branches, and/or other library purposes; to establish a revolving fund for said purpose pursuant to Section 53E½ of Chapter 44 of the General Laws; or take any other action relative thereto.

MOTION 1. Marla Robinson, Precinct E, Chairman of the Library Trustees, offered the following first motion, which was

VOTED, by declared voice vote, that the Town vote to establish a revolving fund, effective for fiscal 2009, pursuant to Section 53E ½ of Chapter 44 of the General Laws, as amended, for the following purpose:

Branch Library maintenance, said funds to be credited from lease receipts, to be expended under the direction of the Library Department, annual expenditures not to exceed \$18,200

MOTION 2. Marla Robinson, Precinct E, Chairman of the Library Trustees, offered the following second motion which was

VOTED, by declared voice vote, that the Town vote to renew a revolving fund, pursuant to Section 53E ½ of Chapter 44 of the General Laws, as amended, for the following purpose:

Branch Library maintenance, said funds to be expended under the direction of the Library Department, annual expenditures not to exceed \$36,400

ARTICLE 16. To see if the Town will vote to establish a Town Facilities Maintenance Account dedicated to the maintenance town facilities, including school buildings, the intent being for the unencumbered balance of said account to be annually available to the ensuing fiscal year; to authorize the Board of Selectmen to petition the General Court for Home Rule legislation for same, if necessary; to raise and appropriate, or otherwise provide, a sum of money therefor, including a transfer from available funds; or take any other action relative thereto.

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

VOTED, by declared voice vote, that the sum of \$200,000 be appropriated to a Facilities Maintenance Reserve Account under the Facilities Maintenance Department for the purpose of addressing the unanticipated capital needs and emergency repairs of town and school facilities, to be expended by the Director of Facilities in accordance with the Policy adopted by the Board of Selectmen and School Committee effective February 24, 2009; said sum to be taken from Free Cash, as certified as of June 30, 2008.

ARTICLE 17. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the School Committee, in addition to the amount appropriated under

Article 8 of the Warrant for the 2009 Annual Town Meeting, for additional busing at the Wellesley High School; or take any other action relative thereto.

No motion offered..

ARTICLE 18. To see if the Town will vote to study and/or implement a proposal for a town-wide public transportation system; to appoint a committee to study the matter; to raise and appropriate, or otherwise provide, a sum of money for the same; or take any other action relative thereto.

No motion offered..

ARTICLE 19. To act on the report of the Community Preservation Committee on the fiscal year 2010 community preservation budget and, pursuant to the provisions of General Laws Chapter 44B, to appropriate or reserve for later appropriation monies from Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the year; or take any other action relative thereto.

Jack Morgan, Precinct E, Chairman of the Community Preservation Committee, offered the following motion:

- I. That the following amounts recommended by the Community Preservation Committee be appropriated for fiscal year 2010 community preservation purposes from the specific funding sources set forth below, with each item to be considered a separate appropriation:

A. For Community Housing Purposes:

1. To the Wellesley Housing Authority, the sum of \$700,000 for the renovation of 12 units of community family housing at 50 Linden Street (Waldo Court) to restore them to use, said funds to be expended in addition to the \$1,650,000 in Department of Housing & Community Development funds already contracted and any other State or Federal funds received, said appropriation to be funded \$152,800 from revenues reserved for Community Housing in Part II of this Motion, \$301,682 from balances on hand in the Community Preservation Fund Community Housing Reserve and \$245,518 from unreserved balances in the Community Preservation Fund;

2. To the Wellesley Housing Development Corporation, the sum of \$350,000 for the acquisition, creation, rehabilitation and support of community housing, said appropriation to be funded entirely from balances on hand in the undesignated Community Preservation Fund; and

B. For Historic Resources Purposes:

1. To the Department of Public Works, the sum of \$65,000 for repairing, preserving and restoring the Issac Sprague Memorial Clock Tower in Elm Park (listed on the National Register of Historic Places in 2007), provided that the Community Preservation Committee and the Wellesley Historical Commission certify that the contract for the work complies with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68, said appropriation to be funded entirely from balances on hand in the Community Preservation Fund Historic Resources Reserve;

C. For Administrative Expenses of the Community Preservation Committee:

To the Community Preservation Committee, the amount of \$50,000 to be expended for any permissible administrative purpose under the Community Preservation Act, said appropriation to be funded entirely from unreserved balances on hand in the Community Preservation Fund;

And

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

Open Space (excluding Recreation)	\$ 152,800
Historic Resources	\$ 152,800
Community Housing	\$ 152,800

and in the case of the Open Space Reserve and Historic Reserve categories, such reserved amounts shall be for future appropriation, and in the case of the Community Housing Reserve category, such reserved amount shall be made available to fund the current Community Housing appropriations authorized under paragraphs A.1. and A.2. of Part I of this Motion.

Mr. Morgan spoke in support of the motion.

At 9:07 pm the Moderator declared a brief recess. At 9:25 the meeting resumed.

Greg Mills, Precinct D, Chairman of the Board of Selectmen, offered the following motion

VOTED, unanimously by voice vote, that when this meeting adjourns, it does so until April 6, 2009 at 7:30 p.m. in this same hall.

The motion was projected on the screen.

Dennis Dischino, Precinct B, offered the **first amendment**:

Move to amend by deleting paragraph 1 of part A of motion 1 of Article 19 (Waldo Court project).

Dennis Brown rose to a point of order suggesting the motion was vague.

Heather Sawitsky rose to a point of order requesting clarification of the process being used to amend the motion.

Royall Switzler rose to request a division of the motion. The moderator indicated that Town Counsel had advised that a division of the motion is not an accepted procedure for the Wellesley Town Meeting. The motion on the floor is open to amendment and that process will accomplish the same purpose of allowing votes on any elements of the main motion that a member chooses to raise.

Jack Morgan rose to a point of order suggesting the language of the amendment was not clear.

Beth Woods rose to a point of order requesting an explanation of the process underway.

Harold Olsen rose to a point of order stating his understanding of the process.

The Moderator called for the vote on the amendment, which **FAILED, by declared voice vote**.

Royall Switzler, Precinct C, offered the **second amendment**:

Move to amend by deleting paragraph 2 of part A of motion 1 of Article 19 (WHDC).

Royall Switzler rose to a point of order questioning if the language of the main motion was flawed.

The Moderator called for a vote on the second amendment which **FAILED, by declared voice vote.**

The Moderator called for the vote on the main motion. She could not determine the voice vote and requested a standing counted vote.

VOTED, by standing counted vote 122 yes, 52 no, 0 abstaining, that the following amounts recommended by the Community Preservation Committee be appropriated for fiscal year 2010 community preservation purposes from the specific funding sources set forth below, with each item to be considered a separate appropriation:

A. For Community Housing Purposes:

1. To the Wellesley Housing Authority, the sum of \$700,000 for the renovation of 12 units of community family housing at 50 Linden Street (Waldo Court) to restore them to use, said funds to be expended in addition to the \$1,650,000 in Department of Housing & Community Development funds already contracted and any other State or Federal funds received, said appropriation to be funded \$152,800 from revenues reserved for Community Housing in Part II of this Motion, \$301,682 from balances on hand in the Community Preservation Fund Community Housing Reserve and \$245,518 from unreserved balances in the Community Preservation Fund;

2. To the Wellesley Housing Development Corporation, the sum of \$350,000 for the acquisition, creation, rehabilitation and support of community housing, said appropriation to be funded entirely from balances on hand in the undesignated Community Preservation Fund; and

B. For Historic Resources Purposes:

1. To the Department of Public Works, the sum of \$65,000 for repairing, preserving and restoring the Issac Sprague Memorial Clock Tower in Elm Park (listed on the National Register of Historic Places in 2007), provided that the Community Preservation Committee and the Wellesley Historical Commission certify that the contract for the work complies with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68, said appropriation to be funded entirely from balances on hand in the Community Preservation Fund Historic Resources Reserve;

C. For Administrative Expenses of the Community Preservation Committee:

To the Community Preservation Committee, the amount of \$50,000 to be expended for any permissible administrative purpose under the Community Preservation Act, said appropriation to be funded entirely from unreserved balances on hand in the Community Preservation Fund;

And

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

Open Space (excluding Recreation)	\$ 152,800
Historic Resources	\$ 152,800
Community Housing	\$ 152,800

and in the case of the Open Space Reserve and Historic Reserve categories, such reserved amounts shall be for future appropriation, and in the case of the Community Housing Reserve category, such reserved amount shall be made available to fund the current

Community Housing appropriations authorized under paragraphs A.1. and A.2. of Part I of this Motion.

The Moderator deferred discussion of **Article 20** until the next session on April 6.

ARTICLE 21. To see if the Town will vote to transfer the remaining unencumbered money previously appropriated for the Middle School Project under Motion 1 of Article 7 of the Warrant for the December 6, 2004 Special Town Meeting to the amount appropriated under Motion 1 of Article 5 of the Warrant for the October 20, 2008 Special Town Meeting for the High School Project; and to reduce by an equal amount the authorization to borrow for said High School Project; or take any other action relative thereto.

No motion offered.

ARTICLE 22. To see if the Town will vote to transfer the remaining unencumbered money previously appropriated for completed traffic signal installations under Motion 1 of Article 3 of the Warrant for the December 6, 2004 Special Town Meeting and Motion 1 of Article 3 of the Warrant for the November 28, 2000 Special Town Meeting to the amount appropriated under Motion 3 of Article 8 of the Warrant for the 2006 Annual Town Meeting for traffic signal system upgrades and maintenance; or take any other action relative thereto.

No motion offered..

ARTICLE 23. To see if the Town will vote to accept as a public way (without betterments) the following street as laid out by the Board of Selectmen: Burnett Lane, as shown on a plan on file in the Office of the Town Clerk entitled "Street Acceptance Layout of Burnett Lane Wellesley, Mass." drawn by GLM Engineering Consultants, Inc., dated November 20, 2006, revised January 5, 2007; to raise and appropriate money therefor, or take any other action relative thereto.

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

VOTED, unanimously, that the Town vote to accept Burnett Lane as a public way (without betterments) as laid out by the Board of Selectmen and shown on a plan on file in the Office of the Town Clerk entitled "Street Acceptance Layout of Burnett Lane Wellesley, Mass." drawn by GLM Engineering Consultants, Inc., dated November 20, 2006, revised January 5, 2007.

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

Michael Humphrys, Precinct A, Board of Public Works, offered the following motion which was,

VOTED, unanimously, 2/3 required, that the Town hereby accepts, and abandons, as the case may be, the utility and electric, roadway and vault easements identified on the document entitled "Easements for 2009 Annual Town Meeting Article 24", dated March 30, 2009, a copy of said document being on file in the Office of the Town Clerk.

The Moderator noted the hour of 10:56 pm and suggested an adjournment.

The motion carried unanimously. The Meeting adjourned to April 6, 2009.

Attest:

Kathleen F. Nagle
Town Clerk

CERTIFICATE OF NOTICE
OF ADJOURNED ANNUAL TOWN MEETING



April 1, 2009
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from March 31, 2009 to April 6, 2009 at 7:30 p.m. at the Wellesley Middle School was posted on the screen in the Hall during the recess of the meeting on March 31, 2009 was voted unanimously by the Town Meeting. That said adjournment was announced by the Moderator at the close of the meeting of March 31, 2009 and a notice was posted on the town website (www.wellesleyma.gov) and in the Town Hall at the office of the Town Clerk on April 1, 2009.

Attest:

Kathleen F. Nagle
Town Clerk

TOWN CLERK'S RECORD
OF THE ANNUAL TOWN MEETING



April 6, 2009
Wellesley Middle School

April 7, 2009

An adjourned session of the Annual Town meeting from March 31, 2009 was held this evening at the Wellesley Middle School Auditorium, 50 Kingsbury Street. The Moderator, Margaret Metzger, called the meeting to order at 7:30 p.m. The Moderator declared a quorum present.

The meeting was held under the provisions of Chapter 202 of the Acts of 1932 as amended. The checklist of Town Meeting Members showed there were 217 members present. Only 121 were needed for a quorum.

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

The following were seated within this area by permission of the Moderator, but did not vote: Peter Cory, Steve Hansen, Rick Hill, Dave Mooney, Steve Simons and Steve Sykes, Advisory Committee; Terrance J. Connolly, and Chris Ketchen, Deputy Directors, General Government; Hans Larsen, Executive Director; Sheryl Strother, Finance Director; Terrance Cunningham, Police Chief, William Brooks, Deputy Police Chief; Linda Cohen, Chairman COA, Gail Kingsley, Tolles Estate Trustee, George Dummer, Mary Bowers, Barbara Peacock-Coady, Ruth von Kelsch, Mary Dummer, COA guests, Gail Thieme, COA Director, Laura Veligor, COA staff; David Walsh and Tim Fulham Wellesley Community Center; Bill Sterling, PBC guest, Michael Eby Chair PBC, Kathryn Mullaney, PBC staff; Mike Pakstis, Judi Curby, DPW; Meghan Jop, Planning Director; Shep Cohen, Board of Health Chair.

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Head Teller, Jackie Hatch, assisted by assisted by Pamela Kubbins, Kathleen Woodward, Richard Page, Thomas Skelly, Roberta Francis, and Nancy Calderwood.

The Moderator noted a number of guests in the audience and reviewed the rules for the conduct of Town Meeting.

ARTICLE 20. To see if the Town will vote to take by eminent domain the former American Legion Site, located at 496 Washington Street, in order to confirm town ownership already acquired by deed; to raise and appropriate the sum of one dollar (\$1.00) for the purpose; to designate said parcel under the jurisdiction of the Board of Selectmen for the use of a Senior Center; to raise and appropriate, or otherwise provide, a sum of money to raze the existing building and for the architectural, engineering, and/or other professional services and for the construction of a new Senior Center and such other activities relating thereto as the Board of Selectmen shall determine to be in the town's interest; to accept gifts to be applied to the same, including the gift proffered by the Mary Esther ("Billie") Tolles Charitable Foundation; and to determine whether such sums shall be raised by taxation, through borrowing and/or transfer from available funds, including from the available and unexpended balances on hand previously appropriated for other capital building projects now completed; or take any other action relative thereto.

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

VOTED, unanimously, with one abstention, that the Town vote to take by eminent domain the following described parcel of land commonly known and numbered 496 Washington Street, said parcel formerly owned by the Trustees of the Wellesley Post No. 72 American Legion Trust, u/d/t dated February, 1922, recorded on March 29, 1922 with the Norfolk Registry of Deeds in Book 1512, Page 108:

A certain parcel with the buildings thereon situated in WELLESLEY Massachusetts, and bounded and described as follows:

Northwesterly by Washington Street one hundred fifty-five (155) feet; northeasterly by other land of said Isaac Sprague one hundred ninety (190) feet; southeasterly by other land of said Isaac Sprague one hundred fifty-five (155) feet; and southwesterly by land of St. Paul's Mission Church one hundred ninety (190) feet. Containing 29,435 square feet. Being a part of the premises conveyed to Isaac Sprague by the Trustees of Boston University by deed dated April 29, 1921 and recorded with Norfolk Deeds, Book 1485, page 132, and being shown on "Plan of Land in Wellesley, Mass. owned by Isaac Sprague" by R. J. Farnham, C.E. dated February 1922 recorded with the Norfolk Registry of Deeds in Book 1512, Page 108.

And that the Town appropriate the sum of One Dollar (\$1.00) for said purpose.

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

VOTED, by declared voice vote with one abstention, That the sum of \$38,000 be appropriated to the Permanent Building Committee for the purpose of razing the existing building at 496 Washington Street and for regrading of the site; said sum to be taken from Free Cash, as certified as of June 30, 2008; and shall be available for use immediately upon dissolution of the 2009 Annual Town Meeting.

MOTION 3 Barbara Searle, Precinct A, Board of Selectmen offered the Third motion:

That the sum of \$600,000 be appropriated to the Permanent Building Committee for the purpose of designing a Senior Center, to be located at the Town owned site at 496 Washington Street (the former American Legion site), including necessary architectural, engineering, and other services; that to meet this appropriation said sum to be taken from Free Cash, as certified as of June 30, 2008; and that the Permanent Building Committee is authorized to take all action necessary to carry out this project.

Harriet Warshaw, Chair of the Senior Study Committee and Michael Eby, Chair of the PBC spoke in support of the motion.

The Board of Selectmen informed the Town Meeting that although the motion requires only a majority vote, the Board has committed that it will not spend any appropriation under this motion unless a 2/3 vote is achieved.

After extended discussion the Moderator declared a short recess at 9:06 pm. The meeting reconvened at 9:24 pm.

Greg Mills, Precinct D, Chair Board of Selectmen, offered the following motion which was

VOTED, unanimously by voice vote, that when this Annual Town Meeting adjourns, it does so until Tuesday, April 7, 2009, at 7:30 p.m. in this same hall.

The exact wording of the motion appeared on the screen during the break.

The moderator resumed discussion on Article 20, Motion 3.

Dennis Dischino, Precinct B rose to offer the following amendment:

To amend the main motion by substituting \$300,000 for \$600,000.

The amendment FAILED on a declared voice vote.

Discussion resumed.

The Moderator called for the vote on the main motion. Upon request of the Board of Selectmen and prerogative of the Moderator, she announced that the vote would be by standing counted vote.

VOTED, by standing counted vote, 157 yes, 58 no, 3 abstaining, that the sum of \$600,000 be appropriated to the Permanent Building Committee for the purpose of designing a Senior Center, to be located at the Town owned site at 496 Washington Street (the former American Legion site), including necessary architectural, engineering, and other services; that to meet this appropriation said sum to be taken from Free Cash, as certified as of June 30, 2008; and that the Permanent Building Committee is authorized to take all action necessary to carry out this project.

This vote achieved a greater than 2/3 majority.

The Moderator suggested an adjournment. The meeting adjourned at 11:05 pm.

Attest:

Kathleen F. Nagle
Town Clerk

CERTIFICATE OF NOTICE
OF ADJOURNED ANNUAL TOWN MEETING



April 7, 2009
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from March 31, 2009 to April 6, 2009 at 7:30 p.m. at the Wellesley Middle School voted after the break of the meeting of April 6, 2009 and was announced by the Moderator and posted on the screen in the Hall at the recommencement of the meeting on April 6, 2009. The notice was also posted in Town Hall at the office of the Town Clerk on April 7, 2009.

Attest:

Kathleen F. Nagle
Town Clerk

TOWN CLERK'S RECORD
OF THE ANNUAL TOWN MEETING



April 7, 2009
Wellesley Middle School

April 8, 2009

An adjourned session of the Annual Town meeting from April 6, 2009 was held this evening at the Wellesley Middle School Auditorium, 50 Kingsbury Street. The Moderator, Margaret Metzger, called the meeting to order at 7:34 p.m. The Moderator declared a quorum present.

The meeting was held under the provisions of Chapter 202 of the Acts of 1932 as amended. The checklist of Town Meeting Members showed there were 191 members present. Only 121 were needed for a quorum.

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

The following were seated within this area by permission of the Moderator, but did not vote: Peter Cory, Steve Hansen, Dave Mooney, Steve Simons and Steve Sykes, Advisory Committee; Terrance J. Connolly, and Chris Ketchen, Deputy Directors, General Government; Hans Larsen, Executive Director; Terrance Cunningham, Police Chief; Mike Pakstis, Judi Curby, David Cohen DPW; Meghan Jop, Planning Director; Shep Cohen, Board of Health Chair; Dwight Lueth, Robert McConnell, Joel Slocum, and David Wright Historical Commission; Herb Nolan, Denton Rd. NCD; Elana Zak, Wellesley Townsman.

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Head Teller, Jackie Hatch, assisted by assisted by Pamela Kubbins, Andrew Wrobel, Joe Feiner, Amy Smith, Richard Page, and Susan Troy.

ARTICLE 20. To see if the Town will vote to take by eminent domain the former American Legion Site, located at 496 Washington Street, in order to confirm town ownership already acquired by deed; to raise and appropriate the sum of one dollar (\$1.00) for the purpose; to designate said parcel under the jurisdiction of the Board of Selectmen for the use of a Senior Center; to raise and appropriate, or otherwise provide, a sum of money to raze the existing building and for the architectural, engineering, and/or other professional services and for the construction of a new Senior Center and such other activities relating thereto as the Board of Selectmen shall determine to be in the town's interest; to accept gifts to be applied to the same, including the gift proffered by the Mary Esther ("Billie") Tolles Charitable Foundation; and to determine whether such sums shall be raised by taxation, through borrowing and/or transfer from available funds, including from the available and unexpended balances on hand previously appropriated for other capital building projects now completed; or take any other action relative thereto.

MOTION 4 Barbara Searle, Precinct A, Board of Selectmen offered the fourth motion, which was

VOTED, unanimously, 2/3 required, that the Town vote:

1. to transfer the care, custody, management and control of the land identified in Motion 1 of this Article (commonly known and numbered 496 Washington Street,

and formerly known as the American Legion Site) to the Board of Selectmen for the purpose of constructing and maintaining a Senior Center; and

2. to accept the gift from the Mary Esther Tolles Charitable Foundation in the approximate amount of \$825,000 for said purpose; and
3. in consideration of said gift, to name the Senior Center “The Tolles-Parsons Senior Center”, to be dedicated in memory of Mary Esther Tolles and Evelyn L. Parsons, M.D.

PROVIDED, all of the foregoing to be effective upon the Town appropriating funds sufficient for the Senior Center’s construction and equipping and said appropriation becoming final. If said final funding has not occurred within 3 years of the date of this vote, the above authority shall expire unless the Town votes to renew it.

ARTICLE 25. To see if the Town will authorize the use of funds received from Federal or State sources for engineering services, for plans and specifications, for construction, reconstruction, remodeling, rehabilitation and/or modernization of Town facilities and infrastructure, including School, Municipal Light Plant, Water and Sewer facilities and infrastructure; to raise and appropriate, or otherwise provide, money for the same; and to determine whether additional sums for said projects shall be raised by taxation, through borrowing and/or transfer from available funds; or take any other action relative thereto.

No motion offered..

ARTICLE 26. To see what sum of money the Town will raise and appropriate, or otherwise provide, to complete the Town’s acquisition of the most-westerly portion of the Cochituate Aqueduct, said parcel of land comprising 5.59 acres running from the Natick Town Line to approximately 25’ south of Dedham’s Brook Waste Weir, said acquisition being authorized by Chapter 267 of the Acts of 2002, provided the Town pay the fair market value of said parcel to be determined by an independent appraisal, and also all other costs associated with the same; to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds; to authorize the Board of Selectmen to file Home Rule legislation regarding the same if necessary; to authorize the Board of Selectmen to enter into a lease of a portion of said property; or take any other action relative thereto.

No motion offered..

ARTICLE 27. To see if the Town will vote to authorize the Board of Selectmen to enter into agreement(s) for the exchange of town-owned land in consideration for the town acquiring privately owned land in order to enhance the town’s interests; to determine whether said exchange(s) shall be for monetary consideration in addition to the value of land(s) to be exchanged; to raise and appropriate, or otherwise provide, a sum of money for this purpose; to determine which board shall have jurisdiction of any such land acquired; to authorize the Board of Selectmen to execute deeds for the parcel(s) to be conveyed out; and, if it is in the town’s interest, to execute new leases, and/or terminate or amend existing leases so that the town may use the parcel(s) in the meantime; or take any other action relative thereto.

No motion offered..

ARTICLE 28. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special Home Rule legislation authorizing the Board of Assessors to increase the property tax benefit to a higher amount than that set by General Laws Ch. 59, Section 5K for those persons eligible for the Senior Work-Off program; or take any action relative thereto.

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

VOTED, unanimously, that the Town votes to authorize the Board of Selectmen to petition the General Court for Special Home Rule legislation authorizing the Board of Assessors to increase the maximum property tax benefit from \$750 to \$1,000 for those persons eligible for the Senior Work-Off Program set by General Laws Ch. 59, Section 5K.

ARTICLE 29. To see if the Town will vote to increase the tax relief benefit authorized by General Laws Ch. 59, clause Forty-First C of section 5, from \$750 to the maximum of \$1000 and from \$4,000 to \$8,000 in property valuation; or take any action relative thereto.

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

VOTED, by declared voice vote, that the Town vote pursuant to clause forty-first C of section 5 of chapter 59 of the General Laws to increase the amount of exempt real estate taxes for qualified persons from \$750, as voted under Article 22 of the Warrant for the 2003 Annual Town Meeting, to \$1,000; said adjustment to take effect with fiscal year 2010.

ARTICLE 30. To see if the Town will vote to authorize the sale of all existing tangible property at 53, 55, and 57 Seaver Street, including the structures, contents, improvements and landscaping (but not the land) as the Board of Selectmen shall determine to be in the Town's interest; or take any other action relative thereto.

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

VOTED, unanimously, that the Board of Selectmen is hereby authorized to sell all existing tangible property at 53, 55, and 57 Seaver Street, including the structures, contents, improvements and landscaping (but not the land) as the Board of Selectmen shall determine to be in the Town's interest, after complying with Section 15 of Chapter 30B of the General Laws and Bylaw 19.47(c) and the regulations promulgated therein insofar as said Board determines are apt.

ARTICLE 31. To see what action the Town will take on the recommendation that the Town adopt a town-wide sustainable energy plan; to raise and appropriate, or otherwise provide, a sum of money therefor; to authorize the Green Ribbon Study Committee to continue as a committee for another year, or take any other action relative thereto.

MOTION 1. Barbara Searle, Precinct A, Board of Selectmen, offered the following motion. Katy Gibson, Precinct E, Chairman of the Green Ribbon Committee spoke in support of the motion, which was

VOTED, unanimously, that this Town Meeting hereby adopts the target proposed by the Green Ribbon Study Committee of reducing the Town's green house gas emissions (public and private) 10% below 2007 levels by the year 2013.

MOTION 2. Barbara Searle, Precinct A, Board of Selectmen, offered the following motion. Katy Gibson, Precinct E, Chairman of the Green Ribbon Committee spoke in support of the motion, which was

VOTED, unanimously, that the Green Ribbon Study Committee be continued for one year under the same charge as voted under Article 28 of the Warrant for the 2008 Annual Town Meeting, and that it present its Sustainable Energy Plan and its recommendations to a future Town Meeting.

ARTICLE 32. To see if the Town will authorize the Board of Selectmen to enter into an energy performance contract pursuant to Massachusetts General Law Chapter 25A, Section 11I regarding Energy Management Services, including expenditures for high efficiency lighting, weatherization and insulation, energy management control systems, burner controls, window films, HVAC motors, PC monitor controls, high efficiency doors and other enhancements; to raise and appropriate, or otherwise provide, funds for such purposes; or take any other action relative thereto

No motion offered..

ARTICLE 33. 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; or take any other action relative thereto.

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

VOTED, unanimously, that, pursuant to Section 10 of the Development Agreement dated as of June 3, 2005, as previously affected by a letter agreement dated as of February 13, 2006, relative to the Linden Square shopping area on Linden Street in Wellesley, the Town Meeting hereby approves the First Amendment to Development Agreement, dated March 27, 2009, between the Town, acting by the Board of Selectmen, and FR Linden Square, Inc., as the owner, which (i) extends the outside date for extension of the lease of the VW Parcel set forth in Section 2(c) of the Development Agreement through December 31, 2011, (ii) provides for an additional payment by the owner to the Town of \$50,000, and (iii) amends Section 3(j) of the Development Agreement relative to the timing and conditions of the post-completion traffic counts, all on the terms and conditions set forth in said First Amendment.

ARTICLE 34. To see if the Town will vote to further regulate Large House Review by amending the Zoning Bylaw Section XVID. LARGE HOUSE REVIEW, by striking subparagraph 1. within Section C. Applicability. and restating Subparagraph 2., so the part of Section C. being changed will read substantially as follows:

Notwithstanding the foregoing, this section shall not apply to the reconstruction of pre-existing, non-conforming buildings, damaged or destroyed by accidental cause, including fire, or otherwise damaged or destroyed without the consent of the owner, in accordance with SECTION XVII. PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS., C. DISASTER REBUILD;

or take any other action relative thereto.

No motion offered..

ARTICLE 35. To see if the Town will vote to further regulate proposed construction and/or alteration of a single and two family dwelling on a non-conforming lot by amending the Zoning Bylaw, Section XVII. PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS., SECTION B. CHANGES TO NON-CONFORMING STRUCTURES. by striking from the first paragraph in Subsection 1. One and Two-Family Dwellings the phrase “except changes which themselves comply with this Zoning Bylaw” and substituting “except small-scale alterations, extensions or structural changes,” and make such further amendments to the same as shall conform the section to recent case law, the currently proposed version of said amendments being on file on the Office of the Planning Board; or take any other action relative thereto.

No motion offered..

ARTICLE 36. To see if the Town will vote to amend the Town Bylaws, Article 5. Policies and Procedures., by adding a new Section 5.6. Acceptance of Gifts. Said section shall define the policy of the town on acceptance of gifts to the Town for any public purpose, including but not limited to money and or securities, real and personal property; said section shall set forth the policy, authority, procedures and/or reporting requirements for donations received by the Town of Wellesley or any of its departments or committees; or take any other action relative thereto.

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

VOTED, unanimously, that the Town hereby amends the Town Bylaws, ARTICLE 5. POLICIES AND PROCEDURES, by adding a new Section 5.6. Acceptance of Gifts. To read as follows:

5.6. Acceptance of Gifts. The purpose of this section is to authorize the acceptance of Gifts for any public purpose, and to specify policies and procedures for doing so.

- a. Town Boards authorized to accept Gifts (money, tangible property, real estate) It is the Town's policy to respect the authority in Town boards and committees to accept gifts as provided by statute. This includes, but may not necessarily be limited to the following Town boards which are authorized to accept gifts of money, tangible property and/or real estate to the extent hereinafter set forth.
 - i. The Board of Selectmen is authorized to accept gifts of money and tangible property on behalf of the Town (G.L. c.44 §§53A, 53A1/2).
 - ii. The School Committee is authorized to accept gifts of money for educational purposes. (G.L. c. 44, §53A, and c.71, Section 37A), and of tangible property as a matter of town policy.
 - iii. The Board of Trustees of the Wellesley Free Library is authorized to accept gifts of money for library purposes (G.L. c.78 § 7, 11) and for purposes of library construction or renovations (G.L. c.78 §19K), and of tangible property as a matter of town policy.
 - iv. The Natural Resources Commission is authorized to accept gifts of money and tangible property for conservation and parkland purposes, subject to the approval of the Board of Selectmen (G.L. c.40, §8C)
 - v. Gifts of real estate, or interests in real estate, may only be accepted by Town Meeting on the recommendation of the Board of Selectmen.
- b. Protocol for accepting gifts.
 - i. Any town board accepting, recommending the acceptance of, or declining a gift shall adopt a written policy consistent with this bylaw. Any such policy or amendment thereto shall be adopted only after at least one public hearing. All such policies shall be on file with the Town Clerk and posted on the Town website.
 - ii. All Town boards and officers not specifically authorized hereinabove to accept a gift on behalf of the Town shall refer the proffered gift to the Board of Selectmen if it recommends that the gift be accepted. (The Town recognizes that G.L. c.44, §53A provides that a Town officer or department may accept a gift of money, but the statute also stipulates any expenditure of

such a gift must be approved by the Board of Selectmen. Therefore, it is Town policy to require the acceptance be voted by the Board of Selectmen at the outset of the gift). Any Town board not hereinabove provided for, believing it is authorized to accept gifts, may ask the advice of the Board of Selectmen and/or Town Counsel.

- iii. The donee board shall have the discretion to approve or decline any proposed gift, whether restricted or not, subject to the provisions of this section. In the event a board declines a gift that decision shall be dispositive of the matter.

In considering a gift, boards should make the following determinations:

1. Whether the gift is appropriate to the mission and needs of the Town and the particular board;
2. Whether the gift is unrestricted or, if restricted, given in reasonably broad and flexible terms to maximize usefulness;
3. Whether the gift is irrevocable;
4. Whether the gift imposes undue financial burden on the Town;
5. Whether the the long-term impacts of the gift, particularly where there could be significant future or ongoing operations and maintenance or capital costs associated with the gift have been accounted for;
6. Whether the terms of the gift permit the Town to apply the gift to related purposes in the event the designated purpose is fully funded or is no longer practical, necessary or able to be performed.

In the event a board has reason to believe a gift could cause or result in an appearance of impropriety, the board shall consult with the Town Counsel prior to accepting the gift.

Restricted gifts shall be assigned to a project or existing account consistent with the donor's desired use, as long as such restriction(s) do not conflict with Town by-laws or state or federal law, in which case the Town shall ask that the restriction(s) be removed or decline the gift.

- c. Grants. Any Town department is authorized to apply for grants, and to accept grant funds, provided the board or committee of such Town department has authorized the filing of grant application, or in the case of no application having been required, has authorized acceptance of the grant funds.
- d. Accounting. All funds received by any board shall be deposited with the Treasurer.
The Town of Wellesley Financial Services Department is responsible for providing for the financial administration of any gift to the town. If necessary, Financial Services shall track the proposed use of any such gift and shall maintain separate records of accounts showing receipts and disbursements.

Interest, if any, generated by a gift shall accrue to the Town's general fund unless expressly provided otherwise by the terms of the gift.

The donee board shall be responsible for acknowledgement of gifts and shall provide receipts as needed for IRS purposes.

- e. Reporting. All donee boards shall prepare an annual report of such gifts including amounts, purposes and such other details as required by the Finance Director. These reports shall include both restricted and unrestricted funds. Reports on gifts shall be filed with the Finance Director, and included in the Town's Annual Report. The report shall cover gifts received in the prior fiscal year and shall be submitted in time to be included in the annual report.

ARTICLE 37. To see if the Town will (1) designate one Board or Officer to issue permits for the excavation of trenches on privately owned land and for the excavation of a public way, pursuant to Section 2 of Chapter 82A of the General Laws; and (2) amend the Town Bylaws, ARTICLE 19. BOARD OF SELECTMEN, Section 19.7. Appointments, and/or ARTICLE 29. BOARD OF PUBLIC WORKS, Section 29.3 General Duties., in furtherance thereof; or take any other action relative thereto.

MOTION 1. Michael Humphry, Precinct A, Board of Public Works, offered the following first motion, which was

VOTED, unanimously, in compliance with G.L. c. 82A, §2, the Town hereby designates the Board of Public Works to issue permits for the excavation of trenches on privately owned land and for the excavation of a public way within the Town.

MOTION 2. Michael Humphrys, Precinct A, Board of Public Works, offered the following second motion, which was

VOTED, unanimously, that the Town hereby amends the Town Bylaws, ARTICLE 29. BOARD OF PUBLIC WORKS, Section 29.3. General Duties, by adding a new subparagraph f. to read as follows:

- f. serve as the Board designated by the Town to issue permits for the excavation of trenches on privately owned land and on public ways within the Town. Said Board shall establish rules and regulations to effectively regulate the same, said regulations also to establish such fines and other penalties for infractions of said regulations as the Board of Public Works shall deem appropriate, not to exceed, however, \$200 (two hundred dollars) for any offense, each violation to constitute a separate offense. Regulations providing for fines or other penalties shall be implemented only after a public hearing and shall be subject to the procedure governing non-criminal disposition as set forth in Article 52 of these Bylaws.

ARTICLE 38. To see if the Town will vote to regulate the use of marijuana or tetrahydrocannabinol ("THC") on town land and in the public way, one proposal of which is to amend the Town Bylaws, Article 49. Police Regulations, Section 49.19. Possession and Use of Alcoholic Beverages, to preclude the possession and use of marijuana or THC on public property or on the public way; further proposals, if any, will be on file on the Office of the Board of Selectmen; or take any other action relative thereto.

No motion offered..

The Moderator called for a short break at 9:00 pm. The Meeting resumed at 9:20 pm.

ARTICLE 39. To see if the Town will vote to amend the Town Bylaws, Article 52. Bylaw, Rule or Regulation Violations; Non-Criminal Disposition, to strike the existing references of Chapter 90G of the General Laws, which have been repealed by the legislature, and add and/or retain reference to Section 21D of Chapter 40 of the General Laws in its place; to amend other provisions as may be consistent with said statute; or take any other action relative thereto.

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

VOTED, unanimously, that the Town hereby amends Town Bylaw Article 52. BYLAW, RULE OR REGULATION VIOLATIONS; NON-CRIMINAL DISPOSITION, by striking Article 52.1 Non-Criminal Disposition as it presently appears and substituting in its place the following Section 52.1.:

52.1. Non-Criminal Disposition Any person taking cognizance of a violation of a specific Town Bylaw, Rule or Regulation which said person is empowered to enforce, hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof at any time during office hours, not later than twenty-one days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific offense charged, and the time and place for the offender's required appearance. Such notice shall be signed by the enforcing person, and shall be signed by the offender whenever practicable in acknowledgement that such notice has been received.

The enforcement officer shall proceed to give notice as necessary as provided in Section 21D of Chapter 40 of the General Laws, and the appropriate department head shall thereupon deliver a copy thereof to the Clerk of Court before which the offender has been notified to appear.

Any person notified to appear before the Clerk of the District Court may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the Town Clerk such specific sum of money not exceeding \$300 (three hundred dollars) as provided in the Bylaw, Rule or Regulation which has been violated. Such payment shall if mailed be made only by postal note, money order or check. Upon receipt of such payment by the Town Clerk, the District Court shall be notified of payment, which shall thereupon operate as a final disposition of the case.

An appearance under this provision shall not be deemed to be a criminal proceeding.

If any person so notified to appear desires to contest the violation rather than confess it, such person may request in writing a hearing in said District Court. Such hearing shall then be assigned and held before a Judge, Clerk or Assistant Clerk, as the court shall direct. If the Clerk or other judicial officer finds that the violation occurred and that it was committed by the person so notified to appear, the person so notified shall be permitted to dispose of the case by paying a specific sum of money fixed as a penalty as aforesaid, or such lesser amount as the Judge, Clerk or Assistant Clerk shall order, which payment shall operate as a final disposition of the case.

If the case is not disposed of pursuant to the above, then the enforcing person who issued the original notice shall determine whether to apply for the issuance of a complaint in the applicable District Court, and the matter shall proceed in accordance with the rules of the District Court for criminal business.

The non-criminal disposition of any one or more of the following violations is hereby authorized:

- a. Any violation of an order of the Town's Board of Health relating to public health which is authorized by the General Laws, any special law applicable to the Town, the provisions of the State Sanitary Code, or other State regulation, or any Town bylaw, rule or regulation.
- b. Any violation of an order of a Town building official relating to public safety which is authorized by the General Laws, any special law

applicable to the Town, the provisions of the State Building code, or other State regulation, or any Town bylaw, rule or regulation.

c. Any violation of an order of a Town fire official relating to public safety which is authorized by the General Laws, any special law applicable to the Town, the provisions of the State Fire Prevention Code or other State regulation, or any Town bylaw, rule or regulation.

d. Any violation of any other Town bylaw, or any rule or regulation of any Town officer, board or department.

Further, to amend Section 52.3. Governing Law, by striking the phrase “pursuant to the civil infraction procedure set forth in Chapter 90G of the General Laws”, and substituting therefor the phrase “pursuant to the civil infraction procedure set forth in said Section 21D of Chapter 40 of the General Laws,” so that said 52.3 Governing Law shall read in its entirety as follows:

52.3. Governing Law. This bylaw is intended to comply fully with the provisions of Section 21D of Chapter 40 of the General Laws, and to authorize the non-criminal disposition of the infraction set forth above pursuant to the civil infraction procedure set forth in said Section 21D of Chapter 40 of the General Laws, the provisions of which shall be controlling in all instances in any case in which the enforcement officer elects to proceed with the non-criminal disposition of an alleged violation of any bylaw, regulation or rule pursuant to the authority of this bylaw.

ARTICLE 40. To see if the Town will vote to amend the Town Bylaws Article 46B. DENTON ROAD NEIGHBORHOOD CONSERVATION DISTRICT., 2. BOUNDARIES OF THE DENTON ROAD NCD to include three additional properties 56, 60, and 72 Denton Road, which would also raise the total properties bound by the District from 20 to 23 and would raise the total number of properties regulated by the NCD from 16 to 19. In addition a few grammatical changes have been proposed so the new paragraph would read substantially as follows:

2. BOUNDARIES OF THE DENTON ROAD NCD

The Denton Road NCD shall comprise 23 properties bounded by 10 Denton Road on the East and 72 Denton Road on the West.

The owners of the following 19 properties fronting Denton Road have elected to be in the NCD: 9, 10, 14, 15, 16, 19, 24, 28, 29, 31, 32, 44, 55, 56, 60, 61, 71, 72, and 75.

The owners of the following 4 properties have chosen not to participate in the NCD at this time: 11, 39, 40, and 65 Denton Road.

or take any other action relative thereto.

Helen Robertson, Precinct F, Denton Rd. NCD, offered the following motion which was

VOTED, by declared voice vote, that the Town hereby amends the Town Bylaws, ARTICLE 46B. DENTON ROAD NEIGHBORHOOD CONSERVATION DISTRICT, Section 46B.2 Boundaries of the Denton Road NCD, by striking said section 46B.2 and substituting in its place the following:

46B.2 Boundaries of the Denton Road NCD

The Denton Road NCD shall comprise 23 properties bounded by 10 Denton Road on the East and 72 Denton Road on the West.

The owners of the following 19 properties fronting Denton Road have elected to participate in the NCD: 9, 10, 14, 15, 16, 19, 24, 28, 29, 31, 32, 44, 55, 56, 60, 61, 71, 72, and 75.

The owners of the following 4 properties fronting Denton Road have elected not to participate in the NCD at this time: 11, 39, 40, and 65 Denton Road.

ARTICLE 41. To see if the Town will vote to amend the Town Bylaws, ARTICLE 49. POLICE REGULATIONS, by adding a new Section 49.34 to prohibit the use of construction, earthmoving, or yard maintenance equipment, powered by electric or internal combustion engines, and any commercial outdoor activity, except between the hours of 7 am and 7 pm or dusk, whichever occurs later, on Monday through Friday, and between the hours of 8 am and 7 pm or dusk, whichever occurs later, on Saturdays and state observed holidays, and between the hours of 9 am and 7 pm or dusk, whichever occurs later, on Sundays. The foregoing shall not apply to emergencies nor snow removal operations; the bylaw being proposed to be on file in the office of the Board of Selectmen; to renumber existing 49.34 to 49.35; or take any other action relative thereto.

David Himmelberger, Precinct B, citizen, offered the following motion:

That the Town Bylaws, Article 49. Police Regulations, be amended by renumbering the existing Section 49.34. Penalty for Violation, to 49.35. and by adding a new Section 49.34. Restrictions on hours of certain commercial activity. to read as follows:

49.34. Restrictions on hours of certain commercial activity. Except in an emergency, and except as permitted by statute or the Chief of Police as herein provided, no person shall undertake or perform any outdoor commercial activity involving construction, earth moving, yard maintenance, home improvement, or the delivery or pick up of equipment or supplies for use therein, except during the following periods of time:

Monday through Friday:	7 a.m. until 7 p.m.
Saturday and state observed holidays:	8 a.m. until 7 p.m.
Sunday:	Prohibited.

The foregoing regulated activity includes, but is not limited to, the use of equipment powered by electric or internal combustion engines.

Upon application, the Chief of Police or his designee may issue permits for the conduct of necessary commercial outdoor activity which could not be performed during the otherwise permitted times without serious suffering, loss, damage, or public inconvenience.

This bylaw shall not apply to snow removal operations.

William Mone, Precinct E, offered the following first amendment:

To Amend the main motion by substituting 8:00 am for 7:00 am Monday through Friday.

The Amendment FAILED.

Dennis Dischino, Precinct B, offered the second amendment:

To amend the main motion so that the last sentence will read as follows:

This Bylaw shall not apply to snow removal operations and it shall not apply to normal trash removal operations from commercial properties.

The Amendment FAILED.

The Moderator called for the vote on the main motion which was

VOTED, by declared voice vote, that the Town Bylaws, Article 49. Police Regulations, be amended by renumbering the existing Section 49.34. Penalty for Violation. to 49.35. and by adding a new Section 49.34. Restrictions on hours of certain commercial activity. to read as follows:

49.34. Restrictions on hours of certain commercial activity. Except in an emergency, and except as permitted by statute or the Chief of Police as herein provided, no person shall undertake or perform any outdoor commercial activity involving construction, earth moving, yard maintenance, home improvement, or the delivery or pick up of equipment or supplies for use therein, except during the following periods of time:

Monday through Friday: 7 a.m. until 7 p.m.

Saturday and state observed holidays: 8 a.m. until 7 p.m.

Sunday: Prohibited.

The foregoing regulated activity includes, but is not limited to, the use of equipment powered by electric or internal combustion engines.

Upon application, the Chief of Police or his designee may issue permits for the conduct of necessary commercial outdoor activity which could not be performed during the otherwise permitted times without serious suffering, loss, damage, or public inconvenience.

This bylaw shall not apply to snow removal operations.

ARTICLE 42. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Permanent Building Committee for a feasibility study including engineering, architectural, cost estimates and/or other services in connection therewith to salvage for reuse the ten story clock tower, or parts thereof, including its steeple and the adjacent one story main entrance lobby of the Wellesley High School, all constructed in 1938. Said study to include the possible future addition of another civic building abutting the existing lobby and tower and its impact on the High School site, especially parking, and the moving of the tower or parts thereof to some other site or elsewhere on the same site. The Permanent Building Committee shall actively seek out the opinions of the Recreation Commission and interested citizens and hold at least two public hearings to obtain input from the public. To determine whether such sum shall be raised by taxation, borrowing and/or transfer from available funds. Funds for this study shall be available for use immediately upon dissolution of the 2009 Annual Town Meeting; or take any other action relative thereto.

No motion offered..

ARTICLE 43. 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; or take any other action relative thereto.

No motion offered..

ARTICLE 44. To see if the Town will vote, as authorized by Section 9 of Chapter 258 of the General Laws, to indemnify Town Board members, officers, officials and employees from personal financial loss and expenses, including legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, action, award, compromise, settlement or judgment by reason of an intentional tort, or by reason of any act or omission which constitutes a violation of the civil rights of any person under any federal or state law, if such employee or official is acting within the scope of his official duties or employment; and to raise and appropriate or otherwise provide money victullar; or take any other action relative thereto.

No motion offered.

ARTICLE 45. To see what sum of money the Town will raise and appropriate, or otherwise provide, for expenses incurred by Town departments prior to July 1, 2009; or take any other action relative thereto.

No motion offered.

ARTICLE 46. To see what sum of money the Town will authorize the Board of Selectmen to pay in settlement of claims, actions and proceedings against the Town; to raise and appropriate or otherwise provide monies therefor; or take any other action relative thereto.

No motion offered.

ARTICLE 47. To see what action the Town will take to authorize the disposal of tangible Town property having a value in excess of \$10,000; or take any other action relative thereto.

No motion offered.

ARTICLE 48. To see if the Town will authorize the Board of Selectmen to appoint one or more of their number as fire engineer; or take any other action relative thereto.

Greg Mills, Precinct D, Board of Selectmen, offered the following motion which was

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

Greg Mills, Chair of the Board of Selectmen thanked the employees and volunteers of the town for a successful Annual Town Meeting. He commended the Police and Fire departments for professional action in handling the recent incidents at Star Market (Bomb threat) and the Wellesley Bank of America (robbery). He commended the Board of Health for professional action in responding to the recent health issues on the Babson Campus.

Mr. Mills recognized and commended the leadership of the Advisory Committee under Chairman, Morris (Rusty) Kellogg.

Mr. Mills thanked the Moderator, Margaret (Peg) Metzger for her calm, composure and sense of humor in leading her inaugural town meeting.

ARTICLE 49. To see how the Town will vote to raise money appropriated under any of the above articles; or take any other action relative thereto.

No motion offered..

Greg Mills, Precinct D, Chairman of the Board of Selectmen offered a motion:

That this Annual Town Meeting be and hereby is dissolved.

The Motion was voted unanimously.

The Meeting dissolved at 10:25

Kathleen F. Nagle
Town Clerk