



TOWN CLERK'S RECORD  
OF THE 127<sup>th</sup> ANNUAL TOWN MEETING

March 26, 2007  
Wellesley High School

March 27, 2007

In pursuance of a Warrant dated January 29, 2007, the duly elected Town Meeting Members proceeded as follows:

The Moderator, Heather B. Sawitsky, called the 127th Annual Town Meeting to order at 7:45 P.M. The Moderator declared a quorum present.

Phyllis O'Connell, of the Unitarian-Universalist Society of Wellesley Hills, 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".

Katherine L. Babson, Jr., 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 6, 2007 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 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 assigned rows in 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: Hans Larsen, Executive Director, Terrance J. Connolly, Assistant Director, General Government, Sheryl Strother, Finance Director, Tam Ly, Budget Project Manager; Marc Waldman, Treasurer; Katy Gibson, Steve Hansen, Rusty Kellogg, Dave Mooney, Ken Baer, Mary Jane Kubler, Advisory Committee; David A.T. Donohue, Board of Public Works, Michael Pakstis, DPW Director, Judith Curby, DPW Assistant Director, Stephen S. Fader, DPW Town Engineer, David A. Cohen, DPW, Sr. Management Analyst; Mary Suresh, Health Department, Acting Director; Elizabeth Rich, Guests; Susan Adler, Human Resources, Director; Janice Coduri, Library, Director, Kathan Tracy, Library Trustee; Richard Joyce, Municipal Light Plant, Director, Peter Bracken, Donald Newell, and Debra Healy, MLP, Staff; Neal Seaborn, NRC, Chair, Janet Bowser, NRC, Director; Richard H. Brown, Planning Board, Director, Meghan Conlon, Planning, Staff; Carl Fleischer, Recreation Commission, Jan Kaseta, Recreation Department, Director; Matthew King, WPS Superintendent, Bella Wong, WPS Assistant Superintendent, Ruth Q. Berdell, WPS Business Manager, Mike Connolly, WPS Assistant Business Manager, Dorsey Yearley, WPS Director of Student Services; Samantha Fields, 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 Calderwood, Christine Kehoe, David Livingston, Bob White, Elaine Putnam and Ogden Nackony.

The Moderator expressed appreciation to the attendance checkers for the Annual Town Meeting: Paul Carter, George Sarafian, Gail Fleischer, and Harold Fennessey.

The Moderator announced the dates of the Town Meeting: March 26, 27, April 4, April 9, 10, no meeting April 16, 17 and resume if needed April 23, 24.

The Moderator stated that to her knowledge no motions would be offered under Articles 1, 6, 27, 28, 33, 36, 37, 38, 46-49, 51, 55-57, 61, 63-67, and 69. Article 21 Morses Pond, Article 22, Sprague Fields, and Article 17 CPC will be taken up on April 4; Articles 19, 23, 24, and 25 are expected to be taken up on April 9.

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 Royall Switzler, Precinct C, in memory of the passing of **Felix Juliani** to wit:

## RESOLUTION IN MEMORY OF FELIX JULIANI

WHEREAS: On May 23rd, 2006, the Town of Wellesley was saddened by the death of esteemed fellow citizen, Felix Juliani. Felix made numerous and impressive contributions to the Town of Wellesley and its residents throughout his eight decades of service. With his passing, Wellesley lost a dedicated citizen, good neighbor and faithful friend.

WHEREAS: Felix was a member of Town meeting since its inception in 1937 and he served continuously for almost seventy years. He was a valued member of the Board of Selectmen for twenty-three years and served for eight years as Chairman. Felix was elected a Commissioner of the Department of Public Works and also served on the Town's Planning Board from 1952 to 1963 as Chairman, Technical Advisor and Director. He was an active member of the Wellesley Kiwanis Club for over fifty-seven years and served as President in 1990. Felix served our community in many ways and always with a deep sense of commitment and devotion. He earned the regard and heartfelt respect of all who were privileged to know him.

WHEREAS: Felix gave earnestly of his time to our community and we think of the many citizens who have benefited from his leadership and participation in the Town of Wellesley. His former associates and the citizens of the Town regard his passing as a great loss.

WHEREAS: The thanks of this Meeting and the community are due Felix Juliani for the manner in which he performed his various appointed, elected and volunteer duties. We sincerely regret his passing.

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 and municipal employees of the Town of Wellesley, expresses its deep regret at the passing of Felix Juliani 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. Juliani's family.

The Moderator recognized Alice Peisch, Precinct D, who offered the following resolution in honor of the passing of **Joan M. Regan**, former Town Clerk, to wit:

## **RESOLUTION IN MEMORY OF JOAN M. REGAN**

WHEREAS: With the death of Joan M. Regan on March 21 2007, the Town of Wellesley has lost a dedicated leader and hardworking employee.

WHEREAS: Joan served the Town of Wellesley with distinction as the Town Clerk for 21 years from 1979 to 2000, and prior to that as the assistant clerk for many years.

WHEREAS: During those years she was a dedicated elected Town official; she demonstrated a deep sense of duty, loyalty and responsibility to that position, and to the citizens of the community.

WHEREAS: During Joan's many years of service to the Town, she oversaw several major improvements to the operations of the Town Clerk's Office, the most significant of which was the transition from voting machines utilizing punch cards to the more accurate and reliable optical scanning machines.

NOW THEREFORE BE IT RESOLVED that this Town Meeting, acting on behalf of all the citizens of Wellesley, expresses sorrow at Joan's passing and appreciation for her dedication and service to the Town and its citizens and further that the Town Clerk be instructed to record this RESOLUTION in the minutes of this Town Meeting and to send a copy to her family.

The Moderator recognized Susan Hurwitz, Precinct B, who offered the following resolution in honor of the passing of **Mary Rich**, to wit:

## **RESOLUTION IN MEMORY OF MARY E. RICH**

WHEREAS: On February 18th, 2007, the Town of Wellesley lost a very special lady with the passing of Mary Elizabeth Rich. Mary embodied the spirit of good citizenship with her wisdom, her dedication and her good humor.

WHEREAS: Mary came from Chicago to attend Wellesley College, and in 1955 graduated Phi Beta Kappa with honors in English. She moved to Cambridge and in 1962, fortunately for us, returned with her husband Donald to Wellesley, where she remained and raised her two children.

WHEREAS: During her 48 years in Wellesley, Mary was a committed and active contributor both to the Town and to her college. Mary served as a Town Meeting member for over 25 years, missing only three sessions in all those years. She brought her extensive knowledge, her sense of history, and her perspicacity to her many committee assignments. Mary served on the Committee to Study Town By-laws from 1970 to 1973, the Committee to Study Public Collection of Refuse in 1974, the Historical Committee from 1987 to 1990, the Historic District Commission from 1990 to 2005, the Board of

Registrars of Voters from 1998 to 2000; and she was a member of the Advisory Committee in 1979 & 1980 and again from 2005 until her death.

WHEREAS: Mary Rich gave the citizens of Wellesley much to appreciate and to emulate. She showed a commitment to the Town's past as evidenced in her active pursuit of the designation of Cottage Street as a Historic District. But, at the same time Mary embraced the future. In fact, when she joined Advisory for the second time and realized everyone relied on the computer and e-mail, she immediately acquired a computer, learned all the tools and entered the computer age with great aplomb.

WHEREAS: Some of us are complicators; Mary was a simplifier, often listening with patience to long involved arguments, and then with grace and wit paving the way with a few well-chosen words. Mary lived her life with balance--with a love of life, learning, the arts, adventure, and good humor, and she gathered many, many friends and admirers along the way.

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 Mary Elizabeth Rich and publicly acknowledges its appreciation for her dedication and contributions to the Town and its citizens, and further that the Town Clerk be instructed to record this RESOLUTION in the minutes of this Town Meeting, and to transmit copies to Mary's family.

The Town Meeting unanimously adopted the foregoing resolutions and observed a moment of silence in honor of these deceased town residents and also to honor the memory of Daniel McCabe, recently deceased member of the WHS Class of 2007 and his family.

**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, 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 reports of the following boards and committees were received and filed with the Town Clerk: Annual Town Report, Advisory Committee Report, Community Preservation Committee, WHS Building Project – School Committee, WHS Program Review Advisory Committee, Morses Pond Management Plan – BPW, NRC, Recreation Commission; Planning Board; Sprague Fields – Playing Fields Task Force; Reports of the Board of Selectmen on the Five Year Capital Budget Program and the Town-Wide Financial Plan.

Katherine L. Babson, Jr., Precinct E, Chairman of the Board of Selectmen, introduced the FY 2008 Town Wide Financial Plan as required under Town of Wellesley Bylaw Article 19

section 16. Hans Larsen, Executive Director presented an oral report on the Town Wide Financial Plan.

Owen Dugan, Precinct E, Board of Selectmen, reported on the progress to date and expected occupancy dates for the Linden Square Project.

Barbara Searle, Chairman of the Advisory Committee reported on the general process of the Advisory Committee and the overview picture of Town finances.

At 9:00 pm the Moderator declared a recess. The meeting reconvened at 9:25 pm.

David Himmelberger, Precinct B, 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 27, 2007, at 7:30 p.m. in this same hall.

**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 2008 Tax Rate; or take any other action relative thereto.

Owen Dugan, Precinct E, 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 2008 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.

Stephanie Wasser, Precinct C, Chair of the Human Resources Board offered the following motion, which was

**VOTED, unanimously**, that the Classification Plan established at the 1950 Annual Town Meeting as amended, be further amended as recommended by the Human Resources Board by striking Schedule A, “Job Classification by Groups” and inserting a new Schedule A as follows:

**New Classifications**

<u>Classification</u>	<u>Department</u>	<u>Job Group</u>
Crew Leader	MLP	22
Assessor Technician	ASR	49
Parking Clerk	SEL	52
Sealer of Weights and Measures	SEL	51
Water/Sewer Systems Engineer	DPW	56
Senior Accounting Assistant	DPW	48
Office Administrator	DPW	49
Deputy Director	SEL	58
Assistant Director of Facilities and Grounds	SEL	60
Technology Assistant	LIB	L4

**Reclassifications**

<u>Classification</u>	<u>Department</u>	<u>From Job Group to Job Group</u>
Projects Administrator	PBC	52 to 53
Health and Social Services Administrator	COA	51 to 53

**Reclassifications and Title Changes**

<u>From Title and Job Group</u>	<u>Department</u>	<u>To Title and Job Group</u>
Budget Projects Manager 54	DFS	Finance and Budget Analyst 56
Director, Financial Services 65	DFS	Finance Director 66
Secretary 47	LIB	Office Administrator 48

**Title Changes**

<u>From Title</u>	<u>To Title</u>	<u>Department</u>	<u>Job Group</u>
Tree Care Foreman	Foreman A/Tree Care	DPW	20
Secretary	Administrative Assistant	FIRE	47
Director, Community and Public Health Services	Director of Public Health	HLTH	60

**Deletions**

<u>Title</u>	<u>Department</u>	<u>Job Group</u>
Sealer of Weights and Measures/Parking Clerk	SEL	52
Town Accountant	DFS	61
Landscape Architect	DPW	58
Transportation Projects Manager	SEL	54
Switchboard Operator/Receptionist	SEL	43
Clerk/Government Services	SEL	42

**SCHEDULE A****JOB CLASSIFICATIONS BY GROUPS****GROUP 69**

Executive Director of General Government Services	SEL
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GROUP 66	
Finance Director	DFS
GROUP 65	
Director, DPW	DPW
GROUP 63	
Chief of Police	POL
Treasurer/Collector	TRS
GROUP 62	
Fire Chief	FIR
Human Resources Director	HR
Programs Manager/Assistant Director	DPW
Superintendent, Park & Highway	DPW
Town Engineer	DPW
Library Director	LIB
GROUP 61	
Asst. Director of General Government Services	DFS
Deputy Chief of Police	POL
NIS Director	NIS
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
Superintendent/RDF	DPW
GROUP 59	
Assistant Director for Library Services	LIB
Assistant Superintendent, W&S Division	DPW
Assistant Town Engineer	DPW
Facilities Maintenance Administrator	SEL
Planning Director	PLAN
Assistant Director for Technology	LIB
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
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
GROUP S54	
Customer Services Supervisor	MLP
General Foreman, All Divisions	DPW
Overhead Line Foreman	MLP
Supervisor of Accounting	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
Planner	PLAN

Plumbing & Gas Inspector	BLDG
GROUP S53	
Coordinator, Light Plant	MLP
Signal Alarm Foreman, Light Plant	MLP
Supervisor, RDF	DPW
GROUP 53	
Analyst/Programmer	NIS
Environmental Education Coordinator	NRC
Health and Social Services Administrator	COA
Health Communication and Services Specialist	HLTH
Projects Administrator	PBC
Public Health Nurse	HLTH
GROUP 52	
Conservation Administrator	NRC
GIS Analyst	DPW
RDF Business Manager	DPW
Parking Clerk	SEL
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	DFS
Administrative Secretary	SEL
Assessor Technician	ASR
Elections & Registration Administrator	TC
Office Administrator	DPW
GROUP 48	
Administrative Assistant	HLTH
Head Maintenance Custodian, Town Hall	SEL
Office Administrator	LIB

Office Assistant, Building	BLDG
Personnel Administrative Assistant	HR
Senior Accounting Assistant	DPW
Senior Office Assistant	DPW

GROUP 47

Accounting Assistant	POL
Administrative Assistant	POL
Office Assistant, Electric	MLP
Office Assistant, Engineering	DPW
Office Assistant, Management	DPW
Office Assistant, Park and Highway	DPW
Office Assistant, W&S	DPW
Secretary, DFS	DFS
Administrative Assistant	FIR
Secretary, Recreation	REC
Senior Secretary, Selectmen	SEL
Voter Registration Clerk	TC

GROUP 47D

Dispatcher	POL
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GROUP 46

Accounting Clerk, T&C	TRS
Office Assistant	SEL
Office Assistant, RDF	DPW
Office Assistant/Records Clerk	POL

GROUP 45

Secretary, Assessor's	ASR
Secretary, Director's Office	DPW
Secretary, NRC	NRC
Secretary/Technical Assistant	PLAN

GROUP 44

Clerk	TC
Custodian	SEL/REC
Secretary, Building	BLDG

GROUP 43

Seniors Activities Coordinator	COA
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GROUP 42

Office Clerk	HLTH
Parking Meter Attendant	SEL

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
Foreman B - All Divisions	DPW
Groundskeeping Foreman, Park	DPW
Highway Craftsman	DPW
Lead Baler	DPW
Lead Tree Climber/Park & Tree	DPW
Primary Water Treatment Plant Operator	DPW
Welder, Highway	DPW
Engineering Technician	MLP
Park Maintenance Craftsman	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 - Adult Services	LIB
Reference Librarian - Audio-Visual Services	LIB
Reference Librarian - Children's Services	LIB
Reference Librarian - Periodical Services	LIB
Reference Librarian - Young Adults' Services	LIB
GROUP L9	
Circulation Supervisor	LIB
Facilities Supervisor	LIB
GROUP L6	
Acquisition Assistant	LIB
Assistant Cataloguer	LIB
Assistant Circulation Supervisor	LIB
Bookkeeper	LIB
GROUP L4	
Technology Assistant	LIB

GROUP L3	
Library Assistant II	LIB
Library Assistant III	LIB
GROUP L2	
Library Assistant I	LIB
GROUP L1	
Helper	LIB
GROUP C4	
Building Maintenance Person	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**

Stephanie Wasser, Precinct C, member of the Human Resources Board offered the first 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, 2007, 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, 2007***

*Hourly rates – reflects 4% increase over FY 07 at step steps 1-5 at 4.5% increments*

Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
49	19.28	20.15	21.06	22.01	23.00	24.03
48	18.52	19.35	20.22	21.13	22.08	23.07
47	17.76	18.56	19.40	20.27	21.18	22.13
46	17.02	17.79	18.59	19.43	20.30	21.21
45	16.23	16.96	17.72	18.52	19.35	20.22
44	15.47	16.17	16.90	17.66	18.45	19.28
43	14.71	15.37	16.06	16.78	17.53	18.32
42	13.93	14.56	15.22	15.91	16.63	17.38
41	13.31	13.91	14.54	15.19	15.87	16.58

Fire Department *Weekly rates – reflects 3% increase across the board*  
(Mechanic - not in bargaining unit)

Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
F19	884.41	928.63	975.05	1,024.06	1,075.28	1,129.03

**MOTION 2**

Stephanie Wasser, Precinct C, chair 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, 2007, as recommended by the Human Resources Board, by striking the existing pay schedule for the Merit Pay Plan (Job Groups 50-69) and inserting the new schedule as follows:

SCHEDULE B  
SALARY PLAN – PAY SCHEDULES

**Salary rates effective as indicated as of July 1, 2007**

Job Group	Minimum	Midpoint	Maximum
69	112,720	140,900	169,080
68	104,400	130,500	156,600
67	96,800	121,000	145,200
66	89,600	112,000	134,400
65	82,960	103,700	124,440
64	77,440	96,800	116,160
63	72,400	90,500	108,600
62	67,760	84,700	101,640
61	63,360	79,200	95,040
60	59,200	74,000	88,800
59	55,200	69,000	82,800
58	51,760	64,700	77,640
57	48,320	60,400	72,480
56	45,200	56,500	67,800
55	42,240	52,800	63,360
54	40,240	50,300	60,360
53	38,400	48,000	57,600
52	36,400	45,500	54,600
51	34,720	43,400	52,080
50	33,120	41,400	49,680

Network and Information Systems

Job Group	Minimum	Midpoint	Maximum
61	71,600	89,500	107,400
60	66,960	83,700	100,440
59	62,640	78,300	93,960
58	58,400	73,000	87,600
57	54,560	68,200	81,840
56	51,040	63,800	76,560
55	48,560	60,700	72,840
54	46,320	57,900	69,480
53	44,080	55,100	66,120
52	41,920	52,400	62,880
51	40,000	50,000	60,000

**MOTION 3**

Stephanie Wasser, Precinct C, chair of the Human Resources Board offered the **third motion**, which was

**VOTED, by declared voice vote**, that the sum of \$150,000 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.

The Moderator held this article open for possible subsequent motions later in the meeting.

**ARTICLE 6.** To see if the Town will vote to amend ARTICLE 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, which constitutes part of said Bylaws; 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 at the Annual Town Meeting of March 27, 2006; or take any other action relative thereto.

Owen Dugan, Precinct E, Board of Selectmen, offered and spoke in support of the following motion, which was

**VOTED, unanimously**, that the Recreation non-tax impact programs, as voted in the ATM on March 28, 2006 (fiscal 2007), personal services be increased \$59,090 (to a total of \$507,613) and expenses by \$210,094 (to a total of \$719,306) for a total budget of \$1,226,919; said budget to be funded with users fees and only expended dollar for dollar.

**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.

Katherine L. Babson, Jr., Precinct E, Chair of the Board of Selectmen, offered motion 1, the omnibus operating and cash capital budget. Ms. Babson spoke in support of the General Government portion of the motion. Michael Humphrys, Precinct A, Chair of the Board of Public Works spoke in support of the Public Works portion of the motion.

( See following page for motion)

# 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 Svcs	02 Expenses	Total Ops
<b><u>GENERAL GOVERNMENT</u></b>			
To the Board of Selectmen for General Government; \$2,593,117 for 01-Personal Services and \$2,019,705 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	661,804	41,425	703,229
199 Central Administrative Services	0	21,000	21,000
155 Network & Information Systems	395,297	196,356	591,653
145 Treasurer & Collector	220,637	126,900	347,537
197 Parking Fines Processing	40,154	55,200	95,354
152 Training & Development	0	1,500	1,500
195 Town Report	0	5,000	5,000
181 Human Relations Committee	0	200	200
<i>Board of Selectmen - Facilities</i>			
192 Facilities Maintenance	178,349	85,307	263,656
193 Building Maintenance Operations	0	102,244	102,244
193 Building Maintenance Projects	0	159,800	159,800
<i>Board of Selectmen - Human Services</i>			
541 Council on Aging	101,710	63,150	164,860
183 Fair Housing Committee	0	400	400
543 Veterans' Services	49,575	2,140	51,715
543 Veterans' Benefits	0	4,500	4,500
542 Youth Commission	54,373	21,848	76,221
<i>Board of Selectmen - Other Services</i>			
180 Housing Development Corporation	0	3,500	3,500
182 MetroWest Planning	0	5,043	5,043
691 Historical Commission	0	250	250
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	42,422	8,465	50,887
<i>Board of Selectmen - Shared Services</i>			
151 Law	0	266,264	266,264
945 Risk Management	0	381,359	381,359
<b>Subtotal - Board of Selectmen - General Government</b>	<b>1,744,321</b>	<b>1,558,301</b>	<b>3,303,622</b>

# 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	02	Total Ops
	Pers Srvs	Expenses	
<b>Other General Government</b>			
To the following Town boards and officials:			
161 Town Clerk/Election & Registration	219,935	46,141	266,076
141 Board of Assessors	220,103	79,150	299,253
175 Planning Board	150,754	25,425	176,179
135 Audt Committee	0	65,100	65,100
185 Permanent Building Committee	7,450	7,200	14,650
152 Human Resources Board	243,331	20,670	264,001
131 Advisory Committee	7,223	41,718	48,941
132 Advisory Committee - Reserve Fund	0	175,000	175,000
<b>Subtotal - Other General Government</b>	<b>848,796</b>	<b>480,404</b>	<b>1,309,200</b>
<b>GENERAL GOVERNMENT TOTAL</b>	<b>2,593,117</b>	<b>2,019,705</b>	<b>4,612,822</b>
<b><u>PUBLIC SAFETY - BOARD OF SELECTMEN</u></b>			
To the Board of Selectmen for Public Safety, \$8,362,714 for 01-Personal Services and \$1,152,870 for 02-Expenses. And it is recommended that the sums be allocated as follows:			
210 Police Department	4,173,264	691,684	4,864,948
299 Special School Police	92,720	2,718	95,438
220 Fire Department	3,787,987	314,363	4,102,350
241 Building Department	294,002	21,605	315,607
122 Emergency Medical Services	0	119,000	119,000
244 Sealer of Weights & Measures	14,741	3,500	18,241
<b>PUBLIC SAFETY TOTAL - BOARD OF SELECTMEN</b>	<b>8,362,714</b>	<b>1,152,870</b>	<b>9,515,584</b>
<b><u>PUBLIC WORKS</u></b>			
To the Board of Public Works, \$3,261,768 for 01-Personal Services and \$2,644,030 for 02-Expenses. And it is recommended that the sums be allocated as follows:			
410 Engineering	436,367	77,615	513,982
420 Highway	853,948	396,622	1,250,570
454 Fleet Maintenance	101,689	53,807	155,496
430 Park	849,845	253,775	1,103,620
440 Recycling & Disposal	731,215	1,261,666	1,992,881
450 Management	288,704	46,396	335,100
458 Street Lighting	0	209,550	209,550
456 Winter Maintenance	0	344,599	344,599
<b>PUBLIC WORKS TOTAL</b>	<b>3,261,768</b>	<b>2,644,030</b>	<b>5,905,798</b>
<p>Provided that the cash on hand in the RDF Baler and Compactors Major Repairs and Replacement Fund on June 30, 2007 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); that any interest earned on the money in this fund shall accrue to this fund; 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.</p>			

# 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
<b>WELLESLEY FREE LIBRARY</b>			
To the Trustees of the Wellesley Free Library:			
610 Library Trustees	1,520,836	597,753	2,118,589
620 Regional Services (Non-Tax Impact)	138,631	66,871	205,502
<b>LIBRARY TOTAL</b>	<b>1,659,467</b>	<b>664,624</b>	<b>2,324,091</b>
<b>RECREATION</b>			
To the Recreation Commission:			
630 Recreation Commission	304,052	78,900	382,952
630 Recreation Programs - (Non-Tax Impact)	513,890	760,512	1,274,402
<b>RECREATION TOTAL</b>	<b>817,942</b>	<b>839,412</b>	<b>1,657,354</b>
That of the above appropriation to the Recreation Commission, \$1,274,402 in the aggregate shall only be expended dollar for dollar to the extent of receipts by the Town of revenues for the 2007 summer day camp and Morses Pond Programs, whenever received and for other recreation programs and service fees, including receipts from the rental or other use of the Warren Building received during Fiscal Year 2008.			
<b>HEALTH</b>			
To the Board of Health:			
510 Board of Health	310,031	82,917	392,948
523 Mental Health Services	0	178,923	178,923
<b>HEALTH TOTAL</b>	<b>310,031</b>	<b>261,840</b>	<b>571,871</b>
<b>NATURAL RESOURCES</b>			
To the Natural Resources Commission:			
171 Natural Resources Commission	161,406	19,650	181,056
171 Morses Pond Project - Interdepartmental (NRC, BPW, Rec)	0	166,500	166,500
<b>NATURAL RESOURCES TOTAL</b>	<b>161,406</b>	<b>186,150</b>	<b>347,556</b>
<b>MLP - TAX IMPACT</b>			
To the Municipal Light Board:			
492 Fire & Traffic Signal Systems	58,185	26,970	85,155
<b>MLP - TAX IMPACT TOTAL</b>	<b>58,185</b>	<b>26,970</b>	<b>85,155</b>
<b>NON-SCHOOL TOTAL</b>	<b>17,224,630</b>	<b>7,795,601</b>	<b>25,020,231</b>

# 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:

## WELLESLEY PUBLIC SCHOOLS

To the School Committee, \$49,619,071 in the aggregate for 01-Personal Services and 02-Expenses. And it is recommended that the sum be allocated as follows:

320	Instruction	36,302,950	1,361,824	37,664,774
330	Administration	827,388	186,875	1,014,263
340	Operations	2,276,296	2,208,263	4,484,559
350	Community Service	5,000	0	5,000
360	Special Tuition/Transportation/Inclusion	2,958,159	3,492,316	6,450,475
<b>SCHOOL TOTAL</b>		<b>42,369,793</b>	<b>7,249,278</b>	<b>49,619,071</b>

## EMPLOYEE BENEFITS

To the following Town boards and officials for the purposes indicated:

914	Board of Selectmen - Group Insurance	0	13,297,872	13,297,872
919	Board of Selectmen - Other Post Employment Benefits Liability Fund	0	1,200,000	1,200,000
912	Board of Selectmen - Workers' Compensation	0	386,736	386,736
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	59,633	59,633
<b>EMPLOYEE BENEFITS TOTAL</b>		<b>0</b>	<b>15,134,241</b>	<b>15,134,241</b>

And further, that the balance on hand in the Workers' Compensation fund on June 30, 2007 and any interest earnings of the program, are appropriated for expenses related to the Workers' Compensation Program of the Town for Fiscal Year 2008.

<b>ALL PERSONAL SERVICES &amp; EXPENSES</b>		<b>59,594,423</b>	<b>30,179,120</b>	<b>89,773,543</b>
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# 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	04-Capital Outlay	Total Outlay	
<b>CAPITAL &amp; DEBT</b>			
To the following Town boards and officials for the purposes indicated:			
<i>Departmental Cash Capital</i>			
400 Board of Public Works - Capital	1,303,500	1,303,500	
400 Board of Public Works - One time Site Remediation	200,000	200,000	
300 School Committee - Capital	982,811	982,811	
122 Board of Selectmen - Capital	132,104	132,104	
610 Library Trustees - Capital	42,504	42,504	
171 Natural Resources Commission - Capital	56,000	56,000	
175 Planning Board - Capital	50,000	50,000	
161 Town Clerk - Capital	16,000	16,000	
630 Recreation Commission - Capital	0	0	
<b>Subtotal - Cash Capital</b>	<b>2,782,919</b>	<b>2,782,919</b>	
Funding Item	01 Pers Srvs	02 Expenses	Total Ops
To the Town Treasurer and Collector for:			
700 Debt Service including payments on maturing debt and interest	0	8,422,868	8,422,868
<b>Subtotal - Maturing Debt &amp; Interest</b>	<b>0</b>	<b>8,422,868</b>	<b>8,422,868</b>
Of which \$74,550 shall be taken from the Parking Meter Receipts Account.			
<b>CAPITAL &amp; DEBT TOTAL</b>		<b>11,205,787</b>	<b>11,205,787</b>
Funding Item	01 Pers Srvs	02 Expenses	Total Ops
<b>RECEIPTS RESERVED FOR APPROPRIATION</b>			
To the Board of Selectmen, to be taken from the Parking Meter Receipts Account:			
293 Traffic & Parking Operations	114,524	287,650	402,174
293 Traffic & Parking Maintenance Capital	0	86,500	86,500
<b>RECEIPTS RESERVED TOTAL</b>	<b>114,524</b>	<b>374,150</b>	<b>488,674</b>
<b>TOTAL APPROPRIATIONS - ARTICLE 8, MOTION 1</b>		<b>101,468,004</b>	

And to help meet said appropriation, transfer the sum of \$387,462 from the Health Insurance Internal Service Fund and \$365,883 from Free Cash.

The Moderator suggested an adjournment at 10:55 pm. The Meeting adjourned.

Attest:

/s/

Kathleen F. Nagle  
Town Clerk

CERTIFICATE OF NOTICE  
OF ADJOURNED ANNUAL TOWN MEETING



March 27, 2007  
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from March 26, 2007 to March 27, 2007 at 7:30 p.m. at the Wellesley High School was posted on the screen in the Hall during the recess of the meeting on March 26, 2007 was voted unanimously by the Town Meeting. That said adjournment was announced by the Moderator at the close of the meeting of March 26, 2007 and a notice was posted on the town website ([www.wellesleyma.gov](http://www.wellesleyma.gov)) and in the Town Hall at the office of the Town Clerk on March 27, 2007.

Attest:

/s/

Kathleen F. Nagle  
Town Clerk

TOWN CLERK'S RECORD  
OF ADJOURNED SESSION OF 2007 ANNUAL TOWN MEETING



March 27, 2007  
Wellesley High School

March 28, 2007

An adjourned session of the Annual Town meeting from March 26, 2007 was held this evening at the Wellesley High School Auditorium, 50 Rice Street. The Moderator, Heather B. Sawitsky, called the meeting to order at 7:45 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 209 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: Hans Larsen, Executive Director, Terrance J. Connolly, Assistant Director, General Government, Sheryl Strother, Finance Director, Tam Ly, Budget Project Manager; Marc Waldman, Treasurer; Terrence Cunningham, Police Chief, William Brooks, Deputy Police Chief; Kevin Rooney, Fire Chief; Katy Gibson, Steve Hansen, Rusty Kellogg, Dave Mooney, Ken Baer, Mary Jane Kubler, Advisory Committee; David A.T. Donohue, Board of Public Works, Michael Pakstis, DPW Director, Judith Curby, DPW Assistant Director, Stephen S. Fader, DPW Town Engineer, David A. Cohen, DPW, Sr. Management Analyst; Mary Suresh, Health Department, Acting Director; Susan Adler, Human Resources, Director; Janice Coduri, Library, Director, Kathan Tracy, Library Trustee; Richard Joyce, Municipal Light Plant, Director, Peter Bracken, Donald Newell, and Debra Healy, MLP, Staff; Neal Seaborn, NRC, Chair, Janet Bowser, NRC, Director; Richard H. Brown, Planning Board, Director, Meghan Conlon, Planning, Staff; Carl Fleischer, Recreation Commission, Jan Kaseta, Recreation Department, Director; Matthew King, WPS Superintendent, Bella Wong, WPS Assistant Superintendent, Ruth Q. Berdell, WPS Business Manager, Mike Connolly, WPS Assistant Business Manager, Dorsey Yearley, WPS Director of Student Services.

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 Calderwood, Christine Kehoe, David Livingston, Bob White, Elaine Putnam and Ogden Nackony.

The Moderator then returned to consideration of Article 8.

Michael Young, Precinct E, Chair of the School Committee spoke in support of the Schools portion of the motion.

Barbara Searle, chair of the Advisory Committee, gave the recommendation of the Advisory Committee.

**VOTED, by declared voice vote**, that Article 8, Motion 1 is adopted in whole without amendment as moved on March 26 and printed hereinabove.

**ARTICLE 9.** To see what sum of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, in addition to the amount appropriated under Article 8, to the Group Insurance Liability Fund, or take any other action relative thereto.

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

**VOTED, by declared voice vote**, That the sum of \$18,000,000 be appropriated to the Group Insurance Liability Fund, said sum to be raised as follows: \$1,800,000 per year for the ten fiscal years beginning July 1, 2007 and ending June 30, 2017;

PROVIDED, HOWEVER, that the foregoing appropriation is contingent upon the passage of a referendum question under section 1 of c. 25 of the Acts of 2007 subject to the provisions set forth in subsection (m) of section 21c of Chapter 59 of the General Laws, as amended, authorizing said appropriation to be raised in excess of the Proposition 2½ limits.

At 9:15pm the Moderator declared a brief recess. At 9:45 the meeting resumed.

David Himmelberger, Precinct B, Board of Selectmen, offered the following motion

**VOTED, unanimously by voice vote**, that when this meeting adjourns, it does so until April 4, 2007 at 7:30 p.m. in this same hall.

The motion was projected on the screen.

The moderator reviewed for Town Meeting the intended order of Articles for the next session.

Harriet Warshaw, Precinct C, Board of Selectmen, reported orally on the progress of the redevelopment of 27 Washington Street. National Development Corp. will engage in discussions with the town regarding development plans for this site.

**ARTICLE 10.** To see what action the Town will take to fix the salary and compensation of all elected officials of the Town as provided by the General Laws Chapter 41, Section 108 as amended; or take any other action relative thereto.

Harriet Warshaw, Precinct C, Board of Selectmen, offered the following motion, which was

**VOTED, by declared voice vote,** that the annual salary of the Town Clerk be fixed at the amount of \$71,168 effective July 1, 2007.

**ARTICLE 11.** 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.

Harriet Warshaw, Precinct C, Board of Selectmen, offered the following motion, which was

**VOTED, unanimously, 2/3 required,** that the sum of \$500,000 be appropriated to the Stabilization Fund, said sum to be taken from free cash, as certified as of June 30, 2006.

**ARTICLE 12.** 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.

William Charlton, Precinct B, 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:

<u>Operating Budget*</u>	
Operating Salaries	\$1,045,529
Materials and Services	551,515
Health Insurance	283,550
FICA	13,806
Purchase Power	21,619,929
Transmission	1,554,691
Other Post-Employment Benefits	<u>249,707</u>
Sub Total	25,318,727
<u>Capital Outlays</u>	
Salaries	801,800
Services/Materials	10,262,791
Vehicles	284,639
Insurance	217,421
FICA	<u>10,587</u>
Sub Total	11,577,238

<u>Payments That Benefit The Town**</u>	
Payment in Lieu of Taxes	1,000,000
Holiday Lights, Banners and Civic Events	<u>40,000</u>
Total Benefits to Town	1,040,000
Emergency Contingencies	<u>750,000</u>
<b>Total Fiscal Year 2008 Budget Request</b>	<b><u>\$38,685,965</u></b>

To be paid for by electric revenues and retained earnings.

\* Excludes depreciation expense in the amount of \$1,860,000.

\*\* Town benefits do not include electric rate subsidization for: Municipal buildings (\$98,738); streetlights (\$285,031); Network and Information support fees (\$119,330); and fiber optic network expenses (\$56,000).

**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 Water Program; or take any other action relative thereto.

Michael A. Humphrys, Precinct A, Chair of the Board of Public Works, offered the following motion, David A.T. Donohue, Board of Public Works, spoke in support of the motion, which was

**VOTED, unanimously,** that the sum of \$6,784,844 be appropriated to the Water Enterprise Fund, to be expended as follows:

Salaries	\$ 1,430,476
Expenses (incl. interest, deprec., and all non-op exp)	3,177,948
OPEB	61,158
Capital Outlay	715,000
Debt	711,696
Emergency Reserve	<u>688,566</u>
<b>Total Authorized Use of Funds</b>	<b>\$ 6,784,844</b>

And that said \$6,784,844 be raised as follows:

Department Receipts	\$ 5,037,303
Retained Earnings	<u>1,747,541</u>
Total Sources of Funds	\$6,784,844

**ARTICLE 14.** 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.

Michael A. Humphrys, Precinct A, Chair of the Board of Public Works, offered the following motion, David A.T. Donohue, Board of Public Works, spoke in support of the motion, which was

**VOTED, unanimously**, that the sum of \$7,456,613 be appropriated to the Sewer Enterprise Fund, to be expended as follows:

Salaries	\$ 634,171
Expenses (incl. interest, deprec., and all non-op exp)	5,423,347
OPEB	26,211
Capital Outlay	505,000
Debt	305,783
Emergency Reserve	<u>562,101</u>
<b>Total Authorized Use of Funds</b>	<b>\$7,456,613</b>

And that said \$7,456,613 be raised as follows:

Department Receipts	\$6,279,515
Retained Earnings	<u>1,177,098</u>
Total Sources of Funds	\$7,456,613

**ARTICLE 15.** To see if the Town will vote pursuant to Section 53D of Chapter 44 of the General Laws, as amended, to authorize 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.

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

**VOTED, unanimously**, that the Town establish a revolving fund, pursuant to Section 53D of Chapter 44 of the General Laws, as amended, for the purpose of:

Recreational activities, as appropriated under Article 8, said funds to be expended under the direction of the Recreation department.

**ARTICLE 16.** To see if the Town will vote pursuant to Section 53E1/2 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.

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

**VOTED, unanimously**, that the Town vote to 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 \$99,000;

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 \$27,000;

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 \$31,500;

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;

Wetlands Filing Fees, said funds to be expended under the direction of the Natural Resources Department, annual expenditures not to exceed \$20,000.

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

**ARTICLE 18.** To see what sum of money the Town will raise and appropriate, or otherwise provide to the Board of Public Works for water and/or sewer line rehabilitation; and for any equipment or services in connection therewith; to determine whether such sums shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

Michael A. Humphrys, Precinct A, Chair of the Board of Public Works, offered the following motion, David A.T. Donohue, Board of Public Works, spoke in support of the motion, which was

**VOTED, unanimously, 2/3 required,** that \$288,200 be appropriated for the purpose of financing the construction and reconstruction of sewers and sewerage systems for inflow/infiltration purposes; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$288,200 and issue bonds or notes therefor under Chapter 44 of the General Laws or any other enabling authority, including without limitation, all

or a portion of such amount from the Massachusetts Water Resources Authority and in connection therewith to enter into a loan agreement and financial assistance agreement with said Authority; and that the Board of Public Works is authorized to take all other action necessary to carry out the project.

It was moved and the meeting voted to adjourn. The meeting adjourned at 10:55 p.m.

Attest:

/s/

Kathleen F. Nagle  
Town Clerk

CERTIFICATE OF NOTICE  
OF ADJOURNED ANNUAL TOWN MEETING



March 28, 2007  
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from March 27, 2007 to April 4, 2007 at 7:30 p.m. at the Wellesley High School was posted on the screen in the Hall during the recess of the meeting on March 27, 2007 and was announced by the Moderator and posted on the screen in the Hall at the recommencement of the meeting on March 27, 2007. The notice was also posted in Town Hall at the office of the Town Clerk on March 28, 2007.

Attest:

/s/

Kathleen F. Nagle  
Town Clerk

TOWN CLERK'S RECORD  
OF THE ANNUAL TOWN MEETING



April 4, 2007  
Wellesley High School

April 5, 2007

An adjourned session of the Annual Town meeting from March 27, 2007 was held this evening at the Wellesley High School Auditorium, 50 Rice Street. The Moderator, Heather B. Sawitsky, called the meeting to order at 7:40 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 206 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: Hans Larsen, Executive Director, General Government Services; Terrance J. Connolly, Assistant Director, General Government Services; Marc Waldman, Treasurer; Ken Baer, Katy Gibson, Steve Hansen, Rusty Kellogg, Dave Mooney, and Mary Jane Kubler, Advisory Committee; Michael Pakstis, Director, Department of Public Works (DPW), Judith Curby, DPW Assistant Director, Stephen S. Fader, DPW Town Engineer, David A. Cohen, DPW, Sr. Management Analyst; Tam Ly, Budget Project Manager, Department of Financial Services; Neal Seaborn, Chair NRC, Janet Bowser, Director NRC; Dr. Kenneth Wagner, NRC Guest; Shep Cohen, Chair, Board of Health; Carl Fleischer, Katherine Rooks, Recreation Commissioner, Jan Kaseta, Recreation Director, Melissa Anderson, Recreation Dept, Staff; Mike Jennings, Wellesley Youth Lacrosse; David Dinwoody, Chair, Community Preservation Committee; Bill Seymour, Gale Associates; Christopher Chan, Planning Board, Richard H. Brown, Director Planning Department, Meghan Conlon, Planning, Staff; Sheryl Strother, Finance Director; Duane Batista, Kathan Tracy, Amanda Fischman Henshon, Library Trustees, Janice Coduri, Wellesley Free Library (WFL), Director; Matthew King, Wellesley Public Schools (WPS) Superintendent, Ruth Q. Berdell, WPS Business Manager, John Brown, WPS Athletic Director.

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Head Teller, Jackie Hatch, assisted by Nancy Calderwood, Christine Kehoe, David Livingston, Bob White, Elaine Putnam and Ogden Nackony.

The Moderator announced a tour of the MLP/DPW site to be offered on Saturday, April 7, 2007.

Marla Robinson, Precinct E, Chair of the Board of Library Trustees, offered the following resolution:

**RESOLUTION IN MEMORY OF LAMONT D. (LEN) SEIPEL, JR.**

WHEREAS: With the unexpected death of Len Seipel on March 27, 2007, the Wellesley Free Library and the Town of Wellesley have lost a dedicated Library Trustee and Town Meeting member; and a valued contributor to the life of our community.

WHEREAS: Len was a resident of Wellesley for over thirty years. He served a total of nine years on the Board of Library Trustees, and was in the final year of his third elected term of office. As a Library Trustee, he was elected Chairman mid-year in 1998, and served full-terms as Chairman in 1999, and 2003 – the year the new library opened. He was the current Chairman of the Library Trustees. Len also served as a Town Meeting member from Precinct F from 1996 to 1999, and 2004 until his passing.

WHEREAS: Len's service to the Town included a strong commitment to the construction of the new main library. He made a presentation to Town Meeting in March 1999 that was instrumental in securing 88% TM approval for design development and construction drawings for the new library. Len served on many committees during the building process, most notably the Interiors Committee that met weekly for over a year to choose the color schemes, carpeting and furnishings of the new library. Len was a strong supporter of the branch libraries and continued to seek possible solutions that would allow the branches to reopen.

WHEREAS: Len was a unique individual in that his commitment to Wellesley encompassed his professional life, his civic life and his personal interests. He was a member of the Wellesley Players, serving as president for 6 years. He also enjoyed working as a set builder for their productions.

He was a member of the Rotary Club for 16 years, serving as president in 1993. He was named a Paul Harris Fellow in 1998.

Len deepened his ties to the town when he launched a second career as a real estate associate with Century 21 in Wellesley. Tentative at first, his friendliness, experience and commitment to professionalism, allowed him to find a career that he thoroughly enjoyed and in which he thrived.

NOW THEREFORE BE IT RESOLVED that this Town Meeting, acting on behalf of all the citizens of Wellesley, expresses sorrow at Len's passing and publicly acknowledges its appreciation for his distinguished public service to the Town, and

further that this resolution be made a part of the records of this Town Meeting, and a copy of it sent to Rosalyn Seipel, Len's beloved wife.

The Moderator asked Town Meeting to pause for a moment of silence.

Katherine L. Babson, Jr., Precinct E, Chair of the Board of Selectmen, presented an overview of the debt exclusion plan for the FY 08 Town Financial Plan. Motions offered under Articles 21 (Morses Pond), 22 (Sprague Field), 20 (Stormwater Drainage) and 23 (Elementary School Infrastructure) will be conditional upon acceptance by the voters at a special election to be scheduled after the conclusion of Town Meeting. Each of these articles will require a 2/3 vote of Town Meeting as bonding is anticipated.

**ARTICLE 21.** To see what sum of money the Town will raise and appropriate, or otherwise provide to the Board of Public Works, Natural Resources Commission and/or Recreation Commission for the purpose of protecting, preserving, managing and improving Morses Pond, including but not necessarily limited to the following: (a) rooted plant control; (b) phosphorus and sediment inactivation; (c) dredging; (d) watershed management and education; (e) Town bylaw review and enhancement; (f) low impact development, construction, and demonstration efforts; and (g) program implementation; to determine whether such sum will be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

William Charlton, Precinct B, Chair of the Board of Public Works offered the following motion; Neal Seaborn, Precinct E, Chair of the Natural Resources Commission spoke in support of the motion; further Dr. Ken Wagner, consultant from ENSR Corp, spoke in support of the motion; further David Donwoody, Chair, Community Preservation Committee, reported on the CPC support for a portion of the total Morses Pond Management Plan Project. The motion was

**VOTED, by declared voice vote, 2/3 required,** that the sum of \$650,000 be appropriated to the Natural Resources Commission to pay the design, construction and project management costs of dredging the Northern Basin at Morses Pond for environmental protection purposes; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$650,000 under Chapter 44 of the General Laws or any other enabling authority; and that the Natural Resources Commission is authorized to take any other action necessary to carry out this project; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

The Moderator declared a short recess at 9:10 pm. The meeting reconvened at 9:30 pm.

Katherine L. Babson, Precinct E, 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 Monday, April 9, 2007, at 7:30 p.m. in this same hall. The exact wording of the motion appeared on the screen during the break.

**ARTICLE 22.** To see what sum of money the Town will raise and appropriate, or otherwise provide, to the School Committee for the preservation, construction, reconstruction and/or rehabilitation of Sprague Field and for professional or other services in connection therewith; to determine whether such sums shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

Suzanne Littlefield, Precinct A, School Committee and Playing Fields Task Force Member offered the following motion:

That the sum of \$1,849,000 be appropriated to the Board of Public Works for the preservation, construction, reconstruction and/or rehabilitation of Sprague Field; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,204,000 under Chapter 44 of the General Laws or any other enabling authority; and \$645,000 shall be transferred from the Community Preservation Fund; and that the Board of Public Works is authorized to take any other action necessary to carry out this project; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

Carl Fleischer, Chair Playing Fields Task Force spoke in support of the motion; Bill Seymour, Gale Engineering, spoke as a consultant in support of the motion; John Brown, WPS Athletic Director, spoke in support of the motion; David Dinwoody, Chair CPC, reported on CPC support for a portion of the funding for the Sprague Fields preservation project.

The Moderator suggested an adjournment. The meeting adjourned at 11:00 pm.

Attest:

/s/  
Kathleen F. Nagle  
Town Clerk

CERTIFICATE OF NOTICE  
OF ADJOURNED ANNUAL TOWN MEETING



April 5, 2007  
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from April 4, 2007 to April 9, 2007 at 7:30 p.m. at the Wellesley High School voted after the break of the meeting of April 4, 2007 and was announced by the Moderator and posted on the screen in the Hall at the commencement of the meeting on April 4, 2007. The notice was also posted in Town Hall at the office of the Town Clerk on April 5, 2007.

Attest:

/s/

Kathleen F. Nagle  
Town Clerk

TOWN CLERK'S RECORD  
OF THE ANNUAL TOWN MEETING



April 9, 2007  
Wellesley High School

April 10, 2007

An adjourned session of the Annual Town meeting from April 4, 2007 was held this evening at the Wellesley High School Auditorium, 50 Rice Street. The Moderator, Heather B. Sawitsky, called the meeting to order at 7:40 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 224 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. Each Town Meeting Member was issued a sticker to identify eligible voters.

The following were seated within this area by permission of the Moderator, but did not vote: Hans Larsen, Executive Director, General Government Services; Terrance J. Connolly, Assistant Director, General Government Services; Ken Baer, Katy Gibson, Steve Hansen, Rusty Kellogg, Dave Mooney, and Mary Jane Kubler, Advisory Committee; David A. T. Donohue, BPW, Michael Pakstis, Director, Department of Public Works (DPW), Judith Curby, DPW Assistant Director, Stephen S. Fader, DPW Town Engineer, David A. Cohen, DPW, Sr. Management Analyst; Neal Seaborn, Chair NRC; Shep Cohen, Chair, Board of Health; Katherine Rooks, Recreation Commissioner; Mike Jennings, Wellesley Youth Lacrosse; David Dinwoody, Chair, Community Preservation Committee; Bill Seymour, Tom Henaghen, Gale Associates; Michael Eby, Chair PBC, Kathy Mullaney, PBC Staff; Richard H. Brown, Director Planning Department; Sheryl Strother, Finance Director; Matthew King, Wellesley Public Schools (WPS) Superintendent, Bella Wong, WPS Asst Superintendent, Ruth Q. Berdell, WPS Business Manager, Mike Connolly, WPS Assistant Business Manager, John Brown, WPS Athletic Director.

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Head Teller, Jackie Hatch, assisted by Nancy Calderwood, Christine Kehoe, David Livingston, Bob White, Elaine Putnam and Ogden Nackony.

The Moderator opened the floor for continued debate on **Article 22**, motion read as follows:

That the sum of \$1,849,000 be appropriated to the Board of Public Works for the preservation, construction, reconstruction and/or rehabilitation of Sprague Field; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,204,000 under Chapter 44 of the General Laws or any other enabling authority; and \$645,000 shall be transferred from the Community Preservation Fund; and that the Board of Public Works is authorized to take any other action necessary to carry out this project; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

The Moderator declared a short recess at 9:05 pm. The meeting reconvened at 9:30 pm.

David Himmelberger, Precinct B, 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 April 10, 2007, 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 of Article 22.

**The Motion FAILED, by standing counted vote**, 133 (yes)-73 (no)-1 (abstain), not achieving the required 2/3 majority.

The Moderator accepted a notice of intention to reconsider the vote under Article 22.

The Meeting adjourned at 10:45 pm.

Attest:

/s/  
Kathleen F. Nagle  
Town Clerk

CERTIFICATE OF NOTICE  
OF ADJOURNED ANNUAL TOWN MEETING



April 10, 2007  
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from April 9, 2007 to April 10, 2007 at 7:30 p.m. at the Wellesley High School voted after the break of the meeting of April 9, 2007 and was announced by the Moderator and posted on the screen in the Hall at the recommencement of the meeting on April 9, 2007. The notice was also posted in Town Hall at the office of the Town Clerk on April 10, 2007.

Attest:

/s/

Kathleen F. Nagle

Town Clerk

TOWN CLERK'S RECORD  
OF THE ANNUAL TOWN MEETING



April 10, 2007  
Wellesley High School

April 11, 2007

An adjourned session of the Annual Town meeting from April 9, 2007 was held this evening at the Wellesley High School Auditorium, 50 Rice Street. The Moderator, Heather B. Sawitsky, called the meeting to order at 7:45 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 206 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. Each Town Meeting Member was issued a sticker to identify eligible voters.

The following were seated within this area by permission of the Moderator, but did not vote: Hans Larsen, Executive Director, General Government Services; Terrance J. Connolly, Assistant Director, General Government Services; Ken Baer, Katy Gibson, Steve Hansen, Rusty Kellogg, and Mary Jane Kubler, Advisory Committee; David A. T. Donohue, BPW, Michael Pakstis, Director, Department of Public Works (DPW), Judith Curby, DPW Assistant Director, Stephen S. Fader, DPW Town Engineer, David A. Cohen, DPW, Sr. Management Analyst; Richard Joyce, MLP Director, Peter Bracken, Deb Healy, Donald Newell, MLP Staff; Neal Seaborn, Chair NRC, Janet Bowser, Director NRC; Mike Jennings, Wellesley Youth Lacrosse; David Dinwoody, Chair, Community Preservation Committee; Michael Eby, Chair PBC, Kathy Mullaney, PBC Staff; Richard H. Brown, Director Planning Department, Meghan Conlon, Planning Staff; Sheryl Strother, Finance Director, Tam Ly, Budget Project Manager; John Donohue, Facilities Manager; Matthew King, Wellesley Public Schools (WPS) Superintendent, Bella Wong, WPS Asst Superintendent, Ruth Q. Berdell, WPS Business Manager; Samantha Fields, Wellesley Townsman

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Head Teller, Bob White, assisted by Nancy Calderwood, Pam Kubbins, Christine Kehoe, David Livingston, Kathy Taylor and Ogden Nackony.

The Moderator announced there will be a Special Meeting for Precinct F only on April 23 at 6:30 pm to elect a member to fill the vacancy created by the death of Len Seipel.

The Moderator announced that the proponents for Article 22 do not intend to move for reconsideration, and offered the opportunity to make such a motion to any Town Meeting Member. Jane Batista, Precinct B, rose to state her intention to offer such a motion and to request certain information as to the procedure. Mrs. Batista agreed to take up such a motion after the break.

**ARTICLE 20.** To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Board of Public Works, for the cost of planning and engineering services, for plans and specifications, and for construction and/or reconstruction of drains, culverts, and drainage improvement systems within the Town of Wellesley; to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

William Charlton, Precinct B, Chair of the Board of Public Works offered the following motion which was

**VOTED, by declared voice vote, 2/3 required,** that the sum of \$1,306,000 be appropriated to the Board of Public Works to pay the costs of the design, engineering, construction, reconstruction, rehabilitation, alteration, remodeling or other improvements to drains, culverts and drainage systems; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,306,000 under Chapter 44 of the General Laws or any other enabling authority; and that the Board of Public Works is authorized to take any other action necessary to carry out this project; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

**ARTICLE 23.** To see what sum of money the Town will raise and appropriate, or otherwise provide, for school building roof maintenance and replacement; plumbing, heating and electrical system repairs; flooring replacement; ceiling and window replacement; and such additional purposes as may be advisable; to determine whether such sums shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

Michael Young, Precinct E, Chair School Committee, offered the following motion; Michael Eby, Chair of PBC spoke in support of the motion which was

**VOTED, by declared voice vote, 2/3 required,** That the sum of \$11,207,000 be appropriated to the Permanent Building Committee for school building infrastructure repairs and equipment, including school building roof maintenance and replacement, plumbing, heating and electrical system repairs, flooring replacement, ceiling replacement, window replacement, modular classrooms, fire alarms and emergency lights; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$11,207,000 under Chapter 44 of the General Laws or any other enabling authority; and that the Permanent Building Committee is authorized to take any other action necessary to carry out this project;

provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

The Moderator recognized John Schuler, Precinct E who rose to a point of order. Mr. Schuler requested the Moderator recognize Katherine L. Babson, Jr., Precinct E, Chair of the Board of Selectmen who offered the following resolution:

### **ALBERT S. ROBINSON RESOLUTION**

**WHEREAS**, at the Annual Town Meeting thirty years ago a young Albert S. Robinson was filling in for the then retiring Town Counsel and was asked to respond to some legal questions. In a now familiar manner, Mr. Robinson responded with an “It depends” or perhaps it was a simple “yes” or simple “no”, understanding even back then Town Meeting’s limited tolerance for lengthy explanations from Town Counsel;

**WHEREAS**, the then Chairman of the Board of Selectmen was so impressed with the brevity and sagacity of the responses, Mr. Robinson was asked to become acting Town Counsel. He was then appointed Town Counsel on July 26, 1977 and has served in that capacity ever since;

**WHEREAS**, Mr. Robinson has sat attentively in front of Town Meeting through a total of 265 sessions of Annual and Special Town Meetings, has written, revised and approved a total of Two Thousand One Hundred Forty-Two warrant articles and thirty pieces of special legislation enacted into law during this period;

**WHEREAS**, Mr. Robinson has consistently rendered first-rate legal advice, providing a steady hand in all deliberations, demonstrating a keen understanding of the nuances and idiosyncrasies of the culture of Wellesley town government, and recognizing and respecting the prerogatives and jurisdiction of the Town’s many elected and appointed boards and officials;

**WHEREAS**, Mr. Robinson has counseled the Town with solid practical advice and good humor through countless litigated matters, through the development and redevelopment of significant real estate parcels including Harvard Vanguard, SunLife, Linden Square, Grossman’s and the Wellesley Inn, through the closing and disposition of the Kingsbury, Phillips, Brown, Warren and Perrin Schools, and through the building and renovation of the Library, the Sprague, Bates and Middle Schools, the fire and police stations, the Warren Building, and Town Hall.

**WHEREAS**, Mr. Robinson has attended weekly Monday night meetings of the Board of Selectmen, providing it with sage advice and assisting it in making wise choices, especially in situations where the options are limited and all imperfect.

**NOW, THEREFORE, BE IT RESOLVED** that this Town Meeting, acting on behalf of all the citizens of Wellesley, express its appreciation for the dedicated legal counsel that **ALBERT S. ROBINSON** has rendered to this Town for thirty years, and further that the Town Clerk be instructed to record this **RESOLUTION** in the minutes of this Town Meeting.

The Town Meeting rose in appreciation of the services of Mr. Robinson.

At 9:40 the Moderator declared a recess and invited the Town Meeting Members to share in a short reception for Mr. Robinson. The Meeting reconvened at 10:10 pm.

David Himmelberger, Precinct B, 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 April 23, 2007, at 7:30 p.m. in this same hall.

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

The Moderator announced that the meeting would now take up the motion to reconsider **Article 22**.

Joellen Toussaint rose to a point of order as to whether the motion to reconsider had been properly noticed at the previous session.

The Moderator ruled that it had.

Mr. Brown, Precinct D, rose to a point of order challenging the ruling of the moderator.

The Moderator ruled that the circumstances relative to recognizing the notice of intention to reconsider given on April 9 were specific to this instance and she would recognize the motion to reconsider.

Royall Switzler, Precinct C, rose to a point of order, as to whether there was a mechanism to challenge the ruling of the moderator.

Albert Robinson, Town Counsel, offered his opinion that the ruling of the Moderator in this Town Meeting was not subject to challenge by a point of order.

Jane Batista, Precinct B, offered a **motion to reconsider the action under Article 22**, due to her assertion that the Town Meeting may have been confused by certain misleading information offered during the debate of April 9.

The Motion **FAILED**, by a standing counted vote (3/5 required) 94-94-1.

David Himmelberger, Precinct B, withdrew his motion for an independent study committee for the Sprague Field remediation.

The Moderator declared Article 22 closed.

**ARTICLE 17.** To act on the report of the Community Preservation Committee on the fiscal year 2008 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.

Sarah Norwood, Precinct C, Community Preservation Committee, offered the first motion. David Dinwoody, Chair CPC spoke in support of the motion which was

**VOTED, unanimously**, that the following amounts recommended by the Community Preservation Committee (“CPC”) be appropriated for fiscal year 2008 community preservation purposes from the specific funding sources set forth below, with each item to be considered a separate appropriation:

A. For Open Space and Recreation Purposes:

To the Recreation Commission, the amount of \$153,000 for the construction and installation of a Phosphorous/sedimentation inactivation system for Moses Pond as a component of the multi-year Moses Pond Management Plan, said appropriation to be funded (i) by \$76,500 being taken from the Community Preservation Fund Open Space Reserve, and (ii) by the remaining \$76,500 being taken from unreserved balances on hand in the Community Preservation Fund for recreation purposes.

B. 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 2007 be reserved for the following community preservation categories:

Open Space (excluding Recreation)	\$ 136,382
Historic Resources	\$ 136,382
Community Housing	\$ 136,382

and in the case of each of the Open Space Reserve, Historic Resources Reserve and Community Housing Reserve categories, such reserved amounts shall be for future appropriation.

Sarah Norwood, Precinct C, CPC, offered the **second motion**; David Dinwoody, Chair CPC, spoke in support of the motion which was

**VOTED, unanimously**, that the appropriation of \$32,694 in Community Preservation funding previously adopted under Article 13 of the Warrant for the 2005 Annual Town Meeting for the preservation of the Dadmun-McNamara House owned by the Wellesley

Historical Society be amended so as to include, as an approved purpose of such appropriation, the acquisition and installation of a new furnace for the Dadmun–McNamara House.

The Moderator suggested and adjournment. The Meeting adjourned at 10:50 pm.

Attest:

/s/  
Kathleen F. Nagle  
Town Clerk

CERTIFICATE OF NOTICE  
OF ADJOURNED ANNUAL TOWN MEETING



April 11, 2007  
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from April 10, 2007 to April 23, 2007 at 7:30 p.m. at the Wellesley High School voted after the break of the meeting of April 10, 2007 and was announced by the Moderator and posted on the screen in the Hall at the recommencement of the meeting on April 10, 2007. The notice was also posted in Town Hall at the office of the Town Clerk on April 11, 2007.

Attest:

/s/  
Kathleen F. Nagle  
Town Clerk

TOWN CLERK'S RECORD  
OF THE ANNUAL TOWN MEETING



April 23, 2007  
Wellesley High School

April 24, 2007

An adjourned session of the Annual Town meeting from April 10, 2007 was held this evening at the Wellesley High School Auditorium, 50 Rice Street. The Moderator, Heather B. Sawitsky, called the meeting to order at 7:40 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 202 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: Hans Larsen, Executive Director, General Government Services; Terrance J. Connolly, Assistant Director, General Government Services; Ken Baer, Katy Gibson, Steve Hansen, Rusty Kellogg, Dave Mooney, and Mary Jane Kubler, Advisory Committee; Sheryl Strother, Finance Director; Tam Ly, Budget Project Manager, Department of Financial Services; Neal Seaborn, Chair NRC; Matthew King, Wellesley Public Schools (WPS) Superintendent, Bella Wong, WPS Asst Superintendent, Ruth Q. Berdell, WPS Business Manager, Mike Connelly, WPS Assistant Business Mgr.; John Donahue, Facilities Director; Michael Eby, Chair PBC, Roger Gurney, PBC, Kathryn Mullaney, PBC Staff; Alex Pitkin and Joel Seeley PBC Guest; Rena Mirkin, WHS Principal, Andrew Keough, WHS Principal Elect; Steve Baker, WHS Building Committee; Linda Buffum, Chair Historical Commission; Paul Esposito, Gig Kerivan, Mike Cave, Preservation of WHS Committee;

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 Calderwood, Bob White, Christine Kehoe, David Livingston, Elaine Putnam and Ogden Nackony.

The Moderator announced the election prior to this session of Town Meeting of Helen Robertson, Precinct F, to fill the vacancy created by the death of Len Seipel.

**ARTICLE 25.** To see what sum of money the Town will raise and appropriate, or otherwise provide, for architectural, engineering and/or other services for plans and specifications for a new High School building or for the reconstruction, remodeling, and/or addition to the existing High School, to accommodate the classroom and/or administrative needs of the School Department and/or other educational needs of the Town; and for the construction, reconstruction, remodeling, rehabilitation and/or modernization of the same; and for other services in connection therewith; to determine whether such sum shall be raised by taxation, through borrowing or otherwise; and to authorize the Selectmen to petition the Commonwealth of Massachusetts for a construction grant, if available, under the provisions of Chapter 70B of the General Laws as amended by Chapter 208 of the Acts of 2004 and regulations promulgated thereunder, or other authority; or take any other action relative thereto.

Michael Young, Precinct F, Chairman of the School Committee, offered the following motion:

That the sum of \$797,000 be appropriated to the Permanent Building Committee for architectural, engineering and/or other services for plans and specifications for construction of a new High School building or for the reconstruction, remodeling, rehabilitation, modernization and/or addition to the existing High School building, to accommodate the classroom, administrative and other educational needs of the Town. That to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$797,000 under Chapter 44 of the General Laws or Chapter 70B of the General Laws or any other enabling authority; and that the Permanent Building Committee is authorized to take all necessary action to carry out this project.

Mr. Young, Katherine L. Babson Jr., Chair of the School Building Committee, and Michael Eby, Chair of the Permanent Building Committee spoke in support of the motion.

At 8:45 the Moderator declared a recess. The Meeting reconvened at 9:05 pm.

David Himmelberger, Precinct B, 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 April 24, 2007, at 7:30 p.m. in this same hall.

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

Salvatore Defazio, Precinct F, offered the following **Amendment to the main motion** under Article 25 which

**FAILED**, to amend the main motion by adding the following paragraph:

That among the options to be studied shall be the restoration and preservation of the 1938 Wellesley High School building with its auditorium and lobby, administrative offices, classrooms, corridors, and upstairs gymnasium, and of the Wilbury Crockett Library, and that an independent architect who specializes in the restoration and preservation of historic schools be engaged to formulate such plans and specifications as pertain thereto, and that Town Meeting require the Permanent Building Committee to fully pursue among the options being studied the plans and specifications for the restoration and preservation of those areas of the 1938 Wellesley High School as specified herein and of the Wilbury Crockett Library, and to engage an independent architect who specializes in the restoration and preservation of historic high schools to formulate such plans and specifications as pertain thereto.

The meeting returned to discussion of the main motion, which was,

**VOTED, by declared voice vote, 2/3 required,** that the sum of \$797,000 be appropriated to the Permanent Building Committee for architectural, engineering and/or other services for plans and specifications for construction of a new High School building or for the reconstruction, remodeling, rehabilitation, modernization and/or addition to the existing High School building, to accommodate the classroom, administrative and other educational needs of the Town. That to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$797,000 under Chapter 44 of the General Laws or Chapter 70B of the General Laws or any other enabling authority; and that the Permanent Building Committee is authorized to take all necessary action to carry out this project.

**ARTICLE 24.** To see what sum of money the Town will raise and appropriate, or otherwise provide, in addition to the amount appropriated under Article 7 of the December 6, 2004 Special Town Meeting, for the architectural, engineering, and/or other professional services for the reconstruction, remodeling, and/or addition to the Wellesley Middle School, to accommodate the classroom and/or administrative needs of the School Department and/or other educational needs of the Town, and for the construction, reconstruction, remodeling, rehabilitation and/or modernization of the same, and for other services in connection therewith; to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

Suzanne Littlefield, Precinct A, School Committee, offered the following first motion under Article 24. Michael Eby, Chair, Permanent Building Committee, spoke in support of the motion which was

**VOTED, by declared voice vote, 2/3 required** that the sum of \$275,000 be appropriated to the Permanent Building Committee, in addition to the sums previously appropriated pursuant to Article 7 of the December 6, 2004 Special Town Meeting, for remodeling, reconstructing and making extraordinary repairs or constructing an addition to the Wellesley Middle School and any architectural, engineering and design costs related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$275,000 under Chapter 44 of the General Laws or any other enabling

authority; and that the Permanent Building Committee is authorized to take any other action necessary to carry out this project.

Suzanne Littlefield, Precinct A, School Committee offered the following second motion under Article 24 which was

**VOTED, by declared voice vote**, that the sum of \$151,000 be appropriated to the Permanent Building Committee for remodeling, reconstructing, and making extraordinary repairs to the Wellesley Middle School, and to meet this appropriation transfer \$151,000 from insurance proceeds.

The Moderator suggested an adjournment. The Meeting adjourned at 11:00 pm.

Attest:

/s/

Kathleen F. Nagle  
Town Clerk

CERTIFICATE OF NOTICE  
OF ADJOURNED ANNUAL TOWN MEETING



April 24, 2007  
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from April 23, 2007 to April 24, 2007 at 7:30 p.m. at the Wellesley High School voted after the break of the meeting of April 23, 2007 and was announced by the Moderator and posted on the screen in the Hall at the commencement of the meeting on April 23, 2007. The notice was also posted in Town Hall at the office of the Town Clerk on April 24, 2007.

Attest:

/s/

Kathleen F. Nagle  
Town Clerk

TOWN CLERK'S RECORD  
OF THE ANNUAL TOWN MEETING



April 24, 2007  
Wellesley High School

April 25, 2007

An adjourned session of the Annual Town meeting from April 23, 2007 was held this evening at the Wellesley High School Auditorium, 50 Rice Street. The Moderator, Heather B. Sawitsky, called the meeting to order at 7:40 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 205 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: Hans Larsen, Executive Director, General Government Services; Terrance J. Connolly, Assistant Director, General Government Services; Ken Baer, Katy Gibson, Steve Hansen, Rusty Kellogg, Dave Mooney, Advisory Committee; David Kornwicz, Retirement Board; Christopher Chan, Planning Board, Richard Brown, Planning Director, Meghan Conlon, Planning Staff; Len Frisoli, Resident; Neal Seaborn, Chair NRC.

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 Calderwood, Katherine Macdonald, Bob White, David Livingston, Elaine Putnam and Ogden Nackony.

**ARTICLE 32.** To see if the Town will vote to ratify the vote of the Retirement Board accepting the provisions of G.L. c. 32, Section 9 (2) (d) (ii), added by c. 55 of the Acts of 2006, thereby providing an additional pension for qualifying surviving unmarried children of a member; or take any other action relative thereto.

Greg Mills, Precinct D, Board of Selectmen, offered the following motion. David Kornwicz, Chair of the Retirement Board spoke in support of the motion, which was

**VOTED, unanimously**, that this town meeting hereby ratifies the action of the Retirement Board taken November 29, 2006 to accept the provisions of G.L. c.32, Section 9(2)(d)(ii), added by c. 55 of the Acts of 2006.

**ARTICLE 26.** To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Board of Selectmen for infrastructure improvements to the town's parking facilities, including the replacement of the existing parking ticket machines; and for any equipment or services in connection therewith; to determine whether such sums shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

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

**VOTED, unanimously, 2/3 required**, that the sum of \$150,000 be appropriated to the Board of Selectmen to pay the costs of infrastructure improvements to the Town's parking facilities, including the replacement of the existing parking ticket machines and any equipment or services in connection therewith; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$150,000 under Chapter 44 of the General Laws or any other enabling authority; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project.

**ARTICLE 27.** 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 "Burnett Lane Street Acceptance Plan" drawn by GLM Engineering Consultants, Inc., dated November 20, 2006; to raise and appropriate money therefor, or take any other action relative thereto.

No motion offered.

**ARTICLE 28.** To see if the Town will vote to accept as a public way (with betterments) the following street as laid out by the Board of Selectmen: Sabrina Road, as shown on a plan on file in the Office of the Town Clerk entitled "Sabrina Road Street Acceptance Plan" drawn by Stephen S. Fader, Town Engineer, dated January 11, 2007; to raise and appropriate money therefor, or take any other action relative thereto.

No motion offered.

**ARTICLE 29.** To see if the Town will vote to accept as a public way (with betterments) the following street as laid out by the Board of Selectmen: Woodside Avenue, as shown on a plan on file in the Office of the Town Clerk entitled "Woodside Avenue Street Acceptance Plan" drawn by Stephen S. Fader, Town Engineer, dated December 29, 2005; to raise and appropriate money therefor, or take any other action relative thereto.

David Himmelberger, Precinct B, Board of Selectmen, offered the following motion, which was

**VOTED, unanimously, 2/3 required,** that the Town accepts as a public way (with betterments) Woodside Avenue as laid out by the Board of Selectmen as shown on a plan on file in the Office of the Town Clerk entitled "Woodside Avenue Street Acceptance Plan " Town of Wellesley Department of Public Works by Stephen S. Fader, Town Engineer, dated December 29, 2005; that \$ 428,000 is appropriated for the construction of said way; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$428,000 under G.L. c.44, §7 or any other enabling authority; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project.

**ARTICLE 30.** 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.

William Charlton, Precinct B, 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 "Recorded Easements to be Accepted or Abandoned at the 2007 Annual Town Meeting under Warrant Article 30", dated March 7, 2007, a copy of said document being on file in the Office of the Town Clerk.

**ARTICLE 31.** To see if the Town will vote to accept, for some or all town boards, committees or commissions holding adjudicatory hearings, the provisions of G.L. c.39, §23D, the effect of which will be to provide that a member of a town board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from a session of such hearing, provided before voting the member shall certify in writing, under the penalties of perjury, that all evidence submitted at the missed session or sessions, including the official records of the missed session or sessions, has been examined; to amend the town bylaws to amplify on the foregoing; or take any other action relative thereto.

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

**VOTED, unanimously,** that the Town hereby accepts Section 23D of Chapter 39 of the General Laws, said acceptance to be applicable to all types of adjudicatory hearings.

Greg Mills, Precinct D, Board of Selectmen, offered the following second motion under Article 31:

To amend the Town Bylaws, Article 6. General Provisions, by adding a new Section 6.8A, Adjudicatory Hearing – Absent Member, to be inserted after the existing Section 6.8, to read as follows:

6.8A. Adjudicatory Hearing – Absent Member.

A member of any town board, when holding an adjudicatory hearing, shall not be disqualified from voting in the matter solely due to the member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that the member examined all evidence received at the missed session, which evidence shall include an audio and video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing herein shall change, replace, negate or otherwise supersede applicable quorum requirements.

Thomas Harrington, Precinct F, offered a suggestion of an amendment. After discussion the Moderator decided to hold the article open until a subsequent session of the meeting to allow for a proposed amendment to be considered.

At 9:05 the Moderator declared a recess. The Meeting reconvened at 9:30 pm.

David Himmelberger, Precinct B, 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 April 30, 2007, at 7:30 p.m. in this same hall. The exact wording of the motion appeared on the screen during the break.

**ARTICLE 33.** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for Home Rule legislation authorizing the Town to raise and appropriate money for a Parking Fund; moneys deposited into the Parking Fund to be used at the discretion of the Board of Selectmen to acquire land or rights in land for parking purposes; to design and construct additional municipal parking and/or improve existing municipal parking; or take any other action relative thereto.

No motion offered.

**ARTICLE 34.** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for Home Rule legislation amending c. 267 of the Acts of 2002 to add affordable mixed income housing and open space as authorized uses should the Town acquire the portion of the Cochituate Aqueduct described in said Act; or take any other action relative thereto.

No motion offered.

**ARTICLE 35.** To see if the Town will vote to acquire by exchange, purchase, eminent domain, gift or otherwise, for municipal purposes, a portion of the parcel of land commonly referred to as 2 Linden Street now or formerly owned by Haynes Trust containing approximately 1,477 square feet, as shown on a plan entitled "Plan of Taking at Linden Street, 2-20 Linden Street Wellesley, MA", prepared by Stephen S. Fader, Town Engineer, dated October 27, 2006, a copy of which is on file in the Office of the Town Clerk; to accept the

same and add it to the existing abutting public way; to raise and appropriate or otherwise provide, a sum of money for the same; or take any other action relative thereto.

David Himmelberger, Precinct B, Board of Selectmen, offered the following motion, which

**FAILED, upon a declared voice vote**, that the Town vote to acquire by exchange, purchase, eminent domain, gift or otherwise, for municipal purposes, a portion of the parcel of land commonly referred to as 2 Linden Street now or formerly owned by Haynes Family LLC containing approximately 1,477 square feet, as shown on a plan entitled “Plan of Taking at Linden Street, 2-20 Linden Street Wellesley, MA”, prepared by Stephen S. Fader, Town Engineer, dated October 27, 2006, a copy of which is on file in the Office of the Town Clerk; and to accept the same and add it to the existing abutting public way; and that the Board of Selectmen is authorized to acquire said parcel for \$75,000 (seventy five thousand); said sum being hereby appropriated for this purpose, to be raised by a transfer from the so-called “taking fund” provided through an agreement, dated February 13, 2006, between the Town and Lindwell SC, Inc, Lindwell OC, Inc, and the Lindwell Realty Trust.

**ARTICLE 36.** To see if the Town will reauthorize the vote previously taken under Article 32 of the Warrant for the 2006 Annual Town Meeting approving the land exchange at 19 Clovelly Road in the following respects:

(a) to acquire by exchange, purchase, eminent domain, gift or otherwise, for parkland purposes, a portion of the parcel of land commonly referred to as 19 Clovelly Road now or formerly owned by Dr. James and Pamela Broderick containing approximately 1320 square feet, as shown on a plan entitled “Plan of Land at 19 Clovelly Road, Wellesley Massachusetts showing proposed land exchange with the Town of Wellesley”, prepared by Frank Iebba, Land Surveyor, dated December 15, 2005, scale 1” = 30’; a copy of which is on file in the Office of the Town Clerk; and

(b) in exchange for this acquisition, to convey a certain portion of the Town-owned Caroline Brook/Fuller Brook parkland, as shown on said plan, containing approximately 1200 square feet; the result of said exchange to correct an encroachment of private property onto Town-owned parkland and will allow for a net gain to the Town of approximately 120 square feet of parkland; and

(c) to authorize the Board of Selectmen to petition the General Court for authorization to complete this exchange;

or take any other action relative thereto.

No motion offered.

**ARTICLE 37.** To see if the Town will reauthorize the vote previously taken under Article 20 of the Warrant for the 2005 Annual Town Meeting approving the land exchange at 12 Marvin Road in the following respects:

(a) to acquire by exchange, purchase, eminent domain, gift or otherwise, for parkland purposes a portion of the parcel of land commonly referred to as 12 Marvin Road now or formerly owned by Dr. Erik Garpestad and Ms. Kathleen Walsh containing approximately 960 square feet, as shown on a plan entitled “Plan of Land at 12 Marvin Road, Wellesley, Massachusetts”, prepared by Everett M. Brooks Co., dated October 26, 2004, scale 1” = 20’; a copy of which is on file in the Office of the Town Clerk;

(b) in exchange for this acquisition, the Town will convey a portion of Town-owned parkland on a portion of the parcel of land commonly referred to as the Fuller Brook Park, now or formerly owned by the Town of Wellesley under the jurisdiction of the Natural Resources Commission containing approximately 923 square feet as shown on the above referenced plan; the result of this exchange will correct an encroachment of private property onto Town-owned parkland and will allow for a net gain of 37 square feet of Town-owned parkland; the Natural Resources Commission hereby grants an easement for a private storm drain connection on Town-owned parkland to the owner of 12 Marvin Road;

(c) to authorize the Board of Selectmen to petition the General Court for authorization to complete this exchange; or take any other action relative thereto.

No motion offered.

**ARTICLE 38.** To see if the Town will reauthorize the vote passed under Article 30 of the Warrant for the 2006 Annual Town Meeting authorizing the Board of Selectmen to petition the General Court for Home Rule legislation authorizing the Town to raise and appropriate, or otherwise provide, money to pre-fund some portion of the Town’s liability for Postemployment Benefits Other Than Pensions (OPEB) through a temporary levy limit override or exclusion, or such other funding approach as the Town should choose; provided that said funding shall be contingent upon the passage of a referendum question under Section 21C of Chapter 59 of the General Laws authorizing said appropriation to be raised in excess of the Proposition 2 ½ limits; or take any other action relative thereto.

No motion offered.

**ARTICLE 39.** To see if the Town will vote to authorize the Board of Selectmen to enter into one or more leases of certain parcels of town-owned land within the Cochituate Aqueduct; and/or to renew existing leases; on such terms and conditions, including dollar amounts, as said Board deems to be in the Town’s interest; or take any other action relative thereto.

Owen Dugan, Precinct E, Board of Selectmen, offered the following motion, which was **tabled for amendments** requested by the Board of Selectmen.

That the Town vote to authorize the Board of Selectmen to execute leases for certain parcels of Town-owned land not presently being required for Town purposes, upon such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town; said parcels being shown as Parcels “A”, “B”, “C”, “D” and “E” on a plan entitled “Plan of Land in Wellesley, by John E. Bezanson, Town Engineer, dated December 14, 1966, Scale: 1” = 20””, said parcels containing 7,958, 2,225, 2,570, 385 and 2,820 square feet respectively, according to said plan, a copy of which is on file in the office of the Town Clerk; or take any other action relative thereto.

Les Shea, Precinct C, offered notice of his intention to move for **reconsideration of Article 35** at a subsequent session of this meeting.

**ARTICLE 40.** To see if the Town will vote to amend the Zoning Bylaw Section IA. DEFINITIONS. by adding definitions for eight terms used in the Zoning Bylaw which are yet undefined, as follows; and by striking from the definition of “Floor Area Ratio” the word “lot” and by inserting in its place the words “development area”; so that the eight new and one modified definitions will read substantially as follows:

Accessory building - A building, the occupancy or use of which is incidental to that of the main or principal building, that is located on the same lot as the main or principal building.

Addition, Building Addition - Any increase in building coverage (footprint), aggregate floor area, height or number of stories.

Building - A structure enclosed within exterior walls or firewalls, built, erected and framed of a combination of any materials, whether portable or fixed having a roof, to form a structure for the shelter of persons, animals or property. The word “building” shall be construed where the context requires as though followed by the words “or parts thereof”. Each portion of a building which is completely separated from other portions by fire walls shall be considered as a separate building.

Change of use: An alteration by change of use in a building heretofore existing to a new use which may require a special permit or may alter the ratio of off-street parking spaces required.

Principal building, Main Building- A building in which is conducted the primary or predominant use of the lot on which it is located.

Lot (Conforming)- An area of land in one ownership with definite boundaries, complying with the area, frontage and other requirements of this Zoning Bylaw.

Lot (Pre-existing, Non-conforming) - A legally created area of land in one ownership with definite boundaries which does not now comply with one or more of the requirements of this Zoning Bylaw by reason of the establishment of the Zoning Bylaw or subsequent zoning amendment.

Structure - A combination of materials assembled at a fixed location to give support or shelter. The word "structure" shall be construed, where the context requires, as though followed by the words, "or part or parts thereof." A retaining wall supporting four or more vertical feet of earth material shall be considered a structure and consequently shall be subject to lot setback requirements as set forth in SETION XIX. YARD REGULATIONS. Multiple substantially parallel walls each of which support less than four vertical feet of earth material shall not be considered a structure provided the horizontal separation between such walls is five or more feet.

Floor Area Ratio - The floor area of building divided by the commercially zoned lot area. Floor area shall be the sum of the horizontal areas of the several floors of a building as measured from the exterior surface of the exterior walls. Parking garages, interior portions of building devoted to off-street parking, and deck or rooftop parking shall not be considered as floor area. The floor area devoted to a child care facility (defined to mean a "day care center" or a "school age child care program," as those terms are defined in Section 9 of Chapter 28A M.G.L.) as an accessory use to an allowed use, shall not be considered as floor area for the purposes of the calculation of Floor Area Ratio except that the building floor area shall not exceed 110% of the building floor area otherwise allowed without a child care facility. The floor area devoted to dwelling units developed in accordance with and under the provisions of SECTION XVIB. INCLUSIONARY ZONING., shall not be considered as floor area for the purposes of the calculation of Floor Area Ratio provided that Assisted Units sufficient to satisfy SECTION XVIB. are provided on the same development area.

and by adding, after the list of definitions, a sentence to read substantially as follows:

“Where terms are not defined such terms shall have the ordinarily accepted meanings such as the context implies.”

or take any other action relative thereto.

Thomas Frisardi, Precinct E, Chair of Planning Board offered an overview of the Planning Board’s articles before this Annual Town Meeting.

Rose Mary Donahue, Precinct E, Planning Board offered the following motion:

That the Zoning Bylaw Section IA. DEFINITIONS. be amended by inserting a definition of the word “Structure” to read as follows:

Structure - A combination of materials assembled at a fixed location to give support or shelter. The word "structure" shall be construed, where the context requires, as though followed by the words, "or part or parts thereof." A retaining wall supporting four or more vertical feet of earth material shall be considered a structure and consequently shall be subject to side and rear lot setback requirements as set forth in SETION XIX. YARD REGULATIONS provided, however, that existing retaining walls may be

maintained, repaired or replaced subject to all requirements for such structures contained in the Massachusetts Building Code. Multiple substantially parallel walls each of which supports less than four vertical feet of earth material shall not be considered a structure provided the horizontal separation between such walls is five or more feet.

Jan Gleysteen, Precinct D, suggested an amendment to the motion.

Robert Murphy, Precinct B, suggested a motion to adjourn.

The Moderator agreed to hold Article 40 open to the next session to consider amendments.

The Meeting adjourned at 10:40 pm.

Attest:

/s/

Kathleen F. Nagle  
Town Clerk

CERTIFICATE OF NOTICE  
OF ADJOURNED ANNUAL TOWN MEETING



April 25, 2007  
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from April 24, 2007 to April 30, 2007 at 7:30 p.m. at the Wellesley High School voted after the break of the meeting of April 24, 2007 and was announced by the Moderator and posted on the screen in the Hall at the commencement of the meeting on April 24, 2007. The notice was also posted in Town Hall at the office of the Town Clerk on April 25, 2007.

Attest:

/s/

Kathleen F. Nagle  
Town Clerk

TOWN CLERK'S RECORD  
OF THE ANNUAL TOWN MEETING



April 30, 2007  
Wellesley High School

May 1, 2007

An adjourned session of the Annual Town meeting from April 24, 2007 was held this evening at the Wellesley High School Auditorium, 50 Rice Street. The Moderator, Heather B. Sawitsky, called the meeting to order at 7:38 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 198 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: Hans Larsen, Executive Director, General Government Services; Terrance J. Connolly, Assistant Director, General Government Services; Sheryl Strother, Finance Director, Tam Ly, Budget Project Manager; Ken Baer, Steve Hansen, Rusty Kellogg, Mary Jane Kubler, Advisory Committee; Christopher Chan, Planning Board, Richard Brown, Planning Director; Neal Seaborn, Chair NRC; Deborah Bates, Linda Buffum, Erin Hester, Robert McConnell, Lawrence McNally, Historical Commission; Richard Joyce, MLP Director, Peter Bracken, Debra Healy, Donald Newell MLP Staff; David A.T. Donohue, BPW, Michael Pakstis, DPW Director, Judith Curby, DPW Asst Director, David A. Cohen, DPW Sr. Management Analyst, Stephen Fader, Town Engineer; Michael Gilman and Rachel Mirkin, Residents for Article 62; Kathryn Mullaney, PBC Staff, Roger Gurney, PBC Guest, Ray Portofino, Architect MLP/DPW Project; Amanda Henshon, Library Trustee.

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 Calderwood, Katherine Macdonald, Bob White, David Livingston, Elaine Putnam and Ogden Nackony.

The Moderator announced there would be no motions on the Planning Board Articles numbered 41-52; no motion is expected under Articles 59 and 60.

The Moderator stated that Article 40, Motion 2 was on the floor at the close of the previous session.

Jan Gleysteen, Precinct D, offered the following amendment which FAILED.

That the Zoning Bylaw Section IA. DEFINITIONS. be amended by inserting a definition of the word "Structure" to read as follows:

Structure - A combination of materials assembled at a fixed location to give support or shelter. The word "structure" shall be construed, where the context requires, as though followed by the words, "or part or parts thereof." A retaining wall supporting four or more vertical feet of earth material that raises the existing natural grade, or a retaining wall supporting six or more vertical feet of earth material that lowers the existing natural grade shall be considered a structure and consequently shall be subject to side and rear lot setback requirements as set forth in SETION XIX. YARD REGULATIONS provided, however, that existing retaining walls may be maintained, repaired or replaced subject to all requirements for such structures contained in the Massachusetts Building Code. Multiple substantially parallel walls each of which supports less than four vertical feet of earth material that raises the existing natural grade or supports less than six vertical feet of earth material that lowers the existing natural grade shall not be considered a structure provided the horizontal separation between such walls is five or more feet.

The main motion was put back on the table for discussion. After discussion the Moderator requested a voice vote, not being able to call the vote she subsequently called for a standing counted vote which **FAILED** to achieve the required two-thirds (126 yes- 68 no- 0 abstain).

At 9:00 the Moderator declared a recess. The Meeting reconvened at 9:18 pm.

David Himmelberger, Precinct B, 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 May 1, 2007, at 7:30 p.m. in this same hall. The exact wording of the motion appeared on the screen during the break.

**ARTICLE 19.** To see if the Town will vote to approve the project proposed jointly by the Municipal Light Board and the Board of Public Works to raze the existing garage whose space is currently being shared by the Municipal Light Plant and the Department of Public Works and construct (a) a new garage/warehouse for the MLP and (b) a new garage or a new garage and office building for the DPW, including the Water and Sewer Divisions, and possibly other town departments, as follows:

(a) A vote pursuant to Section 41 of Chapter 164 of the General Laws, or any other enabling authority, authorizing the MLP to construct a new MLP

garage/warehouse, and to raze the existing garage/warehouse; said action to be solely at the MLP's expense; and

(b) A vote to raise and appropriate, or otherwise provide, including transfer from available funds, a sum of money for engineering services, plans and specifications, and for the construction of a new garage or a new garage and office building for the DPW, including the Water and Sewer Divisions, and possibly other town departments; and to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer of available funds, including from either or both of the Water and Sewer enterprise funds; and

(c) If necessary to establish proper siting for both buildings, a vote pursuant to Section 15A of Chapter 40 of the General Laws transferring the care, custody, management and control of all or portion(s) of the land currently under the jurisdiction of the MLP and DPW respectively between the same departments;

a favorable vote under (a) and (b) above being required for the project to proceed; or take any other action relative thereto.

Michael Humphrys, Precinct A, Chair of the Board of Public Works offered the following motion. Sidney Farnsworth, Permanent Building Committee spoke in support of the motion, which was

**VOTED, by declared voice vote 2/3 required** that the project proposed jointly by the Municipal Light Board and the Board of Public Works to raze the existing garage whose space is currently being shared by the Municipal Light Plant ("MLP") and the Department of Public Works ("DPW") and to construct (a) a new garage/warehouse for the MLP and (b) a new garage/warehouse for the DPW Water and Sewer Divisions be approved and;

(a) that the sum of \$6,198,000 is hereby appropriated, to be expended under the direction of the Permanent Building Committee, for the purpose of designing and constructing a new MLP garage/warehouse, and to raze the existing garage/warehouse; and

that the sum of \$755,000 is hereby appropriated, to be expended under the direction of the Board of Public Works for site work, engineering services, and site/civil project management, in connection therewith; and

that the sum of \$45,000 is hereby appropriated, to be expended under the direction of the Municipal Light Plant for furnishings, fixtures, and equipment in connection therewith; and

said sums to be raised by a transfer of \$5,000,000 from MLP cash, and the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,998,000 under Chapter 44 of the General Laws or any other enabling authority; and

(b) that the sum of \$6,183,000 is hereby appropriated, to be expended under the direction of the Permanent Building Committee, for designing and constructing a new garage/warehouse for the DPW Water and Sewer Divisions; and

that the sum of \$1,234,000 is hereby appropriated, to be expended under the direction of the Board of Public Works for site work, engineering services, site/civil project management, furnishings, fixtures and equipment in connection therewith; and

the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$7,417,000 under Chapter 44 of the General Laws or any other enabling authority.

**ARTICLE 39.** To see if the Town will vote to authorize the Board of Selectmen to enter into one or more leases of certain parcels of town-owned land within the Cochituate Aqueduct; and/or to renew existing leases; on such terms and conditions, including dollar amounts, as said Board deems to be in the Town's interest; or take any other action relative thereto.

Owen Dugan, Precinct E, Board of Selectmen, withdrew the tabled motion under this article from the April 24 session of the Annual Town Meeting and offered the following substitute motion, which was

**VOTED, unanimously,** that the Town vote to authorize the Board of Selectmen to execute leases for certain parcels of Town-owned land not presently being required for Town purposes, upon such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town; said parcels being shown as:

- Parcels "A", "B", "C", "D" and "E" on a plan entitled "Plan of Land in Wellesley, by John E. Bezanson, Town Engineer, dated December 14, 1966, Scale: 1" = 20'", said parcels containing 7,958, 2,327, 2,570, 385 and 2,820 square feet respectively, according to said plan, a copy of which is on file in the office of the Town Clerk;
- Parcels "A" and "B" on a plan entitled "Plan of Land in Wellesley, by John E. Bezanson, Town Engineer, dated January 31, 1972, Scale: 1" = 80'", said parcels containing 30,894 and 9,037 square feet respectively, according to said plan, a copy of which is on file in the office of the Town Clerk;
- The parcel shown on a plan entitled "Plan of Land in Wellesley, by John E. Bezanson, Town Engineer, dated April 14, 1978, Scale: 1" = 40'", said parcel containing 3,897.6 square feet, according to said plan, a copy of which is on file in the office of the Town Clerk.

**ARTICLE 54.** To see if the Town will vote to establish a Town Bylaw Study Committee consisting of 5 members to be appointed by the Moderator, whose focus shall primarily be to study the Town's protocol for town elections and business sessions of town meeting, including but not necessarily limited to reviewing the dates for the annual town elections and the beginning of the business sessions (Articles 8.2 and 8.6) respectively; whether certain notice provisions should be simplified, for example, to recognize the use of e-mail communication (e.g., Articles 4.4, 8.3, 8.10, 11.8); and generally to study how, if at all, the overall process can be improved; said committee to report to the 2008 Annual Town Meeting and propose bylaw amendments responsive to the study's conclusions; or take any other action relative thereto.

Harriet Warshaw, Precinct C, Board of Selectmen, offered the following motion. Barbara Searle, Chair, Advisory Committee, spoke in support of the motion which was

**VOTED, unanimously,** that the Town vote to establish a Town Bylaw Study Committee, to consist of five Town residents appointed by the Moderator, whose focus shall primarily be to study the Town's protocol for town elections and business sessions of town meeting, including but not limited to reviewing the dates for the annual town elections and the commencement of the Annual Town Meeting (Business Portion) (Articles 8.2 and 8.6) respectively; whether certain notice provisions should be simplified, for example, to recognize the use of e-mail communication, including but not limited to Articles 4.4, 8.3, 8.10, 11.8; whether it would be advisable to provide that some portion of town meeting business be scheduled for a fall Special Town Meeting, for example zoning matters or other issues not requiring appropriation; and generally to study how, if at all, transparency in town government and the overall process of timing, notification and other such related matters can be improved; said committee to make a report of its findings including any proposed bylaw changes and special legislation to the 2008 Annual Town Meeting.

**ARTICLE 62.** To see if the Town of Wellesley will adopt the following resolution to help stop the genocide in the Darfur region of Sudan:

Be it Resolved, that Wellesley Town Meeting urges the President and Congress of the United States to take immediate action to apply pressure to the government of Sudan to end the genocide in the Darfur region and, further, to take action which will lead to bringing the perpetrators before the International Criminal Court.

that Wellesley Town Meeting urges the President and Congress to press for immediate deployment of the already-authorized UN peacekeeping force; and for strengthening the understaffed and under-equipped African Union force already in Darfur until the UN peacekeeping force is deployed; and for increasing humanitarian aid and ensuring access for delivery;

that Wellesley Town Meeting urges the Massachusetts Legislature to enact a Bill (like Senate Bill 2659) which would divest the Commonwealth's investment funds from targeted companies doing business with the government of Sudan in such a way as to support or passively enable the Darfur genocide;

that copies of this resolution be distributed to the President, members of the Massachusetts Congressional delegation, other members of Congress in positions of leadership of the House and Senate committees with jurisdiction over foreign policy and commerce, the Governor of Massachusetts and members of Wellesley's delegation to the state legislature, and other leaders of the state legislature as deemed appropriate; and that this resolution be posted on the official Town of Wellesley website.

The Moderator explained to Town Meeting that although the Wellesley Town Meeting traditionally has not considered motions that go beyond the municipal purview, our By-laws do not prohibit such subjects and the citizens petition for this article was properly filed according to the requirements of the Bylaw and thus is properly before this meeting.

Arthur Priver, Precinct A, offered the following resolution. Michael Gilman, resident, and Rachel Mirkin, student at Wellesley High School, spoke in support of the resolution which was

**VOTED and hereby Resolved**, that Wellesley Town Meeting urges the President and Congress of the United States to take immediate action to apply pressure to the government of Sudan to end the genocide in the Darfur region and, further, to take action which will lead to bringing the perpetrators before the International Criminal Court.

that Wellesley Town Meeting urges the President and Congress to press for immediate deployment of the already-authorized UN peacekeeping force; and for strengthening the understaffed and under-equipped African Union force already in Darfur until the UN peacekeeping force is deployed; and for increasing humanitarian aid and ensuring access for delivery;

that Wellesley Town Meeting urges the Massachusetts Legislature to enact a Bill (like Senate Bill 2659) which would divest the Commonwealth's investment funds from targeted companies doing business with the government of Sudan in such a way as to support or passively enable the Darfur genocide;

that copies of this resolution be distributed to the President, members of the Massachusetts Congressional delegation, other members of Congress in positions of leadership of the House and Senate committees with jurisdiction over foreign policy and commerce, the Governor of Massachusetts and members of Wellesley's delegation to the state legislature, and other leaders of the state legislature as deemed appropriate; and that this resolution be posted on the official Town of Wellesley website.

Articles 41-52, Planning Board motions were taken up and no motions offered.

**ARTICLE 55.** To see if the Town will vote to make town-wide the existing regulatory requirements of the Planning Board and DPW/MLP that the installation of

certain utilities be constructed underground, by amending the Town Bylaws, Article 49. Police Regulations, by adding a new Section 49.3A, to be inserted after the existing Section 49.3, to provide substantially as follows:

**49.3A Underground Installation of Utilities required.**

Unless exempted by existing town regulation or bylaw, or by vote of the Board of Selectmen for good cause shown, the installation by any person of new utilities, or the upgrading of existing utilities, shall be underground. For these purposes, utilities shall include but not necessarily be limited to the conduit by which gas, electricity, or telecommunications and other forms of electronic information are transmitted, or take any other action relative thereto.

No Motion offered.

**ARTICLE 56.** If necessary to comply with the new regulations of the Massachusetts School Building Authority,

- a) To see if the Town will vote to amend the Town Bylaws, Article 14. Permanent Building Committee, Section 14.2. Membership in order to expand the membership of the Permanent Building Committee for any school building project for which the Town seeks funding from the Massachusetts School Building Authority as set forth in 963 CMR 2.10(3); and/or
- b) To see if the Town shall approve the establishment of a School Building Committee for the reconstruction, remodeling and/or rebuilding of the Wellesley High School pursuant to the provisions of the regulations of the Massachusetts School Building Authority (963 CMR 2.10(3)); and to amend the Town Bylaws if necessary to document said approval; or take any other action relative thereto.

No motion offered.

**ARTICLE 57.** To see if the Town will vote to amend the Town Bylaws, Article 49. Police Regulations, Section 49.19. Possession and Use of Alcoholic Beverages., so as to permit such beverages to be consumed within Town buildings subject to written permission of the Board of Selectmen; or take any other action relative thereto.

No motion offered.

**ARTICLE 59.** To see if the Town will vote to require, on a monthly basis, an accurate monthly expense status of the line items in all town budgets, including month to date and year to date figures to track rate of expenditures, together with any encumbrances for which the town is obligated to pay in the future. The Wellesley School Committee shall cause to be prepared on a monthly basis an accurate monthly expense status report of the expenditures items in the school budget, except as may be otherwise be

required by law, including month to date and year to date figures to track rate of expenditures, together with any encumbrances for which the town is obligated to pay in the future and shall provide a copy thereof to the Director of Finance of the town. Copies shall be made available to the public at the Town Clerks office and the public library; to amend the Town Bylaws regarding the same; or take any other action relative thereto.

No motion offered.

**ARTICLE 60.** To see if the Town will vote to require the Director of Finance to present to the Board of Selectmen, on a monthly basis, an accurate monthly income and expense status report including all of the expenditures in all town revolving and enterprise accounts, in a month to date, and year to date format to track rate of expenditures. The Wellesley School Committee shall cause to be prepared, on a monthly basis, an accurate monthly income and expense status report including all of the expenditures in all school revolving and enterprise accounts, in a month to date and year to date format to track rate of expenditures, except as may otherwise be required by law, with a copy to the Town's Director of Finance, copies shall be made available to the public at the Town Clerk's office and the public library; to amend the Town Bylaws regarding the same; or take any other action relative thereto.

No motion offered.

**ARTICLE 61.** To see if the Town will vote to amend the Town Bylaws, Article 8. Town Meeting, Section 8.2, Date for Annual Town Election, to set the date of the Annual Town Election to the first Tuesday in May; or take any other action relative thereto.

No motion offered.

**ARTICLE 63.** 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 64.** 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 65.** 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, 2006; or take any other action relative thereto.

No motion offered.

**ARTICLE 66.** 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 67.** 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 68.** 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.

David Himmelberger, Precinct B, 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.

The Meeting adjourned at 10:50 pm.

Attest:

/s/

Kathleen F. Nagle  
Town Clerk

CERTIFICATE OF NOTICE  
OF ADJOURNED ANNUAL TOWN MEETING



May 1, 2007  
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from April 30, 2007 to May 1, 2007 at 7:30 p.m. at the Wellesley High School voted after the break of the meeting of April 30, 2007 and was announced by the Moderator and posted on the screen in the Hall at the recommencement of the meeting on April 30, 2007. The notice was also posted in Town Hall at the office of the Town Clerk on May 1, 2007.

Attest:

/s/

Kathleen F. Nagle  
Town Clerk

TOWN CLERK'S RECORD  
OF THE ANNUAL TOWN MEETING



May 1, 2007  
Wellesley High School

May 2, 2007

An adjourned session of the Annual Town meeting from April 30, 2007 was held this evening at the Wellesley High School Auditorium, 50 Rice Street. The Moderator, Heather B. Sawitsky, called the meeting to order at 7:45 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 184 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: Hans Larsen, Executive Director, General Government Services; Terrance J. Connolly, Assistant Director, General Government Services; Ken Baer, Steve Hansen, Rusty Kellogg, Mary Jane Kubler, and David Mooney, Advisory Committee; Christopher Chan, Planning Board, Richard Brown, Planning Director; Neal Seaborn, Chair NRC; Deborah Bates, Linda Buffum, Erin Hester, Dwight Lueth, Robert McConnell, Lawrence McNally, Vicki Schlauffler, and David Wright, Historical Commission; Joann Locke, Resident; Samantha Fields, 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 Christine Olaksen, Katherine Macdonald, Bob White, Steve Langer, Elaine Putnam and Ogden Nackony.

**Article 58.** To see if the Town will vote to enable the creation of Neighborhood Conservation Districts to help conserve the character of distinctive neighborhoods and unique areas worthy of some level of protection, but which may not be appropriate for consideration as Historic Districts by amending the Town Bylaw to establish a new Article 46A, to read substantially as follows:

1. PURPOSES

(a) This Bylaw enables the establishment in the Town of Wellesley of Neighborhood Conservation Districts (“NCDs”) for the following purposes:

(i) To recognize that within the Town of Wellesley are unique and distinctive older residential neighborhoods and commercial districts which contribute significantly to the overall character and identity of the town and are worthy of preservation and protection. Some of these may be officially designated as Historic Districts while others may lack sufficient historical, architectural or cultural significance at present to be designated as such. The town aims to preserve, protect, enhance, and promote positive development consistent with this purpose and to otherwise perpetuate the value of these residential neighborhoods or commercial districts through the establishment of Neighborhood Conservation Districts.

(ii) To encourage preservation of existing buildings, to ensure that new construction will be compatible with and complement existing buildings, settings and neighborhood character, and to foster appropriate reuse and upgrading of buildings and structures in such neighborhoods and areas.

(iii) To provide residents and property owners with a means to participate in planning the future of their neighborhoods.

(iv) To promote wider public knowledge and appreciation of such neighborhoods, areas or structures in Wellesley.

(v) By furthering these purposes, to promote the public welfare by making Wellesley a more attractive and desirable place in which to live.

(b) The buildings and characteristics of a neighborhood are not intended to be frozen in time by their designation as an NCD under this Bylaw; the neighborhood should be able to grow and change to meet the needs of current and future owners and of current and future times, while conserving the neighborhood’s distinctive qualities as changes occur.

(c) The designation of an NCD is intended as recognition of the neighborhood and its distinctive architectural, historical, cultural or social role in determining the character of the Town of Wellesley.

## 2. DEFINITIONS

**ALTERATION** –A change to a building exterior, structure or setting or part thereof including construction, demolition, moving, reconstruction, rehabilitation, removing, replication, restoration, or similar activities, and/or significant changes to the site itself.

**BUILDING** –Any combination of materials having a roof and permanent foundation and forming a shelter for persons, animals, or property.

CERTIFICATE OF COMPATIBILITY – A Certificate of Compatibility as established under this Bylaw; a form which states that a proposed plan for Alterations to a building, structure or property within an NCD meets the Design Guidelines adopted for that NCD, signed by the Chair of the NCD Commission or other officially delegated person responsible for its issuance. Issuance is necessary to obtain a building or demolition permit.

CERTIFICATE OF NON-APPLICABILITY –An official form issued by a Neighborhood Conservation District Commission that states the application for proposed changes to a building, structure, or property within an NCD is not subject to review under this article.

CONSTRUCTION –The erection of a new building or structure.

CONTIGUOUS AREA –Properties within a defined area that are connected in an unbroken sequence on either side of a right of way.

DEMOLITION – The act of pulling down, destroying, removing or razing a building or structure or commencing the work of total or substantial destruction.

DESIGN GUIDELINES –The official set of guidelines duly adopted under this Bylaw to guide the review of proposed Alterations within a particular designated NCD, as may be amended from time to time by a majority vote of Town Meeting.

EXTERIOR ARCHITECTURAL FEATURES –Such portions of the exterior of a building or structure, including but not limited to the architectural style and general arrangement and setting thereof, the type, and texture of exterior building materials, the type and style of windows, doors, lights, signs, and other appurtenant fixtures.

NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION-A body established under this Bylaw (a separate Commission being established for each NCD designated) with the authority to review, approve or disapprove, proposed Alterations in the NCD for compatibility under the Design Guidelines established for that District.

PETITION- Four part, initiating document signed by two-thirds of the Property Owners, one signature per property, of a residential neighborhood or commercial district stating the intent to form a Neighborhood Conservation District.

PROPERTY OWNER- One owner of a dwelling unit as listed on the Town’s property tax rolls.

STRUCTURE- A functional construction or object other than a building, including but not limited to street furniture, walls, fences, walks, driveways, bridges, and curbing.

### 3 DESIGNATION OF DISTRICTS

- (a) To be considered for designation as an NCD, a neighborhood or commercial district must satisfy the following criteria:
  - (i) The area constitutes a distinctive neighborhood or commercial district that reflects a distinctive character, with buildings and lots located within a contiguous area consisting of a minimum of 10 lots; and either
  - (ii) The area contains buildings, structures or landscapes which are significant to the architectural, aesthetic, cultural, political, economic or social history of Wellesley; or
  - (iii) The area has generally cohesive features such as the scale, size, type of construction, materials or style of its buildings, land use patterns, siting or landscaping.
- (b) The designation of a NCD shall be initiated by neighborhood residents, the Wellesley Historical Commission, the Planning Board, or the Board of Selectmen. A Petition shall be submitted to the Historical Commission containing signatures of at least two thirds of the Property Owners, one signature per property, in the proposed NCD Area (the “Area”), which petition shall include a preliminary:
  - (i) General statement of the historical, architectural or other qualities of the Area that make it appropriate for designation,
  - (ii) Map of the Area, and
  - (iii) General outline of the Design Guidelines and Neighborhood Conservation District Commission authority proposed for the Area.
- (c) Following receipt of a petition for NCD designation, the Historical Commission shall file the petition with the Town Clerk and appoint a Study Committee to investigate and report on the appropriateness of such a designation for the Area. The Study Committee shall consist of five members, one of whom shall be a designee of the Planning Board; one shall be a designee of the Historical Commission, and three shall be residents of the Area. When reasonably possible, an architect, landscape architect, or historic preservationist should be included as part of the Study Committee. Notice of the appointment of the Study Committee shall be provided to all property owners in the Area and all property owners abutting the Area within 300 feet, at the address for such owners as listed in the real estate tax list of the Board of Assessors.
- (d) The Study Committee, working with residents of the Area, shall prepare and file with the Town Clerk a written Report, to include the following:

- (i) An overview of the significant historical, architectural or other relevant qualities of the Area,
  - (ii) A map of the boundaries of the proposed NCD, and
  - (ii) Design Guidelines for the proposed NCD.
- (e) Each NCD, as adopted by Town Meeting, shall be listed hereunder in Article 46A with the date of acceptance and shall have its own Design Guidelines which are applicable only to that NCD. The Design Guidelines shall, to the extent appropriate for the conservation of the particular qualities of the Area,
- (i) Establish Design Guidelines for the NCD, which shall be based to the extent appropriate on the Preliminary Design Guidelines proposed in the petition, and
  - (ii) Establish the scope of review authority under this Bylaw for activities within the NCD, including categories and types of changes exempt from or subject to review.
- (f) A public hearing shall be jointly conducted by the Historical Commission and the Planning Board to discuss the findings within 60 days after filing of the completed Report. Public notice shall be given by publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing; and by posting such notice in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of such hearing; and by mailing said notice, together with copies of the Report, to all property owners in the Area and property owners abutting the Area within 300 feet, at the address for such owners as listed in the real estate tax list of the Board of Assessors.
- (g) Following the close of the public hearing, the Historical Commission and the Planning Board may, by majority vote in a joint meeting, recommend the Area for designation as an NCD. Notwithstanding the above, if one-third of the Property Owners, one signature per property, in the Area object in writing to the proposed designation, then the proposed designation shall be deemed rejected. If the NCD is favorably recommended by the Historical Commission and the Planning Board, and not rejected by the Property Owners, the designation of the NCD shall be brought to Town Meeting for approval by majority vote.
- (h) The establishment of an NCD shall not be construed to prevent the construction or alteration of a structure in the NCD under a building permit, zoning permit or other municipal approval (Permit) duly issued prior to the date of the establishment of the NCD by the Town Meeting; provided, however that following the submission of a petition by a neighborhood and until the establishment or rejection of the NCD, other Town Boards shall give due and

appropriate weight to the pendency of such petition with respect to any proposed Alterations within the Area which come before such Boards during such period.

- (i) Amendments to the geographic boundaries and/or Design Guidelines of a designated NCD must be approved by majority vote of Town Meeting.

#### 4. NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION

- (a) Following the designation of an NCD, a Neighborhood Conservation District Commission (“NCD Commission”) shall be appointed under Article 46A and shall consist of five members and at least two alternates. One member and one alternate shall be designees of the Historical Commission and one member shall be a designee of the Planning Board. Three members and one alternate shall be residents of the NCD to be appointed by the Historical Commission. When reasonably possible, the NCD Commission shall include at least one architect, architectural preservationist, or landscape architect.
- (b) Members and alternates of the NCD Commission designated by the Historical Commission and the Planning Board shall serve for a two-year term. Members who are residents of the NCD shall initially be appointed to staggered terms, and to terms of three years thereafter. Each member or alternate shall continue to serve in office after the expiration of his or her term until a successor is duly appointed.

#### 5. REVIEW OF ALTERATIONS

- (a) The Design Guidelines for each NCD shall establish separately the extent of review of Alterations required within that NCD.
- (b) Except as otherwise provided in this Bylaw or the Design Guidelines of a NCD, no building or structure, or its setting, within a Neighborhood Conservation District shall be Constructed, Demolished or Altered in any way to affect the Exterior Architectural Features unless the NCD Commission shall first have issued a Certificate of Compatibility.
- (c) Exemptions from Review

(i) None of the following categories or types of Alterations shall require review by the NCD Commission:

- (1) Temporary structures
- (2) Interior alterations
- (3) Storm windows, doors, and screens

- (4) Colors
- (5) Accessory structures of less than 120 square feet of floor area and less than 15 feet in height
- (6) Exterior Alterations and Exterior Architectural Features not visible from a public way or other areas open to public access (from a public street, public way, public park or public body of water).
- (7) The ordinary maintenance, repair or replacement in kind of Exterior Architectural Features; such changes made to meet requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition; or the reconstruction, substantially similar in exterior design to the prior structure.

(ii) In addition, the Design Guidelines for an NCD may provide for other categories or types of Alterations within such NCD which shall not require review by the NCD Commission.

iii) Although not a condition of obtaining a building permit, any owner may request, and the NCD Commission shall issue, a Certificate of Non-Applicability for any Alterations that are exempt from the review of the NCD Commission pursuant to the foregoing.

(d) Review.

(i) All Alterations that are not exempt from review shall be subject to review by the NCD Commission.

(ii) Any person wishing to perform Alterations which require review shall first file an application with the NCD Commission for a Certificate of Compatibility in such form as the NCD Commission may reasonably determine, together with such plans, elevations, specifications, description of materials and other information as may be reasonably deemed necessary by the NCD Commission to enable it to make a determination on the application.

(iii) Following the submittal of an above application deemed complete by the NCD Commission, the NCD Commission shall hold a public hearing within 45 days. Public notice of the time, place and purposes of the hearing shall be given at least 14 days before the hearing date by publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing, and by mailing said notice to all owners of properties in the

NCD and properties abutting the property subject to the hearing, at the address for such owners as listed in the real estate tax list of the Board of Assessors.

(iv) Following the close of the public hearing, the NCD Commission shall determine whether the proposed Alteration is appropriate for the NCD and compatible with the Design Guidelines. If the NCD Commission decides that the proposed Alterations are compatible, it shall issue a Certificate of Compatibility. If the NCD Commission decides that the Alteration is not compatible, the NCD Commission shall provide the applicant with a written statement of the reasons for its disapproval.

(v) If the NCD Commission fails to make a determination within 60 days after the close of the public hearing, or such further time as the applicant may allow in writing, the Certificate of Compatibility applied for shall be certified by the Town Clerk and deemed granted.

(vi) The NCD Commission shall file with the Town Clerk, Building Inspector, Zoning Board of Appeals, Planning Board, and Historical Commission a copy of all Certificates of Compatibility and determinations of disapproval.

(vii) The Design Guidelines for the NCD may provide that certain categories or types of Alterations shall be subject to advisory, non-binding review by the NCD Commission, or an owner may request such non-binding review of otherwise exempt Alterations, in which event the foregoing procedures applicable to a review hereunder shall be followed, but without the NCD Commission voting or rendering a binding decision thereon.

## 6. DECISION CRITERIA

(a) In passing upon matters before it, the NCD Commission may consider, among other things:

(i) The historical and architectural value and significance of the particular buildings, structures and settings being affected, as well as the effects of same on the NCD.

(ii) Suitability of the general design, arrangement, composition, scale, massing relative to nearby structures, texture and material of the features involved in the Alterations, as well as the effects of same on the NCD.

(iii) Siting and landscape characteristics, including their relationship to the street, topography and existing vegetation, including mature trees, of the particular site involved in the Alterations, as well as the effects of same on the NCD.

(iv) For demolitions, the structure proposed to replace the existing structure.

(v) All such other standards, factors and matters contained in the Design Guidelines for the NCD.

(b) In making its determination, the NCD Commission shall, among other things:

(i) Allow for appropriate architectural diversity and individualized Alterations while respecting the characteristics of the neighborhood.

(ii) Encourage the compatible updating, expansion and renovation of structures in the neighborhood, consistent with the foregoing.

## 7. JUDICIAL REVIEW, ENFORCEMENT, LAPSE

(a) The Building Inspector shall be charged with the interpretation and enforcement of this Bylaw. Anyone found in violation may be fined not more than \$300 dollars for each day such violation continues, each day constituting a separate offense

(b) Any person aggrieved by a determination of the Neighborhood Conservation District Commission may within 20 days after the filing of the notice of such determination with the Town Clerk, file a written request with the NCD Commission for a review by a joint meeting with at least three members each of the Historical Commission and Planning Board. The findings of the joint committee, which may sustain or overrule the prior decision of the NCD Commission, shall be filed with the Town Clerk within 45 days after the close of the public hearing, and shall be binding on the applicant and the joint committee, unless a further appeal is sought in the Superior Court.

(c) Certificates of Compatibility shall expire 18 months (plus such time as is required to pursue or await the determination of a judicial review as provided above) from their date of issuance if construction has not begun by such date. Notwithstanding the above, the NCD Commission may grant a single six-month extension if it determines that bona fide construction delays have occurred for reasons beyond the control of the applicant.

## 8. EXISTING BYLAWS NOT REPEALED

(a) Nothing contained in this bylaw shall be construed as repealing or modifying any existing bylaw or regulation of the Town, but it shall be in addition thereto; and if this bylaw imposes greater restrictions upon the construction or use of buildings or structures than other bylaws or provisions of law, such greater restrictions shall prevail, or take any other action relative thereto.

Helen Robertson, Precinct F, Historical Commission offered the following motion. Thomas Frisardi, Chair of the Planning Board spoke in support of the motion, which was

**VOTED, declared voice vote, which was challenged by 7 or more Town Meeting Members, therefore a standing counted vote confirmed the voice vote 109 (yes)- 75 (no) – 0 (abstain), a simple majority was required,** that That the Town Bylaw be amended by adding a new ARTICLE 46A. NEIGHBORHOOD CONSERVATION DISTRICTS. to be inserted following the existing ARTICLE 46. to read as follows:

1. PURPOSES

- (a) This Bylaw enables the establishment of Neighborhood Conservation Districts in the Town of Wellesley for the following purposes:
  - (i) to recognize that the Town of Wellesley contains unique and distinctive neighborhoods and areas which contribute significantly to the overall character and identity of the town and which are worthy of preservation and protection. Some of these may be eligible for designation as Historic Districts, while others may lack sufficient historical, architectural or cultural significance at present to qualify. The Town aims to preserve, protect and enhance these neighborhoods through the establishment of Neighborhood Conservation Districts.
  - (ii) to promote conservation and preservation of existing buildings; to encourage new construction that will complement and be compatible with existing Buildings, Structures, Settings and neighborhood character; and to foster appropriate reuse and upgrading of Buildings and Structures in designated neighborhoods.
  - (iii) to provide residents and property owners with the opportunity to participate in planning the future of their neighborhoods.
  - (iv) to promote wider public knowledge about and appreciation for Wellesley’s distinctive neighborhoods and their Buildings, Structures and Settings.
  - (v) and by furthering these purposes, to enhance public welfare by offering current and potential Wellesley residents a variety of neighborhoods from which to choose, thereby making the Town a more attractive and desirable place in which to live.
- (b) Under this Bylaw, the Buildings in and characteristics of a neighborhood are not intended to be frozen in time by an NCD designation. Neighborhoods will be able to grow and change to meet the needs of current and future owners, while conserving the neighborhood’s distinctive qualities.
- (c) An NCD designation acknowledges a neighborhood and its distinctive architectural, aesthetic, historical, cultural, political, economic or social role in developing the Town of Wellesley’s character.

## 2. DEFINITIONS

Alteration -- a change to a Building, Structure or Setting, or part thereof, including construction, demolition, moving, reconstruction, rehabilitation, removal, replication, restoration, or similar activities, and/or significant changes to the site itself.

Area –the total geographic area covered by all of the properties to be included in an NCD.

Building – a structure built, erected and framed with any combination of materials having a roof and permanent foundation and forming a shelter, open or enclosed, for persons, animals, or property. Gazebos and/or pavilions are included in this definition.

Certificate Of Compatibility – a form created and issued by the NCD Commission under this Bylaw, which states that a proposed plan for Construction and/or Alterations to a Building, Structure or Setting within an NCD meets the Design Guidelines adopted for that NCD, and which is signed by that NCD Commission’s Chair or other officially delegated person responsible for its issuance. A building or demolition permit may be applied for by presenting this Certificate, if the scope or nature of such projects is covered under the Design Guidelines.

Certificate Of Non-Applicability – a form created and issued by the NCD Commission under this Bylaw, which states that proposed changes to a Building, Structure, or Setting within an NCD are not subject to review under Article 46A, and which is signed by that NCD Commission’s Chair or other officially designated person.

Certificate Of Hardship – a form created and issued by the NCD Commission under this Bylaw, which states that substantial hardship, financial or otherwise, would occur if the application for work which is not otherwise compatible failed to be approved, and that such work would not be a significant detriment to the NCD. It must be signed by that NCD Commission’s Chair or other officially designated person. A building permit or demolition permit may be applied for by presenting this Certificate, if the scope or nature of such projects is covered under the Design Guidelines.

Construction – the erection of a new Building or Structure.

Demolition – the act of pulling down, destroying, removing or razing a Building and/or Structure or the act of commencing such work toward total or substantial destruction.

Design Guidelines – the official set of guidelines, duly adopted under this Bylaw, to guide the review of proposed Construction and/or Alterations within a particular designated NCD. The Guidelines may be mandatory, advisory or a hybrid of both as chosen for and by a specific NCD.

Exterior Architectural Features – such portions of the exterior of a Building or Structure, including but not limited to the architectural style, general arrangement and Setting

thereof; the type and texture of exterior building materials; and the type and style of windows, doors, lights, signs and other appurtenant fixtures.

Guidelines – a written set of Design Guidelines and other regulations which describe the authority vested in the Area’s Neighborhood Conservation Commission

Neighborhood Conservation District Commission - a body established under this Bylaw with the authority to review and approve or disapprove proposed Construction and/or Alterations to a Building, Structure or Setting in the NCD for compliance or compatibility with the Design Guidelines established for that District. A separate Neighborhood District Commission will be established for each designated NCD.

Petition - a document signed by at least 80% of the Property Owners, one signature per property, of a neighborhood stating the intent of the Property Owners to form a Neighborhood Conservation District, and including the supporting materials required to initiate the process by which an NCD is created.

Property Owner - the owner or one of multiple owners or one representative of other forms of legal ownership of a property as listed on the Town of Wellesley’s property tax rolls. Before entering the NCD process, multiple owners must select one representative and provide the Historical Commission with written, signed confirmation of that selection.

Report - the document prepared by a Study Committee recommending favorable or unfavorable action on a Petition to create an NCD.

Setting - the characteristics of the site of a Building, Structure or undeveloped property, including, but not limited to, placement and orientation of the Building or Structure, and vegetation and landscaping.

Structure - a functional construction or object other than a Building, including but not limited to walls, fences, walks, driveways, bridges, paving, street furniture, lights and curbing.

Study Committee - the group of five (5) people appointed to review, recommend or reject a Petition to create an NCD.

Temporary Structures – constructions or other objects of any combination of materials, including, but not limited to, tents and signs, which have no permanent foundation, and are intended to remain on a property for a brief period of time,.

### 3. DESIGNATION OF NEIGHBORHOOD CONSERVATION DISTRICTS

- (a) To be considered for designation as an NCD, a neighborhood must satisfy the following criteria:

- (i) The Area as a whole constitutes a recognizable neighborhood which has a distinctive character, and,
  - (ii) the Area contains Buildings and/or Structures and/or Settings that are significant to the architectural, aesthetic, cultural, political, economic or social history of Wellesley; or
  - (iii) the Area has generally cohesive features, such as the scale, size, type of construction, materials or style of its Buildings and Structures, and/or its land use patterns and landscaping.
- (b) The designation of an NCD may be initiated by neighborhood Property Owners, the Wellesley Historical Commission, the Planning Board, or the Board of Selectmen. A Petition requesting designation as an NCD shall be submitted to the Historical Commission, containing signatures of at least 80% of the Property Owners electing to be included in the proposed NCD Area, one signature per property, which petition shall also include,
- (i) a general statement of the historical, architectural or other qualities of the Area which make it appropriate for NCD designation,
  - (ii) a preliminary map of the Area, and
  - (iii) a general outline of the scope of the Guidelines and review authority that would be proposed for the NCD
- (c) Following receipt of a Petition for NCD designation, the Historical Commission shall appoint a Study Committee to investigate and prepare a Report on the appropriateness of such a designation for the Area. The Study Committee shall consist of five (5) members, of which one (1) shall be a designee of the Planning Board; one (1) shall be a designee of the Historical Commission, and three (3) shall be residents of the Area proposed for NCD designation who shall be appointed by the Historical Commission. When reasonably possible, the Study Committee should include an architect, landscape architect, or historic preservationist. Notice of a Study Committee's appointment shall be conveyed to all Property Owners in the Area and all property owners abutting the Area within 300 feet, at the address for such owners as listed in the real estate tax list of the Board of Assessors, and such information shall also be made available, to the extent reasonable, to prospective buyers through distribution to realtors with offices in Wellesley.
- (d) The Study Committee, working with residents of the Area, shall evaluate the appropriateness of an NCD designation for the Area. If an NCD designation is not deemed appropriate, the Study Committee, within one (1) year of its appointment, shall prepare and file with the Historical Commission a written Report explaining why it reached a negative conclusion. If the Study

Committee determines that an NCD designation is appropriate, it shall, within one (1) year of its appointment, prepare and file with the Historical Commission a written Report, to include

- (i) an overview of the significant historical, architectural or other relevant qualities of the Area, and
  - (ii) a map of the geographic boundaries of the Area, and
  - (iii) Guidelines for the Area, including Design Guidelines and a general statement describing the nature of the authority to be vested in the Area's Neighborhood Conservation Commission.
- (e) A public hearing shall be convened by the Planning Board and conducted jointly by the Historical Commission and the Planning Board to discuss the Study Committee's findings within 60 days after the filing of its completed Report. Public notice shall be given by publication in a newspaper of general circulation in the Town once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing; and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing, and by conveying said notice, together with copies of the Report, to all Property Owners in the Area and by conveying said notice, with notification that the Report is available in the Planning Office, to property owners abutting the Area within 300 feet, at the address for such owners as listed in the real estate tax list of the Board of Assessors.
- (f) Following the close of the public hearing, the Historical Commission and the Planning Board may, by majority vote at a joint meeting, recommend the Area for designation as an NCD. If the Historical Commission and Planning Board, acting jointly, do not vote to recommend the Area for NCD designation, or if, at or prior to the public hearing, more than 20% of the Property Owners in the proposed NCD object in writing to the proposed designation, then the proposed designation shall be deemed rejected. Property owners numbering below this 20% who do not wish to be part of the proposed NCD shall, at their request at, or prior to this hearing, be excluded from the NCD. If the NCD is favorably recommended by the Historical Commission and the Planning Board, acting jointly, the designation of the NCD shall be brought to Town Meeting for approval by majority vote.
- (g) Each NCD, as adopted by Town Meeting, shall be listed by its name hereunder in Article 46A with its date of acceptance. Each NCD, as adopted by Town Meeting, shall have its own Guidelines, which are appropriate for the conservation of the particular qualities of that NCD, and shall

- (i) be based, to the extent appropriate, on the Guidelines proposed in the Petition, and
  - (ii) establish the nature and scope of review authority granted the corresponding NCD Commission under this Bylaw for activities within the NCD, including, but not limited to, selecting categories and types of changes exempt from and/or subject to review.
- (h) The establishment of an NCD shall not be construed to prevent the Construction or Alteration of a Building or Structure located in the NCD under a building permit, zoning permit or other municipal approval duly issued prior to the date of that NCD's establishment by the Town Meeting.
- (i) Amendments to the geographic boundaries, including additions to or withdrawals from the NCD; changes in the Guidelines, including governance and procedural changes; or dissolution of the NCD, may be proposed by 10% of the Property Owners in the NCD, an NCD Commission, the Historical Commission, the Planning Board or the Board of Selectmen. Proposals to amend or dissolve an NCD will follow the procedures described in 3.(c) - (f), beginning with the appointment of a study Committee, except, if it deems the changes minor, the Historical Commission may, by majority vote, waive appointment of a study committee. A decision to accept or reject the proposed changes will be made jointly by the Historic Commission and Planning Board following a public hearing. Proposed NCD amendments, and/or a proposal for dissolution of an NCD, must be brought to Town Meeting for approval by majority vote.

#### 4. NEIGHBORHOOD CONSERVATION DISTRICT COMMISSIONS

- (a) Following Town Meeting acceptance of an NCD designation, a Neighborhood Conservation District Commission shall be appointed under Article 46A and shall consist of five (5) members and at least two (2) alternates. One (1) member and one (1) alternate shall be designees of the Historical Commission and one (1) member shall be a designee of the Planning Board. Three (3) members and one alternate shall be residents of the NCD, to be appointed by the Historical Commission. When reasonably possible, the NCD Commission shall include an architect, architectural preservationist, or landscape architect.
- (b) Members and alternates of the NCD Commission designated by the Historical Commission and/or the Planning Board shall initially be appointed for staggered terms, and to two (2) year terms thereafter. Members who are residents of the NCD shall initially be appointed to staggered terms, and to three-year terms thereafter. Each NCD Commission member or alternate may continue to serve in office after the expiration of his or her term until a successor is duly appointed.

## 5. REVIEW OF CONSTRUCTION AND/OR ALTERATIONS

- (a) The Design Guidelines for each NCD shall establish the extent of review required for Construction and/or Alterations proposed within that NCD.
- (b) Except as otherwise provided in this Bylaw or in the Guidelines of an NCD, no Building and/or Structure, or their Settings, within a Neighborhood Conservation District shall be Constructed, Demolished or Altered in any way unless the NCD Commission shall first have issued a Certificate of Compatibility, a Certificate of Non-Applicability or a Certificate of Hardship.
- (c) Exemptions from Review
  - (i) None of the following categories or types of Construction and/or Alterations shall require review by the NCD Commission
    - (1) Temporary structures
    - (2) Interior alterations
    - (3) Storm windows, storm doors, and screens
    - (4) Colors
    - (5) Accessory structures of less than 120 square feet of floor area and less than 15 feet in height
    - (6) Exterior Alterations and Exterior Architectural Features not visible from a public way or other areas open to public access, including but not limited to, a public street, public way, public park or public body of water.
    - (7) The ordinary maintenance, repair or replacement in kind of Exterior Architectural Features and/or changes made to meet requirements deemed necessary by the Building Inspector to be necessary for public safety because of an unsafe or dangerous condition.
  - (ii) In addition, the Design Guidelines for an NCD may provide for other categories or types of Construction and/or Alterations within that NCD which shall not require review by its NCD Commission.
  - (iii) Although not a condition for obtaining a building permit, any Property Owner may request, and the NCD Commission shall issue, a Certificate of Non-Applicability for any Construction and/or Alterations that are exempt from the review of the NCD Commission pursuant to the foregoing.

(d) Review

- (i) All Construction and/or Alterations that are not exempt from review shall be subject to review by the NCD Commission.
- (ii) Any person wishing to perform Construction and/or Alterations that require review shall first file an application with the NCD Commission for a Certificate of Compatibility in such form as the NCD Commission may reasonably determine. In addition, plans, elevations, specifications, photographs, description of materials and other information as may be reasonably deemed necessary by the NCD Commission to enable it to make a determination on the application may be requested of the applicant. The date of the filing of an application shall be the date of the receipt of the application by the NCD Commission
- (iii) Following submission of an application for a Certificate of Compatibility deemed complete by the NCD Commission, the Commission shall determine within fourteen (14) days whether the application involves features that are subject to approval by the Commission. If it determines that the application is subject to review, the NCD Commission shall then hold a public hearing within 45 days of the filing date. Public notice of the time, place and purposes of the hearing shall be given at least fourteen (14) days before the hearing date by publication in a newspaper of general circulation in the Town once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing, and by conveying said notice to all Property Owners in the NCD and owners of properties abutting the property subject to the hearing, at the address for such owners as listed in the real estate tax list of the Board of Assessors.
- (iv) Following the close of the public hearing, the NCD Commission shall determine whether the proposed Construction and/or Alterations are compatible with the Design Guidelines. If the NCD Commission decides that the proposed Construction and/or Alterations are compatible, it shall issue a Certificate of Compatibility. If the NCD Commission decides that the Construction and/or Alterations are not compatible, the NCD Commission shall provide the applicant with a written statement of the reasons for its disapproval. A Certificate of Hardship may be issued if the NCD Commission determines that failure to issue a Certificate of Compatibility would result in substantial hardship, financial or otherwise, and that the proposed alteration, construction or demolition would not be a significant detriment to the NCD.
- (v) If the NCD Commission fails to make a determination within 60 days after the close of the public hearing, or such further time as the applicant may

allow in writing, the Certificate of Compatibility shall be deemed granted, and the NCD Commission shall issue a Certificate of Compatibility.

- (vi) The NCD Commission shall file with the Building Inspector, Zoning Board of Appeals, Planning Board, and Historical Commission a copy of all Certificates of Compatibility, Certificates of Non-Applicability, Certificates of Hardship and determinations of disapproval.
- (vii) The Design Guidelines for the NCD may provide that certain categories or types of Construction and/or Alterations shall be subject to advisory, non-binding review by the NCD Commission, or an owner may request such non-binding review of otherwise exempt Construction and/or Alterations, in which event the review procedures shall be followed, but without the NCD Commission voting or rendering a binding decision.
- (viii) The NCD Commission shall meet with the Property Owners in the NCD for the purpose of determining whether or not the District's Guidelines are still appropriate. The first of these meeting shall occur two (2) years from the date of the District's designation as an NCD, and shall occur at no less than five (5) year intervals thereafter, unless this interval is changed, by a majority vote of the Property Owners after the first two (2) years. Recommendations for amendments to the Guidelines must be approved by a majority of the District's Property Owners and the amendment procedures described in 3.(i) must be followed.

## 6. DECISION CRITERIA

- (a) In passing upon matters before it, the NCD Commission may consider, among other things:
  - (i) the historical and architectural value and significance of the particular Buildings, Structures and/or Settings being affected, as well as the effects of same on the NCD;
  - (ii) the suitability of the Construction's, Alterations' and/or Setting's general design, arrangement and composition of its elements; the scale and massing of the proposed changes relative to nearby Buildings and Structures; and the textures and materials of the features involved in the proposed Construction and/or Alterations, as well as the effects of same on the NCD;
  - (iii) Setting and landscape characteristics, including their relationship to the street, topography and existing vegetation, including mature trees, of the particular site involved in the Construction and/or Alterations, as well as the effects of same on the NCD;

- (iv) for demolitions, the Building, Structure and/or Setting proposed to replace that/those existing; and
  - (v) alterations necessary for handicap accessibility; and
  - (vi) all such other standards, factors and matters contained in the Design Guidelines for the NCD.
- (b) In making its determination, the NCD Commission shall, among other things,
- (i) allow for appropriate architectural diversity and individualized Construction and/or Alterations while respecting the characteristics of the neighborhood, and
  - (ii) encourage the compatible updating, expansion and renovation of Buildings and Structures in the neighborhood consistent with the foregoing.

## 7. JUDICIAL REVIEW, ENFORCEMENT AND LAPSE

- (a) The Building Inspector shall be charged with the enforcement of this Bylaw. Anyone found in violation may be fined not more than \$300 dollars for each day such violation continues, each day constituting a separate offense.
- (b) Any party dissatisfied with a determination may, within 45 days after the filing of the notice of such determination with the Building Inspector, the Zoning Board of Appeals, The Historical Commission and the Planning Board, file a written request with the NCD Commission for a review by a joint meeting with at least three members each of the Historical Commission and Planning Board. The findings of this joint committee, which may sustain or overrule the prior decision of the NCD Commission, shall be filed with the Building Inspector, the Zoning Board of Appeals, the Historical Commission and the Planning Board within 45 days after the close of the public hearing, and shall be binding on the applicant and the joint committee, unless a further appeal is sought in the Superior Court of Norfolk County.
- (c) Certificates of Compatibility and Certificates of Hardship shall expire eighteen (18) months, plus such time as may be required to pursue or await the determination of a judicial review as provided above, from their date of issuance, if construction has not begun by such date. Notwithstanding the above, the NCD Commission may grant one or more extensions, of up to six (6) months each, if there are unavoidable delays.

## 8. EXISTING BYLAWS NOT REPEALED

- (a) Nothing contained in this bylaw shall be construed as repealing or modifying any existing bylaw or regulation of the Town, but it shall be in addition thereto. If this

bylaw imposes greater restrictions upon the Construction and/or Alteration, of Buildings, Structures or Settings than other bylaws or provisions of law, such greater restrictions shall prevail.

**ARTICLE 53.** To see if the Town will vote to amend the Zoning Bylaw and the Zoning Map by establishing either as a General Residence District or a Multi-Family Residence District, land now in a Single Residence District. The land is comprised of three parcels shown on Assessors Sheet Map 43, including Parcel 41-1 and 41-2, also known as 61 and 63 Washington Street; Parcel 76, also known as 65 Washington Street; and Parcel 78, also known as 1 Hillside Road. The three parcels are further described in deeds recorded at the Norfolk County Registry of Deeds at Book 7915, Page 128 and Book 8857, Page 701; Book 23167, page 2; and Book 23631, Page 329 respectively. Said lots contain a total of approximately 39,816 square feet; or take any other action relative thereto

Thomas Skelly, Precinct D, offered the following motion. Michael Connolly, proponent spoke in support of the motion which

**FAILED, by declared vote, which was challenged by 7 or more Town Meeting Members, and confirmed by the standing counted vote (106 yes- 68 no- 3 abstain) 2/3 required,** that the Zoning Bylaw and the Zoning Map be amended by establishing as a Multi-Family Residence District land now in a Single Residence District. The land is comprised of two parcels shown on Assessors Sheet Map 43, including Parcel 76, also known as 65 Washington Street; and Parcel 78, also known as 1 Hillside Road. The two parcels are shown as Lots 2 and 3 on a plan entitled “Plan of land in Wellesley, Mass” by Needham Survey Associates, Inc., dated July 27, 1996, endorsed by the Wellesley Planning Board as PBC-99-4 on August 2, 1999, and recorded at the Norfolk County Registry of Deeds on August 12, 1999 in Plan Book 467as Plan 498 of 1999. Said lots contain a total of approximately 31,417 square feet.

The Moderator returned to Article 31 which had been put on the table at the April 24 session of this Annual Town Meeting.

**ARTICLE 31.** To see if the Town will vote to accept, for some or all town boards, committees or commissions holding adjudicatory hearings, the provisions of G.L. c.39, §23D, the effect of which will be to provide that a member of a town board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member’s absence from a session of such hearing, provided before voting the member shall certify in writing, under the penalties of perjury, that all evidence submitted at the missed session or sessions, including the official records of the missed session or sessions, has been examined; to amend the town bylaws to amplify on the foregoing; or take any other action relative thereto.

Greg Mills, Precinct D, Board of Selectmen withdrew the original motion 2 under this article and Mr. Harrington withdrew his amendment to the same motion.

Greg Mills, Precinct D, Board of Selectmen, offered a revised substitute motion 2 which was

**VOTED, by declared voice vote**, to amend the Town Bylaws, Article 6. General Provisions, by adding a new Section 6.8A, Adjudicatory Hearing – Absent Member, to be inserted after the existing Section 6.8, to read as follows:

6.8A. Adjudicatory Hearing – Absent Member. A member of any town board holding an adjudicatory hearing, shall not be disqualified from voting in the matter solely due to the member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that the member examined all evidence received at the missed session, which evidence shall include an audio or audio-visual recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing herein shall change, replace, negate or otherwise supersede applicable quorum requirements.

The Moderator returned to Article 35 which had been put on the table at the April 24 session of this Annual Town Meeting.

David Himmelberger, Precinct B, Board of Selectmen, offered a motion to reconsider Article 35 based on new information for Town Meeting to consider, to wit, the purchase and sale agreement for this acquisition is dependent upon favorable action at this Annual Town Meeting. **The Town Meeting VOTED, by declared voice vote (60% required) to reconsider the motion.**

**ARTICLE 35.** To see if the Town will vote to acquire by exchange, purchase, eminent domain, gift or otherwise, for municipal purposes, a portion of the parcel of land commonly referred to as 2 Linden Street now or formerly owned by Haynes Trust containing approximately 1,477 square feet, as shown on a plan entitled "Plan of Taking at Linden Street, 2-20 Linden Street Wellesley, MA", prepared by Stephen S. Fader, Town Engineer, dated October 27, 2006, a copy of which is on file in the Office of the Town Clerk; to accept the same and add it to the existing abutting public way; to raise and appropriate or otherwise provide, a sum of money for the same; or take any other action relative thereto.

David Himmelberger, Precinct B, Board of Selectmen, offered the following revised motion, which was

**VOTED, unanimously, 2/3 required**, that the Town vote to acquire by exchange, purchase, eminent domain, gift or otherwise, for municipal purposes, a portion of the parcel of land commonly referred to as 2 Linden Street now or formerly owned by Haynes Family LLC containing approximately 1,477 square feet, as shown on a plan entitled "Plan of Taking at Linden Street, 2-20 Linden Street Wellesley, MA", prepared by Stephen S.

Fader, Town Engineer, dated October 27, 2006, a copy of which is on file in the Office of the Town Clerk; and to accept the same and add it to the existing abutting public way; and that the Board of Selectmen is authorized to acquire said parcel for \$75,000 (seventy five thousand); said sum being hereby appropriated for this purpose, to be raised by a transfer from the so-called "taking fund" provided through an agreement, dated February 13, 2006, between the Town and Lindwell SC, Inc, Lindwell OC, Inc, and the Lindwell Realty Trust; provided that no implementation will commence until further vote of Town Meeting authorizing such action.

**ARTICLE 69.** 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.

Katherine L. Babson, Jr. requested that the Town Meeting rise in appreciation of the service of the Moderator and the Advisory Committee to this Annual Town Meeting.

The Motion to dissolve this town meeting was **VOTED unanimously**. The Meeting dissolved at 11:24 pm.

Attest:

/s/

Kathleen F. Nagle  
Town Clerk