

1997 TOWN MEETING

Mr. Birch offered the following motion, action on which was

**Voted**, by voice vote, that the Moderator appoint a committee of five citizens to evaluate the process of appraising and assessing taxable property in the Town and to report the results of the evaluation to the 1998 Annual Town Meeting.

At 9:15 P.M., the Moderator declared a short recess.

Peter W. Gubellini, Member of the Board of Selectmen, offered the following motion, action on which was

**Voted**, by voice vote, that when this Annual Town Meeting adjourns, it does so until Monday, April 14, 1997, at 7:30 P.M. in this same hall.

**ARTICLE 42.** To see if the Town will vote to approve a revised Affordable Housing policy and Long Range Affordable Housing plan for the Town as proposed by the Wellesley Housing Partnership Committee; or take any other action relative thereto.

Katherine K. Macdonald, Chairman of the Housing Partnership Committee, offered the following motion, action on which was

**Voted**, by a standing vote, YES 116, NO 62, that to amend Criteria #3 of the Criteria for the Development of Affordable Housing, voted under Article 31 of the 1989 Annual Town Meeting by adding additional wording (underscribed below) so that Criteria #3 will read in full as follows:

Preference shall be given to projects where 100% of the units satisfy Town housing goals however, the Town recognized the potential necessity of including mixed income housing in order to ensure a development's overall economic viability.

**ARTICLE 43.** To see if the Town will vote to establish a nonprofit housing corporation for the Town of Wellesley and authorize the Board of Selectmen to petition the General Court for special legislation in the form of a Home Rule petition as follows to accomplish the same; one proposal for such being as follows:

**SECTION 1.** There is hereby established a nonprofit housing corporation to be known as the Wellesley Housing Assistance Board, Inc., which shall be subject to the supervision of the Board of Selectmen of the Town of Wellesley. Said board shall consist of not less than five members, who shall be appointed by the Board of Selectmen for staggered three-year terms as designated by said Board of Selectmen, such appointments to be made by said Board of Selectmen on or before June thirtieth. Members shall serve until their successors are appointed and qualified. Continuing members may, despite a vacancy or vacancies in said board and for this purpose be deemed to constitute a full board. Any vacancy in said board, however occurring may be filled by the Board of Selectmen for the unexpired portion of the term.

Said board is hereby established and shall exercise its powers and perform its duties for the purpose of investigating and implementing alternatives for the provision of and providing affordable housing for persons of low, moderate and middle income, and others whose needs may be identified from time to time in the Town of Wellesley. The powers and duties of said board as set forth herein are intended to be alternative and supplemental to, and not in limitation of, the powers and duties of the Wellesley Housing Authority, established pursuant to chapter one hundred and twenty-one B of the General Laws. The liability

of said board and its members shall be limited to the same extent as the liability of a public employ public employees as provided in section two of chapter two hundred and fifty-eight of the General Law

**SECTION 2.** Said board shall have the powers and privileges conferred by the provisions of paragraphs (a) to (l), inclusive, and paragraph (k) of section nine of chapter one hundred and fifty-six B of the General Laws, and the following powers, provided that no such power shall be exercised either in a manner inconsistent with this act or any general or special law, or to carry on any activity which is a furtherance of the purposes set forth in this act:

(a) to adopt, amend and repeal by-laws for the regulation and conduct of its business including but not limited to the call and conduct of its meetings, the number of members which shall constitute a quorum and the mode of voting by proxy;

(b) to elect a chairman and vice-chairman, each of whom shall be members of said board a secretary, and a treasurer, who need not be members of said board, and who may be the same person. treasurer shall give bond for the faithful performance of his/her duties in form and amount approved by the Board of Selectmen, the cost of which bond shall be paid from funds of said board. chairman and in his/her absence the vice-chairman shall chair meetings of said board. The secretary shall be the custodian of all books, documents and papers filed with said board and of the minute book or journal of said board.

(c) with the approval of the Board of Selectmen, to make and execute all contracts and other instruments necessary or convenient for the exercise of its power and functions, subject to approval of the Town counsel of the Town of Wellesley as to form;

(d) with the approval of the Board of Selectmen, to acquire or lease, by purchase or otherwise and to own, hold and use, on such terms and conditions and in such manner as it may deem proper, an exchange, grant options on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant lien and security interests in, or otherwise dispose of, on such terms and conditions as it may deem proper, personal or mixed real and personal property or any interest, easements, or rights therein, and asset revenues of said board, as may be necessary or appropriate to carry out its purposes;

(e) with the approval of the Board of Selectmen, to enter into agreements or other transactions with the Commonwealth or any political subdivision or public instrumentality thereof, the United States government or any Federal, state or other governmental agency;

(f) with the approval of the Board of Selectmen, to borrow money and to execute notes and therefor which shall not be deemed to be debts or obligations of the Town of Wellesley, to hold mortgages, and to invest any funds not required for immediate disbursement in such investments as may be lawful and authorized in the Commonwealth. Said committee shall have no stock;

(g) with the approval of the Board of Selectmen, to enter into contracts or agreements with and to employ from time to time contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and other experts, superintendents, managers and such other agents and employees as may be necessary in its judgment and to fix their compensation;

(h) with the approval of the Board of Selectmen, to receive and hold funds appropriated by the Town and other funds, property, labor and other things of value from any source, public or private, by grant, bequest, loan or otherwise, either absolutely or in trust, and to expend or utilize the same on behalf of said board for any of its purposes or to act as an agent or conduit in administering or disbursing funds financial or other aid from any source; provided, however, that all revenues collected or received by said board in connection with its activities, investments or transactions shall be expended only with the approval of the Board of Selectmen of the Town of Wellesley;

(i) to appear in its own behalf before Town boards, and with the approval of the Board of Selectmen to appear in its own behalf before other boards, commissions, departments or other agencies of government, municipal, state or federal;

(j) to procure insurance against any loss in connection with the property or activities of said board, in such amounts and from such insurers as it may deem necessary or desirable, and, with the approval of the Board of Selectmen, to indemnify its members or agents if and to the extent specified from time to time in the by-laws of said board and subject to and in the manner provided in section six of chapter one hundred and eighty of the General Laws;

(k) to formulate and, with the approval of the Board of Selectmen, carry out or monitor plans for projects involving the acquisition or operation of housing facilities of any kind or nature, and to construct, reconstruct, renovate, expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate such facilities;

(l) with the approval of the Board of Selectmen, to fix and revise from time to time, and to charge and collect rates, fees, rentals, and other charges and sales prices for or in connection with the use, occupancy or other disposition of any housing facility or other property or portion thereof under its ownership or control;

(m) with the approval of the Board of Selectmen, to establish, impose, grant or amend, by deed lease or any other means or method, and to hold the benefit of, monitor, exercise and enforce lawful restrictions on the rental, sale, resale, use or occupancy of housing facilities or other property under its ownership or control, or other facilities or property designated by the selectmen of the Town, or restrictions with respect to the income of owners, tenants or occupants of such housing facilities or other property, or options and rights of first refusal with respect to such facilities or property, and to waive, release or discharge any such rights or restrictions;

(n) with the approval of the Board of Selectmen, to enter into, perform or monitor agreements or other transactions with contractors, developers, brokers, or other real estate professionals or any other person relating to the providing of affordable housing for persons of low and moderate income in the Town;

(o) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act.

Said board may delegate to any sub-committee or member of the committee any action which said board is empowered to do or make. Said board may be a partner in any business enterprise which said board would have power to conduct by itself.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the income, assets and activities of said board shall be exempt from all taxes and assessments and said board shall not be subject to any of the provisions of chapter sixty-three of the General Laws or to any taxes based upon or measured by property or income imposed by the Commonwealth or by any political subdivision thereof. Said board is hereby authorized and empowered to enter into an agreement or agreements with the assessors of the Town of Wellesley, with the approval of the Board of Selectmen, wherein said board shall undertake to make to the Town annual payments in lieu of taxes in connection with any real property acquired and owned by said board, the amounts of such payments to be reasonable sums stipulated in such agreement or agreements or determined in accordance with a reasonable formula so stipulated.

SECTION 4. Without limitation of the powers of said board set forth in section two, said board is authorized to receive and to expend and utilize for its purposes all proceeds of the sale by the Town of Wellesley of certain lands, properties, and surplus buildings if so voted by the Town. In addition, the Town may appropriate other funds for the carrying out by said board of its purposes as set forth herein. Any appropriation therefor may be raised by the Town by taxation, or by transfer of available funds. At least annually, said board shall cause independent audits to be made of the books and records of said board, which annual audits shall be filed with the Board of Selectmen of the Town.

SECTION 5. In the event that said board shall be dissolved in accordance with law at any time, all property and interests therein, assets and rights of said board existing at such time shall be transferred to the Town of Wellesley by authority of this act, and title to all such property and all such rights shall vest in the Town of Wellesley automatically without the need for further action or instrument, and the Town of Wellesley shall, to the maximum extent permitted by law, and acting by and through its Board of Selectmen, assume, hold and exercise the powers and duties of said board set forth herein with respect to such property and rights so transferred to said Town.

SECTION 6. The provisions of this act are severable and if any of its provisions shall be held invalid in any circumstance, such invalidity shall not affect any other provisions or circumstances.

SECTION 7. This act shall take effect upon its passage, or take any other action relative thereto.

Vincent Juliani, Jr., offered the following motion, action on which was Voted, by voice vote, that there is hereby established a nonprofit housing corporation to be known as the Wellesley Housing Development Corporation, and to effect the same, the Board of Selectmen is hereby authorized to petition the General Court for special legislation in the form of a Home Rule petition as proposed in Sections 1 through 7 of Article 43 of the 1997 Annual Town Meeting Warrant, together with such modifications thereof as said Board deems prudent in the Town's best interest; said Board being also hereby authorized to take such additional steps as are necessary to accomplish the foregoing.

It was moved and the Meeting voted to adjourn.

The meeting adjourned at 11:00 P.M.

Joan M. Regan, CMC  
Town Clerk

CERTIFICATE OF NOTICE  
OF ADJOURNED ANNUAL TOWN MEETING  
(Seal)

April 9, 1997  
Wellesley, MA

I hereby certify that a notice of the Adjourned Town Meeting from April 8, 1997, was posted in no conspicuous places in the Town in accordance with the provisions of the Open Meeting Law, Chapter 39, Sections 23A and 23B. The notices stated the business to be acted upon at the Meeting.

Joan M. Regan, CMC  
Town Clerk