

TOWN OF WELLESLEY



**WARRANT
for the
ANNUAL TOWN MEETING**

ELECTION – March 3, 2009
BUSINESS MEETING – March 30, 2009

ADVISORY COMMITTEE PUBLIC HEARING (WARRANT ARTICLES)
January 28, 2009, 7:00 P.M. at Town Hall

PLANNING BOARD PUBLIC HEARING (WARRANT ARTICLES)
March 9, 2009, 7:30 P.M. at Town Hall

Commonwealth of Massachusetts

Norfolk, ss.

To Terrence M. Cunningham, Chief of Police of the Town of Wellesley, in said County.

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify the qualified voters of said Town of Wellesley to meet in their respective voting places on March 3, 2009:

- The voters of Precinct A, in Katharine Lee Bates School, 116 Elmwood Road;
- The voters of Precinct B, in Isaac Sprague School, 401 School Street;
- The voters of Precinct C, in Ernest F. Upham School, 35 Wynnewood Street;
- The voters of Precinct D, in Otho L. Schofield School, 27 Cedar Street;
- The voters of Precinct E, in Joseph E. Fiske School, 45 Hastings Street;
- The voters of Precinct F, in Wellesley Senior High School, 50 Rice Street;
- The voters of Precinct G, in Wellesley Free Library, 530 Washington Street;

at 7:00 A.M., at which time the polls in said precincts will be opened and remain open continuously until 8:00 P.M. of said day when they will be closed, during which time aforesaid qualified voters of said Town may bring in their ballots to the Election Officers, duly appointed and sworn for said precincts of said Town of Wellesley, in said meetings so assembled for the following:

To cast their votes in the Town Election for the election of candidates for the following offices:

| <u>OFFICE</u> | <u>VACANCIES</u> | <u>TERM</u> |
|--|------------------|-------------|
| Board of Assessors | One | Three Years |
| Board of Health | One | Three Years |
| Board of Public Works | One | Three Years |
| Board of Selectmen | Two | Three Years |
| Moderator | One | One Year |
| Natural Resources Commission | Two | Three Years |
| Planning Board | One | Five Years |
| | One | Four Years |
| | One | One Year |
| Recreation Commission | Two | Three Years |
| School Committee | Two | Three Years |
| | One | Two Years |
| Town Clerk | One | Three Years |
| Trustees of the Wellesley Free Library | Two | Three Years |
| | One | Two Years |
| Wellesley Housing Authority | One | Five Years |

and for **TOWN MEETING MEMBERS**, under the provision of Chapter 202 of the Acts of 1932, as amended.

You are further required to notify the qualified Town Meeting Members of said Town of Wellesley to meet in the

WELLESLEY MIDDLE SCHOOL AUDITORIUM
Monday, March 30, 2009

at 7:30 P.M. at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with Chapter 202 of the Acts of 1932, as amended and subject to referendum provided thereby.

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

(Board of Selectmen)

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

(Board of Selectmen)

REVENUE ARTICLES

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

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

or take any other action relative thereto.

(Board of Selectmen)

APPROPRIATIONS – OPERATING AND OUTLAY

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.

(Human Resources Board)

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.

(Human Resources Board)

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.

(Human Resources Board)

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

(Board of Selectmen)

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.

(Board of Selectmen)

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

(Board of Selectmen)

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

(Board of Selectmen)

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

(Municipal Light Board)

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

(Board of Public Works)

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

(Board of Public Works)

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

(Board of Selectmen)

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

(Library Trustees)

APPROPRIATIONS – SPECIAL CAPITAL PROJECTS

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

(Board of Selectmen)

ARTICLE 17. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the School Committee, in addition to the amount appropriated under Article 8 of the Warrant for the 2009 Annual Town Meeting, for additional busing at the Wellesley High School; or take any other action relative thereto.

(School Committee)

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

(Board of Selectmen)

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

(Community Preservation Committee)

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

(Board of Selectmen)

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

(Board of Selectmen)

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

(Board of Selectmen)

STREET ACCEPTANCES/EASEMENTS

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

(Board of Selectmen)

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

(Board of Public Works)

AUTHORIZATIONS

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

(Board of Selectmen)

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

(Board of Selectmen)

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

(Board of Selectmen)

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

(Board of Selectmen)

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

(Board of Selectmen)

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

(Board of Selectmen)

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

(Board of Selectmen)

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

(Board of Selectmen)

ARTICLE 33. To see if the Town will vote to approve changes, as recommended by the Board of Selectmen, in the implementation of the Development Agreement for Linden Square dated June 3, 2005 between the Town of Wellesley and Lindwell SC, Inc., Lindwell.OP, Inc., and Lindwell Realty Trust, authorized by Town Meeting on June 13, 2005 relative to the continued use and operation of the VW parcel (as defined in the Development Agreement) as a car dealership and repair facility through December 31, 2011; or take any other action relative thereto.

(Board of Selectmen)

AMEND ZONING BYLAW

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

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

or take any other action relative thereto.

(Planning Board)

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

(Planning Board)

AMEND TOWN BYLAW

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

(Board of Selectmen)

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

(Board of Public Works)

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

(Board of Selectmen)

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

(Board of Selectmen)

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

2. BOUNDARIES OF THE DENTON ROAD NCD

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

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

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

or take any other action relative thereto.

(Denton Road Neighborhood Conservation District Commission & Historical Commission)

CITIZENS' PETITIONS

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

(Citizens' Petition)

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

(Citizens' Petition)

GENERAL

ARTICLE 43. To see what action the Town will take on the authorized and unissued loans including those identified in the list of same on file in the offices of the Board of Selectmen and Town Clerk; or take any other action relative thereto.

(Board of Selectmen)

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

(Board of Selectmen)

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

(Board of Selectmen)

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

(Board of Selectmen)

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

(Board of Selectmen)

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

(Board of Selectmen)

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

(Board of Selectmen)

And you are directed to serve this Warrant by posting attested copies in not less than two conspicuous places in the Town and by causing this warrant to be posted to the Town of Wellesley website (www.wellesleyma.gov) at least seven days before the date on which the meeting is to be held.

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

Given under our hands this 21 of January 2009.

Gregory B. Mills
Gregory B. Mills, Chairman

Harriet S. Warshaw
Harriet S. Warshaw

Katherine L. Babson Jr.
Katherine L. Babson, Jr.

Barbara D. Searle
Barbara D. Searle

Owen H. Dugan
Owen H. Dugan

A true copy, Terrence M. Cunningham
Attest: Terrence M. Cunningham
Chief of Police

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss. Wellesley, MA January 26, 2009

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

Terrence M. Cunningham
Terrence M. Cunningham, Chief of Police
Town of Wellesley