



TOWN CLERK'S RECORD
OF THE 131st ANNUAL TOWN MEETING

March 28, 2011
Wellesley Middle School

March 29, 2011

In pursuance of a Warrant dated January 18, 2011, the duly elected Town Meeting Members proceeded as follows:

The Moderator, Margaret Ann Metzger, called the 131st Annual Town Meeting to order at 7:40 P.M. The Moderator declared a quorum present.

Rev. Addison C. Hall of the St. Andrews Episcopal Church, requested a moment of silence and 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 1, 2011 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 208 members present. Only 121 were needed for a quorum.

The duly elected Town Meeting Members were segregated from the other voters of the Town by occupying the front section of the auditorium, and were in the charge of a detail of police. Entrance

to the enclosure was through one door, and each Town Meeting Member was checked from the official list of members before being admitted to the enclosure.

Several elected and appointed town officers and staff, and guests of Town Meeting were seated within this area by permission of the Moderator, but did not vote. Each such non-member was issued an identifying badge.

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 Kehoe, Todd Cook, Arthur Priver, Nancy Galligan, Sue Wright, and Joel Feiner.

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

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

The Moderator announced the dates of the Town Meeting: March 28, 29, April 4, 5, 11, and 12. If additional sessions are required there will be no meetings the week of April 18 and resume if needed April 25, and 26.

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 stated that to her knowledge no motions would be offered under Articles 1, 2, 10, 15, 17, 18, 21, 24, 27, 31, 33, 35, 40, 43, 44, 45.

The Moderator recognized those Town Meeting Members with service of 40 or more years: John Schuler, Robert Sechrest, Joseph Grignaffini, Walter Woods, Royall Switzler, Katherine L. Babson, Jr., Mary Ann Cluggish and Arthur Priver. The Meeting offered a round of applause.

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.

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

No Motion offered.

ARTICLE 2. To receive reports of town officers, boards and committees, including the Annual Town Report, the Report to this Town Meeting of the Advisory Committee, and the Report of the Community Preservation Committee, and discharge presently authorized special committees; or take any other action relative thereto.

The following Committee Reports were filed with the Town Clerk: Advisory Committee Report and Supplements, Board of Public Works – Operations/ Administration Building, Community Preservation Committee, Public Transportation Working Group, Planning Board, Sustainable Energy Committee – Stretch Building Code.

ARTICLE 3. To receive the Reports of the Board of Selectmen on the Five Year Capital Budget Program and Town-Wide Financial Plan pursuant to Town Bylaw Sections 19.5.2 and 19.16; or take any other action relative thereto.

Katherine L. Babson Jr., Precinct E, Chair of the Board of Selectmen, introduced the Board of Selectmen’s Town-Wide Financial Plan and Five Year Capital Plan. Hans Larsen, Executive Director of General Government Services presented the detail of the plans. Jack Haley, Chair of the Advisory Committee presented the Advisory Committee comment on the Town’s financial situation and the plans.

At 8:55 pm the Moderator declared a recess. The meeting reconvened at 9:10 pm.

Barbara Searle, Precinct A, member 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 29, 2011, at 7:30 p.m. in this same hall.

Ms. Babson offered the following motion which was

VOTED, unanimously, that this Town Meeting hereby acknowledges presentation of the Town-Wide Financial Plan by the Board of Selectmen pursuant to Section 19.16.2 of the Town Bylaws.

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.

Susan Hurwitz, Precinct B, Chairman 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>
Applications and Database Manager	DPW	56
Deputy Chief of Fire Prevention	FIRE	58
Projects Assistant	PBC	48

Reclassifications

<u>Classification</u>	<u>Department</u>	<u>From Job Group</u> <u>To Job Group</u>
Deputy Chief of Fire Prevention	FIRE	58 to 60

SCHEDULE A
JOB CLASSIFICATIONS BY GROUPS

Part I – Positions not covered by collective bargaining agreements

GROUP 69		
Executive Director of General Government Services		SEL
GROUP 66		
DPW Director		DPW
Finance Director		DFS
GROUP 64		
Director of Facilities and Grounds		FAC
GROUP 63		
Chief of Police		POL
Treasurer/Collector		TRS
GROUP 62		
Fire Chief		FIR
Human Resources Director		HR
Library Director		LIB
Programs Manager/Assistant Director		DPW
Superintendent, Park & Highway		DPW
Town Engineer		DPW
GROUP 61		

Assistant Director of General Government Services	SEL
Deputy Chief of Police	POL
NIS Director	NIS
Superintendent, RDF	DPW
Superintendent, Water and Sewer Division	DPW

GROUP 60

Assistant Director of Facilities and Grounds	FAC
Chief Assessor	ASR
Deputy Chief of Fire Protection	FIR
Deputy Fire Chief	FIR
Director of Public Health	HLTH
Director of Recreation	REC
Planning Director	PLN
Senior Deputy Director	SEL

GROUP 59

Assistant Director for Library Services	LIB
Assistant Director for Technology	LIB
Assistant Superintendent, Water and Sewer Division	DPW
Assistant Town Engineer	DPW
Facilities Maintenance Administrator	FAC

GROUP 58

Assistant NIS Director	NIS
Assistant Superintendent, Highway Division	DPW
Assistant Superintendent, Park and Tree Division	DPW
Deputy Director	SEL
Inspector of Buildings	BLDG
Senior Civil Engineer	DPW
Senior Management Analyst	DPW

GROUP 57

Assistant Director	REC
Assistant Director/Health	HLTH
Assistant Planning Director	PLAN
Deputy Assistant Director, General Government Services	SEL
Director of Natural Resources	NRC
GIS Manager	NIS
Network Manager/Webmaster	NIS
Technical Operations Manager	NIS
Water and Sewer Systems Engineer	DPW
Youth Director	YC

GROUP 56

Applications and Database Manager	DPW
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Assistant Town Accountant	DFS
Civil Engineer	DPW
Director of Senior Services	COA
Finance and Budget Analyst	DFS
Landscape Planner	DPW
Management Analyst	DPW

GROUP 55

Environmental Health Specialist	HLTH
GIS Administrator	NIS
Local Building Inspector	BLDG
Program Administrator	REC
Senior Engineer	DPW
Senior Human Resources Generalist	HR

GROUP 54

Assistant Treasurer/Collector	TRS
Director of Veterans' Services	VET
Horticulturist, Park and Tree Division	DPW
Human Resources Generalist	HR
Inspector of Wires	BLDG
Plumbing and Gas Inspector	BLDG
Projects Administrator	PBC
Public Health Nurse Supervisor	HLTH

GROUP 53

Analyst/Programmer	NIS
Environmental Education Coordinator	NRC
Health and Social Services Administrator	COA
Health Communication and Services Specialist	HLTH
Planner	PLN
Public Health Nurse	HLTH
Safety Coordinator	DPW

GROUP 52

Conservation Administrator	NRC
GIS Analyst	DPW
Parking Clerk	SEL
RDF Business Manager	DPW

GROUP 51

Administrative Assistant	FAC
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 50	
Animal Control Officer/Inspector of Animals	POL
GROUP 49	
Accountant B	DFS
Administrative Secretary	SEL
Assessor Technician	ASR
Elections and Registration Administrator	TC
Office Administrator, Water and Sewer Division	DPW
GROUP 48	
Administrative Assistant	HLTH
Head Maintenance Custodian, Town Hall	FAC
Office Administrator	LIB
Office Assistant, Building	BLDG
Personnel Administrative Assistant	HR
Projects Assistant	PBC
Senior Accounting Assistant	DPW
Senior Office Assistant	DPW
GROUP 47	
Accounting Assistant	POL
Administrative Assistant	FIR
Administrative Assistant	POL
Office Assistant, Engineering Division	DPW
Office Assistant, Management Division	DPW
Office Assistant, Municipal Light Plant	MLP
Office Assistant, Park and Highway Divisions	DPW
Office Assistant, RDF	DPW
Office Assistant, Water and Sewer Division	DPW
Secretary, Recreation	REC
Senior Secretary, Selectmen	SEL
Voter Registration Clerk	TC
GROUP 46	
Accounting Clerk, Treasurer/Collector	TRS
Office Assistant	SEL
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	FAC
Program and Office Assistant	COA
Secretary, Building	BLDG
Secretary II	REC
Seniors Activities Coordinator	COA
GROUP 42	
Office Clerk	HLTH
GROUP 41	
Night Watchman, Highway Division	DPW
GROUP T19	
Automotive Mechanic	FIR
Carpenter/Painter	FAC
Electrician	FAC

Part II – Positions covered by collective bargaining agreements

GROUP 38	
Senior Customer Service Representative	MLP
GROUP 35	
Accounts Payable Clerk	DPW
Bookkeeping/Account Clerk	DPW
Clerk/Engineering	DPW
Customer Service Representative	MLP
GROUP 34	
Administrative Clerk	DPW
Communications Clerk/Receptionist	MLP
Credit/Collections Clerk	MLP
GROUP 33	
Administrative Records Clerk	MLP
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	DPW
Cablesplicer, 1st Class	MLP
Chief Substation Operator, Municipal Light Plant	MLP
Construction Craftsman, Highway Division	DPW
Construction Foreman/MLP	MLP
Engineer A	DPW
Foreman A - All Divisions	DPW
Foreman A - Athletic Fields	DPW
Foreman A – Automotive Mechanic	DPW
Foreman A - Highway	DPW
Foreman A – Park Construction	DPW
Foreman A – Tree Care	DPW
Horticultural Technician	DPW
Lineman, 1st Class	MLP
Senior Welder	DPW

GROUP 19	
Lead Tree Climber, Park and Tree Division	DPW
Meter and Sign Repair Person, Highway Division	DPW
Meter/Backflow Prevention Device Coordinator	DPW

GROUP 18	
Automotive Mechanic	DPW
Engineering Technician	MLP
Foreman B - All Divisions	DPW
Groundskeeping Foreman, Park and Tree Division	DPW
Highway Craftsman	DPW
Lead Baler	DPW
Park Construction Craftsman	DPW
Primary Water Treatment Plant Operator	DPW
Welder	DPW

GROUP 17	
Apprentice Lineworker/Stockkeeper	MLP
Cablesplicer, 2nd Class	MLP
Construction Equipment Operator	DPW
Lineman, 2nd Class	MLP
Meter/Backflow Prevention Device Technician	DPW
Park Facilities Technician	DPW

Park Technical Services Craftsman	DPW
Power Shovel Operator, Water and Sewer Division	DPW
Stockkeeper, Automotive, Highway Division	DPW
Substation Operator, Municipal Light Plant	MLP
Tractor Trailer Operator	DPW
Tree Climber, Park and Tree Division	DPW
GROUP 16	
General Mechanic A, Water and Sewer Division	DPW
Groundskeeper, Park and Tree Division	DPW
Head Custodian	DPW
Heavy Equipment Operator, Highway Division	DPW
Secondary Water Treatment Plant Operator	DPW
Stockkeeper, Municipal Light Plant	MLP
Transfer Haul Equip. Operator, RDF	DPW
GROUP 15	
Industrial Equipment Operator, RDF	DPW
Medium Equipment Operator, Highway Division	DPW
Medium Equipment Operator, Park and Tree Division	DPW
Stockkeeper, Water and Sewer Division	DPW
Truck Driver A/Laborer, Water and Sewer Division	DPW
GROUP 14	
Building Maintenance Person, Highway Division	DPW
Cablesplicer Helper, Municipal Light Plant	MLP
Custodian	DPW
Groundman, Municipal Light Plant	MLP
GROUP 13	
Park Maintenance Worker	DPW
Permit Verifier/Trash Collector, RDF	DPW
GROUP 12	
Light Equipment Operator, Park and Highway Divisions	DPW
GROUP 11	
Laborer - All Divisions	DPW
GROUP L17	
Public Services Coordinator	LIB
GROUP L16	
Children's Services Supervisor	LIB
Reference Services Supervisor	LIB
Technical Services Supervisor	LIB

GROUP L15	
Branch Libraries Supervisor	LIB
Interlibrary Loan Supervisor	LIB
GROUP L14	
Reference Librarian	LIB
GROUP L9	
Circulation Supervisor	LIB
Facilities Supervisor	FAC
GROUP L6	
Acquisitions Specialist	LIB
Assistant Circulation Supervisor	LIB
Bookkeeper	LIB
Cataloging Assistant	LIB
GROUP L4	
Technology Assistant	LIB
GROUP L3	
Circulation Assistant	LIB
Library Assistant	LIB
Preservation Assistant	LIB
GROUP L1	
Helper	LIB
GROUP C4	
Custodian	LIB
GROUP P40	
Lieutenant	POL
GROUP P30	
Sergeant	POL
GROUP P20	
Detective	POL
Prosecuting Officer	POL
Safety Officer	POL
GROUP P18	
Police Officer – EMT	POL

GROUP P15 Police Officer – Special	POL
GROUP P10 Police Officer	POL
GROUP F40 Captain Captain, Special Services	FIR FIR
GROUP F30 Lieutenant	FIR
GROUP F10 Firefighter	FIR

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

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

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

MOTION 1. Susan Hurwitz, Precinct B, Chairman of the Human Resources Board, offered the following 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, 2011, 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:

SCHEDULE B
SALARY PLAN – PAY SCHEDULES

Rates effective as indicated as of July 1, 2011
Hourly rates – reflects 1.5% increase over FY11

Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
49	21.18	22.13	23.13	24.18	25.26	26.39
48	20.34	21.25	22.21	23.20	24.25	25.33

47	19.51	20.38	21.30	22.27	23.26	24.30
46	18.70	19.54	20.41	21.34	22.30	23.30
45	17.82	18.63	19.47	20.34	21.25	22.21
44	16.99	17.76	18.56	19.40	20.26	21.18
43	16.15	16.88	17.64	18.43	19.25	20.13
42	15.31	16.00	16.72	17.48	18.26	19.09
41	14.62	15.29	15.98	16.69	17.44	18.21

Hourly rates – reflects 1.5% over FY 11

Trade positions – non-union

Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
T19	24.29	25.50	26.78	28.12	29.53	31.00

MOTION 2, Susan Hurwitz, Precinct B, chairman of the Human Resources Board offered the following 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, 2011, 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, 2011
Reflects 2.5% increase over FY 11 ranges at midpoint

Job Group	Minimum	Midpoint	Maximum
69	117,280	149,400	181,520
68	108,720	138,500	168,280
67	100,720	128,300	155,880
66	93,260	118,800	144,340
65	86,430	110,100	133,770
64	80,620	102,700	124,780
63	75,600	96,000	116,400
62	70,800	89,900	109,000
61	66,230	84,100	101,970
60	62,090	78,600	95,110

59	57,830	73,200	88,570
58	54,270	68,700	83,130
57	50,960	64,100	77,240
56	47,700	60,000	72,300
55	44,520	56,000	67,480
54	42,590	53,400	64,210
53	40,590	50,900	61,210
52	38,520	48,300	58,080
51	36,800	46,000	55,200
50	35,120	43,900	52,680

Network and Information Systems

Job Group	Minimum	Midpoint	Maximum
61	74,730	94,900	115,070
60	70,230	88,900	107,570
59	65,650	83,100	100,550
58	61,150	77,400	93,650
57	57,560	72,400	87,240
56	53,900	67,800	81,700
55	51,200	64,400	77,600
54	48,970	61,400	73,830
53	46,650	58,500	70,350
52	44,340	55,600	66,860
51	42,480	53,100	63,720

MOTION 3, Susan Hurwitz, Precinct B, chairman of the Human Resources Board offered the following motion, which was

VOTED, by declared voice vote, that the sum of \$12,000 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, and to implement any changes in longevity payments to employees in Job Groups 49 and below that may be approved under Article 6 of the Warrant for the 2011 Annual Town Meeting.

MOTION 4. Susan Hurwitz, Precinct B, chairman of the Human Resources Board offered the following motion, and Hans Larsen, Executive Director spoke in support of the following motion , which was

VOTED, by declared voice vote. Mr. Switzler rose to challenge the moderator’s call of the vote, at least 7 others rose in support and a standing counted vote was taken. The standing counted voted confirmed the Moderator’s call **148 in favor, 40 opposed**, no abstentions.

VOTED, That the Salary Plan as established at the 1950 Annual Town Meeting as amended, be further amended as recommended by the Human Resources Board by striking the existing Pay Schedules for the DPW Production Unit, AFSCME Local 335, and the Wellesley Police Dispatchers Association and inserting the new Pay Schedules as follows:

DPW Production Unit, AFSCME Local 335 – rate per hour

FY 12 (effective July 1, 2011 - 1.0%)

Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
20	21.44	22.73	23.96	25.21	26.47	27.76
19	20.47	21.65	22.90	24.05	25.26	26.53
18	19.66	20.76	21.93	23.14	24.28	25.51
17	18.69	19.77	20.84	22.00	23.09	24.25
16	17.75	18.83	19.85	20.92	21.93	23.03
15	16.96	17.98	18.95	19.91	20.93	22.00
14	16.00	16.99	17.97	18.91	19.83	20.84
13	15.36	16.26	17.11	18.05	18.97	19.90
12	14.78	15.67	16.52	17.40	18.24	19.16
11	14.32	15.18	15.98	16.84	17.68	18.54

FY 13 (effective July 1, 2012 - 1.5%)

Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
20	22.51	23.87	25.16	26.47	27.79	29.15
19	21.49	22.73	24.05	25.25	26.52	27.86
18	20.64	21.80	23.03	24.30	25.49	26.79
17	19.62	20.76	21.88	23.10	24.24	25.46
16	18.64	19.77	20.84	21.97	23.03	24.18
15	17.81	18.88	19.90	20.91	21.98	23.10
14	16.80	17.84	18.87	19.86	20.82	21.88
13	16.13	17.07	17.97	18.95	19.92	20.90
12	15.52	16.45	17.35	18.27	19.15	20.12
11	15.04	15.94	16.78	17.68	18.56	19.47

FY 14 (effective July 1, 2013 - 2%)

Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
20	22.96	24.35	25.66	27.00	28.35	29.73

19	21.92	23.18	24.53	25.76	27.05	28.42
18	21.05	22.24	23.49	24.79	26.00	27.33
17	20.01	21.18	22.32	23.56	24.72	25.97
16	19.01	20.17	21.26	22.41	23.49	24.66
15	18.17	19.26	20.30	21.33	22.42	23.56
14	17.14	18.20	19.25	20.26	21.24	22.32
13	16.45	17.41	18.33	19.33	20.32	21.32
12	15.83	16.78	17.70	18.64	19.53	20.52
11	15.34	16.26	17.12	18.03	18.93	19.86

Wellesley Police Dispatchers Association - rate per hour

Job Group 47	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Effective July 1, 2011 (1%)	19.421	20.292	21.310	22.155	23.062	24.078
Effective July 1, 2012 (1.5%)	19.712	20.596	21.630	22.487	23.408	24.439
Effective July 1, 2013 (2.0%)	20.106	21.008	22.063	22.937	23.876	24.928

ARTICLE 6. To see if the Town will vote to amend ARTICLE 31 of the Town Bylaws by making changes in to the appendix to the Classification and Salary Plans established under Sections 31.1 and 31.6 respectively, which constitutes part of said Bylaws, relating to length of service payment (longevity) for non-union employees; or take any other action relative thereto.

Susan Hurwitz, Precinct B, chairman of the Human Resources Board offered the following motion , which was

VOTED, by declared voice vote, that Section II K(1), Length of Service Payment (Longevity), of the Salary Plan established under Article 31.6 of the Town By-laws be amended by deleting both the existing chart setting forth amounts of payment by years of continuous full-time service and the paragraph that follows; and inserting the following chart and paragraph in their place:

<u>Years of Continuous Service</u>	<u>Amount of Payment</u>
30 or more years	\$800.00
25-29 years	700.00
20-24 years	600.00
15-19 years	500.00
10-14 year	300.00

Such payment shall be made in lump sum in the first payroll in July of each fiscal year to employees completing the requirements by June 30 of the preceding fiscal year. In the event the employment of an employee entitled to such additional payment is terminated for any reason before the July payment date, the additional pay will become due and payable on termination of employment.

The Moderator noted the hour of 11:08 pm and suggested an adjournment. The motion carried unanimously. The Meeting adjourned to March 29, 2011.

Attest:

Kathleen F. Nagle
Town Clerk

CERTIFICATE OF NOTICE
OF ADJOURNED ANNUAL TOWN MEETING



March 29, 2011
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from March 28, 2011 to March 29, 2011 at 7:30 p.m. at the Wellesley Middle School was posted on the screen in the Hall during the recess of the meeting on March 28, 2011 and was voted unanimously by the Town Meeting. That said adjournment was announced by the Moderator at the close of the meeting of March 28, 2011 and a notice was posted on the town website (www.wellesleyma.gov) and in the Town Hall at the office of the Town Clerk on March 29, 2011.

Attest:

Kathleen F. Nagle
Town Clerk

TOWN CLERK'S RECORD
OF ADJOURNED SESSION OF 2011 ANNUAL TOWN MEETING



March 29, 2011
Wellesley Middle School

March 30, 2011

The second session of the 2011 Annual Town meeting, adjourned from March 28, 2011 was held this evening at the Wellesley Middle School Auditorium, 50 Kingsbury Street. The Moderator, Margaret Ann Metzger, called the meeting to order at 7:35 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 199 members present. Only 121 were needed for a quorum.

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

Several elected and appointed town officers and staff, and guests of Town Meeting were seated within this area by permission of the Moderator, but did not vote. Each such non-member was issued an identifying badge.

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 Sue Wright, Marijane Touhy, Roberta Francis, Bob White, Arthur Priver and Linda Senecal.

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 or reduce appropriations previously approved by the 2010 Annual Town Meeting; or take any other action relative thereto.

Motion 1. Ellen Gibbs, Precinct A, Board of Selectmen offered the following motion which was

VOTED, unanimously, that the sum of \$750,000 be appropriated for snow and ice removal costs, said sum to be taken from Free Cash, as certified as of July 1, 2010, and added to the amount appropriated to the Board of Public Works – 456 Winter Maintenance under Motion 1 of Article 8 of the Warrant for the 2010 Annual Town Meeting.

Motion 2. Katherine L. Babson Jr., Precinct E, Board of Selectmen, offered the following motion which was

VOTED, unanimously, that the sum of \$140,000 be appropriated to the Natural Resources Commission for the following purposes:

\$21,600 for Boulder Brook Reservation site restoration and mitigation work related to tree removals;

\$5,400 for independent arborist assessment of Boulder Brook Reservation tree removals and restoration work;

\$4,400 for DPW assessment work related to tree removals; and

\$108,600 for priority tree stabilization and removal work in Fuller Brook Park as identified in the *Fuller Brook Park Vegetation Assessment and Treatment Recommendations Report*, January 2011, prepared by Tree Specialists, Inc. for the Natural Resources Commission;
said sum to be taken from Free Cash, as certified as of July 1, 2010.

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;

and among other resources to meet said appropriations, 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 2012 Tax Rate; or take any other action relative thereto.

Katherine L. Babson, Jr., Precinct E, Chair of the Board of Selectmen moved the Omnibus Budget motion for Operating and Capital appropriations for the several departments. Ms. Babson spoke in support of the General Government sections of the motion. K C Kato, Chair of the School Committee spoke in support of the School Department section of the motion. Michael Eby, Chair PBC and Suzanne Littlefield, School Committee member, spoke in support of an accelerated move into the new Wellesley High School Building planned for February 2012.

At 9:10 pm the Moderator declared a recess. The meeting reconvened at 9:27 pm.

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

VOTED, unanimously by voice vote, that when this Annual Town Meeting adjourns, it does so until Monday, April 4, 2011, at 7:30 p.m. in this same hall.

The motion was projected on the screen.

Ilyssa Povich, member of the School Committee and Barbara Searle, member of the Board of Selectmen gave a presentation on the Facilities Maintenance section. Paul Criswell, Chair of the Board of Public Works, spoke in support of the Public Works section of the motion. Amanda Henshon, Chair of the Library Trustees, spoke in support of the Library section of the motion. Jack Haley, Chair of the Advisory Committee, gave the report and recommendation of the Advisory Committee.

The Moderator then entertained questions and discussion for each section of Article 8, Motion 1. After discussion it was

VOTED, by declared voice vote: (page intentionally partially blank)

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:

<u>Funding Item</u>	Personal Services 01	Expenses 02	Total Operations
GENERAL GOVERNMENT			
To the Board of Selectmen for General Government; \$1,792,250 for 01- Personal Services and \$1,580,721 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	369,238	30,250	399,488
126 Sustainable Energy	19,033	6,000	25,033
199 Central Administrative Services	0	95,974	95,974
133 Finance Department	348,255	9,125	357,380
155 Network & Information Systems	449,993	214,127	664,120
145 Treasurer & Collector	251,964	122,150	374,114
197 Parking Fines Processing	46,165	55,400	101,565
195 Town Report	0	4,000	4,000
<i>Board of Selectmen - Human Services</i>			
541 Council on Aging	161,015	129,325	290,340
183 Fair Housing Committee	0	200	200
543 Veterans' Services	27,793	57,487	85,280
542 Youth Commission	71,392	17,190	88,582
<i>Board of Selectmen - Other Services</i>			
180 Housing Development Corporation	0	3,500	3,500
691 Historical Commission	0	750	750
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	47,402	7,115	54,517
<i>Board of Selectmen - Shared Services</i>			
151 Law	0	272,360	272,360
945 Risk Management	0	322,000	322,000
458 Street Lighting	0	226,318	226,318
Subtotal - Board of Selectmen - General Government	1,792,250	1,580,721	3,372,971
<i>Other General Government</i>			
To the following Town boards and officials:			
161 Town Clerk/Election & Registration	226,308	44,250	270,558
141 Board of Assessors	241,711	81,450	323,161
175 Planning Board	210,968	42,100	253,068
135 Audit Committee	0	56,250	56,250
185 Permanent Building Committee	9,641	5,900	15,541
152 Human Resources Board	265,449	20,150	285,599
131 Advisory Committee	8,782	14,000	22,782
132 Advisory Committee - Reserve Fund	0	175,000	175,000
Subtotal - Other General Government	962,859	439,100	1,401,959
GENERAL GOVERNMENT TOTAL	2,755,109	2,019,821	4,774,930

Funding Item	Personal Services 01	Expenses 02	Total Operations
<u>PUBLIC SAFETY - BOARD OF SELECTMEN</u>			
To the Board of Selectmen for Public Safety, \$9,310,113 for 01-Personal Services and \$1,155,239 for 02-Expenses. And it is recommended that the sums be allocated as follows:			
210 Police Department	4,587,591	702,853	5,290,444
299 Special School Police	98,006	2,897	100,903
220 Fire Department	4,228,587	340,339	4,568,926
241 Building Department	380,269	26,350	406,619
230 Emergency Medical Services	0	80,000	80,000
244 Sealer of Weights & Measures	15,660	2,800	18,460
PUBLIC SAFETY TOTAL - BOARD OF SELECTMEN	9,310,113	1,155,239	10,465,352
<u>PUBLIC WORKS</u>			
To the Board of Public Works, \$3,799,594 for 01-Personal Services and \$2,470,483 for 02-Expenses. And it is recommended that the sums be allocated as follows:			
410 Engineering	462,441	79,788	542,229
420 Highway	959,619	446,202	1,405,821
454 Fleet Maintenance	129,007	56,462	185,469
430 Park	1,012,776	271,477	1,284,253
440 Recycling & Disposal	878,462	1,214,938	2,093,400
450 Management	357,289	52,913	410,202
456 Winter Maintenance	0	348,703	348,703
PUBLIC WORKS TOTAL	3,799,594	2,470,483	6,270,077
<p>Provided that the cash on hand in the RDF Baler and Compactors Major Repairs and Replacement Fund on June 30, 2011 be appropriated to the Board of Public Works for major repairs and replacement of the baler and the trash compactors and their attachments at the Recycling and Disposal Facility (major repair being defined as repairs or scheduled maintenance costing more than \$5,000); and that expenditures from this fund may be made by the Board of Public Works for major repairs, but expenditures for equipment replacement shall be subject to Town Meeting Appropriation.</p>			
<u>WELLESLEY FREE LIBRARY</u>			
To the Trustees of the Wellesley Free Library:			
610 Library Trustees	1,551,951	574,802	2,126,753
620 Regional Services (Non-Tax Impact)	156,888	113,112	270,000
LIBRARY TOTAL	1,708,839	687,914	2,396,753
<u>RECREATION</u>			
To the Recreation Commission:			
630 Recreation Commission	271,937	58,400	330,337
RECREATION TOTAL	271,937	58,400	330,337
<u>HEALTH</u>			
To the Board of Health:			
510 Board of Health	336,124	91,338	427,462
523 Mental Health Services	0	213,555	213,555
HEALTH TOTAL	336,124	304,893	641,017

Funding Item	Personal Services 01	Expenses 02	Total Operations
<u>NATURAL RESOURCES</u>			
To the Natural Resources Commission:			
171 Natural Resources Commission	179,536	18,625	198,161
172 Morses Pond	0	160,370	160,370
NATURAL RESOURCES TOTAL	179,536	178,995	358,531
<u>RADIO MASTERBOX</u>			
To the Board of Selectmen:			
492 Radio Masterbox	86,275	27,544	113,819
TAX IMPACT TOTAL	86,275	27,544	113,819
NON-SCHOOL TOTAL	18,447,527	6,903,289	25,350,816
<u>WELLESLEY PUBLIC SCHOOLS</u>			
To the School Committee, \$57,341,206 in the aggregate for 01-Personal Services and 02-Expenses. And it is recommended that the sum be allocated as follows:			
320 Instruction	40,745,371	1,450,987	42,196,358
330 Administration	876,313	155,100	1,031,413
340 Operations	670,746	1,754,481	2,425,227
300 HS Early Opening	208,600	161,480	370,080
Subtotal	42,501,030	3,522,048	46,023,078
360 Special Tuition/Transportation/Inclusion	5,577,218	5,740,910	11,318,128
SCHOOL TOTAL	48,078,248	9,262,958	57,341,206
<u>FACILITIES</u>			
To the Board of Selectmen for facilities; \$689,126 for 01-personal services, and \$547,082 for 02- Expenses			
192 Town - Facilities Operations	689,126	226,132	915,258
192 Town- Facilities capital	0	320,950	320,950
689,126	547,082	1,236,208	
To the School Committee for Facilities \$2,509,794			
300 School Committee - Facilities Operations	2,031,286	351,400	2,382,686
300 School Committee - Facilities Capital	0	127,108	127,108
2,031,286	478,508	2,509,794	
<u>EMPLOYEE BENEFITS</u>			
To the following Town boards and officials for the purposes indicated:			
914 Board of Selectmen - Group Insurance	0	14,588,300	14,588,300
919 Board of Selectmen - Other Post Empl. Benefits Liability Fund	0	3,000,000	3,000,000
910 Board of Selectmen - Retirement Contribution	0	2,630,273	2,630,273
912 Board of Selectmen - Workers' Compensation	0	242,627	242,627
913 Board of Selectmen - Unemployment Compensation	0	150,000	150,000
950 Board of Selectmen - Compensated Absences	0	90,000	90,000
911 Contributory Retirement Board - Non-Contributory Pensions	0	30,905	30,905
EMPLOYEE BENEFITS TOTAL	0	20,732,105	20,732,105
And further, that the balance on hand in the Workers' Compensation fund on June 30, 2011 and any interest earnings of the program, are appropriated for expenses related to the Workers' Compensation Program of the Town for Fiscal Year 2012.			
ALL PERSONAL SERVICES & EXPENSES	69,246,187	37,923,942	107,170,129

<u>Funding Item</u>	Personal Services 01	Expenses 02	Total Operations
<u>CAPITAL & DEBT</u>			
To the following Town boards and officials for the purposes indicated:			
<i>Departmental Cash Capital</i>			
400 Board of Public Works - Capital	0	1,332,700	1,332,700
300 School Committee - Capital	0	898,510	898,510
122 Board of Selectmen - Capital	0	219,974	219,974
610 Library Trustees - Capital	0	34,000	34,000
171 Natural Resources Commission - Capital	0	75,000	75,000
Subtotal - Cash Capital	0	2,560,184	2,560,184
To the Town Treasurer and Collector for:			
700 Current Inside Levy Debt Service - Issued	0	3,186,025	3,186,025
700 New Debt Service - Inside Levy	0	205,800	205,800
700 Current Outside Levy Debt Service -Issued	0	8,836,184	8,836,184
700 New Outside Levy Debt Service - Unissued	0	2,424,510	2,424,510
Subtotal - Maturing Debt & Interest	0	14,652,519	14,652,519
CAPITAL & DEBT TOTAL	0	17,212,703	17,212,703
<u>RECEIPTS RESERVED FOR APPROPRIATION</u>			
To the Board of Selectmen, to be taken from the Parking Meter Receipts Account:			
293 Traffic & Parking Operations	158,791	408,570	567,361
RECEIPTS RESERVED TOTAL	158,791	408,570	567,361
TOTAL APPROPRIATIONS - ARTICLE 8, MOTION 1			\$ 124,950,193

And to help meet said appropriations, transfer the sum of \$1,041,064 from Free Cash, \$50,000 from the Building department revolving fund, \$280,000 from the Police Detail revolving fund, and \$200,000 from the School Lunch fund.

The Moderator noted the hour of 11:15 pm and suggested an adjournment. The motion carried unanimously. The Meeting adjourned to April 4, 2011.

Attest:

Kathleen F. Nagle
Town Clerk

CERTIFICATE OF NOTICE
OF ADJOURNED ANNUAL TOWN MEETING



March 30, 2011
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from March 29, 2011 to April 4, 2011 at 7:30 p.m. at the Wellesley Middle School was posted on the screen in the Hall during the recess of the meeting on March 29, 2011 and was voted unanimously by the Town Meeting. That said adjournment was announced by the Moderator at the close of the meeting of March 29, 2011 and a notice was posted on the town website (www.wellesleyma.gov) and in the Town Hall at the office of the Town Clerk on March 30, 2011.

Attest:

Kathleen F. Nagle
Town Clerk

TOWN CLERK'S RECORD
OF ADJOURNED SESSION OF 2011 ANNUAL TOWN MEETING



April 4, 2011
Wellesley Middle School

April 5, 2011

The third session of the 2011 Annual Town meeting, adjourned from March 29, 2011 was held on April 4, 2011 at the Wellesley Middle School Auditorium, 50 Kingsbury Street. The Moderator, Margaret Ann Metzger, called the meeting to order at 7:35 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 207 members present. Only 121 were needed for a quorum.

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

Several elected and appointed town officers and staff, and guests of Town Meeting were seated within this area by permission of the Moderator, but did not vote. Each such non-member was issued an identifying badge.

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 Julianne Ivey, Cathy Taylor, Arthur Priver, Nancy Galligan, Sue Wright, and Todd Himstead.

ARTICLE 8. Motions under Article 8 continued.

MOTION 2. Katherine L. Babson, Jr., Precinct E, Chair of the Board of Selectmen offered the following motion which was

VOTED, unanimously, that the Town authorizes the Board of Assessors to use \$1,000,000 paid to the Town from the Municipal Light Plant as an estimated receipt when computing the fiscal year 2012 tax rate.

MOTION 3. David Himmelberger, Precinct B, Town Meeting Member, offered the following motion which was

VOTED, unanimously, that the Moderator appoint an ad hoc committee to conduct an overview of the Town's buildings and current facility maintenance practices, evaluate best practices for facility maintenance, and make recommendations for future maintenance practices. The Committee shall consist of seven to nine members, one of whom shall be a member of the School Committee or its designee, as approved by the Moderator. The Committee shall report back to Town Meeting no later than the 2012 Annual Town Meeting, with recommendations for a management and operating structure to best meet both the short-term and long-term maintenance needs of all of the Town's buildings.

As part of its evaluation, the Committee shall review the best practices in other communities and major institutional or commercial properties with comparable systems and physical demands.

Prior to the formation of any recommendations on staffing, reporting structure, and maintenance programming, the Committee shall confer with and solicit input from all elected boards and committees currently responsible for maintaining any Town building. The committee's report shall include:

- a recommended structure and staffing and reporting relationships;
- a plan as to how ongoing and preventative maintenance should be provided in the future;
- a timetable for implementing the plan; and to the extent possible, projected costs and savings associated with the recommended model and its implementation.

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.

Ellen Gibbs, Precinct A, Board of Selectmen offered the following motion which was

VOTED, by declared voice vote, that the annual (52 week) salary of the Town Clerk be fixed at the amount of \$76,939 effective July 1, 2011.

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

No motion offered.

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

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:

Operating Budget*

Operating Salaries	\$927,361
Materials and Services	879,064
Health Insurance	225,600
FICA	10,260
Contribution to Employee Retirement	127,724
Purchase Power	21,144,291
Transmission	3,885,200
Sub Total	27,199,500

Capital Outlays

Salaries	804,667
Services/Materials	2,149,211
Vehicles	208,124
Health Insurance	281,633
FICA - Medicare	8,900
Contribution to Employee Retirement	84,490
Sub Total	3,537,025

Payments That Benefit The Town**

Payment in Lieu of Taxes	1,000,000
Holiday Lights, Banners and Civic Events	40,000
Fiber Optic Network for Town	56,000

Total Benefits to Town **1,096,000**

Emergency Contingencies **750,000**

Total Fiscal Year 2012 Budget Request **\$32,582,525**

Said sum to be raised by electric revenues and retained earnings.

* Excludes depreciation expense in the amount of \$2,634,300.

**

Town benefits do not include electric rate subsidization for: Municipal buildings (\$209,142); streetlights (\$90,228) and Network and Information support fees (\$127,877).

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

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

VOTED, unanimously, that the sum of \$7,347,157 be appropriated to the Water Enterprise Fund, to be expended as follows:

Salaries	\$1,571,934
Expenses (incl. interest, and all non-op exp)	2,902,138
OPEB (Other Post-Employment Benefits)	76,877
Depreciation	946,000
Capital Outlay	798,000
Debt	730,428
Emergency Reserve	<u>321,780</u>
Total Authorized Use of Funds	\$7,347,157

And that \$7,347,157 be raised as follows:

Department Receipts	\$6,013,185
Depreciation	946,000
Retained Earnings	<u>387,972</u>
Total Sources of Funds	\$7,347,157

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

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

VOTED, unanimously, that the sum of \$8,493,812 be appropriated for the Sewer Enterprise Fund, to be expended as follows:

Salaries	\$ 735,660
Expenses (incl. interest, and all non-op exp)	5,699,419
OPEB (Other Post-Employment Benefits)	32,947
Depreciation	420,000
Capital Outlay	765,000
Debt	356,446
Emergency Reserve	<u>484,340</u>
Total Authorized Use of Funds	\$8,493,812

And that \$8,493,812 be raised as follows:

Department Receipts	\$7,492,180
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Depreciation	420,000
Retained Earnings	<u>581,632</u>
Total Sources of Funds	\$8,493,812

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 including a new revolving fund for Wetlands Consultant fees; or take any other action relative thereto.

Ellen Gibbs, Precinct A, Board of Selectmen offered the following motion:

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

Street Opening Maintenance, said funds to be expended under the direction of the Department of Public Works, annual expenditures not to exceed \$200,000;

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 \$104,000;

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

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

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

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

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

Library room rental, said funds to be expended under the direction of the Library Department, annual expenditures not to exceed \$20,000;

Branch Library Maintenance, said funds to be expended under the direction of the Board of Selectmen, annual expenditures not to exceed \$75,000;

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

After some discussion the motion was withdrawn and deferred to a later session of this annual town meeting.

ARTICLE 15. To see if the Town will vote pursuant to Chapter 40, Sections 5A and/or 5B to appropriate to the Town's reserve fund and/or to create a special purpose municipal stabilization fund for the purpose of reserving money to pay any unanticipated costs of the Wellesley Public Schools for Special Tuition and Transportation; to raise and appropriate, or otherwise provide, including transfer from available funds, a sum of money for the purpose; or take any other action relative thereto.

No motion offered.

ARTICLE 16. To act on the report of the Community Preservation Committee on the fiscal year 2012 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; and further, to see if the Town will vote to authorize the Fuller Brook Park Coordinating Committee to implement the next phase of the Fuller Brook Restoration Project including the responsibility to receive and expend appropriations for the same; or take any other action relative thereto.

MOTION 1. Jack Morgan, Precinct E, Chair of the Community Preservation Committee, offered the following motion which was

VOTED, by declared voice vote,

I. That the amount of \$57,500 be appropriated to the Community Preservation Committee 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 2011 be reserved for the following community preservation categories:

Open Space (excluding Recreation)	\$ 120,000
Historic Resources	\$ 120,000
Community Housing	\$ 120,000

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

category, such reserved amount shall be made available to fund Community Housing appropriations authorized by this Town Meeting.

The Moderator declared a brief recess at 9:08 pm. The Meeting resumed at 9:20 pm.

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

VOTED, unanimously by voice vote, that when this Annual Town Meeting adjourns, it does so until Tuesday, April 5, 2011, at 7:30 p.m. in this same hall.

The motion was projected on the screen.

MOTION 2. Jack Morgan, Precinct E, Chair of the Community Preservation Committee, offered the following motion which was

VOTED, by declared voice vote, that \$450,000 be appropriated to the Wellesley Housing Development Corporation, for the acquisition, creation, rehabilitation and support of community housing, said appropriation to be funded \$120,000 from balances on hand in the Community Preservation Fund Community Housing Reserve and \$330,000 from balances on hand in the undesignated Community Preservation Fund.

MOTION 3. Jack Morgan, Precinct E, Chair of the Community Preservation Committee, offered the following motion which was

VOTED, unanimously, that the Fuller Brook Park Coordinating Committee be continued and be authorized to receive and expend funds for the further planning and design of a project (which shall be intended to be constructed in one or more future phases) for the preservation, rehabilitation and restoration of Fuller Brook Park. The continuing membership of the Committee shall be Katherine Babson (Board of Selectmen), William Charlton (Board of Public Works), Rose Mary Donahue (at large), Peter Fergusson (Historical Commission), Heidi Gross (Natural Resources Commission), Ursula King (Natural Resources Commission), Herbert Nolan (abutter), Suzanne Newman (School Committee), and Robert White (Trails Committee). Vacancies on the Committee shall be filled by the Board which such member represents or in the case of the at large and abutter members by the Moderator. The Committee shall report back to the next Town Meeting with proposed actions for the next phase of the project.

MOTION 4. Jack Morgan, Precinct E, Chair of the Community Preservation Committee, offered the following motion which was

VOTED, unanimously, that \$23,000 be appropriated to the Fuller Brook Park Coordinating Committee for Historic Resources purposes for the preservation, rehabilitation and restoration of Fuller Brook Park to be funded entirely from balances on hand in the Community Preservation Fund Historic Reserve, said funds to be available immediately upon the foregoing appropriation becoming final following dissolution of this Town Meeting.

ARTICLE 17. To see what sum of money the Town will raise and appropriate, or otherwise provide, to implement the next phase of the Fuller Brook Park Preservation Master Plan, the first phase of which was approved under Motion 1 of Article 21 of the Warrant for the 2010 Annual Town Meeting; 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.

No motion offered.

ARTICLE 18. To see what sum of money the Town will raise and appropriate, or otherwise provide, in addition to the amount appropriated under motion 1 of Article 16 of the Warrant for the 2010 Annual Town Meeting, for architectural, engineering and/or other services for plans and specifications for the reconstruction of the interior flooring of the Central Street Fire Station (Station Number 1), 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.

No motion offered.

ARTICLE 19. To see what sum of money the Town will raise and appropriate, or otherwise provide, for engineering services, for plans and specifications, for construction, reconstruction, remodeling, rehabilitation and/or modernization of a new DPW office facility; 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.

Paul Criswell, Precinct B, Chair of the Board of Public Works, offered the following motion which was

VOTED, unanimously, 2/3 required, that the sum of \$3,595,000 be appropriated to the Permanent Building Committee for the cost of engineering services, for plans and specifications, for construction, reconstruction, remodeling, rehabilitation and/or modernization of a new DPW office facility; that to meet this appropriation, the sum of \$306,632 be transferred from the unexpended funds appropriated to the PBC for the Warren Building project, and the sum of \$175,636 be transferred from the unexpended funds appropriated to the PBC for the Wellesley Free Library project, and the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$3,112,732 under Massachusetts General Laws, Chapter 44 as amended or any other enabling authority; and that the Permanent Building Committee is authorized to take all 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 noted the hour of 10:35 pm and suggested an adjournment. The motion carried unanimously. The Meeting adjourned to April 5, 2011.

Attest:

Kathleen F. Nagle
Town Clerk

CERTIFICATE OF NOTICE
OF ADJOURNED ANNUAL TOWN MEETING



April 5, 2011
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from April 4, 2011 to April 5, 2011 at 7:30 p.m. at the Wellesley Middle School was posted on the screen in the Hall during the recess of the meeting on April 4, 2011 and was voted unanimously by the Town Meeting. That said adjournment was announced by the Moderator at the close of the meeting of April 4, 2011 and a notice was posted on the town website (www.wellesleyma.gov) and in the Town Hall at the office of the Town Clerk on April 5, 2011.

Attest:

Kathleen F. Nagle
Town Clerk

TOWN CLERK'S RECORD
OF ADJOURNED SESSION OF 2011 ANNUAL TOWN MEETING



April 5, 2011
Wellesley Middle School

April 6, 2011

The Fourth session of the 2011 Annual Town meeting, adjourned from April 4, 2011 was held on April 5, 2011 at the Wellesley Middle School Auditorium, 50 Kingsbury Street. The Moderator, Margaret Ann Metzger, called the meeting to order at 7:35 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 front section of the hall, and were in the charge of a detail of police. Entrance to the enclosure was through one door, and each Town Meeting Member was checked from the official list of members before being admitted to the enclosure.

Several elected and appointed town officers and staff, and guests of Town Meeting were seated within this area by permission of the Moderator, but did not vote. Each such non-member was issued an identifying badge.

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 Arthur Priver, Nancy Galligan, Sue Wright, and Trina Foster, Roberta Francis and Bob White.

ARTICLE 20. To see what sum of money the Town will raise and appropriate, or otherwise provide, for engineering services, for plans and specifications, for construction, reconstruction, remodeling, rehabilitation and/or modernization of a new DPW recycled materials loading structure; 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, Board of Public Works, offered the following motion. David Donahue, Board of Public Works spoke in support of the motion which was

VOTED, by declared voice vote, 2/3 required, that the sum of \$400,000 be appropriated to the Board of Public Works for the cost of engineering services, for plans and specifications, for construction, reconstruction, remodeling, rehabilitation and/or modernization of a new DPW recycled materials loading structure; that to meet this appropriation, the Treasurer, with the

approval of the Board of Selectmen, is authorized to borrow \$400,000 under Massachusetts General Laws, Chapter 44 as amended or any other enabling authority; and that the Board of Public Works is authorized to take all action necessary to carry out this project.

ARTICLE 21. To see what sum of money the Town will raise and appropriate, or otherwise provide, for engineering services, for plans and specifications, for construction, reconstruction, remodeling, rehabilitation and/or modernization of a new maintenance and restroom facility at Hunnewell Field; 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.

No motion offered.

ARTICLE 22. To see what sum of money the Town will raise and appropriate, or otherwise provide, for street, sidewalk and/or drainage construction, rehabilitation and/or reconstruction on Kingsbury Street; 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, Board of Public Works, offered the following motion, which was

VOTED, unanimously, 2/3 required, That the sum of \$620,000 be appropriated to the Board of Public Works for the cost of engineering services, construction, reconstruction, resurfacing, or rehabilitation, drainage, curbing, sidewalks, and their appurtenances on Kingsbury Street as determined by the Board of Public Works to be necessary; And, that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$620,000 under Chapter 44 of the General Laws, or any other enabling authority. And that the Board of Public Works is authorized to take all action necessary to carry out this project.

ARTICLE 23. To see what sum of money Town will raise and appropriate, or otherwise provide, for design, engineering, consultation, and permitting services, construction and/or equipment related to improvement, replacement and repairs to the heating, ventilation and air conditioning (HVAC) systems at the Wellesley Town Hall; 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.

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

VOTED, by declared voice vote, 2/3 required, that the sum of \$425,000 be appropriated to the Permanent Building Committee for design, engineering, consultation, and permitting services, construction and/or equipment related to improvement, replacement and repairs to the heating, ventilation and air conditioning (HVAC) system at the Wellesley Town Hall and for other services in connection therewith;

And, that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$425,000 under Chapter 44 of the General Laws, or any other enabling authority.

And further; said sum shall be available for use immediately upon the foregoing appropriation becoming final following dissolution of this Town Meeting.

ARTICLE 24. To see if the Town will vote to instruct the Board of Selectmen to proceed diligently and in due course to complete all necessary permitting and present back to this Town Meeting a funding proposal for the construction of a stand-alone senior center at 496 Washington Street; or take any other action relative thereto.

No motion offered.

ARTICLE 25. To see if the Town will vote to accept an easement granted to the Town for sidewalk purposes at 8 Rockland Street (aka 420 Linden Street) as shown on a sketch entitled "Rockland Street Bridge Concept Wellesley, MA" dated June 19, 2009, and to raise and appropriate, or otherwise provide, a sum of money in exchange for said easement and for sidewalk design and construction; 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.

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

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

- (1) to accept from the First Christ Church, Scientist (grantor) an easement granted to the Town for sidewalk purposes at 8 Rockland Street (aka 420 Linden Street) as shown on a plan entitled "Plan of Sidewalk Easement at 8 Rockland Street, Wellesley, MA dated March 2, 2011"; and
- (2) to appropriate the sum of \$7,300 to be paid to the Church in consideration of said grant of easement, said sum to be taken from Free Cash, as certified as of July 1, 2010, the Board of Selectmen being hereby authorized to apply for reimbursement of said sum pursuant to Chapter 122 of the Acts of 2006 or any other authority.

ARTICLE 26. To see what sum of money the Town will raise and appropriate, or otherwise provide, for capital costs, including maintenance of capital assets, at the library branches; 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.

No motion offered.

ARTICLE 27. To see what sum of money the Town will raise and appropriate, or otherwise provide, for a layout, design and the construction of the pathway proposed for the town owned strip of land abutting 27 Washington Street, to connect Washington Street and the new pedestrian bridge over the Charles River; 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.

No motion offered.

ARTICLE 28. 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 electric and other utility, roadway and vault easements identified on the document entitled "Easements for 2011 Annual Town Meeting Article 28", dated March 25, 2011, a copy of said document being on file in the Office of the Town Clerk.

ARTICLE 29. 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 connected 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.

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

VOTED, unanimously, 2/3 required, that \$2,350,000 be appropriated for the construction, reconstruction, rehabilitation, alteration, remodeling or other improvements to the town's water system, including cleaning and lining or replacement of unlined water mains, purchase and installation of water meters and water meter reading systems, installations and/or upgrades of water booster pump stations, GIS mapping and system modeling, and engineering planning, design and construction services associated with any of these activities; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$2,350,000 and issue bonds or notes therefor under Chapter 44 of the General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow 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 the Authority; and that the Board of Public Works is authorized to expend all funds available for the project and to take any other action necessary to carry out the project.

The Moderator declared a short break at 8:50pm, the meeting resumed at 9:10 pm.

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

VOTED, unanimously by voice vote, that when this Annual Town Meeting adjourns, it does so until April 11, 2011, at 7:30 p.m. in this same hall.

The motion was projected on the screen.

ARTICLE 30. To see if the Town will vote to designate Brookside Road as a scenic road, pursuant to Chapter 40, Section 15C of the Massachusetts General Laws; or take any other action relative thereto.

Don McCauley, Precinct A, Chair Planning Board, offered the following motion. Neil Glick, Planning Board member spoke in support of the motion, which was

VOTED, by declared voice vote, that the Town designates Brookside Road as a scenic road, pursuant to Chapter 40, Section 15C of the Massachusetts General Laws.

ARTICLE 31. To see if the Town will vote to accept the proffered gift of a land- locked parcel of land to the rear of 27 Kenilworth Road; to assign jurisdiction over the same; and to authorize its future use; or take any other action relative thereto.

Article deferred for later action.

ARTICLE 32. To see if the Town will vote to accept an easement granted to the Town for sidewalk purposes at the intersection of State Street and Washington Street at no cost to the Town; and to approve the grant of license to Gravestar for physical improvements on abutting aqueduct parcel to facilitate public access to Reidy Field; or take any other action relative thereto.

MOTION 1. Owen Dugan, Precinct B, Board of Selectmen, offered the following motion which was

VOTED, unanimously, 2/3 required, that the Town vote to accept from Wellesley Plaza, LLC/Gravestar, Inc. (Gravestar) an easement granted to the Town for sidewalk purposes at the intersection of State Street and Washington Street, at no cost to the Town.

MOTION 2. Owen Dugan, Precinct B, Board of Selectmen, offered the following motion which was

VOTED, unanimously, that the Town vote to approve the grant of a license to Gravestar for improvements to be made to town owned land abutting the portion of the Cochituate Aqueduct

parcel it leases from the Town, to facilitate public access to Reidy Field and the Aqueduct Trail, at no cost to the Town.

ARTICLE 33. To see if the Town will vote to amend the Zoning Map by extending the current Business Zone to include the portion of the Cochituate Aqueduct known as lot 98-3 or 8 State Street owned by the Town of Wellesley and leased to Gravestar Inc.; or take any other action relative thereto.

No motion offered.

ARTICLE 34. To see if the Town will vote to amend the Zoning Bylaw to create a Tree Protection and Preservation Bylaw which establishes regulations regarding the preservation and replacement of trees over a specific caliper located on private property within the setbacks, and to establish a Tree Bank to be administered by the Department of Public Works – Park and Tree Division; or take any other action relative thereto.

Don McCauley, Precinct A, Chair of Planning Board, offered the following motion:

That the Town vote to amend the Zoning Bylaw by inserting a new section, XVIIE. TREE PROTECTION AND PRESERVATION. , to be effective July 1, 2011, to regulate the removal of trees over 10” in caliper within a given setback area, following XVID. LARGE HOUSE REVIEW. to read as follows:

SECTION XVIIE TREE PROTECTION & PRESERVATION

A. TITLE.

Section XVIIE may be cited as the “Town of Wellesley Tree Bylaw” and/or “Tree Bylaw”.

B. INTENT AND PURPOSE.

The intent of Section XVIIE is to encourage the preservation and protection of sizeable trees on portions of private property during significant demolition and/or development activity.

Trees are recognized for their abilities to improve air quality, protect from glare and heat, reduce noise, aid in the stabilization of soil, provide natural flood and drainage control, create habitats for wildlife, enhance aesthetics and property values, contribute to the distinct character of certain neighborhoods, and provide natural privacy to neighbors. Therefore, the Town deems that the preservation and protection of certain trees on private property, the requirement to replant trees to replace those removed, and the collection of financial contributions to support the Town’s tree planting and maintenance efforts are public purposes that protect the public health, welfare, environment and aesthetics.

C. DEFINITIONS.

For the purposes of Section XVIIE, the following definitions shall apply.

Caliper - Diameter of a tree trunk (in inches). For trees up to and including four (4) inches in diameter, the caliper is measured six (6) inches above the existing grade at the base of the tree. For trees larger than four (4) inches in diameter, the caliper is measured twelve (12) inches above the existing grade at the base of the tree.

Certified Arborist – A professional arborist possessing current certification issued by the International Society of Arboriculture (I.S.A.) and/or the Massachusetts Arborist Association (M.A.A.).

Critical Root Zone (CRZ) - The minimum area beneath the canopy of a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ is represented by a concentric circle centering on the tree's trunk and extending outward towards the tree's drip-line. The minimum area of the CRZ shall be dependent on the required minimum radius of the CRZ; the required minimum radius of the CRZ shall be determined by multiplying a tree's DBH (in inches) by eighteen (18) inches, with the resulting product constituting the minimum radius of the CRZ. EXAMPLE: A tree with a DBH of twenty (20) inches shall have a CRZ with a minimum radius of 360 inches or 30 feet ($20'' \times 18'' = 360''$ or 30').

Diameter at Breast Height (DBH) - The standard measure of tree size for those trees existing on a site that are at least four (4) inches in diameter at a height of four and one-half (4.5) feet above the existing grade at the base of the tree. If a tree splits into multiple trunks below four and one-half (4.5) feet above the existing grade, the DBH shall be considered to be the measurement taken at the narrowest point beneath the split.

Drip-Line - The area surrounding the tree from the trunk to the outermost branches. This area is distinguished from, and not to be confused with Critical Root Zone.

Overstory Tree - A tree that will generally reach a mature height of greater than forty (40) feet.

Protected Tree - Any existing tree or tree that was removed within twelve (12) months prior to application for an applicable demolition or building permit, with a DBH of ten (10) inches or greater, located in a Tree Yard of a property zoned Single Residence District or General Residence District, or located anywhere on property zoned other than Single Residence District or General Residence District. Any tree with a DBH of ten (10) inches or greater with portions of the stem of the tree actively growing into a Tree Yard between a height of six (6) inches and four and one-half (4.5) feet above grade shall be considered a Protected Tree.

Tree - Any self-supporting, woody perennial plant usually having a single trunk with a diameter of three (3) inches or more which normally attains a mature height of six (6) feet or greater.

Tree Bank - An account established for the deposit of contributions in lieu of tree replanting as required by Section XVIIE. Funds deposited in this account shall be used solely for the purpose of buying, planting and maintaining trees in the Town.

Tree Protection & Mitigation Plan - A plan submitted to the Building Department for review prior to the commencement of demolition and/or construction on a property on which a Protected Tree is located. This plan may be either part of a landscape plan and/or a separate plan.

Tree Removal - Any act that causes a tree to die or will cause a tree to die within a three (3) year period as determined by the Department of Public Works - Park & Tree Division based on arboricultural practices recommended by the International Society of Arboriculture (I.S.A.).

Tree Save Area - The area surrounding a tree which includes at a minimum the Critical Root Zone ("CRZ") and Drip-Line of all Protected Trees, unless otherwise authorized

herein. The Tree Save Area must be enclosed within a fence and remain undisturbed so as to prevent damage to the tree.

Tree Yard - The area of a parcel zoned Single Residence District or General Residence District located adjacent to all front, side, and rear lines of a lot; Tree Yards shall have a minimum depth as specified in the table entitled "Location of Protected Trees on Property Zoned Single Residence District or General Residence District", contained in subsection F.1. of Section XVIIE. Trees having a DBH of ten (10) inches or greater and located within a Tree Yard shall be considered to be Protected Trees.

D. **APPLICABILITY.**

1. Applicability: The requirements of Section XVIIE shall apply under any of the following circumstances:
 - a. Proposed demolition of an existing structure with a footprint of 250 square feet or greater;
 - b. Construction of retaining walls subject to the requirements of Section XXIID., Retaining Walls;
 - c. Construction of any building or structure on a vacant lot; or
 - d. Construction of one or more structures or additions to structures on a lot, where the total area of the footprint of the new structures will result in an increase of 50% or more of the total footprint of the pre-existing structure(s).
2. Non-applicability: The requirements of Section XVIIE shall not apply to:
 - a. The subdivision of land under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land In Wellesley Massachusetts, wherein the Planning Board regulates the planting, retention and/or replacement of trees, by means of the Board's authority over the subdivision of land;
 - b. Construction subject to Large House Review, wherein the Planning Board regulates the planting, retention and/or replacement of trees located on private residential land;
 - c. Those areas of property under the jurisdiction of the Wetlands Protection Act (Chapter 131 and 310 CMR), wherein the Wetlands Protection Committee regulates the retention and/or replacement of trees located on private land. Protected trees located outside areas under the jurisdiction of the Wetlands Protection Committee shall be subject to Section XVIIE;
 - d. Town-owned public trees, including trees that are considered to be Public Shade Trees pursuant to M.G.L. Chapter 87, which are protected by the Natural Resources Commission acting as the Town's Tree Warden.

- e. Emergency projects necessary for public safety, health and welfare as determined by the Inspector of Buildings;
 - f. Trees that are hazardous as determined and confirmed in writing by a Certified Arborist; and
 - g. Trees subject to an immediate and/or probable risk of disease or insect infestation, as determined and confirmed in writing by a Certified Arborist.
3. Existing Encroachments: For the purposes of interpreting, administering, and enforcing Section XVIIE and Section XVII, Pre-Existing Non-Conforming Uses, Structures and Lots, an existing structure shall not be considered to be a nonconforming structure solely because the structure, or a portion of the structure, is located within the CRZ and/or Drip-Line of an existing Protected Tree. The reconstruction of demolished structures or portions of structures within the previously encroached area of the CRZ and/or Drip-Line shall be prohibited, except when consistent with the requirements of Section XVIIE.

E. TOWN OF WELLESLEY TREE BANK.

There is hereby established a Town of Wellesley Tree Bank (“Tree Bank”) which shall be held by the Town Treasurer in an account administered by the Department of Public Works - Park & Tree Division in accordance with applicable provisions of the General Laws. Any contributions collected per subsection F.2.b.ii. of Section XVIIE shall be deposited in said Tree Bank, and shall be used solely for the purpose of buying, planting and maintaining trees in the Town.

F. PROTECTED TREES.

1. Scope: Existing trees or trees that were removed within twelve (12) months prior to application for an applicable demolition or building permit with a DBH of 10” or greater and located within the minimum Tree Yard of a property zoned Single Residence District or General Residence District as identified in the following table, shall be considered to be Protected Trees.

Existing trees or trees that were removed within twelve (12) months prior to application for an applicable demolition or building permit with a DBH of 10” or greater and located anywhere on property zoned other than Single Residence District or General Residence District, shall be considered to be Protected Trees.

Demolition and/or construction activity (as identified under subsection D.1. of Section XVIIE) on a property on which a Protected Tree is located is prohibited unless authorized by the Inspector of Buildings as set forth in this subsection.

Location of Protected Trees on Property Zoned Single Residence District or General Residence District			
Zoning District	Minimum Tree Yard (feet)		
	Front	Side	Rear

SRD 10	20	10	10
SRD 15	20	20	20
SRD 20	20	20	20
SRD 30	40	30	30
SRD 40	40	40	40
General Residence District	20	10	10

2. Tree Protection & Mitigation:

- a. Protection: Each Protected Tree to be retained on property planned for demolition and/or construction activity shall be protected by the establishment of a Tree Save Area. The Tree Save Area shall be delineated within the submitted Tree Protection & Mitigation Plan, shall be installed prior to the issuance of applicable permits, and shall remain in place until work is completed on the property. The applicant shall submit written documentation, prepared, stamped, dated and signed by a Certified Arborist, to the Building Department confirming that the required Tree Save Area identified in the Tree Protection & Mitigation Plan has been installed.

An applicant may choose to encroach within the CRZ and/or Drip-Line of a Protected Tree; however, such proposed action shall require the applicant to submit a maintenance plan for the tree, to be prepared, stamped, dated and signed by a Certified Arborist as part of the Tree Protection & Mitigation Plan. Under these instances, the Tree Save Area may be reduced to protect only those areas of the CRZ and/or Drip-Line not proposed for encroachment.

- b. Mitigation: The removal of a Protected Tree from a property in connection with one or more of the circumstances set forth in subsection D.1. shall require mitigation by satisfying one of the following provisions (i. *Replanting of Trees* or ii. *Contribution to the Town of Wellesley Tree Bank*). Mitigation measures shall be identified in the submitted Tree Protection and Mitigation Plan. The removal or proposed removal of a Protected Tree(s) that has been mitigated for, in conjunction with a previous applicable permit, shall not require additional mitigation under subsequent permits, unless such mitigation has not been completed or otherwise assured.
- i. *Replanting of Trees*: For each inch of DBH of the tree(s) removed no less than one-half (0.5) inch of caliper of new tree(s) shall be replanted in accordance with the following:
1. Each new tree must have a minimum caliper of two (2) inches;

2. Such replanting, either on the applicant's land or on land abutting the applicant's land with the express written approval of the owner of such abutting land, shall occur prior to Final Inspection, or be otherwise assured at such time to the satisfaction of the Town in a manner consistent with the Rules and Regulations;
 3. If the Protected Tree to be removed is an Overstory Tree species, the replacement tree(s) to mitigate the removal shall be an Overstory Tree species; and
 4. Invasive tree species, as determined by the Department of Public Works - Park & Tree Division, shall not be replanted to mitigate the removal of a Protected Tree.
- ii. *Contribution to the Town of Wellesley Tree Bank:* The Board of Selectmen shall establish a Tree Bank contribution rate per DBH inch of protected tree to be removed. The applicant shall make such contribution to the Tree Bank for the removal of a Protected Tree not already mitigated for per subsection F.2.b.i.; contributions shall be received by the Building Department prior to the issuance of all applicable permits.
3. Plan Review and Permit Issuance:

- a. **Tree Protection & Mitigation Plan Submittal:** Prior to the issuance of a permit in connection with one or more of the circumstances set forth in subsection D.1. on property on which a Protected Tree is located or was located within twelve (12) months prior to application, the owner of the property shall submit a Tree Protection & Mitigation Plan to the Building Department along with the applicable application.

If a permit requiring the submittal of a Tree Protection & Mitigation Plan was issued for a property within twelve (12) months prior to application for one or more of the circumstances set forth in subsection D.1., the submittal of a Tree Protection & Mitigation Plan shall not be required for subsequent permits unless any information required under subsection F.3.b. is changed or altered.

- b. **Tree Protection & Mitigation Plan Requirements:** The submitted Tree Protection & Mitigation Plan shall be a to-scale survey or site plan, along with any accompanying documentation, containing information prepared, stamped, dated and signed by an individual(s) appropriately licensed and authorized by the State of Massachusetts to attest to and certify such information, unless a specific certification is referenced herein. The plan shall include, but not be limited to, the following information:
 - i. Boundaries of the subject property, including all property lines, easements, and right-of-ways of public and private ways;

- ii. The location of all existing buildings, driveways, retaining walls and other improvements, with an indication of those features to be retained or removed/demolished;
 - iii. The location of all planned buildings, driveways, retaining walls and other improvements;
 - iv. The location, height, DBH, and species of all existing Protected Trees and all Protected Trees that were removed within twelve (12) months prior to application for an applicable demolition or building permit, with an indication of those Protected Trees to be removed and those to be retained, if applicable;
 - v. The CRZ, drip-line and location of the Tree Save Area shall be shown for all Protected Trees to be retained;
 - vi. The location, caliper, species, and planting schedule of trees to be replanted to mitigate the removal of a Protected Tree(s), if applicable;
 - vii. A maintenance plan prepared, stamped, dated and signed by a Certified Arborist for all Protected Trees which are proposed to have encroachment within the CRZ and/or drip-line, if applicable;

 - viii. The amount to be contributed to the Tree Bank to mitigate the removal of a Protected Tree(s), if applicable; and
 - ix. Such other information as is required by the Inspector of Buildings pursuant to applicable regulations.
- c. Tree Bank Contribution: In lieu of replanting, if applicable, the owner of the property shall submit any required contribution to the Tree Bank as mitigation for the removal of a protected tree.

 - d. Building Department Action: If the Tree Protection & Mitigation Plan is consistent with the protection and mitigation requirements contained herein and any established rules, regulations or manuals, and any applicable Tree Bank contribution has been submitted, the Building Department may issue any applicable permit. If the proposal does not meet or satisfy these requirements, the Building Department shall deny all applicable permit applications and so notify the applicant.
4. Maintenance of Protected and Replanted Trees:
- a. Protected Trees: Each Protected Tree retained shall be maintained in good health for a period of no less than twenty-four (24) months from the date of Final Inspection, or issuance of a Certificate of Occupancy if applicable. Should such tree die within this twenty-four (24) month period, the owner of the property shall be required to provide mitigation consistent with the requirements for the removal of a Protected Tree as contained herein within nine (9) months from the death of the original tree.

 - b. Replanted Trees: All new trees replanted to mitigate the removal of Protected Tree(s) shall be maintained in good health for a period of no less than twenty-four

(24) months from the date of planting. Should such tree die within this twenty-four (24) month period, the owner of the property shall be responsible for replacing the tree with a tree equal to or greater than the size of the original replacement tree at the time of planting; such tree shall be planted within nine (9) months of the death of the original replacement tree.

G. RULES AND REGULATIONS.

The Planning Board may promulgate or amend Rules and Regulations which pertain to the administration of Section XVIE, and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and specifications, the procedure for the submission and approval of such plans, the procedure for determining final compliance with these regulations, and the criteria and procedure regarding the Planning Board's acceptance of sureties (i.e., bonds, letters of credit, etc.) intended to satisfy the requirements of subsection F., 2., b., i. of Section XVIE, so long as the Rules and Regulations conform to Section XVIE of the Zoning Bylaw. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

After substantial discussion the Moderator noted the late hour and asked whether the proponent would like to withdraw the motion for review of language and reoffer it at a later. Mr. McCauley withdrew the motion.

The meeting adjourned at 11:30 pm.

Attest:

Kathleen F. Nagle
Town Clerk

CERTIFICATE OF NOTICE
OF ADJOURNED ANNUAL TOWN MEETING



April 6, 2011
Wellesley, MA

I hereby certify that notice that the Town Meeting would adjourn from April 5, 2011 to April 11, 2011 at 7:30 p.m. at the Wellesley Middle School voted after the break of the meeting of April 5, 2011 and was announced by the Moderator and posted on the screen in the Hall at the recommencement of the

meeting on April 5, 2011. The notice was also posted to the Town Website ([www.wellesley ma.gov](http://www.wellesley.ma.gov)) and in Town Hall at the office of the Town Clerk on April 6, 2011.

Attest:

Kathleen F. Nagle
Town Clerk

TOWN CLERK'S RECORD
OF THE ANNUAL TOWN MEETING



April 11, 2011
Wellesley Middle School

April 12, 2011

The fifth session of the 2011 Annual Town meeting, adjourned from April 6, 2011 was held this evening at the Wellesley Middle School Auditorium, 50 Kingsbury Street. The Moderator, Margaret Metzger, called the meeting to order at 7:35 p.m. The Moderator declared a quorum present.

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

The duly elected Town Meeting Members were segregated from the other voters of the Town by occupying the 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.

Several elected and appointed town officers and staff, and guests of Town Meeting were seated within this area by permission of the Moderator, but did not vote. Each such non-member was issued an identifying badge

The following tellers were appointed by the Moderator to assist in counting a standing vote or a ballot vote: Head Teller, Dona Kemp, assisted by assisted by Sue Wright, Amy Smith, , Roberta Francis, Arthur Priver, Bob White and Nancy Galligan.

Article 34. Don McCauley, Precinct A, Chair of Planning Board offered a revised motion. The revised language was displayed on the screen to wit:

F.2.b.ii. Contribution to the Town of Wellesley Tree Bank. The Board of Selectmen shall establish a Tree Bank ~~contribution rate per DBH inch~~ *schedule, such schedule to be based on the DBH of Protected Tree(s) to be removed. The schedule may take into account the aggregate DBH of Protected Tree(s) to be removed.* The applicant shall make such contribution to the Tree Bank for removal of a Protected Tree not already mitigated for per subsection F.2.b.i.; contributions shall be received by the Building Department prior to the issuance of all applicable permits.

After extended debate it was

VOTED, by declared voice vote, that the Town vote to amend the Zoning Bylaw by inserting a new section, XVIIE. TREE PROTECTION AND PRESERVATION. , to be effective July 1, 2011, to regulate the removal of trees over 10” in caliper within a given setback area, following XVID. LARGE HOUSE REVIEW. to read as follows:

SECTION XVIIE TREE PROTECTION & PRESERVATION

A. TITLE.

Section XVIIE may be cited as the “Town of Wellesley Tree Bylaw” and/or “Tree Bylaw”.

B. INTENT AND PURPOSE.

The intent of Section XVIIE is to encourage the preservation and protection of sizeable trees on portions of private property during significant demolition and/or development activity.

Trees are recognized for their abilities to improve air quality, protect from glare and heat, reduce noise, aid in the stabilization of soil, provide natural flood and drainage control, create habitats for wildlife, enhance aesthetics and property values, contribute to the distinct character of certain neighborhoods, and provide natural privacy to neighbors. Therefore, the Town deems that the preservation and protection of certain trees on private property, the requirement to replant trees to replace those removed, and the collection of financial contributions to support the Town’s tree planting and maintenance efforts are public purposes that protect the public health, welfare, environment and aesthetics.

C. DEFINITIONS.

For the purposes of Section XVIIE, the following definitions shall apply.

Caliper - Diameter of a tree trunk (in inches). For trees up to and including four (4) inches in diameter, the caliper is measured six (6) inches above the existing grade at the base of the tree. For trees larger than four (4) inches in diameter, the caliper is measured twelve (12) inches above the existing grade at the base of the tree.

Certified Arborist – A professional arborist possessing current certification issued by the International Society of Arboriculture (I.S.A.) and/or the Massachusetts Arborist Association (M.A.A.).

Critical Root Zone (CRZ) - The minimum area beneath the canopy of a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ is represented by a concentric circle centering on the tree's trunk and extending outward towards the tree’s drip-line. The minimum area of the CRZ

shall be dependent on the required minimum radius of the CRZ; the required minimum radius of the CRZ shall be determined by multiplying a tree's DBH (in inches) by eighteen (18) inches, with the resulting product constituting the minimum radius of the CRZ. EXAMPLE: A tree with a DBH of twenty (20) inches shall have a CRZ with a minimum radius of 360 inches or 30 feet (20" x 18" = 360" or 30').

Diameter at Breast Height (DBH) - The standard measure of tree size for those trees existing on a site that are at least four (4) inches in diameter at a height of four and one-half (4.5) feet above the existing grade at the base of the tree. If a tree splits into multiple trunks below four and one-half (4.5) feet above the existing grade, the DBH shall be considered to be the measurement taken at the narrowest point beneath the split.

Drip-Line - The area surrounding the tree from the trunk to the outermost branches. This area is distinguished from, and not to be confused with Critical Root Zone.

Overstory Tree - A tree that will generally reach a mature height of greater than forty (40) feet.

Protected Tree - Any existing tree or tree that was removed within twelve (12) months prior to application for an applicable demolition or building permit, with a DBH of ten (10) inches or greater, located in a Tree Yard of a property zoned Single Residence District or General Residence District, or located anywhere on property zoned other than Single Residence District or General Residence District. Any tree with a DBH of ten (10) inches or greater with portions of the stem of the tree actively growing into a Tree Yard between a height of six (6) inches and four and one-half (4.5) feet above grade shall be considered a Protected Tree.

Tree - Any self-supporting, woody perennial plant usually having a single trunk with a diameter of three (3) inches or more which normally attains a mature height of six (6) feet or greater.

Tree Bank - An account established for the deposit of contributions in lieu of tree replanting as required by Section XVII. Funds deposited in this account shall be used solely for the purpose of buying, planting and maintaining trees in the Town.

Tree Protection & Mitigation Plan - A plan submitted to the Building Department for review prior to the commencement of demolition and/or construction on a property on which a Protected Tree is located. This plan may be either part of a landscape plan and/or a separate plan.

Tree Removal - Any act that causes a tree to die or will cause a tree to die within a three (3) year period as determined by the Department of Public Works - Park & Tree Division based on arboricultural practices recommended by the International Society of Arboriculture (I.S.A.).

Tree Save Area - The area surrounding a tree which includes at a minimum the Critical Root Zone (“CRZ”) and Drip-Line of all Protected Trees, unless otherwise authorized herein. The Tree Save Area must be enclosed within a fence and remain undisturbed so as to prevent damage to the tree.

Tree Yard - The area of a parcel zoned Single Residence District or General Residence District located adjacent to all front, side, and rear lines of a lot; Tree Yards shall have a minimum depth as specified in the table entitled “Location of Protected Trees on Property Zoned Single Residence District or General Residence District”, contained in subsection F.1. of Section XVIIE. Trees having a DBH of ten (10) inches or greater and located within a Tree Yard shall be considered to be Protected Trees.

D. APPLICABILITY.

1. Applicability: The requirements of Section XVIIE shall apply under any of the following circumstances:
 - a. Proposed demolition of an existing structure with a footprint of 250 square feet or greater;
 - b. Construction of retaining walls subject to the requirements of Section XXIID., Retaining Walls;
 - c. Construction of any building or structure on a vacant lot; or
 - d. Construction of one or more structures or additions to structures on a lot, where the total area of the footprint of the new structures will result in an increase of 50% or more of the total footprint of the pre-existing structure(s).
2. Non-applicability: The requirements of Section XVIIE shall not apply to:
 - a. The subdivision of land under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land In Wellesley Massachusetts, wherein the Planning Board regulates the planting, retention and/or replacement of trees, by means of the Board's authority over the subdivision of land;
 - b. Construction subject to Large House Review, wherein the Planning Board regulates the planting, retention and/or replacement of trees located on private residential land;
 - c. Those areas of property under the jurisdiction of the Wetlands Protection Act (Chapter 131 and 310 CMR), wherein the Wetlands Protection Committee regulates the retention and/or replacement of trees located on private land. Protected trees located outside areas under the jurisdiction of the Wetlands Protection Committee shall be subject to Section XVIIE;

- d. Town-owned public trees, including trees that are considered to be Public Shade Trees pursuant to M.G.L. Chapter 87, which are protected by the Natural Resources Commission acting as the Town's Tree Warden.
 - e. Emergency projects necessary for public safety, health and welfare as determined by the Inspector of Buildings;
 - f. Trees that are hazardous as determined and confirmed in writing by a Certified Arborist; and
 - g. Trees subject to an immediate and/or probable risk of disease or insect infestation, as determined and confirmed in writing by a Certified Arborist.
3. Existing Encroachments: For the purposes of interpreting, administering, and enforcing Section XVIIE and Section XVII, Pre-Existing Non-Conforming Uses, Structures and Lots, an existing structure shall not be considered to be a nonconforming structure solely because the structure, or a portion of the structure, is located within the CRZ and/or Drip-Line of an existing Protected Tree. The reconstruction of demolished structures or portions of structures within the previously encroached area of the CRZ and/or Drip-Line shall be prohibited, except when consistent with the requirements of Section XVIIE.

E. TOWN OF WELLESLEY TREE BANK.

There is hereby established a Town of Wellesley Tree Bank ("Tree Bank") which shall be held by the Town Treasurer in an account administered by the Department of Public Works - Park & Tree Division in accordance with applicable provisions of the General Laws. Any contributions collected per subsection F.2.b.ii. of Section XVIIE shall be deposited in said Tree Bank, and shall be used solely for the purpose of buying, planting and maintaining trees in the Town.

F. PROTECTED TREES.

1. Scope: Existing trees or trees that were removed within twelve (12) months prior to application for an applicable demolition or building permit with a DBH of 10" or greater and located within the minimum Tree Yard of a property zoned Single Residence District or General Residence District as identified in the following table, shall be considered to be Protected Trees.

Existing trees or trees that were removed within twelve (12) months prior to application for an applicable demolition or building permit with a DBH of 10" or greater and located anywhere on property zoned other than Single Residence District or General Residence District, shall be considered to be Protected Trees.

Demolition and/or construction activity (as identified under subsection D.1. of Section XVIIE) on a property on which a Protected Tree is located is prohibited unless authorized by the Inspector of Buildings as set forth in this subsection.

Location of Protected Trees on Property Zoned Single Residence District or General Residence District			
Zoning District	Minimum Tree Yard (feet)		
	Front	Side	Rear
SRD 10	20	10	10
SRD 15	20	20	20
SRD 20	20	20	20
SRD 30	40	30	30
SRD 40	40	40	40
General Residence District	20	10	10

2. Tree Protection & Mitigation:

- a. Protection: Each Protected Tree to be retained on property planned for demolition and/or construction activity shall be protected by the establishment of a Tree Save Area. The Tree Save Area shall be delineated within the submitted Tree Protection & Mitigation Plan, shall be installed prior to the issuance of applicable permits, and shall remain in place until work is completed on the property. The applicant shall submit written documentation, prepared, stamped, dated and signed by a Certified Arborist, to the Building Department confirming that the required Tree Save Area identified in the Tree Protection & Mitigation Plan has been installed.

An applicant may choose to encroach within the CRZ and/or Drip-Line of a Protected Tree; however, such proposed action shall require the applicant to submit a maintenance plan for the tree, to be prepared, stamped, dated and signed by a Certified Arborist as part of the Tree Protection & Mitigation Plan. Under these instances, the Tree Save Area may be reduced to protect only those areas of the CRZ and/or Drip-Line not proposed for encroachment.

- b. Mitigation: The removal of a Protected Tree from a property in connection with one or more of the circumstances set forth in subsection D.1. shall require mitigation by satisfying one of the following provisions (i. *Replanting of Trees* or ii. *Contribution to the Town of Wellesley Tree Bank*). Mitigation measures shall be identified in the submitted Tree Protection and Mitigation Plan. The removal or proposed removal of a Protected Tree(s) that has been mitigated for, in conjunction with a previous applicable permit, shall not require additional

mitigation under subsequent permits, unless such mitigation has not been completed or otherwise assured.

- i. *Replanting of Trees*: For each inch of DBH of the tree(s) removed no less than one-half (0.5) inch of caliper of new tree(s) shall be replanted in accordance with the following:
 1. Each new tree must have a minimum caliper of two (2) inches;
 2. Such replanting, either on the applicant's land or on land abutting the applicant's land with the express written approval of the owner of such abutting land, shall occur prior to Final Inspection, or be otherwise assured at such time to the satisfaction of the Town in a manner consistent with the Rules and Regulations;
 3. If the Protected Tree to be removed is an Overstory Tree species, the replacement tree(s) to mitigate the removal shall be an Overstory Tree species; and
 4. Invasive tree species, as determined by the Department of Public Works - Park & Tree Division, shall not be replanted to mitigate the removal of a Protected Tree.
- ii. *Contribution to the Town of Wellesley Tree Bank*: The Board of Selectmen shall establish a Tree Bank contribution schedule, such schedule to be based on the DBH of Protected Tree(s) to be removed. The schedule may take into account the aggregate DBH of Protected Trees to be removed. The applicant shall make such contribution to the Tree Bank for the removal of a Protected Tree not already mitigated for per subsection F.2.b.i.; contributions shall be received by the Building Department prior to the issuance of all applicable permits.

3. Plan Review and Permit Issuance:

- a. *Tree Protection & Mitigation Plan Submittal*: Prior to the issuance of a permit in connection with one or more of the circumstances set forth in subsection D.1. on property on which a Protected Tree is located or was located within twelve (12) months prior to application, the owner of the property shall submit a Tree Protection & Mitigation Plan to the Building Department along with the applicable application.

If a permit requiring the submittal of a Tree Protection & Mitigation Plan was issued for a property within twelve (12) months prior to application for one or more of the circumstances set forth in subsection D.1., the submittal of a Tree Protection & Mitigation Plan shall not be required for subsequent permits unless any information required under subsection F.3.b. is changed or altered.

- b. **Tree Protection & Mitigation Plan Requirements:** The submitted Tree Protection & Mitigation Plan shall be a to-scale survey or site plan, along with any accompanying documentation, containing information prepared, stamped, dated and signed by an individual(s) appropriately licensed and authorized by the State of Massachusetts to attest to and certify such information, unless a specific certification is referenced herein. The plan shall include, but not be limited to, the following information:
- i. Boundaries of the subject property, including all property lines, easements, and right-of-ways of public and private ways;
 - ii. The location of all existing buildings, driveways, retaining walls and other improvements, with an indication of those features to be retained or removed/demolished;
 - iii. The location of all planned buildings, driveways, retaining walls and other improvements;
 - iv. The location, height, DBH, and species of all existing Protected Trees and all Protected Trees that were removed within twelve (12) months prior to application for an applicable demolition or building permit, with an indication of those Protected Trees to be removed and those to be retained, if applicable;
 - v. The CRZ, drip-line and location of the Tree Save Area shall be shown for all Protected Trees to be retained;
 - vi. The location, caliper, species, and planting schedule of trees to be replanted to mitigate the removal of a Protected Tree(s), if applicable;
 - vii. A maintenance plan prepared, stamped, dated and signed by a Certified Arborist for all Protected Trees which are proposed to have encroachment within the CRZ and/or drip-line, if applicable;
 - viii. The amount to be contributed to the Tree Bank to mitigate the removal of a Protected Tree(s), if applicable; and
 - ix. Such other information as is required by the Inspector of Buildings pursuant to applicable regulations.
- c. **Tree Bank Contribution:** In lieu of replanting, if applicable, the owner of the property shall submit any required contribution to the Tree Bank as mitigation for the removal of a protected tree.
- d. **Building Department Action:** If the Tree Protection & Mitigation Plan is consistent with the protection and mitigation requirements contained herein and

any established rules, regulations or manuals, and any applicable Tree Bank contribution has been submitted, the Building Department may issue any applicable permit. If the proposal does not meet or satisfy these requirements, the Building Department shall deny all applicable permit applications and so notify the applicant.

4. Maintenance of Protected and Replanted Trees:

- a. Protected Trees: Each Protected Tree retained shall be maintained in good health for a period of no less than twenty-four (24) months from the date of Final Inspection, or issuance of a Certificate of Occupancy if applicable. Should such tree die within this twenty-four (24) month period, the owner of the property shall be required to provide mitigation consistent with the requirements for the removal of a Protected Tree as contained herein within nine (9) months from the death of the original tree.
- b. Replanted Trees: All new trees replanted to mitigate the removal of Protected Tree(s) shall be maintained in good health for a period of no less than twenty-four (24) months from the date of planting. Should such tree die within this twenty-four (24) month period, the owner of the property shall be responsible for replacing the tree with a tree equal to or greater than the size of the original replacement tree at the time of planting; such tree shall be planted within nine (9) months of the death of the original replacement tree.

G. RULES AND REGULATIONS.

The Planning Board may promulgate or amend Rules and Regulations which pertain to the administration of Section XVIE, and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and specifications, the procedure for the submission and approval of such plans, the procedure for determining final compliance with these regulations, and the criteria and procedure regarding the Planning Board's acceptance of sureties (i.e., bonds, letters of credit, etc.) intended to satisfy the requirements of subsection F., 2., b., i. of Section XVIE, so long as the Rules and Regulations conform to Section XVIE of the Zoning Bylaw. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

ARTICLE 35. To see if the Town will vote to amend the Zoning Bylaw SECTION XIVB. FLOOD PLAIN OR WATERSHED PROTECTION DISTRICTS., to meet the new requirements of the Federal Emergency Management Agency (FEMA) and to ensure compliance with the requirements of the National Flood Insurance Program; or take any other action relative thereto.

No motion offered.

ARTICLE 36. To see if the Town will vote to amend the Zoning Map by establishing two new Historic District Overlays to be located at (a) 38 Lowell Road, to be known as the Tufts House Historic District and (b) at 377 Weston Road, to be known as the Methodist Meeting House Historic District; or take any other action relative thereto.

MOTION 1. Don McCauley, Precinct A, Planning Board offered the following motion. Helen Robertson, Chair Historical Commission spoke in support of the motion which was

VOTED, by declared voice vote, 2/3 required, that the Zoning Map be amended by establishing as a HISTORIC DISTRICT land now included within a SINGLE RESIDENCE DISTRICT at 377 Weston Road as shown on a plan entitled “Plan of Proposed Single Building Historic District Methodist Meeting House Historic District 377 Weston Road, Wellesley, MASS.” by Stephen S. Fader, Town Engineer, dated February 1, 2011, a copy of which is on file at the Office of the Town Clerk.

MOTION 2. Don McCauley, Precinct A, Planning Board offered the following motion. Helen Robertson, Chair Historical Commission spoke in support of the motion which was

VOTED, by declared voice vote, 2/3 required, That the Zoning Map be amended by establishing as a HISTORIC DISTRICT land now included within a Single Resident District at 38 Lowell Road as shown on a plan entitled “Plan of Proposed Single Building Historic District Tufts House Historic District 38 Lowell Road Wellesley, MASS.” by Stephen S. Fader, Town Engineer, dated February 1, 2011, a copy of which is on file at the Office of the Town Clerk.

The Moderator declared a short break at 9:00 pm, the meeting resumed at 9:15 pm.

ARTICLE 37. To see if the Town will vote to amend SECTION III. SINGLE RESIDENCE A., to establish a special permit provision for temporary or occasional outdoor sales of farm produce or natural products located within a parking area; or take any other action relative thereto.

Don McCauley, Precinct A, Chair Planning Board offered the following motion. Jean Conroy, member Planning Board spoke in support of the motion which was

VOTED, by declared voice vote, 2/3 required, that the Town vote to amend SECTION III. SINGLE RESIDENCE A. of the Zoning Bylaw, to establish a special permit provision for temporary or seasonal outdoor sales of farm produce or natural products, as follows:
by adding to the end of section A. the following:

- “4. Any of the following additional uses upon the granting of a special permit as provided in SECTION XXV:

- a) Temporary or seasonal outdoor sales of farm produce or natural products.”

so the entire section A. will read as follows:

- A. In Single Residence Districts A. no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except:
 - 1. Any purpose authorized in a Single Residence District in accordance with and subject to the provisions of SECTION II; or for
 - 2. The temporary open surface parking of passenger cars of persons residing within four hundred (400) feet of such land, and the guests of such persons; or for
 - 3. The temporary open surface parking of passenger cars of employees, customers or guests of establishments which constitute a use permitted by this Bylaw in the district (a) in which such land is situated or, (b) on which it abuts or from which it is separated by a way, provided said cars are not serviced or held for sale or lease on such land.
 - 4. Any of the following additional uses upon the granting of a special permit as provided in SECTION XXV:
 - a) Temporary or seasonal outdoor sales of farm produce or natural products.

ARTICLE 38. To see if the Town will vote to adopt the Stretch Energy Code, so called, by amending the Town Bylaws to incorporate the provisions set forth in 780 CMR Appendix 115.AA, including any future amendments or modifications; or take any other action relative thereto.

Suzanne Littlefield, Precinct A, Sustainable Energy Committee, offered the following motion. Christopher Ketchen, Deputy Director General Government, spoke in support of the motion and explained the effect of adoption. Barbara Searle, Board of Selectmen, offered the Board of Selectmen support for the motion.

After discussion the Moderator called for the vote. She could not determine the vote and asked for a standing counted vote.

The motion was **VOTED, 130 yes-41 no**, that the Town hereby adopts the Stretch Energy Code, so called, as set forth in 780 CMR Appendix 115.AA;

And further, that the Town Bylaws be amended by inserting the following sentence at the end of Article 23.5 Inspector of Buildings:

“The Inspector of Buildings shall also enforce the Stretch Energy Code, so called, as appearing in 780 CMR Appendix 115.AA, or any amendments thereto.”

ARTICLE 39. To see if the Town will vote to amend the Town Bylaws where necessary in order to conform to the statutory changes in the Open Meeting Law, G.L. c. 30A, §§ 18 et seq., a list of changes being proposed on file in the office of the Board of Selectmen; or take any other action relative thereto.

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

VOTED, unanimously, that the Town Bylaws be amended to bring them into conformity with the new Open Meeting Law, G.L. c. 30A, §§ 18-25, as follows.

FIRST, strike Articles 2. MEETINGS and 3. NOTICES in their entirety and substitute the following:

ARTICLE 2. OPEN MEETINGS

2.1 Intent of Articles 2, 2A and 3. This Article, and the following Articles 2A and 3, are intended to fairly summarize the Open Meeting Law for the Town’s convenience, but reviewing the law itself, G.L. c. 30A, Sections 18-25, and asking the advice of Town Counsel on any particular point, are encouraged.

2.2 Meetings to be open to the public: Except for meetings duly convened in executive session, all meetings of a board shall be open to the public in accordance with the Open Meeting Law.

2.3 Notice: Except in an emergency, in addition to any notice otherwise required by law, a board shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a board shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.

2.4 Notice to be filed and posted. Except as the Attorney General may otherwise provide, notice shall be filed with the town clerk and posted in a manner conspicuously visible to the public at all hours in or on Town Hall.

2.5 Remote Participation: [Reserved for future use in the event the attorney general authorizes remote participation]

2.6 Recording the Meeting: After notifying the chair, any person may make a video or audio recording of a meeting or may transmit the meeting through any medium, subject to reasonable

requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. At the beginning of the meeting the chair shall inform other attendees of any such recordings.

2.7 Addressing the Meeting: No person shall address a meeting without permission of the chair, and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.

2.8 Board members to acknowledge receipt of a copy of the Open Meeting Law: Within 2 weeks of qualification for office, all persons serving on a board shall certify, on a form prescribed by the attorney general, the receipt of a copy of the open meeting law, regulations promulgated thereunder and a copy of the educational materials prepared by the attorney general explaining the open meeting law and its application. Unless otherwise directed or approved by the attorney general, the town clerk shall obtain such certification from each person upon entering service and shall retain it subject to the applicable records retention schedule. The certification shall be evidence that the member of a board has read and understands the requirements of the open meeting law and the consequences of violating it.

ARTICLE 2A. MEETINGS IN EXECUTIVE SESSION

2A.1 The purposes for which an Executive Session may be convened: A board may meet in executive session only for the following purposes:

(1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the board at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A board shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

- i. to be present at such executive session during deliberations which involve that individual;
- ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
- iii. to speak on his own behalf; and
- iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

- (2). To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
- (3). To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the board and the chair so declares;
- (4). To discuss the deployment of security personnel or devices, or strategies with respect thereto;
- (5). To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
- (6). To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the board;
- (7). To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;
- (8). To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;
- (9). To meet or confer with a duly qualified mediator, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:
 - (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
 - (ii) no action shall be taken by any board with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session;
- (10). To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by the municipal light plant, provided disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

2A.2 Procedure for going into and coming out of Executive Session: A board may meet in executive session for 1 or more of the purposes enumerated above provided that:

- (1) the body has first convened in an open session;
- (2) a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;
- (3) before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
- (4) the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and
- (5) accurate records of the executive session shall be maintained as required.

ARTICLE 3. MINUTES

3.1 Minutes to be kept; content of minutes: A board shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.

3.2 Secret ballot forbidden; votes at executive session to be by roll call: No vote taken at an open session shall be by secret ballot. Any vote taken at an executive session shall be recorded by roll call and entered into the minutes.

3.3 Minutes to be created, approved in a timely manner and posted on the Town website: Minutes of all open sessions shall be created, approved and posted on the Town website in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days.

3.4 Documents and other things to be part of the official records: Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be part of the official record of the session.

3.5 Minutes as public records: The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure. Notwithstanding this paragraph, the following materials shall be exempt from disclosure to the public as personnel information: (1) materials used in a performance evaluation of an individual bearing on his professional competence, provided they were not created by the members of the body for the purposes of the evaluation; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt.

3.6 Minutes of Executive Session: The minutes of any duly convened executive session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, may be withheld from disclosure to the public in their entirety as long as publication may defeat the lawful purposes of the executive session, but no longer.

3.7 Declassifying Executive Session Minutes: When the purpose for which a valid executive session was held has been served, the minutes, preparatory materials and documents and exhibits of the session shall be disclosed unless the attorney-client privilege or 1 or more of the applicable exemptions apply to withhold these records, or any portion thereof, from disclosure.

3.8 For purposes of this Article, if an executive session is held then the minutes, preparatory materials and documents and exhibits used at the session may be withheld from disclosure to the public in their entirety, unless and until such time as a litigating, negotiating or bargaining position is no longer jeopardized by such disclosure, at which time they shall be disclosed unless the attorney-client privilege or 1 or more of the applicable exemptions apply to withhold these records, or any portion thereof, from disclosure.

3.9 Executive session minutes to be reviewed at reasonable intervals and at least annually:

(a) The board, or its chair or designee, shall, at reasonable intervals, review the minutes of executive sessions to determine if continued non-disclosure is warranted. Such determination shall be announced at the body's next meeting and such announcement shall be included in the minutes of that meeting.

(b) Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the board shall respond to the request within 10 days, following receipt and shall release any such minutes not covered by an exemption, provided, however, that if the board has not performed a review pursuant to the above paragraph, the board shall perform the review and release the non-exempt minutes, or any portion thereof, not later than the board's next meeting or 30 days, whichever first occurs. A board shall not assess a fee for the time spent in its review.

SECOND: Delete the definition of "Board" in Section 1.2.a and substitute the following:

a. "Board" means a multiple-member board, commission, committee or sub-committee however created, elected, appointed or otherwise constituted.

THIRD: Substitute the words "chair" and "vice-chair" wherever they appear (e.g., Sections 6.8, 11.8, 25.4j and 35.6) for the words chairman and vice-chairman.

FOURTH: Strike Section 6.11 Minutes since the subject is now covered in the new Article 3 and note in the bylaws that 6.11 is "reserved for future use".

FIFTH: Strike 6.20 Publishing the Agenda and substitute the following:

“6.20 Posting the Agenda on the Town web-site. In addition to filing with the Town Clerk, each meeting’s agenda shall be posted on the Town web-site.”

ARTICLE 40. To see if the Town will vote to request that the Board of Assessors examine whether the Wellesley Country Club duly qualifies as a charitable corporation for purposes of tax assessments, and further to see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money for expert appraisers and other consultants to assist the Board of Assessors in executing the foregoing charge; or take any other action relative thereto.

No motion offered.

The Moderator then took articles that had been deferred from earlier sessions.

ARTICLE 31. No motion offered.

ARTICLE 5. MOTION 5

Susan Hurwitz, Precinct B, Human Resources Board offered the following motion. Hans Larsen, Executive Director explained the terms of the contract and the financial obligations.

VOTED, by declared voice vote, that the Salary Plan as established at the 1950 Annual Town Meeting as amended, be further amended as recommended by the Human Resources Board by striking the existing Pay Schedules for the DPW/MLP Supervisory Unit, AFSCME Local 335, and inserting the new Pay Schedules as follows:

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

FY 12 (effective July 1, 2011 - 1.0%)								
DPW								
Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
S55	27.28	28.35	29.44	30.47	31.71	32.94	34.45	35.82
S54	25.61	26.61	27.64	28.62	29.75	30.91	32.34	33.63
S53	22.98	25.00	25.94	26.87	27.95	29.03	30.37	31.58
MLP								
Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
ES54	26.00	27.01	28.05	29.04	30.20	31.36	32.83	35.50
S54	26.00	27.01	28.05	29.04	30.20	31.36	32.83	

S53	23.30	25.36	26.33	27.26	28.36	29.45	30.82	
S50	20.20	21.00	21.77	22.57	23.48	24.38	25.49	

FY 13 (effective July 1, 2012 - 1.5%)								
DPW								
Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
S55	27.69	28.78	29.88	30.93	32.19	33.43	34.97	36.36
S54	25.99	27.01	28.05	29.05	30.20	31.37	32.83	34.13
S53	23.32	25.38	26.33	27.27	28.37	29.47	30.83	32.05
MLP								
Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
ES54	26.39	27.42	28.47	29.48	30.65	31.83	33.32	36.03
S54	26.39	27.42	28.47	29.48	30.65	31.83	33.32	
S53	23.65	25.74	26.72	27.67	28.79	29.89	31.28	
S50	20.50	21.32	22.10	22.91	23.83	24.75	25.87	

FY 14 (effective July 1, 2013 – 2%)								
DPW								
Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
S55	28.24	29.36	30.48	31.55	32.83	34.10	35.67	37.09
S54	26.51	27.55	28.61	29.63	30.80	32.00	33.49	34.81
S53	23.79	25.89	26.86	27.82	28.94	30.06	31.45	32.69
MLP								
Job Group	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
ES54	26.92	27.97	29.04	30.07	31.26	32.47	33.99	36.75
S54	26.92	27.97	29.04	30.07	31.26	32.47	33.99	
S53	24.12	26.25	27.25	28.22	29.37	30.49	31.91	
S50	20.91	21.75	22.54	23.37	24.31	25.25	26.39	

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 including a new revolving fund for Wetlands Consultant fees; or take any other action relative thereto.

MOTION 1. Ellen Gibbs, Precinct A, Board of Selectmen, offered the following revised motion which was

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

Street Opening Maintenance, said funds to be expended under the direction of the Department of Public Works, annual expenditures not to exceed \$200,000;

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 \$104,000;

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

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

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

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

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

Library room rental, said funds to be expended under the direction of the Library Department, annual expenditures not to exceed \$20,000;

Branch Library Maintenance, said funds to be expended under the direction of the Library Department, annual expenditures not to exceed \$75,000;

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

MOTION 2. Ellen Gibbs, Precinct A, Board of Selectmen, offered the following motion which was

VOTED, unanimously, that the Town vote to establish a revolving fund, effective for Fiscal Year 2012, pursuant to Section 53E ½ of Chapter 44 of the General Laws, as amended, for the following purpose:

Turf Field fund, expenditures from said fund to be made under the direction of the Department of Public Works, annual expenditures not to exceed \$25,000;

MOTION 3. Ellen Gibbs, Precinct A, Board of Selectmen, offered the following motion which was

VOTED, unanimously, That the Town vote to establish a revolving fund, effective for fiscal 2012, pursuant to Section 53E ½ of Chapter 44 of the General Laws, as amended, for the following purpose:

Tree Bank, said expenditures to be expended under the direction of the Department of Public Works, Park and Tree Division for the sole purpose of buying, planting and maintaining trees in the Town of Wellesley, annual expenditures not to exceed \$75,000.

ARTICLE 41. 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; to authorize the transfer of unused proceeds from previously issued loans to one or more eligible appropriations; or take any other action relative thereto.

MOTION 1. Terry Tsagaris, Precinct D, Board of Selectmen, offered the following motion which was

VOTED, unanimously, to rescind \$2,728,535 in unused borrowing authorization approved as follows:

Amount

<u>Authorized</u>	<u>Article/(Motion)</u>	<u>Authorized</u>	<u>Purpose</u>
\$3,207,000	23/(1)	4/24/07	School Infrastructure
<u>Reduced by</u> (\$478,465)	34/(1)	5/3/10	Applied prior balances

such amounts being no longer needed to complete the projects for which they were initially authorized and which sums were never borrowed.

MOTION 2. Terry Tsagaris, Precinct D, Board of Selectmen, offered the following motion which was

VOTED, unanimously, to rescind \$85,000 in unused borrowing authorization approved as follows:

Originally

Authorized

\$700,000

Article/(Motion)

20, 1

Authorized

4/02/08

Purpose

Sprague Field Turf

such amounts being no longer needed to complete the projects for which they were initially authorized and which sums were never borrowed.

ARTICLE 42. 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 therefor; or take any other action relative thereto.

No motion offered.

ARTICLE 43. 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, 2010; or take any other action relative thereto.

No motion offered.

ARTICLE 44. 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 45. 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 46. 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.

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

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

The Moderator commended the Town Boards and Department Staff, Advisory Committee for outstanding work done to prepare for this Town Meeting. She asked the Town Meeting to offer their appreciation to Advisory Committee Chair Jack Haley, Secretary Virginia Ferko, and members who have completed their terms: Rick Hill, Barbara McMahon, Steve Simons, Jason Whittet and Caren Parker.

Katherine L. Babson, Jr., Chair Board of Selectmen offered appreciation to the Moderator for her leadership of the Meeting.

Katherine L. Babson, Jr., Chair of the Board of Selectmen offered a motion to dissolve which was

VOTED, unanimously, that this Annual Town Meeting be and hereby is dissolved.

The Meeting dissolved at 11:03 pm.

ATTEST:

Kathleen F. Nagle
Town Clerk