



NOTICE OF PUBLICATION OF ATM 2022 AMENDMENTS to the TOWN BYLAW

Posted June 30, 2022

The Town of Wellesley shall henceforth publish amendments to the Town Bylaw and Zoning bylaw by way of a pamphlet and post said pamphlet in each precinct and on the bulletin board of the Town Hall and on the website for the Town of Wellesley (www.wellesleyma.gov) (MGL Chapter 40 Section 32).

Town Bylaw Amendments (ATM 2022)

- **Article 9**, TBL Amendment – Amend Article 55, Revolving Funds
- **Article 28**, TBL Amendment – Amend Article 49, to Allow Service and Consumption of Alcohol on Sidewalks/Rights of Way in Commercial Districts
- **Article 29**, TBL Amendment – Amend Articles 12 and 19, Climate Action Committee Staff Reporting Structure
- **Article 30**, TBL Amendment – Amend Article 39 – Wellesley Housing Authority Board Composition
- **Article 31**, TBL Amendment – Amend Article 52 – Fine for Instructors who use Town Resources for Private Gain

ARTICLE 9

REVISED LANGUAGE Town Bylaw Article 55 -- Revolving Funds

That the Town, Pursuant to Section 53E1/2 of Chapter 44 of the Massachusetts General Laws, set the limit on the total amount that may be spent from each revolving fund for Fiscal Year 2023 as follows:

- a. Street Opening Maintenance Fund: \$225,000.00
- b. DPW Field Use Fund: \$200,000.00
- c. Turf Field Fund: \$150,000.00
- d. Tree Bank Fund: \$75,000.00
- e. Baler, Compacters and other RDF Equipment Repair Fund: \$50,000.00
- f. Council on Aging Social and Cultural Programs Fund: \$140,000.00
- g. Teen Center Program Revenues Fund: \$50,000.00
- h. Library Room Rental Fund: \$35,000.00

- i. Lost/Damaged Library Materials Replacement Fund: \$20,000.00
- j. Brookside Community Gardens Fund: \$4,000.00
- k. Weston Road Gardens Fund: \$7,000.00
- l. Library Copier Fees Fund: \$20,000.00
- m. Cultural Council Revenues Fund: \$6,500.00

ARTICLE 28

REVISED LANGUAGE Town Bylaw Article 49.19 To Allow Service and Consumption of Alcohol on Sidewalks/Rights of Way in Commercial Districts

That the Town amend General Bylaw Article 49.19 Possession and Use of Alcoholic Beverages, to permit the consumption of alcohol within public rights of way (streets, parking areas, and sidewalks) or town owned grounds, and in connection with a liquor license issued by the Select Board, as the licensing authority, pursuant to G.L. c.138, Chapter 635 of the Acts of 1982, or Chapter 25 of the Acts of 2012, as follows:

1. By striking the first paragraph of Article 49.19, in its entirety, and inserting, in place thereof, the following:

Drinking or possession of any alcoholic beverage, as defined in G.L. c. 138, while in or upon any building or grounds under the control of the Wellesley School Committee is prohibited. Consumption of alcoholic beverages while in or upon all other Town owned buildings or grounds is also prohibited, except as follows:

1. Within Town buildings (a) pursuant to a temporary liquor license issued by the Select Board, or (b) with the prior written approval of the Select Board if alcohol is served and consumed pursuant to a caterer's license under G.L. c.138, §12C; and
2. Upon Town owned grounds under the jurisdiction of the Select Board, including, but not limited to, rights of way, sidewalks, and parking lots, and located within Wellesley Square Commercial District, Lower Falls Commercial District, Linden Square Overlay District, Business Districts, and Business A Districts, insofar as may be allowed by a license or land lease issued by the Select Board.

And

2. By inserting the phrase "unless in compliance with this section" after the phrase "within the limits of the Town" in the second paragraph of Article 49.19.

ARTICLE 29

REVISED LANGUAGE

Town Bylaw Articles 12 and 19 – Climate Action Committee Staff Reporting Structure

That the Town change the reporting structure for the Sustainability Director from the Climate Action Committee to the Executive Director of General Government Services, as follows:

1. Delete Section 12.4, in its entirety, and insert a new Section 12.4, in place thereof, as follows:

12.4 Staff. The Executive Director, pursuant to Section 19.33, shall appoint a Sustainability Director, to assist the Committee in carrying out its work. The Sustainability Director shall report to the Executive Director.

And

2. Insert in Section 19.33, the phrase “, Sustainability Director,” after the phrase “Facilities Management Director (2012)”, as follows:

The Executive Director shall appoint the Finance Director, the Facilities Management Director (2012), the Sustainability Director, and the IT Director, such appointments to be subject to the approval of the Select Board (hereinafter referred to as “principal staff”) and such other staff as the Executive Director shall deem appropriate and for which funding has been provided. The Executive Director shall exercise general supervision over all Town departments for which the Select Board is the appointing or employing authority.

ARTICLE 30

REVISED LANGUAGE

Town Bylaw Article 35 – Housing Authority Composition

That the Town amend Article 35. Housing Authority of the General Bylaws to reduce the number of elected officials to three (3), and to add provisions for a tenant of the Housing Authority to be appointed by the Select Board, as follows:

1. Amend Section 35.1 to read as follows:

35.1 Membership. The Town shall have a Housing Authority (for purposes of this Article 35, the “Authority”) consisting of five residents, three elected by the Town, one appointed by the Massachusetts Department of Housing and Community Development, and one, a tenant of the Authority, appointed by the Select Board.

And

2. Amend Section 35.3 to read as follows:

35.3 Vacancy. A vacancy in the state appointed position shall be filled by the Massachusetts Department of Housing and Community Development for the balance of the unexpired term. A vacancy in the town-appointed tenant position shall be filled by the Select Board. A vacancy among the elected members shall be filled as provided in Section 7.3 of the General Bylaws.

ARTICLE 31

REVISED LANGUAGE

Town Bylaw Article 52 – Fine for Instructors who Use Town Resources for Private Gain

That the Town amend Article 52. Bylaw, Rule or Regulations Violations, Non-Criminal Disposition of the General Bylaws by adding a new subsection h under Section 52.B.1 to establish a non-criminal disposition for individuals who, as follows:

(h) Use of Town Recreational Resources for Commercial Gain Without a Permit

School Committee (Article 38)

[1] Enforcement agents: School Committee or designee.

[2] Fine schedule: For use of Town resources for commercial gain: first offense, fifty dollars (\$50); second offense, one hundred dollars (\$100); third and subsequent offenses, two hundred fifty dollars (\$250).

Natural Resources Commission (Article 43)

[1] Enforcement agents: Natural Resources Commission or designee.

[2] Fine schedule: For use of Town resources for commercial gain: first offense, fifty dollars (\$50); second offense, one hundred dollars (\$100); third and subsequent offenses, two hundred fifty dollars (\$250).

Town Bylaws so amended shall become effective June 30, 2022 the date of this publication.

Claims of invalidity of the amendments to the Town Bylaws by reason of any defect in the procedure of adoption or amendment may only be made within ninety (90) days of the date of posting, said posting date being June 30, 2022 and said deadline September 28, 2022.