

# WARRANT FOR SPECIAL TOWN MEETING November 28, 2017



Commonwealth of Massachusetts  
Middlesex, ss.

To any Constable in the Town of Weston, Greetings:

In the name of The Commonwealth you are hereby required to notify and warn the voters of said Town, qualified to vote in elections and Town affairs, to meet in the Auditorium of the Senior High School in said Town on Tuesday, the twenty-eighth day of November 2017, at 7:00 o'clock p.m., to act upon the following articles:

## **ARTICLE 1: APPROPRIATE FOR HISTORIC RESOURCES – WESTON ART & INNOVATION CENTER**

To appropriate a sum of money for historic resources purposes under the Community Preservation Program to pay costs of constructing improvements to preserve, rehabilitate and restore the historic Old Library building, located at 356 Boston Post Road, as a branch of the Weston Public Library to be known as the Weston Art & Innovation Center, including all related incidental costs; to be spent under the direction of the Town Manager, said sum to be raised by borrowing under the authority of M.G.L. Chapter 44B, Section 11, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; or take any other action relative thereto.

*Article 1 Explanation: The Weston Art & Innovation Center ("WAIC") will transform the Old Library into an arts and technology learning center that provides multiple types of hands on instruction for all ages. The WAIC proposal keeps this historic building open to the public and preserves Town ownership. It offers a re-use that is compatible with zoning and bylaws and will not require special permission or variances. It will bring the building up to code, make it handicapped accessible, and satisfy parking requirements for municipal buildings. The proposal has a low impact on abutters, will preserve the architectural integrity of the interior and exterior of the building, and will protect the prior CPA Fund investment in exterior restoration. The Josiah Smith Tavern/Old Library Working Group unanimously supported this project as the best representation of townspeople's desired use as expressed in a town-wide survey.*

*The first floor of the building will be renovated to house several public spaces. The old reading room will become a large open space that will host art openings, recitals, lectures, films, and private functions. The old stacks will become open, flexible studio and workshop space. The old circulation desk area will become a small conference room with a warming pantry. The lower level will provide much needed accessible office and studio space for the Weston Media Center. In addition, the old children's room will become a second open, flexible studio and workshop space. The construction will include accessible bathrooms, a new stairway, a new parking lot, a new septic and all new wiring, plumbing, heating, ventilation and cooling.*

*WAIC operations will be conducted under the direction of experienced library and media staff. Fundraising, corporate sponsorships, rentals, and class fees will contribute to the cost of running the center, and library trust funds will be used to offset operating deficits.*

*CPA funds appropriated at the May 2016 Annual Town Meeting paid for full architectural and engineering services and other predevelopment expenses to enable this construction fund request. The amount to be requested under this article is up to \$4,600,000.*

**ARTICLE 2: APPROPRIATE FOR COMMUNITY HOUSING – WARREN AVENUE HOUSING**

To appropriate an additional sum of money for community housing purposes under the Community Preservation Program in order to pay costs of creating two units of affordable housing in a Town-owned duplex located at 66-68 Warren Avenue and to construct storage sheds for the affordable housing units at 66-68 and 72-76 Warren Avenue, Weston, including all related incidental costs, as a grant to the Weston Affordable Housing Trust, pursuant to a grant agreement between the Town Manager and the Weston Affordable Housing Trust, on such terms and conditions as the Town Manager, in consultation with the Community Preservation Committee, deems appropriate, and as funding therefor, to transfer said sum from the Unallocated allocation of the Community Preservation Fund; or take any other action relative thereto.

*Article 2 Explanation: In December 2014, Town Meeting appropriated CPA funds to create 7 units of permanently deed restricted community housing in 3 Town owned buildings: an existing duplex (66-68 Warren Ave.), an existing single family home (71-73 Warren Ave.), and the former Water Division garage (72-76 Warren Ave.). Due to severe winter weather conditions, unforeseen construction issues, and contractor difficulties, cost overruns occurred. The Permanent Building Committee (“PBC”), which managed project construction, chose to cut scope rather than request additional funding during construction. Five units are complete; since June 2016, 3 have been occupied by households with incomes which do not exceed 80% of the area media and 2 by households with incomes which do not exceed 100% of the area median.*

*This request will provide funding for the renovation of 66-68 Warren Ave. and the construction of storage sheds for 66-68 and 72-76 Warren Ave. to complete the project. The project is owned by the Weston Affordable Housing Trust and managed by the Brook School Apartments Management Office. The amount to be requested under this article is up to \$428,600.*

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**ARTICLE 3: APPROPRIATE FOR RECREATION – RAIL TRAIL AMENITIES DESIGN**

To appropriate a sum of money for recreation purposes under the Community Preservation Program to pay costs of designing and engineering infrastructure, landscaping, signage and amenities to the Wayside Rail Trail to be developed along the abandoned rail line in Weston, said trail shown generally on a plan on file with the Town Clerk, including all related incidental costs; to be spent under the direction of the Town Manager, said sum to be transferred from the Unallocated allocation of the Community Preservation Fund; or take any other action relative thereto.

*Article 3 Explanation: The Massachusetts Department of Conservation and Recreation, which holds a 99 year lease on 23 miles of former railroad corridor from Berlin to Waltham, and Eversource, which has the right to access and service its power lines within the corridor, intend to construct a 10 foot wide paved multi-use trail in Weston. This request will fund conceptual design of rail trail amenities including parking, plantings, and signage. The amount to be requested under this article is \$73,000.*

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**ARTICLE 4: APPROPRIATE FOR HISTORIC RESOURCES – CATTLE PASSES ALONG RAIL TRAIL**

To appropriate a sum of money for historic resources purposes under the Community Preservation Program to pay costs of preserving, rehabilitating and restoring historic cattle passes along the Wayside Rail Trail to be developed along the abandoned rail line in Weston, said trail shown generally on a plan on file with the Town Clerk, including all related incidental costs; to be spent under the direction of the Town Manager, said sum to be transferred from the Unallocated allocation of the Community Preservation Fund; or take any other action relative thereto.

*Article 4 Explanation: Among the historical assets along the Wayside Rail Trail in Weston are two concrete-topped cattle passes that date from 1920/21. These cattle passes are a testament to the town's agricultural history, as they allowed a connection between two portions of farms cut by the railroad right of way. Funding requested under this article will stabilize and repair the structures to ensure their material integrity and longevity. The amount to be requested under this article is \$62,535.*

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**ARTICLE 5: APPROPRIATE FOR HISTORIC RESOURCES – FARMERS’ BURIAL GROUND AND CENTRAL CEMETERY RESTORATION**

To appropriate a sum of money for historic resource purposes under the Community Preservation Program, to be used to assess, preserve, conserve and restore gravestones, tombs, and other elements in the historic Farmers’ Burial Ground, located on Boston Post Road at Colpitts Road, and Central Cemetery, located on Boston Post Road at Linwood Avenue, including all related incidental costs, to be spent under the direction of the Town Manager, said sum to be transferred from the Unallocated allocation of the Community Preservation Fund; or take any other action relative thereto.

*Article 5 Explanation: Farmers’ Burial Ground and Central Cemetery are important historic landmarks within the Boston Post Road corridor. The first recorded burial in Farmers’ Burial Ground took place in 1703, a decade before Weston’s incorporation. The first burial of record in Central Cemetery occurred in 1792. Some of the community’s earliest and most prominent citizens, including Josiah Smith and Colonel Lamson, and at least 25 Revolutionary War veterans are interred in these two cemeteries. More than 300 years of Weston’s history is recorded in these scenic outdoor museums.*

*This is the second phase of a 3 phase funding request. Funds appropriated at the May 2012 Annual Town Meeting were used to restore the majority of the most damaged monuments in Farmers’ Burial Ground. Funds requested under this article will be used to update a condition assessment for both cemeteries, to prepare bid documents, and to complete conservation of the most damaged markers in both cemeteries, including some monuments in Farmers’ Burial Ground which were not restored during Phase I. The final phase of this project will fund preservation/restoration of stone walls, gates, steps, and posts at both cemeteries and the tomb at Central Cemetery. The amount to be requested under this article is \$205,000.*

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**ARTICLE 6: AMEND THE ZONING BY-LAW TO PROHIBIT RECREATIONAL MARIJUANA ESTABLISHMENTS IN WESTON**

To amend the Zoning By-law of the Town of Weston by inserting a new section, Section V.M., Marijuana Establishments, as follows:

**Section V, “USE REGULATIONS.” M, “MARIJUANA ESTABLISHMENTS”**

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Weston.

Or take any other action relative thereto.

*Article 6 Explanation: On November 8, 2016, Massachusetts voters approved Question 4 legalizing the recreational use of marijuana (Chapter 334 of the Acts of 2016), but in Weston, the vote on Question 4 was 2,880 in favor and 3,652 against. Question 4 allowed municipalities to prohibit marijuana establishments by a town vote. At the May 2017 Town Election, Ballot Question 2 prohibiting marijuana establishments in Weston was approved by a vote of 753-260. On July 28, 2017 the Massachusetts State Legislature approved “An Act to Ensure Safe Access to Marijuana” which allowed municipalities that voted against Question 4 to prohibit marijuana establishments by adopting a bylaw or bylaws for such purposes. Articles 6 and 7 are proposed to carry out and codify the action taken by the Town of Weston on Question 4 and at the 2017 Annual Town Election by prohibiting all recreational marijuana establishments, including cultivation, testing, product manufacturing, retail and any other type of recreational marijuana-related business in Weston.*

*A two-thirds vote of Town Meeting is required for approval of this article.*

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**ARTICLE 7: AMEND GENERAL BY-LAWS TO PROHIBIT RECREATIONAL MARIJUANA ESTABLISHMENTS IN WESTON**

To amend the General By-laws of the Town of Weston by inserting a new article, Article XXXVI, MARIJUANA ESTABLISHMENTS, as follows:

**“ARTICLE XXXVI MARIJUANA ESTABLISHMENTS**

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Weston.”

Or take any other action relative thereto.

*Article 7 Explanation: On November 8, 2016, Massachusetts voters approved Question 4 legalizing the recreational use of marijuana (Chapter 334 of the Acts of 2016), but in Weston, the vote on Question 4 was 2,880 in favor and 3,652 against. Question 4 allowed municipalities to prohibit marijuana establishments by a town vote. At the May 2017 Town Election, Ballot Question 2 prohibiting marijuana establishments in Weston was approved by a vote of 753-260. On July 28, 2017 the Massachusetts State Legislature approved “An Act to Ensure Safe Access to Marijuana” which allowed municipalities that voted against Question 4 to prohibit marijuana establishments by adopting a bylaw or bylaws for such purposes. Articles 6 and 7 are proposed to carry out and codify the action taken by the Town of Weston on Question 4 and at the 2017 Annual Town Election by prohibiting all recreational marijuana establishments, including cultivation, testing, product manufacturing, retail and any other type of recreational marijuana-related business in Weston.*

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**ARTICLE 8: AUTHORIZE LAND SWAP – 259 AND 265 GLEN ROAD**

To authorize the Board of Selectmen to grant and convey a parcel of land shown as “Parcel ‘B,’” containing 249 square feet, more or less, as shown on a plan entitled “Plan of Land in Weston, Massachusetts,” dated October 16, 2017, prepared by Snelling & Hamel Associates, Inc., as may be amended, said plan on file with the Town Clerk, to the owner of the property known as 259 Glen Road, and, in consideration for and in exchange for said grant and conveyance, the owner of 259 Glen Road shall grant and convey to the Town a parcel of land shown as “Parcel ‘D,’” containing 110 square feet, more or less, as shown on the aforesaid plan, and the owner of 265 Glen Road shall grant and convey to the Town two parcels of land shown as “Parcel ‘A,’” containing 189 square feet, more or less, and “Parcel ‘C,’” containing 110 square feet, more or less, as shown on the aforesaid plan, and further, the owner of 265 Glen Road shall release any and all right in the approximately 15’ wide corridor separating 259 Glen Road and 265 Glen Road; and, further, to authorize the Board of Selectmen to accept said parcels on such terms and conditions as the Board of Selectmen deems appropriate, including, but not limited to, the payment by the owner of 259 Glen Road of any and all costs and expenses of the Town incurred in this matter, including reasonable attorney’s fees, and to enter into such agreements and execute such instruments to effectuate the transaction subject of this vote; or take any other action relative thereto.

*Article 8 Explanation: The owner of both 259 and 265 Glen Road has requested a land swap involving 249 square feet of Town-owned land in exchange for 299 square feet of land that is currently part of the parcels comprising 259 and 265 Glen Road. The Town-owned land involved is part of a 15’ wide area used to access the Burt Field Conservation Area and is located between 259 and 265 Glen Road. The purpose of the swap is to enable the construction of a garage at 259 Glen Road. The owner of both 259 and 265 Glen Road has agreed to grade the swapped land in order to accommodate access by Town vehicles.*

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**CONSENT AGENDA (ARTICLES 9-13)**

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**ARTICLE 9: AMEND FISCAL YEAR 2018 OPERATING BUDGET**

To amend the following line items in the Fiscal Year 2018 Operating Budget adopted under Article 2 of the 2017 Annual Town Meeting, by reducing line items and appropriating additional funds to other line items as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
School Department – Salaries	\$33,485,420	\$33,292,192	(\$193,228)
Debt Service (Excluded)	9,066,234	8,976,159	(90,075)
Selectmen’s Consulting & Professional Services	40,000	70,000	30,000

Or take any other action relative thereto.

*Article 9 Explanation: The appropriation for the School Department-Salaries is reduced because a class size reserve at the elementary level and one kindergarten section are not needed based on actual enrollment. Debt*

Service is reduced because we did not issue bond anticipation notes in August, as we normally do. Additional funding is requested for the Selectmen's Consulting & Professional Services account because of increased demand for consulting services, including analysis of proposed development.

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**ARTICLE 10: APPROPRIATE RETAINED EARNINGS FOR THE WATER ENTERPRISE FUND**

To amend the Fiscal Year 2018 Water Enterprise budget adopted under Article 11 of the 2017 Annual Town Meeting by transferring from retained earnings the additional sum of \$250,000 to operate the Water Division of the Department of Public Works during fiscal year 2018; or take any other action relative thereto.

*Article 10 Explanation:* In addition to the amount received from water use fees, an additional \$250,000 is needed from retained earnings to fully fund the Water Enterprise Fund. The balance in the retained earnings account is \$778,459 as of 6/30/17.

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**ARTICLE 11: AMEND FISCAL YEAR 2018 RECREATION ENTERPRISE BUDGET**

To amend the following line item in the Fiscal Year 2018 Recreation Enterprise Budget adopted under Article 13 of the 2017 Annual Town Meeting, by appropriating additional funds as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Expenses	\$468,139	\$478,139	\$10,000

And as funding therefor, that \$10,000 be transferred from Recreation Enterprise Fund retained earnings; or take any other action relative thereto.

*Article 11 Explanation:* This article transfers additional funds to the Expenses appropriation to cover the cost of unanticipated repairs at the Memorial Pool. Retained earnings in the Recreation Enterprise Fund as of June 30, 2017 were certified at \$234,345.

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**ARTICLE 12: RESCIND BOND AUTHORIZATION**

To rescind all or a part of a certain authorization to borrow funds, which was approved in a prior year, where the purpose of the borrowing has been completed and/or it was unnecessary to borrow the amount approved, or take any other action relative thereto:

Article 1 November 14, 2011 Special Town Meeting- Field School Construction \$7,811,092

*Article 12 Explanation:* The above noted authorization is no longer needed. It is necessary for Town Meeting to rescind the balance of the bond authorization so it can be removed from the Town's financial records.

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**ARTICLE 13: APPLICATION OF BOND PREMIUM**

To supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or take any other action relative thereto.

*Article 13 Explanation:* The Municipal Modernization Act of 11/7/2016 amended Massachusetts General Law c. 44 S. 20 related to surplus proceeds from sale of bonds. This new Act allows for bond premiums, net of issuance costs, to be applied to a debt issuance, therefore reducing the amount to be borrowed. Article 14 allows for any debt that had been authorized at Town Meeting on or before 11/7/2016, but not yet issued, to be covered under this new Act. The premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

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**ARTICLE 14: RESOLUTION IN SUPPORT OF CONGRESSIONAL INVESTIGATION REGARDING IMPEACHMENT OF DONALD J. TRUMP (SUBMITTED BY CITIZENS' PETITION)**

To see if the Town will vote to adopt the citizen's petition in favor of Resolution in Support of Congressional Investigation regarding Impeachment of Donald J. Trump. Such resolution, in part, asks the House of Representatives to investigate whether President Donald Trump is violating the United States Constitution in various ways, including accepting domestic and foreign emoluments in addition to his salary, and whether these violations are sufficient grounds for his impeachment, or to take any other action in relation thereto.

*Article 14 Explanation (provided by the lead petitioner): This is a resolution directing the House of Representatives to investigate whether grounds exist for the impeachment of Donald J. Trump for violating the emoluments clauses of the U.S. Constitution.*

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And you are to serve the warrant by posting four attested copies thereof at the Town Hall, at the Kendal Green Railroad Station, at the Town of Weston Transfer Station and on the kiosk at the front of the High School by the gymnasium, fourteen days at least before the time appointed for said meeting.

Hereof fail not to make due return of this warrant with your doings thereon to the Selectmen at the time and place of said meeting.

Given under our hands October 26, 2017.

Harvey R. Boshart  
Douglas P. Gillespie  
Christopher E. Houston  
Selectmen of the Town of Weston

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**NEW TO TOWN MEETING: VOTING ELECTRONICALLY**

During the May 2017 Annual Town Meeting, Weston citizens approved an article amending Article I of the General By-laws to allow the use of electronic, hand-held devices for voting at Town Meetings. Instead of using placards or standing to be counted, voters will now use electronic handsets to register their votes.

As with previous Town Meetings, voters will check-in to be confirmed, but can use any check-in station rather than lining up alphabetically by last name. As you check-in, you will be issued a handset for your exclusive use during Town Meeting. Please remember to allow enough time to check-in and to receive your handset before the start of Town Meeting. The handset requires approximately 10 minutes to sync-up before it is able to cast a vote.

A practice vote will be taken in order to get participants comfortable with the new technology.

More information about how to use the handheld device is available on the Town's website at [www.weston.org/TownMeeting](http://www.weston.org/TownMeeting) and will be available at Town Meeting.

**LAST DAY TO REGISTER TO VOTE FOR TOWN MEETING IS NOVEMBER 17<sup>TH</sup>**

Register online or in person (in the Town Clerk's Office at Town Hall). Voters must be registered in Weston. See [www.weston.org/Voting](http://www.weston.org/Voting) for additional information.