

**TOWN RECORDS 2005
(Condensed)**

**ANNUAL TOWN ELECTION
May 7, 2005**

Pursuant to a warrant duly served, the Annual Town Election was called to order in the Town Hall Auditorium by Warden Patricia Shotwell at 8 a.m. on May 7, 2005, for the election of Town Officers. Mrs. Shotwell swore the election officers to the faithful performance of their duties.

Total ballots cast were as follows:

Precincts 1 & 2	806
Precincts 3 & 4	<u>675</u>
TOTAL	1481

Of the 1481 ballots cast, 108 or 13.71% were cast by absentee ballot.

The results of the election were as follows:

Moderator - One Year			
Robert M. Buchanan*	111 Summer Street	Caucus Nominee	1204
Blanks			271
Scattering			<u>6</u>
Selectman - Three Years			
Michael H. Harrity	695 Boston Post Road	Caucus Nominee	1029
Edward C. Michaud, Jr.	2 Sudbury Road	Caucus Nominee	295
Blanks			154
Scattering			<u>3</u>
Selectman - One Years (to fill a vacancy)			
Ann G. Leibowitz		Caucus Nominee	1157
Blanks			318
Scattering			<u>6</u>
Assessors - Three Years <i>Vote for Two</i>			
Alan T. Orth*	17 Warren Lane	Caucus Nominee	1023
Janice M. Glynn	54 Old Colony Road	Caucus Nominee	931
Blanks			1005
Scattering			<u>3</u>
School Committee - Three Years			
Bella T. Wong*	334 South Ave	Caucus Nominee	1112
Blanks			357
Scattering			<u>12</u>

* Indicates incumbent

Recreation Commission - Three Years <i>Vote for Two</i>			
Elly Draper Pendergast*	59 Wellesley Street	Caucus Nominee	1120
James I. Rubens.*	20 Ledgewood Rd	Caucus Nominee	989
Blanks			848
Scattering			5
Recreation Commission - Two Years <i>(to fill a vacancy)</i>			
Robert D. Crowley	90 Dean Rd	Caucus Nominee	1090
Blanks			386
Scattering			5
Planning Board - Five Years			
David O. Mendelsohn*	33 Spruce Hill Road	Caucus Nominee	1068
Blanks			406
Scattering			7
Library Trustees - Three Years <i>Vote for Two</i>			
Diana S. Coates	30 Myles Standish Road	Caucus Nominee	1049
Joseph W. Mullin	81 Merriam Street	Caucus Nominee	1054
Blanks			856
Scattering			3
Board of Health -Three Years			
Carl A. Hirsch	7 Conant Road	Caucus Nominee	1081
Blanks			399
Scattering			1
Commissioner of Trust Funds - Three Years			
Charles M. Ganson, Jr.*	150 Chestnut Street	Caucus Nominee	1077
Blanks			400
Scattering			4
Commissioner of Trust Funds - Two Years <i>(to fill a vacancy)</i>			
Edward W. Weld	211 Ash t Street	Caucus Nominee	1049
Blanks			431
Scattering			1
Measurers of Lumber -One Year <i>Vote for Three</i>			
David C. Bennett*	56 Westland Road	Caucus Nominee	953
Barrett W. Gilchrist*	75 Warren Avenue	Caucus Nominee	943
Rosemary Broton Boyle*	261 Merriam Street	Caucus Nominee	947
Blanks			1587
Scattering			13

QUESTION NO. 1: PROPOSITION 2½ GENERAL OVERRIDE

Shall the Town of Weston be allowed to assess an additional \$1,370,000 in real estate and personal property taxes for the purpose of defraying Town operating expenses for the fiscal year beginning July first, two thousand and five?

Yes: 996 No: 467 Blanks:18

QUESTION NO. 2: PROPOSITION 2½ DEBT EXCLUSION

Shall the Town of Weston be allowed to exempt from the provisions of Proposition two and one-half, so called, the amount required to pay for the bond(s) issued in order to design, engineer, construct and equip the following, including all costs incidental and related thereto: (1) DPW Equipment

Replacement; (2) Roadway Improvements; (3) Drainage Rehabilitation Projects; (4) Geographic Information System-Phase 3; (5) Library Roof Replacement; (6) Fire Department Ambulance; (7) Fiber Optic I-Net; (8) Emergency Phone Notification System; (9) Middle School Pool Facility Heating System; (10) School Technology; (11) School Department Parking/Road Improvements; (12) Field School Feasibility Study; and (13) School Bus Replacements?

Yes: 1093 No: 347 Blanks: 41

SPECIAL TOWN MEETING

May 9, 2005

Pursuant to a warrant, duly served, Robert M. Buchanan, the Moderator called the Special Town Meeting to order at 7:30 P.M. in the auditorium of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service.

The Moderator appointed tellers and swore them to their duties.

Tellers in the Auditorium: Jane Webb Clark Chandler
Diana Chaplin Thomas Jackson

Tellers in the Gymnasium: Michael Pappone Diane Savitsky
Barbara Coburn Gregory Kee

ARTICLE 1: AMEND FISCAL YEAR 2005 WATER ENTERPRISE BUDGET

Mr. Gillespie moved that the Town amend certain parts of the fiscal year 2005 Water Enterprise Fund budget adopted under Article 3 of the 2004 Annual Town Meeting and amended under Article 2 at the November 29, 2004 Special Town Meeting, by transferring between line items as follows:

	<u>Changing From</u>	<u>Changing To</u>
Salaries	\$215,652	\$195,652
Expenses	208,328	273,328
MWRA/Assessment Water Purchases	1,065,000	1,020,000

The motion was voted unanimously.

ARTICLE 2: AMEND FISCAL YEAR 2005 RECREATION ENTERPRISE BUDGET

Mr. Gillespie moved that the Town supplement certain parts of the fiscal year 2005 Recreation Enterprise budget adopted under Article 4 of the 2004 Annual Town Meeting as follows:

	<u>Changing From</u>	<u>Changing To</u>
Salaries	\$671,795	\$684,795
Expenses	379,900	433,900
Community Center	76,090	69,090

And as funding therefor, that \$60,000 be transferred from Recreation Enterprise Fund retained earnings.

The motion was voted unanimously.

ARTICLE 3: APPROPRIATE FOR FIRE STATION 2 ROOF PROJECT

Mr. Gillespie moved that the Town appropriate an additional \$30,000 for extraordinary repairs to the Fire Station 2 rehabilitation project, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loan or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

The motion was voted by a two-thirds majority as declared by the moderator.

Mr. Gillespie expressed gratitude to the retiring elected and volunteer officers of the Town of Weston and to the retiring Town employees.

Motion to dissolve Special Town Meeting passes at 7:50 P.M.

ANNUAL TOWN MEETING

May 9, 2005

Pursuant to a warrant, duly served, Robert M. Buchanan, the Moderator called the Annual Town Meeting to order at 8:00 P.M. in the auditorium of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service.

ARTICLE 1: M. Elizabeth Nolan, Town Clerk read the results of the May 7, 2005 Annual Town Election, which results appear in the report of the Town Election (above).

ARTICLE 2: AMEND ZONING BYLAW: ACTIVE ADULT RESIDENTIAL DEVELOPMENT DISTRICT

Ms. Kathy Strehle moved to amend the Town of Weston Zoning Bylaw, by adding a new Section V.K. as set forth in Article 2 of the Warrant, with the changes as shown in the handout.

Ms. Strehle explained to Town Meeting members that although the proposed zoning bylaw could be applicable to nine properties in the town, each parcel would need a 2/3 vote from Town Meeting to be re-zoned as an Active Adult Residential Development District [AARDD]. The developer of Highland Meadows, Lee Barbairi, and the developer's engineers, detailed the development proposed under Article # for Highland Street if the AARDD Bylaw were to be approved under Article 2. Harold Hestnes, speaking for the Board of Selectmen, Al Adeylott, Chairman of the Planning Board, Steve Over, Chairman of the Finance Committee, and Cal Cleveland, Chairman of the Council on Aging, stated their respective boards unanimously recommended the members vote for both Article 2 and Article 3 of the warrant. Inge Uhlir opposed the motion, stating the proposal under Article 3 was not affordable housing for active adults with moderate means, instead only active adults with high income levels would be able to afford the Highland Meadows development.

Robert A. Nolan moved to amend the motion by inserting in Item 1. Definition and Applicability, line 3, after the words permanent occupancy, the following:
“Fifty [50%] percent of the total of the dwelling units shall be restricted, including in their unit deeds,”

Ms. Strehle did not accept the motion. Speaking in opposition to the bylaw, were Lisa Jacobs, Peter Tallas, Robert Hedges, and Robert Enzmann. Opponents raised concerns regarding long term impact on other potential developments in the town, impact on open space, and the lack of affordable housing. Addressing concerns voiced from Town Meeting members, Al Adelyott responded to concerns, saying there are never any guarantees a developer will not go under, but he was confident the Highland Meadows developer had “deep pockets”; the proposed bylaw would not impact the Regis proposal as Regis did not need the AARDD bylaw, and that the Highland Meadows’ parcel could be developed with twenty-six single family homes. Proponents, Ken Fish, Edward Lashman, Barbara Landy, Florence Howe, and David Harmon spoke in favor of the bylaw change.

Motion to move the question passes.

In response to a question from the Moderator, before taking a vote on the motion to amend, Town Counsel stated Federal guidelines would not permit the AARDD restriction to apply to fifty percent but that eighty percent total restriction would be allowable. Mr. Nolan amended his motion to “eighty percent”.

Vote on Mr. Nolan’s motion to amend: defeated

Ms. Strehle’s motion was voted by the following vote: Yes: 424 No: 35

Section V.K. of the Zoning By-law as adopted reads as follows:

K. ACTIVE ADULT RESIDENTIAL DEVELOPMENT (“AARD”)

1. DEFINITION AND APPLICABILITY

An Active Adult Residential Development (“AARD”) is an alternative type of residential development in which, except as hereinafter provided, permanent occupancy of the dwelling units shall be restricted to persons 55 years of age or older, and in which at least 10% of the total number of dwelling units shall be affordable for purchase or lease by persons of low income, as defined by G.L.Ch.40B, provided however, that some or all of the affordable units may not be age -restricted. Customary, non-commercial accessory uses shall also be allowed as part of an AARD. However, no accessory retail or other commercial use or nursing care facilities shall be allowed in an AARD.

An AARD is an allowable use in the Single Family Residence District (A), Single Family Residence District (B), and Business District (B), with Concept Plan approval by two-thirds vote of the Town Meeting and subsequent Special Permit with Site Plan Approval issued by the Planning Board.

2. PURPOSES

The purposes of an AARD are to:

- a. Provide alternative housing for a maturing population;
- b. Provide a type of housing which reduces residents’ burdens of property maintenance and which reduces demands on municipal services;

- c. Encourage the development of affordable housing for active adults with low and moderate income; and
- d. Promote flexibility in site planning while protecting natural features, scenic views into property, protect existing vegetation and land forms and utilization of land in harmony with neighboring properties.

3. MINIMUM TRACT SIZE

No tract of land may be used for an AARD unless it contains at least 40 acres of contiguous land, exclusive of (a) the wetlands resource areas listed in 310 CMR 10.02, 1, a through e, (b) the first (inner) 100 feet of the Riverfront Area as defined in 310 CMR 10.58, and (c) land included in the Town's Wetland and Flood Plain Protection District (collectively, the "Exclusions".)

4. CONCEPT PLAN

The purpose of the Concept Plan is to present the proposed project to Town Meeting in such a way so that the Town can compare the impacts from a proposed AARD to the impacts from a by-right use development and decide whether this is a suitable use for the tract. The Concept Plan shall include: (1) Preliminary Site Plan which provides a conceptual layout for the AARD, including tree survey, trees required for removal, roadway, driveway and walkway locations, location of utilities, grading plans for dwellings, roads, driveways, walkways, location of waste water treatment structure(s), storm water management structures and associated grading, and general landscaping, exterior lighting; (2) Preliminary Architectural Plans and Elevations; (3) Traffic Analysis of the AARD; (4) A Municipal Impact Analysis of the AARD; (5) Site Impact Analysis of the AARD; (6) In addition, in order to compare the Impact of the AARD to the impact of the by-right use in the zoning district(s), the Concept Plan shall also include: Preliminary Site Plan/Site Impact Analysis, Traffic Analysis, and Municipal Impact Analysis for the "By-Right" Plan. An element of the Concept Plan review shall be a comparison of the proposed AARD with the by-right residential use in the underlying Zoning District(s) in which the development tract is located.

The plans and supporting material submitted to the Planning Board and Town Meeting shall be sufficiently detailed to enable the Planning Board and Town Meeting to evaluate and compare the impacts of the AARD and a By-Right project. The submission requirements for the Concept Plan shall be specified in rules and regulations to be adopted by the Planning Board.

The AARD By-law provides some design flexibility in order to encourage developers to work with the land; however, the Concept Plan for an AARD development shall be evaluated according to the following General Design Guidelines and Standards:

a. General Design Guidelines

(i) Site Design

The development shall be sensitive to the land and take into consideration existing natural resources including but not limited to the following: land forms, woodlands, wetlands, vernal pools, and geological features. Tree and soil removal shall be minimized.

The development shall be sensitive to man-made architectural and historical resources including but not limited to the following: historic buildings, trails, stone walls, and scenic views into the property from the public way.

The development shall take into account Low Impact Development techniques for storm water management and shall incorporate "green" principals in building

materials, systems, and site design. Where possible, buildings shall be located to take advantage of solar and wind orientation.

(ii) Relationship to Neighboring Properties

The tract shall be developed in consideration of neighboring properties in regard to scale, character, impact, drainage and storm water runoff.

Awareness of the development, particularly a higher density development, shall be minimized by screening views of the development from nearby streets, adjacent neighborhoods, conservation land and Town properties by the effective use of existing landforms, alterations thereto, berms and by existing vegetation and supplemental plantings.

Open space shall be located and designed so as to increase the visual amenities of the abutting neighborhoods as well as for occupants of the development.

The number of access points to the Town's system of primary and secondary streets shall be minimized and the location of intersections with primary and secondary streets shall be such to minimize traffic congestion.

(iii) Landscape Design

The natural character and appearance of the Town shall be maintained or enhanced insofar as practical. Landscape design for the AARD shall reflect the desire of Weston residents to preserve the Town's rural character by avoiding formal manicured landscape treatments, especially where visible from the roadways, public trails and abutting properties.

A dense vegetative buffer around the entire perimeter of the tract shall be required to screen the AARD from existing roads and adjacent properties. The buffer shall contain existing trees and vegetation. The depth of the buffer may vary but it must provide substantial visual screening and will be classified as a no-cut zone.

In projects where the vegetative perimeter buffer does not screen portions of the development from existing roads and adjacent properties due to topography, additional screen plantings in the interior of the tract will be required.

(iv) Architecture

Buildings shall be located harmoniously with the landforms, trees and other natural features of the site. They shall be located advantageously for views from a building while minimizing intrusion on views from other buildings.

Architecture within the AARD shall reflect or complement the historic architectural fabric of Weston. Preferred building materials include wood clapboard, shingle, and fieldstone.

Without specifying any particular architectural style, the scale, massing and detailing of buildings shall be compatible with those prevalent in the neighborhood. Where a multifamily development is located adjacent to a neighborhood of single family dwellings, the massing scheme and the selection of exterior materials for buildings shall be complementary to a single family neighborhood.

Buildings of historic or architectural significance shall be preserved and readapted wherever possible. New buildings shall be compatible with existing historic structures.

b. Standards

(i)The developer shall make adequate, but not excessive, provisions for parking. There shall be provided at least two parking spaces per dwelling unit (counting garage space) plus additional parking for recreational amenities and provisions of guest spaces. All parking lots must be landscaped to the satisfaction of the Planning Board.

(ii)The frontage and setback requirements in the underlying Zoning District(s) where the tract is located shall be the minimum for an AARD.

(iii)An AARD shall provide at least 45% undisturbed, restored and created open space. Undisturbed open space shall be preferred, especially along the perimeter of the tract. Open space is defined as land not covered by buildings, above ground structures and paving or any other type of impervious surface.

(iv)The maximum AARD floor area ratio (Residential Gross Floor Area, "RGFA" of all buildings minus total gross floor area of affordable units) divided by the total buildable area of the tract (minus the Exclusions) of an AARD shall not exceed 11%, however, there may be, at the Planning Board's discretion, provision for the addition of bonus gross floor area, up to a maximum floor area of 5%, upon the provision of additional open space, other public benefits and/or additional affordable housing (whether low or moderate income), as the Planning Board may determine.

(v)The maximum number of dwelling units per acre shall be 1.5, excluding affordable units. In making such computation, the Exclusions shall be deducted from the total land area.

(vi)Buildings in an AARD shall be arranged efficiently and clustered in order to maximize provision of open space on a site. There shall be no more than four dwelling units in a single building.

(vii)Prior to Town Meeting adoption of a Concept Plan, the Developer of an AARD shall execute a Development Agreement with the Board of Selectmen, after review and approval by the Planning Board, that includes, but is not limited to; agreements with neighborhood(s); construction issues including staging and truck routes; timing of construction; funding for off site improvements; affordable housing agreements (protection of affordability); enforcement of age-restriction; historic preservation agreements; open space agreements; form of ownership and organization of the development; operation and management responsible for the development; deed restrictions; specification sheet for construction; hours of operation, payment for clerk of works.

(viii)All roads within an AARD are intended to remain private.

c. Procedures

i. Approval of an AARD Concept Plan shall be by a two-thirds vote of the Town Meeting, following a recommendation and report to Town Meeting by the Planning Board as to whether and how the proposed Concept Plan meets the purposes of the AARD and the General Design Guidelines and Standards for Concept Plans as set forth in this By-law. It shall be the obligation of the applicant to timely submit an article to the Board of Selectmen for inclusion of the AARD Concept Plan proposal on the warrant for the Town Meeting at which the applicant will be seeking concept approval.

ii. The AARD Concept Plan approval process commences with the filing of the proposed Concept Plan with the Planning Board. Before filing the Concept Plan, the applicant shall meet informally with the Planning Board to discuss the project, including scope, timing of public hearing and Town Meeting and program. A filing fee and a review fee shall be deposited with the Planning Board at the time of submission of the Concept Plan to the Board. The filing and review fees shall be specified in a separate document to be adopted by the Planning Board. In addition to filing the Concept Plan with the Planning Board, the Plan shall be filed with the Selectmen, Town Engineer, Board of Health, Conservation Commission, Fire and Police Department. The Planning Board will determine whether the Concept Plan is complete and schedule a public hearing within a reasonable time from receiving a complete submission.

5. SITE PLAN APPROVAL-SPECIAL PERMIT

a. Timing

Not more than twelve (12) months after the Concept Plan has been approved by Town Meeting, and prior to applying for any other permits or commencing any work on the site, including but not limited to demolition, tree or vegetation removal, earth removal, or grading, application may be made to the Planning Board for an AARD Special Permit with Site Plan Approval.

b. Site Plan Approval-Special Permit Submission and Findings

The submissions required of an applicant for a Special Permit with Site Plan Approval for an AARD shall be set forth in rules and regulations to be adopted by the Planning Board. Such submissions shall include the documentation that will govern the use, occupancy and other matters related to the AARD, such as, but not limited to, the master deed, declaration of trust and rules and regulations, if the AARD will be a condominium (collectively, the "AARD Governance Documents"). The Planning Board shall issue a Special Permit and Site Plan Approval for an AARD only if it finds that the AARD presented in the application is not substantially different from the Concept Plan approved at Town Meeting, and if it specifically finds that:

(i)The Site Plan provides for no reduction in setbacks and no increase in number of dwelling units and, no substantial change, in the sole opinion of the Planning Board, in location of the units, gross floor area, height, and amount of open space, as provided for in the approved Concept Plan. However, in the Special Permit, the Planning Board may require additional plantings beyond those shown on the Concept Plan and specify an increase in size of plantings if it furthers the goals of this By-Law.

(ii)The Site Plan provides for no uses which are not permitted by the approved Concept Plan.

(iii)The Applicant makes provision that any land shown in the approved Concept Plan as permanent open space be subject to a permanent conservation easement, according to MGL S.31 of Chapter 184, prior to application for a building permit for any dwelling units on the AARD tract. Proof of execution and recordation of this easement shall be delivered to the Planning Board. The restriction shall be held by the Town of Weston or its designee, and the open land may be used for limited recreation by the residents of the Town.

(iv) Walking trails are established within the AARD parcel and connected to the Weston Forest and Trail Association, Inc. network and/or Town of Weston land. The trails shall be established by permanent easement and located in upland areas. If there are not WFTA trails or Town land in the vicinity of the AARD parcel, as determined by the Planning Board, then walking trails shall be established within the AARD tract for the residents.

(v) Buildings and surrounding grounds are located so that fire, police and other emergency personnel have reasonable access to all structures.

(vi) All utilities, other lines and equipment, including but not limited to electric, telephone, cable TV, are located underground.

(vii) The Site Plan locates and screens refuse disposal area, utility buildings, storage areas and other support facilities to make them less visible from sites external and internal to the AARD parcel.

(viii) The provisions of the AARD Governance Documents are satisfactory to the Planning Board and approved as to form by Town Counsel, including restrictions limiting permanent occupancy of the aged restricted units to persons aged 55 or older. Such restrictions may include provisions allowing limited, temporary occupancy by persons under the age of 55 such as guests or necessary health aides.

(ix) The Development is in harmony with the general purpose and intent of the Town of Weston Zoning By-law.

c. Site Plan Approval/Special Permit Rules and Regulations

The Planning Board shall adopt rules and regulations in a separate document that are consistent with this by-law specifying design standards for site development features, including, but not limited to: exterior lighting; storm water management; landscaping; erosion control; architectural design; design and construction standards for streets; street and parcel monumentation.

d. Phasing Plan

A Phasing Plan shall be submitted by the Applicant and approved by the Planning Board as part of the Special Permit process. Surety may be required, at the Planning Board's discretion, for different phases of the construction, to guarantee performance and implementation of the Concept Plan and Special Permit Plan(s). The Planning Board shall determine the type and amount of the surety and the timing for deposit of surety with the Town. This phasing plan shall be endorsed by the Board prior to any work done on site, including tree removal, grubbing, excavation of any sort, and, prior to application for a Building or Demolition Permit.

e. Construction Plan

A detailed Construction Plan for the proposed development shall be submitted by the Applicant and approved by the Planning Board as part of the Special Permit process. A list of submission items shall be listed in a separate document approved by the Planning Board and may include, but not be limited to the following items: hours of operation, truck routes, material safety data sheets, erosion and storm water control.

Article II of the General By-laws, as amended, and set forth in pages 7-10 of the report entitled, "FY06 Recommended Operating Budget," be raised and appropriated for their respective purposes as set forth on said pages, and that the Town transfer the following sums to meet, in part, appropriations made at this Town Meeting:

(1A). \$285,000 from the Well Litigation Settlement Account;

and to authorize the Board of Assessors to use such available funds to meet appropriations in their computation of the tax rate for fiscal year 2006.

The motion passes.

ARTICLE 6 (b): APPROPRIATE THE FISCAL YEAR 2006 OPERATING BUDGET

Mr. Gillespie moved that the several sums of money recommended by the Board of Selectmen for the Fiscal Year beginning July 1, 2005, in accordance with Section 5 of Article II of the General By-laws, as amended, and set forth in pages 7-10 of the report entitled, "FY06 Recommended Operating Budget," be raised and appropriated for their respective purposes as set forth on said pages, and that the Town transfer the following sums to meet, in part, appropriations made at this Town Meeting:

(1B) \$25,000 from the Cemetery Improvements Continuing Balance Account; \$7,063 from the Minuteman Library Network Continuing Balance Account; \$1,400,000 from the Free Cash Account; \$110,000 from the "Accrued Income, Well Litigation Settlement" account; \$35,000 from the Cemetery Trust Fund; \$247,000 from Overlay Surplus; and \$7,000 from the Josiah Smith Tavern Trust Fund;

and to authorize the Board of Assessors to use such available funds to meet appropriations in their computation of the tax rate for fiscal year 2006.

The motion was voted by a Two-Thirds Majority as declared by the moderator.

The budget as adopted under Article 6, Motion 1 (a & b) is as follows:

FY06 OPERATING BUDGET

TITLE OF ACCOUNTS	Appropriated Fiscal Year 2006
UNCLASSIFIED	
Insurance	
Insurance, Workers' Compensation	205,000
Public Safety - Injured on Duty+	20,000
Unemployment Compensation	50,000
Insurance-Property & Liability	361,000
Uninsured Losses+	15,000
subtotal	651,000

NOTE: Accounts indicated by + are continuing appropriations, the balance of which shall be carried forward to the next fiscal year.

Fringe Benefits	Insurance-Group Health/Life, Medicare	7,853,304
	Contributory Retirement-Middlesex	
	Contributory Retirement-Teachers	-
	Compensated Absence Fund+	150,000
	subtotal	<u>10,147,902</u>
Street Lighting		116,000
Reserve Fund	(see Appendix 2 for list of transfers made)	350,000
Debt Service (non-excluded)	Principal & Interest	79,458
TOTAL UNCLASSIFIED		11,344,360

GENERAL GOVERNMENT

Selectmen/Town Manager	Salaries	335,015
	Expenses	84,810
	Consulting & Professional Services+	30,000
	subtotal	<u>449,825</u>
Merit Pay	Transfer Account	38,698
Legal	Expenses	151,800
Facilities Maintenance	Salaries	75,748
	Expenses	124,335
	Town Hall Equipment+	5,000
	Test/Replace Underground Storage Tanks+	-
	Facilities Improvements-Town-wide+	125,000
	subtotal	<u>330,083</u>
War Mem. Ed. Fund. Comm.	Expenses	1,200
Memorial Day	Expenses	-
Senior Service Program		-
TOTAL GENERAL GOVERNMENT		971,606

FINANCE & ADMINISTRATION

Finance Committee	Expenses	250
Finance	Salaries-Elected Officials	500
	Salaries	574,841
	Expenses	118,840
	subtotal	<u>694,181</u>
Town Clerk & Registrars of Voters	Salary-Elected Official	150
	Salaries	78,904
	Expenses	10,575
	subtotal	<u>89,629</u>
Information Systems	Salaries	94,747
	Expenses	80,900
	Computer Hardware & Maintenance+	16,500
	subtotal	<u>192,147</u>
		976,207

PLANNING & LAND USE		
Clerks of Committees	Salaries	113,098
Board of Appeals	Expenses	4,905
Planning Board	Salaries	73,130
	Expenses	37,000
	subtotal	<u>110,130</u>
Conservation Commission	Expenses	85,850
	Conservation Fund+	-
Historical Commission	Expenses	4,500
Crescent St. Historic District Commission	Expenses	100
TOTAL PLANNING & LAND USE		318,583
PUBLIC SAFETY		
Police	Salaries	2,296,342
	Expenses	210,992
	Equipment and Apparatus+	47,000
	Cell Improvements+	-
	Police - Injured on Duty+	-
	subtotal	<u>2,554,334</u>
Fire	Salaries	2,060,808
	Expenses	172,816
	Hydrant Service	45,000
	Emergency Management+	2,000
	Equipment and Apparatus+	-
	Fire Captain's Vehicle+	-
	Firefighters - Injured on Duty+	-
subtotal	<u>2,280,624</u>	
Inspectional Services	Salaries	130,383
	Expenses	11,580
	subtotal	<u>141,963</u>
Dog Officer	Salaries	5,092
	Expenses	3,500
	subtotal	<u>8,592</u>
TOTAL PUBLIC SAFETY		4,985,513

EDUCATION		
School Department	Salaries	21,177,924
	Instructional, Maint & Other Expenses	3,781,320
	Transportation Salaries	601,561
	Transportation Expenses	260,282
	Transportation Garage - Arch Services+	-
	Subtotal	25,821,087
Minuteman Regional Voc. Technical School District	Assessment	111,148
TOTAL EDUCATION		25,932,235
PUBLIC WORKS		
	Salaries	1,452,750
	Expenses	
	Snow and Ice Control	193,201
	Equipment+	-
	GIS Needs Assessment+	-
	Guard Rail Rehab+	-
	Construction of Public Ways+	150,000
	Construction of Sidewalks, Bicycle Paths, & Footways+	15,000
	North Ave/Church St Intersection+	-
	Stone Retaining Wall Repairs+	10,000
	Cook's Pond Dam Repairs	-
	Monitoring Groundwater - Landfill+	35,000
	Improve/Develop Cemetery Land+	-
	Parks & Cemeteries Improvements+	-
	subtotal Cont Bal Accounts	210,000
Water Division	Large Meter Replacement Program+	-
	Standpipes - Maintenance & Repair+	-
	subtotal	-
TOTAL PUBLIC WORKS		2,833,256
HEALTH & HUMAN SERVICES		
Board of Health	Salaries	172,566
	Expenses	8,630
	Mental Health Services	31,722
	subtotal	212,918
Mosquito Control, E. Middlesex Project	Expenses	31,397

Brook School Apartments	Salaries	137,699
	Expenses	257,788
	Repair & Replace Septic System+	-
	Repair & Replace Septic System+	-
	Repairs & Replacements+	77,250
	Debt Service	-
	subtotal	<u>472,737</u>
Council on Aging	Salaries	135,205
	Expenses	11,565
	subtotal	<u>146,770</u>
Youth Counseling Services	Salaries	50,677
	Expenses	1,715
	subtotal	<u>52,392</u>
Alcohol & Drug Education Advisory Committee	Expenses	2,000
Veterans' Benefits	Expenses	1,000
TOTAL HEALTH & HUMAN SERVICES		919,214
<hr/> CULTURAL & LEISURE SERVICES <hr/>		
Libraries	Salaries	714,259
	Expenses	158,620
	Library Materials	78,200
	Minuteman Library Network	32,500
	subtotal	<u>983,579</u>
Recreation	Salaries	-
	Expenses	-
	Community Center	-
	Recreation Pickup Truck+	-
	Memorial Pool Complex Improvements+	-
	subtotal	<u>-</u>
TOTAL CULTURAL & LEISURE SERVICES		983,579
TOTAL BUDGET APPROPRIATIONS		49,264,553

ARTICLE 6 (2):

Mr. Gillespie moved that the compensation for the following elected officers of the Town for the fiscal year commencing July 1, 2005, as required by Massachusetts General Laws, Chapter 41, Section 108, be fixed at:

Town Clerk	\$150
Assessors	\$100

And that all other elected officers of the Town be unpaid.

The motion was voted unanimously.

ARTICLE 6 (3):

Mr. Gillespie moved that five persons be appointed by the Moderator to serve as a Memorial Day Committee in 2006 with authority to expend funds for the 2006 Memorial Day observance from the World War Trust Fund for this purpose.

The motion was voted unanimously.

ARTICLE 6 (4):

Mr. Gillespie moved that in purchasing property or equipment, any allowance for turning in or selling other property or equipment may be applied to the purchase price.

The motion was voted unanimously.

ARTICLE 7: APPROPRIATE THE FISCAL YEAR 2006 WATER ENTERPRISE BUDGET

Mr. Gillespie moved that the Town raise and appropriate the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2006; under the provisions of M.G.L. chapter 44, section 53F½:

Salaries	\$240,970
Expenses	226,880
MWRA Assessment/Water Purchases	1,268,980
Debt Service (non-exempt)	83,039
Capital Outlay	<u>32,500</u>
Total	\$1,852,369

Said sum to be funded from water receipts.

The motion was voted unanimously.

ARTICLE 8: APPROPRIATE THE FISCAL YEAR 2006 RECREATION ENTERPRISE BUDGET

Mr. Gillespie moved that the Town raise and appropriate the following sums of money to operate the Recreation Department during fiscal year 2006, under the provisions of M.G.L. Chapter 44, Section 53F½

Salaries	\$734,585
Expenses	463,650
Community Center	<u>73,200</u>
Total	\$1,271,435

And that \$59,030 to be transferred from the Recreation Enterprise Fund Retained Earnings account as funding therefor.

The motion was voted unanimously.

ARTICLE 9: APPROPRIATE FOR SENIOR SERVICE PROGRAM

Mr. Gillespie moved that the Town raise and appropriate the sum of \$10,000 for the purpose of conducting a Senior Service Program, to be spent under the direction of the Town Manager, and to authorize the Board of Selectmen to establish rules and regulations for the conduct of the program.

The motion was voted unanimously.

ARTICLE 10: APPROPRIATE TO BROOK SCHOOL APARTMENTS STABILIZATION FUND

Mr. Hestnes moved that the Town raise and appropriate \$86,200 to the Brook School Apartments Stabilization Fund, as provided under M.G.L. Chapter 40, section 5B, as amended, to be used for capital repairs and improvements to the Brook School Apartments.

The motion was voted unanimously.

ARTICLE 11: APPROPRIATE TO STABILIZATION FUND

Mr. Hestnes moved that the Town raise and appropriate \$100,000 to the Stabilization Fund, as provided under M.G.L. Chapter 40, section 5B, as amended, to be used for any lawful purpose, capital budget program or purpose for which the Town may borrow.

The motion was voted unanimously.

ARTICLE 12: APPROPRIATE TO POST EMPLOYMENT BENEFITS STABILIZATION FUND

Mr. Gillespie moved that the Town raise and appropriate \$10,000 to the Post Employment Benefits Stabilization Fund, as provided under M.G.L. Chapter 40, section 5B, as amended, to be used for post employment benefits.

The motion was voted unanimously.

ARTICLE 13: CONTINUE DEPARTMENTAL REVOLVING FUNDS

Mr. Gillespie moved that the Town continue revolving funds for certain Town departments pursuant to the provisions of M.G.L. chapter 44, section 53E½ for the fiscal year beginning July 1, 2005:

Revolving Fund	Authority to Spend	Revenue Source	Use of Fund	FY06 Budget
Recreation Skating Programs	Recreation Director	Program Fees	Program Costs	\$50,000
Historic Marker	Historical Commission	Program Fees	Costs Related to Purchase of Historic Markers	\$1,500
Josiah Smith Tavern	Town Manager	Rental Fees from Women's Community League	Building Repairs and Maintenance (Improvements)	\$6,000
Council on Aging Special Programs	Council on Aging Director	Program Fees	Program Expenses	\$25,000
Town Building Rentals	Town Manager	Rental Fees, Town Hall, Old Library, Josiah Smith Tavern	Utilities, Cleaning, Building Monitor	\$4,000
Board of Health	Health Director	Insurance Reimbursement, Flu Clinics	Vaccine and Medical Supplies	\$4,000

The motion was voted unanimously.

ARTICLE 14: APPROPRIATE FOR AFFORDABLE HOUSING

Mr. Gillespie moved that that the sum of \$250,000 be appropriated for use by the Board of Selectmen for purchasing real property to preserve its affordable housing status and for the purpose of conveyance as described below, the money so appropriated to be raised by borrowing under the authority of General Laws, Chapter 44, Section 7, or any other enabling authority, to which end the Town Treasurer is authorized to prepare, issue and sell bonds or notes of the Town at one time or from time to time, and to determine in conformity to law the period or periods of the loan or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them; (2) that the Board of Selectmen be authorized to acquire by gift or purchase any real property already restricted for affordable housing located in the Town of Weston that the Selectmen deem suitable for such purpose, said property to be acquired together with and subject to such existing rights and easements of record as are acceptable to the Selectmen, and on such other terms and conditions as the Selectmen may determine; (3) that the Board of Selectmen be authorized to file on behalf of the Town any and all applications deemed necessary for grants, reimbursements or payments from the Commonwealth of Massachusetts or the United States of America in any way connected with the scope of this Article and to accept any such grants, reimbursements or payments or other gifts of money or land; (4) that the Board of Selectmen be authorized to sell and convey all or a portion of such property to a non-profit corporation whose purpose includes the provision of housing for persons of low and moderate income or to buyers who meet the definition of low and moderate income households set by the United States Department of Housing and Urban Development, for monetary or non-monetary consideration and on such other terms and conditions as the Selectmen shall determine, such conveyance to be subject to an affordable housing restriction as defined by Massachusetts General Laws Chapter 184,

Section 31; and (5) that the Board of Selectmen be further authorized to enter on behalf of the Town into all agreements and execute, acknowledge, deliver and/or record any and all instruments as the Selectmen deem necessary on behalf of the Town to effect said purchase and conveyance and to comply with the requirements of such grant, reimbursement or purchase programs or gifts, with respect to the property to be acquired under this vote.

The motion was voted unanimously.

ARTICLE 15: ESTABLISH AFFORDABLE HOUSING RENTAL REVOLVING FUND

Mr. Gillespie moved that the Town establish an Affordable Housing Rental Revolving Fund, pursuant to the provisions of M.G.L. Chapter 44, section 53E½, and authorize the following expenditures for the fiscal year beginning July 1, 2005:

Name:	Affordable Housing Rental Revolving Fund
Authority to Spend:	Town Manager
Revenue Source:	Rental Income-Housing units with affordable housing restrictions
Use of Funds:	Debt Service, Maintenance, Fees, Upkeep and Legal Fees
FY06 Budget:	\$5,000

The motion was voted unanimously.

Article 16: AUTHORIZE THE EXPENDITURE OF CHAPTER 90 FUNDS

Mr. Gillespie moved that the Town authorize the Board of Selectmen to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town Ways and authorize the expenditure of \$287,819 provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Highway Department.

The motion was voted unanimously.

ARTICLE 17: AUTHORIZE CONTRACT FOR SOLID WASTE DISPOSAL

Mr. Gillespie moved that the Town vote to authorize the Board of Selectmen to enter into a contract for the disposal of the Town's solid waste for a period not exceeding 20 years, which contract may include a provision that the Town shall not be exempt from liability under the contract as authorized by M.G.L. Chapter 30B, section 12(f).

The motion was voted unanimously.

ARTICLE 18: APPROPRIATE THE FY2006 COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET

Ms. Robin Reisman moved that the Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2006 Community Preservation budget and appropriate from the Community Preservation Fund:

\$120,000 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2006;

and further, that the Town reserve for appropriation the following amounts as recommended by the Community Preservation Committee:

\$800,000 for the acquisition, creation and preservation of open space excluding land for recreational use;

\$250,000 for the acquisition, preservation rehabilitation and restoration of historic resources; and

\$450,000 for the creation, preservation and support of community housing.

Mr. Harmon expressed concerns for the state's commitment to match funds.

The motion was voted.

ARTICLE 19: APPROPRIATE FOR DEBT SERVICE - OPEN SPACE

Ms. Reisman moved that the Town appropriate \$322,500 for the principal and interest payments related to the purchase of Open Space known as the Sunday Woods parcel, which was approved for purchase under Article 6 of the May 2002 Annual Town Meeting, said sum to be transferred from the Open Space Reserve of the Community Preservation Fund.

The motion was voted unanimously.

ARTICLE 20: APPROPRIATE FOR DEBT SERVICE - COMMUNITY HOUSING

Ms. Reisman moved that the Town appropriate \$543,444 for the principal and interest payments related to the expansion of the Brook School Apartments, approved under Article 19 of the May 2004 Annual Town Meeting, \$453,721 of said sum to be transferred from the Community Housing Reserve of the Community Preservation Fund and \$89,723 to be raised and appropriated from the tax levy.

The motion was voted unanimously.

ARTICLE 21: APPROPRIATE FOR HISTORIC RESOURCES - FISKE LAW OFFICE

Ms. Reisman moved that the Town appropriate \$230,000 from the Historic Resources Reserve of the Community Preservation Fund, for historic resource purposes under the Community Preservation Program, to be used for the rehabilitation and restoration of the Fiske Law Office located at 598 Boston Post Road.

Robert Fronk and Judith Markland of the Historical Commission answered questions from the floor regarding the scope of the renovation, saying the footprint of the Fiske office would remain the same, approximately 820 sq. feet; parking would be on the street and on Linwood Avenue.

The motion was voted.

ARTICLE 22: APPROPRIATE FOR OPEN SPACE RESOURCES - FIELD PRESERVATION

Ms. Reisman moved that the Town appropriate \$20,000 from the Open Space Reserve of the Community Preservation Fund, for the preservation of open space under the Community Preservation Program, to be used for the preservation of several fields under the jurisdiction of the Conservation Commission

Mr. Brian Donohue discussed Ms. Reisman's motion

The motion was voted.

ARTICLE 23: APPROPRIATE FOR OPEN SPACE – NICHOLAS LAND

Ms. Reisman moved that the Town authorize the Board of Selectmen to acquire by purchase for open space purposes under the Community Preservation Program the fee in land located at 0 Church Street in the Town of Weston, Massachusetts containing 4.5 acres more or less being a portion of the land shown on Assessors Map 23, Block 43 and described in deed recorded with Middlesex South District Registry of Deeds in Book 22657, Page 350 together with easements over land now or formerly owned by Clover Nicholas, said land and easements to be held, managed and controlled by the Conservation Commission, and as funding therefor to transfer \$450,000 from the Open Space Reserve of the Community Preservation Fund; and further to authorize the Board of Selectmen to convey concurrently at the closing and in perpetuity a conservation restriction which meets the requirements of G. L. c. 184 §31-33 and which may run to a nonprofit, charitable corporation or foundation with the right to enforce the restriction.

The motion was voted unanimously.

ARTICLE 24: APPROVE PROPERTY TAX DEFERRAL INCOME LIMITS

Mr. Hestnes moved that the Town establish fiscal year 2006 income eligibility limits of \$60,000 under Chapter 421 of the Acts of 2004, An Act Authorizing the Town of Weston to Regulate Certain Property Tax Exemption Eligibility Requirements for the Elderly.

The motion was voted unanimously.

ARTICLE 25: APPROPRIATE FOR DEPARTMENT OF PUBLIC WORKS EQUIPMENT REPLACEMENT

Mr. Hestnes moved that the Town appropriate \$217,500 for the cost of departmental equipment for the Department of Public Works and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under authority of M.G.L. Chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loan or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

The motion was voted unanimously.

ARTICLE 26: APPROPRIATE FOR ROADWAY IMPROVEMENTS

Mr. Gillespie moved that the Town appropriate \$50,000 to reconstruct, resurface, alter or make specific repairs to the roadways, and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loan or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

Two-Thirds Majority Vote Required. The motion was voted unanimously.

ARTICLE 27: APPROPRIATE FOR DRAINAGE REHABILITATION PROJECTS

Mr. Gillespie moved that the Town appropriate \$200,000 for the construction or reconstruction of surface drains and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loan or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

Two-Thirds Majority Vote Required. The motion was voted unanimously.

ARTICLE 28: APPROPRIATE FOR GEOGRAPHIC INFORMATION SYSTEM

Mr. Gillespie moved that the Town appropriate \$70,000 for the purchase and installation of computer hardware, software and other costs related to the implementation of a geographic information system, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loan or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

Two-Thirds Majority Vote Required. The motion was voted unanimously.

ARTICLE 29: APPROPRIATE FOR LIBRARY ROOF REPLACEMENT

Mr. Hestnes moved that the Town appropriate \$450,000 for extraordinary repairs to the Library, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loan or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

Town Meeting members expressed concerns regarding the roof design, continued repairs and the mounting costs.

Two-Thirds Majority Vote Required. The motion was voted by a Two-Thirds Majority as declared by the moderator.

ARTICLE 30: APPROPRIATE FOR FIRE DEPARTMENT AMBULANCE REPLACEMENT

Mr. Hestnes moved that the Town appropriate \$160,000 for the cost of an ambulance for the Fire Department and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under authority of M.G.L. Chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to prepare, issue and sell bonds and notes of the Town at one time, or from time to time,

and to determine in conformity to law the period or periods of the loan or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

Two-Thirds Majority Vote Required. The motion was voted by Two-Thirds Majority as declared by the moderator.

ARTICLE 31: APPROPRIATE FOR FIBER OPTIC I-NET

Mr. Gillespie moved that the Town appropriate \$400,000 for the cost of computer hardware and other data processing equipment and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under authority of M.G.L. Chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loan or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

Mr. Lee McCanne, member of the Technology Advisory Committee explained the status of the current computer hardware and data processing in the Town.

Two-Thirds Majority Vote Required. The motion was voted by a Two-Thirds Majority as declared by the moderator.

ARTICLE 32: APPROPRIATE FOR EMERGENCY PHONE NOTIFICATION SYSTEM

Mr. Gillespie moved that the Town appropriate \$30,000 for the cost of an emergency phone notification system and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under authority of M.G.L. Chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loan or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

Two-Thirds Majority Vote Required. The motion was voted by a Two-Thirds Majority as declared by the moderator.

ARTICLE 33: APPROPRIATE FOR MIDDLE SCHOOL POOL FACILITY HEATING SYSTEM

Ms. Maryanne Rogers moved that the Town appropriate \$80,000 for extraordinary repairs to the Middle School pool facility heating system, to be spent under the direction of the School Committee, the money so appropriated to be raised by borrowing under the authority of M.G.L. chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loan or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

Two-Thirds Majority Vote Required. The motion was voted unanimously.

ARTICLE 34: APPROPRIATE FOR SCHOOL TECHNOLOGY EQUIPMENT

Ms. Bella Wong moved that the Town appropriate \$260,000 for the purchase of computer hardware and other data processing equipment, to be spent under the direction of the School Committee, the money so appropriated to be raised by borrowing under the authority of M.G.L. Chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loan or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

Two-Thirds Majority Vote Required. The motion was voted by a Two-Thirds Majority as declared by the moderator.

ARTICLE 35: APPROPRIATE FOR SCHOOL DEPARTMENT PARKING/ROAD IMPROVEMENTS

Mr. Edward Heller moved that the Town appropriate \$100,000 for the resurfacing of various school roadways and parking areas, to be spent under the direction of the School Committee, the money so appropriated to be raised by borrowing under authority of M.G.L. chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loan or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

Two-Thirds Majority Vote Required. The motion was voted unanimously.

ARTICLE 36: APPROPRIATE FOR FEASIBILITY STUDY- FIELD SCHOOL

Ms. Wendy Spector moved that the Town appropriate \$50,000 for engineering or architectural services for repairs and improvements to the Field School, to be spent under the direction of the School Committee, the money so appropriated to be raised by borrowing under the authority of M.G.L. Chapter 44, section 7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loan or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

Two-Thirds Majority Vote Required. The motion was voted unanimously.

ARTICLE 37: APPROPRIATE FOR SCHOOL BUS REPLACEMENTS

Mr. Robert Nolan moved that the Town appropriate \$120,000 for the cost of school buses for the School Department and all incidental costs related thereto, to be spent under the direction of the School Committee, the money so appropriated to be raised by borrowing under authority of M.G.L. Chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loan or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

Two-Thirds Majority Vote Required. The motion was voted unanimously.

Motion to adjourn until Monday, May 16, 2005.

Motion passes.

ADJOURNED ANNUAL TOWN MEETING
Monday, May 16, 2005

The Moderator declared a quorum present. The Moderator appointed a replacement teller, Roger Thomas, and swore him to duties.

ARTICLE 38: ACCEPT CHAPTER 73, SECTION 4 OF THE ACTS OF 1986 (INCREASE IN PROPERTY TAX EXEMPTION LIMITS)

Mr. Gillespie moved that the Town accept, for Fiscal Year 2006, the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, which amends chapter 59 of the Massachusetts General Laws relative to real estate property tax exemptions and approve an increase in the amount of 100 percent for each eligible exemption.

The motion was voted.

ARTICLE 39: ACCEPT M.G.L. CHAPTER 60, SECTION 3D – CREATION OF A PROPERTY TAX RELIEF FUND FOR ELDERLY AND DISABLED RESIDENTS

Mr. Gillespie moved that the Town vote to accept M.G.L. Chapter 60, section 3D establishing a property tax relief fund for elderly and disabled residents.

The motion was voted unanimously.

ARTICLE 40: CITIZENS' PETITION: ESTABLISH AGRICULTURAL COMMISSION

Ms. Julie Hyde moved that the Town establish an Agricultural Commission as set forth in Article 40 of the Warrant.

In answer to questions from the floor, Ms. Hyde explained an Agricultural Commission would identify existing farms and encourage the preservation and economic opportunities for the existing farms; nothing in the proposed bylaw would differ from the existing state bylaw. Arthur Uhlir expressed concern that if the Article passed it would weaken the existing Zoning bylaws and Board of Health regulations.

Motion to move the question.

Motion to move the question was passed by two-thirds vote.

ARTICLE 41: CITIZENS' PETITION: FARM PRESERVATION BY-LAW

Ms. Hyde moved that the Town amend the Town's General Bylaws by adding a new Article XXX, "Farm Preservation," as set forth in Article 41 of the Warrant.

Mr. Ken Fish asked if the new bylaw would mean one could have a pig farm at any location as the state law does not provide for user protection. Ms. Susan Kannenburg and Mr. Arthur Uhlir both stated the proposal was defective and urged Town Meeting members to defeat the motion.

Motion adopted by the following vote: Yes: 143 No: 86

The Farm Preservation Bylaw adopted under Article 41 reads as follows:

**ARTICLE XXX
FARM PRESERVATION**

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Weston restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Weston by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Weston. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4 Disclosure Notification

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Weston, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, in accordance with statute and appropriate bylaws and regulations of the Town. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Board of Selectmen shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Weston hereby declares the provisions of this By-law to be severable.

ARTICLE 42: CITIZENS' PETITION: TOWN OF WESTON RETIREE HEALTH INSURANCE

Ms. Lee Marsh moved that the Town petition the General Court for a special act as follows:

AN ACT RELATIVE TO RETIREES' GROUP HEALTH INSURANCE PREMIUM CONTRIBUTION IN THE TOWN OF WESTON

SECTION 1. Notwithstanding chapter 32B of the General Laws or any other general or special law to the contrary, any employee who retires from the service of the Town of Weston before July 1, 2009 and is enrolled in a health care benefit plan offered by said town as of the effective date of this act, their spouses or dependents shall be entitled to receive from said Town a premium contribution of eighty percent for their group health insurance as long as the retired employee or their eligible dependents remain continuously enrolled in said health care benefit plan or it equivalent, notwithstanding any alteration in health insurance plans or health insurance premiums by said Town. All employees who retire from the service of the Town of Weston on or after July 1, 2009 and are enrolled in a health care benefit plan offered by said town as of the effective date of this act, their spouses or dependents shall be entitled to receive from said Town the same percentage of premium contribution for group health insurance as of the date of their retirement for the first three years of their retirement as long as the retired employee or their eligible dependents remain continuously enrolled in the health care benefit plan or it equivalent, notwithstanding any alteration in health insurance plans or health insurance premiums by said Town.

All retired employees, their spouses and dependents, who are enrolled in Medicare parts A and part B and a Medicare extension plan offered by said Town, shall be entitled to receive from said Town a refund of a portion of the Medicare part B premium, paid by them during a fiscal year, at the same percentage of premium contribution provided by said Town for the Medicare extension plan in which they are enrolled as long as the retired employee or their eligible dependents remain continuously enrolled in such plan or it equivalent, notwithstanding any alteration in such plans or health insurance premiums by said Town.

SECTION 2. This Act shall take effect upon its passage.

And further, to authorize the General Court to make clerical or editorial changes of form only to the bill.

Speakers in favor of the motion included Ms. Carol Ott and Mr. Jay Majors. Ms. Marsh explained the need for the petition including the fact retirees are not represented by union, what the past practices, and recapping what discussions from the 2002 Annual Town Meeting. Mr. Gillespie opposed the motion as the issue of the Health benefit was very complex, the Town valued the retirees' contributions to the Town but a balance was

needed. Ms. Ann Leibowitz stated it would be unfair to bind the Town with a bylaw and a special law was not the way to address the issue. Ms. Jill McCarthy, member of the Finance Committee also opposed the motion. Ms. Nancy McFarland stated she was glad she was not a retiree from Weston as she receives an 80% benefit from her former employer. Mr. James Beam, speaking individually and as a member of the Finance Committee, opposed the motion saying that members cannot ignore the fact that the Town cannot afford the percentage of health benefit coverage of the motion. Mr. Ed Lashman told Town Meeting members that he reluctantly concluded the proposed solution caused more problem then it would solve, binding the Town to a particular fiscal result, impeding other possible solutions, Mr. David Harmon, Mr. Ed Coburn also spoke against the motion.

Motion to move the question passes.

Mrs. Marsh's motion was defeated by the following vote: : Yes: 108 No: 141

ARTICLE 43: ACCEPT MASSACHUSETTS GENERAL LAW CHAPTER 44, SECTION 53F½ - ENTERPRISE FUND FOR BROOK SCHOOL APARTMENTS

Mr. Hestnes moved that the Town accept Massachusetts General Law chapter 44, section 53F ½ establishing a Brook School Apartments Enterprise Fund, to be effective for fiscal year 2007.

The motion was voted unanimously.

ARTICLE 44: ACCEPT MASSACHUSETTS GENERAL LAW CHAPTER 148, SECTIONS 26G, 26H, AND 26I

Mr. Gillespie moved that the Town accept Massachusetts General Law chapter 148, sections 26G, 26H and 26I regarding fire sprinklers in certain buildings

The motion was voted unanimously.

ARTICLE 45: AUTHORIZE MUTUAL AID AGREEMENT - BOARD OF HEALTH

Mr. Hestnes moved that the Town authorize the Board of Health, with the approval of the Town Manager, to enter into a mutual aid agreement with Boards of Health in other communities, as provided under M.G.L. Chapter 40, section 4A, in order to provide and receive mutual aid and assistance in the event one or more communities requires help in responding to a disaster or emergency.

The motion was voted unanimously.

The Moderator accepted a motion to dissolve the Annual Town Meeting

Motion to dissolve 2005 Annual Town Meeting passes.

SPECIAL TOWN MEETING
November 28, 2005

Pursuant to a warrant, duly served, Robert M. Buchanan, the Moderator called the Special Town Meeting to order at 7:30 P.M. in the auditorium of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service.

ARTICLE 1: AMEND FISCAL YEAR 2006 OPERATING BUDGET

Mr. Gillespie moved that the Town amend certain parts of the fiscal year 2006 Operating Budget adopted under Article 6 of the 2005 Annual Town Meeting as follows:

	<u>Changing From</u>	<u>Changing To</u>
Reserve Fund	\$350,000	\$900,000
Contributory Retirement- Middlesex	2,144,598	2,149,029
Insurance-Group Health/ Life, Medicare	7,853,304	7,844,579
Fire Salaries	2,060,808	2,069,533
Selectmen/Town Manager Salaries	335,015	315,015
Clerks of Committees	113,098	133,098

And that the sum of \$367,986 be raised and appropriated as supplemental funding therefor.

The motion was voted unanimously.

ARTICLE 2: AMEND FISCAL YEAR 2006 WATER ENTERPRISE BUDGET

Mr. Gillespie moved that the Town supplement certain parts of the fiscal year 2006 Water Enterprise Fund budget adopted under Article 7 of the 2005 Annual Town Meeting as follows:

	<u>Changing From</u>	<u>Changing To</u>
Capital Outlay	\$32,500	\$63,500

And as funding therefore, that \$31,000 be transferred from Water Enterprise Fund retained earnings.

The motion was voted unanimously.

The Moderator accepted a motion to dissolve the Special Town Meeting

Motion to dissolve the Special Town Meeting passes.