

2017 ANNUAL TOWN MEETING

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 Town Hall at 11 Town House Road in said Town, on Saturday, the sixth day of May, 2017, at 8:00 o'clock A.M. to act on Article 1 of this warrant for which polls will be open from 8:00 o'clock A.M. until 6:00 o'clock P.M. in said auditorium; and to meet in the auditorium of the High School at 444 Wellesley Street in said Town, and also in the gymnasium of the High School if the number of voters in attendance shall exceed the capacity of the auditorium, on Monday, the eighth day of May, 2017 at 7:00 o'clock P.M. to act upon the remaining articles of this warrant.

ARTICLE 1: TO BRING IN THEIR VOTES FOR THE FOLLOWING TOWN OFFICERS AND QUESTION TO BE VOTED ON ONE BALLOT

	<u>For a term of</u>
A Moderator	One Year
One Selectman	Three Years
Two Assessors	Three Years
One Member of the School Committee	Three Years
Three Members of the Recreation Commission	Three Years
One Member of the Planning Board	Five Years
Two Library Trustees	Three Years
One Member of the Board of Health	Three Years
One Commissioner of Trust Funds	Three Years
Three Measurers of Lumber	One Year

And to give their vote, Yes or No, on the following questions:

BALLOT QUESTION NO. 1: 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 amounts 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) Town Center Improvements-Level Service, Master Plan and Bury Utilities; (2) DPW Drainage Improvements; (3) South Side Drainage Project; (4) Proctor Field & Track Construction; (5) High School Field 1 Renovation; and (6) Case Campus Master Plan?

Yes _____ No _____

SUMMARY

State law provides for an exemption from the limits of Proposition two and one-half of those amounts required to pay for the debt service for bonds approved by the voters. Question 1 would exempt the debt service for the bonds that will be issued for projects previously approved and those to be considered at the May 2017 Annual Town Meeting:

Projects approved at November 2016 Special Town Meeting:

1. Town Center Improvements-Level Service (Article 1)	\$394,000
2. Town Center Improvements-Master Plan (Article 2)	138,000

Projects to be considered by May 2017 Annual Town Meeting:

1. DPW Drainage Improvements (Article 15)	300,000
2. South Side Drainage Project (Article 16)	500,000
3. Proctor Field & Track Construction (Article 17)	3,900,000
4. High School Field 1 Renovation (Article 18)	600,000
5. Case Campus Master Plan (Article 19)	1,450,000
6. Town Center Improvements-Bury Utilities (Article 21)	<u>456,000</u>
Total	\$7,738,000

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Separate articles appear in the Annual Town Meeting Warrant to appropriate the funds and authorize borrowing for each purpose. A two-thirds vote of Town Meeting in favor is required for approval. This ballot question is only to exempt the debt service from the limits of Proposition 2½, should these items be approved by Town Meeting.

The debt service for the projects to be considered at May 2017 Annual Town Meeting is estimated to be \$95,645 in fiscal year 2018, \$799,297 in fiscal year 2019, then decreasing each year until the bond reaches maturity. This Proposition two and one-half debt exclusion shall be approved if a majority of the persons voting thereon vote "yes."

BALLOT QUESTION NO. 2: PROHIBIT MARIJUANA ESTABLISHMENTS IN WESTON

Shall this Town prohibit the operation of all types of marijuana establishments as defined in G.L. c. 94G, Section 1, including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana related businesses, within the Town of Weston?

Yes _____ No _____

SUMMARY

On November 8, 2016, Massachusetts voters approved Question 4 legalizing the recreational use of marijuana (Chapter 334 of the Acts of 2016). In Weston, the vote on Question 4 was 2,880 in favor and 3,652 against. Although there are many questions about the implementation of this legislation, it appears that Weston voters can prohibit the operation of all types of recreational marijuana establishments by vote on the Town Election ballot. In addition, a zoning by-law amendment may need to be considered at the fall Special Town Meeting. This question shall be approved if a majority of the persons voting thereon vote "yes."

ANNUAL OPERATING BUDGET

ARTICLE 2: APPROPRIATE THE FISCAL YEAR 2018 OPERATING BUDGET

To raise and appropriate and transfer from available funds such sums of money as may be necessary to defray the costs of government and other Town charges for the fiscal year beginning July 1, 2017; or take any other action relative thereto.

Article 2 Explanation: The recommended fiscal year 2018 operating budget can be found on pages 9-11. The following available funds will be transferred to fund a portion of the operating budget:

- 1. Undesignated Fund Balance (free cash) \$2,300,000
- 2. Overlay Surplus 300,000
- 3. Well Litigation Settlement Account (principal) 125,000
- 4. Accrued Income-Well Litigation Settlement 7,500
- 5. Cemetery Trust Fund 35,000
- 6. Josiah Smith Tavern Trust Fund 6,000

Total \$2,773,500

The Finance Committee unanimously supports adoption of this Article.

CONSENT AGENDA (ARTICLES 3-16)

ARTICLE 3: AMEND FISCAL YEAR 2017 OPERATING BUDGET

To amend the following line items in the Fiscal Year 2017 Operating Budget adopted under Article 2 of the 2016 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>
Public Works – Snow and Ice Control	\$252,900	\$692,900	\$440,000

And as funding therefor, that \$440,000 be transferred from available funds (free cash); or take any other action relative thereto.

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Article 3 Explanation: *This article provides funding for the costs of snow and ice removal in excess of what was budgeted.*

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 4: APPROPRIATE FOR WESTON MEDIA CENTER, INC.

To raise and appropriate or transfer from available funds a sum of money as a grant to Weston Media Center, Inc., to provide continued support for PEG (Public Educational and Government) television programming on local cable channels; said sum to be expended by the Town Manager pursuant to a grant agreement between the Town Manager and the Weston Media Center, Inc., on such terms and conditions as the Town Manager deems appropriate; or take any other action relative thereto.

Article 4 Explanation: *The Weston Media Center, Inc. (WMC) is an independent, non-profit corporation that provides PEG television programming in Weston. Funding is provided by a "pass through" charge of 3.25% from Comcast and Verizon revenues collected from Weston cable television subscribers. The charge was in the amount of \$179,413 in 2016. In addition, a small amount (\$4,970) was raised through donations, grants, and DVD sales for total revenues in 2016 of \$184,383. The cost of delivering services at the current programming level was \$292,031 in 2016. In order for WMC to sustain its operations at current levels in the next fiscal year, WMC is requesting funding from the Town in the amount of \$110,000 for that year. With this amount, WMC expects to continue operations during the next fiscal year at the current level and to maintain the DVD archive, the website and video on-demand services.*

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 5: APPROPRIATE TO OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST FUND

To raise and appropriate or transfer from available funds a sum of money to the Other Post Employment Benefits (OPEB) Trust Fund, to be used to pay the costs of post employment benefits; or take any other action relative thereto.

Article 5 Explanation: *This article allows the Town to continue to fund its future liability for other post employment benefits (retiree health insurance) for Town of Weston retirees, which amounts to approximately \$52.5 million if fully pre-funded and \$67 million if funded on a partially pre-funded basis. Currently, the Town has approximately \$11.4 million in this Trust Fund. An appropriation of \$1,736,480, which includes the amount recommended by an actuarial study plus \$10,000 for two proposed new positions, is anticipated.*

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 6: DEPARTMENTAL REVOLVING FUNDS – AMEND GENERAL BY-LAWS AND AUTHORIZE SPENDING LIMITS

To amend the By-laws of the Town of Weston by adding a new Article XXXIV as follows:

ARTICLE XXXIV. DEPARTMENTAL REVOLVING FUNDS

Section 1. Purpose. This by-law, pursuant to General Laws Chapter 44, § 53E½, establishes and authorizes revolving funds for use by certain town departments, boards, committees, and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities.

Section 2. Expenditure Limitations. Each entity authorized below to expend a revolving fund may incur liabilities against and spend monies from such revolving fund without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.

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C. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting, or any increase therein as may be authorized by the Board of Selectmen and Finance Committee in accordance with G.L. Chapter 44, § 53E½.

Section 3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the General Fund.

Section 4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established and authorized by this by-law.

Section 5. Authorized Revolving Funds.

Program or Purpose	Representative or Board Authorized to Spend	Revenue Source	Use of Fund
Recreation Skating Programs	Recreation Director	Program Fees	Program Costs
Historic Marker	Historical Commission	Program Fees	Costs Related to Purchase of Historic Markers
Council on Aging Special Programs	Council on Aging Director	Program Fees	Program Expenses
Town Building Rentals	Town Manager	Rental Fees Town Hall	Utilities, Cleaning, Building Monitor
Board of Health	Health Director	Insurance Reimbursement for Flu Clinics and Fees for Public Health Initiatives	Public Health Education, Outreach, Health Initiatives, Emergency Preparedness
Fiske Law Office	Town Manager	Rental Fees	Building Repairs and Maintenance including Salaries and Benefits
Melone House	Conservation Commission	Rental Fees	Building Repairs and Maintenance including Salaries and Benefits
Solar Array Revenue	Town Manager	Payments to the Town for the generation of solar energy from solar arrays on Town property	Electricity expenses

And to set fiscal year spending limits for such revolving funds as follows:

Program or Purpose	FY2018 Spending Limit
Recreation Skating Programs	\$40,000
Historic Marker	\$1,500
Council on Aging Special Programs	\$50,000
Town Building Rentals	\$6,000
Board of Health	\$20,000
Fiske Law Office	\$55,000
Melone House	\$15,000
Solar Array Revenue	\$700,000

And to transfer the balance remaining in the Affordable Housing Monitoring Revolving Fund, which fund will not be reauthorized for FY2018, to the Affordable Housing Trust;

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And to transfer the balance remaining in the Josiah Smith Tavern Revolving Fund, which fund will not be reauthorized for FY2018, to the Josiah Smith Tavern Trust Fund – Income Account;

Or take any other action relative thereto.

Article 6 Explanation: The establishment of a new by-law regarding the Town’s Revolving Funds is required by the recently adopted Municipal Modernization Act. The spending limit for each of these Revolving Funds must be authorized annually and is included in the article. Each Revolving Fund is credited with only the departmental receipts received in connection with the programs supported by such Revolving Fund, and expenditures may be made by the specified personnel from each Revolving Fund without further appropriation. Please see Appendix 4 for a report on these Revolving Funds.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 7: 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 3	October 20, 1997 Special Town Meeting – Sewage Treatment	\$30,000
Article 11	May 9, 2011 Annual Town Meeting - Middle School Roof	\$162,668
Article 12	May 9, 2011 Annual Town Meeting - High School Boiler	\$297,600

Article 7 Explanation: The above noted authorizations are no longer needed. It is necessary for Town Meeting to rescind the balance of the bond authorizations so they can be removed from the Town’s financial records.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 8: AMEND GENERAL BY-LAWS – DENIAL OF LICENSES FOR NON-PAYMENT OF CERTAIN MUNICIPAL CHARGES

To amend Article II, Section 13.1 of the Town by-laws by inserting the underlined text and deleting the strikethrough text as follows:

SECTION 13.1 The town collector...shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve (12) month period,~~ and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

Or take any other action relative thereto.

Article 8 Explanation: This by-law amendment allows the Town to take advantage of a new provision adopted in the Municipal Modernization Act requiring applicants for licenses and permits to be current on their financial obligations to the Town. Previously, the Town had to wait until bills were unpaid for at least twelve months had passed before invoking this provision of the by-laws.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 9: ACCEPT CHAPTER 90 ROAD IMPROVEMENT FUNDS

To authorize the Board of Selectmen to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town Ways and to authorize the expenditure of such sums of money as may be received for the fiscal year commencing July 1, 2017 provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Department of Transportation; or take any other action relative thereto.

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Article 9 Explanation: Massachusetts law requires that Town Meeting approve the use of funds received from the Commonwealth for road construction purposes, including engineering or addressing traffic improvements. In fiscal year 2017, the Town was allotted \$486,850 from the Commonwealth for this purpose; in fiscal year 2018, the amount is expected to be \$480,882.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 10: APPROVE PROPERTY TAX DEFERRAL INCOME LIMITS

To establish fiscal year 2018 income eligibility limits 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; or take any other action relative thereto.

Article 10 Explanation: Several years ago, Weston obtained special legislation to change the eligibility criteria for the property tax deferral program, allowing the Board of Selectmen to set the interest rate for residents over 60 who defer their property taxes. For fiscal year 2018, the rate remains set at 4%. This legislation also allows the Board of Selectmen, with Town Meeting approval, to establish the income eligibility limit for this program each year. The Board of Selectmen is recommending that the income limit remain at \$75,000 for fiscal year 2018. Ratification of this amount is required by Town Meeting.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 11: APPROPRIATE THE FISCAL YEAR 2018 WATER ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2018, under the provisions of M.G.L. Chapter 44, section 53F½:

	Expended FY15	Expended FY16	Appropriated FY17	Recommended FY18
Salaries	\$257,464	\$265,614	\$279,162	\$289,926
Expenses	236,515	227,315	234,280	231,155
MWRA Assessment/ Water Purchases	2,025,205	2,247,535	2,491,600	2,867,800
Debt Service (non-exempt)	444,649	526,613	540,848	552,084
Capital Outlay	<u>28,584</u>	<u>81,330</u>	<u>65,000</u>	<u>67,500</u>
Total	\$2,990,462	\$3,348,407	\$3,610,890	\$4,008,465

Or take any other action relative thereto.

Article 11 Explanation: Debt service includes amounts for previously approved projects and the water main rehabilitation project to be considered under Article 12. The operating expenses for the Water Division are entirely funded by water fee revenue.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 12: APPROPRIATE FOR WATER MAIN REHABILITATION

To appropriate a sum of money to pay costs of laying and relaying water mains of not less than six inches but less than sixteen inches in diameter, 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 8, 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 12 Explanation: This request is part of an ongoing program to replace old cast iron and asbestos cement water mains. This material is no longer used to construct water mains. This appropriation is to replace 1,354 linear feet of asbestos cement water main in Columbine and Dean Roads that was installed in

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1939-40. The design for this project will be completed by the DPW's engineering division. The amount to be requested under this article is \$271,000, to be funded from water rates. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 13: APPROPRIATE THE FISCAL YEAR 2018 RECREATION ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Recreation Department during fiscal year 2018, under the provisions of M.G.L. Chapter 44, section 53F½:

	Expended <u>FY15</u>	Expended <u>FY16</u>	Appropriated <u>FY17</u>	Recommended <u>FY18</u>
Salaries	\$1,001,088	\$983,334	\$1,129,368	\$1,171,732
Expenses	439,200	452,133	441,400	468,139
Community Center	<u>73,864</u>	<u>70,094</u>	<u>81,750</u>	<u>82,050</u>
Total	\$1,514,152	\$1,505,561	\$1,652,518	\$1,721,921

Or take any other action relative thereto.

Article 13 Explanation: Program fees cover approximately 70% of the salaries and expenses for this department; the remaining 30% is funded by property taxes. In addition, there will be a contribution of \$30,000 from the Council on Aging budget to the Recreation Enterprise fund to support the cost of operating the Community Center, in which the Council on Aging is housed.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 14: APPROPRIATE THE FISCAL YEAR 2018 BROOK SCHOOL APARTMENTS ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Brook School Apartments during fiscal year 2018, under the provisions of Chapter 76 of the Acts of 2009 and M.G.L. Chapter 44, section 53F½:

	Expended <u>FY15</u>	Expended <u>FY16</u>	Appropriated <u>FY17</u>	Recommended <u>FY18</u>
Salaries	\$169,359	\$165,223	\$180,314	\$192,585
Expenses	295,271	336,308	385,300	379,180
Repairs and Replacements+	123,230	130,623	138,460	146,768
Payment in Lieu of Taxes	21,697	22,239	22,795	23,365
Capital Improvements+	309,162	290,963	100,000	100,000
Debt Service	<u>334,472</u>	<u>307,917</u>	<u>282,283</u>	<u>273,773</u>
Total	\$1,253,191	\$1,253,273	\$1,109,152	\$1,115,671

Or take any other action relative thereto.

Article 14 Explanation: Funding for the operation of the Brook School Apartments comes from rental income and the Community Preservation Fund, which is covering the cost of the debt service for construction of thirteen affordable units completed as part of the expansion project in 2004.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 15: APPROPRIATE FOR DRAINAGE IMPROVEMENTS

To appropriate a sum of money for the construction or reconstruction of surface drains and all incidental costs related thereto, including the acquisition by gift, purchase and eminent domain of such temporary or permanent easements as may be necessary for this project, and to authorize appropriate Town officials to acquire such interests, 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,

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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 15 Explanation: This request is part of the ongoing program to replace, upgrade or install new storm drainage lines and structures to improve substandard drainage systems in town. Important future projects include locations on Loring, Byron, and Kings Grant Road, and the Concord Road culvert by College Pond. Public/private partnerships are funded from this program and help to resolve deficient drainage systems affecting runoff from public ways through private property. Drainage funds are also used for street drainage repairs for the road paving program. Future projects include Merriam Street, Viles Street, and Locust Road. The amount to be requested under this article is \$300,000. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 16: APPROPRIATE FOR SOUTH SIDE DRAINAGE PROJECT

To appropriate a sum of money for the construction or reconstruction of surface drains and all incidental costs related thereto, including the acquisition by gift, purchase or eminent domain of such temporary or permanent easements as may be necessary for this project, and to authorize appropriate Town officials to acquire such interests, 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 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 16 Explanation: The South Side Drainage Improvement Project is a multi-year, multi-phased project involving new drainage infrastructure on Pond Brook Circle and easements associated with drainage from the watershed in the Ledgewood and Shady Hill Road neighborhoods. The first phase of the project began construction in May 2015 on Pond Brook Circle. Future phases include drainage infrastructure at 466 and 474 Glen Road and flood mitigation at 154 Winter Street plus a remaining connection on Pond Brook Circle (this request), followed by the Ledgewood/Shady Hill area (\$386,000 expected in FY19). Easements and environmental permits still must be obtained for these areas. This is the fifth year of funding for this project (\$2,540,000 was previously approved); the amount to be requested under this article is \$500,000. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously supports adoption of this Article.

CAPITAL IMPROVEMENT BUDGET ARTICLES

ARTICLE 17: APPROPRIATE FOR PROCTOR FIELD AND TRACK RECONSTRUCTION

To appropriate a sum of money to pay costs for the reconstruction of Proctor Field and related facilities, 444 Wellesley Street, including but not limited to reconstruction of the track, installation of an infilled synthetic turf system, replacement of sports lighting system, and construction of a new bathroom and concessions building, as well as 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 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

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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 17 Explanation: The Recreation Master Plan Steering Committee (Fields Committee) and School Committee have been implementing a plan to increase the playing capacity of our existing athletic facilities. This general direction was chosen over finding new land on which to develop new fields. To that end, many fields have been renovated through irrigation and drainage improvements. However, the town has insufficient fields to allow for adequate resting and maintenance of fields both to protect our past investments and to keep the fields in service. Use of Proctor Field at the High School has been restricted to varsity football and soccer games in an effort to preserve a quality playing field. To continue maximizing the use of existing facilities, the committees are recommending moving to an artificial turf surface for Proctor Field. The artificial turf surface has proved very successful at Field #1 at the High School, which now supports boys and girls soccer, girls field hockey and girls and boys lacrosse. Field #1 is also used by local youth and adult teams in addition to High School and Middle School teams. Making a similar change to Proctor Field will substantially increase the availability of this field for sports beyond selected varsity games, to include other sports, practice sessions and community use. A shock absorption pad under the infill material will be included. In addition, the all-weather track surrounding the field is failing and is overdue for replacement. The track was originally installed in 1988, and it has been 15 years since it was last resurfaced. The track is unsafe for sporting events, and Weston is unable to host events. The field lighting was installed in 1994 and is inadequate. The lights do not sufficiently illuminate the field, which is unsafe for athletes, and they cast unnecessary light and glare well beyond the field, proving unfriendly to neighbors and the environment. The lighting should be replaced with energy efficient and more night sky friendly fixtures. The nearest bathrooms are in the High School. The paths to the field and bleachers are not sufficiently accessible for students and community members. The main bleachers are in good shape and do not need renovation. The needs addressed in the proposed project, along with adjacent facilities for restrooms, food vending and equipment storage, and improvements in admission and attendance circulation, are most efficiently addressed together. The Sports Wall that was approved at Spring 2015 Town Meeting will also be constructed as part of this project.

The amount estimated to be requested under this article is \$3,900,000. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee, by majority vote, supports adoption of this Article.

ARTICLE 18: APPROPRIATE FOR HIGH SCHOOL FIELD 1 RENOVATION

To appropriate a sum of money to pay costs for the renovation of High School Field 1, 444 Wellesley Street, 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 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 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 18 Explanation: The current artificial turf field at the High School (Field #1) was constructed in 2008 with funds privately raised by a generous Weston community. The expectation was that future maintenance would be the responsibility of the Town. The “carpet” on synthetic turf fields has a life span from 8-10 years based on usage, maintenance and the environment. The “infill” material underneath is expected to last twice as long. Our field has been used extensively. The carpet has performed well and is at the end of its life. The Recreation Master Plan Steering Committee (Fields Committee) and School Committee believe the significant usage and recent testing data support the need for a new carpet along with the addition of a shock pad underneath the field.

The amount estimated to be requested under this article is \$600,000. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 19: APPROPRIATE FOR CASE CAMPUS MASTER PLAN

To appropriate a sum of money to pay costs to design and reconstruct, resurface or alter the configuration of roadways, walkways and parking areas on the Case Campus, generally located on either side of Alphabet Lane and within the boundaries of School Street and Wellesley Street, 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 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 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 19 Explanation: The Case Campus Master Plan (CCMP) addresses needs resulting from the transformation of the campus from exclusively school-related uses to a place that now also serves as one of the Town's most popular social, recreational, and cultural destinations. From its beginnings as the elementary school campus and school department administration, the use has expanded to include the Town Library, the Town Pool, and the Community Center, which houses the Recreation Department and Council on Aging. This development was not accompanied by a campus-wide plan taking into account the aggregate needs for roadway access, parking and safe pedestrian access among these facilities.

This is the fifth request for funding to implement the various phases of the CCMP; a total of \$3,299,200 in general funds and \$267,150 in Community Preservation Act (CPA) funds has previously been appropriated.

This request would provide funding for parking lot and campus driveway improvements to address the remaining parking and traffic flow issues that have been identified. Specifically the scope includes: reconfiguring the parking lots and circulation around the Case House and the Community Center; reconfiguring the driveway entrance and installing new curbing and sidewalk at the Town Library; installing pervious paving on the new Case Estates parking lot adjacent to Alphabet Lane; and making lighting improvements. All work funded by this Article will be appropriately coordinated with the Permanent Building Committee and the separate Case House renovation project, to ensure that this work does not disrupt or adversely affect the renovation project or result in damage, unnecessary work, or the duplication or undoing of work.

It is expected that \$1,450,000 in general funds will be requested to implement this part of the plan. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee, by majority vote, supports adoption of this Article.

ARTICLE 20: APPROPRIATE FOR WIRELESS WATER METER READING SYSTEM

To appropriate a sum of money to pay costs of implementing a wireless water meter reading system, including purchase and installation of water meters and water departmental equipment, including 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 8, 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 20 Explanation: An automatic, wireless water meter reading system is proposed to make more efficient the process of collecting semi-annual water meter readings, which will also provide the ability to flag high daily or weekly usage, identify problems earlier and save money for water users, via water rates and the Water Enterprise Budget. The cost includes the wireless system and the cost of about half of the existing water meters, which must be upgraded. The Town employee responsible for meter reading will continue with related duties and will also be able to perform other, needed work in the Water Division. The

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amount to be requested under this article is \$860,000. The debt service will be paid by water users. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 21: APPROPRIATE FOR TOWN CENTER IMPROVEMENTS – BURY UTILITIES

To appropriate a sum of money to pay costs of engineering and landscape architectural services to construct physical improvements to the Town Center, generally located along Boston Post Road between Linwood Avenue and School Street, along Church Street between Boston Post Road and Town House Road, and along Town House Road, including burying of the utility wires and other infrastructure, 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 to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; provided that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved hereunder accordance with M.G. L. Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

Article 21 Explanation: At the November 2016 Special Town Meeting, voters approved the appropriation of design funds for the Level Service and Master Plan components of the Town Center Improvements Project, but the component providing for burying of the utilities failed to get the required 2/3 majority vote, although it was approved by a simple majority. This article again requests appropriation of additional funds for the utility companies to create the engineering plans necessary for removal of their utility poles and the construction required to place their wiring and transformers underground and for further related streetscape design work, including new tree plantings and pedestrian lighting. The engineering and design work contemplated in this article will fully coordinate with the master plan design approved at November’s Special Town Meeting. Voters are being asked to reconsider this request because the next opportunity to make this aesthetic improvement to the Town Center is unlikely to take place for at least 40-50 years.

At present, the high-level budget estimate for the actual construction of this work is \$4.9 million. This request for engineering and design funds will enable the Town to more accurately project the construction cost, funds for which would be considered at a future Town Meeting.

The amount to be requested under this article is \$456,000. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously opposes this Article, believing that the costs far exceed the potential benefits of the project.

BY-LAW AMENDMENTS

ARTICLE 22: AMEND ARTICLE I OF GENERAL BY-LAWS – ALLOWING ELECTRONIC HAND-HELD DEVICES FOR VOTING AT TOWN MEETINGS

To amend Article 1, Section 9 of the Town By-laws concerning Town Meeting voting procedures by deleting it in its entirety and replacing it with the following:

- A. Voting Procedures. All votes on all motions, unless otherwise mandated by the laws of the Commonwealth or otherwise provided hereinafter, shall be taken initially by display of official voting cards or by such other methods or procedures, which may include the use of any electronic tally system, as may be voted from time to time by Town Meeting. Town Meeting may use an electronic tally system to provide for individually counted and reported votes on all motions or only on those motions that would require a supermajority greater than 2/3, or otherwise as may also be voted by Town Meeting.
- B. Counting Votes.
 - i. The Moderator shall declare all votes, regardless of required quantum. If a supermajority is required by statute, such vote shall be individually counted using a standing vote count or an electronic tally

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system or otherwise; provided, however, that the Moderator shall have authority to declare a 2/3 vote without a count. If the Town uses an electronic tally system with individual votes counted and reported, the count shall be declared by the Moderator with the vote, even if a count is not otherwise required.

ii. Notwithstanding any other provisions of this Section 9, if any voter calls for a count immediately after the Moderator's declaration of the vote, or if the Moderator deems a count necessary or advisable for any reason, the Moderator shall call for a count using a standing vote count or an electronic tally system or otherwise and declare the outcome of the count. For any such vote initially taken using an electronic tally system, the Moderator shall manually tally the electronically recorded votes, if the electronic tally system so permits, order another electronic tally to be taken that provides a count of individual votes, or call for a standing vote count. In lieu of a complete vote count, the Moderator may choose to count the voters who appear to the Moderator to be in the minority first and then count the voters who appear to the Moderator to be in the majority only or at least to the extent necessary to determine the result of the vote, based on the required quantum.

iii. If the Moderator has reason to question the validity or accuracy of any kind of voting system, the Moderator may instead call for voice votes, standing vote counts, and/or ballot votes.

Or take any other action relative thereto.

Article 22 Explanation: This by-law amendment would allow for (but not require) the use of an electronic tally system to count votes at Town Meetings, instead of only allowing the current system with paper voting cards and standing vote counts. The use of electronic hand-held voting devices would benefit the Moderator and voters by allowing votes to be counted more quickly and accurately and by reducing or avoiding the need for standing vote counts, which are time consuming for voters. The use of electronic hand-held devices would be limited to those attending Town Meeting in person (and is not the same as remote online voting, which is not currently under consideration or allowed by Massachusetts law). The use of electronic hand-held devices was unanimously recommended by the Selectmen's Town Meeting Advisory Committee (STMAC).

The Finance Committee takes no position on this Article.

ARTICLE 23: ZONING BY-LAW AMENDMENT – PERSONAL WIRELESS SERVICE FACILITIES

To amend Section V.J of Article VIII of the Zoning By-Laws, concerning Personal Wireless Service Facility Regulations, as set forth below, with text to be deleted shown in strikethrough and text to be inserted underlined:

1. By revising the first unnumbered paragraph of Section V.J.2 as follows:

From the effective date of this By-Law, no building or special permit shall be issued for the placement, construction, erection or modification of any structure to provide for Personal Wireless Service Facilities, either whether as a principal use or as an accessory use, except as set forth below in Section V.J.4. ~~in excess of the height limitations contained in Section VI.E, except in a Personal Wireless Service Overlay District as set forth below in Section V.J.3, or as set forth in section V.J.4.b.~~
2. By deleting in its entirety the introductory unnumbered paragraph of Section V.J.4 and revising Sections V.J.4.a and V.J.4.b as follows:
 - a. The Planning Board may, by special permit, authorize the placement, construction, erection, or modification of a Personal Wireless Service Facility in PWSOD I or PWSOD II, subject to the following limitations:
 - i. A free-standing ground-mounted tower is eligible for a Special Permit in PWSOD I only; and
 - ii. An antenna mount attached to a building or structure other than a free-standing Personal Wireless Service tower, (except for an antenna mount attached to a utility pole

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located within the layout of a public right of way, which shall be governed by Section V.J.9 below) is eligible for a Special Permit up to 20 feet in height above the height of the building or other structure on which it is mounted in PWSOD I and/or II, ; and

~~iii. An antenna mount attached to a utility pole in the public way that does not extend more than ten feet above the utility pole is eligible for a Special Permit; or~~

b. ~~A Personal Wireless Service Facility~~ The Planning Board may also, by special permit, authorize in any zoning district the placement, construction, erection, or modification of a Personal Wireless Service Facility that is totally enclosed in a barn or in an office, commercial, industrial, religious or municipal building; so long as the barn or other building is not a Dwelling.

3. By revising Section V.J.8 as follows:

8. Variances

If an applicant seeks a variance under the Telecommunications Act of 1996 for a Personal Wireless Services Facility, the application shall comply with Section V.J.5 of this By-Law, and the applicants shall also apply to the Planning Board for Site Plan Approval. In considering an application for a variance, the Zoning Board of Appeals shall consider the factors and criteria described above in Sections V.J.4.c and V.J.4.d and apply the limits and requirements described above in of Section V.J.6 ~~of this By-Law.~~ ~~If a variance is sought from the Zoning Board of Appeals, the applicants shall also apply to the Planning Board for Site Plan Approval.~~

4. By inserting at the end of said Section V.J a new Section V.J.9, as follows:

9. Antenna Mounts on Certain Utility Poles

Requests to mount Personal Wireless Services equipment on utility poles located within the layout of a public right of way shall require only a “grant of location” from the Board of Selectmen in accordance with the grant of location process described in Chapter 166, Section 22 of the Massachusetts General Laws (or any related or successor provisions thereto).

Or take any other action relative thereto.

Article 23 Explanation: This amendment to the Personal Wireless Service Facility by-law provisions clarifies that approval of antenna mounts for personal wireless services on utility poles in public rights of way is to be handled solely by the Board of Selectmen, under the “grant of location” process already required by Massachusetts law with respect to utility poles in public rights of way, wherever in town they may be located. This will eliminate some potential ambiguities, unintended consequences, and additional work for the Planning Board with respect to these antenna mounts under the current by-law. This by-law amendment also clarifies some additional aspects of the Personal Wireless Service Facility by-law provisions regarding applicability and variances.

The Finance Committee takes no position on this Article.

CITIZENS’ PETITIONS

ARTICLE 24: ZONING BY-LAW AMENDMENT – DRIVEWAYS WITH TWO CURB CUTS (SUBMITTED BY CITIZENS’ PETITION)

To see if the Town will vote to amend Section X (Special Permits) and Section XI (Site Plan Approval) of the Zoning By-law to permit driveways with two curb cuts unless certain factors and standards are not satisfied.

Section X. Special permits.

A. Special permit for uses.

1. Add to the end of the paragraph:

Driveways with two curb cuts are permitted in Weston and will only be prohibited or denied if the special permit granting authority determines that either curb cut will be injurious to the community or neighborhood safety or that either curb cut fails to satisfy factors specified in Section V “Use Regulations”.

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Section XI. Site plan approval.

F. Standards and criteria

- 12. Driveways with two curb cuts are permitted in Weston. The development may have a driveway with two curb cuts. A second curb cut will only be prohibited or denied if the Planning Board finds that either curb cut fails to satisfy the standards set forth in paragraphs 3 and 5 directly above.

Or take any other action in relation thereto.

Article 24 Explanation (provided by the lead petitioner): The purpose of this proposed amendment to the zoning by-law is to make it clear that two curb cut driveways, usually but not always semi-circular, are permitted in Weston unless there are unresolvable safety or drainage issues resulting from either of the curb cuts. Since horse and buggy days many Weston homeowners have installed two curb cut driveways in front of their homes. There are hundreds of two curb cut driveways in Weston. The Weston Zoning By-law has never forbidden driveways with two curb cuts. Nevertheless, the Weston Planning Board, without a Town Meeting vote, now forbids two curb cut driveways on any project over which they have jurisdiction. This includes any new house built on any of Weston's 37 scenic roads. Recently the Planning Board has taken this prohibition one step further. It has been requiring the removal of one curb cut on preexisting two curb cut driveways as a condition for granting approval for additions to houses or for accessory structures such as barns or storage sheds. Weston is currently involved in litigation with two homeowners over this issue.

The proponents believe that a prohibition such as this, which takes away a property right which predates the Planning Board and the automobile, should only be decided by a Town Meeting vote and not by the Planning Board. This proposed zoning amendment will confirm that driveways with two curb cuts are allowed in Weston and it establishes the findings the Planning Board must make in order to deny a property owner a two curb cut driveway.

The Finance Committee takes no position on this Article.

ARTICLE 25: ZONING BY-LAW AMENDMENT- PREVENT EXCESSIVE HEIGHT OF BUILDINGS (SUBMITTED BY CITIZENS' PETITION)

To see if the Town will vote to approve proposed by-law change to section 6 E 1 restricting height on sloping lots. The inserted language in the by-law appears below in italics.

Section 6 E 1:

On all land located within the Town of Weston, no building shall exceed the height limitations set forth in the table below. In all cases, height shall be determined by measuring the vertical distance from the Grade Plane to the highest point of a building. In addition, any portion of a building comprising 3 exterior walls and that, when considered by itself, exceeds 2,000 square feet RGFA must meet the height limitations within that portion. Any portion of a building comprising an exterior wall and a rectangle whose longest side is no more than twice its shortest side and that, when considered by itself, exceeds 2,000 square feet RGFA must meet the height limitations within that portion.

Article 25 Explanation (provided by the lead petitioner): The petitioner will move at Town Meeting that this article be passed over and withdrawn from consideration.

The Finance Committee takes no position on this Article.

ARTICLE 26: INCREASE REQUIRED SIGNATURES FOR CITIZENS' PETITIONS SUBMITTED WITH RESPECT TO ANNUAL TOWN MEETINGS FROM 10 TO 50 (SUBMITTED BY CITIZENS' PETITION)

To authorize the Board of Selectmen to petition the General Court for special legislation to increase from 10 to 50 the number of signatures necessary to place an article on the warrant by petition for an Annual Town Meeting, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill prior to

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enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto.

“An Act Relative to the Town of Weston Town Meeting

Section 1. Notwithstanding the provisions of section 10 of chapter 39 of the General Laws or of any other general or special law to the contrary, the board of selectmen of the town of Weston shall insert in the warrant for an annual town meeting all subjects the insertion of which shall be requested of it in writing by 50 or more registered voters of the town.

Section 2. This act shall be submitted for its acceptance to the qualified voters of the town of Weston at an annual or special town election in the form of the following question: “Shall an act passed by the General Court in the year 2017, entitled ‘An Act Relative to the Town of Weston Town Meeting’, be accepted?”

Section 3. This act shall take effect upon its passage.

Article 26 Explanation (provided by lead petitioner): The Selectmen’s Town Meeting Advisory Committee (STMAC) unanimously recommended increasing the number of signatures required for a citizens’ petition at Annual Town Meeting, which was also strongly supported in STMAC’s town-wide survey. The existing requirement of only 10 signatures for an Annual Town Meeting (versus 100 for a Special Town Meeting) is very easy to meet for most any petition, regardless of its merit or likelihood of success, whereas a higher number of signatures would reflect broader support, a higher likelihood of success, and thus greater justification for using Town Meeting time to consider the petition, without requiring undue effort from petitioners. This citizens’ petition seeks to raise the signature requirement from 10 to 50 for an Annual Town Meeting, which is half the requirement for a Special Town Meeting, and it reflects a compromise and concerns raised when a prior petition to increase the requirement to 100 signatures was discussed but narrowly defeated at the November 2015 Town Meeting. If this change is approved at the town level, the state will need to pass special legislation to implement it, and it will also require a vote on the ballot of a subsequent Town Election.

The Finance Committee takes no position on this Article.

**ARTICLE 27: PLASTIC BAG BAN BY-LAW
(SUBMITTED BY CITIZENS’ PETITION)**

To see if the Town will vote to amend the General Bylaws by adopting a new by-law, entitled, “Plastic Bag Ban”, consistent with over 40 other communities in the state of Massachusetts, to better protect the environment from plastic pollution, in the form set forth below, or take any other action relative thereto.

ARTICLE XXXV. PLASTIC BAG BAN

Section 1. Findings and Purpose

Plastic check-out bags have a significant impact on the marine and terrestrial environment, including but not limited to: 1) harming marine and terrestrial animals through ingestion and entanglement; 2) polluting and degrading the terrestrial and marine environments; 3) clogging storm drainage systems; 4) creating a burden for solid waste disposal and recycling facilities; 5) and requiring the use of non-renewable fossil-fuel in their composition. Studies have shown that even alternative “compostable” or “biodegradable” bags require very specific and controlled conditions in order to biodegrade, and have potentially negative environmental effects similar to conventional plastic bags. Such bags should therefore be subject to the same restrictions as conventional plastic check-out bags.

The purpose of this Bylaw is to protect the Town’s unique natural beauty and irreplaceable natural resources by reducing the number of single-use plastic check-out bags that are distributed in the Town of Weston and to promote the use of reusable bags.

Section 2. Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- a. “Check-out bag” shall mean a bag provided by a store to a customer at the point of sale.

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- b. "Department" shall mean the Weston Board of Health.
- c. "Health Agent" shall mean the Health Agent for the Weston Board of Health or its designee.
- d. "Recyclable paper bag" shall mean a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.
- e. "Reusable Check-out bag" shall mean a bag with handles that is specifically designed for multiple reuse and that is either (a) made of natural fibers (such as cotton or linen); or (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4 mils thick.
- f. "Retail Establishment" shall mean any business facility that sells goods, articles, food, or personal services directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.
- g. "Thin-Film, Single-Use Plastic Check-Out Bags" shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

Section 3. Regulated Conduct

- a. No Retail Establishment in the Town of Weston shall provide Thin-Film, Single-Use Plastic Check-Out Bags to customers.
- b. If a Retail Establishment provides or sells Check-Out Bags to customers, the bags must be one of the following: 1. Recyclable paper bag; or 2. Reusable Check-Out bag.

Section 4. Exemptions.

Thin-film plastic bags typically without handles which are used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this bylaw.

Section 5. Enforcement

This Bylaw shall be enforced by any means available in law and in equity in accordance with the provisions of Sections 1 and 2 of Article V of the Weston Town Bylaws. The Weston Board of Health, Health Agent, or any police officer of the Town shall be "enforcing persons" for purposes of this Bylaw. Each day a violation exists shall be deemed a separate violation. The fine structure set forth in Article V, Section 2(c) shall be applicable to violations of this Bylaw.

Section 6. Effective Date

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or January 1, 2018, whichever is later.

Section 7. Regulations

The Board of Health is hereby authorized to adopt regulations to effectuate the purposes of this Bylaw. Such rules and regulations shall be on file in the offices of the Board of Health and the Town Clerk.

Article 27 Explanation (provided by the lead petitioner): We are asking for your support of a new Plastic Bag Ban By-law in Weston as a way to protect the beauty of our town's landscape and reservoirs. Plastic bags are plastic pollution. They litter our tree-lined streets and our picturesque hiking trails, clog our storm drains and harm our abundant wildlife. Plastic bags also choke and entangle marine life. They can jam and damage the town's recycling equipment. Plastic bags do not biodegrade. Instead, they break into tiny pieces called microplastics that end up in our oceans. They are made from non-renewable fossil fuels that add carbon to the air.

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We hope Weston can join the efforts of other communities and drastically reduce the use of plastic bags. More than 40 cities and towns across Massachusetts, including Wellesley, have already adopted some type of ban on plastic bags. The Bag Ban By-law would ban the use of plastic bags by stores in Weston, with a few exceptions for medicine, produce and dry cleaning bags. We believe it's time for Weston to join in the effort to ban plastic bags and clean up our town.

The Finance Committee takes no position on this Article.

COMMUNITY PRESERVATION ACT ARTICLES

**ARTICLE 28: APPROPRIATE FOR FISCAL YEAR 2018
COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET**

To hear and act on the report of the Community Preservation Committee on the fiscal year 2018 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for fiscal year 2018; and further, to reserve for future appropriation for purposes consistent with the Community Preservation Act the amounts as recommended by the Community Preservation Committee for open space, including land for recreational use, historic resources and affordable housing; and further, to appropriate from the Community Preservation Fund a sum of money for payment of debt service on Community Preservation projects previously approved by Town Meeting, all as recommended by the Community Preservation Committee, or take any other action relative thereto.

Article 28 Explanation: The Community Preservation property tax surcharge will raise more than \$2,000,000 in fiscal year 2018, which is expected to be matched, in part, by the State. By law, a minimum of 10% of Community Preservation funds raised by the surcharge and as matching funds from the state must be spent or set aside for future spending in each of three categories: open space, which recent legislation has defined to include land for recreational use; historic resources; and community housing. The remaining 70% of available funds may be allocated to any one or a combination of the three categories, all as specified in G.L. c.44B, §5(b)(2), as most recently amended.

The administrative expense budget, limited by law to no more than 5% of annual Community Preservation Fund revenues, is estimated to be \$120,000 and is funded from the Community Preservation Fund. Any administrative funds remaining unused at the end of the fiscal year are returned to the Unallocated allocation of the Community Preservation Fund. The administrative expense budget covers the cost of a part-time staff person for the Committee and Committee expenses such as appraisal fees, legal fees, and advertising for public hearings.

The appropriation for debt service includes \$6,040 for Brook School Apartments and \$373,711 for Case Estates.

The Finance Committee unanimously supports adoption of this Article.

**ARTICLE 29: APPROPRIATE FOR HISTORIC RESOURCES – JOSIAH SMITH TAVERN
DESIGN FEES**

To appropriate a sum of money for historic resources purposes under the Community Preservation Program to pay costs of engineering and architectural services for plans, specifications, and other predevelopment expenses for the design and construction of improvements to preserve, rehabilitate and restore the historic Josiah Smith Tavern building, located at 358 Boston Post Road, in a manner suitable for use as a restaurant and space to house local non-profit organizations, including all related incidental costs; to be spent under the direction of the Town Manager, said sum to be transferred from the Historic Resources and Unallocated allocations of the Community Preservation Fund; or take any other action relative thereto.

Article 29 Explanation: At the behest of the Board of Selectmen (“BOS”), the Josiah Smith Tavern and Old Library Working Group (“Working Group”) was convened in December 2013 to openly and transparently facilitate and coordinate Town efforts to find a reuse for the Josiah Smith Tavern (“JST”) and Old Library. After more than two years of extensive review, the Working Group unanimously endorsed a proposal put forth by the Friends of the Josiah Smith Tavern (“Friends”), a Massachusetts charitable corporation

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organized under G.L. c.180, and in September 2016, the BOS designated the Friends as the preferred proponent for re-use of the JST, barn and connector.

The Friends propose to create a 105-seat farm to table restaurant in the JST barn, connector, and original tap room to be operated by the Webber Restaurant Group, an experienced restaurateur with restaurants in Hingham, Groton, and Burlington; to provide subsidized rental space in the main building to the Weston Historical Society, Weston Forest and Trail Association, and the Women’s Community League of Weston; and to make the second floor ballroom of the tavern available for community and tenant use. The Town will maintain ownership of the JST, and operating income is expected to cover operating costs. The cost of construction of the kitchen and fit-out of the barn and connector for use as a restaurant, estimated at approximately \$1 million, will be borne by the restaurant operator as such costs may not be paid from Community Preservation Act funds.

Funds requested under this article will pay for full architectural and engineering services and other predevelopment expenses to enable a construction funding request (currently estimated at \$4.5 million) at a subsequent Town Meeting. The amount to be requested under this article is \$630,000.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 30: APPROPRIATE FOR COMMUNITY HOUSING – AFFORDABLE HOME OWNERSHIP OPPORTUNITY FUNDS

To appropriate a sum of money for community housing purposes under the Community Preservation Program for the Affordable Housing Trust to acquire and then dispose of real property suitable for the creation of home ownership units affordable to households with incomes of up to 100% of the area median, including all related incidental costs; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Community Housing and Unallocated allocations of the Community Preservation Fund; or take any other action relative thereto.

Article 30 Explanation: The Weston Affordable Housing Trust (“WAHT”) seeks funding to identify, to evaluate feasibility, and, if feasible, to acquire real property suitable for the creation of home ownership units affordable to households with incomes up to 100% of the area median. The WAHT will work with consultants to identify potential properties, to conduct feasibility analyses and due diligence, and to negotiate the purchase of suitable property for the purpose of acquiring and then disposing of such property through a request of proposal (“RFP”) process. The WAHT will select an RFP respondent to develop home ownership units in keeping with design development constraints set forth in the RFP which are intended to encourage a project in keeping with the neighborhood context.

Weston’s recently adopted Housing Production Plan identifies a need for affordable home ownership units, in addition to affordable rental units, in Weston. This proposal seeks funds to support developments which would not ordinarily be feasible due to high land costs and opposition to higher density development. The WAHT will communicate with abutters and relevant Town boards during the due diligence process and is required to consult with the Board of Selectmen prior to acquiring real property.

The amount to be requested under this article is \$950,000.

The Finance Committee unanimously opposes this Article.

ARTICLE 31: APPROPRIATE FOR COMMUNITY HOUSING - FEASIBILITY OF ADDITIONAL UNITS AT BROOK SCHOOL APARTMENTS

To appropriate a sum of money for community housing purposes under the Community Preservation Program to study the feasibility of adding elderly rental housing units at the Brook School Apartments, located at 44 School Street, which are affordable to households earning no more than 100% of the area median income, such funds to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Community Housing allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 31 Explanation: The Elderly Housing Committee wishes to explore the feasibility of expanding the Brook School Apartments by adding elderly rental housing units affordable to households earning no more

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than 100% of area median income. There are potential conservation restrictions, and existing septic capacity may limit the number of such units to approximately 14. This study is consistent with the goals established in the Town's recently adopted Housing Production Plan. The amount to be requested under this article is \$30,000.

The Finance Committee, by majority vote, supports adoption of this Article.

ARTICLE 32: APPROPRIATE FOR COMMUNITY HOUSING – REGIONAL HOUSING SERVICES OFFICE & HOUSING TRUST STAFF SUPPORT

To appropriate a sum of money for community housing purposes under the Community Preservation Program in order to provide funds needed to participate in a regional housing services office and for staff assistance for the creation, preservation, and support of community housing; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Community Housing allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 32 Explanation: Weston collaborates with the Towns of Acton, Bedford, Burlington, Concord, Lexington, and Sudbury to provide a regional housing services office ("RHSO"), which is currently housed in Concord. Professional staff with expertise in affordable housing offer a variety of services related to lottery, monitoring, administration of the subsidized housing inventory, and consultation on specific projects. In addition, staff support is provided through the RHSO for the Weston Affordable Housing Trust. The amount to be requested under this article is \$19,230.

The Finance Committee unanimously supports adoption of this Article.

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 Weston High School on Wellesley Street by the gymnasium, seven 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 April 5, 2017.

Douglas P. Gillespie
Michael H. Harrity
Christopher E. Houston
Selectmen of the Town of Weston