



WARRANT FOR SPECIAL TOWN MEETING November 28, 2007

Commonwealth of Massachusetts
Middlesex, ss.

To any Constable in the Town of Weston, Greetings:

In the name of The Commonwealth you are hereby required to notify and warn the voters of said Town, qualified to vote in elections and Town affairs, to meet in the Auditorium of the Senior High School in said Town, and also in the Gymnasium of the Senior High School if the number of voters in attendance shall exceed the capacity of the Auditorium, on Wednesday, the twenty-eighth day of November 2007, at 7:30 o'clock p.m., to act upon the following articles:

ARTICLE 1: AMEND FISCAL YEAR 2008 OPERATING BUDGET:

To amend the following line items in the Fiscal Year 2008 Operating Budget adopted under Article 2 of the 2007 Annual Town Meeting as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
School Department-Salaries	\$23,299,474	\$23,769,967	\$470,493
Cost of Living & Merit Pay – Transfer Account	\$44,000	\$64,000	\$20,000
Town Manager's Office –			
Consulting & Professional Services+	\$55,000	\$85,000	\$30,000
Legal	\$196,800	\$226,800	\$30,000
Facilities Improvements – Town-Wide+	\$227,813	\$272,813	\$45,000
Facilities Town-Wide – Salaries	\$162,486	\$167,486	\$5,000
Transfer from Health Insurance to Salaries	\$9,816,746	\$9,402,374	(\$414,372)

Article 1 Explanation: This article provides for funding in the School budget for an additional Grade 5 section; adjusts the Town's health insurance budget and the School salary budget because several school unions have agreed to increase their health insurance contribution; provides additional funds needed to implement an updated compensation plan for non-union employees; appropriates additional amounts needed for consulting and legal services; transfers funds to Facilities salaries to allow employees to do work on building projects when cost effective; and provides additional funds in the Facilities budget for replacement of the septic system for the Central Fire Station. The funding needed will come from additional state aid received in Fiscal Year 2008.

ARTICLE 2: APPROPRIATE FOR ARSENIC REMEDIATION ON TOWN-OWNED LAND

To appropriate a sum of money from the tax levy for the purpose of removing arsenic contaminated soil on Town-owned land, including testing and other engineering services, as well as the actual removal and replacement of soil, and all other incidental costs related thereto; to be spent under the direction of the Town Manager; or take any other action relative thereto.

Article 2 Explanation: After arsenic was found in the soil at the Harvard-owned Case Estates property, the Town tested its own land that had previously been owned and farmed by the Case family and found unacceptable levels of arsenic on the 40 acre field that is currently used by Land's Sake at the intersection of School, Wellesley, and Newton Streets. This appropriation will be used for the cost of testing and other engineering services, as well as the actual removal and replacement of the arsenic contaminated soil. It is estimated that \$210,000 will be requested under this article.

ARTICLE 3: APPROPRIATE FOR FIELD SCHOOL ENGINEERING STUDY

To appropriate a sum of money from the tax levy for the cost of engineering services and all incidental costs related thereto, for the purpose of evaluating the physical condition of the Field School; to be spent under the direction of the School Committee; or take any other action relative thereto.

Article 3 Explanation: This article requests funds to conduct a comprehensive facility condition analysis of the Field School building. Based on the Field School Feasibility Study Report by SMMA (Symmes, Maini & McKee Associates), the School Committee has pursued two Options: Option 3 - major renovation and Option 4 - new construction. In order to effectively evaluate Option 3, a detailed condition report on the existing Field School building is required. The estimated cost of this work is \$40,000.

ARTICLE 4: APPROPRIATE INSURANCE PROCEEDS

To appropriate the sum of \$26,507 to the use of the Department of Public Works for the replacement of a vehicle, the money so appropriated to be transferred from the account "Receipts Reserved for Appropriation, Insurance Reimbursement in Excess of \$20,000;" or take any other action relative thereto.

Article 4 Explanation: This past summer the engine of the Department of Public Works vehicle driven by the Director inexplicably caught fire, and the vehicle was totaled. The insurance proceeds will be used to replace this vehicle.

ARTICLE 5: AMEND FISCAL YEAR 2008 WATER ENTERPRISE BUDGET:

To supplement certain parts of the Fiscal Year 2008 Water Enterprise budget adopted under Article 3 of the 2007 Annual Town Meeting as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Debt Service (non-exempt)	\$103,189	\$111,289	\$8,100

And as funding therefor, that \$8,100 be transferred from Water Enterprise fund retained earnings; or take any other action relative thereto.

Article 5 Explanation: This article is to provide funding for an unanticipated principal payment on debt previously issued.

ARTICLE 6: APPROPRIATE DESIGN SERVICES FEES FOR CONSTRUCTION OF NEW DEPARTMENT OF PUBLIC WORKS FACILITY

To appropriate an additional sum of money for the cost of engineering and architectural services for plans and specifications for a new facility 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 to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes; or take any other action relative thereto.

Article 6 Explanation: At the 2006 Annual Town Meeting, \$325,000 was appropriated to begin the design process for a new DPW facility. Since that time, a new Permanent Building Committee has been appointed, a Town-Wide Facilities Director has been hired, an Owner's Project Manager has been engaged, and a designer has been selected for this project. The design team, working with the Permanent Building Committee, has been completing pre-schematic work, programming, and partial schematic design. At this time, additional funds are needed to proceed with the full design of a new facility, and to develop plans, specifications, and bid documents. It is anticipated that funds to construct the new facility will be requested at a fall 2008 Special Town Meeting. It is estimated that \$995,000 will be requested under this article.

ARTICLE 7: AMEND GENERAL BYLAWS: NON-CRIMINAL DISPOSITION

To amend the Town's General Bylaws by deleting Article V, Penalties and replacing it with the following:

**"Article V
Penalties**

Section 1. A violation of any Town Bylaw may be enforced by any means available in law or in equity. When enforced on indictment or on complaint before a district court, any person violating any provision of these by-laws shall be punished by a fine of not more than three hundred dollars for each offense.

Section 2. Non-Criminal Disposition

(a) Scope and Authority

This Bylaw provides for a non-criminal disposition of a violation of any Town Bylaw or any rule or regulation of any Town officer, department, board, commission or committee, the violation of which is subject to a specific penalty. This Bylaw is enacted in accordance with MGL c. 40, § 21D.

(b) Enforcing Person

"Enforcing person," as used in this Bylaw, shall mean any police officer of the Town of Weston, with respect to any offense; the Fire Chief and his or her designees; the Building Inspector and his or her designees; the members of the Conservation Commission and its designees; the Board of Health and its designees; the Director of Operations, Department of Public Works and his or her designees; the Sealer of Weights and Measures and his or her designees; the Dog Officer; and such other officials as the Board of Selectmen or Bylaw may from time to time designate, each with respect to violation of Bylaws and rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

(c) Fines

Notwithstanding any other provisions of this article, when enforced pursuant to the non-criminal disposition procedures of MGL c. 40, § 21D, the following shall be the fines applicable to the listed offenses, unless otherwise specifically provided by Bylaw, rule or regulation:

- First violation: \$100
- Second violation: \$200
- Third and subsequent violations: \$300

Each day a violation exists shall constitute a separate violation.”

or take any other action relative thereto.

Article 7 Explanation: The approval of this proposed Bylaw will enable Town officials designated as enforcing persons to issue tickets for violations of Town Bylaws, rules and regulations. Currently, the only way to fine someone for such violations requires taking the offender to court.

ARTICLE 8: APPROPRIATE FOR HISTORIC RESOURCES- JOSIAH SMITH TAVERN & OLD LIBRARY FEASIBILITY STUDY

To appropriate an additional sum of money for historic resource purposes under the Community Preservation Program for the cost of architectural services for plans and specifications for the preservation, restoration and re-use of the Josiah Smith Tavern and Old Library buildings, to be spent under the direction of the Town Manager, and as funding therefor, to transfer from the Community Preservation Fund; or take any other action relative thereto.

Article 8 Explanation: The 2007 Annual Town Meeting appropriated \$35,000 to undertake a feasibility study to develop a plan for the reuse of these two historic buildings. The study is based on a comprehensive review of alternate uses undertaken by the Josiah Smith Tavern/Old Library Committee, which recommended that the Josiah Smith Tavern be developed as a restaurant with function space, and that the Clothing Exchange and other activities of the Women's Community League, currently a tenant in the Josiah Smith Tavern Barn, be moved to the Old Library. In addition, the Old Library is proposed to be used as a History Center with archival storage. The feasibility study is now underway, and it is expected that the Committee and the Board of Selectmen will be ready to present a vision of the revitalized Josiah Smith Tavern and Old Library to the spring 2008 Annual Town Meeting. The additional \$15,000 is needed to prepare supplementary engineering and related studies.

ARTICLE 9: RE-ZONING OF JOSIAH SMITH TAVERN AND OLD LIBRARY PARCELS

To amend the Zoning Map by rezoning Assessors' parcel 23-27 (358 Boston Post Road) which contains the Josiah Smith Tavern and Assessors' parcel 22-27 (356 Boston Post Road) which contains the Old Library building, from Single Family Residence District "A" to Business District "B"; or take any other action relative thereto.

Article 9 Explanation: The 2007 Annual Town Meeting appropriated \$35,000 to undertake a feasibility study to develop a plan for the reuse of these two historic buildings. As described under Article 8, the study is focusing on the reuse of the Josiah Smith Tavern as a restaurant with function space and the conversion of the Old Library to include the new location for the Women's Community League Clothing Exchange with function space for related activities. In order to conform to the State Building Code and local zoning Bylaws for these functions, the parcels must first be rezoned for commercial use.

ARTICLE 10: AMEND GENERAL BYLAWS, ARTICLE XVII: INCREASE SIZE OF COUNCIL ON AGING

To amend Article XVII of the Town's General Bylaws by adding the title "Council on Aging" and by deleting the first sentence and replacing it with the following:

"There is hereby established a Council on Aging consisting of from nine to thirteen citizens of the Town, appointed by the Selectmen for terms not to exceed four years for any member."

or take any other action relative thereto.

Article 10 Explanation: This change is to add a title in the General Bylaws for this article and to allow an additional two people to serve as members of the Council on Aging. Currently, the Bylaw allows for the Council on Aging to consist of from seven to eleven citizens of the Town.

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

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

Given under our hands October 30, 2007.

Steven L. Charlip
Douglas P. Gillespie
Michael H. Harrity
Selectmen of the Town of Weston