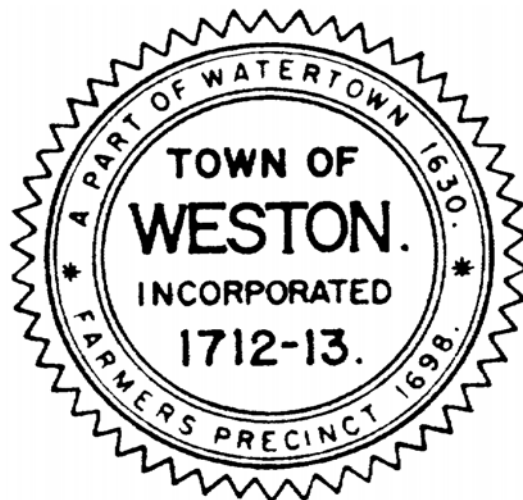


**TOWN OF WESTON,
MASSACHUSETTS**



**RECORDS FOR THE YEAR ENDING
DECEMBER 31, 2002**

**CONDENSED TOWN RECORDS OF
WESTON, MASSACHUSETTS
FOR THE YEAR 2002**

**ANNUAL TOWN ELECTION
May 11, 2002**

Pursuant to a warrant duly served, the Annual Town Election was called to order in the Field School Gymnasium by Warden Beverly Shepherd at 8 a.m. on May 11, 2002, for the election of Town Officers. Mrs. Shepherd swore the election officers to the faithful performance of their duties.

Total ballots cast were as follows:

Precincts 1 & 2	239
Precincts 3 & 4	<u>220</u>
TOTAL	459

Of the 459 ballots cast, 16 or 3.5% were cast by absentee ballot.

The results of the election were as follows:

Moderator - One Year			
Robert M. Buchanan**	111 Summer St.	Caucus Nominee	365
Blanks			91
Scattering			<u>3</u>
Selectman - Three Years			
Harold Hestnes*	2 Sudbury Rd.	Caucus Nominee	333
Blanks			117
Scattering			<u>9</u>
Assessor - Three Years			
Paul J. Donahue, Jr.*	16 Beaver Rd.	Caucus Nominee	195
Edward C. Michaud, Jr	12 Highland St.	Caucus Nominee	227
Blanks			31
Scattering			<u>6</u>
School Committee - Three Years			
Claudia Birnbaum*	253 Glen Rd.	Caucus Nominee	324
Blanks			130
Scattering			<u>5</u>
Recreation Commission - Three Years Vote for Two			
James I. Rubens	20 Ledgewood Rd.	Caucus Nominee	287
Elly Draper Pendergast	59 Wellesley St.	Caucus Nominee	342
Blanks			288
Scattering			<u>1</u>
Planning Board - Five Years			
Pamela W. Fox*	98 Love Lane.	Caucus Nominee	338
Blanks			120
Scattering			<u>1</u>

* *Indicates Incumbent*

Library Trustees - Three Years Vote for Two			
Robert J. Kulow*	32 Willard Rd.	Caucus Nominee	337
Pamela J. Wood*	269 Merriam St.	Caucus Nominee	333
Blanks			248
Scattering			0
Board of Health -Three Years			
Marie Tobin*	247 Country Drive	Caucus Nominee	340
Blanks			118
Scattering			1
Commissioner of Trust Funds - Three Years			
Charles M. Ganson, Jr.*	150 Chestnut St.	Caucus Nominee	332
Blanks			127
Scattering			0
Measurers of Lumber -One Year Vote for Three			
David C. Bennett*	56 Westland Rd.	Caucus Nominee	289
Barrett W. Gilchrist*	75 Warren Av.	Caucus Nominee	291
Rosemary Broton Boyle	261 Merriam St.	Caucus Nominee	306
Blanks			488
Scattering			3

Question No. 1: Proposition 2½ Debt Exclusion: Supplemental Funding for the Country School and Woodland School

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 additional bonds issued for engineering and architectural services, for remodeling, reconstructing or making extraordinary repairs to the Country School and Woodland School and related elementary school facilities and for the cost of architectural services for plans and specifications, for constructing, originally equipping and furnishing additions to the Country School and Woodland School, and all incidental costs related thereto?

Yes: 305 No: 135 Blank: 19

SUMMARY

M.G.L. chapter 59, provides for exemption from the two and one-half percent tax levy limit of those amounts required to pay for certain bond issues.

Question 1 would so exempt the bonds issued for the stated purpose. The bonded amount to be exempted is \$5,130,000 appropriated under Article 1 of the warrant for the Special Town Meeting, June 18, 2001.

This sum is in addition to the following amounts, totaling \$32,196,000, which have been previously exempted by the voters: \$29,871,000 appropriated under Article 1 of the warrant for the Special Town Meeting, March 12, 2001; \$490,000 appropriated under Article 5 of the warrant for the Special Town Meeting, November 4, 2000; \$1,800,000 appropriated under Article 4 of the warrant for the Special Town Meeting, December 6, 1999; and \$35,000 appropriated under Article 6 of the warrant for the Special Town Meeting, December 9, 1997.

This exemption shall be deemed approved if the majority of persons voting thereon shall vote "yes."

**SPECIAL TOWN MEETING
May 13, 2002**

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:

Jacqueline Haas	Nicholas Wheeler
Edwin Kerwin	Peter Whittenberger

Article 1: Amend FY2002 Operating Budget:

To see if the Town will vote to amend and supersede certain parts of the FY2002 operating budget adopted under Article 3 of the 2001 Annual Town Meeting, by deleting amounts of money appropriated under some of the line items and appropriating new amounts;

	<u>Changing From</u>	<u>Changing To</u>
Facilities Maintenance	100,000	107,480.78
Assistant Town Manager, Salary	65,300	66,900
Town Accountant, Office Salaries	53,867	61,467
Clerks of Committees	318,312	316,712
Medicare and Social Security Taxes	230,000	270,000
Contributory Retirement - Teachers	26,673	0
Police, Salaries	2,100,432	2,160,432
Fire, Salaries	1,881,798	1,985,348
Fire, other expenses	127,171	130,671
Public Works, Snow & Ice Control Expenses	117,300	202,300
Library, other expenses	117,176	114,009.92
Library, maintenance & repair	15,463	18,629.08

with \$272,977.00 to be raised from Free Cash and \$7,480.78 for Facilities Maintenance and to be raised from "receipts reserved for appropriation - insurance reimbursement in excess of \$20,000."

Voted: to amend and supersede certain parts of the FY2002 operating budget adopted under Article 3 of the 2001 Annual Town Meeting, by deleting amounts of money appropriated under some of the line items and appropriating new amounts;

	<u>Changing From</u>	<u>Changing To</u>
Facilities Maintenance	100,000	107,480.78
Assistant Town Manager, Salary	65,300	66,900
Town Accountant, Office Salaries	53,867	61,467
Clerks of Committees	318,312	316,712
Medicare and Social Security Taxes	230,000	270,000
Contributory Retirement - Teachers	26,673	0
Police, Salaries	2,100,432	2,160,432
Fire, Salaries	1,881,798	1,985,348
Fire, other expenses	127,171	130,671
Library, other expenses	117,176	14,009.92
Library, maintenance & repair	15,463	18,629.08

with \$187,977.00 to be raised from Free Cash and \$7,480.78 for Facilities Maintenance and to be raised from "receipts reserved for appropriation - insurance reimbursement in excess of \$20,000."

A motion to dissolve the Special Town Meeting passed at 7:40 P.M.

Resolutions: Mr. Ripley Hastings requested the following correction to the Dedication of the 2001 Annual Town Report which should have indicated in the caption on page 2 of the report that "J. Ward Carter's service to the Town of Weston began in 1949."

Mr. Hastings read the following list of persons who have left or are leaving town office whose service to the Town is greatly appreciated and should be duly recognized:

<u>Elected Officers:</u>	<u>Office or Committee</u>	<u>Served Since</u>
Stewart C. Woodworth	Board of Assessors	1992
Paul Donahue	Board of Assessors	2000
Glenn Brewster	Measurers of Lumber	1993
		<i>Also served from 1982 until 1988</i>

The following committees, which were appointed by the Selectmen, were discharged with Thanks having completed their required duties:

Public Works Committee

John E. Gieselman	1997
Robert L. Buonato	1998
Edward T. T. Chang	1998
H. Bentley Crouch	1998
John C. Heine	1998
James W. Moore	2000
Paul F. Young	1998

Screening Committee for Recruiting and Selecting a Town Manager

Ann G. Leibowitz	2001
Jeffrey O. Plank	2001
Jean M. Thurston	2001
Ingeborg Uhlir	2001
Joan B. Vernon	2001

<u>Appointed Officers:</u>	<u>Office or Committee</u>	<u>Served Since</u>
John Thorburn	{Fire Chief { (Original appointment to Fire Department in 1961) {Director of Emergency Management	1976 1991
Nancy Healey	Alcohol & Drug Education Advisory Committee	1987
Lelia Orrell Elliston	Conservation Commission	1999
John Sallay	Crescent Street Historic District Commission	1994
Carol Sahlman	Cultural Council	1995
Frances T. Doyle	Housing Needs Committee	2000
Thomas E. Shepherd	Committee on Safety and Flow of Pedestrian and Vehicular Traffic	1994

<u>Appointed Officers:</u>	<u>Office or Committee</u>	<u>Served Since</u>
George Noble	Registrars of Voters	1989
Dorothy McCarthy	Registrars of Voters	1982
Melissa Patterson	Traffic Advisory Committee	2000
<u>Appointed by Moderator</u>		
Jacqueline P. Fields	Elderly Housing Committee	1996
John H. Chory	} Finance Committee	1998
Daniel D. Donovan		1999
James F. Gerrity, III		1998
Harry R. Hoehler	Library Building Committee	1987
Michael H. Dowd	} Minuteman Regional School District Committee	2000
Elaine Noble		2002
Phyllis Wheeler	} Weston War Memorial Educational Fund Committee	1979
Aimo "Tate" Teittinen		1958
Martha Hatch Bancroft	Weston International Affiliation Committee	1991
Diane Hildreth	Weston International Affiliation Committee	1999
Lucy Mooney	Weston International Affiliation Committee	1999
Catharine Nicholson	Weston International Affiliation Committee	1999
Vibecke Lou	Weston International Affiliation Committee	2000
Michelle Chun	Weston International Affiliation Committee	1999
Courtney Couper	Weston International Affiliation Committee	2000
George Lee	Weston International Affiliation Committee	1999
<u>Appointed by the School Committee</u>		
Edwin J. Taff	Weston Educational Enrichment Fund (WEEFC)	1985

**ANNUAL TOWN MEETING
May 13, 2002**

Pursuant to a warrant, duly served, Robert M. Buchanan, the Moderator called the Annual Town Meeting to order at 7:45 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 tellers for the Special Town Meeting were re-appointed by the Moderator for the Annual Town Meeting.

Article 1: M. Elizabeth Nolan, Town Clerk read the results of the May 11, 2002 Annual Town Election.

FINANCE/BUDGET ARTICLES

Article 2: Accept M.G.L. Chapter 44, Section 53F½: Water Enterprise Fund

To see if the Town will accept M.G.L. chapter 44, section 53F½ establishing a Water Enterprise Fund within the Department of Public Works, to be effective for fiscal year 2003.

Article 2 Explanation: The Board of Selectmen is recommending that the Water Division operations of the DPW be set up as an enterprise fund. Enterprise fund accounting is recommended by Generally Accepted Accounting Principles (GAAP) for those municipal operations that are utilities and/or self supporting services. Enterprise fund accounting will demonstrate to Town Meeting and the public the full cost (direct, indirect, capital) of operating the Water Division. If this Article is approved, Town Meeting will be asked to approve the Water Division budget in Article 3.

Mr. Douglas Gillespie moved: that the Town accept M.G.L. chapter 44, section 53F½ establishing a Water Enterprise Fund within the Department of Public Works, to be effective for fiscal year 2003.

Mr. Gillespie explained that the Water Enterprise Fund would be entirely self-supporting and separate from the operating budget. This would correct the problem that occurs when a deficit in the water division creates a negative impact on the operating budget. While water rates would not change just because of the creation of the Enterprise Fund, its adoption would allow the Selectmen to set the rate with surpluses and deficits remaining within the Enterprise Fund and not in the operating budget. Asked how the Town would calculate Proposition 21/2 after the water department funds were removed from the operating budget, Mr. Gillespie stated it would have no impact as all budget amounts were compiled together.

Mr. Gillespie's **motion was adopted** on a voice vote

Article 3: Appropriate the Fiscal Year 2003 Water Enterprise Budget

To raise and appropriate the following sums of money to operate the Water Division of the DPW during fiscal year 2003; under the provisions of M.G.L. chapter 44, section 53F½:

Salaries	206,000
Expenses	153,098
MWRA Assessment/Water Purchases	975,000
Debt Service (non-exempt)	38,254
Large Meter Replacement	<u>7,500</u>
Total	\$1,379,852

Said sum to be funded from water receipts.

Article 3 Explanation: If Article 2 is approved by Town Meeting, Article 3 will establish the Water Enterprise Fund budget for FY03. Changes to this budget from FY02 (General Fund) reflect collective bargaining increases (salary account) and MWRA Assessment/Water purchases due to an increase in town wide consumption and higher MWRA costs for water. Debt service includes projects previously approved by Town Meeting and projects proposed at this Town Meeting.

Voted: that the Town raise and appropriate the following sums of money to operate the Water Division of the DPW during fiscal year 2003; under the provisions of M.G.L. chapter 44, section 53F½:

Salaries	206,000
Expenses	153,098
MWRA Assessment/Water Purchases	975,000
Debt Service (non-exempt)	38,254
Large Meter Replacement	<u>7,500</u>
Total	\$1,379,852

Mr. Gillespie's **motion was adopted** on a voice vote.

Article 4: Appropriate the Fiscal Year 2003 Operating Budget

To raise and appropriate 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, 2002, and to fix the salaries and compensation of elected officials of the Town on an annual basis for the said period.

Article 4 Explanation: The recommended fiscal year 2003 operating budget can be found on pages 5 - 8.

Mr. Ripley Hastings moved (1): that the several sums of money recommended by the Selectmen to be raised and appropriated for the fiscal year beginning July 1, 2002 in accordance with Section 5 of Article II of the General By-laws, as amended, set forth in pages 5-8 of the report entitled, "FY03 Recommended Operating Budget" be raised and appropriated for their respective purposes as set forth on said pages, with the following exceptions:

- On page 5 of said report at the title, "Unclassified, Insurance and Fringe Benefits, Insurance-Group Health/Life, Medicare" change the amount 4,497,157 to 4,751,157; and change the "subtotal" from \$6,406,908 to 6,660,908.
- On page 5 of said report at the title, "Unclassified-Debt Service (non-excluded)" reduce the sum \$158,754 to \$148,754; and change "Total Unclassified" from \$7,074,912 to \$7,318,912.
- On page 7 of said report at the title, "Public Works, Administration-salaries", reduce the sum \$1,583,158 to \$1,377,158.
- On page 7 of said report delete all amounts under the titles, "Water Division, Expenses; Water Services-Reimbursable Expenses; Purchase of Water; and Water Improvements", and change the total for "Total Public Works" from \$4,063,209 to \$2,693,357.
- On page 8 of said report, change Total Budget Appropriations to \$42,671,891.

Mr. Hastings explained the adjustments were needed because the water department budget was moved out of the operating budget under the prior Articles and that the increase under "insurance group health" was to restore to the operating budget the Town retirees' prior level of group health insurance benefits for one year. In the past the Town paid 90% for certain retirees' health insurance coverage as that was the amount of benefit the Town had intended to pay. **Stephen Ober**, Chairman of the Finance Committee spoke in support of Mr. Hastings' motion and spoke to Town Meeting members about the rising cost of health insurance, saying the Town would evaluate and address health care insurance coverage for Town employees in the future.

Dr. Edward Michaud moved to amend Article 4 by: adding \$220,000 to the budget for fiscal 2003; the funds to be allocated as follows:

- \$ 50,000 for an additional employee in the assessors' office
- \$ 110, 000 for site data collection
- \$ 60,000 for data entry

Dr. Michaud stated that the purpose of his motion was to provide funds for reassessing each property in the town.

Mr. Hastings did not accept Dr. Michaud's motion saying the funds were not available as balances in the free cash and reserve fund are low. The Town did not have an override; for the additional funding Dr. Michaud requested either the Town Budget would be need to be restructured or an override would be required. Mr. Hastings further noted that the Board of Selectmen and the Board of Assessors had agreed to support Article 33. Chairman of the Finance Committee **Steve Ober**, **Robert Birnbaum**, and **Susan Kannenberg** spoke against the Motion to Amend.

Dr. Michaud's **motion to amend** Article 4 **was defeated** by voice vote.

Mr. Hastings' **motion** under Article 4 (1) **passed unanimously.**

FY03 APPROVED OPERATING BUDGET⁺

TITLE OF ACCOUNTS		Approved Fiscal Year 2003
UNCLASSIFIED		
Insurance & Fringe Benefits	Insurance, Workers' Compensation	175,000
	Unemployment Compensation	25,000
	Insurance-Group Health/Life, Medicare	4,751,157
	Contributory Retirement-Middlesex	1,428,001
	Contributory Retirement-Teachers	-
	Insurance-Property & Liability	276,750
	Uninsured Losses ⁺	5,000
	Subtotal	<u>6,660,908</u>
Compensated Absence Fund ⁺		53,250
Street Lighting	Expenses	106,000
Reserve Fund		350,000
Debt Service (non-excluded)	Principal & Interest	148,754
TOTAL UNCLASSIFIED		<u>7,318,912</u>
GENERAL GOVERNMENT		
Selectmen/Town Manager	Salaries	313,928
	Expenses	55,600
	Consulting & Professional Services ⁺	25,000
	Subtotal	<u>394,528</u>
Salary Adjustments-Merit		33,312
Town Clerk & Registrars of Voters	Salary-Elected Official	150
	Salaries	113,969
	Expenses	11,620
	Subtotal	<u>125,739</u>
Legal	Expenses	141,800
Information Systems	Salaries	72,991
	Expenses	89,954
	Computer Hardware & Maintenance ⁺	74,000
	Subtotal	<u>236,945</u>
Facilities Maintenance	Salaries	59,145
	Expenses	62,677
	Town Hall Equipment ⁺	5,000
	Test/Replace Underground Storage Tanks ⁺	-
	Facilities Improvements-Town-wide ⁺	100,000
	Subtotal	<u>226,822</u>

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

War Mem. Ed. Fund. Comm.	Expenses	1,200
Memorial Day	Expenses	784
TOTAL GENERAL GOVERNMENT		1,161,130
<hr/>		
FINANCE		
Finance Committee	Expenses	2,320
Finance	Salaries-Elected Officials	300
	Salaries	456,300
	Expenses	128,025
	Subtotal	584,625
TOTAL FINANCE		586,945
<hr/>		
PLANNING & LAND USE		
Clerks of Committees	Salaries	87,045
Board of Appeals	Expenses	4,905
Planning Board	Salaries	65,934
	Expenses	37,000
	Subtotal	102,934
Conservation Commission	Expenses	89,350
Historical Commission	Expenses	4,000
Crescent St. Historic District Commission	Expenses	100
TOTAL PLANNING & LAND USE		288,334
<hr/>		
PUBLIC SAFETY		
Police	Salaries	2,191,307
	Expenses	203,368
	Equipment and Apparatus+	70,000
	Police - Injured on Duty+	1,400
	Subtotal	2,466,075
Fire	Salaries	1,974,765
	Expenses	136,563
	Hydrant Service	252,194
	Emergency Management+	1,000
	Equipment and Apparatus+	-
	Firefighters - Injured on Duty+	1,000
	Subtotal	2,365,522
Inspectional Services	Salaries	120,082
	Expenses	9,532
	Subtotal	129,614
Traffic Signals	Maintenance & Operation	5,700
Dog Officer	Salaries	4,900
	Expenses	3,000
	Subtotal	7,900
TOTAL PUBLIC SAFETY		4,974,811

EDUCATION		
School Department	Salaries	18,823,595
	Instructional, Maint & Other Expenses	3,398,750
	Transportation	958,355
	Subtotal	23,180,700
Minuteman Regional Vocational Technical School District	Assessment	67,952
TOTAL EDUCATION		23,248,652
PUBLIC WORKS		
Administration	Salaries	1,377,158
	Expenses	310,768
	Equipment+	-
	Subtotal	1,687,926
Highway Division	Expenses	105,300
	Snow and Ice Control	117,300
	Guard Rail Rehab+	5,000
	Construction of Public Ways+	150,000
	Construction of Sidewalks, Bicycle Paths, & Footways+	50,000
	Subtotal	427,600
Stormwater Management	Expenses	79,200
Recycling and Solid Waste	Expenses	380,300
	Monitoring Groundwater - Landfill+	15,000
	Recycling & Energy Conservation+	-
	Subtotal	395,300
Water Division	Expenses	-
	Water Services-Reimb. Expenses	-
	Purchase of Water	-
	Water Improvements+	-
	Subtotal	-
Parks and Cemeteries	Expenses	23,550
	Parks & Cemetery Improvements+	20,000
	Subtotal	43,550
Tree Warden	Salaries	6,086
	Expenses	53,695
	Subtotal	59,781
TOTAL PUBLIC WORKS		2,693,357
HEALTH & HUMAN SERVICES		
Board of Health	Salaries	141,817
	Expenses	13,510
	Mental Health Services	31,722
	Subtotal	187,049
Mosquito Control, E. Middlesex Project	Expenses	28,997

Brook School Apartments	Salaries	86,145
	Expenses	145,947
	Repair & Replace Septic System+	-
	Repairs & Replacements+	65,000
	Subtotal	<u>297,092</u>
Council on Aging	Salaries	110,391
	Expenses	19,400
	Senior Work Program	-
	Subtotal	<u>129,791</u>
Youth Counseling Services	Salaries	46,625
	Expenses	1,250
	Subtotal	<u>47,875</u>
Alcohol & Drug Education Advisory Committee	Expenses	2,000
Veterans' Benefits	Expenses	1,000
TOTAL HEALTH & HUMAN SERVICES		693,804

CULTURAL & LEISURE SERVICES

Libraries	Salaries	649,780
	Expenses	137,840
	Library Materials	74,964
	Minuteman Library Network+	32,805
	Subtotal	<u>895,389</u>
Recreation	Salaries	545,182
	Expenses	178,975
	Community Center	86,400
	Subtotal	<u>810,557</u>
TOTAL CULTURAL & LEISURE SERVICES		1,705,946

TOTAL BUDGET APPROPRIATIONS 42,671,891

Voted (2): that the compensation for the following elected officers of the Town for the fiscal year commencing July 1, 2002, as required by Massachusetts General Laws, Chapter 41, Section 108, be fixed at:

- Town Clerk \$150
- Assessor \$100

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

Voted (3): that five persons be appointed by the Moderator to serve as a Memorial Day Committee in 2003 with authority to expend for the 2003 Memorial Day observance \$784 appropriated for that purpose by previous vote under this article.

Voted (4): that in purchasing property or equipment, any allowance for turning in other property or equipment may be applied to the purchase price.

Article 5: Appropriate the FY2003 Community Preservation Committee Operating Budget

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2003 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 2003; and further to reserve for future appropriation the following amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition and preservation of historic resources, and a sum of money for the creation, preservation and support of community housing; or take any other action relative thereto.

Article 5 Explanation: The Community Preservation property tax surcharge will raise nearly \$1,000,000, which is expected to be matched, in whole or in part by the State. By law, a minimum of ten percent of Community Preservation funds must be used in each of three categories: open space, historic resources and affordable housing.

Mr. Dexter Freeman moved: that the Town vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2003 Community Preservation budget and to appropriate from the Community Preservation Fund:

\$34,500 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2003;

and further to reserve for future appropriation the following amounts as recommended by the Community Preservation Committee:

\$180,000 for the acquisition, creation and preservation of open space excluding land for recreational use;

\$180,000 for the acquisition and preservation of historic resources; and

\$180,000 for the creation, preservation and support of community housing.

Mr. Freeman explained the Community Preservation Committee must seek annual approval of Town Meeting to fund this account. This Town Meeting would address only funds to be received in 2003; Article 5 would address allocation of funds and Article 6 of the warrant would address appropriation of funds.

Mr. Freeman's **motion was adopted** on a voice vote.

Article 6: Appropriate for Open Space - Community Preservation Act

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, or otherwise, for open space purposes under the Community Preservation Program the fee or other interests in land located at Concord Road in the Town of Weston, Massachusetts shown as Assessors Map 21, Block 8, containing 23.25 acres more or less, and more fully described in a deed recorded in the Middlesex South Registry of Deeds in Book 21609, Page 523 said land to be held, managed, and controlled by the Conservation Commission; and as funding therefor, to raise and appropriate, transfer from available funds, transfer from the Community Preservation Fund, and/or borrow a sum of money pursuant to M.G.L. chapter 44B or any other general or special law for said acquisition, and to authorize the Town Treasurer with the approval of the Board of Selectmen to issue any bonds or notes that may be necessary for that purpose; and further to authorize the Board of Selectmen to convey concurrently at the closing and in perpetuity a deed restriction which meets the requirements of M.G.L. chapter 184, sections 31-33

and which may run to a nonprofit, charitable corporation or foundation with the right to enforce the restriction; or take any other action relative thereto.

Article 6 Explanation: At the time of the printing of this warrant, the Community Preservation Committee had not yet completed their report and recommendations for Town Meeting. A full report on Articles 5 - 7 will be made at Town Meeting.

Mr. Freeman 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 Concord Road in the Town of Weston, Massachusetts shown on Assessors Map 21, Block 8, containing 23.25 acres more or less, and more fully described in a deed recorded in the Middlesex South Registry of Deeds in Book 21609, Page 523, commonly known as Sunday Woods, said land to be held, managed and controlled by the Conservation Commission, and as funding therefor to transfer from the Community Preservation Fund \$800,000.00 and to borrow \$1,500,000.00 pursuant to M.G.L. chapter 44B or any other general or special law, and further to authorize the Town Treasurer with the approval of the Board of Selectmen to issue any bonds or notes that may be necessary for that purpose; and further to authorize the Board of Selectmen to convey currently at the closing and in perpetuity a deed 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.

Mr. Freeman stated that the Community Preservation Committee supported the motion explaining that if the Town did not purchase the land known as "Sunday Woods" it would be sold for development. **George. Bates**, chairman of the Conservation Commission stated Sunday Woods' 23.5 acres contain seven possible building lots and that the purchase of the land would not require any new tax money nor would it impact the Town Budget. Speakers in favor of the motion included **Ms. Robin Reisman**, President of the Weston Land Trust and **Ms. Meg Styner**. Opposing the motion, saying it was the wrong location and wrong first use of CPA funds was **Ms. Carol Norquist**. Ms. Norquist said the first goals of the CPA as explained at prior Town Meeting would be to add open space to under-served areas and to expand playing fields. Ms. Norquist questioned the decision to add more conservation land in that area of Town as the purchase would ignore the lack of conservation land and open space in other parts of the Town.

Mr. Freeman's **motion was adopted** by the following vote: Yes - 68 No - 13

Article 7: Appropriate for Historic Resources - Community Preservation Act

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, or otherwise, for historic preservation purposes under the Community Preservation Program the fee or other interests in land located at Boston Post Road in the Town of Weston, Massachusetts shown as Assessors Map 27, Block 49, containing 524 square feet more or less, said land to be held, managed, and controlled by the Board of Selectmen and as funding therefor, to raise and appropriate, transfer from available funds, transfer from the Community Preservation Fund, and/or borrow a sum of money pursuant to M.G.L. chapter 44B or any other general or special law for said acquisition, and to authorize the Town Treasurer with the approval of the Board of Selectmen to issue any bonds or notes that may be necessary for that purpose; and further to authorize the Board of Selectmen to convey concurrently at the closing and in perpetuity a deed restriction which meets the requirements of M.G.L. chapter 184, sections 31-33 and which may run to a nonprofit, charitable corporation or foundation with the right to enforce the restriction; or take any other action relative thereto.

Article 7 Explanation: At the time of the printing of this warrant, the Community Preservation Committee had not yet completed their report and recommendations for Town Meeting. A full report on Articles 5 - 7 will be made at Town Meeting.

Mr. Edward Rossiter moved: that the Town authorize the Board of Selectmen to acquire and impose an interest in the property located at Boston Post Road in the Town of Weston, Massachusetts shown as Assessors Map 27, Block 49, containing 524 square feet more or less, commonly known as the Fiske Law Office, pursuant to a historic preservation restriction which complies with the Community Preservation Act and 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; and further that the Town appropriate \$30,000.00 for historic preservation, restoration, or rehabilitation purposes under the Community Preservation Program with respect to the property.

Mr. Rossiter explained that the CPA also requires money be used for historic preservation. The CPA monies appropriated under this article would be used to both repair the septic system at the Fiske Law Office and to place a historic preservation restriction on the property, in anticipation of future rental which rental income would be returned to the CPA fund.

Mr. Rossiter's **motion passed** on a voice vote.

Article 8: Continue Departmental Revolving Funds

To see if the Town will vote to 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, 2002:

<u>Revolving Fund</u>	<u>Authority to Spend</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY03 Budget</u>
Recreation Special Programs	Recreation Director	Program Fees	Program Costs and Related Building Maintenance	\$350,000
Historic Marker	Historical Commission	Program Fees	Costs Related to Purchase of Historic Markers	\$1,500

Article 8 Explanation and Summary of M.G.L. chapter 44, section 53E½: A revolving fund established under the provisions of M.G.L. chapter 44, section 53E½ must be authorized annually by vote of the Town Meeting. The fund shall be credited with only the departmental receipts received in connection with the programs supported by such revolving fund and expenditures may be made from the revolving fund without further appropriation, subject to the provisions of section 53E½.

The Annual Town Meeting authorization for each revolving fund shall specify:

- (1) the programs and purposes for which the revolving fund may be expended;
- (2) the departmental receipts which shall be credited to the revolving fund;
- (3) the board, department or officer authorized to expend from such fund; and
- (4) a limit on the amount which may be expended from such fund in the ensuing year.

In any fiscal year the Board of Selectmen and the Finance Committee may approve an increase in the amount to be spent from the revolving fund, but in no event shall any agency, board, department or officer be authorized to expend in any one fiscal year more than one percent of the amount raised by the Town by taxation in the most recent fiscal year for which a tax rate has been certified pursuant to M.G.L. chapter 59, section 23.

Voted: that the Town vote to 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, 2002, as shown in Article 8 of the Warrant.

Article 9: Establish Council on Aging Revolving Fund

To see if the Town will vote to establish a Council on Aging revolving fund pursuant to the provisions of M.G.L. chapter 44, section 53E½, and to authorize the following expenditures for the fiscal year beginning July 1, 2002:

Name:	Council on Aging Revolving Fund
Authority to Spend:	Council on Aging Director
Revenue Source:	Program Fees
Use of Funds:	Program Expenses
FY03 Budget:	\$20,000

Article 9 Explanation: This revolving fund is for various fee-based programs offered by the Council on Aging.

Voted: that the Town vote to establish a Council on Aging revolving fund pursuant to the provisions of M.G.L. chapter 44, section 53E½, and to authorize the following expenditures for the fiscal year beginning July 1, 2002:

Name:	Council on Aging Revolving Fund
Authority to Spend:	Council on Aging Director
Revenue Source:	Program Fees
Use of Funds:	Program Expenses
FY03 Budget:	\$20,000

Article 10: Authorization to Expend State Funds for Public Ways

To see if the Town will vote 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 \$233,393.49 provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Highway Department.

Article 10 Explanation: State law requires that Town Meeting approve the use of funds received from the State for road construction purposes including engineering or to address traffic improvements. In FY2001, the Town received approximately \$229,199 from the State for this purpose.

Voted: that the Town vote 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 appropriate \$233,393.49 provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Highway Department.

Article 11: Accept Chapter 73, Section 4 of the Acts of 1986 (Increase in Property Tax Exemption Limits)

To see if the Town will vote to accept, for Fiscal Year 2003, 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.

Article 11 Explanation and Summary of Chapter 73, Section 4 of the Acts of 1986 and Chapter 126 of the Acts of 1988: Town Meeting approval of the additional exemption as well as application for the exemption by the taxpayer must be made annually. The Board of Selectmen has recommended that the amount of the

exemption increase by 100 percent. Acceptance of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, permits the Town to grant an additional exemption to certain taxpayers who are surviving spouses, parents of veterans who died in wartime service and blind individuals, and who qualify for an exemption under any one the following clauses of section 5 of chapter 59 of the Massachusetts General Laws:

Clauses 17, 17C, 17D, 22, 22A, 22B, 22C, 22E, 37, 37A, 41, 41B, 41C, 42, or 43.

The additional exemption shall be uniform for all exemptions but shall not exceed one hundred percent of a taxpayer's original exemption. No taxpayer may pay less tax than paid in the preceding year, except through the application of M.G.L., chapter 58, section 8A or M.G.L. chapter 59, section 5, clause 18. The taxable valuation of the taxpayer's property shall not be less than ten percent of its fair cash value.

Voted: that the Town vote to accept, for Fiscal Year 2003, 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.

Article 12: Transfer Available Funds

To see if the Town will vote to transfer \$2,101,696 from the Free Cash Account (Undesignated Fund Balance), \$200,000 from Overlay Surplus and \$90,000 from the "Accrued Income, Litigation Settlement" account to meet, in part, appropriations made at this Town Meeting, 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 2003.

Article 12 Explanation: Free Cash is the result of unexpended appropriations and revenues in excess of estimates from fiscal year 2001. It also includes the collection of previously delinquent taxes. Overlay surplus is the amount that was previously reserved from property tax abatements, but which is no longer needed for that purpose. Accrued Income, Litigation Settlement is the investment proceeds from a settlement from the Massachusetts Turnpike Authority received as compensation for polluting Town wells.

Voted: that the Town vote to transfer \$90,000 from the "Accrued Income, Litigation Settlement" account to meet, in part, appropriations made at this Town Meeting, and to transfer \$2,355,696 from the Free Cash Account (Undesignated Fund Balance) and \$200,000 from Overlay Surplus and to authorize the Board of Assessors to use such available funds for the purpose of deduction in their computation of the tax rate for fiscal year 2003.

ZONING/LAND USE ARTICLES

Article 13: Amend Zoning By-Law, Section V. J., Personal Wireless Service Regulations

To see if the Town will vote to allow the Planning Board to waive the 100 ft. height limit for free standing personal wireless service structures in limited circumstances where a greater height is found necessary for public safety purposes, by deleting the phrase "of up to 100 feet in height" from subsection V.J.4.a., and by adding the following new sentence at the end of the last paragraph in Section V.J.4:

"The Planning Board may waive strict compliance with the 100 ft. height limitations for a free standing PWS structure in the PWSOD I and allow up to 20 ft. of additional height only if it determines that the additional height is necessary for the provision of public safety services in the Town; that due to the location, elevation, and topography of the site on which the proposed structure is to be located, the additional height will not create an undue impact on

nearby residential neighborhoods; and that the existing tree canopy on or surrounding the site is such that it would interfere with effective public safety communications if a lesser height were required.”

Article 13 Explanation: In order to meet the wireless communication needs of the Town of Weston Police Department, the Town is proposing to amend the Zoning By-Law to allow, under certain circumstances, and with a Special Permit by the Planning Board, a free standing wireless service structure of up to 120 feet in height, as opposed to the currently permissible 100 feet in height. The parcels in the PWSOD I District that could be affected by this zoning change are: the Police Station parcel on Route 20, the Massachusetts State Police Station barracks and the Massachusetts Turnpike Authority “ball field” parcel, off Riverside Road.

A similar amendment to the Zoning By-Law was approved by the 2001 Annual Town Meeting but was struck down by the Attorney General as “spot zoning” because it applied solely to the Police Station parcel.

Mr. Alfred Aydelott moved: that the Town amend the Zoning By-law by deleting the phrase “of up to 100 feet in height” from subsection V.J.4.a., and by adding the following new sentence at the end of the last paragraph in Section V.J.4:

“The Planning Board may waive strict compliance with the 100 ft. height limitations for a free standing PWS structure in the PWSOD I and allow up to 20 ft. of additional height only if it determines that the additional height is necessary for the provision of public safety services in the Town; that due to the location, elevation, and topography of the site on which the proposed structure is to be located, the additional height will not create an undue impact on nearby residential neighborhoods; and that the existing tree canopy on or surrounding the site is such that it would interfere with effective public safety communications if a lesser height were required.”

Mr. Douglas Gillespie stated that the Board of Selectmen supported the motion.

Mr. Aydelott’s **motion passed unanimously.**

The following letter to the Moderator concerning Article 13 was submitted by the Planning Board:

Robert Buchanan, Esquire
Town Moderator
Weston Town Hall
Weston, MA 02493

May 13, 2002

RE: Report of the Weston Planning Board to the Town Moderator regarding **Article 13** in the Warrant for Annual Town Meeting which proposes amendment of the Weston Zoning By-Law by amending the Personal Wireless Service Overlay District I (“PWSOD I”) to allow free standing structures of up to 120 feet in height under certain circumstances

Dear Sir:

Pursuant to Massachusetts General Laws, Chapter 40A, Section 5, the Planning Board of the Town of Weston submits its report and recommendations to the Town Moderator and Town Meeting concerning the above referenced warrant article. A public hearing on the proposed zoning amendment was held on April 3, 2002 and closed that night.

General Discussion

In 1997, Town Meeting adopted Section V. J. of the Zoning By-Law, an “Interim Personal Wireless Service Overlay District” (“PWSOD I”) in order to comply with the requirements of the Federal Telecommunications Act. In 1999, Town Meeting amended the interim designation and adopted a permanent district.

PWSOD I currently allows free standing structures with a maximum height of 100 feet measured from the ground level at the base of the structure. The original purpose of limiting a structure to 100 feet was primarily its visibility and aesthetic impact on surrounding neighborhoods and streets.

The Planning Board and Board of Selectmen have met with private wireless carriers several times during the past two years to determine their coverage needs. In addition, the Boards have met with the Town Departments that rely on wireless service for public safety including the Weston Police Department, the School Transportation Department, Department of Public Works and the Weston Fire Department. Several of these Departments have expressed a need for improved coverage. Both private carriers and Town Departments have indicated that PWS facilities at the Police Station site would address their coverage gaps in the middle and south sections of Town. Both groups have indicated that the topography of the site and the height of tree canopy interfere with a one hundred foot (100) FT tower's ability to provide sufficient coverage.

At the May 2001 Annual Town Meeting, The Board of Selectmen submitted a petition to allow an additional twenty ("20") feet only on the Police Station Parcel to address Town needs.

A crane was erected at a site walk in May 2001, to determine whether there was a significant visual difference between 100 feet and 120 feet in this area. The area selected for the PWS facility is on the easternmost portion of the Police Station site, away from existing neighborhoods. The site is bounded by Town of Weston Park and Cemetery land to the east and south and the Department of Public Works yard to the west. There are no directly abutting residences to this parcel. The nearest neighborhood is located approximately 560 feet from the proposed PWS structure.

Town Meeting 2001 voted to allow the extra twenty (20) feet in height. However, the Attorney General of the Commonwealth struck down the by-law amendment because it applied to only one parcel in a district.

Under this proposed By-law amendment, the Planning Board may waive strict compliance with the 100 foot height limitation and allow a structure of up to 120 feet if the Board determines that the additional height is necessary for the provision of public safety services in Town due to location, topography, and grade. The amendment will apply to all parcels within the "PWSOD District I," which includes the Police Station parcel, The Massachusetts State police barracks and the Massachusetts Turnpike Authority "ball field" parcel off Riverside Road.

Given the need expressed by Town Departments to address public safety, the nature and land use of abutting parcels, and the existing tree canopy to serve as a screen, the Planning Board of the Town of Weston recommends that Town Meeting approve Article 13.

S/: Alfred Aydelott, Chairman
Weston Planning Board

The foregoing Article 13 was approved by the Attorney General of Massachusetts on September 25, 2002, and became effective on January 9, 2003.

Article 14: Amend Zoning By-Law, Section II Definitions: Scenic Roads

To see if the Town will vote to amend the Zoning By-Law of the Town of Weston by adding the following to Section II. Definitions under the heading Scenic Road:

after Hilltop Road, the words, "Kingsbury Lane".

Article 14 Explanation: Residents of Kingsbury Lane have requested that their street be designated a "Scenic Road" under the Zoning By-Law. The purpose of this amendment is to preserve the historic and scenic quality of the road by minimizing the impacts of **new** construction, such as clear cutting of trees and vegetation, significant changes to topography, stormwater runoff onto neighboring lots, through the Site Plan Approval process by the Planning Board. This provision does not apply to additions.

Mr. Aydelott moved: that the Town vote to amend the Zoning By-Law of the Town of Weston by adding the following to Section II. Definitions under the heading Scenic Road:

after Hilltop Road, the words, "Kingsbury Lane".

This motion was made at the request of the residents of Kingsbury Lane whose support for the motion was expressed by **Mr. Robert Sheiman**.

Mr. Aydelott's **motion passed unanimously**.

The following letter to the Moderator concerning Article 14 was submitted by the Planning Board:

May 13, 2002

Robert Buchanan, Esquire
Town Moderator
Weston, MA 02493

Re: Report of the Planning Board to the Town Moderator regarding **ARTICLE 14** in the Warrant for Annual Town Meeting which proposes to amend the Weston Zoning By-Law by adding "Kingsbury Lane" as a Scenic Road, in the By-Law.

Dear Sir:

Pursuant to Massachusetts General Laws, Chapter 40A, Section 5, the Planning Board of the Town of Weston submits its Report and recommendations to the Town Moderator and Town Meeting concerning the above referenced warrant article. A public hearing on the proposed amendment was held on April 17, 2002 and closed that night.

General Discussion

Residents of Kingsbury Road requested that the Planning Board include their road as one of the 36 designated scenic roads under the Zoning By-law.

The Scenic Road amendment to the By-law was originally adopted in 1989 for roads that best exemplified the historic, rural and otherwise scenic qualities of the Town.

Under this amendment to the by-law, all new construction and replacement construction would require site plan approval, a "by- right" approval, from the Planning Board, before issuance of a building permit. A Site walk and Public Hearing are held to elicit more information on the site.

The Board examines the impact of new construction on the lot and neighborhood and reviews:

- proposed grading changes;
- stormwater runoff from construction of a house, garage, tennis courts, swimming pools, parking courtyards
- proposed amount of tree removal on the lot
- total wattage of exterior lighting including floodlights on house, driveway lights, and up lighting on trees and bushes
- starting and ending time of construction activity during a day and days of week of construction activity to minimize noise and disruption in a neighborhood

The Planning Board reviews and evaluates the proposed new construction on a Scenic Road against the Standards and Criteria specified in Section XI H. of the Zoning By-Law for consistency.

Kingsbury Lane is an older street, lined with very large evergreens. The residents of the Street wish to maintain the character of the Street in the face of development pressure. The Planning Board recommends adoption of Article 14.

S/: Alfred Aydelott, Chairman
Weston Planning Board

The foregoing Article 14 was approved by the Attorney General of Massachusetts on September 25, 2002, and became effective on January 9, 2003.

Article 15: Amend General By-Law Article XXVI: Scenic Roads

To see if the Town will vote to amend the General By-Laws of the Town of Weston by adding the following road in alphabetical order and renumbering the list: Kingsbury Lane.

Article 15 Explanation: Article XXVI, The "Scenic Roads By-Law", is part of the General By-Laws of the Town. Any cutting down or removal of significant trees, or tearing down, burial, relocation or destruction of stone walls within the right of way of the road or touching the right of way, requires consent of the Planning Board.

Voted unanimously: that the Town vote to amend the General By-Laws of the Town of Weston by adding the following road in alphabetical order and renumbering the list: "Kingsbury Lane".

The foregoing Article 15 was approved by the Attorney General of Massachusetts on September 25, 2002.

Article 16: Amend General By-Laws: Connections to Sewer Systems (Citizens' Petition)

To amend the Bylaws of the Town to provide that an affirmative vote of two-thirds of Town Meeting be required for (a) a change of use for an existing structure or (b) the issuance of a building permit or certificate of occupancy for any new structure, or for the renovation, expansion or alteration of an existing structure, if in either case said structure is connected or will be connected to the MWRA sewer system or to any other sewer system or sewer treatment facility outside of Weston or to take any other action relative thereto.

Article 16 Explanation: Article 16 seeks Town Meeting approval for the adoption of a new Town By-Law. As proposed, this new By-Law would reserve to Town Meeting approval authority for certain structures that utilize or will utilize any sewer system outside the town.

Ms. Ingeborg Uhlir moved (1): to amend the By-Laws of the Town by inserting the following provision:

ARTICLE X, Section 3: No building or structure within the municipal boundaries of Weston shall be connected to any sanitary sewer system in order to discharge wastewater outside the Town of Weston, and no building or structure with an existing connection to such a system shall be enlarged so as to result in an increase in its design flow capacity as defined in 310 CMR 15.203, or changed in use unless such discharge is authorized by vote of the Town, except for such discharges as may be already authorized for traditional educational uses under Sec. 619 of Chapter 151 of the Acts of 1996.

Ms. Uhlir said this bylaw would go to the Attorney General for review. **Ms. Mary Shaw**, speaking in opposition, said Regis College was suffering and it was unfair not to involve Regis in

discussions regarding alternative uses of the buildings used Regis College. **Mr. Harold Hestnes**, member of the Board of Selectmen, stated the current sewer pipeline has many restrictions and that the Court, the MWRA, and the Selectmen must consult before authorizing an increase or change in use. Mr. Hestnes proposed a possible amendment to the motion to give the Sewer Committee, not Town Meeting, authority to regulate the pipeline use. Ms. Uhlir stated such an amendment would not be accepted. **Mr. George Bates** questioned whether the Article would conflict with State Law, which enables Regis College to have the pipeline. Town Counsel said there was no limitation on "flow" as long as it was for education purposes. Planning Board Chariman **Alfred Aydelott** stated the position of the Planning Board was to support the intent of the Article. Stating the Regis College question was a red herring, he believed the real issue is whether in the future could anyone tap into the pipeline and should the Town have the authority to decide. Ms. Shaw stated if Regis College fails to survive, a large amount of land would be developed. Ms. Uhlir explained that there was no standard to address this issue and that motion two of the Article would address the standard and also the proposed amendment to the Bylaws did refer to the enabling statute. **Mr. Roger Lee**, member of the Planning Board, stated he was very concern that what was really going on, residential development on Regis College property, was not being discussed and he believes a plan to develop residences on Regis College property exists. **Selectman Ripley Hastings** responded saying there are "traditional" limitations on the pipeline use and that Regis College has said the pipe would only be for "traditional" educational uses. Because a La Salle College type of "educational" use would exceed the present use of the college, Mr. Hastings stated that this does deserve regulation, but that such regulations ought to be the Planning Board's. Asked if the easement use of the sewer pipe is limited to "traditional educational uses," Mr. Hastings responded, "not quite." Mr. Hestnes moved to refer the issue to the sewer committee:

Mr. Hestnes' **motion to amend** Mrs. Uhlir's motion **was defeated** on a voice vote.

Mrs. Uhlir's **motion** under Article 16(1) **passed** on a voice vote.

Ms. Uhlir moved (2): to amend the By-Laws of the Town by inserting the following provision:

Article X, Sec. 4: Upon receipt of any request from any party for authorization by Town Meeting for discharge to a new sewer connection, or enlargement of an existing sewer connection, under Section 3, above, the Board of Selectmen shall forward such request to the Planning Board for hearing, recommendation and report. Following said hearing the Board of Selectmen shall place the request for discharge on the warrant for the next special or annual town meeting.

The Planning Board shall (1) give notice of the date, time and place of a public hearing on the request, the first of two notices being at least two weeks in advance of the hearing date, published in a newspaper of general circulation in the town, (2) specify information that must be available at least two weeks prior to the hearing date, (3) conduct the hearing and (4) make a recommendation and report to the Town Meeting at which such request is to be considered.

Ms. Uhlir explained that Motion two provides for the implementation and administration of the proposed bylaw. Mr. Aydelott stated the Planning Board would develop the standards and criteria regarding this article. The Moderator was asked if the article was actually a zoning bylaw requiring a 2/3 vote as well as a Report of the Planning Board rather than a general bylaw requiring a simple majority. The Moderator responded he does not quash a motion unless it is illegal.

Mrs. Uhlir's **motion** under Article 16 (2) **passed** on a voice vote.

The foregoing Article 16 was approved by the Attorney General of Massachusetts on September 25, 2002.

Article 17: Grant of Conservation Restriction (Danforth Property)

To see if the Town will vote to transfer from the Conservation Commission for conservation purposes to the Conservation Commission for conservation purposes and for the purpose of granting a conservation restriction to The Trustees of Reservations, Weston Forest and Trail Association, Inc. and Massachusetts Audubon Society on Parcel A, Lot 2A and Lot 2B on plan entitled "Plan of Land in Weston, Massachusetts" dated August 4, 2000, made by Snelling & Hamel Associates and recorded with Middlesex South District Registry of Deeds on December 31, 2001 as Plan No. 1287 of 2001 and to authorize the Conservation Commission to grant a conservation restriction to The Trustees of Reservations, Weston Forest and Trail Association, Inc. and Massachusetts Audubon Society in accordance with the provisions of M.G.L. chapter.184, sections 31-34, upon such terms and conditions as the Conservation Commission shall determine to be appropriate, or take any other action relative thereto;

and further, to see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court to approve the grant of said Conservation Restriction to The Trustees of Reservations, Weston Forest and Trail Association, Inc., and Massachusetts Audubon Society for the purpose stated herein pursuant to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, or take any other action relative thereto.

Article 17 Explanation: As a condition of the Town's purchase of the former Danforth property, the Town has agreed to impose a conservation restriction to be held by the Trustees of Reservations and the Weston Forest and Trail Association, Inc. Article 97 of the State Constitution prohibits the transfer of an interest in land held for conservation purposes without the approval of Town Meeting and the State Legislature.

Voted unanimously: that the Town transfer from the Conservation Commission for conservation purposes to the Conservation Commission for conservation purposes and for the purpose of granting a conservation restriction to The Trustees of Reservations, Weston Forest and Trail Association, Inc. and Massachusetts Audubon Society on Parcel A, Lot 2A and Lot 2B on plan entitled "Plan of Land in Weston, Massachusetts" dated August 4, 2000, made by Snelling & Hamel Associates and recorded with Middlesex South District Registry of Deeds on December 31, 2001 as Plan No. 1287 of 2001 and to authorize the Conservation Commission to grant a conservation restriction to The Trustees of Reservations, Weston Forest and Trail Association, Inc. and Massachusetts Audubon Society in accordance with the provisions of M.G.L. chapter 184, sections 31-34, upon such terms and conditions as the Conservation Commission shall determine to be appropriate, or take any other action relative thereto;

and further, that the Town vote to authorize the Board of Selectmen to petition the Massachusetts General Court to approve the grant of said Conservation Restriction to The Trustees of Reservations, Weston Forest and Trail Association, Inc., and Massachusetts Audubon Society for the purpose stated herein pursuant to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

Article 18: Grant of Conservation Restriction (Town Forest - Concord Road)

To see if the Town will vote to transfer from the Conservation Commission for forest purposes to the Conservation Commission for conservation purposes the land located off Concord Road and described in deed from Harold B. Willis, Jr. Andrew F. Willis, and Hannah B. Wilkinson dated

December 6, 1962 and recorded with Middlesex South District Registry of Deeds in Book 10184, Page 41, or take any other action relative thereto;

and further, to see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court to approve the transfer or custody of said land from the Conservation Commission for forest purposes to the Conservation Commission for conservation purposes pursuant to the provision of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, or take any other action relative thereto.

Article 18 Explanation: The Town acquired this land in 1962 by deed from the Willis family. The deed restricted the use of the land to a town forest in accordance with M.G.L. chapter 45, however this restriction expires fifty years from the date of the deed or upon the death of the last surviving grantor, whichever is earlier. Permission is sought to change the use to conservation land which requires the approval of the State Legislature under Article 97 of the Constitution.

Voted unanimously: that the Town transfer from the Board of Selectmen for forest purposes to the Conservation Commission for conservation purposes the land located off Concord Road and described in deed from Harold B. Willis, Jr. Andrew F. Willis, and Hannah B. Wilkinson dated December 6, 1962 and recorded with Middlesex South District Registry of Deeds in Book 10184, Page 41;

and further, that the Town vote to authorize the Board of Selectmen to petition the Massachusetts General Court to approve the transfer or custody of said land from the Conservation Commission for forest purposes to the Conservation Commission for conservation purposes pursuant to the provision of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

A **motion to adjourn** Annual Town Meeting until Wednesday, May 15, 2002 was **adopted** at 11:12 p.m.

ADJOURNED ANNUAL TOWN MEETING May 15, 2002

Pursuant to the warrant, Robert M. Buchanan, the Moderator, called the Adjourned session of the Annual Town Meeting to order at 7:30 PM on May 15, 2002 in the Weston High School Auditorium. The Moderator declared a quorum present.

The Moderator appointed the following tellers and swore them to their duties:

Katherine Strehle	Jacqueline Haas
Peter Whittenberg	Edwin Kerwin

CAPITAL IMPROVEMENT BUDGET ARTICLES

Article 19: Appropriate for Capital Projects

To see if the Town will vote to appropriate the following sums of money from the tax levy;

Purpose	Amount	Expend Under Direction of:
A. Police Department Cell Improvements	\$10,500	Town Manager
B. GIS Needs Assessment	\$25,000	Town Manager
C. Memorial Pool Complex Improvements	\$8,000	Recreation Commission

Article 19 Explanation:

- A. A recent State inspection of the cell block in the Weston Police Department revealed a number of conditions which could possibly contribute to a suicide attempt. The necessary corrections to all four cells would cost an estimated \$23,000. Given the limited use of these cells, it is recommended that only two cells be altered at a cost of \$10,500.
- B. A Geographic Information System(GIS) is an integrated computer mapping and database system which will be used by a variety of town departments including Engineering, Planning, Conservation, Assessors, Town Clerk and Schools. This funding for a needs assessment is the first phase in creating a strategic plan for the phased implementation of GIS.
- C. This project at the Memorial Pool Complex includes handicapped access for the bath house and the creation of additional storage at the maintenance building.

Voted: that the Town appropriate the following sums of money from the tax levy;

Purpose	Amount	Expend Under Direction of:
A. Police Department Cell Improvements	\$10,500	Town Manager
B. GIS Needs Assessment	\$25,000	Town Manager
C. Memorial Pool Complex Improvements	\$8,000	Recreation Commission

Article 20: Appropriate for Retaining Wall Rehabilitation

To see if the Town will vote to appropriate a sum of money for the construction or reconstruction of retaining walls, to be spent under the direction of the Board of Selectmen, 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 and notes; or take any other action relative thereto.

Article 20 Explanation: This project is to rebuild a stone retaining wall between Coburn Road and the northern end of Church Street. The wall is approximately twelve hundred feet long and seven to ten feet high. It has partially collapsed and is a safety hazard. The estimated cost is \$100,000.

Mr. Douglas Gillespie moved: that the sum of \$100,000 be appropriated for the construction or reconstruction of retaining walls, to be spent under the direction of the Board of Selectmen, 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 the Town Treasurer, with the approval of the Board of Selectmen, is 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. Gillespie explained that the retaining wall on Church Street was the wall north of Coburn Road.

Mr. Gillespie's **motion passed unanimously.**

Article 21: Appropriate for Drainage Rehabilitation Projects

To see if the Town will vote to appropriate a sum of money for the construction or reconstruction of surface drains and all incidental costs related thereto, to be spent under the direction of the Board of Selectmen, 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; or take any other action relative thereto.

Article 21 Explanation: This project is to correct drainage problems on Pond Brook Circle and Ledgewood Road. The design specifications will be prepared by the Town Engineer. The estimated cost is \$300,000.

Voted unanimously: that the sum of \$ 300,000 be appropriated for the construction or reconstruction of surface drains and all incidental costs related thereto, to be spent under the direction of the Board of Selectmen, 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 the Town Treasurer, with the approval of the Board of Selectmen, is 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.

Article 22: Appropriate for DPW Vehicle Replacement

To see if the Town will vote to appropriate a sum of money for the cost of departmental 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 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; or take any other action relative thereto.

Article 22 Explanation: This Article is for the replacement of four DPW vehicles: 1. Light-duty pick up with plow for the Highway Division; 2. Light-duty dump truck with plow for the Parks and Cemeteries Division (previously requested in FY02 but deferred); 3. Light-duty pick up with plow for the Stormwater Division; and 4. Light-duty four-wheel drive truck with utility body for the Water Division. The estimated cost for all four vehicles is \$170,000.

Mr. Gillespie moved: that the sum of \$ 170,000 be appropriated for the cost of departmental 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 the authority of M.G.L. chapter 44, section 7, or any other enabling authority, and the Town Treasurer, with the approval of the Board of Selectmen, is 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. Paul Young opposed the motion stating the fire department also opposed the motion.

Mr. Gillespie's motion was **adopted by the following vote: Yes - 59; No - 16.**

Article 23: Appropriate for Case Complex, Traffic Safety and Parking Improvements

To see if the Town will vote to appropriate a sum of money to reconstruct, resurface, alter or make specific repairs to the roadways and parking areas at the Case Complex and all incidental costs related thereto, to be spent under the direction of the Board of Selectmen, 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; or take any other action relative thereto.

Article 23 Explanation: A task force from the School Department, DPW, Recreation Department, Council on Aging and Library has been meeting to review options for addressing the increasing traffic safety issues at this complex of Town facilities. The task force has reviewed an original concept plan prepared for the School Department for improving traffic safety at this location. This concept plan has been revised, given the traffic changes that have occurred as a result of the opening of the new Community Center. The Department of Public Works will oversee this project. The estimated cost is \$150,000.

Voted unanimously: that the sum of \$150,000 be appropriated to reconstruct, resurface, alter or make specific repairs to the roadways and parking areas at the Case Complex and all incidental costs related thereto, to be spent under the direction of the Board of Selectmen, 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 the Town Treasurer, with the approval of the Board of Selectmen, is 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.

Article 24: Appropriate for Roadway Improvements

To see if the Town will vote to appropriate \$100,000 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 Board of Selectmen, 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; or take any other action relative thereto.

Article 24 Explanation: This additional roadway improvement funding is to replace the reduction in State Chapter 90 funding.

Voted unanimously: that the sum of \$100,000 be appropriated to reconstruct, resurface, alter or make specific repairs to roadways, and all incidental costs related thereto, to be spent under the direction of the Board of Selectmen, 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 the Town Treasurer, with the approval of the Board of Selectmen, is 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.

Article 25: Appropriate for Environmental Audit Compliance Improvements

To see if the Town will vote to appropriate a sum of money for extraordinary repairs at the DPW building, to be spent under the direction of the Board of Selectmen, 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; or take any other action relative thereto.

Article 25 Explanation: An environmental audit of DPW facilities has identified certain facility improvements that must be made to comply with EPA requirements. This project involves connecting existing floor drains to a double-lined wastewater holding tank with a leak detection system. The estimated cost is \$85,000.

Voted unanimously: that the sum of \$ 85,000 be appropriated for extraordinary repairs at the DPW building, to be spent under the direction of the Board of Selectmen, 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 the Town Treasurer, with the approval of the Board of Selectmen, is 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.

Article 26: Appropriate for Water System Equipment - Summer Street/Church Street

To see if the Town will vote to appropriate a sum of money for water system equipment, including engineering design and contract administration, to be spent under the direction of the Board of Selectmen, the money so appropriated to be raised 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 and notes, and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow all or a portion of the amount from the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a loan agreement and/or security agreement with the MWRA with respect to such loan; and that the Board of Selectmen be authorized to contract for and expend any federal, state or other aid available for the project, including any grant related to such project from the MWRA; or take any other action relative thereto.

Article 26 Explanation: This work is to address a serious water quality issue on Summer Street and Church Street. The work involves connecting certain homes to a newer main available in the street. Design specifications will be prepared by the Town Engineer. The estimated cost is \$225,000. The Town is eligible for \$125,000 in a MWRA 0% interest loan for this work. If received, this loan would reduce the overall cost of the project.

Voted unanimously: that the sum of \$225,000 be appropriated for water system equipment, including engineering design and contract administration, to be spent under the direction of the Board of Selectmen, 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 the Town Treasurer, with the approval of the Board of Selectmen, is 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; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow all or a portion of the amount from the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a loan agreement and/or security agreement with the MWRA with respect to such loan; and that the Board of Selectmen be authorized to contract for and expend any federal, state or other aid available for the project, including any grant related to such project from the MWRA.

Article 27: Appropriate for Water System Equipment - Newton Street

To see if the Town will appropriate a sum of money for the replacement and rehabilitation of water system equipment and all incidental costs related thereto, to be spent under the direction of the Board of Selectmen, 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; or take any other action relative thereto.

Article 27 Explanation: This funding is to replace the hydrants and valves on Newton Street. This project was previously planned to be completed with funds approved at the 1999 Annual Town Meeting. Based on final design, an additional appropriation of \$135,000 is necessary for this project.

Voted unanimously: that the sum of \$135,000 be appropriated for the replacement and rehabilitation of water system equipment and all incidental costs related thereto, to be spent under the direction of the Board of Selectmen, 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 the Town Treasurer, with the approval of the Board of Selectmen, is 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.

Article 28: Appropriate for Brook School Apartments Expansion - Design

To see if the Town will appropriate a sum of money for the cost of architectural services for plans and specifications for expanding the Brook School Apartments, to be spent under the direction of the Elderly Housing 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; or take any other action relative thereto.

Article 28 Explanation: The Elderly Housing Committee is currently preparing schematic designs of different options for expanding the Brook School Apartments Complex (funded at the 2001 Annual Town Meeting). This Article would provide funding for design specifications, the next phase of this work. Construction funds will be requested at a subsequent Town Meeting. The estimated design cost is \$325,000.

Mr. Harold Hestnes moved: that the sum of \$325,000 be appropriated for the cost of architectural services for plans and specifications for expanding the Brook School Apartments, to be spent under the direction of the Elderly Housing 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 the Town Treasurer, with the approval of the Board of Selectmen, is 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. Hestnes yielded to **Mr. Matthew Gardiner** of the Elderly Housing Committee who explained that there was shortage of senior housing in Weston. Brooks-School Apartments has a current waiting list of approximately 90. **Ms. Lorelei Kendrick**, stating she was a current resident of the Brook School Apartment complex, spoke in opposition. Ms. Kendrick said the addition would create overcrowding. If the addition was built, it should be smoke-free. **Ms. Linda Duhms** asked if any of the building costs would be alleviated by the use of CPA funds, Mr. Hestnes replied that Brook School was self-supporting except for the interest on borrowed funds and that the Town receives approximately \$30,000 per annum for rents, so use of the CPA funds was not appropriate.

Mr. Hestnes' motion was **adopted by the following vote: Yes - 49; No - 1.**

Article 29: Appropriate for School Bus Garage and Parking Lot - Design Study

To see if the Town will appropriate a sum of money from the tax levy for the cost of engineering or architectural services for plans and specifications for the School bus garage and parking lot, to be spent under the direction of the School Committee.

Article 29 Explanation: Present facilities, consisting of a 1973 two-bay garage, a 1987 addition, and two leased trailers are inadequate because they are not ADA compliant, lack proper sanitary and storage facilities, lack a washing bay, and border on an environmentally sensitive area of the school campus. The study would involve architectural and engineering services to produce options for the School Department and the Town to consider, with the expectation that in a subsequent year the School Department would ask the Town to move forward with a renovation or replacement project. The estimated cost is \$25,000.

Voted: that the sum of \$25,000 be appropriated from the tax levy for the cost of engineering or architectural services for plans and specifications for the School bus garage and parking lot, to be spent under the direction of the School Committee.

Article 30: Appropriate for Resurfacing of High School Track

To see if the Town will appropriate a sum of money for the reconstruction of the high school track 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; or take any other action relative thereto.

Article 30 Explanation: The high school track was constructed in 1987 as a then state-of-the-art (in this region) facility. Years of good and occasionally intensive use by school and community have produced predictable wear and tear, especially on the rubber-like colored surface. Periodic spot repairs have been performed over the years to help put off what is now the inevitable need to resurface the entire track in order to prevent permanent damage to the subsurface layers and to continue to offer a safe and competitive facility. The estimated cost is \$150,000.

Voted Unanimously: that the sum of \$150,000 be appropriated for the reconstruction of the high school track 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 the Town Treasurer, with the approval of the Board of Selectmen, is 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.

Article 31: Appropriate for Replacement of School Buses

To see if the Town will vote to appropriate a sum of money for the cost of departmental equipment 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; or take any other action relative thereto.

Article 31 Explanation: The present school bus fleet consists of 26 vehicles, fourteen of which have accumulated more than 100,000 miles per vehicle (including six over 150,000 miles), contributing to a fleet average of 95,639. This is in part due to our cutting back on annual replacements to two per year. Our desirable fleet average has been in the 60,000 to 70,000 mile range. While buses have continued to pass the state's safety inspection process, mechanical and body maintenance costs for the older buses have climbed and trade-in values bottomed out long ago. A one-time purchase of three additional replacements on top of the two in the annual operating budget will help get the fleet closer to the desirable average and would help moderate maintenance costs. The estimated cost is \$150,000.

Voted Unanimously: that the sum of \$150,000 be appropriated for the cost of departmental equipment 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 the Town Treasurer, with the approval of the Board of Selectmen, is 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.

Article 32: Rescind Bond Authorization

To see if the Town will vote 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:

Article 17	May 1987 ATM - Transfer Station	\$150,000
------------	---------------------------------	-----------

Article 32 Explanation: The above noted project has been completed. It is necessary for Town Meeting to rescind the balance of the bond authorization so that it can be removed from the Town's financial records.

Voted: that the Town vote 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:

Article 17	May 1987 ATM - Transfer Station	\$150,000
------------	---------------------------------	-----------

GENERAL BY-LAW ARTICLES/SPECIAL COMMITTEES

Article 33: Create Study Committee: Property Assessments (Citizens' Petition)

To appoint a committee to investigate the 2001 revaluation of real estate within the town and determine if it resulted in full, fair, and uniform valuation of the town's real estate and to make recommendations to remedy any problems found.

Article 33 Explanation: This is a citizens' petition request that the Selectmen appoint a committee to study the fairness and uniformity of the 2001 revaluation, addressing issues of:

1. *the validity of the Site Index, especially when such a limited number of streets were affected by sales in one year;*
2. *whether the assessment methodology impacts small property owners in favor of large property owners;*
3. *whether the assessment methodology promotes tear-downs and the construction of mansions, which is antithetical to the town's desire to preserve what economic and social diversity we now have;*
4. *potential procedural flaws in the assessment methodology.*

Voted: that Article 33 be passed over and so disposed of.

Article 34: Accept M.G.L. Chapter 59, Section 57C: Quarterly Real Estate Tax Billing

To see if the Town will vote to accept the provisions of M.G.L. chapter 59, section 57C, establishing quarterly real estate tax billing.

Article 34 Explanation: The Board of Selectmen is recommending that the Town adopt quarterly real estate tax billing. Currently, tax bills are payable twice per year. Quarterly tax billing will substantially improve the Town's cash flow, thereby eliminating \$25,000 from the budget for tax anticipation borrowing and increasing investment income by approximately \$100,000. There are one-time expenses of \$4,000 to implement quarterly tax bills and \$22,450 in annual expenses. 201 of the 351 cities and towns in the Commonwealth have adopted quarterly billing.

Mr. Hestnes moved: that the Town accept the provisions of M.G.L. chapter 59, section 57C, establishing quarterly real estate tax billing.

Speaking in opposition were **Ms. Florence Howe** who objected to quarterly real estate tax billings because "if the system was not broke, why fix it? -- and **Mr. Robert Seavey**, who said the saving was illusory.

Mr. Hestnes' **motion was adopted** by the following vote: Yes - 65; No - 34.

Article 35: Amend General By-Laws, Article II - Annual Town Report

To see if the Town will vote to amend Article II of the Town's General By-Laws by deleting Sections 4 and 6 in their entirety and replacing them with the following:

"Section 4. The annual town report shall be printed and bound under the direction of the Board of Selectmen. It shall contain the reports of town officers and committees required by law, and such other reports or materials as the Town or the Board of Selectmen may direct. All Town officers and committees of the Town shall, unless otherwise directed, file their reports by the date determined by the Board of Selectmen."

"Section 6. The Town Clerk shall cause a printed copy of the annual town report to be available at the Town Library, Town Hall and at other such locations determined by the Board of Selectmen, not less than seven days before the day fixed for the annual town meeting.

Or take any other action relative thereto.

Article 35 Explanation: The amendment to Section 4 removes the requirement to include the Town Meeting warrant in the annual report. It has been the Town's practice for many years to print the warrant as a separate document. The amendment to Section 6 removes the requirement to deliver the annual town report to each household. Instead, the annual town report will be made available at various town locations and in the future, will be posted on the Town's Website. This will save the Town a minimum of \$4,000 in mailing and printing costs.

Mr. Hestnes moved: that the Town vote to amend Article II of the Town's General By-Laws by deleting Sections 4 and 6 in their entirety and replacing them with the following:

"Section 4. The annual town report shall be printed and bound under the direction of the Board of Selectmen. It shall contain the reports of town officers and committees required by law, and such other reports or materials as the Town or the Board of Selectmen may direct. All Town officers and committees of the Town shall, unless otherwise directed, file their reports by the date determined by the Board of Selectmen."

"Section 6. The Town Clerk shall cause printed copies of the annual town report to be available for distribution at no charge at the Town Library, Town Hall and at other such locations determined by the Board of Selectmen, not less than seven days before the day fixed for the annual town meeting.

Mr. Robert Nolan moved to amend the motion by deleting "and 6" from the second sentence and deleting "Section 6" in its entirety.

Mr. David Harmon supported the amendment saying the cost of printing and delivering the Annual Town Report to Weston households was a small price to pay for the delivery of information to the voters.

Mr. Nolan's **motion to amend Article 35 was adopted** on a voice vote.

Mr. Hestnes' **motion as amended, which reads as follows, was adopted on a voice vote.**

Voted: that the Town amend Article II of the Town's General By-Laws by deleting Section 4 in its entirety and replacing it with the following:

"Section 4. The annual town report shall be printed and bound under the direction of the Board of Selectmen. It shall contain the reports of town officers and committees required by law, and such other reports or materials as the Town or the Board of Selectmen may direct.

All Town officers and committees of the Town shall, unless otherwise directed, file their reports by the date determined by the Board of Selectmen.”

The foregoing Article 35 was approved by the Attorney General of Massachusetts on September 25, 2002.

Article 36: Accept M.G.L. Chapter 32B, Section 9E: Retiree Health Insurance

To see if the Town shall accept M.G.L. chapter 32B, section 9E, to allow the Town, in addition to the payment of fifty percent of the premium for contributory group life, hospital, surgical, medical, dental and other health insurance for employees retired from the service of the Town, and their dependents, to pay a subsidiary or additional rate.

Article 36 Explanation: Acceptance of this local option statute will permit the Board of Selectmen to increase the Town’s current 50 percent contribution for retiree health insurance premiums. A number of Town employees and retirees have requested that the Selectmen consider this change. Any increase in the Town’s contribution will require an appropriation at Town Meeting.

Voted: that the Town accept M.G.L. chapter 32B, section 9E, to allow the Town, in addition to the payment of fifty percent of the premium for contributory group life, hospital, surgical, medical, dental and other health insurance for employees retired from the service of the Town, and their dependents, to pay a subsidiary or additional rate.

Article 37: Accept M.G.L. Chapter 32B, Section 18: Medicare Coverage

To see if the Town shall accept M.G.L. chapter 32B, section 18, to allow the Town to require that all retirees, their spouses and dependents who are, 1) enrolled in Medicare Part A at no cost to the retiree, their spouse or dependents, or 2) eligible for coverage thereunder at no cost to the retiree, their spouse or dependents, enroll in a Medicare health benefits supplement plan offered by the Town.

Article 37 Explanation: If Town Meeting accepts this statute, retirees of the Town who have Medicare eligibility will be enrolled in a Medicare supplement health plan. Medicare supplement plans are substantially less expensive since Medicare pays 80 percent of the cost of health insurance claims.

Voted: that the Town accept M.G.L. chapter 32B, section 18, to allow the Town to require that all retirees, their spouses and dependents who are, 1) enrolled in Medicare Part A at no cost to the retiree, their spouse or dependents, or 2) eligible for coverage thereunder at no cost to the retiree, their spouse or dependents, enroll in a Medicare health benefits supplement plan offered by the Town.

Article 38: Amend General By-Laws, Article XXIV: Town Clerk’s Fees

To see if the Town will vote to amend the Town’s General By-Laws by deleting Article XXIV in its entirety and renumber the remaining Articles.

Article 38 Explanation: This Article in the By-Laws is no longer necessary as State law now permits the Town Clerk to establish reasonable fees for licenses, permits, certificates or services.

Voted unanimously: that the Town vote to amend the Town’s General By-Laws by deleting Article XXIV in its entirety and renumber the remaining Articles.

The foregoing Article 38 was approved by the Attorney General of Massachusetts on September 25, 2002.

Article 39: Amend General By-Laws Article XXXII: Community Preservation Committee

To see if the Town will vote to amend Article XXXII of the Town’s General By-Laws by adding a new section following Section 3 and renumbering the remaining sections.

“Section 4: Exemptions

Taxpayers qualifying for the low-income exemption or the low and moderate-income senior exemption as provided for in the Act and approved by the voters, shall submit an application for the exemption, on a form provided by the Assessors, within three months after the bill or notice is sent.”

Or take any other action relative thereto.

Article 39 Explanation: The State law governing the exemptions to the Community Preservation Act surcharge does not address the date by which exemption applications must be filed. The amendment to the General By-Laws would establish the exemption deadline as three months after the mailing of tax bills. This timeframe is the same one used for all other statutory exemption applications.

Voted unanimously: that the Town to amend Article XXXII of the Town’s General By-Laws by adding a new section following Section 3 and renumbering the remaining sections.

“Section 4: Exemptions

Taxpayers qualifying for the low-income exemption or the low and moderate-income senior exemption as provided for in the Act and approved by the voters, shall submit an application for the exemption, on a form provided by the Assessors, within three months after the bill or notice is sent.”

The foregoing Article 39 was approved by the Attorney General of Massachusetts on September 25, 2002.

Article 40: Omnibus Article

To see if the Town will vote to raise by taxation, transfer from available funds, by borrowing or otherwise, such sums as may be necessary for all or any of the purposes mentioned in the foregoing articles, especially to act upon all appropriations asked for or proposed by the Selectmen, or any Town Officers or Committee, to appoint such committees as may be decided upon or to take action upon matters which may properly come before the meeting; or take any other action relative thereto.

Voted: That Article 40 be passed over and so disposed of.

A motion to dissolve the Annual Town Meeting was adopted at 9:26 p.m.

STATE PRIMARY - September 17, 2002

Pursuant to a warrant duly served, the State Primary was held on September 17, 2002 in Precinct 1 – Parish Hall of the United Methodist Church of Weston, 377 North Avenue; Precinct 2 – Basement of St. Peter’s Church, 320 Boston Post Road; Precinct 3 – Parish Hall of St. Demetrios Church, 57 Brown Street; Precinct 4 – Parish Hall of St. Demetrios Church, 57 Brown Street. The polls were open from 7 a.m. – 8 p.m. The total ballots cast were as follows:

	Democratic	Republican	Libertarian	Green	Total
Precinct 1	365	258	3	0	626
Precinct 2	328	222	1	2	553
Precinct 3	257	201	1	0	459
Precinct 4	317	212	1	0	530
TOTAL	1,267	893	6	2	2,168

Out of a total of 2,168 votes cast 33 or 1.5% were cast by absentee ballot.

The results of the primary were as follows:

DEMOCRATIC PARTY

SENATOR IN CONGRESS		AUDITOR	
John F. Kerry*, Boston	1060	A. Joseph DeNucci*, Newton	767
Blanks	202	Blanks	499
Write-Ins	5	Write-Ins:	1
Total	1267	Total	1267
GOVERNOR		REPRESENTATIVE IN CONGRESS 7th District	
Thomas F. Birmingham, Chelsea	153	Edward J. Markey*, Malden	1011
Steven Grossman, Newton	12	James O. Hall, Arlington	136
Shannon P. O'Brien, Whitman	459	Blanks	120
Robert B. Reich, Cambridge	449	Total	1267
Warren E. Tolman, Watertown	183	COUNCILLOR, 3 rd District	
Blanks	11	Marilyn M. Petitto Devaney*, Watertown	698
Total	1267	Blanks	569
LIEUTENANT GOVERNOR		Total	1267
Christopher Gabrieli, Boston	348	SENATOR IN GENERAL COURT	
Lois G. Pines, Newton	634	Third Middlesex District	
John P. Slattery, Peabody	176	Susan M. Fargo*, Lincoln	922
Blanks	107	Blanks	342
Write-Ins	2	Write-Ins:	3
Total	1267	Total	1267
ATTORNEY GENERAL		REPRESENTATIVE IN GENERAL COURT	
Thomas F. Reilly*, Watertown	953	14th Norfolk District	
Blanks	313	Lawrence R. Kaplan, Wellesley	466
Write-Ins	1	Alice Hanlon Peisch, Wellesley	698
Total	1267	Blanks	103
SECRETARY OF STATE		Total	1267
William Francis Galvin*, Boston	880	DISTRICT ATTORNEY, Northern District	
Blanks	386	Martha Coakley*, Medford	915
Write-Ins:	1	Blanks	351
Total	1267	Write-Ins:	1
TREASURER		Total	1267
Michael P. Cahill, Beverly	122	REGISTER OF PROBATE, Middlesex County	
Timothy P. Cahill, Quincy	244	John R. Buonomo*, Somerville	289
Stephen J. Murphy, Boston	61	Diane Poulos Harpell, Acton	395
James W. Segel, Needham	591	Ed McMahon, Lowell	114
Blanks	249	Blanks	469
Total	1267	Total	1267

* Indicates inumbent

REPUBLICAN PARTY

SENATOR IN CONGRESS		AUDITOR	
Blanks	867	Blanks	893
Write-Ins:	26	Total	893
Total	893	REPRESENTATIVE IN CONGRESS, 7 th District	
GOVERNOR		Blanks	888
Mitt Romney, Belmont	810	Write-Ins:	5
Blanks	76	Total	893
Write-Ins:	7	COUNCILLOR, 3 rd District	
Total	893	Blanks	893
LIEUTENANT GOVERNOR		Total	893
Kelly Murphy Healey, Beverly	631	SENATOR IN GENERAL COURT	
James Rappaport, Concord	255	3 rd Middlesex District	
Blanks	7	Blanks	893
Total	893	Total	893
ATTORNEY GENERAL		REPRESENTATIVE IN GENERAL COURT,	
Blanks	890	14 th Norfolk District	
Write-Ins:	3	George P. Field, Wellesley	569
Total	893	Blanks	323
SECRETARY OF STATE		Write-Ins:	1
Jack E. Robinson, Boston	437	Total	893
Blanks	453	DISTRICT ATTORNEY, NORTHERN DISTRICT	
Write-Ins:	3	Blanks	893
Total	893	Total	893
TREASURER		REGISTER OF PROBATE Middlesex County	
Daniel A. Grabauskas, Ipswich	318	John W. Lambert, Shrewsbury	555
Bruce A. Herzfelder, Cohasset	388	Blanks	338
Blanks	187	Total	893
Total	893		

LIBERTARIAN PARTY

SENATOR IN CONGRESS		SECRETARY OF STATE	
Michael E. Cloud, Wayland	4	Blanks	6
Blanks	2	Total	6
Total	6	TREASURER	
GOVERNOR		Blanks	6
Carla A. Howell, Wayland	4	Total	6
Blanks	2	AUDITOR	
Total	6	Kamal Jain, Littleton	3
LIEUTENANT GOVERNOR		Blanks	3
Richard P. Aucoin, Waltham	4	Total	6
Blanks	2	REPRESENTATIVE IN CONGRESS, 7 th District	
Total	6	Blanks	6
ATTORNEY GENERAL		Total	6
Blanks	6		
Total	6		

COUNCILLOR, 3rd District
 Blanks 6
 Total 6

SENATOR IN GENERAL COURT
 3rd Middlesex District
 Blanks 6
 Total 6

REPRESENTATIVE IN GENERAL COURT,
 14th Norfolk District
 Blanks 6
 Total 6

DISTRICT ATTORNEY, Northern District
 Blanks 6
 Total 6

REGISTER OF PROBATE, Middlesex County
 Blanks 6
 Total 6

GREEN PARTY

SENATOR IN CONGRESS
 Blanks 2
 Total 2

GOVERNOR
 Jill E. Stein, Lexington 2
 Blanks 0
 Total 2

LIEUTENANT GOVERNOR
 Anthony F. Lorenzen, Leominster 2
 Blanks 0
 Total 2

ATTORNEY GENERAL
 Blanks 2
 Total 2

SECRETARY OF STATE
 Blanks 2
 Total 2

TREASURER
 James O'Keefe, Somerville 2
 Blanks 0
 Total 2

AUDITOR
 Blanks 2
 Total 2

REPRESENTATIVE IN CONGRESS, 7th District
 Blanks 2
 Total 2

COUNCILLOR, 3rd District
 Blanks 2
 Total 2

SENATOR IN GENERAL COURT,
 3rd Middlesex District
 Blanks 2
 Total 2

REPRESENTATIVE IN GENERAL COURT,
 14th Norfolk District
 Blanks 2
 Total 2

DISTRICT ATTORNEY, Northern District
 Blanks 2
 Total 2

REGISTER OF PROBATE, Middlesex County
 Blanks 2
 Total 2

**STATE ELECTION
November 5, 2002**

Pursuant to a warrant duly served, the State Election was held on November 5, 2002 in Precinct 1 - Parish Hall of the United Methodist Church of Weston located at 377 North Avenue; Precinct 2 - Basement of St. Peter's Church located at 320 Boston Post Road; Precinct 3 - Parish Hall of St. Demetrios Church, 57 Brown Street; Precinct 4 - Parish Hall of St. Demetrios Church, 57 Brown Street. The polls were open from 7 a.m. - 8 p.m. The total ballots cast were as follows:

Precinct 1	Precinct 2	Precinct 3	Precinct 4	Total
1501	1267	1197	1324	5289

Out of a total of 5,289 votes cast 327 or 6.2% were cast by absentee ballot.

The results of the election were as follows:

SENATOR IN CONGRESS		
John F. Kerry*, Boston,	Democratic	3308
Michael E. Cloud, Wayland		
	Republican	1246
Blanks		613
Forsberg		101
Scattering		21
Total		5289

GOVERNOR & LT. GOVERNOR		
Howell & Aucoin	Libertarian	30
O'Brien & Gabrieli	Democratic	1722
Romney & Healey	Republican	3335
Stein & Lorenzen		
	Massachusetts Green	167
Johnson & Schebel	Independent	7
Blanks		26
Scattering		2
Total		5289

ATTORNEY GENERAL		
Thomas F. Reilly*, Watertown		
	Democratic	3536
Blanks		1718
Scattering		35
Total		5289

SECRETARY OF STATE		
William Francis Galvin*, Boston		
	Democratic	2985
Jack E. Robinson, III, Boston		
	Republican	1710
Blanks		585
Scattering		9
Total		5289

TREASURER		
Timothy P. Cahill, Quincy,	Democratic	1711
Daniel A. Grabauskas, Ipswich		
	Republican	2913
James O'Keefe, Somerville		
	Massachusetts Green	285
Blanks		379
Scattering		1
Total		5289

AUDITOR		
Joseph DeNucci*, Newton,	Democratic	3010
Kamal Jain, Littleton	Libertarian	461
John James Xenakis, Framingham		
	Independent	827
Blanks		987
Scattering		4
Total		5289

REPRESENTATIVE IN CONGRESS 7th District		
Edward J. Markey*, Boston,	Democratic	3395
Blanks		1809
Melnechuk		25
Forsberg		7
Scattering		53
Total		5289

COUNCILLOR, Third District		
Marilyn M. Petitto Devaney*, Watertown	Democratic	2855
Blanks		2414
Scattering		20
Total		5289

*Indicates incumbent

SENATOR IN GENERAL COURT		
3rd Middlesex District		
Susan C. Fargo*, Lincoln		
	Democratic	3304
Blanks		1964
Scattering		21
Total		5289

DISTRICT ATTORNEY Northern District	
Martha Coakley*, Medford	
	Democratic
Blanks	1886
Scattering	22
Total	5289

REPRESENTATIVE IN GENERAL COURT,		
14th Norfolk District		
George P. Field, Wellesley		
	Republican	2580
Alice Hanlon Peisch, Wellesley		
	Democratic	2394
Blanks		314
Scattering		1
Total		5289

REGISTER OF PROBATE	
Middlesex County	
John R. Buonomo*, Somerville	
	Democratic
John W. Lambert, Shrewsbury	
	Republican
Blanks	1866
Scattering	2504
Total	915
	4
	5289

QUESTION 1

Law Proposed by Initiative Petition
Eliminating State Personal Income Tax

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2002?

Yes -- 2368 No -- 2612 Blanks -- 309 **Total -- 5289**

A YES VOTE would eliminate any state personal income tax for income or other gain realized on or after July 1, 2003.

A NO VOTE would make no change in state tax laws.

SUMMARY

This proposed law would provide that no income or other gain realized on or after July 1, 2003, would be subject to the state personal income tax. That tax applies to income received or gain realized by individuals and married couples, by estates of deceased persons, by certain trustees and other fiduciaries, by persons who are partners in and receive income from partnerships, by corporate trusts, and by persons who receive income as shareholders of "S corporations" as defined under federal tax law. The proposed law would not affect the tax due on income or gain realized before July 1, 2003.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

QUESTION 2

Law Proposed by Initiative Petition
English Language Education in Public Schools

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2002?

Yes -- 3559 No -- 1540 Blanks -- 190 **Total -- 5289**

A YES VOTE would require that, with limited exceptions, all public school children must be taught English by being taught all subjects in English and being placed in English language classrooms.

A NO VOTE would make no change in English language education in public schools.

SUMMARY

This proposed law would replace the current state law providing for transitional bilingual education in public schools with a law requiring that, with limited exceptions, all public school children must be taught English by being taught all subjects in English and being placed in English language classrooms.

The proposed law would require public schools to educate English learners (children who cannot do ordinary classwork in English and who either do not speak English or whose native language is not English) through a sheltered English immersion program, normally not lasting more than one year. In the program, all books and nearly all teaching would be in English, with the curriculum designed for children learning English, although a teacher could use a minimal amount of a child's native language when necessary. Schools would be encouraged to place in the same classroom children who are from different native-language groups but who have the same level of English skills. Once a student is able to do regular schoolwork in English, the student would be transferred to an English language mainstream classroom. These requirements would not affect special education programs for physically or mentally impaired students or foreign language classes for children who already know English.

Parents or guardians of certain children could apply each year to have the requirements waived, so as to place their child in bilingual education or other classes, if the parents or guardians visit the school to be informed, in a language they can understand, about all available options. To obtain a waiver, the child must either (1) already know English; or (2) be at least 10 years old, and the school principal and staff believe that another course of study would be better for the child's educational progress and rapid learning of English; or (3) have special physical or psychological needs (other than lack of English skills), have already spent 30 days in an English language classroom during that school year, the school principal and staff document their belief that the child's special needs make another course of study better for the child's educational progress and rapid learning of English, and the school superintendent approves the waiver. If 20 or more students in one grade level at a school receive waivers, the school would have to offer either bilingual education classes providing instruction in both the student's native language and English or classes using other generally recognized educational methodologies permitted by law. In other cases, a student receiving a waiver would have to be allowed to transfer to a school offering such classes.

A parent or guardian could sue to enforce the proposed law and, if successful, would receive attorney's fees, costs and compensatory money damages. Any school employee, school committee member or other elected official or administrator who willfully and repeatedly refused to implement the proposed law could be personally ordered to pay such fees, costs, and damages; could not be reimbursed for that payment by any public or private party; and could not be elected to a school committee or employed in the public schools for 5 years. Parents or guardians of a child who received a waiver based on special needs could sue if, before the child reaches age 18, they discover that the application for a waiver was induced by fraud or intentional misrepresentation and injured the child's education.

All English learners in grades kindergarten and up would take annual standardized tests of English skills. All English learners in grades 2 and up would take annual written standardized tests, in English, of academic subjects. Severely learning disabled students could be exempted

from the tests. Individual scores would be released only to parents, but aggregate scores, school and school district rankings, the number of English learners in each school and district, and related data would be made public.

The proposed law would provide, subject to the state Legislature's appropriation, \$5 million each year for 10 years for school committees to provide free or low-cost English language instruction to adults who pledged to tutor English learners.

The proposed law would replace the current law, under which a school committee must establish a transitional bilingual education program for any 20 or more enrolled children of the same language group who cannot do ordinary classwork in English and whose native language is not English or whose parents do not speak English. In that program, schools must teach all required courses in both English and the child's native language; teach both the native language and English; and teach the history and culture of both the native land of the child's parents and the United States. Teaching of non-required subjects may be in a language other than English, and for subjects where verbalization is not essential (such as art or music), the child must participate in regular classes with English-speaking students.

Under the current law, a child stays in the program for 3 years or until the child can perform successfully in English-only classes, whichever occurs first. A test of the child's English skills is given each year. A school committee may not transfer a child out of the program before the third year unless the parents approve and the child has received an English-skills test score appropriate to the child's grade level. A child may stay in the program longer than 3 years if the school committee and the parent or guardian approve. Parents must be informed of their child's enrollment in the program and have the right to withdraw their child from the program.

The proposed law's testing requirements would take effect immediately, and its other requirements would govern all school years beginning after the proposed law's effective date. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

QUESTION 3

This Question is Not Binding
Taxpayer Funding for Political Campaigns

Do you support taxpayer money being used to fund political campaigns for public office in the Commonwealth of Massachusetts?

Yes -- 1978 No -- 3025 Blanks -- 286 **Total -- 5289**

SPECIAL TOWN MEETING November 25, 2002

Pursuant to a warrant, duly served, Robert M. Buchanan, the Moderator called the Special Town Meeting to order at 7:35 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 the following tellers and swore them to their duties:

Florence Atkins	Helen Lennon
Jacqueline Haas	Peter Whittenberger

ARTICLE 1: Amend FY2003 Operating Budget

To see if the Town will vote to amend the following line items in the FY2003 operating budget adopted under Article 4 of the 2002 Annual Town Meeting:

	<u>Changing From</u>	<u>Changing To</u>
Unclassified, Unemployment Compensation	25,000	50,000
Unclassified, Insurance – Group Health/Life/Medicare	4,439,157	4,610,000
Selectmen/Town Manager, Expenses	55,600	59,600
Board of Health, Salaries	141,817	127,817
Board of Health, Expenses	13,510	27,510
Recreation, Salaries	545,182	560,182
Recreation, Expenses	178,975	233,975

And to raise and appropriate the sum of \$269,843 as supplemental funding therefor.

Voted: that the Town amend the following line items in the FY2003 operating budget adopted under Article 4 of the 2002 Annual Town Meeting:

	<u>Changing From</u>	<u>Changing To</u>
Unclassified, Unemployment Compensation	25,000	50,000
Unclassified, Insurance – Group Health/Life/Medicare	4,751,157	4,921,000
Selectmen/Town Manager, Expenses	55,600	59,600
Board of Health, Salaries	141,817	127,817
Board of Health, Expenses	13,510	27,510
Recreation, Salaries	545,182	555,182
Recreation, Expenses	178,975	213,975

And to raise and appropriate the sum of \$243,843 as supplemental funding therefor.

Article 2: Transfer Funds from Recreation Special Programs Revolving Fund

To see if the Town will vote to transfer \$20,000 from the Recreation Special Programs Revolving Fund to the General Fund – FY03 Local Receipts.

Article 2: Explanation: This Article is necessary to transfer available funds in the Recreation Revolving Fund to the General Fund. These funds are to offset certain General Fund budget expenditures (e.g., building maintenance) which support Revolving Fund programs.

Voted: to transfer \$20,000 from the Recreation Special Programs Revolving Fund to the General Fund – FY03 Local Receipts.

Article 3: Amend Fiscal Year 2003 Water Enterprise Budget

To amend the vote taken under Article 3 of the 2002 Annual Town Meeting, so that it reads as follows:

Salaries	206,000
Expenses	156,298
MWRA Assessment/Water Purchases	975,000
Debt Service (non exempt)	50,987
Large Meter Replacement	<u>7,500</u>
	1,395,785

said sum to be funded from water receipts.

Article 3 Explanation: This Article in being revoted because the motion approved at the Annual Town Meeting inadvertently excluded the words, "said sum to be funded from water receipts." In addition, the expense line item has been increased by \$3,200 which is necessary for certain water quality tests previously paid for by the MWRA. There is also a \$12,733 increase in debt service for the first principal payment on a zero interest loan from the MWRA.

Voted: to amend the vote taken under Article 3 of the 2002 Annual Town Meeting, so that it reads as follows:

Salaries	206,000
Expenses	156,298
MWRA Assessment/Water Purchases	975,000
Debt Service (non exempt)	50,987
Large Meter Replacement	<u>7,500</u>
	1,395,785

said sum to be funded from water receipts.

Article 4: Amend Zoning by-Law

To see if the Town will vote to amend the Weston Zoning By-Law pursuant to Section 5 of the Massachusetts General Laws, Chapter 40A, the Zoning Act, by renumbering from Section V.B.7.a to Section V.B.2.d the current text of Section V.B.7.a which reads; "New or replacement single-family dwelling, together with accessory buildings not containing a housekeeping unit, in conformity with Section VI, subsection F.2, which is constructed pursuant to a building permit issued on or after October 29, 1998 and which exceeds the RGFA limit provided in Section V.B.1.a."

Article 4 Explanation: The purpose of the proposed amendment is to change the use category of certain new or replacement single-family dwellings from "Uses allowed with Special Permit of the Planning Board" under Section V.B.7.a to "By-right Uses Allowed with Site Plan Approval", under Section V.B.2.

Voted Unanimously: to amend the Weston Zoning By-Law pursuant to Section 5 of the Massachusetts General Laws, Chapter 40A, the Zoning Act, by renumbering from Section V.B.7.a to Section V.B.2.d the current text of Section V.B.7.a which reads; "New or replacement single-family dwelling, together with accessory buildings not containing a housekeeping unit, in conformity with Section VI, subsection F.2, which is constructed pursuant to a building permit issued on or after October 29, 1998 and which exceeds the RGFA limit provided in Section V.B.1.a."

The following letter from the Planning Board was submitted to the Moderator:

November 25, 2002

Robert Buchanan, Esquire
Town Moderator
Weston Town Hall
Weston, MA 02493

RE: Report of the Weston Planning Board to the Town Moderator regarding **Article 4** in the Warrant for Special Town Meeting which proposes amendment of the Weston Zoning By-Law by eliminating the Special Permit requirement for houses over a certain size.

Dear Sir:

Pursuant to Massachusetts General Laws, Chapter 40A, Section 5, the Planning Board of the Town of Weston submits its report and recommendations to the Town Moderator and Town Meeting concerning the above referenced warrant article. This article was placed on the warrant by the Planning Board.

A public hearing on the proposed zoning amendment was held on October 23, 2002 and closed that night.

General Discussion

In 1997, Town Meeting adopted a provision to the Zoning By-Law which attempted to address the impact of a large house on its lot by requiring Site Plan Approval for new construction of a single family home where the house exceeded 10% of its lot size or exceeded 6,000 square feet.

In 1998, Town Meeting amended and strengthened this provision by requiring a Special Permit along with Site Plan Approval for new construction of single family houses that exceeded the threshold.

Although the 1998 amendment was approved by the Massachusetts Attorney General's Office, The Planning Board has been advised by those involved with land use issues that the additional requirement of a Special Permit may be in conflict with Section 3 of Chapter 40 A MGL, The Zoning Act..

The Planning Board, therefore, recommends elimination of the Special Permit requirement for new houses that exceed the threshold described in the Zoning By-Law and only require Site Plan Approval..

The Planning Board of the Town of Weston recommends that Town Meeting approve Article 4.

S/ Alfred Aydelott

By: Alfred Aydelott, Chairman
Weston Planning Board

The foregoing Article 4 was approved by the Attorney General of Massachusetts on February 24, 2003, and becomes effective on June 13, 2003.

Article 5: Amend the FY03 Community Preservation Committee Operating Budget

To see if the Town will vote to appropriate from the Community Preservation Fund, additional funds to the Fiscal Year 2003 Community Preservation budget for administrative expenses and all other necessary and proper expenses of the Community Preservation Committee; or take any other action relative thereto.

Article 5 Explanation: The Community Preservation Committee is requesting an increase in its administrative expense budget to cover professional services and other costs related to potential future projects.

Voted: to appropriate from the Community Preservation Fund, \$25,000 in additional funds to the Fiscal Year 2003 Community Preservation budget for administrative expenses and all other necessary and proper expenses of the Community Preservation Committee.

Article 6: Appropriate for Debt Service - Open Space

To see if the Town will vote to appropriate a sum of money for the interest payments and the costs for issuing bonds or notes 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 Community Preservation Fund Open Space Reserve; or take any other action relative thereto.

Article 6 Explanation: This Article appropriates funds from the Community Preservation Fund Open Space Reserve for the interest and bond issuing costs associated with the Sunday Woods conservation land purchase which was approved at the May 2002 Annual Town Meeting.

Voted Unanimously: to appropriate \$34,111 for the interest payments and the costs for issuing bonds or notes 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 Community Preservation Fund Open Space Reserve.

Article 7: Appropriate for Historic Resources

To see if the Town will vote to authorize the Board of Selectmen to acquire an historic preservation restriction, by purchase, gift, or otherwise, for historic preservation purposes under the Community Preservation Program, for land located at 787 Boston Post Road in the Town of Weston, Massachusetts shown as Assessors' Map 25, Parcel 23, said land to be held, managed, and controlled by the Historical Commission and as funding therefor, to raise and appropriate, transfer from available funds and/or transfer from the Community Preservation Fund Historic Resources Reserve; and further to authorize the Board of Selectmen to convey concurrently at the closing and in perpetuity a deed restriction which meets the requirements of M.G.L. chapter 184, sections 31-33; or take any other action relative thereto.

Article 7 Explanation: The Community Preservation Committee is proposing that the Town use Community Preservation Funds to purchase a preservation restriction for buildings and landscaping at 787 Boston Post Road.

Mr. Edward Rossiter moved: to authorize the Board of Selectmen to acquire an historic preservation restriction, by purchase, gift, or otherwise, for historic preservation purposes under the Community Preservation Program, for the land located at 787 Boston Post Road in the Town of Weston, Massachusetts shown as Assessors' Map 25, Parcel 23, said restriction to be held, managed, and controlled by the Historical Commission and as funding therefor, to appropriate \$155,000 from the Community Preservation Fund Historic Resources Reserve for the costs of acquiring this historic preservation restriction and all other costs incidental and related thereto; and further to authorize the Board of Selectmen to convey concurrently at the closing and in perpetuity a deed restriction which meets the requirements of M.G.L. chapter 184, sections 31-33.

Mr. Rossiter's motion was **adopted by the following vote: Yes: 64; No: 3**

Article 8: Appropriate for Historic Resources

To see if the Town will vote to appropriate under the Community Preservation program a sum of money for the purposes of rehabilitating and/or restoration of the old mill dam located at 39 Crescent Street in the Town of Weston, Massachusetts and shown on Assessors' Map 23, Parcel 57 and spent under the jurisdiction of the Historical Commission, and to authorize the Board of Selectmen to acquire an additional historic preservation restriction on this property, by purchase, gift or otherwise, for historic preservation purposes under the Community Preservation program, said restriction to be held, managed and controlled by the Historical Commission, and as funding therefore, to raise and appropriate, transfer from available funds, and/or transfer from the Community Preservation Fund Historic Resources Reserve; and further to authorize the Board of Selectmen to convey concurrently at the closing and in perpetuity a deed restriction which meets the requirements of M.G.L. chapter 184, sections 31-33; or take any other action relative thereto.

Article 8 Explanation: *The Community Preservation Committee is proposing that the Town use Community Preservation Funds to pay for a portion of the cost necessary to repair the privately owned historic dam located at the mill pond at 39 Crescent Street. The Town previously acquired an historic preservation restriction on this property and may acquire an additional restriction for the purpose of preserving the historic landscape at the mill pond and dam.*

Voted Unanimously: to appropriate under the Community Preservation program \$60,000 for the purposes of rehabilitation and/or restoration of the old mill dam located at 39 Crescent Street in the Town of Weston, Massachusetts and shown on Assessors' Map 23, Parcel 57 and spent under the jurisdiction of the Historical Commission, and to authorize the Board of Selectmen to acquire an additional historic preservation restriction on this property, by purchase, gift or otherwise, for historic preservation purposes under the Community Preservation program, said restriction to be held, managed and controlled by the Historical Commission, and as funding therefore, to appropriate \$60,000 from the Community Preservation Fund Historic Resources Reserve for the costs of acquiring this historic preservation restriction and all other costs incidental and related thereto; and further to authorize the Board of Selectmen to convey concurrently at the closing and in perpetuity a deed restriction which meets the requirements of M.G.L. chapter 184, sections 31-33.

Article 9: Add Two Members to the Board of Assessors

To see if the Town will increase the membership on the Board of Assessors from 3 to 5, creating two new positions with the new members to be elected for staggered terms at the annual town election in May 2003.

Submitted by petition

Article 9 Explanation: *With only 3 people on the current board, often only 2 members make critical decisions on Site Index, abatements and other important issues. With a larger group sharing responsibility and dividing task assignments, a better, less burdensome atmosphere might be created. This could encourage more people with diverse talents--real estate knowledge, mathematical and statistical skills, computer experience--to consider being on the board. It could create a better balance of technical skills and common sense. (Explanation provided by petitioner)*

Mr. David Kominz moved: that the town Accept Article 9, a Citizen's Petition to Add Two Members to the Board of Assessors; that the Town increase the membership on the Board of Assessors from 3 to 5, creating two new positions with the new members to be elected for staggered terms at the annual town election in May 2003. One initial term will end at Annual Town Meeting 2005, the other will end at Annual Town Meeting 2006.

Speaking in favor of Mr. Kominz's motion were: Arthur Uhler, Ann Leibowitz, Fred Campbell, David Perko, Dr. Marcia Cohen, and Robert Webb. Speaking against the motion were: Dr. Edward Michaud of the Board of Assessors; Douglas Gillespie, of the Board of Selectmen; Jack Simons, who suggested waiting for completion of the work of the Assessing Review Committee, and Jim Jensen.

A citizen **moved the question** from the floor.

Mr. Kominz's motion was **adopted by the following vote:** **Yes: 120; No: 74.**

Article 10: Authorize Lease of Town Land - Cell Tower

To see if the Town will vote to authorize the Board of Selectmen to lease land owned by the Town, under the care, custody, and control of the Board of Selectmen, and located at 180 Boston Post Road, identified as Assessors' Map 27, Parcel 75-10, and constituting the site of the Town's

Police Station, for the purpose of leasing to a telecommunications service provider, for such term of years, which may be longer than twenty years, and on such terms and conditions as the Board of Selectmen may determine, and to further authorize the granting of such utility access easements as are necessary to support such a facility, or take any action relative thereto.

Article 10 Explanation: Town Meeting has approved an Overlay District to permit cell towers at the Police Station site. The Article will permit the Board of Selectmen to lease Town land at this site for one or two cell towers.

Voted Unanimously: to authorize the Board of Selectmen to lease land owned by the Town, under the care, custody, and control of the Board of Selectmen, and located at 180 Boston Post Road By-Pass, identified as Assessors' Map 27, Parcel 75-10, and constituting the site of the Town's Police Station, for the purpose of leasing to a telecommunications service provider, for such term of years, which may be longer than twenty years, and on such terms and conditions as the Board of Selectmen may determine, and to further authorize the granting of such utility access easements as are necessary to support such a facility.

Article 11: Appropriate for Brook School Apartments Construction

To see if the Town will appropriate a sum of money for the cost of an addition, original equipment, furnishings and engineering or architectural services for the Brook School Apartments, to be spent under the direction of the Town Manager and Elderly Housing 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 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 11 Explanation: This money would provide funding for the construction of 23 additional units at the Brook School complex, including septic system, parking and site improvements and infrastructure. Annual Town Meetings of 2001 and 2002 appropriated funds for schematic and design fees totaling \$350,000. The total estimated construction and infrastructure costs are \$5,650,000.

Mr. Ripley Hastings moved: that the sum of \$5,650,000 be appropriated for the cost of an addition, original equipment, furnishings and engineering or architectural services for the Brook School Apartments, to be spent under the direction of the Town Manager and Elderly Housing 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 the Town Treasurer, with the approval of the Board of Selectmen, 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.

Stephen Ober reported that the Finance Committee wished to defer consideration of this article until the spring of 2003 pending further analysis because of possible budget shortfalls for Fiscal Years 2004 and 2005. In addition, he asked whether Community Preservation (CPC) Funds might be used to help finance the project. **Steven Charlip** of the Elderly Housing Committee responded that it would be difficult to use CPC funds because of attached deed restrictions. Mr. Charlip also pointed out that various maintenance needs for the existing complex are to be addressed as part of the project.

Susan **Kannenberg** spoke on behalf of those citizens in town who are already having difficulty paying their real estate taxes.

Speaking in favor of the proposal were **Melvin Lurie** of the Elderly Housing Committee, **Ripley Hastings** for the Board of Selectmen, **Edward Lashman** of the Housing Needs Committee, and **Mercedes Primer** of the Council on Aging.

Mr. Hastings' motion **passed unanimously**.

Article 12: Authorization to Expend State Funds for Public Ways

To see if the Town will vote 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 \$236,623.32 provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Highway Department under Chapter 246 of the Acts of 2002.

Article 12 Explanation: State law requires that Town Meeting approve the use of funds received from the State for road construction purposes including engineering or to address other traffic improvements. In FY2002, the Town received approximately \$233,393 from the State for this purpose.

Voted: 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 \$236,623.32 provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Highway Department under Chapter 246 of the Acts of 2002.

Article 13: Amend Weston International Affiliation Committee

To amend the vote establishing the permanent committee on affiliation adopted under Article 12 of the warrant for the Annual Town Meeting held March 13, 1950, as amended by vote under Article 14 of the warrant for the Annual Town Meeting held March 31, 1952, and by vote under Article 10 of the warrant for the Special Town Meeting held October 17, 1983, and by vote under Article 21 of the warrant for the Annual Town Meeting held May 7, 2001, by deleting the third sentence and inserting in its place the following sentence:

The committee shall consist of a maximum of seventeen members, of whom the moderator shall appoint not more than seven members nor less than three members from students, faculty or staff of the Weston Public Schools, such number as are appointed to serve for terms of one year; and ten shall be town residents or parents of a Weston High School student appointed to serve for terms of three years.

Article 13 Explanation: This Article allows a change in the Weston International Affiliation Committee by adding the words, "faculty or staff" to replace the words "or teachers" in the third line.

Voted: to amend the vote establishing the permanent committee on affiliation adopted under Article 12 of the warrant for the Annual Town Meeting held March 13, 1950, as amended by vote under Article 14 of the warrant for the Annual Town Meeting held March 31, 1952, and by vote under Article 10 of the warrant for the Special Town Meeting held October 17, 1983, and by vote under Article 21 of the warrant for the Annual Town Meeting held May 7, 2001, by deleting the third sentence and inserting in its place the following sentence:

The committee shall consist of a maximum of seventeen members, of whom the moderator shall appoint not more than seven members nor less than three members from students, faculty or staff of the Weston Public Schools, such number as are appointed to serve for terms of one year; and ten shall be town residents or parents of a Weston High School student appointed to serve for terms of three years.

In response to a question from Robert Anthony Nolan, Ms. Hutcheson stated that school staff members on the Committee do not need to be town residents.

Article 14: Accept M.G.L. Chapter 184, Section 51 of the Acts of 2002

To see if the Town will vote to accept, beginning in fiscal year 2003, the provisions of M.G.L. Chapter 184, section 51 of the Acts of 2002 which amends Chapter 59 section 5 (41c), and to make the following adjustments for qualifying for a property tax exemption under this law:

Exemption Amount:	Increase by 100 percent to \$1,000
Eligibility Age:	Reduce from 70 to 65
Gross Receipts Limits:	Increase to \$20,000 if single, \$30,000 if married
Whole Estate Limit:	Increase to \$40,000 if single, \$55,000 if married
Whole Estate Exclusion:	Increase to no more than three additional units.

Article 14 Explanation: Individuals or married couples meeting the proposed eligibility criteria will receive a \$1,000 property tax exemption. The current exemption is \$500.

Voted: that the Town accept, beginning in fiscal year 2003, the provisions of M.G.L. Chapter 184, section 51 of the Acts of 2002 which amends Chapter 59 section 5 (41c), and to make the following adjustments for qualifying for a property tax exemption under this law:

Exemption Amount:	Increase by 100 percent to \$1,000
Eligibility Age:	Reduce from 70 to 65
Gross Receipts Limits:	Increase to \$20,000 if single, \$30,000 if married
Whole Estate Limit:	Increase to \$40,000 if single, \$55,000 if married
Whole Estate Exclusion:	Increase to no more than three additional units.

A *motion to dissolve* the Special Town Meeting was accepted by the Moderator and adopted at 10:55 p.m.