

TOWN OF BELMONT
WARRANT FOR
2009 ANNUAL TOWN MEETING
APRIL 27, 2009
7:30 P.M.
BELMONT HIGH SCHOOL AUDITORIUM
221 CONCORD AVENUE, BELMONT



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April 6, 2009

Dear Town Meeting Members:

We are pleased to submit this year's Town Meeting Warrant. It is the Board's goal to conclude the Town Meeting in consecutive sessions scheduled for Monday, April 27, Wednesday, April 29, and Monday, May 4 (if necessary). Also, to allow more time to consider competing needs and devise a feasible budget, the Selectmen and Warrant Committee have recommended that we postpone discussion of the FY10 budget until June. This decision affects Warrant Articles 3, 4 and 9, action on which will be postponed until Monday, June 1, and if necessary, Wednesday, June 3. It is also possible that the Selectmen may call a Special Town Meeting to be held within the Annual Town Meeting on the same dates in June. Each session of town meeting will begin promptly at 7:30 PM. It is the Selectmen's intent to move to adjourn each session at or before 11:00 PM.

The Town Meeting Warrant includes a descriptive paragraph after most articles explaining their purpose or intent. The packet also includes a message from the Moderator.

The Warrant, motions and additional information can all be found in the Town Meeting section of the Town's web page:

http://belmontma.virtuالتownhall.net/Public_Documents/BelmontMA_WebDocs/townmeeting/index.

You are also encouraged to attend the Warrant Discussion Evening, a program sponsored by the League of Women Voters and the Warrant Committee designed to educate Town Meeting Members on aspects of articles in the Warrant. This year's program is scheduled for **Thursday, April 23, at 7:30 PM** in the Wadsworth Room of the Belmont Hill School.

We look forward to a productive Town Meeting.

Sincerely,

Angelo R. Firenze, Chairman
Dan Leclerc, Vice Chairman
Ralph Jones

BOARD OF SELECTMEN

MODERATOR'S MESSAGE ON TOWN MEETING PROCEDURES

Belmont's town meetings are conducted in accordance with the Massachusetts General Laws, our Representative Town Meeting statute, the General By-Laws and traditional customs and practices that we have followed for many years, with guidance provided by the principles and rules of conduct in *Town Meeting Time, a Handbook of Parliamentary Law*. Several matters of procedure are summarized below.

- An **article** in the Warrant provides notice to the Town Meeting of a matter to be considered. The article itself is not a specific proposal for action. A **motion** is a proposal for action by the Town Meeting and must be within the scope of the notice provided by an article in the Warrant. An article may not be amended but a motion may be amended by vote of the Town Meeting.
- Formal seconding will not be required on **main motions** under articles in the warrant. Seconding will be required on all other motions.
- All **main motions and proposed amendments** involving the expenditure of money must be in writing. All other motions and proposed amendments must also be in writing unless they are so brief and simple as to be easily understood when stated orally.
- All substantive amendments and motions to be offered under an Article in the Warrant must be submitted to the Town Clerk in writing not later than the close of business on the third (3rd) business day before the commencement of the session at which the Article is considered, in order to provide the sufficient time for review by Town Counsel and the Moderator and to be printed for distribution to the Town Meeting Members before the commencement of such session. The Moderator may allow exceptions to the advance filing requirement in case of motions that are easy to understand, but such exceptions are within the exclusive discretion of the Moderator.
- Except for motions involving the expenditure of money or by-law amendments, the Moderator will first recognize the maker of the motion, if he or she wishes to speak.
- Before commencing discussion on motions involving the expenditure of money or by-law amendments, the Moderator will first call for committee reports as follows:
 - **Expenditure of Money** – Warrant Committee,
 - **Capital Improvements** – Warrant Committee, then Capital Budget Committee,
 - **General By-Law amendments** – By-Law Review Committee,
 - **Zoning By-Law amendments** – Planning Board.
- Town Meeting Members wishing to speak should stand and request recognition by the Moderator. When recognized, a Town Meeting Member should come to a microphone and state his or her name and precinct number before commencing.
- Registered voters of the Town who are not Town Meeting Members may speak at the Town Meeting, but first must either arrange in advance with the Moderator for recognition or arrange to be introduced by a Town Meeting Member.
- Persons who are not Town Meeting Members may be admitted to the floor by invitation **but may not vote**.
- All discussion must be relevant to a motion before the town meeting. All speakers must address the Moderator; questions may be asked only through the Moderator. A Town Meeting Member who wishes to make a motion that is debatable must first make the motion and, after it is seconded, if required, the Moderator will recognize the maker of the motion to speak to it. The Moderator will not recognize a motion made at the conclusion of a speech. This, by definition, includes a motion that would terminate debate, such as a motion for the previous question.

- The Moderator will try to recognize Town Meeting Members in the order in which they seek recognition. Unless the Town Meeting consents no person may speak more than twice upon any question, except to correct an error or to make an explanation of a previous statement. No person may speak for more than five minutes when speaking for the second time and should not seek recognition to speak for a second time until others who have not yet spoken have had an opportunity to be recognized.
- While our General By-Laws do not set a time limit for Town Meeting Members when speaking for the first time, all remarks should be concise, to the point and not excessively repetitious. Experience has shown that minds are rarely changed after the first **five minutes** of a speech.
- Section 2.7.6 of our General By-Laws provides that **all votes shall be taken in the first instance by a “yes” or “no” voice vote**. If the Moderator is in doubt as to the vote, or if any Town Meeting Member doubts the vote, the Moderator will call for a **standing vote**. Provision is also made for a **roll call vote**. A roll call vote must be requested by a Town Meeting Member **before a standing vote is taken**; the request must be concurred in by 35 or more additional Town Meeting Members; and the request must be made in connection with **final action** under an article in the warrant.
- Our By-Laws require that a Town Meeting Member who wishes to speak on an issue in which he or she or a member of his or her family has a direct financial interest or in which he or she is engaged as an attorney or consultant must first disclose this interest to the Town Meeting.
- A **motion to reconsider** a vote adopted at one session of a Town Meeting may not be made at an adjourned session of the same Town Meeting unless the mover has given notice of his or her intention either at the session at which the vote was passed or by written notice delivered to the Town Clerk by 12 o'clock noon on the first business day following the commencement of the session at which the vote sought to be reconsidered was passed. A two-thirds vote is required for reconsideration; no vote may be reconsidered more than once.
- Action on Article 4, our general budget article, will not be considered final so as to require a two-thirds vote for reconsideration, or any other procedures relating to reconsideration, until all action under that Article has been completed.

Any citizen who has questions about Town Meeting procedures is encouraged to call me at (617) 489-1822 or to see me before the start of Town Meeting.

Michael J. Widmer
Moderator



**TOWN OF BELMONT
WARRANT FOR 2009 ANNUAL TOWN MEETING
APRIL 27, 2009
COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To either of the Constables in said County:

Greetings:

In the name of the Commonwealth of Massachusetts you are required to notify and warn the Inhabitants of the Town of Belmont, qualified as the law requires to vote in elections and Town Affairs, to meet at the Belmont High School Auditorium on MONDAY, APRIL 27, 2009, at 7:30 P.M., and to notify and warn the Town Meeting Members to meet and act at said time and place on the following Articles, viz:

ARTICLE 1: Reports

To hear the report of the Selectmen and other Town Officers. To hear the report of any Committee heretofore appointed and to act thereon.

This article accepts the reports of Town departments appearing in the Annual Town Report and allows the Board of Selectmen and other town officers, boards and committees to report orally to the Town Meeting on appropriate matters not otherwise appearing on the Warrant. This article stays "on the table" throughout the Town Meeting to allow town officials and committees to report when necessary.

Majority vote required for passage Yes _____ No _____

ARTICLE 2: Authorization to Represent Town's Legal Interests

To see if the Town will authorize the Selectmen to bring and defend actions for and against the Town, to submit any such claims to arbitration and to enter into settlement on account of the same in behalf of the Town, as and when they deem it for the best interest of the Town so to do, or in any way act thereon.

This article is traditional and authorizes the Board of Selectmen to represent the Town's legal interests. This authority is clearly identified in the Massachusetts General Laws and the General By-laws of the Town of Belmont.

Majority vote required for passage Yes _____ No _____

ARTICLE 3: Authorization to Transfer Balances

To see if the Town will authorize the transfer of certain balances on the Treasurer's books and Accountant's books, or in any way act thereon.

This article authorizes the transfer of balances from various sources necessary to achieve the Town's financial plan for Fiscal Year 2010 (the Budget) as contained in Article 4.

Majority vote required for passage Yes _____ No _____

The Warrant Committee and Capital Budget Committee will report orally on this Article.

ARTICLE 4: Budget Appropriation

To determine what sums of money shall be granted to pay Town expenses for the fiscal year beginning July 1, 2009 and to make the necessary appropriations for the same for the support of schools and for other Town purposes, determine how the same shall be raised, or in any way act thereon.

This article is the appropriation of the Town's Fiscal Year (FY) 2010 budget, commencing on July 1, 2009. Typically, the Budget is broken down into several major categories of expenditures, each requiring a separate vote of Town Meeting.

Majority vote(s) required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

ARTICLE 5: Salaries of Elected Officials

To see if the Town will vote to fix the salary and compensation of each and all the elective officers of the Town, appropriate a sum of money for that purpose, determine how the same shall be raised, or in any way act thereon.

This article fulfills the state law requiring Town Meeting to set the compensation of a town's elected officers. This article also appropriates the funds necessary to meet these compensation levels. For FY 2010, the recommended compensation levels are listed below. Please note that the Town Meeting establishes and appropriates the compensation of all other municipal employees under separate articles (Article 10 and Article 4).

Town Moderator	\$200
Chairman of the Board of Selectmen	\$5,000
Selectman (2)	\$4,500 each
Town Clerk	\$80,697
Town Treasurer	\$84,027
Chairman of the Board of Assessors	\$2,748
Assessor (1)	\$2,424
Assessor (1)	\$2,424

Majority vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

for design purposes in order to "leverage" substantial federal transportation funding for major road projects (i.e., Trapelo Road).

Majority vote required for passage Yes _____ No _____

The Warrant Committee and Capital Budget Committee will report orally on this article.

ARTICLE 9: Appropriation of Capital Expenditures

To see if the Town will vote to appropriate sums of money to purchase Public Safety Equipment, Computer Equipment (including consulting work), Public Works Equipment and Furnishings and Equipment for Town Facilities, construct public ways, and for Building and Facility and Public Works Construction, Major Maintenance and Alterations (including design work); to determine whether these appropriations shall be raised by borrowing or otherwise and by whom expended, or in any way act thereon.

This is a standard article appearing on the Warrant to appropriate funds to support capital expenditures. While the article is general as to the categories of capital expenditures, the motion shall be explicit. The recommendations of the Capital Budget Committee for FY 2010 capital expenditures will be provided in advance of the Annual Town Meeting.

Majority vote required for passage (two-thirds if borrowing) Yes _____ No _____

The Warrant Committee and the Capital Budget Committee will report orally on this article.

ARTICLE 10: Appropriation for Water and Sewer and Stormwater Services

To see if the Town will vote to appropriate a sum of money from the accounts classified as an "Enterprise Fund", pursuant to Chapter 44, Section 53F½ of the General Laws for water service, and for sewer and stormwater service, determine by whom expended, or in any way act thereon.

This is a standard article appearing on the Warrant to appropriate funds to support the operations of the Town's water and sewer functions. Each of these functions has an enterprise fund that receives revenues from user fees. These funds then are used to fund the utility's operations. These operations are entirely self-supporting from user fees and do not receive any funding from property taxes.

Majority vote required for passage (two-thirds for borrowing) Yes _____ No _____

The Warrant Committee will report orally on this Article.

ARTICLE 11: Authorization of Expenditure from Revolving Funds

To see if the Town will vote, pursuant to Chapter 44, Section 53E½, of the General Laws, to establish and authorize the expenditure from revolving funds by various Town Departments, or in any way act thereon.

This article seeks authorization to establish revolving funds for certain operations of the Town. A revolving fund allows the expenditure of user fees for program expenses without further Town Meeting appropriation. However, the Town Meeting must

annually renew the funds. At this time, the Board of Selectmen and Warrant Committee are considering the use of revolving funds for the following programs:

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Teen/Youth Events	Recreation Commission	Event fees	Teen/youth center events	\$5,000	Available for expenditure next year
Senior Programs	Council on Aging	Course and program fees	Program costs, including trip expenses	\$50,000	Available for expenditure next year
Art Gallery	Belmont Cultural Council	Percentage of art sales	Gallery exhibit and event expenses	\$15,000	Available for expenditure next year
Wetlands Protection	Conservation Commission	Filing fees collected under the Wetlands Protection Act	Administration and enforcement of the Wetlands Protection Act	\$10,000	Available for expenditure next year
Rock Meadow Maintenance	Conservation Commission	Rental fees from garden plots	Restoration and maintenance of Rock Meadow Conservation Area	\$10,000	Available for expenditure next year
Copying/Lost Books	Board of Library Trustees	Lost book fees; printing and copying fees	Replacement of lost books; paper, ink, printer/copier maintenance and replacement	\$10,000	Available for expenditure next year

Majority vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

ARTICLE 12: Communications Tower Bond De-Authorization

To see if the Town will vote to rescind the unused borrowing authority in the amount of \$247,200 that was appropriated under Article 11 of the May 22, 2002 Annual Town Meeting for replacement of the public safety communications tower, or to do or act thereon.

This article formally rescinds the authority to borrow funds that were not needed for the replacement of the public safety communications tower. The project was completed at a total cost of \$192,800 out of the original \$440,000 appropriation.

Majority vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

The Capital Budget Committee recommends favorable action on this Article.

ARTICLE 18: Pet Licensing Fees By-law Amendment

To see if the Town will vote to amend the General By-laws of the Town in Article 20, "Public Safety and Property", in Section 20.11, by striking the Section in its entirety and replacing it with the following text:

"20.11 No person shall own or keep a dog or cat, four months of age or older, within the Town unless a license for such dog or cat is obtained from the Town Clerk. The licensing period shall be from January 1st through December 31st except that license renewals must occur by March 15th of each year. License fees shall be established from time to time by the Town Clerk, provided that a discounted fee, which shall be at least 25 percent less than the fee otherwise established, shall be established for dogs and cats owned or kept by residents who are aged 60 or older. Not more than three dogs over four months of age shall be kept in any household. The provisions of this Section 20.11 shall not apply to veterinary establishments that are subject to kennel licensing. All dogs and cats are required to wear their license tags at all times."

, or take any action relative thereto.

This article amends the General By-laws by giving the Town Clerk authority to adjust the licensing fees for dogs and cats as necessary.

Majority vote required for passage Yes _____ No _____

The By-Law Review Committee has approved this Article as to form and placement.

ARTICLE 19: Date of Annual Town Election

To see if the Town will vote to amend the General By-laws of the Town in Article 2, "Town Meetings", in Section 2.2, by striking the words "The annual town election shall be held on the first Monday of April" and inserting in their place the words "The annual town election shall be held on the first Saturday of April", or take any action relative thereto.

This article amends the General By-laws by moving the annual Town Election from the first Monday in April to the first Saturday in April.

Majority vote required for passage Yes _____ No _____

The By-Law Review Committee has approved this Article as to form and placement.

ARTICLE 20: Composition of Warrant Committee

To see if the Town will vote to amend the General By-laws of the Town in Article 19, "Warrant Committee", in Section 19.1, by striking the words "and the Chairman of the School Committee" and inserting in their place the words "or a member of that Board designated by its Chairman, the Chairman of the School Committee or a member of that Committee designated by its Chairman," so that the amended Section will read as follows:

"19.1 There shall be a Warrant Committee of seventeen members, consisting of the Chairman of the Board of Selectmen or a member of that Board designated by its Chairman, the Chairman of the School Committee or a member of that Committee designated by its Chairman, and fifteen

other voters of the Town who shall be appointed by the Moderator. A majority of the entire Committee shall always be voters of the Town who hold no Town office. For purposes of these By-Laws, Town Meeting Members shall not be considered holders of a town office. The Committee shall serve without pay."

, or take any action relative thereto.

This article amends the General By-laws by allowing the Chairmen of the Board of Selectmen and the School Committee to designate a member other than themselves to represent them as a voting member of the Warrant Committee.

Majority vote required for passage Yes _____ No _____

The By-Law Review Committee has approved this Article as to form and placement.

ARTICLE 21: Transfer of Custody of Benton Library

To see if the Town will vote to transfer, pursuant to Chapter 40, Section 15A of the General Laws, to the Board of Selectmen the care, custody, management, and control of the real property known as the Benton Branch Library shown on Assessors' Map 4, Parcel 81A, to be held for general municipal purposes, or to do or act thereon.

This article transfers control of the former Benton Branch Library from the Library Trustees to the Board of Selectmen. The Selectmen have appointed a Re-Use Committee to make a recommendation concerning the future use of the property.

Two-thirds vote required for passage Yes _____ No _____

The Capital Budget Committee recommends favorable action on this Article.

ARTICLE 22: Appropriation for VFW Space Agreement Payments

To see if the Town will vote to raise and appropriate, or transfer from unappropriated available funds in the Treasury, the sum of \$7,500, for the purpose of making quarterly payments to the Veterans of Foreign Wars, Post 1272 of Belmont in accordance with an Agreement To Provide Space dated December 8, 2008, for the accommodation of the Belmont American Legion, Post 165, said sum to be expended under the direction of the Board of Selectmen, or to do or act thereon.

This article appropriates the sum of \$7,500 to be paid in quarterly installments to the Belmont VFW as compensation for the use of the VFW building by the American Legion.

Majority vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

ARTICLE 23: Home Rule Petition – Summarizing Ballot Questions

To see if the Town will vote to authorize and direct the Board of Selectmen to petition the General Court for the enactment of a special law in the following form, provided the General Court may only make clerical or editorial changes of form to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition:

“HOME RULE PETITION FOR BELMONT

AN ACT AUTHORIZING THE TOWN OF BELMONT TO SEND CERTAIN INFORMATION TO THE VOTERS OF SAID TOWN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. *Notwithstanding the provisions of section 21C of chapter 59 of the General Laws, section 22A of chapter 55 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Belmont shall, at least ten days before any election at which a binding or nonbinding question shall be submitted solely to the voters of said town, cause to be printed and sent to each residence of one or more voters whose name appears on the latest active voting list for said town and make available at each polling place (1) the full text of such question, (2) a fair and concise summary of such question, including a one sentence statement describing the effect of a yes or no vote, prepared by the town counsel of said town, and (3) arguments for and against such question as provided in section 2.*

SECTION 2. *The board of selectmen of the town of Belmont shall cause to be printed and sent, in the manner provided in section 1, arguments for and against each question submitted solely to the voters of said town pursuant to any General Law, including but not limited to, section 21C of chapter 59 of the General Laws. No argument shall contain more than 250 words.*

Said board of selectmen, or, at its request, said town counsel shall seek such written arguments from the principal proponents and opponents of each such question. Said board of selectmen shall designate a date by which written arguments must be received, in a written notice to the principal proponents and opponents. Said notice must be issued at least 14 days before the date by which the written arguments must be received.

For the purposes of this act, the principal proponents and opponents of any such question shall be those persons determined by said board of selectmen to be best able to present the arguments for and against such question. The principal proponents or opponents of such a question may include a town officer or committee, and the principal proponents may include the first ten signers or a majority of the first ten signers of any petition initiating the placement of such question on the ballot. In determining the principal proponents and opponents of such a question, said board of selectmen shall contact each ballot question committee, if any, as defined in section 1 of chapter 55 of the General Laws, organized specifically to influence the outcome of the vote on such question. If no argument is received by said board of selectmen within the time allowed by this act, said town counsel shall prepare such argument.

All arguments filed with or prepared by the board of selectmen pursuant to this act, and the summary prepared pursuant to section 1, shall be open to public inspection at the office of the town clerk of said town.

SECTION 3. *The official ballot shall include the summary and statements describing the effect of a yes or no vote as provided in clause (2) of section 1.*

WHEREAS, the Belmont Hill School has rejected requests from the Town to negotiate a payment in lieu of taxes to the Town for the services it receives and for the property it has removed from the tax rolls; therefore be it

RESOLVED, that the Town of Belmont calls upon the Belmont Hill School to negotiate with the Belmont Board of Selectmen to develop a fair and equitable payment in lieu of taxes; and be it further

RESOLVED, that a copy of these resolutions be forwarded by the Town Clerk to the Head of the Belmont Hill School and to the President of its Board of Trustees."

, or in any way act thereon.

This article would adopt a resolution calling upon the Belmont Hill School to negotiate a payment-in-lieu-of-taxes arrangement with the Town.

Majority vote required for passage Yes _____ No _____

ARTICLE 26: Senior Tax Deferral Income Limit

To see if the Town will vote to adopt a local option to increase qualifying gross receipts under Massachusetts General Law chapter 59, section 5, Clause 41A from \$40,000 to the income limit established under G.L. c 62, § 6(k) for the "circuit breaker" state income tax credit for single seniors who are not head of households, or in any way act thereon.

This article seeks raise the income limit for eligibility for the Town's tax deferral program for seniors. The limit would rise from \$40,000 to become synchronized with the state's income limit for the senior "circuit breaker" tax credit, currently \$49,000 and increased each year according to a formula.

Majority vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

ARTICLE 27: Authorization of Wellington School Construction

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the Wellington School Building Committee for the design and construction of a new Wellington Elementary School, located at 121 Orchard Street and shown on Assessor's Map 24, Parcel 14, including the cost of any land acquisition, original equipment and furnishings, and all other costs incidental and related thereto, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), which school construction grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and in the knowledge that any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and further in the knowledge that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) Forty (40) percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, to determine whether such sum shall be raised by borrowing or otherwise, provided that any authorization to incur debt for this project shall be contingent on the passage of a

Proposition 2 and ½ debt exclusion vote, and to authorize the Wellington School Building Committee to enter into contracts and take all actions necessary to carry out the Wellington Elementary School project, or in any way act thereon.

This article seeks to appropriate a sum of money for the construction of a new Wellington School, subject to the approval of a debt exclusion by the voters of Belmont at an upcoming special election. The project has been approved to receive a grant from the Massachusetts School Building Authority to cover approximately 40% of the eligible construction cost. The article also authorizes the Wellington Building Committee to contract for the construction of the school.

Two-thirds vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

The Capital Budget Committee recommends favorable action on this Article.

ARTICLE 28: Home Rule Petition - Amendment to OPEB Fund Enabling Legislation

To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the General Court as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

“AN ACT AMENDING CHAPTER 97 OF THE ACTS OF 2007 RELATIVE TO THE TOWN OF BELMONT OTHER POST EMPLOYMENT BENEFITS TRUST FUND.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. *Chapter 97 of the Acts of 2007, entitled, “An Act Authorizing the Town of Belmont to Establish an Other Postemployment Benefits Fund,” is hereby amended by deleting the text of section two of said act in its entirety, and inserting in place thereof the following:-*

- (a) *Notwithstanding any general or special law to the contrary, the town of Belmont may appropriate funds in order to offset the anticipated cost of premium payments for or direct payments for OPEB benefits to be made to retired employees of the town and to any eligible surviving spouse of or dependents of deceased employees of the town. The town Treasurer shall transfer funds to a special trust fund to be known as the Belmont Other Post Employment Benefits Trust Fund (the “Trust Fund”) as such funds become available. The Trust Fund shall be irrevocable as required by GASB 43 and 45.*
- (b) *Beginning in fiscal year 2008 the Trust Fund shall be credited with i.) all amounts appropriated or other wise made available by the town for purposes of meeting the current and future costs of OPEB costs payable by the town, and ii.) all amounts contributed or otherwise made available by employees of the town for the purpose of meeting future OPEB costs payable by the town. Any interest or other income earned by such fund shall be added to and become a part of the fund. Except as otherwise expressly*

provided herein, any amounts expended from such fund shall be expended only for the costs payable by the town for OPEB benefits.

- (c) The Belmont contributory retirement board shall be the custodian of such fund and may employ an outside custodial service to hold the monies in the fund. The Belmont contributory retirement board may invest and re-invest the monies held in the fund not required for current disbursement in accordance with the investment powers granted retirement boards under G.L. c. 32, §23(2)(g) and in accordance with the regulations of the public employees retirement administration commission and with any applicable general law. All monies held in the Trust Fund shall be segregated from other funds held by the Belmont retirement board and by the town. Trust Fund monies shall not be subject to the claims of the town's general creditors. The Trust Fund shall be subject to the public employee retirement commission's triennial audit and the town's contributory retirement system annual audit.*
- (d) The Belmont contributory retirement board may employ any qualified bank, trust company, corporation, firm or person to provide advice on the investment of amounts held in the Trust Fund and to prepare any required actuarial study and may pay for any such advice or service from amounts held in the fund. Procurement for these services shall be subject to the procurement procedures and rules followed by the Belmont contributory retirement board for services to the town's contributory retirement system.*
- (e) If civil action is brought against a member of the retirement board, the defense or settlement of which action is made by an attorney employed by the retirement board, the member shall be indemnified for all expenses incurred in the defense of this action and shall be indemnified for damages to the same extent as provided for public employees in chapter 258 of the General Laws if the claim arose out of acts performed by the member or members while acting within the scope of his official duties, but a member of a retirement board shall not be indemnified for expenses incurred in the defense of an action, or damages awarded in an action, in which there is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by the member.*

Chapter 97 of the Acts of 2007 is hereby further amended by deleting the text of section 3 of said act in its entirety and inserting in place thereof the following:-

- (a) The Town shall engage an actuary, who shall be a member of the American Academy of Actuaries, to perform an actuarial valuation of the town's OPEB liabilities and funding schedule, as of January 1, 2006, and no less frequently than every second year thereafter. The determinations shall be made in accordance with generally accepted actuarial standards and shall conform to the requirements of GASB 43 and 45 and the actuary shall make a report of the determinations to the town meeting and included in the town report. The report shall, without limitation, detail the demographic and economic actuarial assumptions used in making the determinations, and each report after the first report shall also include an explanation of the changes, if any, in the demographic and economic actuarial assumptions employed and the reasons for the changes. The cost of the bi-annual actuarial evaluation shall be at the Town's expense.*

(b) *Beginning in fiscal year 2008, payments for the purposes of meeting the town's cost of OPEB under this act may be made from the Trust Fund.*

SECTION 2. This act shall take effect upon its passage."

or take any other action relative thereto.

This article seeks to amend the enabling legislation for the Town's Other Post-Employment Benefits (OPEB) Trust Fund, which was set up to address the Town's future health care costs for its retirees. The new language makes technical changes and clarifies that the Town will pay for the required biennial actuarial study.

Majority vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

ARTICLE 29: Zoning By-Law: Clarifying Amendment

To see if the Town will vote to amend the Zoning By-Laws in Section 5.2, "Signs", and Section 6.10 "Inclusionary Housing", as follows:

In Section 5.2.4 b) 3, 'Standing Signs', replace the word "or" with the word "and" in the two bulleted subsections and delete the word "or" joining the two subsections, such that the new subsections read:

"

- *In the LBI and LBIII Districts the sign shall not exceed 15 square feet in area and 5 feet in height above the ground.*
- *In the LBII and GB Districts the sign shall not exceed 30 square feet in area and 15 feet in height above the ground."*

In Sections 6.10.6 2), 6.10.7 3), and 6.10.7 4) replace the term "Zoning Board of Appeals" with the term "Special Permit Granting Authority" such that the new sections read:

"6.10.6 Requirements

- 2) *The Special Permit Granting Authority, in its discretion, may allow a developer of non-rental housing units to make a cash payment to the Town ...*

6.10.7 General Provisions:

- 3) *The Special Permit Granting Authority, in its discretion, may require the provision of an accessible unit(s) in any project, not to exceed 15%...*
- 4) *The Special Permit Granting Authority may allow or require affordable housing units to be provided at an alternative site in Belmont suitable for residential use...."*

, or to do or act thereon.

This article seeks to make minor changes to clarify certain wording in the Zoning By-laws.

Two-thirds vote required for passage Yes _____ No _____

The Planning Board will report on this Article.

ARTICLE 30: Zoning By-Law: Shared Institutional Parking Lots

To see if the Town will vote to amend the Zoning By-Laws in Section 1.4, "Definitions and Abbreviations", and Section 3.3 "Schedule of Use Regulations", as follows:

In Section 1.4, 'Definitions and Abbreviations', under the definition for 'Accessory Use' insert the phrase 'except for institutional parking lots used by others not conducting business within such institution' at the end of the paragraph as follows -

"Accessory Use - An activity incidental to and located on the same premises as a principal use conducted by the same person or his agent. No use (other than parking) shall be considered "accessory" unless functionally dependent on and occupying less land area than the principal use to which it is related and occupying less than one-half as much habitable floor area as that principal use, except for institutional parking lots used by others, with owner's consent, not conducting business within such institution."

In Section 3.3, 'Schedule of Use Regulations', under 'ACCESSORY USES' after 'Open lot parking in excess...' and before 'Satellite Antenna...' insert a new use category 'Shared Institutional Parking' as follows -

"

USES	DISTRICTS							
	SR- A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
<u>ACCESSORY USES</u>								
Shared Institutional Parking:								
a. Short-Term (<30 days)	Y	Y	Y	Y	Y	Y	Y	N
b. Long-Term (>30 days)								
➤ By Town departments	Y	Y	Y	Y	Y	Y	Y	N
➤ Residential overnight parking	Y	Y	Y	Y	Y	Y	Y	N
➤ Pick-up/drop-off of less than 30 minutes	Y	Y	Y	Y	Y	Y	Y	N
➤ Day time use by employees and/or customers using less than 30 spaces or 50% of the spaces in the lot, whichever is greater.	Y	Y	Y	Y	Y	Y	Y	N

A "Historic Accessory Building" is an accessory building such as a free-standing barn, greenhouse or carriage house built before 1921, which is located on the same lot as the principal building to which it is accessory, and which is either:

- a) listed on the Inventory of the Historic and Archaeological Assets of the Commonwealth as maintained by the Massachusetts Historical Commission; or*
- b) listed on the National Register or State Register of Historic Places; or*
- c) specifically designated as a "Historic Accessory Building" by the Belmont Historic District Commission, using the criteria for evaluation established for determining eligibility for the National Register of Historic Places.*

6.11.3 Applicability

The Planning Board may grant a Special Permit for the reuse of a Historic Accessory Building in any residential district of the Town, allowing the adaptation of such Building for use as a home occupation.

6.11.4 Procedure

- a) An Application for a Special Permit under this Section shall comply with the procedures and requirements set forth in Section 7.4 of this Zoning By-law, and the Planning Board's Special Permit Regulations.*
- b) Upon receipt of an Application, the Planning Board shall forward a copy of the Application to the Historic District Commission for its review and recommendations concerning the proposed exterior treatments of the Building, including such things as windows, roofing and siding materials, and landscaping. Such recommendations shall include:
 - 1) the Commission's assessment as to whether the proposed reuse and associated exterior alterations would adversely affect the historic landscape or the architectural and historic integrity of the principal building or the Historic Accessory Building itself; and*
 - 2) specific conditions which the Commission believes should be imposed on the Special Permit in order to prevent any adverse effects.**

The Historic District Commission shall hold a public hearing and make recommendations to the Planning Board within thirty-five (35) days of the Commission's receipt of the Application. Otherwise, the Application shall be deemed approved.

- c) The Planning Board may issue a Special Permit under this Section only if it finds that the proposed reuse and any related building alterations and site development meet all of the applicable Special Permit criteria set forth in Section 7.4, and
 - 1) are generally in harmony with the neighborhood;*
 - 2) will neither generate excessive traffic, parking, noise or density impacts on the abutters, nor create other detrimental effects on the neighborhood;**

- 3) *will preserve and/or restore the original architectural features of the Building to the maximum extent practicable;*
 - 4) *will not adversely affect the historic landscape or the architectural and historic integrity of the principal building or the Historic Accessory Building itself; and*
 - 5) *will not result in any enlargement or relocation of the Historic Accessory Building.*
- d) *The Planning Board must also find that the following criteria are or will be met in addition to the criteria set forth in Section 6.11.4(c):*
- 1) *There will be no exterior display or visible storage of supplies or equipment to be used on or off the premises, or other variation from the residential character of the premises;*
 - 2) *Not more than one person who is not a member of the household will be employed on the premises;*
 - 3) *There will be no production of offensive noise, vibration, odors, fumes, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effects;*
 - 4) *No articles will be sold or offered for sale on the premises;*
 - 5) *Traffic generated, including pick up and deliveries, will not exceed that normally expected in the residential neighborhood in which the Historic Accessory Building is located; and*
 - 6) *All parking will be provided on-site, and not within a required front yard.*

6.11.5 *Conditions of Approval*

In granting a Special Permit under this Section, the Planning Board shall require that a perpetual preservation restriction on said Building and its landscape context be granted to the Town or other appropriate body or preservation organization under the provisions of Massachusetts General Laws, Chapter 184, Section 31. The form of such preservation restriction shall be subject to review and approval by Town Counsel.

In addition, the Planning Board may impose such other conditions, safeguards and limitations on time or use that it determines to be appropriate to assure compliance with the applicable criteria set forth in Section 6.11.4 including, but not limited to conditions:

- a) *prohibiting the Special Permit from being transferred to a subsequent owner without the approval of the Planning Board;*
- b) *specifying the required number of on-site parking spaces and their location;*
- c) *limiting the business operations of a home occupation, such as the number of patrons/clients visiting the premises, hours of operations, and hours and location of deliveries;*
- d) *requiring installation of additional landscaping;*
- e) *requiring continuing maintenance of landscaping;*

f) requiring a restrictive covenant to be imposed on the subject property, prohibiting the division or reduction in size of the lot on which the Historic Accessory Building is located.

6.11.6. Nonconforming Historic Accessory Buildings

Any exterior or interior alteration to a preexisting nonconforming Historic Accessory Building made pursuant to a Special Permit issued under this Section shall be deemed not to constitute an "alteration to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent" requiring consideration and a Special Permit by the Board of Appeals under Section 1.5.3.

6.11.7 Compliance with Applicable By-Laws

Except as expressly provided in this Section, the grant of a Special Permit for the reuse of a Historic Accessory Building shall not relieve the applicant from the need to comply with all other applicable Town By-laws and Regulations."

, or to do or act thereon.

This article seeks to amend the Zoning By-laws of the Town to allow home occupations in certain historic accessory buildings by special permit.

Two-thirds vote required for passage Yes _____ No _____

The Planning Board will report on this Article.

ARTICLE 32: Zoning By-Law: Historic Accessory Building Preservation (Home Occupation or Accessory Dwelling Unit)

To see if the Town will vote to amend the Zoning By-Laws in Section 1.4, "Definitions and Abbreviations", and Section 6.11 "Historic Accessory Building Preservation", as follows:

In Section 1.4, 'Definitions and Abbreviations', insert a new definition for 'Accessory Dwelling Unit' between 'Accessory Building' and 'Accessory Use' as follows:

"Accessory Dwelling Unit – A dwelling unit which is incidental to the use of the principal structure on the same lot and located in a Historic Accessory Building pursuant to a Special Permit issued under Section 6.11 of this By-Law."

In Section 6.11.3, 'Applicability' insert the phrase "or for one accessory dwelling unit" at the end of the paragraph as follows:

"6.11.3 Applicability

The Planning Board may grant a Special Permit for the reuse of a Historic Accessory Building in any residential district of the Town, allowing the adaptation of such Building for use as a home occupation, or for one accessory dwelling unit."

In Section 6.11.4 d), insert the phrase "If the Historic Accessory Building is proposed to be used for a home occupation," at the beginning of the section as follows:

"d) If the Historic Accessory Building is proposed to be used for a home occupation, the Planning Board must find that the following criteria are or will be met in addition to the criteria set forth in Section 6.11.4 (c):"

Insert a new Section 6.11.4 e) for Accessory Dwelling Units as follows :

"e) If the Historic Accessory Building is proposed to be used for an accessory dwelling unit, the Planning Board must also find that the following criteria are or will be met in addition to the criteria set forth in Section 6.11.4 (c):

- 1) The accessory dwelling unit use will be incidental to the ownership and use of the principal structure on the same lot; and*
- 2) The accessory dwelling unit or the principal structure will be occupied by the owner of the subject premises, except for bona fide temporary absences."*

, or to do or act thereon.

This article seeks to amend the Zoning By-laws of the Town to allow accessory dwelling units in certain historic accessory buildings by special permit.

Two-thirds vote required for passage Yes _____ No _____

The Planning Board will report on this Article.

ARTICLE 33: Light Department Easement

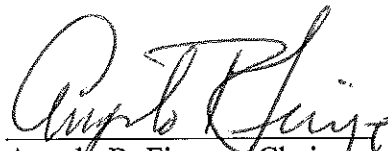
To see if the Town will vote to authorize the Belmont Municipal Light Department to acquire by gift, purchase or eminent domain certain easements for the installation of poles and electrical facilities for the purposes of municipal electrical service on property located at 69-77 Snake Hill Road, 16 Hay Road, 37 Hay Road and 55 Day School Lane, or take any action relative thereto.

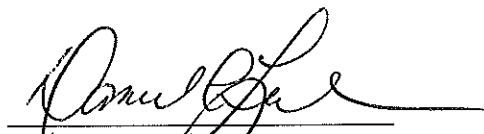
This article authorizes the Light Department to obtain easements on privately owned land for electrical infrastructure.

Majority vote required for passage Yes _____ No _____

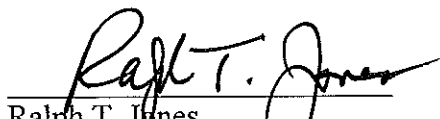
Given under our hands this 6th day of April, 2009.

BOARD OF SELECTMEN


Angelo R. Firenze, Chair


Daniel C. Leclerc




Ralph T. Jones