

**TOWN OF BELMONT
WARRANT FOR 2003 ANNUAL TOWN MEETING
APRIL 28, 2003
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 High School Auditorium on MONDAY, APRIL 28, 2003, 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.

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 Bylaws of the Town of Belmont.

The Warrant Committee will report orally on this article.

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.

This article authorizes the transfer of balances from various sources necessary to achieve the Town's financial plan for Fiscal Year 2004 (the Budget) as contained in Article 4.

The Warrant Committee recommendation will be included in its report to Town Meeting.

Majority vote required for passage

Yes _____ No _____

ARTICLE 4: Budget Appropriation

To determine what sums of money shall be granted to pay Town expenses for the 2003-2004 fiscal year 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) 2004 budget, commencing on July 1, 2003. Typically, the Budget is broken down into several major categories of expenditures, each requiring a separate vote of Town

Meeting. The budget summary and supporting information is incorporated in the Warrant Committee Report and will be provided to Town Meeting Members in advance of their consideration of the budget. Due to substantial uncertainty regarding the level of state aid to Belmont, we will wait until the June phase of Town Meeting to pass the Town's budget and deal with other articles having a financial impact.

The Warrant Committee recommendation will be included in its report to Town Meeting.

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

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 2004, the recommended compensation levels are listed below. Please note that the Town Meeting establishes the compensation of all other municipal employees under a separate article (Article 10). In addition, under Article 35 of this Warrant, the Board of Selectmen is proposing a reorganization of the Town's public works structure, including the elimination of the Board of Water Commissioners. As a result, no salary has been established for the Board in FY 2004.

Town Moderator	\$200
Chairman of the Board of Selectmen	\$5,000
Selectman (2)	\$4,500 each
Town Clerk	\$69,630
Town Treasurer	\$67,600
Chairman of the Board of Assessors	\$2,750
Assessor (1)	\$2,420
Assessor (1)	\$2,200

The Warrant Committee recommendation will be included in its report to Town Meeting.

Majority vote required for passage Yes _____ No _____

ARTICLE 6: Non-Contributory Pensions

To see if the Town will vote to appropriate a sum of money to provide non-contributory pensions for eligible employees of any and all of the Town Departments as provided in the applicable provisions of Chapter 32 of the General Laws, determine how the same shall be raised and by whom expended, or in any way act thereon.

This article seeks an appropriation to fund the benefits of retirees of the Town who were employed prior to the establishment of the Massachusetts Contributory Retirement System. The recommended appropriation of \$70,000 covers the pension benefits of four persons pursuant to a schedule established by state law.

The Warrant Committee recommendation will be included in its report to Town Meeting.

Majority vote required for passage Yes _____ No _____

ARTICLE 7: Contributory Pensions

To see if the Town will vote to appropriate a sum of money to provide for contributory pensions and expenses in connection therewith in accordance with the applicable provisions of Chapter 32 of the General Laws, determine how the same shall be raised and by whom expended, or in any way act thereon.

This article seeks an appropriation to fund the benefits of retired Town employees (but not school teachers) administered by the Belmont Retirement Board. Massachusetts' cities and towns are not covered under the federal Social Security system, but under a state contributory retirement system. Currently, the Town is on an actuarially funded plan approved by the Public Employee Retirement Administration Commission (PERAC), the state agency in

charge of the retirement system. The recommended appropriation of \$2,795,537 funds the costs of the plan for FY 2004.

The Warrant Committee recommendation will be included in its report to Town Meeting.

Majority vote required for passage Yes _____ No _____

ARTICLE 8: Appropriation of "Up Front" Funds for Highway Improvements

To see if the Town will vote to raise and appropriate, or transfer from unappropriated available funds in the Treasury, sums of money for the repair, improvement and construction of highways, said money to be used in conjunction with any money which may be allotted by the Commonwealth for the said purposes, authorize the acceptance of such allotment, determine how the money raised and allotted as aforesaid shall be expended under the provisions of Chapter 90 of the General Laws, and acts in amendment thereof and in addition thereto, or in any way act thereon.

This article seeks an appropriation to provide "up front" money for state reimbursed highway aid. The state provides highway aid, referred to as Chapter 90, to all cities and towns on a reimbursement basis. This aid is authorized by the Legislature every two or three years through state transportation bond issues. The appropriation of \$134,382 for FY 2004 is the amount projected for Belmont. These funds, when supplemented with capital budget funds, shall be used to implement a Pavement Management Program designed to extend the useful life of our roadway system. In addition, the Town has used Chapter 90 funds for design purposes in order to "leverage" substantial federal transportation funding for major road projects (i.e., Trapelo Road).

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

Majority vote required for passage Yes _____ No _____

ARTICLE 9: Personnel Policy Guide Revision

To see if the Town will vote to amend the Personnel Policy Guide of the Town previously adopted under the provisions of Article 11 of the General By-Laws of the Town, or in any way act thereon.

This is a standard article on the Warrant that allows for the revision of the Town's Personnel Policy Guide. There are no proposed changes for this Town Meeting's consideration.

Majority vote required for passage Yes _____ No _____

ARTICLE 10: Position Classification and Compensation Plan

To see if the Town will vote to amend the Position Classification and Compensation Plan of the Town previously adopted under the provisions of Article 11 of the General By-Laws of the Town, or in any way act thereon.

This is a standard article appearing in the Warrant. Classification and compensation of all permanent Town (non-school) positions are included in a plan adopted by Town Meeting pursuant to section 108A of Chapter 41 of the Massachusetts General Laws. The FY 2003 Position Classification and Compensation Plan is included in this mailing. Funds necessary to implement changes associated with the plan are included within the budget.

The Warrant Committee will report orally on this article.

Majority vote required for passage Yes _____ No _____

ARTICLE 11: Capital Expenditures

To see if the Town will vote to appropriate sums of money to purchase Public Safety Equipment, Computer Equipment, 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 will be provided prior to Town Meeting discussion and approval. Because of the uncertainty surrounding the Town's operating budget, it is anticipated that a vote on this article will not occur until the June phase of Town Meeting.

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

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

ARTICLE 12: Appropriation to Stabilization Fund or Capital Endowment Fund

To see if the Town will vote, pursuant to Chapter 40, Section 5B, of the General Laws, to appropriate a sum of money to the stabilization fund, or, pursuant to Chapter 15 of the Acts of 1995, to the Capital Endowment Fund, determine how the same shall be raised, or in any way act thereon.

The Stabilization and Capital Endowment Funds are special funds, in which the balances are carried over from year to year and interest income remains in the Fund. As its name implies, The Stabilization Fund is a mechanism designed to stabilize the effect of major, non-recurring expenditures. The Capital Endowment Fund is a special fund that can only be used for capital expenditures. Any appropriations from these special funds must be made by a two-thirds vote of Town Meeting. It is unlikely that the budget plan developed for the June phase of Town Meeting will allocate any funds to the Stabilization Fund.

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

Majority vote required for passage Yes _____ No _____

ARTICLE 13: Authorization to Acquire Land to Site Fire Station Headquarters

To see if the Town will vote to authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by purchase, eminent domain or otherwise, for municipal purposes, upon such terms and conditions as the Selectmen may determine, those parcels of real estate on Trapelo Road shown on Assessor's Map 14 as Parcel 42 and Parcel 73, being Lots numbered 133, 134, 135, 136, 100, and 101, appropriate a sum of money for said purpose, determine whether such sum shall be raised by borrowing or otherwise, or in any way act thereon.

The Board of Selectmen has identified property located at 297 Trapelo Road it wishes to acquire in order to locate a fire station headquarters building as part of the Town's plan to consolidate its fire operations to two stations. The land is currently held by a trust and the Selectmen are working with representatives of the trust to acquire this property. The Selectmen continue to gather information related to this proposal and this issue will be scheduled for the June phase of the Town Meeting.

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

Two-thirds vote required for passage Yes _____ No _____

ARTICLE 14: Appropriation for Design Services Related to Replacement of Town's Fire Stations

To see if the Town will vote to appropriate a sum of money to fund a schematic level design of a main fire station and substation facility, and to fund preliminary design work for a municipal parking structure or other recommendations of the Belmont Center Parking Study Committee, including expenses related to these projects, to determine whether such sum shall be raised by borrowing or otherwise, or in any way act thereon.

This article seeks approval to appropriate funds for preliminary design services related to the construction of a new headquarters fire station along Trapelo Road, a new fire substation on the existing Alexander Avenue parking lot in Belmont Center and a parking structure on the Clafin Street parking lot to increase parking in Belmont Center. This article is related to the previous article and will be scheduled for the June phase of the Town Meeting.

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

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

ARTICLE 15: Appropriation for Design Services of a Senior Citizens' Center

To see if the Town will vote to appropriate a sum of money to fund a schematic level design of a new building to include a Senior Citizens' Center, including expenses related to this project, to determine whether such sum shall be raised by borrowing or otherwise and by whom expended, or in any way act thereon.

This article seeks authorization to appropriate funds for a schematic level design of a new Senior Citizens' Center to be located on the site of the former Kendall School on Beech Street. There are continuing discussions on the scope of this project, including the possibility of relocating the Waverley branch library facility to a second floor of this building. It is expected that this article will be taken up in the June phase of the Town Meeting.

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

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

ARTICLE 16: Transfer of Control of Kendall School Property to the Board of Selectmen

To see if the Town will vote, pursuant to Chapter 40, Section 15A, of the General Laws, to transfer to the Board of Selectmen, for the purpose of constructing a new building to include a Senior Citizens' Center and other municipal uses, the care, custody, management and control of the so-called Kendall School property, or in any way act thereon.

This article seeks approval to transfer control of the former Kendall School site to the Board of Selectmen for the purposes of constructing a new building (see Article 15).

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

Two-thirds vote required for passage Yes _____ No _____

ARTICLE 17: Authorization to Sell or Dispose of Waverley Fire Station Property

To see if the Town will vote to authorize the Town to sell or otherwise dispose of the real property known as the Waverley Fire Station shown on Assessor's Map 27 as Parcel 76A, or in any way act thereon.

This article seeks Town Meeting authorization for the Town to sell or dispose of the Waverley Fire Station property located on Trapelo Road in anticipation of the fire station consolidation plan (see Articles 13 & 14). It is proposed that the sale of the three existing stations will support the costs of development of the two new stations. Given the deteriorating condition of this building and the likelihood of a temporary relocation (see Article 3 of the Special Town Meeting), it is possible that this building will be available for disposition in 2003. This and the related articles will be taken up by the Town Meeting in June.

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

Two-thirds vote required for passage Yes _____ No _____

ARTICLE 18: Transfer of Control of Waverley Fire Station to the Board of Selectmen

To see if the Town will vote, pursuant to Chapter 40, Section 15A, of the General Laws, to transfer to the Board of Selectmen, for the purpose of selling or otherwise disposing of the real property known as the Waverley Fire Station shown on Assessor's Map 27 as Parcel 76A, the care, custody, management and control of such real property, or in any way act thereon.

This article seeks authorization, as required by state law, to transfer control of the Waverley Fire Station property to the Board of Selectmen in order to effect its sale or disposal, as articulated in Article 17 above. This article will be taken up by the Town Meeting in June.

The Warrant Committee and Capital Budget Committee recommendations will be included in their reports to Town Meeting.

Two-thirds vote required for passage Yes _____ No _____

ARTICLE 19: Authorization to Participate in MWRA Local Pipeline Assistance Program

To see if the Town will vote to appropriate a sum of money to allow the Water Department to participate in the Massachusetts Water Resources Authority program known as the "Local Pipeline Assistance Program" for the purpose of performing water main rehabilitation projects, said sum to be raised by borrowing under the program, or in any way act thereon.

This article is proposed by the Board of Water Commissioners and seeks Town Meeting authorization to borrow funds at a 0% rate of interest from the Massachusetts Water Resources Authority in connection with their Local Pipeline Assistance Program. Funds for repayment of the loan would be raised through water user fees.

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

Two-thirds vote required for passage Yes _____ No _____

ARTICLE 20: Amendment to Public Safety and Property By-Law—Enact Increasing Fines

To see if the Town will vote to amend Article 20 of the General By-Laws of the Town entitled "Public Safety and Property" by deleting Section 20.10.16 thereof and by substituting therefor the following:

"20.10.16 Violations of this Section 20.10 shall be disposed of, in the discretion of the Board of Health, either in the manner provided in Section 8.5 of the General By-Laws or, if applicable, pursuant to the provisions of Section 173A of Chapter 140 of the General Laws. A non-criminal citation will be issued on the following schedule: First offense — written warning; Second offense - \$25; Third offense - \$75 and \$100 for the fourth and each succeeding offense of the same section of the By-Law occurring within a 12 month period. The fines specified in the preceding sentence shall be in lieu of the schedule of fines specified in Section 173A."

or in any way act thereon.

This article seeks authorization to amend the existing section of the Town's General By-Laws to allow for increasing financial penalties for violations of the Town By-Laws regarding dogs and cats. The current by-law currently has a fixed fine of \$25 per occurrence.

The Warrant Committee and By-Law Review Committee will report orally on this article.

Majority vote required for passage Yes _____ No _____

ARTICLE 21: Amendment to Newsracks By-Law—Clarification that Selectmen Set Fees

To see if the Town will vote to amend Article 27.3.7 of the General By-Laws of the Town entitled "Newsracks" by deleting the last sentence thereof, or in any way act thereon.

This article is a technical correction to clarify that the Selectmen have the authority to establish fees related to the regulation of newsracks. The current fee is \$25 per application, regardless the number of newsracks contained within each application. Once the Town Meeting has confirmed the Selectmen's authority to set this fee, the Board of Selectmen will implement an annual \$25 fee per newsrack.

The By-Law Review Committee will report orally on this article.

Majority vote required for passage Yes _____ No _____

ARTICLE 22: Creation of Kennel Regulations By-Law

To see if the Town will vote to amend the General By-Laws of the Town by adding a new Article 28 entitled 'Kennel Regulations' as follows:

*"ARTICLE 28
Kennel Regulations*

28.1 Definitions.

As used in this article, the following words and terms have the following meanings:

- (a) "Kennel" shall mean four or more dogs, six months of age or older, kept for boarding on a single premises for commercial purposes.
- (b) "Kennel License" shall mean an annual license permitting a kennel to operate within the Town which shall be issued to a kennel which has demonstrated compliance with the requirements of this By-Law.
- (c) "Licensing Period" shall be the time between January first and the following December thirty-first, both dates inclusive.
- (d) "Kennel Inspector" shall mean the Town's Animal Control Officer or such other qualified party as may be designated by the Board of Selectmen or the Board of Health.
- (e) A veterinary hospital shall not be deemed to be a kennel unless it contains an area for the boarding of dogs, for other than medical or surgical purposes, in which case it shall apply for a kennel license as provided in this By-Law.

28.2 Licenses, Requirements.

28.2.1 Kennel License required.

No person shall operate a kennel within the Town without first obtaining a kennel license from the Board of Selectmen in accordance with the provisions of this By-Law.

28.2.2 The following requirements shall at all times apply to a kennel:

- (a) The location and operation of the kennel shall be appropriate for housing the number of dogs allowable under this By-Law and will not be detrimental to the health and safety of the dogs or persons;
- (b) The kennel shall be operated in a safe, sanitary, and humane condition;
- (c) The kennel shall not keep more than 25 dogs on the premises at any time;
- (d) The kennel shall not contract with security dog firms or other businesses to board on the premises protection or security dogs or protection or security dogs in training, other than a security dog kept on the premises for the kennel's own security purposes;
- (e) The operations of the kennel, including the exercising of dogs, shall be in an indoor enclosed area, except that individual dogs may be exercised one at a time in a prescribed outdoor area;
- (f) The kennel shall at all times keep and maintain on its premises accurate records of the identities of all dogs kept on the premises, as identified by its dog license, and the number of dogs on the premises on each day; and
- (g) In addition to the requirements of this Article 28, the provisions of Section 20.10.5 (Public Safety and Property) and Article 23 (Noise By-Law) shall apply to kennels regulated hereunder.

28.3 Application Process.

28.3.1 Application.

The Town Clerk shall provide a kennel license application, in a form prescribed by the Town Clerk, which shall be completed by any person seeking a kennel license or renewal thereof. The application shall include a statement that the applicant acknowledges receipt of a copy of this By-Law and agrees to comply with all applicable provisions.

28.3.2 License Renewal Application.

Any application for a renewal of a kennel license must be submitted to the Town Clerk not later than the first Monday in October of each year.

28.3.3 Inspection and Report.

Upon receipt of a completed application, the Town Clerk shall so notify the kennel inspector who shall forthwith conduct an inspection of the applicant's kennel as provided in Section 28.4.1. Upon receipt of the kennel inspector's report, the Town Clerk shall submit the completed application and such report to the Board of Selectmen for its consideration and review.

28.3.4 Review by Board of Selectmen.

Upon its review of the kennel application and inspection report, the Board of Selectmen shall determine whether the kennel is in compliance with the requirements of this By-Law, and if so, shall issue a kennel license to the applicant; or, if the kennel is found to not be in compliance with the requirements of this By-Law, the Board shall deny the application and state the reasons therefor.

28.4 Inspections

28.4.1 Annual Inspections.

Upon receipt by the Town Clerk of a completed kennel license application or renewal thereof, the kennel inspector shall forthwith inspect the applicant's kennel and submit a report to the Town Clerk which shall indicate whether or not the kennel meets all of the applicable requirements of Section 28.2.2.

28.4.2 Periodic Inspections.

Kennels shall be subject to periodic inspections by the kennel inspector at the request of the Board of Selectmen or the Board of Health. If, in the judgment of either Board, the kennel is not in compliance with all applicable requirements of this By-Law, the Board of Selectmen may by order revoke or suspend the kennel license.

28.4.3 Re-Inspection.

In the event a kennel license application or renewal thereof is denied, the applicant may request a re-inspection after it has reasonably demonstrated to the kennel inspector that it has brought the kennel into compliance with the requirements of this By-Law. The kennel inspector shall then, as soon as is practicable, re-inspect the kennel and report his/her findings to the Board of Selectmen which shall, within a reasonable time, review the application in accordance with Section 28.3.4.

28.5 Petitions to Review Kennel Licenses.

Any group of twenty-five residents over the age of 18 may file a petition with the Board of Selectmen setting forth that they are aggrieved, or annoyed to an unreasonable extent, by one or more dogs at a kennel maintained in the Town, because of the excessive barking or vicious disposition of said dogs or other conditions connected with such kennel constituting a public nuisance.

28.6 Kennel License Review Hearings.

Within seven days after the filing of a residents' petition, the Board of Selectmen shall give notice to all parties in interest of a public hearing to be held within fourteen days after the date of such notice. Within seven business days after the public hearing, the Board of Selectmen shall make an order either dismissing the petition, revoking or suspending the kennel license, or otherwise regulating the kennel.

28.7 Inspection and Review After Suspension.

In the event a kennel license is suspended, upon the expiration of such suspension period and after the license holder has reasonably demonstrated to the kennel inspector that it has brought the kennel into compliance with the requirements of this By-Law or otherwise acted in accordance with an order of the Board of Selectmen, the kennel inspector shall then, as soon as is practicable, re-inspect the kennel and report his/her findings to the Board of Selectmen which shall, within a reasonable time, review the application in accordance with Section 28.3.4.

28.8 Appeal to District Court.

Pursuant to the provisions of Chapter 140, Section 136C of the General Laws, if the Board of Selectmen issues an order suspending or revoking a license, the kennel license holder may, within ten days after entry of such order, bring a petition in the local district court praying that such order be reviewed by the court.

28.9 Fees.

The Board of Selectmen is authorized to establish reasonable fees for original kennel license applications, and annual renewal applications provided that such fees do not exceed the actual cost of administering this By-Law. The fee for any application for a kennel license or renewal thereof shall be \$150.00.

28.10 Initial Licensing after Attorney General Approval.

A kennel owner shall apply for a kennel license pursuant to this By-Law within thirty days of the approval of this By-Law by the Office of the Attorney General.

28.11 Severability.

The invalidity of any part or parts of this By-Law shall not affect the validity of the remaining parts.”

or in any way act thereon.”

This article seeks to regulate the operation of dog kennels in the Town of Belmont. The Board of Selectmen appointed a six-member Kennel and Dog Noise Regulation Committee in 2002 to develop draft by-laws, regulations, and/or legislation for the regulation of dog kennel operations. This proposed by-law is the result of their efforts.

The By-Law Review Committee will report orally on this article.

Majority vote required for passage

Yes _____ No _____

ARTICLE 23: Creation of Conservation Commission By-Law

To see if the Town will vote to amend the General By-Laws of the Town by adding a new Article 29 entitled ‘Conservation Commission’ as follows:

*“ARTICLE 29
Conservation Commission*

29.1 The Conservation Commission is established under Massachusetts General Laws Chapter 40, Section 8C, for the promotion and development of the natural resources and for the protection of watershed resources of the Town.

29.2 The Conservation Commission shall make and publish from time to time such rules and regulations as it deems necessary and shall cause the same to be printed in suitable form for public distribution.

29.3 The non-criminal disposition of violations of any rules or regulations promulgated by the Conservation Commission is hereby authorized in accordance with the provisions of Chapter 40, Section 21D, of the General Laws.”

or in any way act thereon.”

This article seeks to formalize the Conservation Commission’s ability to promulgate rules and regulations related to conservation resources and protection in areas under their jurisdiction, including the Rock Meadow Conservation

area. It also allows for the non-criminal disposition of violations to any rules and regulations they establish. This will aid in the Commission’s enforcements activities.

The By-Law Review Committee will report orally on this article.

Majority vote required for passage Yes_____ No_____

ARTICLE 24: Amendment to Zoning By-Law—Reduce Sideyard Setback Requirements in Business Districts
To see if the Town will vote to amend the Zoning By-Law of the Town by deleting from Section 4.2.2 “Linear Requirements” the figure “20” under the column “Minimum Setback Dimensions Feet” in the “LB II” and “LB III” rows and by substituting therefor the figure “0,” or in any way act thereon.

This article seeks to reduce the sideyard setback requirements from 20 feet to 0 feet in the LBII and LBIII districts. The Planning Board seeks this change in order to avoid significant physical gaps between commercial buildings in the business districts. Below is the proposed amended zoning table (in bold):

4.2.2 Linear Requirements

DISTRICT	MINIMUM SETBACK DIMENSIONS FEET			MAXIMUM BUILDING HEIGHT	
	Front	Side	Rear	Feet	Stories
LB II ⁹	10	0⁹	20 ⁹	32	2 ¹⁰
LB III ⁹	10	0⁹	20 ⁹	28	2 ¹⁰

⁹ Adjacent to Residential District, no less than building height or 20 feet, whichever is greater.

The Planning Board recommends favorable action as explained in their report to Town Meeting.

Two-thirds vote required for passage Yes_____ No_____

ARTICLE 25: Amendment to Zoning By-Law—Creation of Inclusionary Housing By-Law
To see if the Town will vote to amend the Zoning By-Law of the Town by adding a new Section 6.10 “Inclusionary Housing” after Section 6.9, “Affordable Housing.”

Section 6.10 Inclusionary Housing

6.10.1 Purpose

The purpose of this by-law is to encourage the expansion and upgrade of the Town’s affordable housing stock, in order to provide for a full range of housing choices for households of all incomes, ages and sizes; to prevent the displacement of low to moderate income Belmont residents; and to increase the production of affordable housing units to meet existing and anticipated employment needs within the Town.

6.10.2 Definitions

- 1. Accessible: When used with respect to the design, construction, or alteration of an individual dwelling unit, means that the unit is located on an accessible route and when designed, constructed, altered or adapted can be approached, entered, and used by individuals with physical handicaps.*
- 2. Affordable Housing Trust Fund: An account established and operated for the exclusive purpose of creating or preserving affordable housing in the Town of Belmont.*

a. *The Affordable Housing Trust Fund may be used for the following purposes, including but not limited to, the purchase and improvement of land, the purchase of housing units or the development of new and/or rehabilitated housing units for purchase or rental by Qualified Affordable Housing Purchasers or Tenants or to preserve existing affordable housing. Expenditures from the Affordable Housing Trust Fund shall be authorized by a majority vote of the Board of Selectmen.*

3. *Affordable Housing Unit: A housing unit that by Deed Restriction is and will remain:*

a. *available for sale and sold at a selling price that will result in an Annual Shelter Cost of not more than thirty percent (30%) of the annual income of a Qualified Affordable Housing Unit Purchaser; or*

b. *available for rental and rented at an annual rent, including all mandatory or unavoidable fees, that will result in an Annual Shelter Cost of not more than thirty percent (30%) of the annual income of a Qualified Affordable Housing Unit Tenant, not including any housing unit rented to a tenant receiving rental assistance pursuant to a state or federal rental assistance program.*

4. *Annual Shelter Cost:*

a. *For owners, the aggregate of annual charges for debt service on a mortgage (assuming a 10% down payment), real estate taxes, homeowner's insurance, and condominium fees if applicable.*

b. *For tenants, the aggregate of annual charges for rent, utilities (except telephone) and renter's insurance.*

5. *Belmont Resident: a Belmont Resident is:*

a. *an individual or family maintaining a primary residence within the Town of Belmont; or*

b. *an individual who is employed at least 30 hours per week within the Town of Belmont; or*

c. *a parent or guardian with children attending the Belmont public schools; or*

d. *a person who, within the fifteen years immediately preceding application for a Belmont affordable housing unit, actually attended the Belmont public schools.*

6. *Deed Restriction: A provision, acceptable in form and substance to the Town of Belmont, in a deed to real property that runs with the land in perpetuity or for the longest period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. Any restriction created under this by-law shall survive any bankruptcy, insolvency, or other action, and shall not be subject to nullification for any reason.*

7. *Housing Unit: A dwelling unit or unit within a senior or assisted living facility.*

8. *Qualified Affordable Housing Unit Purchaser or Tenant: A household with total annual income that does not exceed the following percentages of the median income of households in the Boston Standard Metropolitan Statistical Area, adjusted for household size, as determined annually by the United States Department of Housing and Urban Development (as amended):*

a. *For a purchaser of a single family home: eighty percent (80%);*

b. *For a purchaser of a condominium unit: eighty percent (80%)*

c. *For a tenant in a rental unit: eighty percent (80%)*

6.10.3 Applicability

This by-law shall apply to all residential developments that involve the creation of seven (7) or more housing units. Developments may not be segmented to avoid compliance with this by-law.

6.10.4 Vested Rights

This by-law does not apply to any development for which a complete application for site plan review has been submitted to the Planning Board on or before March 10, 2002.

6.10.5 Affordable Housing Corporations

This by-law does not apply to a limited profit, not-for-profit corporation or town agency, engaged in providing affordable housing pursuant to Massachusetts General Laws (MGL) Chapter 40B.

6.10.6 Requirements

1. *In any residential development subject to this by-law, the seventh housing unit and every third unit thereafter shall be an affordable housing unit; except that beginning with the 22nd unit, that 22nd unit and every fourth unit thereafter shall be an affordable housing unit. Nothing in this section shall preclude a developer from providing more affordable housing units than required under the provisions of this by-law.*

2. *The Zoning Board of Appeals, in its discretion, may allow a developer of non-rental housing units to make a cash payment to the Town through its Affordable Housing Trust Fund for each affordable unit required by §6.10.6.1. The cash payment, or equivalent value in land or buildings, shall be equal to the difference between the fair market value for a typical market-rate housing unit in the development subject to this by-law as determined by the Board and the price of an affordable housing unit for a household at 80% of median income, as provided in Section 6.10.2(8), for a household size of 1.49 persons per bedroom rounded to the nearest whole person.*

6.10.7 General Provisions:

1. *The Board of Selectmen shall be charged with administering this by-law and shall promulgate rules and regulations to implement its provisions.*

2. *Affordable housing units shall be dispersed throughout the building(s) and shall be comparable to market-rate housing units in terms of location, quality and character, room size, bedroom distribution, and external appearance.*

3. *The Zoning Board of Appeals, in its discretion, may require the provision of an accessible unit(s) in any project, not to exceed 15% of the total number of units, and may designate when the unit(s) shall be provided during the construction process.*

4. *The Zoning Board of Appeals may allow or require affordable housing units to be provided at an alternative site in Belmont suitable for residential use. Off-site housing units shall be comparable in all respects to the market rate housing units being created and equal to the number of units otherwise required.*

5. *The selection of Qualified Affordable Housing Unit Purchasers or Tenants shall be pursuant to Rules and Regulations promulgated by the Board of Selectmen.*

a. *The selection process shall include a plan for marketing of the affordable housing units created under this by-law. The duration and design of this plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units.*

b. *To the extent practicable, Belmont residents shall be given preference for 70 percent of the affordable housing units created under this by-law.*

c. *Developers may sell affordable for-sale units to the Town of Belmont, the Belmont Housing Trust, the Belmont Housing Authority, or to a private nonprofit entity serving Belmont for the purpose of providing affordable housing opportunities, in order that such entity carry out the steps needed to market the affordable housing units and manage the choice of buyers.*

6.10.8 Timing of Construction:

1. *Occupancy permits for any market-rate housing unit or nonresidential space shall be issued at an equal ratio of occupancy permits for required affordable housing units or housing payments to the entire project.*

2. All documents necessary to ensure compliance with this by-law shall be subject to the review and approval of the Zoning Boards of Appeals and Town Counsel. Such documents shall be executed prior to and as a condition of the issuance of any Certificate of Occupancy.

6.10.9 Severability, Conflict with Other By-laws

1. To the extent that a conflict exists between this by-law and other by-laws of the Town, the more restrictive provisions shall apply.

2. If a court of competent jurisdiction holds any provision of this by-law invalid, the remainder of the by-law shall not be affected thereby. The invalidity of any section or sections, or parts of any section or sections, of this by-law shall not affect the validity of the remaining sections or parts of sections or the other By-laws of the Town of Belmont.”

or in any way act thereon.

This article seeks to establish an inclusionary housing by-law. As articulated above, the purpose of this by-law is to encourage the expansion and upgrade of the Town's affordable housing stock, in order to provide for a full range of housing choices for households of all incomes, ages and sizes; to prevent the displacement of low to moderate income Belmont residents; and to increase the production of affordable housing units to meet existing and anticipated employment needs within the Town. This article differs from last year's proposal, defeated narrowly by Town Meeting, by excluding commercial development from the by-law.

The Planning Board recommends favorable action as explained in their report to Town Meeting.

Two-thirds vote required for passage Yes_____ No_____

ARTICLE 26: Amendment to Zoning By-Law—Regulation of Inclusionary Housing By-Law

To see if the Town will vote to amend the Zoning By-Law of the Town to provide for the regulation of the Inclusionary By-Law as follows:

1. By deleting from Section 3.3 “Schedule of Use Regulations, Cluster Development” the letter “N” under the GR column (General Residence Zoning District) and by substituting therefor “SP” (Special Permit);

2. By adding to Section 3.3 “Schedule of Use Regulations, Accessory Uses” a new use entitled “Residential” after “Lodging and Boarding” and before “Sale of food or drink ready for consumption without further preparation” as follows:

USES	DISTRICTS							
	SR-A,B,C,D	GR	AH	LBI	LBII	LBIII	GB	PL
Residential - provided that at a minimum the first floor is to be reserved for commercial use and that a minimum of 25% of residential units developed are affordable as defined by Massachusetts General Laws, Chapter 40B. ¹	N	N	N	SP	SP	SP	N	N

¹A minimum of one affordable unit shall be provided in any residential units produced pursuant to this section;

3. By deleting Section 6.3.1 b) “Public Building and School Conversion, Objectives” and by substituting therefor the following:

“b) To provide additional housing units, including diversity in type and affordability.”;

4. By deleting Section 6.3.3 c) under “Public Building and School Conversion, Special Permit Criteria” and by substituting therefor the following:

“c) There will be provided a minimum of 1,200 square feet of lot area per dwelling unit. However, a minimum 1,000 square feet is allowed if the developer meets the following affordable housing requirements. The fifth housing unit and every third unit thereafter shall be an affordable housing unit; except that beginning with the 23rd unit, that 23rd unit and every fourth unit thereafter shall be an affordable housing unit. Nothing in this section shall preclude a developer from providing more affordable housing units than required under the provisions of this by-law.”;

5. By adding to Section 6.5.1 “Cluster Development, Objectives” a new subsection “d)” as follows:

“d) Creating opportunities for affordable housing.”;

6. By adding to Section 6.5.2 “Cluster Development, Tract Size” a minimum requirement for General Residence and a new paragraph at the end as follows:

“General Residence - 35,000 square feet”

Where five (5) or more housing units will be developed, smaller tract sizes may be permitted if, in acting on a Special Permit, the Board of Appeals determines that the proposal will be consistent with the character of the surrounding area and the developer complies with the following affordable housing requirements. The fifth housing unit and every third unit thereafter shall be an affordable housing unit; except that beginning with the 23rd unit, that 23rd unit and every fourth unit thereafter shall be an affordable housing unit. Nothing in this section shall preclude a developer from providing more affordable housing units than required under the provisions of this by-law.”;

7. By deleting Section 6.5.3 “Cluster Development, Number of Dwelling Units” and by substituting therefor the following:

“6.5.3 Number of Dwelling Units

a. The maximum number of dwelling units allowed within any cluster development shall be the number determined by dividing 85% of the area of the tract, exclusive of any wetlands or flood plain, by the minimum lot size permitted in the single residence district(s) within which the cluster is located.

b. The maximum number of dwelling units allowed within the cluster development shall be the number determined by dividing 100% of the area of the tract, exclusive of any wetlands or flood plain, by 95% of the minimum lot size permitted in the single residence district(s) within which the cluster is located, provided that where five (5) or more housing units will be developed, the Board of Appeals determines that the developer complies with the following affordable housing requirements. The fifth housing unit and every third unit thereafter shall be an affordable housing unit; except that beginning with the 23rd unit, that 23rd unit and every fourth unit thereafter shall be an affordable housing unit.”; and

8. By deleting Section 7.4.2 b) “Special Permit Criteria, Activity Type and Mix” and by substituting therefor the following:

“b) Activity Type and Mix.

1) Residential proposals should serve housing needs of local residents, broaden the diversity of housing within the Town, or provide affordable housing opportunities pursuant to Section 6.10 of these By-Laws.”

or in any way act thereon.

This article is related to the previous article regarding the establishment of an Inclusionary Housing By-Law. It seeks several technical amendments to the Town's Zoning By-Laws to enable the development of inclusionary housing under the proposed By-Law. If Article 25 does not pass, this article will be withdrawn.

The Planning Board recommends favorable action as explained in their report to Town Meeting.

Two-thirds vote required for passage Yes _____ No _____

ARTICLE 27: Adopt Age Requirement for Original Appointment to Public Safety Position

To see if the Town will vote to accept the provisions of Chapter 31, Section 58A, of the General Laws which provide that no person shall be eligible to have his or her name certified for original appointment to the position of firefighter or police officer if such person has reached his or her thirty-second birthday on the date of the entrance examination, and that any veteran shall be allowed to exceed the maximum age provision by up to four years, or in any way act thereon.

This article seeks Town Meeting approval to accept a provision of Massachusetts law which would establish an age restriction on those seeking original appointment as either a firefighter or police officers in the Town of Belmont. Adoption of the provision would require individuals to be younger than 32 years of age (36 years of age if a veteran) to be eligible for appointment.

Majority vote required for passage Yes _____ No _____

ARTICLE 28: Establish Water Enterprise Fund

To see if the Town will vote to accept the provisions of Chapter 44, Section 53F½, of the General Laws which permit the Town to establish a separate account classified as an "Enterprise Fund" for water service, to become effective July 1, 2004, or in any way act thereon.

This article seeks Town Meeting approval to accept a provision of Massachusetts General Law which would establish a separate Enterprise Fund account for the Town's water service. This is an accounting mechanism that will allow for all costs and revenues associated with the operations of the Town's water system to be separate from the General Fund in the Town as well as allow for the accounting of the depreciation of all capital equipment and property as required by the new GASB 34 requirements.

The Warrant Committee will report orally on this article.

Majority vote required for passage Yes _____ No _____

ARTICLE 29: Establish Sewer and Stormwater Enterprise Fund

To see if the Town will vote to accept the provisions of Chapter 44, Section 53F½, of the General Laws which permit the Town to establish a separate account classified as an "Enterprise Fund" for sewer and stormwater service, to become effective July 1, 2004, or in any way act thereon.

This article seeks Town Meeting approval to accept a provision of Massachusetts law which would establish a separate Enterprise Fund account for the Town's sewer and stormwater services. This is an accounting mechanism that will allow for the all costs and revenues associated with the operations of the Town's sewer and stormwater system to be separate from the General Fund in the Town as well as allow for the accounting of the depreciation of all capital equipment and property as required by the new GASB 34 requirements.

The Warrant Committee will report orally on this article.

Majority vote required for passage Yes _____ No _____

ARTICLE 30: Broaden Eligibility for Senior Tax Exemption and Increase Exemption Amount

To see if the Town will vote to adopt changes made to Chapter 59, Section 5, Clause 41C of the General Laws which provide that, effective on the first day of fiscal year 2004, the Town shall adjust the amount of the exemption the Town

may grant to eligible senior citizens and adjust the income and asset requirements senior citizens must meet to qualify for a property tax exemption as follows:

1. The exemption amount granted to eligible applicants shall be increased to \$1,000.00 or a valuation of \$8,000.00 or more, if greater.
2. The gross receipts limitation shall be increased to \$20,000 for single applicants and \$30,000 for married applicants.
3. The whole estate limitation shall be increased to \$40,000 for single applicants and \$55,000 for married applicants.
4. The whole estate exclusion for the value of the applicant's domicile shall be increased to no more than three units in addition to the unit occupied by the applicant.

or in any way act thereon.

This article was initiated by the Board of Assessors, in cooperation with the Board of Selectmen, and seeks to broaden the eligibility requirements for senior citizen residents to qualify for property tax exemptions. This article also doubles the exemption amount from \$500 to \$1,000.

The Warrant Committee will report orally on this article.

Majority vote required for passage Yes _____ No _____

ARTICLE 31: Authorization to Establish Committee to Study Competitive Supply of Electric Light Services

To see if the Town will vote, pursuant to Chapter 164, Section 47A, of the General Laws, to authorize the Moderator to appoint a committee for the purpose of conducting a study, holding public hearings, and making recommendations relative to competitive choice of generation supply for the customers of the Town's municipal lighting plant, or in any way act thereon.

This article seeks Town Meeting approval for the Moderator to appoint a committee to study the opportunities for competitive supply of electricity supply in the community as required by state deregulation laws. The committee will present its finding to the Municipal Light Board, who will make a final decision on its findings.

The Warrant Committee will report orally on this article.

Majority vote required for passage Yes _____ No _____

ARTICLE 32: Authorization to Enter Into Environmental Joint Powers Agreement (Alewife Watershed)

To see if the Town will vote to authorize the Board of Selectmen to enter into an "Environmental Joint Powers Agreement" with the Town of Arlington and the City of Cambridge pursuant to Chapter 21A, Section 20, of the General Laws which agreement will permit the three municipalities to work jointly to exercise environmental control in the Alewife watershed, such Agreement to be in substantially the same form as is the agreement of the same name dated April 28, 2003, a copy of which is filed in the Town Clerk's office, or in any way act thereon.

This article seeks Town Meeting authorization for the Selectmen to enter into an Environmental Joint Powers Agreement with the Town of Arlington and the City of Cambridge that will allow the communities to work together to exercise environmental control in the Alewife watershed area. A copy of this document is available in the Town Clerk's office and on the Town's website.

Majority vote required for passage Yes _____ No _____

ARTICLE 33: Home Rule Petition—Authorization for All-Alcoholic Beverages Licenses for Restaurants

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the enactment of a special law in substantially the following form:

"HOME RULE PETITION FOR BELMONT

AN ACT RELATING TO A REFERENDUM
AUTHORIZING THE BOARD OF SELECTMEN
OF THE TOWN OF BELMONT TO GRANT
LICENSES FOR THE SALE OF ALCOHOLIC
BEVERAGES IN THE TOWN

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

SECTION 1. Notwithstanding any limitations imposed by section eleven A of chapter one hundred and thirty-eight of the General Laws as to the time and manner of voting upon the questions therein set forth, to section seventeen of said chapter as to the number thereof or any other special or general law to the contrary, the selectmen of the town of Belmont shall cause to be placed on the official ballot used for the election of officers in the town of Belmont at the annual town meeting to be held in the year two thousand and four the following questions:

"Shall the board of selectmen be authorized to grant licenses for the sale of all alcoholic beverages in restaurants having at least 130 and no more than 250 seats, provided that not more than three such licenses shall be in effect?"

Yes _____

No _____

If a majority of the votes cast in said town in answer to said question is in the affirmative, the town shall be taken to have authorized the sale in said town of all alcoholic beverages to be drunk on the premises in restaurants having at least 130 and no more than 250 seats, provided that not more than three such licenses shall be in effect. Said licenses shall be subject, however, to all the other provisions of said chapter one hundred and thirty-eight.

SECTION 2. The Selectmen are authorized to and shall include a summary of the aforesaid question including a statement of their position on the ballot with said question.

SECTION 3. This act shall take effect upon its passage."

or in any way act thereon.

This article is the result of the work of the Business and Economic Development Planning Group of the Belmont Vision 21 Implementation Committee. The Working Group recommended the availability of all-alcoholic beverages licenses to attract high-quality restaurants to Belmont. The article seeks authorization for the Board of Selectmen to issue up to three licenses to restaurants only who meet certain seating requirements. This authorization must be ratified by the Town's voters in April of 2004 before becoming effective.

Majority vote required for passage

Yes _____ No _____

ARTICLE 34: Home Rule Petition—Authorization to Institute Quarterly Tax Billing

To see if the Town will vote to accept the provisions of Chapter 59, Section 57C, of the General Laws which permit the Town to issue quarterly property tax bills, and to see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the enactment of a special law in substantially the following form:

"HOME RULE PETITION FOR BELMONT

AN ACT AUTHORIZING THE MODIFICATION OF THE FORM
OF PROPERTY TAX BILLING IN THE TOWN OF BELMONT

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

SECTION 1. Except as otherwise provided, a notice of preliminary tax for real estate and personal property shall be sent out no later than July first of each year, and shall be due and payable in one installment, the installment due on August first, after which date if unpaid, it shall become delinquent and subject to interest as provided herein. The preliminary tax shall in no event exceed twenty five percent of one hundred and two and one-half percent of the tax payable during the preceding fiscal year and of the amount by which such tax would have increased if any referendum question submitted to the voters under the provisions of paragraph (g), (i½), (j) or (k) of section twenty-one C and approved for the fiscal year had been approved for the preceding fiscal year.

Notwithstanding the provisions of the first paragraph, a notice of preliminary tax may be sent out after July first; provided, however, that no such notice of preliminary tax shall be sent unless first approved by the commissioner of revenue; provided, further, that as a condition of such approval, the commissioner may establish such requirements as he deems appropriate, which may include, but not be limited to, the submission by the board of assessors of all information required to set the tax rate under the provisions of section twenty-three, except the assessed valuation of all real and personal property subject to taxation for the current fiscal year. Any notice of preliminary tax mailed after July first shall be due and payable in one installment, the installment due thirty days after the mailing of the notice, after which date if unpaid, it shall become delinquent and subject to interest as provided herein; provided, however, that in the event that such notice is mailed after August first, the entire notice shall be due and payable November first, or the thirty days after the date of mailing, whichever is later.

All provisions of law regarding the procedures for issuing, mailing and collecting tax assessments upon real and personal property and betterment assessments shall be applicable to the notice of preliminary tax provided hereunder, including the payment of interest. To the extent that any rights or remedies under law accrue from the date that the tax bill is issued, only the tax bill issued upon the establishment of the tax rate for the current fiscal year shall govern such rights and remedies. The provisions of section twenty-one C shall apply to the tax rate established by the Town of Belmont for the current fiscal year.

Notwithstanding the provisions of the first paragraph, if the Town of Belmont seeks to issue a notice of preliminary tax for any fiscal year, it may require the payment of a preliminary tax in excess of twenty five percent of one hundred and two and one-half percent of the tax payable during the preceding fiscal year and of the amount by which such tax would have increased if any referendum question submitted to the voters under the provisions of paragraph (g), (i½), (j) or (k) of section twenty-one C and approved for the fiscal year had been approved for the preceding fiscal year, to the extent that such excess represents one-quarter of the amount of tax accruing as a result of the loss of exemption from tax that had been granted in the preceding fiscal year, improvements to the parcel, or the parcel being taxed as a separate parcel for the first time. The Town of Belmont is further authorized under this paragraph to issue a notice of preliminary tax for any property which becomes subject to taxation for the first time in a current fiscal year.

Notwithstanding the provisions of any general or special law to the contrary, the assessors may add any betterment assessment or apportionment thereof, water rate, annual sewer use charge and any other charge placed on the annual tax bill to the preliminary tax on the property to which it relates and such amount shall become part of the preliminary tax.

The assessors may, on application or on their own motion, abate so much of the preliminary tax as remains unpaid that is in excess of the property owner's proportional share.

The actual tax bill issued upon the establishment of the tax rate for the fiscal year, after credit is given for the preliminary tax payment previously made, shall be due and payable in three installments, on November first, on February first and on May first respectively, after which dates if unpaid, they shall become delinquent.

In the event that actual tax bills are not mailed by December thirty-first, then upon the establishment of the tax rate there shall be a single actual bill due and payable on May first, or thirty days after the date of mailing, whichever is later. Such bill shall represent the full balance owed after credit is given for the preliminary tax payment previously made.

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

or in any way act thereon.

This article would authorize the Town to bill property taxes on a quarterly basis. The Town's current practice of billing twice per year has created cash flow problems and limits investment income. The current state law allowing for quarterly tax billing does not fit the Town's needs however. As a result, the Board of Assessors and the Town Treasurer have placed this article on the Warrant seeking a special Home Rule petition of the Legislature to allow for a quarterly tax billing system tailored to the Town's needs.

The Warrant Committee will report orally on this article.

Majority vote required for passage

Yes _____ No _____

ARTICLE 35: Home Rule Petition—Reorganization of Town's Public Works Functions

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the enactment of a special law in substantially the following form:

"HOME RULE PETITION FOR BELMONT

**AN ACT TO REORGANIZE THE PUBLIC WORKS FUNCTIONS
IN THE TOWN OF BELMONT**

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 any special or general law to the contrary, the board of selectmen of the town of Belmont shall assume all powers and duties heretofore vested in the board of water commissioners, which board of water commissioners is hereby abolished in said town. Notwithstanding the provisions of chapter 114 of the General Laws and except as provided by any by-laws of the town, the board of selectmen shall assume all powers and duties heretofore vested in the board of cemetery commissioners.

SECTION 2. All persons employed by and all equipment under the supervision of the board of water commissioners and the board of cemetery commissioners shall be transferred to the supervision of the board of selectmen.

SECTION 3. The board of selectmen may establish a consolidated department of public works in order to maximize the efficiency and effectiveness of its public services.

SECTION 4. The board of cemetery commissioners shall continue in office, but shall not have any authority in the assignment of personnel or equipment. No sooner than five years from the passage of this act, the board of selectmen may request the town meeting to convert the board of cemetery commissioners to an appointive body. Upon a two-thirds vote of town meeting, the board of selectmen shall establish and appoint a board of cemetery commissioners, consisting of three members, for such term as the town by-laws shall prescribe.

SECTION 5. All laws, by-laws, rules and regulations in force on the effective date of this act that are not inconsistent with the provisions of this act shall continue in full force until amended or repealed. If any provision of this act conflicts with any provision of law, by-law, rule or regulation of the town, the provisions of this act shall govern.

SECTION 6. This act shall take effect upon its passage."

or in any way act thereon.

This article, along with Articles 36, 37, and 38 seeks Town Meeting approval to reorganize the Town's organizational structure to consolidate the Town's public works activities. It is the intent of the Board of Selectmen to consolidate cemetery, water, sewer, highway, and grounds functions into a unified Department of Public Works under the direction of a Public Works Director. Last year, the Boards of Selectmen, the Board of Water Commissioners, and the Board of Cemetery Commissioners signed a joint resolution expressing their support in the principle of a consolidated

public works department and charged the Town Administrator and the Highway Superintendent to produce a report which evaluated all key issues related to a potential consolidation of the Town's public works functions. This article and the following by-law changes are the result of this effort. This article seeks a special Home Rule petition of the Legislature necessary to modify the Town's organizational structure.

The Warrant Committee will report orally on this article.

Majority vote required for passage

Yes _____ No _____

ARTICLE 36: Amendment to General By-Laws—Appointment of Director of Public Works

To see if the Town will vote to amend Article 4 of the General By-Laws of the Town entitled "Board of Selectmen" by re-numbering Section 4.8.5 thereof and by substituting therefor, "Section 4.8.6," and by adding a new Section 4.8.5 as follows:

4.8.5 The Selectmen may appoint and prescribe the duties of a Director of Public Works who shall be especially fitted by education, training, and experience to perform the duties of said office. Such director shall not be subject to the provisions of Chapter 31, Section 9A, of the General Laws. The term of office of the director shall be determined by the Selectmen and said director shall serve at the pleasure of the Selectmen."

or in any way act thereon.

This amendment shall not take effect before passage of the special act entitled "HOME RULE PETITION FOR BELMONT, AN ACT TO REORGANIZE THE PUBLIC WORKS FUNCTIONS IN THE TOWN OF BELMONT."

This article is part of a series of articles (articles 35 – 38) seeking the consolidation of the Town's public works functions. See article 35 for a more detailed description. This article amends the Town's General By-Laws to authorize the Board of Selectmen to appoint a Director of Public Works.

The Warrant Committee and the By-Law Review Committee will report orally on this article.

Majority vote required for passage

Yes _____ No _____

ARTICLE 37: Amendment to General By-Laws—Creation of Advisory Water Board

To see if the Town will vote to amend Article 7 of the General By-Laws of the Town entitled "Water Commissioners" by deleting the whole thereof, and by substituting therefor the following:

*"ARTICLE 7
Water Advisory Board*

7.1 There shall be a Water Advisory Board consisting of three members appointed by the Board of Selectmen in a manner consistent with Article 3 of the General By-Laws.

7.2 The Water Advisory Board shall serve as the principal advocate for Town actions, policies, operational management, financial practices and capital investments that will result in the sustained provision of high quality water service. In carrying out these responsibilities the Water Advisory Board, acting in an advisory role to the Board of Selectmen, shall:

7.2.1 Oversee the preparation of a Water Capital Plan that identifies system capital needs, prioritizes and schedules projects and specifies methods of financing and implementing the Water Capital Plan. Preparation and implementation of the Water Capital Plan shall provide for the coordination of projects with the work of other public agencies and private utilities. The Water Capital Plan shall be effective upon its adoption by the Board of Selectmen and approval by the Capital Budget Committee. The Water Capital Plan shall be reviewed and revised not less than every five years.

7.2.2 Recommend to the Board of Selectmen the scope of work for any professional engineering work relating to preparing or implementing the Water Capital Plan. The Director of Public Works shall consult with the Water Advisory Board on the selection of a professional engineer.

7.2.3 Advocate for actions, consistent with the priorities of the Board of Selectmen, to implement the Water Capital Plan in the annual Town budget process, and for such other programs and activities that in its judgment will enhance the quality, efficiency or effectiveness of the water service.

7.2.4 Serve as the steward of the financial condition of the Belmont Water System by recommending rates, charges and fees for water services provided by the Town that will fully recover the cost of providing water services and that are fair and equitable. In carrying out this responsibility, the Water Advisory Board shall annually examine the revenue requirements of the water function. During the annual Town budget process it shall make specific recommendations to the Board of Selectmen for a revenue structure that will be adequate to provide for the financial needs of the water function in the next fiscal year.

7.2.5 Establish policies for the adjustment of bills by the Director of Public Works due to disputes, hardship or error. These policies shall be effective upon approval by the Board of Selectmen. In addition, the Water Advisory Board shall serve as the appeals board for citizens aggrieved by the implementation of adjustment policies by the Director of Public Works, unless the Board of Selectmen votes to assume this responsibility.

7.2.6 Develop and monitor a cost allocation plan for indirect and overhead costs and any other charges that are charged to the Town's Water Special Revenue Fund. Develop and monitor a cost recovery plan to secure payment from non-water functions for the use of equipment and labor funded by the Water Special Revenue Fund. The cost allocation plan and cost recovery plans shall be effective upon approval by the Board of Selectmen. Indirect and overhead costs shall not be charged to the water special revenue fund in a manner inconsistent with the cost allocation plan recommended by the Water Advisory Board and approved by the Board of Selectmen. Equipment and labor funded by the Water Special Revenue Fund shall not be utilized for non-water functions until a cost recovery plan has been recommended by the Water Advisory Board and approved by the Board of Selectmen.

7.2.7 Prepare an annual report in order to inform and educate the citizens of Belmont about the physical and financial condition of the water system. The annual report shall include comprehensive information on the income and expenses of operating the water function, the effect of the cost allocation and cost recovery plans on the Water Special Revenue Fund, the status of the water special revenue fund, progress in implementing the Water Capital Plan and other information the Water Advisory Board deems relevant to citizen understanding of the water system. This report shall be included in the Annual Town Report.

7.3 All of the duties and responsibilities of the Water Advisory Board shall be carried out in consultation with the Director of Public Works. The Director of Public Works shall provide reasonable clerical and professional staff support to the Water Advisory Board in the execution of its responsibilities.

7.4 The Water Advisory Board shall assume additional responsibilities from time to time as may be determined by the Board of Selectmen."

or in any way act thereon.

This amendment shall not take effect before passage of the special act entitled "HOME RULE PETITION FOR BELMONT, AN ACT TO REORGANIZE THE PUBLIC WORKS FUNCTIONS IN THE TOWN OF BELMONT."

This article is part of a series of articles (articles 35 – 38) seeking the consolidation of the Town's public works functions. See article 35 for a more detailed description. This article amends the Town's General By-Laws by eliminating the existing by-law constituting the elected Board of Water Commissioners and inserting a new by-law formalizing an Advisory Water Board.

The Warrant Committee will and the By-Law Review Committee will report orally on this article.

Majority vote required for passage

Yes _____ No _____

ARTICLE 38: Amendment to General By-Laws—Changes to Role of Board of Cemetery Commissioners

To see if the Town will vote to amend Article 10 of the General By-Laws of the Town entitled "Cemetery Commissioners" by deleting the whole thereof, and by substituting therefor the following:

*"ARTICLE 10
Board of Cemetery Commissioners*

The Board of Cemetery Commissioners shall consist of three members elected by ballot at the annual town election for a term of three years. One member shall be elected in each year. No sooner than five years from the date of passage of that certain special act entitled "HOME RULE PETITION FOR BELMONT, AN ACT TO REORGANIZE THE PUBLIC WORKS FUNCTIONS IN THE TOWN OF BELMONT," the Board of Selectmen may request Town Meeting to convert the Board of Cemetery Commissioners to an appointive body. Upon a two-thirds vote of Town Meeting, the Board of Selectmen shall establish and appoint a three member Board of Cemetery Commissioners, consisting of the incumbent elected members for the duration of their term. Should an incumbent member choose not to serve in an appointive capacity, the Board of Selectmen shall appoint a new commissioner to fill the remainder of that term. Upon the expiration of the initial terms of appointment, the Board of Selectmen shall appoint commissioners in a manner consistent with Article 3 of the General By-Laws.

- 10.1 The Board of Cemetery Commissioners shall have the following duties and responsibilities:*
- 10.2.1 To educate the Board of Selectmen, town administration and the citizens of Belmont regarding the need for burial space and cemetery services.*
 - 10.2.2 To advocate on behalf of the citizens of Belmont for additional burial space and cemetery services, including expansion, maintenance, and beautification of existing facilities.*
 - 10.2.3 To establish policies and regulations relating to the cemetery including, but not limited to, the terms and conditions of burial rights, the prices for sale of lots and graves and other services and the erection of monuments and ornamentation.*
 - 10.2.4 To identify and advocate for major capital and facility improvements, including expansion, to meet the long-term needs of the cemetery system and to work cooperatively with the Town's staff to develop an appropriate financing plan for such improvements.*
 - 10.2.5 To develop an appropriate marketing strategy to sell cemetery lots as required to meet financial requirements of cemetery expansion.*
 - 10.2.6 To certify and recommend for Town Meeting appropriation, the amount and use of proceeds from the sale of cemetery lots paid into the town treasury for reimbursement to the Town for the cost of the land, its care, improvement and embellishment, or the enlargement of the cemetery.*
 - 10.2.7 To report annually, in cooperation with the Director of Public Works and the Town Treasurer, on the status of the Perpetual Care Fund and on progress in implementing the capital improvement plan. In cooperation with the Town Accountant, to certify and recommend for Town Meeting appropriation the amount of Perpetual Care Interest Income to offset the cost of routine cemetery maintenance.*
 - 10.2.8 To assume jurisdiction and representation of applicable provisions of that certain Memorandum of Agreement dated November 22, 1999, relating to the use of land in Belmont formerly owned by McLean Hospital, including without limitation, Attachment B2- Conservation Restriction, Attachment E- Land Use and Management Plan and Attachment K- Cemetery Agreement."*

or in any way act thereon.

This amendment shall not take effect before passage of the special act entitled "HOME RULE PETITION FOR BELMONT, AN ACT TO REORGANIZE THE PUBLIC WORKS FUNCTIONS IN THE TOWN OF BELMONT."

This article is part of a series of articles (articles 35 – 38) seeking the consolidation of the Town’s public works functions. See article 35 for a more detailed description. This article amends the Town’s General By-Laws by eliminating the existing by-law constituting the Board of Cemetery Commissioners and inserting a new by-law for the Board of Cemetery Commissioners. In addition to limiting the Board of Cemetery Commissioners to a policy board, the new by-law would allow for Town Meeting to change the elected board to an appointed board in the future

The Warrant Committee and the By-Law Review Committee will report orally on this article.

Majority vote required for passage Yes _____ No _____

ARTICLE 39: Home Rule Petition—Tax Check-Off Box for Contributions to the Town’s General Fund
To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the enactment of a special law in substantially the following form:

“HOME RULE PETITION FOR BELMONT

*AN ACT TO AUTHORIZE THE TOWN OF BELMONT TO
DESIGNATE A PLACE ON ITS MUNICIPAL TAX BILLS
WHEREBY THE TAXPAYERS OF THE TOWN CAN
VOLUNTARILY CHECK OFF, DONATE AND PLEDGE
AN AMOUNT OF NOT LESS THAN ONE DOLLAR
TO THE TOWN’S GENERAL 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. The town of Belmont is hereby authorized, subject to the approval of the commissioner of the department of revenue, to design and designate a place on its municipal tax bills, or the motor vehicle excise tax bills, or to mail with such tax bills a separate form, whereby the taxpayers of the town can voluntarily check off, donate and pledge an amount not less than one dollar or such other designated amount which shall increase the amount otherwise due, which shall be added to the general funds of the town and be used for municipal purposes of the town.

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

or in any way act thereon.

This article has been inserted by the Board of Selectmen as a technical correction to the citizen-petitioned article regarding the same purpose (see article 40). This article seeks a special Home Rule petition of the Legislature authorizing the Town to place a tax check-off box for taxpayers’ voluntary contribution to the Town’s General Fund. Currently the Town offers tax check-off opportunities for the Capital Endowment Fund, the Education Fund, the Education Scholarship Fund, and the Senior Citizen Center Equipment and Furnishings Fund.

The Warrant Committee will report orally on this Article.

Majority vote required for passage Yes _____ No _____

ARTICLE 40: Tax Check-Off Box for Contributions to the Town’s General Fund
To see if the Town will allow a check off box to be placed on the real estate property tax bill in order to permit Town residents to contribute voluntary funds to the General Funds of the Town, or in any way act thereon.

This Article was included by petition. The article was flawed because it did not seek a special home rule petition of the legislature necessary to make changes to a municipal tax bill. The Board of Selectmen inserted a corrective article under Article 39.

The Warrant Committee will report orally on this Article.

Majority vote required for passage

Yes_____ No_____

ARTICLE 41: Vote to Delay Reconstruction of the Town Hall Annex

To see if the Town will vote to forego the reconstruction of the Town Hall Annex until such time that an appeal to the Federal Court be made to permit the Town to access other options for meeting federally mandated compliance for Handicapped Access, or in any way act thereon.

This Article was included by petition, and seeks a delay of the court ordered renovation of the Town Hall Annex for disability access.

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

Majority vote required for passage

Yes_____ No_____

Given under our hands this ninth day of April 2003.

BOARD OF SELECTMEN
William N. Brownsberger
Anne Marie S. Mahoney
Paul Solomon