

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 2006, 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 9).

Town Moderator	\$200
Chairman of the Board of Selectmen	\$5,000
Selectman (2)	\$4,500 each
Town Clerk	\$72,435
Town Treasurer	\$70,980
Chairman of the Board of Assessors	\$2,750
Assessor (1)	\$2,420
Assessor (1)	\$2,200

Majority vote required for passage Yes_____ No_____

The Warrant Committee will report orally on this Article.

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 \$60,000 covers the pension benefits of four persons pursuant to a schedule established by state law.

Majority vote required for passage Yes_____ No_____

The Warrant Committee will report orally on this Article.

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 \$3,248,436 funds the costs of the plan for FY 2006.

Majority vote required for passage Yes_____ No_____

The Warrant Committee will report orally on this Article.

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 \$296,042 for FY 2006 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).

Majority vote required for passage Yes_____ No_____

The Warrant Committee will report orally on this article.
The Capital Budget Committee recommends favorable action.

ARTICLE 9: 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 classification and compensation of unionized employees is bargained collectively and inserted into the Plan. In 2000, the Town completed a study of the classification of all Town employees, except for civil service police officers and firefighters. The new Plan was bargained with affected Town unions and implemented. The new Plan is posted on the Town's web site and will be distributed to Town Meeting Members at Town Meeting. The compensation reflects current (FY 2005) rates unless noted. Funds necessary to implement changes associated with the Plan are included within the budget.

Majority vote required for passage Yes_____ No_____

The Warrant Committee will report orally on this article.

ARTICLE 10: 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 2006 capital expenditures will be provided in advance of the June 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 11: 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 establish a special purpose stabilization fund to be used for any purpose for which the Town is authorized to incur debt under any general or special law, including the payment of debt service, to be known as the Capital Stabilization Fund, and to raise and appropriate a sum of money to the Capital Stabilization Fund, contingent upon approval by the voters of a Proposition 2 and ½ override question pursuant to Chapter 59, section 21C(g) of the General Laws, and to appropriate a sum of money to the Stabilization Fund pursuant to Chapter 40, section 5B of the General Laws, or the Capital Endowment Fund pursuant to Chapter 15 of the Acts of 1995, and to determine how said appropriation shall be raised, or in any way act thereon.

This article would allow the creation of a new special purpose Stabilization Fund for capital projects, similar to the Stabilization and Capital Endowment Funds. In these funds, balances are carried over from year to year and interest income remains in the Fund. The Capital Projects Stabilization Fund could be funded by a Proposition 2 ½ override, in which case all of the override proceeds would be permanently committed to the fund. An appropriation from any of these special funds must be made by a two-thirds vote of Town Meeting and only for the purposes allowed by the fund definition. The article would allow repositioning of funds into the Stabilization or Capital Endowment Funds.

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 12: 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.
The Capital Budget Committee recommends favorable action.

ARTICLE 13: Authorization of Expenditure from Revolving Funds

To see if the Town will vote, pursuant to Chapter 44, Section 53E½, of the General Laws, to authorize the expenditure from

revolving funds by various Town Departments, or in any way act thereon.

This article seeks authorization to establish a revolving fund(s) 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 Belmont Gallery of Art located on the top floor of the Homer Town Hall Annex Building.

Majority vote required for passage Yes_____ No_____

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

ARTICLE 14: Authorization of Bond for construction or reconstruction of Surface Drains and Sewers

To see if the Town will vote to appropriate a sum of money for the construction or reconstruction of surface drains and sewers, to determine whether such sums shall be raised by borrowing or otherwise, or in any way act thereon.

This article would authorize the Town to undertake significant improvements to the sanitary sewer system and to finance such work with a bond payable over a period of years. The article will accelerate the re-lining of sanitary sewers in areas where the Town has identified structural deficiencies in the existing system. Work that had been scheduled over a period of 5 or more years will now be done in 2 years or less. Also, the proposed financing mechanism will amortize the expense and more closely align the cost to ratepayers with the life of the improvements.

Majority vote required for passage (two-thirds for borrowing) Yes_____ No_____

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

ARTICLE 15: Authorization for Repairs to Viglorolo Rink

To see if the Town will vote to appropriate a sum of money for making repairs to the Skip Viglorolo Skating Rink to determine whether such sums shall be raised by borrowing or otherwise, or in any way act thereon.

This article authorizes allocating funds to repair the Viglorolo Rink. Several components of the rink’s ice-making system have failed or are near failure. It is anticipated that the repairs contemplated in this article will keep the rink operational for the next five to seven years.

Majority vote required for passage (two-thirds for borrowing) Yes_____ No_____

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

ARTICLE 16: Amendment to Zoning By-Law – New Design and Site Plan Review Language

To see if the Town will vote to amend the Zoning By-Law of the Town by deleting the existing text within Section 7.3 “Design and Site Plan Review” and replacing it with the following new text.

7.3 Design and Site Plan Review

7.3.1 Purpose:

- a) *To maintain the integrity and character of all zoning districts and adjoining zones by insuring that proposed development fulfills the purposes and complies with the requirements of the Belmont Zoning By-Law (“these By-Laws”)*
- b) *To insure that development which is subject to this review is planned and designed to minimize impacts on its abutters, the neighborhood and the environment.*
- c) *To provide an orderly review procedure where site plans of proposed projects can be approved with reasonable conditions which will further the purposes of these By-Laws.*

7.3.2 Applicability:

The Planning Board shall hear and decide all petitions for Design & Site Plan Review in accordance with the provisions of this Section 7.3.

- f) *Design & Site Plan Review is required for any new building, addition or change in use of a predominantly non-residential building greater than 2,500 gross square feet gross floor area in any zoning district, or a proposal that results in the need for six (6) or more parking spaces on the lot or if the proposal reduces the number of on-site parking spaces or changes to the configuration of off-street parking, screening, egress, utilities, drainage or lighting*
- g) *For addition or alterations of less than 2,500 gross square feet, the Planning Board may waive any or all of these requirements.*
- h) *Design & Site Plan Review is not required for those uses which require a Special Permit (for use) from either the Planning*

Board or the Zoning Board of Appeals. If a Special Permit is required per Section 1.5 of these By-Laws it shall be obtained prior to the submittal of an application for Design & Site Plan Review.

7.3.3 Application Procedures

Each application for Design & Site Plan Review shall be submitted to the Office of Community Development (OCD) during regular business hours and shall contain all of the information noted below. Applicants are encouraged to meet with OCD staff planners, abutters to the proposal and informally with the Planning Board to discuss the proposal prior to submittal.

- A completed application form and the applicable fees to address the administrative, advertising and review costs of the Town.
 - An original and thirteen (13) copies of the application package & plans, and
 - Site information as required in Section 7.3.4 below.
- a) Within ten (10) days of receipt of the application package, the Office of Community Development shall provide copies to the Board of Selectmen, Board of Health, Zoning Board of Appeals, Department of Public Works and the Fire & Police Departments requesting written comments prior to the hearing date. The application may also be provided to other appropriate boards or committees (the Traffic Advisory Committee or Conservation Commission for example). Comments received by OCD shall be made available to the applicant upon request prior to the hearing.
 - b) The Planning Board shall hold a public hearing within 45 days of OCD receiving the application. Notice of the public hearing shall be placed in a newspaper of general circulation, by posting at Town Hall and the OCD website at least seven (7) days before the hearing. Notice shall be sent by mail to the applicant and abutters (within 300 feet) prior to the hearing date.
 - c) Within 20 days following the close of the public hearing, the Planning Board shall act on the application. Approval shall require a majority vote of the five (5) members. This time period may be extended at the request of the applicant.
 - d) The Design & Site Plan Review application shall be approved provided that all of the requirements of these By-Laws are fulfilled. The Board may attach reasonable conditions to any approval. An approval does not relieve the applicant of the responsibility of obtaining other required approvals and/or permits from local boards, state or federal agencies.
 - e) If the Design & Site Plan Review application does not conform with the requirements of these By-Laws, the Planning Board shall identify these deficiencies in writing and may deny approval. A new application and hearing process will then be required for further consideration of the proposal.
 - f) Any appeal may be filed with Zoning Board of Appeals (ZBA) in conjunction with an appeal from the denial or grant of a building permit for the subject site.
 - g) No Building Permit shall be issued to the applicant (or his/her designee) until the Planning Board has filed its written decision with the Town Clerk or after 20 days has elapsed from the close of the public hearing without a decision being filed.

7.3.4 Design and Site Plan Review Submittal Requirements

Each application for Design and Site Plan Review shall include the following information unless, prior to submittal, the Planning Board has determined that certain materials are not germane to the decision being made, and authorizes their omission:

- a) Site plans at a scale of 1"=20' prepared and stamped by a professional engineer (P.E.) or a Registered Professional Land Surveyor (RPLS). (The Board may approve another scale or waive the PE/RPLS requirement in specific circumstances.) The plans shall show all new buildings, additions, adjacent structures, streets, sidewalks & crosswalks and all existing and proposed open spaces. Site development details shall include existing and proposed walls, fences, outdoor lighting, street furniture, new paving and ground surface materials. Points of vehicular and pedestrian access/egress shall be shown. All utilities, easements or service facilities, insofar as they relate to the project, shall be shown. Proposed site grading, including existing and proposed grades at property lines shall be shown.
- b) Building elevations or drawings shall be provided at a scale of 1/8" = 1' or other appropriate scale.
- c) A brief narrative describing the proposal and its potential impacts on its abutters and the neighborhood. The narrative should address issues such as the hours of operation, the number of seats for restaurants, clubhouses, or places of public assembly, anticipated number and frequency of events at clubhouses, places of public assembly, or anticipated pupil enrollment and use schedule for schools for profit, number of parking spaces, the square footage of the site and buildings, and potential impacts on open spaces. For multi-family proposals the number, type and size of dwelling units should be discussed. The Planning Board may, at its discretion, require an estimate of municipal revenues and costs expected to be generated by the project, including anticipated real estate valuation and public service needs.

At various places in this By-Law, authority for acting on particular Special Permits is assigned to the Planning Board or the Board of Appeals. Where no board is specifically designated, the Board of Appeals shall act as the Special Permit Granting Authority (SPGA).

7.4.2 Applicability

- a) Special Permits are required for
 - 1) Specified expansions, alterations and/or changes to non-conforming structures and uses as defined in Section 1.5. The criteria listed therein shall apply to those petitions.
 - 2) Those uses noted in Section 3.3 and
 - 3) Where otherwise specifically provided for within these By-Laws.
- b) Where a Special Permit is required to allow a use, no Design & Site Plan Review pursuant to Section 7.3 is necessary from the Planning Board.

7.4.3 Special Permit Criteria

The following shall be the basis for decisions on Special Permits, except as may be more specifically provided elsewhere in this By-Law. Special Permits shall be granted only if the Special Permit Granting Authority determines that the proposal's benefits to the Town will outweigh any adverse effects for the Town or the vicinity, after consideration of the following preferred qualities, among other things:

- a) Location.
 - 1) There shall be adequate provisions for water, sewerage, stormwater drainage for the proposed use and no additional adverse impacts should be created.
 - 2) The site should be able to accommodate the proposed use without substantial environmental impacts, impacts to valuable trees or other natural resources.
 - 3) The site should be able to accommodate the proposed use without substantial impacts on municipal infrastructure and with minimum traffic impacts on abutting residential neighborhoods.
- b) Activity Type and Mix.
 - 1) Residential proposals should serve housing needs of local residents, broaden the diversity of housing within the Town and/or provide affordable housing opportunities pursuant to Section 6.10 of these By-Laws.

Note: §7.4.2 b) was amended by Article 26 at the 2003 Annual Town Meeting.
 - 2) The use should complement the character and the scale of existing buildings/uses/activities in the neighborhood and not create undesirable impacts.
 - 3) The use shall be beneficial to the Town and fulfill a need.
- c) Visual Concerns.
 - 1) Views from public ways and developed properties should be considerately treated in the site arrangement.
 - 2) The visual impact of parking and service areas should be minimized and should be screened from abutting premises.
 - 3) Departure from the architectural scale of buildings on abutting and nearby premises should be minimized, except where the departure would serve a town purpose.
- d) Access.
 - 1) Vehicular and pedestrian access/egress should be safe and convenient and shall be designed to minimize impacts on the abutting public ways,
 - 2) Pedestrian and vehicular movement within the site should be safe and convenient, and arranged to minimize impacts on abutters.
- e) Process.
 - 1) A proposal that has been developed in consultation with municipal staff and those likely to be substantially impacted by it is preferred.
 - 2) Mitigation to ameliorate negative impacts is required.

f) *Special Permit applications for use shall comply with the criteria within Section 7.3.4 Design & Site Plan Review.*

At the time of application, the applicant shall submit documentation regarding each of the above considerations which are germane, including information regarding consultative efforts made with municipal staff, neighborhood groups or other affected parties.

7.4.4 Procedures

a) *It is recommended that the applicant meet with municipal staff and abutters to the proposal prior to the application being filed.*

Each application for Special Permit shall be filed with the Town Clerk. Ten copies of said application and supporting plans or other materials, including one having the date and time of filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Office of Community Development.

b) *The Office of Community Development shall refer the application to the SPGA and the Planning Board (if not acting as the SPGA), Board of Selectmen, Board of Health, Fire & Police departments, Department of Public Works and/or other boards or authorities, as appropriate, for technical review and comment. Failure of a department or board to make recommendation within 35 days of receipt of the application shall be deemed a lack of opposition thereto.*

c) *The Special Permit Granting Authority shall hold a public hearing within 65 days of the filing of the application and shall render a decision within 90 days from the date the public hearing is closed. The required time limits for a public hearing and for rendering a final decision may be extended by written agreement between the petitioner and the Special Permit Granting Authority. A copy of such agreement shall be filed in the Office of the Town Clerk.*

1) *Failure of the Special Permit Granting Authority to take final action within 90 days from the date of the close of the public hearing or within any extended time, if applicable, shall be deemed to be a grant of the Special Permit subject to the procedures found in MGL, Chapter 40A, Section 9.*

7.4.4 Special Permit Limitations

A Special Permit, if granted, shall be subject to any general or specific rules prescribed herein, and may be made subject to appropriate conditions, safeguards, and limitations on time or use. A Special Permit shall lapse within a two-year period or a shorter period if so specified by the Board, not including any time required to pursue or await the determination of an appeal pursuant to MGL, Chapter 40A, Section 17 if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun within the period except for good cause.

This proposal deletes "Section 7.4 Special Permits" and replaces it with new text. It was developed in cooperation with the ZBA and Planning Board. This is a companion Article to Article 16 and should be adopted with it so additional improvements can be made to the Belmont Zoning By-Laws. The changes make the text more user-friendly and it is an important component of the economic development strategies being promoted by the Board of Selectmen and the Planning Board. For purposes of comparison and analysis, there is included in this Warrant packet a copy of the current version of "Section 7.4 Special Permits" which tracks the proposed changes to this By-law section.

Two-thirds vote required for passage Yes _____ No _____

The Planning Board voted unanimously (5:0) to support the proposal and recommends that the Article be approved.

ARTICLE 18: Amendment of three (3) sections of the Zoning By-law relating to definitions, dimensional regulations for the GR District, and parking regulations.

To see if the Town will vote to amend the Belmont Zoning By-laws, Sections 1.4 Definitions and Abbreviations, Section 4.2 Schedule of Dimensional Regulations, and Section 5.1.3 Parking and Loading Area Locations and Design, in response to the concerns that resulted in the adoption of the now expiring Section 6.10 Interim Controls – Demolition Moratorium, as follows:

1.4 *Definitions and Abbreviations - amend the following terms as noted:*

Basement - delete the terms "one half" and replace them with the figure "60%" so the revised definition will read:

"Basement - A portion of a building partially underground, but having less than 60% of its clear height below grade (see cellar).

Cellar - delete the text "having one-half or more than one-half" and replace it with the text "having 60% or more" so the revised definition will read:

"Cellar - A portion of a building partially underground, having 60% or more of its clear height below grade (see basement).

Grade – strike the definition and replace it with the following definition:

“Grade - The average of the ground level adjoining the building at all exterior walls based upon the existing contour lines. Contours lines shall be illustrated on a plan and shall be established prior to any filling or earth moving/removal activities. The grade shall not be altered more than 12 inches to allow for proper drainage.”

Habitable Floor - Delete the entire definition.

Height, Building – in the first sentence strike the text “...average finished grade within 20 feet of the structure on the street side(s) of a building to:” and replace it with the terms “grade to:” so the revised definition will read:

“Height, Building - The vertical distance from the grade to:

- the highest point of the roof or parapet for flat or shed roofs;
- the midpoint between the lowest and highest points of the roof for gable, hip and gambrel roofs (upper roof pitch 4” per foot or greater); or
- the point of change in roof slope for mansard roofs (upper roof pitch under 4” per foot),

provided that no part of a garage shall exceed 15 feet in height and no part of a tool shed, noncommercial greenhouse or similar accessory structure shall exceed 10 feet in height.”

Story, Half – Delete the existing definition and replace it with the following new definition:

“Story, Half - A space under a sloping roof where:

- a) the line of intersection of the rafter bottoms and the interior wall surface is not more than three feet above floor level on at least half the perimeter of the second floor, and
- b) the potential space having headroom of five feet or more is not more than 60% as large as the second floor,
- c) provided that the length of any dormer does not exceed 75% of the length of the roofline of the side of the structure where the dormer is constructed, and
- d) for purposes of this calculation, when the height of the second floor is indeterminate, the height of the second floor (from finished floor to finished ceiling) shall be equal to 12 feet, the remaining portion of the wall shall be factored into the ½ story calculation.”

4.2 Schedule of Dimensional Regulations, 4.2.2 Linear Requirements - amend the column “Maximum Building Height” within the sub-column “Feet” for the District entitled “GR”, “Dwelling” and “Other” by deleting the figure “36” and replacing them with the figure “33” so the revised table reads as follows:

4.2.2 Linear Requirements

DISTRICTS	MINIMUM SETBACK DIMENSIONS FEET			MAXIMUM BUILDING HEIGHT	
	Front	Side	Rear	Feet	Stories
GR					
Dwelling	20 ²	10 ⁷	20 ³	33	2½
Other	20 ²	10 ⁷	12 ⁶	33 ⁵	2½ ⁵

*Please note footnote 5 mentioned above currently exists within Section 4 of the Zoning By-Laws.

5.1.3 Parking and Loading Area Location and Design - delete the existing paragraph “a” and replace it with new paragraphs “a. Non-residential” and “b. Residential” with the accompanying text as follows:

- a) “Non-residential. Required parking for nonresidential uses shall be either on the same premises as the activity it serves or on a separate parcel if the parcel is located within 400 feet of the building entrance to be served and is in a zoning district permitting or allowing by Special Permit the use it serves. Parking facilities for six or more cars serving nonresidential uses shall have no elements, other than driveways approximately perpendicular to the street and parking area plantings, located in the area between the street line and the front setback line.
- b) Residential.
 - 1) In Single Residence Districts, no parking spaces shall be permitted within a required front yard between the side lines of the dwelling extended to the street, except on a driveway leading to, and no wider than, an attached garage, or on Special Permit from the Board of Appeals, to be granted only upon determination by the Board that:

ARTICLE 20: Approval of Application by Library Trustees to the State's Library Construction Grant Program

To see if the Town will vote to approve the concept of the preliminary design of a new main library, and authorize the Board of Library Trustees to apply for and accept any federal and/or state grants that may be available for the Belmont Public Library building project, such grants to be expended, together with other funds subsequently appropriated or made available for the project, by a building committee authorized at a future Town Meeting or in any way to act thereon.

This article, as required by the Commonwealth of Massachusetts Board of Library Commissioners (MBLC), seeks Town Meeting approval of a future library construction project and authorization to apply for an MBLC grant. This article requires no monetary commitment from the Town at this time. Through its Board of Library Trustees, the Town of Belmont has applied for an MBLC grant, which if awarded, as expected, could provide over \$4 million for library construction. Among its many requirements, the MBLC grant application requires towns to complete a library needs analysis and an architectural feasibility study that results in a preliminary architectural design. Belmont has already completed these. This warrant article is the next step in the grant application process with wording as required by MBLC. A yes vote will allow Belmont to apply for and accept state funding. The ultimate approval of the future construction project, and the actual payment from the state, are contingent on later action by a future Town Meeting.

Majority vote required for passage. Yes _____ No _____

The Board of Library Trustees unanimously recommends favorable action on this Article.

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

ARTICLE 21: Home Rule Petition-Authorization for the Town of Belmont to Establish a Group Insurance Liability Fund.

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 substantially 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. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition:

An Act Authorizing the Town of Belmont to Establish a Group Insurance Liability 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. *As used in this act, the following words shall have the following meanings:-*

"Normal cost of post retirement benefits", that portion of the actuarial present value of future premium costs and claim costs payable by the town on behalf of, or direct payments to, retired employees, including school teachers, of the town and the eligible surviving spouses or dependents of deceased employees, including school teachers, of the town, pursuant to this act which is allocable to a particular fiscal year, as determined by an actuary pursuant to section 2.

"Post retirement benefit liability", the present value of the town's obligation for future premium costs and claim costs payable by the town on behalf of, or direct payments to, retired and prospective retired employees of the town and the eligible surviving spouses or dependents of deceased and prospectively deceased employees of the town attributed by the terms of the plan to employee's service rendered to the date of the measurement, pursuant to this act as determined by an actuary, pursuant to section 2.

"Premium costs and claim costs", the amounts payable by the town for the provision of retiree health and life insurance.

"Unfunded post retirement benefit liability", the difference between the post retirement benefit liability on the measurement date and the actuarial value of the assets of the Group Insurance Liability Fund on the same date, as determined by an actuary, pursuant to section 2.

"Unfunded post retirement benefit liability amortization payments", the amount which, when paid into the Group Insurance Liability Fund annually over a period of years together with the normal cost of post retirement benefits for each year of said period of years, will reduce to zero at the end of said period the unfunded post retirement benefit liability in existence as of the beginning of said period, as determined by an actuary.

Section 2.

(a) There shall be in the Town of Belmont a Group Insurance Liability Fund, which shall be under the supervision and management of the town's contributory retirement board established under paragraph (b) of subdivision (4) of section 20 of Chapter 32 of the General Laws. The town treasurer shall be the custodian of the fund and may employ an outside custodial service.

- (b) *The fund shall be credited with all amounts appropriated or otherwise made available by the town for the purposes of meeting the current and future premium costs and claim costs payable by the town on behalf of, or direct payments to, retired employees of the town and the eligible surviving spouses or dependents of deceased employees of the town pursuant to this act. Amounts in the fund including any earnings or interest accruing from the investment of such amounts shall be expended only for the payment of such premium costs and claim costs payable by the town on behalf of, or direct payments to, retired employees of the town and the eligible surviving spouses or dependents of deceased employees of the town, except as otherwise provided in this act, and only in accordance with a schedule of such payments developed by an actuary in consultation with the town's contributory retirement board. Subject in each instance to the approval of the town's contributory retirement board, the town treasurer shall invest and reinvest the amounts in the fund not needed for current disbursement consistent with the prudent person rule, but no funds may be invested directly in mortgages or in collateral loans. The fund shall be subject to the public employee retirement administrations triennial audit.*
- (c) *The board may employ any qualified bank, trust company, corporation, firm or person to advise it on the investment of the fund and may pay from the fund for such advice and such other services as determined by the town's contributory retirement board.*

Section 3.

- (a) *An actuary shall determine, as of January 1, 200__, and no less frequently than every second year thereafter, the normal cost of post retirement benefits, the post retirement benefit liability, and the unfunded post retirement benefit liability. All such determinations shall be made in accordance with generally accepted actuarial standards, and the actuary shall make a report of such determinations. The report shall, without limitation, detail the demographic and economic actuarial assumptions used in making such determinations, and each such report subsequent to the first such report shall also include an explanation of the changes, if any, in the demographic and economic actuarial assumptions employed and the reasons for any such changes, and shall also include a comparison of the actual expenses by the town for premium costs and claim costs constituting the post retirement benefit liability during the period since the last such determination, and the amount of such expenditures which were predicted pursuant to the previous such report for the period.*
- (b) *An actuary, in consultation with the town's contributory retirement board, shall establish a schedule of annual payments to be made to the Group Insurance Liability Fund designed to reduce to zero the unfunded post retirement benefit liability. The schedule shall reduce the initial unfunded post retirement benefit liability over a period of years not to exceed 30. Any additional unfunded liability created subsequent to the last such determination by the provision of any new benefit or by any increase in the premium share payable by the town shall be separately so amortized over the 15 years following the date of the determination in which such additional liability is first recognized. Each such annual payment shall be equal to the sum of the unfunded post retirement benefit liability amortization payment required for such year and the payments required to meet the normal cost of post retirement benefits for such fiscal year.*
- (c) *All payments for the purposes of meeting the town's share of premium costs and claim costs or direct payments to retired employees of the town and the surviving spouses or dependents of deceased employees of the town pursuant to this act shall be made from the Group Insurance Liability Fund in accordance with a schedule of disbursements established by the actuary.*

Section 4. *This act shall take effect upon its passage.*

This article requires a special act of the Legislature authorizing Belmont to create a fund for its post retirement group liability for health and life insurance. The requirement to appropriate monies to this fund is not triggered by the creation of the fund. Municipalities are required by GASB 45 to identify liabilities by FY08. The current Mass General Law only allows the Treasurer to invest in certain types of banks, not the stock & bond market. This language is modeled after Wellesley legislation which allows the "Trust Fund for Other Post Employment Benefits" to be invested in the same vehicles as the Belmont Retirement Board currently invests.

Majority vote required for passage. Yes_____ No_____

The Warrant Committee will report orally on this article.

ARTICLE 22: Town Clerk Fees

To see if the Town will vote to amend the General Bylaws by deleting Article 5.12 in its entirety and replacing it with the following:

- a. *A schedule of fees of the Town Clerk shall be posted in the Clerk's office and may be revised from time to time as the Clerk sees fit.*
or in any way act thereon.

Majority vote required for passage. Yes_____ No_____

The Warrant Committee will report orally on this article.

ARTICLE 23: Voluntary Service Program

To see if the Town will vote to accept the provisions of Massachusetts General Laws chapter 59, section 5K, raising the reduction of tax liability from \$500.00 to \$750.00 for volunteer services for persons over age 60, or in any way act thereon.

Majority vote required for passage. Yes_____ No_____

The Warrant Committee will report orally on this article.

ARTICLE 24: Door-to-Door Solicitation and Canvassing

To see if the Town will vote to add a new By-law to the Belmont General By-laws as follows:

30.1 Purpose

This article, adopted pursuant to G.L. c. 43B, § 13 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operation requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Belmont in order to protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and, to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

30.2 Definitions

For the purpose of this By-law, the following definitions shall apply:

30.2.1 "Soliciting" shall mean and include any one or more of the following door-to-door activities:

- (a) selling, or seeking to obtain orders for the purchase of goods or services, including advertising in any type of publication, for any kind of consideration whatsoever;*
- (b) selling, or seeking to obtain prospective customers for application for purchase of insurance of any kind;*
- (c) selling, or seeking to sell subscriptions to books, magazines, periodicals, newspapers or any other type of publication;*
- (d) seeking to obtain gifts or contributions of money, or any valuable thing for the support or benefit of any association, organization, corporation or project wholly or in part for commercial purposes or by a professional solicitor or commercial co-venturer for a charitable or other non-commercial organization;*
- (e) seeking to obtain information on the background, occupation, economic status, political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly, or in part, for commercial purposes.*

30.2.2 "Canvassing" shall mean and include any one or more of the following door-to-door activities:

- (a) person-to-person distribution of literature, periodicals, or other printed materials for commercial purposes, but shall not include placing or dropping off printed materials on the premises;*
- (b) seeking to enlist membership in any organization for commercial purposes;*
- (c) seeking to present, in person, organizational information for commercial purposes.*

30.2.3 "Residence" shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons.

30.2.4 "Registered solicitor" shall mean any person who has obtained a valid certificate of registration from the Town as required by this By-law.

30.2.5 "Charitable organization," "Professional solicitor" and "commercial co-venturer" shall be defined as set forth in G.L. c. 68, § 18.

30.3 Registration

Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of Belmont must apply for a permit with the Chief of Police at least fourteen (14) business days in advance by filing a registration application form with the Chief of Police.

30.3.1 Organization application forms shall include the following information:

- (a) The name and address of the organization applying for registration, and the names and addresses of the organizations' principal officers. If the organization is a charitable organization, a copy of the Annual Registration Statement filed with the Attorney General's Division of Public Charities must be provided*

with this application. Failure to include a copy of the Annual Registration Statement under such circumstances will render the application incomplete and no action will be taken thereon.

If the organization is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon.

- (b) The name, title and phone number, IRS or Social Security (optional) number and valid driver's license or other government- issued photo identification of the persons filing the application form.
- (c) The names and addresses of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Belmont.
- (d) A list of the names, addresses, dates of birth of all individuals who will be employed in solicitation or canvassing by the applicant.
- (e) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 90 day period).
- (f) Names of the last three communities (if any) in which the organization has conducted a solicitation or canvassing operation, complete with the date issued and date expired.
- (g) Insurance information and license, if applicable.

30.3.2 Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under Section 30.3.1 hereof. Individual registration forms shall contain the following information:

- (a) Name and address of the present place of residence and length of residence at that address; if less than three years residence at present address, the address of residence(s) during the past three years.
- (b) Date of birth.
- (c) Name, address and telephone number of the person or organization whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization. If the individual is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract, if any, with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon.
- (d) Name and address of employer during the past three years if other than listed in Section 30.3.1 hereof.
- (e) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 90 day period).
- (f) Name of the last three communities (if any) in which the applicant has solicited or canvassed door-to-door, complete with the date of issue and expiration date.
- (g) Social Security number. (Optional).
- (h) Valid driver's license or other government issued photo identification.
- (i) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

30.4 Registration Fee

Each applicant for registration or re-registration shall pay to the Town an application fee of \$25.00 and a fee of \$5.00 for the cost of a registration card.

30.5 Registration Cards

30.5.1 The Police Chief, after a review, but in no event more than fourteen (14) business days after receipt of a fully-completed application, shall furnish each person with a registration card which shall contain the following information:

- (a) *The name of the person.*
- (b) *A recent photograph of the person.*
- (c) *The name of the organization (if any) which the person represents.*
- (d) *A statement that the individual has been registered with the Town of Belmont Police Department but that registration is not an endorsement of any individual or organization.*
- (e) *Specific dates or period of time covered by the registration.*

30.5.2 *Persons engaged in solicitation or canvassing as defined in this by-law must carry the registration card at all times and present the card to any person solicited or upon the request of any police officer.*

30.5.3 *Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days.*

30.5.4 *The Police Chief shall refuse to register an organization or individual whose registration has been revoked for violation of this by-law within the previous two year period, or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, assault, larceny, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to register a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.*

30.6 Exceptions

30.6.1 *Registration shall not be required for officers or employees of the Town, County, State or Federal governments when on official business.*

30.6.2 *Individual registration shall not be required for minors under the age of 18 except in connection with canvassing or soliciting on behalf of a profit organization, newspaper carriers excepted.*

30.7 Duties of Persons Going Door-to-Door

30.7.1 *Upon going into any residential premises in the Town of Belmont, every solicitor, canvasser or other person must first examine any notice that may be posted prohibiting solicitation or other activities. If such a notice is posted, the solicitor, canvasser or other person shall immediately and peacefully depart from the premises.*

30.7.2 *Any solicitor, canvasser or other person who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.*

30.7.3 *Immediately upon gaining entrance to any residence, each solicitor or canvasser as defined in this by-law must do the following:*

- (a) *Present his registration card for inspection by the occupant.*
- (b) *Request that the occupant read the registration card.*
- (c) *Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization.*
- (d) *It shall be the duty of every organization employing solicitors or canvassers within the definition of this by-law to notify the Police Department daily as to what area(s) of the Town they will be operating in.*

30.8 Restrictions on Methods of Solicitation, Canvassing, or Other Door-to-Door Activities

It shall be unlawful for a solicitor, canvasser or other person to do any of the following:

- (a) *Falsely represent, directly or by implication, that the solicitation, canvassing or other activity is being done on behalf of a governmental organization, or on behalf of any municipal employee or elected official.*
- (b) *Solicit, canvass or conduct any other activity at any residence where there is a posted sign prohibiting the same, without express prior permission of an occupant*
- (c) *Solicit, canvass or conduct any other activity at any residence without express prior permission of an occupant, before 9:00 a.m. or after 9:00 p.m. where there is no sign posted otherwise limiting solicitation or the hours of solicitation or such other activities.*

(d) To utilize any form of endorsement from any department head currently employed or serving the Town of Belmont.

(e) Solicit, canvass or conduct any other activity at any residence in a threatening, abusive, or illegal fashion.

30.9 Penalty

30.9.1 Any person or organization who shall violate any of the provisions of this by-law or any applicable state or federal laws governing soliciting or canvassing, including, but not limited to, Mass. G.L. c. 68, shall be subject to a fine not to exceed \$300.00 for each offense.

30.9.2 Any person or organization who for himself, itself, or through its agents, servants or employees shall violate any provision of sections 30.7 or 30.8 of this by law, or any applicable state or federal laws governing soliciting or canvassing, including but not limited to M.G.L. c. 68, or who knowingly provides false information on the registration application, or who is found, after investigation by a police officer, to have conducted himself or itself in a threatening, abusive or illegal fashion, shall have his, her, or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

30.10 Appeals

Any person or organization who is denied registration or whose registration has been revoked may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within 5 days after receipt of the notice of denial or revocation. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Board of Selectmen fails to make a determination within 30 days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

30.11 Severability

Invalidity of any individual provision of this section shall not affect the validity of the by-law as a whole.

or in any way act thereon.

This proposed General By-law establishes a requirement that organizations wishing to send solicitors door-to-door register with the Police Department. Included in this Warrant packet is a memo from the Police Department explaining this article in greater detail.

Majority vote required for passage. Yes_____ No_____

ARTICLE 25: Intermunicipal Agreement – Smoke Free Communities Agreement

To see if the Town will vote to authorize the Board of Health to negotiate and enter into an intermunicipal agreement pursuant to the provisions of General Laws chapter 40, section 4A with the towns of Brookline, Milton, Needham, Newton, Waltham, Watertown, and Wellesley concerning a collaborative for the implementation of the Massachusetts Tobacco Control Program, or in any way act thereon.

This article authorizes the Town's Board of Health to formalize cooperation among and by these towns and Belmont to implement the state's anti-smoking program.

Majority vote required for passage. Yes_____ No_____

ARTICLE 26: Closing the Telecommunications Property Tax Loophole

To see if Town Meeting will vote to support the following resolution:

Whereas, the Town of Belmont and all cities and towns in Massachusetts rely heavily on the property tax to fund police and fire services, schools, road maintenance and other vital local government service; and,

Whereas, deep local aid cuts since fiscal 2002 have forced greater reliance on the property tax to fund local services and have increased the burden on homeowners and other local taxpayers; and,

Whereas, telecommunications companies are taking advantage of obsolete provisions in the state's property tax laws to avoid paying local property taxes and thereby reducing local revenues and increasing the burden on homeowners and other businesses;

Therefore Be It Resolved, that the Town of Belmont supports legislation (House Docket 1740) that would close the telecommunications property tax loophole and eliminate the unfair exemption in out-dated property tax statutes, and hereby calls upon the members of the state Legislature and the Governor to enact this necessary proposal into law.

This resolution will evidence the Town's support for proposed legislation to close a tax loophole that unfairly reduces local real estate tax liability for certain telecommunications companies at the expense of residential and other business taxpayers in the Town.

The Warrant Committee will report orally on this Article.

Majority vote required for passage. Yes_____ No_____

Given under our hands this eleventh day of April, 2005.

BOARD OF SELECTMEN

Paul Solomon
Angelo R. Firenze
William N. Brownsberger

Full transcripts may be obtained for a fee from the Selectmen's Office or Town Clerk's Office. All requests must be in writing.

**TOWN OF BELMONT
TRANSCRIPT OF ANNUAL TOWN MEETING
FIRST SESSION, APRIL 25, 2005
COMMONWEALTH OF MASSACHUSETTS**

[The Annual Town Meeting of the Town of Belmont was called to order in the Auditorium of the Belmont High School on Monday, April 25, 2005, at 7:36 p.m., by the Moderator, Henry L. Hall, Jr.].

DR. SOLOMON introduced the new Town Administrator, Thomas Younger.

TOWN CLERK DELORES KEEFE administered the oath of office of the newly-elected Town Meeting Members.

PRELIMINARY MOTION

DR. SOLOMON: MOVED: That the articles in the Warrant be considered in the following order: 1, 3 through 5, 8 through 12, 14, 15, 21, 2, 13, 16 through 19, 6, 7, 22, 13, 20, 24, 26 -- 24 through 26.

The motion is adopted.

ARTICLE 1

DR. SOLOMON: MOVED: That reports of the Selectmen and other Town officials, departments, and committees for the year 2004 be accepted.

The motion is adopted.

DR. SOLOMON: MOVED: That Article 1 be laid on the table.

The motion is unanimously adopted.

MR. FIRENZE: MOTION to dismiss articles 3, 4, 5, 8, 9, 10, 11, 12, 14, 15, and 21.

The motion is unanimously adopted.

ARTICLE 2

MR. BANKER: MOVED: That the Board of Selectmen be, and it hereby is, authorized 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 it deems it for the best interest of the Town so to do; said power shall be vested solely in the Board of Selectmen.

The motion is unanimously adopted.

ARTICLE 13

DR. SOLOMON: MOVED: That pursuant to Chapter 44, Section 53E1/2, of the General Laws, the following Town Departments be, and hereby are, authorized to expend for program expenditures the following sums from revolving accounts:

<u>Department</u>	<u>Expenditure</u>
Youth Department.....	\$10,000
Council on Aging.....	\$40,000
Belmont Gallery of Art.....	\$50,000

MR. WIDMER: MOTION on behalf of the Warrant Committee, move that the line "Belmont Gallery of Art 50,000" be removed from this article.

The amendment is adopted.

The main motion is unanimously adopted.

ARTICLE 16

MR. HEIGHAM: MOVED: That under Article 16 the reading of the proposed amendment to Section 7.3 of the Belmont Zoning By-Law entitled "New Design and Site Plan Review Language" be dispensed with, the same being set forth in full under Article 16 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

The motion is unanimously adopted.

MR. HEIGHAM: MOVED: That the Town vote to amend the Zoning By-Law of the Town by amending Section 7.3 as set forth in full under Article 16 in the Warrant for this Meeting.

The motion is unanimously adopted.

ARTICLE 17

MR. HEIGHAM: MOVED: That under Article 17 the reading of the proposed amendment to Section 7.4 of the Belmont Zoning By-Law entitled "New Special Permits Language" be dispensed with, the same being set forth in full under Article 17 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

The motion carries.

MR. HEIGHAM: MOVED: That the Town vote to amend the Zoning By-Laws of the Town by amending Section 7.4 entitled "New Special Permit Language" as set forth in full under Article 17 of the Warrant for this Meeting.

The motion is adopted by a two-thirds vote.

ARTICLE 18

MR. HEIGHAM: MOVED: That under Article 18 the reading of the proposed amendments to Sections 1.4, 4.2, and 5.1.3 of the Belmont Zoning By-Law entitled "Amendment of three (3) sections of the Zoning By-Law relating to Definitions, Dimensional Regulations for the GR District, and Parking Regulations" be dispensed with, the same having been set forth in full under Article 18 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

The motion is unanimously adopted.

MR. HEIGHAM: MOVED: That the Town vote to amend the Zoning By-Laws of the Town by amending Sections 1.4, 4.2, and 5.1.3, as set forth in full under Article 18 of the Warrant for this Meeting.

MR. COHEN: MOVED: That paragraph 5.1.3 b) 1 be amended by deleting the word "spaces" so that the paragraph will read, in part, "In Single Residence Districts, no parking shall be permitted within..." and then it goes on.

The amendment is unanimously adopted.

MR. COHEN: MOVED: That paragraph 5.1.3.2) B.3 be deleted in its entirety and the following paragraphs be renumbered as appropriate.

The amendment is defeated.

The main motion passes unanimously.

ARTICLE 19

MR. FIRENZE: MOVED: That Article 19 be dismissed.

The motion is unanimously adopted.

ARTICLE 6

MS. BARTON: MOVED: That there be, and hereby is, appropriated the sum of \$60,000 to provide noncontributory pensions for eligible employees of any and all of the Town Departments as provided in the applicable sections of Chapter 32 of the General Laws as may be determined from time to time by the Retirement Board, said sum to be raised by General Tax and expended under the direction of the Retirement Board.

The motion is unanimously adopted.

ARTICLE 7

MR. BROWNSBERGER: MOVED: That there be, and hereby is, appropriated the sum of \$3,248,436 to provide contributory pensions and expenses in connection therewith in accordance with applicable provisions of Chapter 32 of the General Laws, said sum to be raised by General Tax and expended under the direction of the Retirement Board.

The article is unanimously adopted.

ARTICLE 22

MS. MAHON: MOVED: That the Town having previously voted to accept the provisions of Chapter 40, Section 22, as to the General Laws, the Town vote to amend Section 5.12 of the General By-Laws by deleting the language contained therein in its entirety and replacing it with the following: 5.12(a), Schedule fees fixed by the Town Clerk shall be posted in a conspicuous place in the Clerk's office and may be revised from time to time as the Clerk sees fit in accordance with the provisions of Chapter 40, Section 22, Acts of the General Law.

The motion is adopted.

ARTICLE 23

MR. NAGER: MOVED: That the provisions of Massachusetts General Laws Chapter 59, Section 5K, raising the reduction of tax liability from \$500.00 to \$750.00 for volunteer services for persons over age 60, be, and hereby are, accepted.

The motion is unanimously adopted.

ARTICLE 20

DR. SOLOMON: MOVED: That Article 20 be moved to the end of the Warrant.

The motion carries.

ARTICLE 24

MR. SMITH: MOVED: That under Article 24 the reading of proposed new Article 30 of the General By-Laws of the Town entitled "Door-to-Door Solicitation and Canvassing" be dispensed with, the same having been the same being set forth in full under Article 24 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

That motion is unanimously adopted.

MR. SMITH: MOVED: That the Town vote to amend the General By-Laws of the Town by adding a new Article 30 entitled "Door-to-Door Solicitation and Canvassing" as set forth in full under Article 24 in the Warrant of this Meeting.

The motion is adopted.

MR. BROWNSBERGER: MOTION regarding fees.

The vote on the amendment was 162, yes; 65, no.

MR. BROWNSBERGER: MOVED: That the By-Law as distributed and marked up, the amendment as marked up, that is in Sections 30.5.4.

The amendment is adopted.

MR. BROWNSBERGER: MOTION regarding exceptions.

That motion is adopted.

MR. BROWNSBERGER: MOVED: That the By-Law as distributed and marked up -- be amended as marked up in section 30.7.3(d).

The amendment is adopted.

MR. BROWNSBERGER: MOVED: That the By-Law as distributed be amended as marked up in the distribution in sections 30.8, 30.9.2.

(Whereupon, there was a standing count taken for those in favor).

(Whereupon, there was a standing count taken for those opposed).

The vote is 144 in favor; 70 opposed; therefore, the motion carries.

MRS. McGAW: MOTION for an amendment for section 30.8(c), to read: solicit, canvass or conduct any other activity at any residence without express prior permission of an occupant, before 9:00 a.m. or after 7:00 p.m. or dark, whichever comes earlier.

The amendment is adopted.

The main motion is adopted.

DR. SOLOMON: MOTION TO ADJOURN

[The Annual Town Meeting of April 26, 2005, was adjourned at 10:57 p.m.]

Full transcripts may be obtained for a fee from the Selectmen's Office or Town Clerk's Office. All requests must be in writing.

**TOWN OF BELMONT
TRANSCRIPT OF ANNUAL TOWN MEETING
SECOND SESSION, APRIL 27, 2005
COMMONWEALTH OF MASSACHUSETTS**

[The Second Session of the Annual Town Meeting of the Town of Belmont was called to order in the Auditorium of the Belmont High School on Wednesday, April 27, 2005, at 8:07 p.m., by the Moderator, Henry L. Hall, Jr.]

ARTICLE 25

MR. FIRENZE: MOVED: That the Board of Health be, and hereby is, authorized to negotiate and enter into an intermunicipal agreement pursuant to the provisions of the General Laws Chapter 40, Section 4A with the Towns of Brookline, Milton, Needham, Newton, Waltham, Watertown, and Wellesley concerning a collaborative for the implementation of the Massachusetts Tobacco Control Program.

The motion is unanimously adopted.

ARTICLE 26

MS. CHELOFF: MOVED: That under Article 26 the reading of the proposed Resolution entitled "Closing the Telecommunications Property Tax Loophole" be dispensed with, the same being set forth in full under Article 26 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

The motion is unanimously adopted.

MS. CHELOFF: MOVED: That the Town vote to adopt the proposed resolution entitled "Closing the Telecommunications Property Tax Loophole" as set forth in full under Article 26 in the Warrant of this Meeting.

The motion is unanimously adopted.

ARTICLE 20

MS. WESTCOTT: MOVED: That the Town approve the concept of the preliminary design of a new main library, and authorize the Board of Library Trustees to apply for and accept any federal, and/or state grants that may be available for the Belmont Public Library Project, such grants to be expended, together with other funds subsequently appropriated or made available for the project, by a building committee authorized at a future Town Meeting.

The motion is adopted unanimously.

DR. SOLOMON: MOVED: This Annual Town Meeting be dissolved.

The motion is adopted unanimously.

[Whereupon, at 8:47 p.m., the Annual Town Meeting was adjourned.]