

**TOWN RECORDS 2007**  
(Condensed)

**ANNUAL TOWN ELECTION**  
May 5, 2007

Pursuant to a warrant duly served, the Annual Town Election was called to order in the Town Hall Auditorium by Warden Susan Banghart at 8 a.m. on May 5, 2007, for the election of Town Officers. Ms. Banghart swore the election officers to the faithful performance of their duties.

Total ballots cast were as follows:

Precincts 1 & 2	112
Precincts 3 & 4	69
TOTAL	181

Of the 181 ballots cast, 15 or 12.06% were cast by absentee ballot.

The results of the election were as follows:

<b>Moderator - One Year</b>			
Robert M. Buchanan*	111 Summer Street	Caucus Nominee	165
Blanks			116
<u>Scattering</u>			<u>0</u>
<b>Selectman - Three Years</b>			
Douglas P. Gillespie*	751 Boston Post Road	Caucus Nominee	158
Blanks			23
<u>Scattering</u>			<u>0</u>
<b>Town Clerk - Three Years <i>Vote for One</i></b>			
M. Elizabeth Nolan*	693 Boston Post Rd	Caucus Nominee	166
Blanks			15
<u>Scattering</u>			<u>0</u>
<b>Assessors - Three Years <i>Vote for Two</i></b>			
David C. Bennett*	56 Westland Road	Caucus Nominee	142
Blanks			39
<u>Scattering</u>			<u>0</u>
<b>School Committee - Three Years <i>Vote for Two</i></b>			
Edward E. Heller, Jr.*	20 Indian Hill Road	Caucus Nominee	148
Deirdre A. Freiberg*	41 Oxbow Road	Caucus Nominee	142
Blanks			72
<u>Scattering</u>			<u>0</u>
<b>School Committee - One Year (to fill a vacancy) <i>Vote for One</i></b>			
Joanna M. Stimpson*	39 Lexington Street	Caucus Nominee	139
Blanks			42
<u>Scattering</u>			<u>0</u>
<b>Recreation Commission - Three Years <i>Vote for Two</i></b>			
Robert D. Crowley*	90 Dean Road	Caucus Nominee	137
Victoria A. Whalen*	66 Myles Standish Road	Caucus Nominee	135
Blanks			90
<u>Scattering</u>			<u>0</u>
<b>Planning Board - Five Years</b>			
Pamela W. Fox*	686 Boston Post Road	Caucus Nominee	151
Blanks			30
<u>Scattering</u>			<u>0</u>

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\* Indicates incumbent

<b>Library Trustees - Three Years</b> <i>Vote for Two</i>			
Barbara F. Coburn*	688 Boston Post Rd	Caucus Nominee	153
Doris Atwood Sullivan	51 Cedar Road	Caucus Nominee	146
Blanks			63
Scattering			0
<b>Board of Health -Three Years</b>			
Nicholas Guerina*	26 Pine Street	Caucus Nominee	139
Blanks			42
Scattering			0
<b>Commissioner of Trust Funds - Three Years</b>			
Janell Phillips*	173 Merriam Street	Caucus Nominee	137
Blanks			44
Scattering			0
<b>Measurers of Lumber -One Year</b> <i>Vote for Three</i>			
David C. Bennett*	56 Westland Road	Caucus Nominee	134
Barrett W. Gilchrist*	75 Warren Avenue	Caucus Nominee	136
George Amadon	17 Village Road	Caucus Nominee	141
Blanks			132
Scattering			0

- Indicates incumbent

#### **BALLOT QUESTION NO. 1: PROPOSITION 2½ DEBT EXCLUSION**

Shall the Town of Weston be allowed to exempt from the provisions of Proposition two and one-half, so called, the amount required to pay for the bond(s) issued in order to design, engineer, construct and equip the following, including all costs incidental and related thereto: (1) High School/Middle School Wastewater Treatment Facility; (2) Country & Woodland Schools; (3) DPW Equipment Replacement; (4) Drainage Improvements; (5) Town Green Sidewalk Reconstruction; (6) Police Information Systems Upgrade; (7) Fire Ladder Truck Replacement; (8) School Technology Equipment; (9) School Bus Replacement; and (10) High School Bleacher Replacement?

**Yes: 131 No: 41 Blanks: 9**

#### **Corrections to Annual Town Meeting May 8, 2006**

The following Resolution was presented and unanimously accepted:

Resolved: We, the citizens of Weston, assembled in Annual Town Meeting; take notice that Mr. Robert Anthony Nolan is ending twelve years of dedicated service to the Schools and to the Town of Weston as a member of the School Committee.

During his four terms in office, Tony participated in many changes in the Weston Public Schools, most notably the effects of the Massachusetts Education Reform Act, special education legislation, the implementation of the Massachusetts Comprehensive Achievement Tests, and Federal No Child Left Behind mandates.

In championing the education of Weston's children, Tony was an active participant in developing annual budgets that efficiently funded our educational mission; he engaged in many contract negotiations with employees, always seeking to balance the need to attract and retain qualified personnel with the need to keep costs down; he reviewed and rewrote old policies and developed new ones; he advocated for and gained support for the renovation of our facilities before state reimbursements dried up; and he approved many important educational improvements to meet both external mandates and system aspirations.

Tony's civility and respectfulness were both a reminder and an inspiration to all who worked with him. Our town relies on volunteers like Tony whose civic involvement contributes to the fair representation of public interests.

We express our sincere thanks and appreciation to Robert Anthony Nolan for his years of service to the town and his innumerable contributions to the education of Weston's school children.

Further resolved: that this resolution be spread upon the records of the town and a copy sent to Mr. Nolan.

Article 33: Ms. Ann Leibowitz moved to amend the General Bylaws to provide for a Permanent Building Committee.

**SPECIAL TOWN MEETING  
May 7, 2007**

Pursuant to a warrant, duly served, Robert M. Buchanan, the Moderator, called the Special Town Meeting to order at 7:30 P.M. in the auditorium of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service.

The Moderator appointed tellers and swore them to their duties.

Tellers in the Auditorium:

Peter Hill  
David Hutcheson  
Mary Shaw  
Roy Chatalbash

**ARTICLE 1: AMEND FISCAL YEAR 2007 OPERATING BUDGET**

Mr. Douglas Gillespie moved that the Town amend the following line items in the Fiscal Year 2007 Operating Budget adopted under Article 2 of the 2006 Annual Town Meeting and amended under Article 3 at the November 8, 2006 Special Town Meeting, by transferring between line items as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Fire - Hydrant Service	\$48,000	\$42,300	\$(5,700)
Fire - Expenses	186,626	192,326	5,700
Public Works - Salaries	1,509,222	1,489,222	(20,000)
Public Works - Expenses	1,018,773	1,038,773	20,000

**The motion was voted unanimously.**

**ARTICLE 2: AMEND FISCAL YEAR 2007 RECREATION ENTERPRISE BUDGET**

Mr. Douglas Gillespie moved that the Town supplement certain parts of the fiscal year 2007 Recreation Enterprise budget adopted under Article 4 of the 2006 Annual Town Meeting as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Salaries	788,669	903,669	115,000
Expenses	514,482	414,482	(100,000)

And as funding therefor, that \$15,000 be transferred from Recreation Enterprise Fund retained earnings.

**The motion was voted unanimously.**

The following Resolution was presented by Mr. Michael Harrity and unanimously accepted:

The Town of Weston expresses gratitude to the following retiring elected and volunteer officers of the Town of Weston and to the retiring Town employees:

Ms. Mary Anne Rogers, Chairman of the Weston School Committee, expressed gratitude to Wendy Spector for her years of service as a member of the School Committee.

Motion to dissolve Special Town Meeting passes at 7:45 P.M.

**ANNUAL TOWN MEETING**  
*May 7, 2007*

Pursuant to a warrant, duly served, Robert M. Buchanan, the Moderator, called the Annual Town Meeting to order at 8:20 P.M. in the auditorium of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service.

**Article 1:** M. Elizabeth Nolan, Town Clerk read the results of the May 5, 2007, Annual Town Election, which results appear in the report of the Town Election (above).

**Article 2 (1): APPROPRIATE THE FISCAL YEAR 2008 OPERATING BUDGET**

Mr. Douglas Gillespie moved that the several sums of money recommended by the Board of Selectmen for the Fiscal Year beginning July 1, 2007, in accordance with Section 5 of Article II of the General Bylaws, as amended, and set forth in pages 5-8 of the report entitled, "FY08 Recommended Operating Budget," be raised and appropriated for their respective purposes as set forth on said pages, and that the Town transfer the following sums to meet, in part, appropriations made at this Town Meeting:

- a. \$2,000,000 from the Free Cash Account;
- b. \$110,000 from the "Accrued Income, Well Litigation Settlement" account;
- c. \$35,000 from the Cemetery Trust Fund;
- d. \$195,000 from Overlay Surplus; and
- e. \$7,000 from the Josiah Smith Tavern Trust Fund;

and that the Board of Assessors be authorized to use such available funds to meet appropriations in their computation of the tax rate for fiscal year 2008.

Mr. Richard Manley, member of the School Committee and Mr. James Ricotta, member of the Finance Committee spoke in favor of the motion. Mr. Ricotta stated the Finance Committee projects override requests for 2009 and 2010 for \$1.4M and \$1.9M respectively.

**The motion was voted unanimously.**

**Article 2 (2)**

Mr. Douglas Gillespie moved that the Town transfer \$250,000 from the Well Litigation Settlement Account to meet, in part, appropriations made at this Town Meeting:

**The motion was voted unanimously.**

**Article 2 (3)**

Mr. Douglas Gillespie moved that the compensation for the following elected officers of the Town for the fiscal year commencing July 1, 2007, as required by Massachusetts General Laws, Chapter 41, Section 108, be fixed at:

Town Clerk	\$150
Assessors	\$100

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

**The motion was voted unanimously.**

**Article 2 (4)**

Mr. Douglas Gillespie moved that five persons be appointed by the Moderator to serve as a Memorial Day Committee in 2008 with authority to expend funds for the 2008 Memorial Day observance from the World War Trust Fund for this purpose.

Responding to questions from the floor, Mr. Gillespie stated that the \$800 to \$900 in the fund was adequate.

**The motion was voted unanimously.**

**Article 2 (5)**

Mr. Douglas Gillespie moved that in purchasing property or equipment, any allowance for turning in or selling other property or equipment may be applied to the purchase price.

**The motion was voted unanimously.**

**ARTICLE 3: APPROPRIATE THE FISCAL YEAR 2008 WATER ENTERPRISE BUDGET**

Mr. Gillespie moved that the Town appropriate from water receipts the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2008, under the provisions of M.G.L. Chapter 44, section 53F½:

Salaries	\$249,496
Expenses	228,280
MWRA Assessment/Water Purchases	1,300,000
Debt Service (non-exempt)	103,189
Capital Outlay	<u>7,500</u>
Total	\$1,888,465

**The motion was voted unanimously.**

**ARTICLE 5: APPROPRIATE THE FISCAL YEAR 2008 BROOK SCHOOL APARTMENTS ENTERPRISE BUDGET**

Mr. Gillespie moved that the Town appropriate from rental receipts the following sums of money to operate the Brook School Apartments during fiscal year 2008, under the provisions of M.G.L. Chapter 44, Section 53F½:

Salaries	\$138,965
Expenses	329,332
Repairs and Replacements	81,955
Payment in lieu of taxes	18,253
Debt Service	<u>252,607</u>
Total	\$821,112

The motion was voted unanimously.

**ARTICLE 6: APPROPRIATE TO STABILIZATION FUND**

Mr. Gillespie moved that the Town raise and appropriate \$250,000 to the Stabilization Fund, as provided under M.G.L. Chapter 40, section 5B, as amended, to be used for any lawful purpose, capital budget program or purpose for which the Town may borrow.

The motion was voted unanimously.

**ARTICLE 7: APPROPRIATE TO POST EMPLOYMENT BENEFITS STABILIZATION FUND**

Mr. Gillespie moved the Town raise and appropriate \$30,000 to the Post Employment Benefits Stabilization Fund, as provided under M.G.L. Chapter 40, section 5B, as amended, to be used for post employment benefits.

The motion was voted unanimously.

**ARTICLE 8: CONTINUE DEPARTMENTAL REVOLVING FUNDS**

Mr. Gillespie moved that the Town continue revolving funds for certain Town departments pursuant to the provisions of M.G.L. chapter 44, section 53E½ for the fiscal year beginning July 1, 2007:

Revolving Fund	Authority to Spend	Revenue Source	Use of Fund	FY08 Budget
Recreation Skating Programs	Recreation Director	Program Fees	Program Costs	\$50,000
Historic Marker	Historical Commission	Program Fees	Costs Related to Purchase of Historic Markers	\$1,500
Josiah Smith Tavern	Town Manager	Rental Fees from Women's Community League	Building Repairs and Maintenance (Improvements)	\$10,000
Council on Aging Special Programs	Council on Aging Director	Program Fees	Program Expenses	\$25,000
Town Building Rentals	Town Manager	Rental Fees, Town Hall, Former Library, Josiah Smith Tavern	Utilities, Cleaning, Building Monitor	\$6,000
Board of Health	Health Director	Insurance Reimbursement, Flu	Vaccine and Medical Supplies, Nurse Salary, Public Health	\$6,000

		Clinics	Education and Outreach	
Affordable Housing Monitoring	Town Manager	Fees from Original Sale and Resale of Affordable Homes	Monitoring Costs, including Salaries and Benefits	\$26,000

The motion was voted unanimously.

**ARTICLE 9: ACCEPT CHAPTER 90 ROAD IMPROVEMENT FUNDS**

Mr. Steve Charlip moved that the Town authorize the Board of Selectmen to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town Ways and authorize the expenditure of \$355,911 and any other sums of money that may be received for the fiscal year commencing July 1, 2007 provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Highway Department.

The motion was voted unanimously.

**ARTICLE 10: APPROVE PROPERTY TAX DEFERRAL INCOME LIMITS**

Mr. Charlip moved that the Town establish a fiscal year 2008 income eligibility limit of \$70,000 under Chapter 421 of the Acts of 2004, An Act Authorizing the Town of Weston to Regulate Certain Property Tax Exemption Eligibility Requirements for the Elderly.

The motion was voted unanimously.

**ARTICLE 11: APPROPRIATE FROM BROOK SCHOOL APARTMENTS STABILIZATION FUND**

Mr. Charlip moved that the Town appropriate \$93,700.85 from the Brook School Apartments Stabilization Fund, as provided under M.G.L. Chapter 40, section 5B, as amended, to be used for exterior repairs to the Brook School Apartments, and further that any amounts that may accrue to said fund as of June 30, 2007 also be appropriated for such purposes.

The motion was voted unanimously.

**ARTICLE 12: APPROPRIATE FOR CAPITAL PROJECTS**

Mr. Michael Harranty moved that the Town raise and appropriate the following sums of money:

Purpose	Amount	Expend Under Direction of:
A. Police Dispatch Area Improvements	\$38,000	Town Manager
B. Police Radio Receivers and Repeater	\$118,000	Town Manager
C. School Equipment	\$49,500	School Committee
D. School - 1 Ton Truck	\$35,000	School Committee
E. Telephone Consultant (Town-Wide)	\$20,000	Town Manager
F. Replace Police Chief's Vehicle	\$29,000	Town Manager

The motion was voted unanimously.

**ARTICLE 13: APPROPRIATE FOR FEASIBILITY STUDY FOR RENOVATIONS TO POLICE STATION**

Mr. Harrity moved that the Town raise and appropriate \$30,000 for the cost of architectural services for plans and specifications for repairs and improvements to the Police Station, to be spent under the direction of the Town Manager.

Ms. Sarah Benjamin, chairmen of the Permanent Building Committee, spoke in favor of the motion.

**The motion was voted unanimously.**

**ARTICLE 14: APPROPRIATE FOR DEPARTMENT OF PUBLIC WORKS EQUIPMENT REPLACEMENT**

Mr. Harrity moved that the Town appropriate \$265,000 for the cost of departmental equipment for the Department of Public Works and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under authority of M.G.L. Chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

**The motion was voted unanimously.**

**ARTICLE 15: APPROPRIATE FOR DRAINAGE IMPROVEMENTS**

Mr. Harrity moved that the Town appropriate \$200,000 to construct or reconstruct surface drains, and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

**The motion was voted unanimously.**

**ARTICLE 16: APPROPRIATE FOR TOWN GREEN SIDEWALK RECONSTRUCTION**

Mr. Harrity moved that the Town appropriate \$125,000 for the construction or reconstruction of the sidewalk around the Town Green, and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

**The motion was voted by a 2/3 majority as declared by the Moderator.**

**ARTICLE 17: APPROPRIATE FOR POLICE INFORMATION SYSTEMS UPGRADE**

Mr. Harrity moved that the Town appropriate \$175,000 for the purchase and installation of computer hardware and software for the implementation of a Police information system, and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

Responding to inquires from Town Meeting members, Mr. Harrity stated that the software and hardware had specific requirements and that the Selectmen and the Town's technicians interviewed five companies. Mr. Marvin Wolfenthal stated there were companies that specialized in this area.

**The motion was voted by a 2/3 majority as declared by the Moderator.**

**ARTICLE 18: APPROPRIATE FOR FIRE LADDER TRUCK REPLACEMENT**

Mr. Harrity moved that the Town appropriate \$700,000 for the cost of departmental equipment for the Fire Department, and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under authority of M.G.L. Chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

Responding to questions from the floor, Mr. Harrity stated the ladder of the fire truck would be able to reach a height of 95 to 105 feet, which is approximately 8 ½ stories. The old fire truck would be traded in but the trade in value was not known.

**The motion was voted by a 2/3 majority as declared by the Moderator.**

**ARTICLE 19: APPROPRIATE FOR SCHOOL TECHNOLOGY EQUIPMENT**

Ms. Wendy Spector, member of the School Committee moved that the Town appropriate \$145,000 for the purchase of computer hardware and other data processing equipment, and all incidental costs related thereto, to be spent under the direction of the School Committee, the money so appropriated to be raised by borrowing under the authority of M.G.L.

Chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

**The motion was voted by a 2/3 majority as declared by the Moderator.**

**ARTICLE 20: APPROPRIATE FOR SCHOOL BUS REPLACEMENTS**

Ms. Joanna Stimpson, member of the School Committee, moved that the Town appropriate \$300,000 for the cost of departmental equipment, and all incidental costs related thereto, to be spent under the direction of the School Committee, the money so appropriated to be raised by borrowing under authority of M.G.L. chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

**The motion was voted by a 2/3 majority as declared by the Moderator.**

**ARTICLE 21: APPROPRIATE FOR HIGH SCHOOL BLEACHER REPLACEMENT**

Mr. Edward Heller, member of the School Committee, moved that the Town appropriate \$335,000 for the cost of departmental equipment, and all incidental costs related thereto, to be spent under the direction of the School Committee, the money so appropriated to be raised by borrowing under authority of M.G.L. chapter 44, section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes thereof.

Ms. Mary Ellen Sikes speaking against the motion, stated bleachers are not athletic facilities and are just for the comfort of spectators, and that spectators could bring their own chairs. When asked if the seating capacity would be expanded, Mr. Heller said the capacity would be comparable and that there would be no restrooms.

**The motion was voted by a 2/3 majority as declared by the Moderator.**

**ARTICLE 22: APPROPRIATE FOR DOUBLET HILL WATER STORAGE TANK PAINTING**

Mr. Charlip moved that the Town appropriate \$250,000 for the cost of rehabilitation of water departmental equipment, and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under authority of M.G.L. chapter 44, section 8, or any other enabling

authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

**The motion was voted by a 2/3 majority as declared by the Moderator.**

**ARTICLE 23: APPROPRIATE FOR WATER MAIN REHABILITATION PROGRAM**

Mr. Charlip moved that the Town appropriate \$100,000 for the cost of laying and relaying water mains of not less than six inches but less than sixteen inches in diameter, and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under authority of M.G.L. chapter 44, section 8, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

**The motion was voted by a 2/3 majority as declared by the Moderator.**

**ARTICLE 24: APPROPRIATE FOR WELLESLEY STREET WATER PUMP STATION IMPROVEMENT DESIGN**

Mr. Charlip moved that the Town appropriate \$43,500 for the cost of engineering services for plans and specifications for improvements to the Wellesley Street Water Pump Station, and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under authority of M.G.L. chapter 44, section 8, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

Responding to a question from the floor, Mr. Charlip stated the pump station was currently being used.

**The motion was voted unanimously.**

**ARTICLE 25: RESCIND BOND AUTHORIZATION**

Mr. Charlip moved that the Town rescind all or a part of the following authorizations to borrow funds, which were approved in a prior year, where the purpose of the borrowing has been completed and/or it was unnecessary to borrow the amount approved:

Article 7	October 11, 2000	Special Town Meeting Affordable Housing	\$120,000
Article 25		May 12, 2003 Annual Town Meeting School Vehicles	\$9,000

**The motion was voted unanimously.**

**ARTICLE 26: CITIZENS' PETITION: APPROVE HOME RULE PETITION: SALE OF WINE IN THE TOWN OF WESTON**

Ms. Maria Forbes moved that the Town petition the General Court for a special act providing that legislation be adopted as set forth in Article 26 of the Warrant; and further, to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition.

Mr. Suren Avedisian, general manager of Omni Foods discussed Ms. Forbes' motion, stating the license to sell wine was limited and would apply only to Omni Food Store. Speaking in favor of the motion, Alice Rich told the Town Meeting members that selling wine is natural and good business in the Town, Ed Coburn stated any opposition to the motion based on underage drinking concerns was a red herring as underage drinkers were not looking to drink wine and that underage drinking occurs both in and outside of the Town. Opposing the motion, Isabel Ferguson urged the motion be rejected because: it would make the purchase of alcohol more convenient; the motion, driven by Omni Foods, allows Omni to have a monopoly in the Town. Julia Bensen acknowledged that underage drinking occurs regardless of the license to sell wine, but asked Members to consider the message to the young residents.

Motion passes: 106 yeas 71 Nays

**The motion was voted but not unanimously.**

**ARTICLE 27: APPROPRIATE FOR FISCAL YEAR 2008 COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET**

Mr. Brian Donohue, member of the Community Preservation Committee moved that the Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2008 Community Preservation budget and appropriate from the Community Preservation Fund:

\$75,000 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2008, such sum to be transferred from FY08 estimated annual revenues;

and further, that the Town reserve for appropriation the following amounts as recommended by the Community Preservation Committee, such sums to be transferred from the Community Preservation Fund, FY08 estimated annual revenues:

\$1,800,000 for the acquisition, creation and preservation of open space excluding land for recreational use;

\$800,000 for the acquisition, preservation, rehabilitation and restoration of historic resources; and

\$400,000 for the creation, preservation and support of community housing;

and further, that the following amounts be appropriated for payment of principal and interest payments on Community Preservation projects previously approved by town meeting:

\$307,500 related to the purchase of Open Space known as the Sunday Woods parcel, which was approved for purchase under Article 6 of the May 2002 Annual Town Meeting, said sum to be transferred from the Open Space Reserve of the Community Preservation Fund;

\$305,049 related to the expansion of the Brook School Apartments, approved under Article 19 of the May 2004 Annual Town Meeting, said sum to be transferred from the Community Housing Reserve of the Community Preservation Fund; and

\$638,938 related to the purchase of Open Space known as the Case Estates land, which was approved for purchase under Article 1 of the November 8, 2006 Special Town Meeting, said sum to be transferred from the Open Space Reserve of the Community Preservation Fund.

**The motion was voted unanimously.**

**ARTICLE 28: APPROPRIATE FOR OPEN SPACE - FIELD PRESERVATION**

Mr. Donohue moved that the Town appropriate \$20,000 for the preservation of open space under the Community Preservation Program, to be used for the preservation of several fields under the jurisdiction of the Conservation Commission, said sum to be transferred from the Open Space Reserve of the Community Preservation Fund.

**The motion was voted unanimously.**

**ARTICLE 29: APPROPRIATE FOR OPEN SPACE - PRESERVATION OF RECREATION AREAS**

Mr. Donohue moved that the Town appropriate \$1,000,000 for open space purposes under the Community Preservation Program, to preserve existing recreation areas and create land for recreational use on property under the jurisdiction of the Board of Selectmen and School Committee, said sum to be spent under the direction of the Town Manager, said sum to be transferred from the Open Space Reserve of the Community Preservation Fund.

Mr. Hastings discussed the Recreation Master Plan Steering Committee recommendations. Mr. Phil Saunders, objecting to the motion, stated that the CPA was for conservation land and that this expenditure was for normal maintenance and that funds should be from the general budget or, if necessary, bonded. Mr. Saunders further stated if it were known at the time the CPA tax was proposed that the CPA tax would be used as general funds, he would have voted against it. Although the expenditure was permitted under the letter of the law, he urged Town Meeting members to vote against it.

**The motion was voted but not unanimously.**

**ARTICLE 30: APPROPRIATE FOR HISTORIC RESOURCES - FISKE LAW OFFICE**

Ms. Morra moved that the Town appropriate \$28,000 for historic resource purposes under the Community Preservation Program, to be used for the rehabilitation and restoration of the Isaac Fiske Law Office, located at 598 Boston Post Road, to be spent under the direction of the Town Manager, said sum to be transferred from the Historic Resources Reserve of the Community Preservation Fund.

**The motion was voted but not unanimously.**

**ARTICLE 31: APPROPRIATE FOR HISTORIC RESOURCES - MELONE HOMESTEAD**

Ms. Morra moved that the Town appropriate \$85,000 for historic resource purposes under the Community Preservation Program, to be used for the rehabilitation and restoration of the Melone Homestead, located at 27 Crescent Street, to be spent under the direction of the Town Manager, said sum to be transferred from the Historic Resources Reserve of the Community Preservation Fund.

**The motion was voted unanimously.**

**ARTICLE 32: APPROPRIATE FOR HISTORIC RESOURCES - JOSIAH SMITH TAVERN AND OLD LIBRARY FEASIBILITY STUDY**

Ms. Morra moved that the Town appropriate \$35,000 for historic resource purposes under the Community Preservation Program, for the cost of architectural services for plans and specifications for the preservation, restoration, and re-use of the Josiah Smith Tavern and Old Library buildings, to be spent under the direction of the Town Manager, said sum to be transferred from the Historic Resources Reserve of the Community Preservation Fund.

Ms. Morra yielded to Mr. Al Aydelott, member of the Historical Commission, who explained the funds requested were to be used to hire a consultant.

**The motion was voted unanimously.**

**ARTICLE 33: APPROPRIATE FOR HISTORIC RESOURCES - EVALUATION OF OLD LIBRARY - ARCHIVES**

Ms. Pamela Fox, member of the Community Preservation Committee, moved that the Town appropriate \$2,500 for historic resource purposes under the Community Preservation Program to be used to evaluate the Old Library for adaptive re-use as a centralized Town archives facility, to be spent under the direction of the Town Manager, said sum to be transferred from the Historic Resources Reserve of the Community Preservation Fund.

Ms. Fox yielded to Carol Snow, chairman of the Historic Archives Committee, who discussed the motion.

**The motion was voted unanimously.**

**ARTICLE 34: APPROPRIATE FOR HISTORIC RESOURCES - CASE ESTATES BUILDING**

Mr. Brian Donohue moved Article 34 be passed over and so disposed.

**The motion was voted unanimously.**

**ARTICLE 35: APPROPRIATE FOR COMMUNITY HOUSING - AFFORDABLE HOUSING CONSULTANT**

Mr. Gillespie moved that the Town appropriate \$25,000 for community housing purposes under the Community Preservation Program, to support community housing by retaining an affordable housing consultant to assist the Town in developing and proposing strategies to create affordable housing, to be spent under the direction of the Town Manager, said sum to be transferred from the Community Housing Reserve of the Community Preservation Fund.

**The motion was voted unanimously.**

**ARTICLE 36: APPROPRIATE FOR COMMUNITY HOUSING - HOUSING STAFF ASSISTANCE**

Ms. Sarah Rhatigan, member of the Community Preservation Committee, moved that the Town appropriate \$10,000 for community housing purposes under the Community Preservation Program, in order to provide funds for staff assistance for the creation, preservation, and support of community housing, to be spent under the direction of the Town Manager; said sum to be transferred from the Community Housing Reserve of the Community Preservation Fund.

Mr. Edward Coburn, member of the Weston Affordable Housing Foundation, Inc, [WAHFI] spoke in favor of the motion.

**The motion was voted unanimously.**

**ARTICLE 37: ACCEPT CHAPTER 73, SECTION 4 OF THE ACTS OF 1986 (INCREASE IN PROPERTY TAX EXEMPTION LIMITS)**

Mr. Harrity moved the Town accept, for Fiscal Year 2008, the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, which amends chapter 59 of the Massachusetts General Laws relative to real estate property tax exemptions and approve an increase in the amount of 100 percent for each eligible exemption.

**The motion was voted unanimously.**

**ARTICLE 38: AMEND THE ICE SCHOLARSHIP AWARD**

Ms. Wendy Spector moved that the vote under Article 29 of the Annual Town Meeting, May 9, 1990, which established the ICE Award in honor of Peter J. Foley be amended by renaming the award to the Peter J. Foley ICE Award and changing the description of the award by inserting the underlined text as shown in the warrant.

1. The purpose of the Award is to exemplify the philosophy of Coach Peter J. Foley by recognizing involvement, commitment and effort in athletics. The award recognizes students who have been able to grow as athletes during their four years in high school by exhibiting consistent involvement, commitment and effort.
2. The Award is to be presented to one boy and one girl in the high school senior class selected by a committee composed of the High School Principal, Athletic Director, Head of the Guidance Department and one Weston Booster representative from nominees proposed by coaches of varsity sports. The Coach of each varsity sport shall nominate to such committee as candidates for the Award a boy or girl, or a boy and a girl if the sport is co-ed, from among the participants in such varsity sport.
3. Each recipient of the Award shall receive a plaque evidencing the Award, the cost of which shall be paid from the income of the fund, and one-half of the remainder of the annual income earned to March first on the trust fund to be used to further their education.
4. All gifts and donations received into the Award are to be placed in trust with the Commissioners of Trust Funds of the Town who shall invest and reinvest the same in accordance with law.

**The motion was voted unanimously.**

The Moderator accepted a motion to dissolve the Annual Town Meeting.

Motion to dissolve 2007 Annual Town Meeting passes.

**SPECIAL TOWN MEETING  
November 28, 2007**

Pursuant to a warrant, duly served, Robert M. Buchanan, the Moderator called the Special Town Meeting to order at 7:30 P.M. in the auditorium of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service.

The Moderator appointed tellers and swore them to their duties.

Tellers in the Auditorium:

David Hutcheson  
Cortland Mathers  
Jamie Monovoukas  
Bea Forman

The Moderator welcomed visitors and outlined procedures to be followed; warned about brevity; and requested citizens to give their names and addresses before speaking.

**ARTICLE 1: AMEND FISCAL YEAR 2008 OPERATING BUDGET**

Mr. Charlip moved that the Town amend the following line items in the Fiscal Year 2008 Operating Budget adopted under Article 2 of the 2007 annual town meeting as follows:

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

**The motion was voted unanimously.**

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

Mr. Harranty moved that the Town raise and appropriate \$210,000 for the purpose of removing arsenic contaminated soil on Town-owned land, including testing and other engineering services, as well as the actual removal and replacement of soil, and all other incidental costs related thereto; to be spent under the direction of the Town Manager.

**The motion was voted unanimously.**

**ARTICLE 3: APPROPRIATE FOR FIELD SCHOOL ENGINEERING STUDY:**

Mr. Heller, member of the School Committee, moved that the Town raise and appropriate \$40,000 for the cost of engineering services and all other incidental costs related thereto, for the purpose of evaluating the physical condition of the Field School; to be spent under the direction of the School Committee.

Mr. Heller, responding to a question from the floor, discussed the deterioration and failure of structural elements of Field School.

**The motion was voted.**

**ARTICLE 4: APPROPRIATE INSURANCE PROCEEDS:**

Mr. Charlip moved that the Town appropriate \$26,507 to the use of the Department of Public Works for the replacement of a vehicle, the money so appropriated to be transferred from the account "Receipts Reserved for Appropriation, Insurance Reimbursement in Excess of \$20,000."

**The motion was voted unanimously.**

**ARTICLE 5: AMEND FISCAL YEAR 2008 WATER ENTERPRISE BUDGET:**

Mr. Charlip moved Article 5 be passed over and so disposed:

Mr. Charlip, responding from an inquiry from the floor, explained the accounting had not been finalized at the time of Special Town Meeting.

**The motion was voted unanimously.**

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

Mr. Harrity moved that the Town raise and appropriate \$210,000 for the purpose of removing arsenic contaminated soil on Town-owned land, including testing and other engineering services, as well as the actual removal and replacement of soil, and all other incidental costs related thereto; to be spent under the direction of the Town Manager.

Mr. Harrity yielded to Robert Fronk, member of the Permanent Building Committee who described the progress of the new DPW facility proposal since 2006 Annual Town Meeting and the need for additional funds for completion of the full design of a new facility. Mr. Harrity stated the Selectmen anticipated a request for an approximate construction cost of \$18M would be considered during a Special Town Meeting in November of 2008. Mr. Jim Ricotta, member of the Finance Committee described the impact of such a future construction project on the Town's debt service and theoretical impact on an average real estate tax bill. Mr. Craig Hattabaugh, spoke in opposition to Mr. Harrity's motion, stating support for a new DPW facility but that the proposal presented to Town Meeting members was too large in scope, too expensive and that certain assumptions presented were incorrect. Mr. Thomas Boyle objecting to the cost and design of the project, informed the Meeting members his objection was based on his experience and expertise as owner and operator of large trucking fleet and related facilities. Ms. Carol Norquist, Ms. Stephanie Kelly, Mr. Daniel Santangelo, Ms. Stacy Brenner, Ms. Nina Danforth all spoke in opposition to the motion, citing various objections to the size, expense, and design layout. Mr. Jack Obusek, an abutter to the DPW site, spoke in support of the motion, informing Town Meeting members that his Golden Ball Road neighborhood abutted the DPW site and as abutters, worked extensively with the design committee to mitigate the impact of the new facility on the neighborhood. Ms. Judy Nitsch joined Mr. Obusek in support of the motion.

**Although the motion needed a 2/3 majority to pass, Mr. Harrity's motion was defeated, yeas 59, nays 101.**

**ARTICLE 7: AMEND GENERAL BYLAWS: NON-CRIMINAL DISPOSITION**

Mr. Charlip moved that the Town's General Bylaws be amended by deleting Article V, Penalties and replacing it with the following:

"Article V  
Penalties

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

Section 2. Non-Criminal Disposition

(a) Scope and Authority

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

(b) Enforcing Person

"Enforcing person," as used in this Bylaw, shall mean any police officer of the Town of Weston, with respect to any offense; the Fire Chief and his or her designees; the Building Inspector and his or her designees; the Public Health Director and his or her designees; the Director of Operations, Department of

Public Works and his or her designees; the Sealer of Weights and Measures and his or her designees; the Dog Officer; and such other officials as the Board of Selectmen or Bylaw may from time to time designate, each with respect to violation of Bylaws within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

(c) Fines

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

First violation: Warning

Second violation: \$100

Third violation: \$200

Fourth and subsequent violations: \$300

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

Mr. Charlip thanked Town Meeting members for their input and recommendations on the proposed Bylaw, which was revised to reflect many of those concerns and issues. Mr. Charlip further explained the Non-Criminal Disposition bylaw only would apply to violations of the Town Bylaws, not rules and regulations promulgated by various Town Boards and Commissions, nor would it apply to violations of state law. Mr. Tony Davies, although in favor of the motion, concerned that citizens would be subject to repeated, daily fines, until the violation was corrected, asked how to stop the clock running and daily tickets being issued before the violation was corrected. Town Counsel John Giorgio explained that although every day that a violation existed it would be a separate offense, and subject to daily ticketing, the intent was not to be punitive. The enforcing person would consider the intent of the violator, and had discretion to consider the seriousness of the violation, the effect on persons, property and safety, and also if a goodwill effort was being made by the violator to remedy the violation or if the continued violation was the result of bad action. Examples of abused bylaws included zoning, construction, and dog violations.

**A motion to cut off debate was made, 2/3 vote needed to cut off debate.**

**Motion failed, yeas 75, nays 75.**

Ms. Diana Chaplin spoke in opposition to Mr. Charlip’s motion, citing data from other towns. Ms. Chaplin, objecting to the uniformity of fines, gave examples how different violations are fined in proportion to the seriousness of the offense. Ms. Chaplin urged the Town Meeting members to reject this Bylaw as presented. Mr. Mario Alagna told meeting members he had read all of the Bylaws and various Rules and Regulations and was opposing the motion because the Rules and Regulations were extensions of the Bylaws, therefore the rules and regulations passed without Town Meeting oversight would be subject to enforcement under the Non-Criminal Disposition Bylaw. Also speaking in opposition: Mr. Warren Norquist, who stated the appeal process needed to be improved, and Mr. Edwin Brush, who felt the Selectmen had the authority to change the scope of the bylaw and enforcement personnel without Town Meeting approval. Mr. John Fiske voiced his support for the Bylaw citing the great discretion given to the enforcement personnel.

**The motion was voted: yeas 82, nays 61.**

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

Mr. Donohue, member of the Community Preservation Committee, moved that the Town appropriate \$50,000 for historic resource purposes under the Community Preservation Program, for the cost of architectural services for plans and specifications for the preservation, restoration, and re-use of the Josiah Smith Tavern and Old Library buildings, to be spent under the direction of the Town Manager, said sum to be transferred from the Historic Resources Reserve of the Community Preservation Fund.

Mr. Donohue yielded to Mr. Andy Marvel who described the progress and possibilities for re-use of the Josiah Smith Tavern and the old library building. Ms. Marcia Lipcomb, member of the Weston Community League, described the relationship of the Community League to the Town, and how the Community League supported the proposed

changes to the buildings. Mr. Jeffrey Cone inquired if the committee had considered the issue of obtaining a liquor license, and whether consideration was given to a teen center on the site. Mr. Marvel replied that a full liquor license would be pivotal to the success of the restaurant, and that a teen center was not considered a "good fit" for that particular site. Ms. Chantal Buchanan asked if the proposal would require the removal of Tavernside Park Playground for use as a parking lot. Mr. Marvel stated the purpose of the motion was to allow exploration of the issues, including the issue of parking and the playground site.

**The motion was voted by a 2/3 majority as declared by the Moderator.**

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

Mr. Al Aydelott, member of the Josiah Smith Tavern and Old Library Committee moved that the Town amend the Zoning Map by rezoning Assessors' parcel 23-27 (358 Boston Post Road) which contains the Josiah Smith Tavern and Assessors' parcel 22-27 (356 Boston Post Road) which contains the Old Library building, from Single Family Residence District "A" to Business District "B."

**The motion was voted by a 2/3 majority as declared by the Moderator.**

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

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

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

**The motion was voted unanimously.**

**Motion to dissolve Special Town Meeting passes at 10:55 PM.**