

**TOWN RECORDS 2003
(Condensed)**

**ANNUAL TOWN ELECTION
May 12, 2003**

Pursuant to a warrant duly served, the Annual Town Election was called to order in the Town Hall Auditorium by Warden Beverly Shepherd at 8 a.m. on May 12, 2003, for the election of Town Officers. Mrs. Shepherd swore the election officers to the faithful performance of their duties.

Total ballots cast were as follows:

Precincts 1 & 2	577
Precincts 3 & 4	<u>389</u>
TOTAL	966

Of the 459 ballots cast, 75 or 7.76% were cast by absentee ballot.

The results of the election were as follows:

Moderator - One Year			
Robert M. Buchanan*	111 Summer Street	Caucus Nominee	803
Blanks			158
Scattering			<u>5</u>
Selectman - Three Years			
Edward C. Michaud, Jr.	2 Sudbury Road	Caucus Nominee	199
Joan B. Vernon.	80 Fairview Road	Caucus Nominee	715
Blanks			50
Scattering			<u>2</u>
Assessors - Three Years <i>Vote for Two</i>			
Gary C. Koger	20 Pond Brook Circle	Caucus Nominee	616
Phyllis R. Kominz	233 Glen Road	Caucus Nominee	657
Blanks			658
Scattering			<u>1</u>
Assessor - Two Years			
Susan L. Kannenberg	115 Meadowbrook Road.	Caucus Nominee	372
Alan T. Orth	17 Warren Lane	Caucus Nominee	516
Blanks			78
Scattering			<u>0</u>
Assessor - One Year			
Michael Hoopes Harrity	695 Boston Post Road	Caucus Nominee	669
Blanks			296
Scattering			<u>1</u>
School Committee - Three Years <i>Vote for Two</i>			
Robert Anthony Nolan*	693 Boston Post Road	Caucus Nominee	703
Maryanne R. Rogers	9 Lanes End Road	Caucus Nominee	676
Blanks			547
Scattering			<u>6</u>

* Indicates incumbent

School Committee - Two Years			
Bella T. Wong	334 South Avenue	Caucus Nominee	709
Blanks			255
Scattering			2
Recreation Commission - Three Years <i>Vote for Two</i>			
Gregory Czarnowski*	87 Brook Road	Caucus Nominee	698
Robert C. Millen, Jr.*	427 Conant Road	Caucus Nominee	745
Blanks			486
Scattering			3
Planning Board - Five Years			
Lee C. Fernandez*	16 Love Lane.	Caucus Nominee	684
Blanks			281
Scattering			1
Scattering			1
Planning Board - Two Years			
David O. Mendelsohn*	33 Spruce Hill Road	Caucus Nominee	689
Blanks			276
Scattering			1
Library Trustees - Three Years <i>Vote for Two</i>			
William D. Hartman*	90 Montvale Road	Caucus Nominee	692
Charles G.. (Tod) Foote*	324 Merriam Street	Caucus Nominee	714
Blanks			526
Scattering			1
Board of Health -Three Years			
Peter K. Taylor*	33 Conant Road	Caucus Nominee	698
Blanks			268
Scattering			0
Commissioner of Trust Funds - Three Years			
Thomas E. Bator*	78 School Street	Caucus Nominee	684
Blanks			282
Scattering			0
Measurers of Lumber -One Year <i>Vote for Three</i>			
David C. Bennett*	56 Westland Road	Caucus Nominee	633
Barrett W. Gilchrist*	75 Warren Avenue	Caucus Nominee	628
Rosemary Broton Boyle*	261 Merriam Street	Caucus Nominee	627
Blanks			1004
Scattering			6

QUESTION NO. 1:

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) Retaining Wall Rehabilitation-Church Street; (2) Drainage Rehabilitation-Pond Brook Circle/ Ledgewood Road; (3) Case Complex - Traffic Safety and Parking Improvements; (4) Road Improvements; (5) DPW Repairs-Environmental Compliance Audit Phase I; (6) Resurfacing of the High School Track; (7) School Bus Replacement; and (8) DPW Vehicle Replacement?

Yes: 683 No: 217 Blanks: 66

SUMMARY

State law provides for an exemption from the limits of Proposition 2 ½ of the amounts required to pay for the debt service for bond issues approved by the voters.

Question 1 would so exempt the debt service for the bonds that will be issued for the following purposes:

1.	Retaining Wall Rehabilitation - Church Street	\$100,000
2.	Drainage Rehabilitation - Pond Brook Circle/Ledgewood Road	\$300,000
3.	Case Complex, Traffic Safety and Parking Improvements	\$150,000
4.	Road Improvements	\$100,000
5.	DPW Repairs-Environmental Compliance Audit Phase I	\$85,000
6.	Resurfacing of the High School Track	\$150,000
7.	School Bus Replacement	\$150,000
8.	DPW Vehicle Replacement	<u>\$130,000</u>
	Total	\$1,165,000

The annual debt service for these projects will be approximately \$229,000 in FY04, decreasing each year over the following 10 year period. This exemption shall be deemed approved if a majority of the persons voting thereon vote "yes."

SPECIAL TOWN MEETING

May 12, 2003

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:	John Carusone	Lisa Carusone
	Jonathon Lurie	Jacqueline Haas

ARTICLE 1: Mr. Douglas Gillespie moved: that the Town amend and supersede certain parts of the FY03 operating budget adopted under Article 4 of the 2002 Annual Town Meeting and amended under Article 1 of the November 2002 Special Town Meeting, by deleting amounts of money appropriated under some of the line items and appropriating new amounts:

	Changing From	Changing To
Facilities Maintenance, Salaries	\$59,145	\$53,145
Facilities Maintenance, Expenses	\$62,677	\$68,677
Fire, Hydrant Service	\$252,194	\$42,194
DPW, Snow and Ice Control	\$117,300	\$327,300
Recreation, Salaries	\$555,182	\$580,182
Recreation, Expenses	\$213,975	\$188,975

The motion was adopted by a voice vote.

ARTICLE 2: Mr. Douglas Gillespie moved: that the Town amend and supersede certain parts of the FY03 Water Enterprise budget adopted under Article 3 of the 2002 Annual Town Meeting and amended under Article 3 of the November 2002 Special Town Meeting, by deleting amounts of money appropriated under some of the line items and appropriating new amounts:

Changing	Changing
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	<u>From</u>	<u>To</u>
MWRA Assessment/Water Purchases	\$975,000	\$992,151

And that \$17,151 be appropriated from free cash as supplemental funding therefore.

The motion was adopted by a voice vote.

ARTICLE 3: Mr. Douglas Gillespie moved: to appropriate the sum of \$24,626.45 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 adopted by a voice vote.

A *motion to dissolve* Special Town Meeting **was adopted** at 7:40 P.M.

During the period between the end of the Special Town Meeting and the beginning Annual Town meeting the following two resolutions were adopted:

Resolved: We, the citizens of Weston assembled in Annual Town Meeting; take notice that **Dr. John A. Stayn** has given notice of retirement after forty years of service to the Town.

John served first as a High School Science teacher and for the past thirty-three years as Assistant Superintendent for Business Services. He was also a high school assistant principal and twice the Acting Superintendent of Schools. He has been responsible for the fiscal and physical condition of the school system including the oversight of budgets, the renovation of Field School, the renovation and expansion of the High School, Middle School and Woodland School, the building of the new Country School, the creation and maintenance of playing fields, represented the Town in collective bargaining and has overseen the transportation of thousands of Weston school children to and from school. In addition he has served as trusted advisor to superintendents and School Committees. His intelligence, knowledge, integrity, sense of humor and gentle manners will be missed by all.

We express our sincere thanks and appreciation to John for his years of dedicated service to the town and his innumerable contributions to the education of Weston School Children.

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

Resolved: We, the citizens of Weston assembled in Annual Town Meeting; take notice that **Dr. Richard Houde** has decided to retire from the Weston Schools.

Richard was hired thirty-one years ago as a Mathematics Department Head and teacher. He proceeded to inspire students and colleagues alike to learn and love this discipline. Seventeen years later he became Assistant Superintendent for Curriculum and Instruction. In this capacity he has led and successfully established Weston through a new era of Educational Reform including the mandated lengthening of the school day, the institution of curriculum standards at every grade, and the implementation of the Massachusetts Comprehensive Assessment System (MCAS) tests. He has been responsible for the establishment of improved and more efficacious curricula, school configurations, innovative programs and the mentoring and professional development of a new generation of faculty members.

All who know Richard will miss his intelligence, good humor and optimism; we are most grateful for his dedication and contribution to the students and the educational system of Weston and the town as a whole.

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

Mr. Gillespie expressed gratitude to the following individuals who have left or are leaving office:

<u>Elected Officers:</u>	<u>Office or Committee</u>	<u>Served Since</u>
Ripley Hastings	Board of Selectmen	1997
Phyllis Goodman	Board of Assessors	1997
Peter Casey	Board of Assessors	(appointed to fill a vacancy in 2002)
Darcy Lettieri	School Committee	1997
Claudia Birnbaum	School Committee	1999
Katharine Smith	School Committee	(appointed to fill a vacancy in 2003)
G. Roger Lee	Planning Board	1990
James R. Nichols	Commissioners of Trust Funds	1976

Officers and Committee members appointed by the Selectmen

Connie Davis	Alcohol & Drug Education Advisory Committee	1996
Eugenia Masland	Council on Aging	2001
Imogene Fish	Conservation Commission	1991
	<i>and</i> Community Preservation Committee	2001
Charles Whitney	Conservation Commission	1995
Joseph Ferguson	Cultural Council	1999
Christine Martin	Cultural Council	1996
Mary M. Pughe	Historical Commission	1991
Joseph W. Mullin	Housing Needs Committee	1999
	<i>and</i> Community Preservation Committee	2001
Ronald Benotti	Committee on Safety and Flow of Pedestrian and Vehicular Traffic	1994
Chantal Buchanan	Traffic Advisory Committee	2000

Appointed by Moderator

William Cress	Elderly Housing Committee	1995
Barbara J. Hill, Esq.	Finance Committee	1999
Mark Horowitz	Weston International Affiliation Committee	1999
Colin Harley	Weston International Affiliation Committee	2000
Harry B. Jones	Weston War Memorial Educational Fund Committee	1957

The following committees were discharged with thanks for having completed their required duties:

Assessing Review Committee (Created 2002)

Joan B. Vernon, Chair	Phyllis S. Kominz
Robert E. Buonato	Ann G. Leibowitz
Steven L. Charlip	Carol Lutz Norquist
James T. Jensen	Eric Josephson, Chief Assessor
Carl F. Valente, Town Manager	

Committee To Study Employee Health Insurance Matters *(Created in 1994)*

Joseph Ambash

Peter Yozell

Committee to Advise on the Community Preservation Act

(Created in 2000 – prior to that it was the Committee to study Proposals for a Land Bank -- created 1997 following dissolution in 2001 it was replaced by a current Community Preservation Committee with somewhat different membership)

Robin Reisman, Chair

Lenore Zug Lobel

George P. Bates

Kay McCahan

Robert D. Brown

Joseph W. Mullin

Diana Chaplin

Ned Rossiter

Pamela W. Fox

Sherley Smith

Community Center Study Committee *(created in 1978)*

Blake Munson

Linda Perrin

Both have been on the committee since its inception

ANNUAL TOWN MEETING

May 12, 2003

Pursuant to a warrant, duly served, Robert M. Buchanan, the Moderator called the Annual Town Meeting to order at 7:45 P.M. in the auditorium of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service.

ARTICLE 1: M. Elizabeth Nolan, Town Clerk read the results of the May 12, 2003 Annual Town Election, which results appear in the report of the Town Election (above).

ARTICLE 2: Mr. Douglas Gillespie moved: that the Town accept M.G.L. Chapter 44, Section 53F½ establishing a Recreation Enterprise Fund, to be effective for fiscal year 2004.

Mr. Gillespie explained to Town Meeting members that the Recreation Enterprise Fund would be funded by both Town funds (30%) and recreation fees (70%).

The motion was adopted by a voice vote.

ARTICLE 3: Mr. Gillespie moved: that the Town raise and appropriate the following sums of money to operate the Recreation Department during fiscal year 2004, under the provisions of M.G.L. Chapter 44, Section 53F½

Salaries	\$653,437
Expenses	377,690
Community Center	<u>64,200</u>
Total	\$1,095,327

The motion was adopted by a voice vote.

ARTICLE 4: Mr. Gillespie moved: that the Town accept the provisions of M.G.L. Chapter 59, Section 2A(a), allowing the Assessors to include for the purpose of taxation, those buildings, structures and other physical improvements that are erected on or affixed to land during the period beginning on January 2 and ending on June 30 of the fiscal year preceding that to which the tax relates.

The motion was adopted by a voice vote.

ARTICLE 5: Mr. Gillespie moved (1): that the several sums of money recommended by the Board of Selectmen for the Fiscal Year beginning July 1, 2003, in accordance with Section 5 of ARTICLE II of the General By-laws, as amended, and set forth in pages 5-8 of the report entitled, "FY04 Recommended Operating Budget," be raised and appropriated for their respective purposes as set forth on said pages, with the following exceptions:

- On page 8 of said report delete all amounts under the titles, "Cultural and Leisure Services, Recreation" and change the Total Cultural and Leisure Services to \$888,149.
- On page 8 of said report change Total Budget Appropriations to \$43,197,563.
- And that \$86,246 be funded by appropriating the balances from the following Continuing Balance Accounts: \$24,412 from the Playing Field Study accounts; \$10,779 from the Housing Needs Committee account; \$7,307 from the Recycling and Energy Conservation Account; and \$43,748 from the Cemetery Water Line account.

The motion was adopted by a voice vote.

The Budget for Fiscal Year 2004 as approved by the Vote under Article 5(1) of the warrant for the Annual Town Meeting of the Town of Weston on May 12, 2003:

FY04 RECOMMENDED OPERATING BUDGET		
TITLE OF ACCOUNTS⁺		Approved Fiscal Year 2004
UNCLASSIFIED		
Insurance & Fringe Benefits	Insurance, Workers' Compensation	175,000
	Unemployment Compensation	50,000
	Insurance-Group Health/Life, Medicare	5,688,593
	Contributory Retirement-Middlesex	1,652,001
	Insurance-Property & Liability	304,425
	Public Safety - Injured on Duty+	2,400
	Uninsured Losses+	7,500
	Subtotal	7,879,919
Compensated Absence Fund+		7,500
Street Lighting	Expenses	111,300
Reserve Fund		350,000
Debt Service (non-excluded)	Principal & Interest	197,448
TOTAL UNCLASSIFIED		8,546,167
GENERAL GOVERNMENT		
Selectmen/Town Manager	Salaries	302,203
	Expenses	83,521
	Consulting & Professional Services+	25,000
	Subtotal	410,724
Merit Pay	Transfer Account	34,647
Legal	Expenses	141,800
Facilities Maintenance	Salaries	61,228
	Expenses	99,505
	Town Hall Equipment+	5,000

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

	Test/Replace Underground Storage Tanks+	--
	Facilities Improvements-Town-wide+	100,000
	Subtotal	<u>265,73</u>
War Memorial Educational		
Fund Committee	Expenses	1,200
Memorial Day	Expenses	784
TOTAL GENERAL GOVERNMENT		854,888
FINANCE & ADMINISTRATION		
Finance Committee	Expenses	2,320
Finance	Salaries-Elected Officials	500
	Salaries	542,585
	Expenses	120,620
	Revaluation of Real & Personal Property+	-
	Subtotal	<u>663,705</u>
Town Clerk & Registrars	Salary-Elected Official	150
of Voters	Salaries	75,862
	Expenses	12,175
	Subtotal	<u>88,187</u>
Information Systems	Salaries	75,626
	Expenses	96,939
	Computer Hardware & Maintenance+	53,300
	Subtotal	<u>225,865</u>
TOTAL FINANCE & ADMINISTRATION		980,077
PLANNING & LAND USE		
Clerks of Committees	Salaries	90,845
Board of Appeals	Expenses	4,905
Planning Board	Salaries	68,901
	Expenses	37,000
	Subtotal	<u>105,901</u>
Conservation Commission	Expenses	89,350
Historical Commission	Expenses	4,000
Crescent St. Historic District		
Commission	Expenses	100
TOTAL PLANNING & LAND USE		295,101
PUBLIC SAFETY		
Police	Salaries	2,074,932
	Expenses	200,671
	Equipment and Apparatus+	76,000
	Police - Injured on Duty+	-
	Subtotal	<u>2,351,603</u>
Fire	Salaries	1,883,609
	Expenses	148,217
	Hydrant Service	50,000
	Emergency Management+	4,000
	Equipment and Apparatus+	8,000
	Firefighters - Injured on Duty+	-
	Subtotal	<u>2,093,826</u>

Inspectional Services	Salaries	124,058
	Expenses	10,292
	Subtotal	<u>134,350</u>
Traffic Signals	Maintenance & Operation	5,860
Dog Officer	Salaries	4,900
	Expenses	3,000
	subtotal	<u>7,900</u>
TOTAL PUBLIC SAFETY		<u>4,593,539</u>
EDUCATION		
School Department	Salaries	19,069,525
	Instructional, Maint & Other Expenses	3,571,175
	Transportation	966,565
	Subtotal	<u>23,607,265</u>
Minuteman Regional Vocational		
Technical School District	Assessment	54,224
TOTAL EDUCATION		<u>23,661,489</u>
PUBLIC WORKS		
	Salaries	1,454,228
	Expenses	891,303
	Snow and Ice Control	117,300
	Equipment+	-
	Guard Rail Rehab+	-
	Construction of Public Ways+	150,000
	Lexington Street Speed Humps+	-
	Construction of Sidewalks, Bicycle Paths, & Footways+	35,000
	Monitoring Groundwater - Landfill+	27,500
	Recycling & Energy Conservation+	-
	Parks & Cemeteries Improvements+	-
	Subtotal Continuing Balance Accounts	<u>212,500</u>
TOTAL PUBLIC WORKS		<u>2,675,331</u>
HEALTH & HUMAN SERVICES		
Board of Health	Salaries	147,273
	Expenses	9,410
	Mental Health Services	31,722
	Subtotal	<u>188,405</u>
Mosquito Control, E. Middlesex Project	Expenses	29,867
Brook School Apartments	Salaries	89,857
	Expenses	145,912
	Repairs & Replacements+	65,000
	Subtotal	<u>300,769</u>

Council on Aging	Salaries	120,728
	Expenses	10,565
	Senior Work Program	-
	Subtotal	<u>131,293</u>
Youth Counseling Services	Salaries	48,723
	Expenses	765
	Subtotal	<u>49,488</u>
Alcohol & Drug Education		
Advisory Committee	Expenses	2,000
Veterans' Benefits	Expenses	1,000
TOTAL HEALTH & HUMAN SERVICES		702,822
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CULTURAL & LEISURE SERVICES		
Libraries	Salaries	641,920
	Expenses	139,429
	Library Materials	73,995
	Minuteman Library Network+	32,805
	Subtotal	<u>888,149</u>
TOTAL CULTURAL & LEISURE SERVICES		888,149
<hr/>		
TOTAL BUDGET APPROPRIATIONS		43,197,563

Mr. Gillespie moved (2): that the compensation for the following elected officers of the Town for the fiscal year commencing July 1, 2003, as required by Massachusetts General Laws, Chapter 41, Section 108, be fixed at:

The motion was adopted by a voice vote.

Mr. Gillespie moved (3): that five persons be appointed by the Moderator to serve as a Memorial Day Committee in 2004 with authority to expend for the 2004 Memorial Day observance \$784 appropriated for that purpose by previous vote under this Article .

The motion was adopted by a voice vote.

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

The motion was adopted by a voice vote.

ARTICLE 6: Mr. Gillespie moved: that the Town raise and appropriate the following sums of money to operate the Water Division of the DPW during fiscal year 2004; under the provisions of M.G.L. chapter 44, section 53F½:

Salaries	\$218,551
Expenses	0,508
MWRA Assessment/Water Purchases	1,065,000
Debt Service (non-exempt)	79,342
Capital Outlay	<u>75,000</u>
Total	\$1,608,401

Said sum to be funded from water receipts.

The motion was adopted by a voice vote.

ARTICLE 7: Mr. Gillespie moved: that the Town transfer \$1,558,683 from the Free Cash Account (Undesignated Fund Balance), \$198,000 from Overlay Surplus, \$110,000 from the "Accrued Income, Litigation Settlement" account, \$55,000 from the Recreation Special Programs Revolving account, \$30,000 from the Cemetery Trust Fund and \$7,000 from the Josiah Smith Tavern Trust Fund to meet, in part, appropriations made at this Town Meeting, and to authorize the Board of Assessors to use such available funds to meet appropriations in their computation of the tax rate for fiscal year 2004.

The motion was adopted by a voice vote.

ARTICLE 8: 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, 2003:

Revolving Fund	Authority to Spend	Revenue Source	Use of Fund	FY04 Budget
Recreation Special Programs	Recreation Director	Program Fees	Program Costs and Related Building Maintenance	\$ 339,500
Historic Marker	Historical Commission	Program Fees	Costs Related to Purchase of Historic Markers	\$ 1,500
Josiah Smith Tavern	Town Manager	Rental Fees	Building Repairs and Maintenance	\$ 5,500
Council on Aging Special Programs	Council on Aging Director	Program Fees	Program Expenses	\$ 20,000

The motion was adopted by a voice vote.

ARTICLE 9: Mr. Harold Hestnes moved: that the Town support continuing the property tax surcharge of three percent of the taxes assessed annually on real property which shall be dedicated to the Community Preservation Fund, such surcharge to be imposed on taxes assessed for fiscal years beginning on or after July 1, 2004.

Steve Ober stated the Finance Committee needed to get a "sense of Town Meeting" regarding the future continuation of the CPA's 3% surcharge on real estate tax bills. The Finance Committee had no recommendation regarding the surcharge. The Selectmen agreed that a sense of Town meeting was helpful and supported the motion. George Amadon of the Weston Historical Society and Dexter Freeman, Chairman of the Community Preservation Committee, spoke in favor of the motion.

The motion was adopted by a voice vote.

ARTICLE 10: Mr. Dexter Freeman moved: that the Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2004 Community Preservation budget and to appropriate from the Community Preservation Fund:

\$44,000 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2004;

and further, that the Town reserve for appropriation the following amounts as recommended by the Community Preservation Committee:

\$220,000 for the acquisition, creation and preservation of open space excluding land for recreational use;

\$220,000 for acquisition, preservation rehabilitation and restoration of historic resources; and

\$220,000 for the creation, preservation and support of community housing.

The motion was adopted by a voice vote.

ARTICLE 11: Mr. Freeman moved: that the Town appropriate \$336,000 for the principal and interest payments 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.

The motion was adopted by a voice vote.

ARTICLE 12: Mr. Freeman moved: that the Town authorize the Board of Selectmen to acquire by purchase for community housing and historic resource purposes under the Community Preservation Program an affordable housing restriction and an historic preservation restriction in land located at 809-811 Boston Post Road in the Town of Weston, Massachusetts shown as Assessors Map 25, Block 20, containing 3.05 acres more or less, and more fully described in a deed recorded in the Middlesex South Registry of Deeds in Book 12553, Page 255, said restrictions to be held, managed, and controlled by the Historical Commission and/or Board of Selectmen and as funding therefore, to transfer from the Community Preservation Fund Historic Resources Reserve \$225,000 and to transfer from the Community Preservation Fund Community Housing Reserve \$160,000.

Mr. Ned Rossiter, member of the CPA and the Historic Commission, speaking in favor of the motion explained the Town's purchase of an historic preservation restriction on the property would save the house and barn from demotion. The historic preservation restriction would require the facades to remain unchanged from the street view. No fence or planting in the front of the house would be allowed. Richard Batchelder, member of the housing needs committee, supporting the motion explained the affordable housing restriction would be in perpetuity on two of the units. Judy Markland and Alfred Aydelott addressed the concerns of neighbors, stating the CPA committee members and the developer continue to address neighborhood concerns. Mr. John Noone spoke in opposition.

The motion was adopted by a voice vote.

ARTICLE 13: Mr. Hestnes moved: that the Town accept, for Fiscal Year 2004, 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 to approve an increase in the amount of 100 percent for each eligible exemption.

The motion was adopted by a voice vote.

ARTICLE 14: Mr. Ripley Hastings moved: that the Town authorize the Board of Selectmen to lease property owned by the Town, under the care, custody and control of the Board of Selectmen, located at 626 Boston Post Road and shown as Assessors' Map 27, block 49 and constituting the site of the Fiske Law Office, for such term of up to 20 years, and on such terms and conditions as the Board of Selectmen may determine, and to that end, to change the purpose for which the property is held, from being held for general municipal purposes to being held for general municipal purposes and for the purpose of leasing.

This motion would permit certain historic structures, including the Fiske Law Office, to be used for limited conventional purposes. The Fiske Law Office extensive chimney repair was completed and the septic improvement was still in the works.

The motion was adopted by a voice vote.

ARTICLE 15: Mr. Hastings moved: that the Town accept Scotch Pine Road, or portions thereof, which has been constructed pursuant to the requirements of the Town and has been laid out by the Board of Selectmen according to plans on file with the Town Clerk, including the taking or acceptance of easements as shown on said plans.

The motion was passed unanimously.

ARTICLE 16 Mr. Alfred Aydelott moved: That Section IV.B.6 of the Town of Weston Zoning By-Law be amended in order to conform the description of the Personal Wireless Services Overlay District I boundary to the district boundary changes voted as an amendment to Section V.J.3 under Article 12 of the 2001 Annual Town Meeting, by:

(a) deleting entirely the following entry:

"Map 20 & 21: West of Gun Club Lane along Boston & Maine Railroad right of way, Boston Edison Company;" and

(b) substituting for the entry which now reads:

"Map #27, parcel #74: Town of Weston Highway Department and Police Station;"

the following two new entries:

"Map #27, parcel #75-10, Town of Weston Police Station;" and

"A portion of Map #27, parcel #74, described as follows:

All that certain Parcel of land located on the southerly side of Boston Post Road By-pass (Route 20) and described as follows:

SOUTHEASTERLY by land of Town of Weston (Weston Police Station) three hundred seventy-two and 61/100 (372.61) feet;

SOUTHERLY by land of Town of Weston (Weston Highway Department) fifty and 00/100 (50) feet;

NORTHWESTERLY by land of the Town of Weston (Weston Highway Department) three hundred thirty-three (333) feet approximately;

NORTHERLY by land of the Commonwealth of Massachusetts (Boston Post Road By-Pass, Route 20) sixty-five (65) feet approximately;

containing 0.4 acres, more or less, Town of Weston Highway Department."

The motion passed unanimously.

The foregoing Article 16 was approved by the Attorney General of the Commonwealth of Massachusetts on November 12, 2003, and became effective on February 25, 2004.

ARTICLE 17: Mr. Hestnes moved: that the Town raise and appropriate the following sums of money:

Purpose	Amount	Expend Under Direction of:
A Fire Captain's Vehicle	\$40,000	Town Manager
B. Recreation: Pick-up Truck	\$19,000	Town Manager
C. Fire: Alarm Recorder	\$25,000	Town Manager

The motion passed unanimously.

ARTICLE 18 Mr. Gillespie moved: that the Town appropriate \$28,000 for extraordinary repairs at the DPW building, 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 prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loans or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

The motion passed unanimously.

ARTICLE 19 Mr. Gillespie moved: that the Town appropriate \$200,000 for the construction or reconstruction of 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 prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loans or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

The motion passed unanimously.

ARTICLE 20: Mr. Gillespie moved: that the Town appropriate \$100,000 to reconstruct, resurface, alter or make specific repairs to the roadways, and all incidental costs related thereto, to be spent under the direction of the 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 prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loans or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

The motion passed unanimously.

ARTICLE 21: Mr. Gillespie moved: that the Town appropriate \$60,000 for extraordinary repairs to the Library, to be spent under the direction of the Town Manager and Library Trustees, 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 prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loans or loans, all particulars as to form, issue and sale of

said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

The motion passed unanimously.

ARTICLE 22: Mr. Gillespie moved: that the Town appropriate \$200,000 for the purchase and installation of computer hardware, software and other costs related to the implementation of a geographic information system, 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 prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loans or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

Ms. Christine Mendelson, supporting the motion, stated GIS was good software and the Town would benefit from this appropriation.

The motion passed unanimously.

ARTICLE 23: Mr. Gillespie moved: that the Town appropriate \$250,000 for water system equipment, including engineering design and contract administration, 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 8 or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loans or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

The motion passed unanimously.

ARTICLE 24: Mr. Ripley Hastings moved: that the Town appropriate \$925,000 for preventing pollution caused by the Town's closed landfill on Church Street, 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 8 or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loans or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

The motion passed unanimously.

ARTICLE 25: Ms. Maureen Ecker moved: that the Town appropriate \$75,000 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 prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in

conformity to law the period or periods of the loans or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

The motion passed unanimously.

ARTICLE 26: Ms. Ecker moved: that the Town appropriate \$50,000 for the resurfacing of various school roadways and parking areas, 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 prepare, issue and sell bonds and notes of the Town at one time, or from time to time, and to determine in conformity to law the period or periods of the loans or loans, all particulars as to form, issue and sale of said bonds or notes, their annual maturities and the rate and times of payment of interest on them.

Ms. Ecker corrected the explanation in the Town Meeting booklet, which explanation incorrectly included the resurfacing of Alphabet Lane. The resurfacing of Alphabet Lane is not included in the motion.

The motion passed unanimously.

ARTICLE 27: Mr. Hastings moved: that the General By-laws of the Town be amended by:

- 1) Deleting in its entirety ARTICLE II, Sections 13 and 14.
- 2) Deleting in its entirety ARTICLE XXVI and renumbering all remaining

Articles.

The motion passed unanimously.

The foregoing Article 27 was approved by the Attorney General of the Commonwealth of Massachusetts on November 12, 2003.

ARTICLE 28: Mr. Hastings moved: that the General By-laws of the Town be amended by deleting Article XX, Section 1 in its entirety and replacing it with:

"Section 1. Upon application to the Board of Selectmen by a majority of the abutters on a private way, open to public use within the Town, and in need of repair, the Board of Selectmen may approve the temporary repair and maintenance of such private way. The cost and payment procedures for said repair and maintenance shall be determined by the Town Manager."

The motion passed unanimously.

The foregoing Article 28 was approved by the Attorney General of the Commonwealth of Massachusetts on November 12, 2003.

ARTICLE 29: Mr. Hastings moved: that the General By-laws of the Town be amended by deleting Article I, Section 9 in its entirety and replacing it as follows:

"Section 9. All votes, unless otherwise provided by the laws of the Commonwealth, shall be taken in the first instance by a "Yes" and "No" voice vote. If a two-thirds vote of Town Meeting is required by statute or otherwise, a count shall not be taken unless it is deemed necessary by the Moderator in the fulfillment of the duties of the office. If the Moderator is in doubt as to the result of any voice vote, or if any registered voter immediately doubts the

vote, the Moderator shall call for a standing vote or for a vote by ballot as the Moderator may determine.”

Ms. Erica Saunders asked if Town Meeting members would be able to return to standing votes if there were problems with the new bylaw. Mr. Hasting stated that under the new bylaw, any voter would be able to stand-up and ask for a standing vote and, like any bylaw, this bylaw could always be amended.

The motion passed unanimously.

The foregoing Article 29 was approved by the Attorney General of the Commonwealth of Massachusetts on November 12, 2003.

ARTICLE 30: Mr. Hastings moved: that the Town petition the General Court for a special act providing that legislation be adopted as set forth in Article 30 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.

The motion passed unanimously.

The text of the legislation requested under Article 30 is as follows:

**AN ACT AUTHORIZING THE TOWN OF WESTON TO REGULATE CERTAIN
PROPERTY TAX DEFERRAL REQUIREMENTS FOR THE ELDERLY**

Section 1. Notwithstanding clause Forty-first A of Section 5 of chapter 59 of the General Laws, or any other general or special law to the contrary, and subject to Sections 2 to 5, inclusive, of this act, the board of assessors of the town of Weston shall defer the real estate property tax payment for property of a person 60 years of age or older and occupied by him/her as his/her domicile, or a person who owns the same jointly with his/her spouse, either of whom is 60 years or older and occupied as their domicile, or of a person who owns the same jointly or is a tenant in common with a person not his/her spouse and occupied by him/her as his/her domicile, if the person claiming the exemption, either alone or together with his/her spouse, had combined income during the preceding year of an amount not to exceed the amount established by the Board of Selectmen and ratified by vote of the Annual Town Meeting, provided that such person has owned and occupied as his/her domicile such real property in the Town of Weston for five years or is a surviving spouse who inherits such real property and has occupied such real property as his or her domicile in the Town of Weston for five years and who otherwise qualifies under this Act.

Section 2. Any such person may, on or before December 15 of each year to which the tax relates or within 3 months after the date on which the bill or notice is first sent, whichever is later, apply to the board of assessors for an exemption of all or part of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not his spouse, the exemption shall not exceed that proportion of total valuation which the amount of his interest in such property bears to the whole tax due. The board of assessors shall grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with the board of assessors on behalf of the Town. The said agreement shall provide:

(1) that no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt

have been paid, with interest at the rate set by the board of selectmen provided that the rate set by the selectmen shall never exceed the limit established under Massachusetts General Law Chapter 59, section 5, clause 41A and as may be amended;

(2) that the total amount of such taxes due, plus interest, for the current and prior years does not exceed 50 per cent of the owner's proportional share of the full and fair cash value of such real property;

(3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to the real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, that if such heir-at-law, assignee or devisee is a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse. Any additional taxes deferred, plus interest, on said real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the 50 per cent requirement of subparagraph (2);

(4) that if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and

(5) that any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement.

Section 3. In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, the board of assessors shall forthwith cause to be recorded in the registry of deeds of Middlesex County a statement of its action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under this act, plus interest as hereinafter provided. A lien filed pursuant to this act shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner or owners and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the town and shall be added to and become a part of the taxes due.

Section 4. In addition to the remedies provided by this act, the recorded statement of the assessors provided for in this act shall have the same force and effect as a valid taking for nonpayment of taxes under section 53 of chapter 60 of the General Laws, except that: (1) interest shall accrue at the rate provided in this act until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section 62 of said chapter 60; (2) no assignment of the municipality's interest under this act may be made pursuant to section 52 of said chapter 60; (3) no petition under section 65 of said chapter 60 to foreclose the lien may be filed before the expiration of 6 months from the conveyance of the property or the death of the person whose taxes have been deferred.

Section 5. This act shall take effect upon its passage.

ARTICLE 31: Ms. Judith Markland moved that Article 31 be passed over and so disposed of.

The motion was adopted by a voice vote.

The text of the warrant article under Article 31 was as follows:

ARTICLE 31: AMEND GENERAL BY-LAW, ARTICLE XXIX: DEMOLITION DELAY

To see if the Town will vote to amend ARTICLE XXIX of the Town's General By-Laws by making the following changes:

Add a new Section X:

"X. No permit for demolition of a building determined to be a preferably preserved significant building under subsection VII of this section shall be granted until plans for use or development of the site after demolition have been filed with the Building Department and found to comply with all the laws pertaining to the issuance of a building permit for that site; or, if for a vacant lot use, until plans have been filed with the Building Inspector showing the vacant lot use and detailing the plans to remove or fill any foundation or other sub-surface structure, including sanitary septic system components, walls, and dry wells, and including proper regrading of the site. All approvals necessary for the issuance of such a building permit including without limitation any necessary zoning variances or special permits must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section."

And delete in its entirety the paragraph, "Responsibilities of the Owner" and replace it with:

"Responsibilities of the Owner

Once a Significant Building is determined to be a preferably preserved building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail to so secure the building, a subsequent destruction of the building at any time during the six month demolition delay period or until a demolition permit for the building is issued, which destruction could have been prevented by the required security measures, shall be considered a demolition in violation of this By-Law."

Or take any other action relative thereto.

ARTICLE 32: Mr. Hestnes moved: that the General By-laws of the Town be amended by adding a new ARTICLE II, Section 7A as follows:

"Section 7A. Interest Charges-Past Due Bills. The due dates for the payment of all municipal charges and bills shall be 30 days after the charge or bill is issued by the Town, unless otherwise specified by a general law, special act of the Commonwealth or by the Board of Selectmen. Interest accrues at the same rate as charged on tax bills under the provisions of M.G.L. Chapter 59, Section 57. The Collector shall have the authority to waive interest totaling up to \$10. The Board of Selectmen shall have the authority to abate any such interest charges, in whole or in part."

The motion passed unanimously.

The foregoing Article 32 was approved by the Attorney General of the Commonwealth of Massachusetts on November 12, 2003, and became effective on February 25, 2004.

ARTICLE 33: Mr. Hestnes moved: that the General By-laws of the Town be amended by adding a new Section 13, as set forth in Article 33 of the Warrant.

The motion passed unanimously.

The foregoing Article 33 was disapproved by the Attorney General of the Commonwealth of Massachusetts on November 12, 2003.

Had it been approved, Section 13 of ARTICLE II of the By-Laws of the Town of Weston would have read:

SECTION 13

“13.1 The town collector or other municipal official responsible for records of all municipal taxes, assessments, betterments, and other municipal charges, hereinafter referred to as the collector, shall provide to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a statement that the person, corporation, or business enterprise, hereinafter referred to as the party, has no outstanding debt on record with the collector in excess of \$200 for any local taxes, fees, assessments, betterments or other municipal charges for more than one year and that such party has not filed in good faith a pending application for an abatement of such tax or charge or a pending petition before the appellate tax board.

13.2 The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on any statement furnished to the licensing authority from the collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay local taxes, fees, assessments, betterments or any other municipal charges provided, however, that written notice is given to the party and the collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said statement shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the municipality as of the date of issuance of said certificate.

13.3 Any party shall be given an opportunity to enter into a payment agreement with the collector, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

13.4 The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers, stockholders, if any, or members of his/her immediate family, as defined in M.G.L. Chapter 268A. Section 1 in the business or activity conducted in or on said property.

This Section 13 shall not apply to the following licenses and permits authorized by the following Massachusetts General Laws: open burning, section 13 of chapter 48; bicycle permits, section 11A of chapter 85; sales of articles for charitable purposes, section 33 of chapter 101; children’s work-permits, section 69 of chapter 149; clubs, associations dispensing food

or beverage licenses, section 21E of chapter 140; dog licenses, section 137 of chapter 140; fishing, hunting, trapping licenses, section 12 of chapter 131; marriage licenses, section 28 of chapter 207 and theatrical events and public exhibition permits, section 181 of chapter 140.”

ARTICLE 34: Mr. Hestnes moved: that the General By-laws of the Town be amended by deleting ARTICLE XXX Stormwater Regulations in its entirety and replacing it as set forth in Article 34 of the Warrant.

The motion passed unanimously.

The foregoing Article 34 was approved by the Attorney General of the Commonwealth of Massachusetts on November 12, 2003.

The new ARTICLE XXX of the By-laws of the Town is as follows:

“STORMWATER MANAGEMENT

Purpose: The purpose of this By-Law is to reduce pollutants from stormwater to the maximum extent practicable and to minimize flooding or other nuisances or property damage resulting from improper management of stormwater. The goal is to have private development seek to manage stormwater privately, i.e., within the confines of each private property whenever possible. Permits for connection to Town drainage facilities will only be considered when private solutions are not feasible.

Section 1: No person shall uncover, excavate, block access to, or make a connection to any pipe, culvert, catch basin, manhole, or other structure under the control of the Town without first having obtained a permit from the Director of Operations-DPW.

Section 2: No person shall discharge any water from construction sites into any public street or part of the Town drainage system without first having obtained a permit for that purpose from the Director of Operations-DPW. This permit shall be in addition to any other required state or federal permit.

Section 3: No person shall discharge, cause the discharge, or divert a natural flow of surface or ground water in such a manner that it will cause an icing condition on a public way.

Section 4: No person shall directly or indirectly dump, discharge or cause or allow to be discharged into any catch basin, manhole, pipe, retention or detention pond, earth channel, structural control, infiltration chamber, or any other component of the Town’s drainage system, any solid waste, construction debris, paint or painting product, antifreeze, hazardous waste, oil, gasoline, grease and all other automotive and petroleum products, solvents and degreasers, drain cleaners, commercial or industrial cleaners, soaps, detergents, ammonia, food and food waste, grass or yard waste, leaves, animal feces, dirt, sand, gravel, or other pollutant.

Section 5: All development and redevelopment projects must comply with the Stormwater Management Standards issued by the Massachusetts Department of Environmental Protection dated March 1997 and the United States Environmental Protection Agency’s Phase II Stormwater Regulations, as each may be from time to time amended.

Section 6: The Board of Selectmen is hereby authorized to enact regulations to enforce this By-Law.

Section 7: Each day that a violation of this By-Law continues shall constitute a separate violation under ARTICLE V of the Town’s General By-Laws.”

Answering concerns expressed from the floor, Mr. Hestnes stated that citizens have the right to report neighbors emptying swimming pools to the police and the DPW would enforce the

Stormwater bylaw. When asked if under the new bylaw permits would be needed for sump pumps, Mr. Hestnes confirmed permits would be needed.

ARTICLE 35: Mr. Hestnes moved: that the General By-laws of the Town be amended by adding a new ARTICLE XXXI as set forth in Article 35 of the Warrant, and renumbering all remaining Articles.

The motion passed unanimously.

The foregoing Article 35 was approved with some language disallowed by the Attorney General of the Commonwealth of Massachusetts on November 12, 2003.

The new ARTICLE XXXI of the By-Laws of the Town of Weston is as follows (Language indicated by ~~strike through~~ has been disallowed by the Attorney General):

ARTICLE XXXI "WATER CONSERVATION"

Section 1: Authority

This By-Law is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, ARTICLE LXXXIX, to protect public health and welfare and its powers pursuant to M.G.L. c.40, §§21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, §69B. This By-Law also implements the Town's authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection ~~or the Massachusetts Water Resources Authority (MWRA).~~

Section 2: Purpose

The purpose of this By-Law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency, by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town, by the Department of Environmental Protection or by the MWRA.

Section 3: Definitions

"Agriculture" shall mean farming in all its branches and agriculture, as defined in M.G.L. c. 128, § 1A.

"Outdoor watering" shall mean any residential, municipal, industrial, or commercial watering of decorative lawns, trees or shrubbery.

"Person" shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

"State of Water Supply Emergency" shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17 ~~or by the MWRA.~~

"State of Water Supply Conservation" shall mean a State of Water Supply Conservation declared by the Town pursuant to Section 4 of this By-Law.

"Water Users or Water Consumers" shall mean all persons using water from the Town's public water source irrespective of that person's responsibility for billing purposes for use of the water.

Section 4: Declaration of State of Water Supply Conservation

The Town, through its Board of Selectmen authorized to act as such, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that the

distribution system is nearing capacity and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this By-Law before it may be enforced.

Section 5: Restricted Water Uses

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply except as provided in Section 11. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 6.

- a) Odd/Even Day Outdoor Watering: Outdoor watering on property having an odd numbered address is restricted to odd numbered days. Outdoor watering on property having an even numbered address is restricted to even numbered days.
- b) Outdoor Watering Method Restriction: Outdoor watering is restricted to bucket, can or hand held hose watering with automatic shutoff nozzle.
- c) Outdoor Watering Ban: Outdoor watering is prohibited.
- d) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- e) Swimming Pools: Filling and topping off of swimming pools is prohibited.
- f) Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited.
- g) Car washing: Car or vehicle washing is prohibited.

Section 6: Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency; Notification of DEP

Notification of any provision, including any restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform users of water of the State of Water Supply Conservation. Notification of a State of Water Supply Emergency declared by the Department or MWRA shall be provided by furnishing a copy of the Notice to two (2) radio and up to two (2) television stations serving the area served by the public water system as soon as possible, but no later than 48 hours after the public water system receives notice of the Department's declaration. Any restriction imposed under section 5 or in the Department declaration of emergency or order shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be provided to the Massachusetts Department of Environmental Protection and MWRA at the same time that notification is given.

Section 7: Termination of State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Selectmen upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required for notice of the Town's declaration of its State of Water Supply Conservation.

Section 8: State of Water Supply Emergency; Compliance with DEP ~~or MWRA Orders~~

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection or MWRA, no person shall violate any provision, restriction, requirement, or condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. The notice prescribed by this section shall be in writing and shall be published once in a newspaper of general circulation within the town where it is to be effective. Such

notice shall summarize the provisions of the Declaration of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this section shall be sufficient for enforcement of the requirements of such Declaration on and after the date following newspaper publication.

Section 9: Penalties

The Town, through its Public Works Director, Water Superintendent, building inspector or local police may enforce this By-Law. Any person violating this By-Law shall be liable to the Town in the amount of \$50.00 for the first violation and \$ 100.00 for each subsequent violation. Fines shall be recovered by indictment, by complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws.

Section 10: Severability

The invalidity of any portion or provision of this By-Law shall not invalidate any other portion or provision thereof.

Section 11: Exemptions

The water use restrictions adopted under this By-Law shall not apply to the specific uses outlined below provided the user meets any applicable eligibility criteria.

- a) Commercial agriculture;
- b) Water to sustain animal life;
- c) Swimming pools used as a primary means of exercise, therapy or Rehabilitation located at a medical or rehabilitation facility;
- d) Commercial car or vehicle washing facilities.

Requests for exemptions shall be made in writing to the Department of Public Works.”

A Motion to dissolve the Annual Town Meeting was adopted at 10:35 p.m.

