

TOWN OF BELMONT
WARRANT FOR
2008
ANNUAL TOWN MEETING
APRIL 28, 2008
7:30 P.M.
BELMONT HIGH SCHOOL AUDITORIUM
221 CONCORD AVENUE, BELMONT



TABLE OF CONTENTS

Letter from Board of Selectmen.....3
Town Moderator’s Message to the Town Meeting 4
WARRANT FOR 2008 ANNUAL TOWN MEETING
ARTICLE 1: Reports 6
ARTICLE 2: Authorization to Represent Town’s Legal Interests..... 6
ARTICLE 3: Authorization to Transfer Balances..... 7
ARTICLE 4: Budget Appropriation..... 7
ARTICLE 5: Salaries of Elected Officials.....7
ARTICLE 6: Non-Contributory Pensions..... 8
ARTICLE 7: Contributory Pensions.....8
ARTICLE 8: Appropriation of “Up Front” Funds for Highway Improvements 8
ARTICLE 9: Position Classification and Compensation Plan..... 9
ARTICLE 10: Appropriation of Capital Expenditures.....9
ARTICLE 11: Appropriation for Water and Sewer and Stormwater Services.....9
ARTICLE 12: Authorization of Expenditure from Revolving Funds..... 10
ARTICLE 13: Cemetery Balance Transfer.....11
ARTICLE 14: Harvard Lawn Fire Station Proceeds..... 11
ARTICLE 15: Street Excavation By-law 11
ARTICLE 16: MWRA Sewer/Stormwater Infiltration/Inflow Loan Program 13
ARTICLE 17: DEP Sewer/Stormwater Loan Program 14
ARTICLE 18: Amendments to OPEB Trust Fund Enabling Legislation 14
ARTICLE 19: Shared Nursing Services 16
ARTICLE 20: Cushing Square Road Discontinuance and Property Conveyance 16
ARTICLE 21: Amendments to Quarterly Tax Billing Legislation..... 17
ARTICLE 22: Zoning By-Law: Clarifying Amendment18
ARTICLE 23: Zoning By-Law: Banks by Special Permit 18
ARTICLE 24: Zoning By-Law: Window Signs and Displays 19
ARTICLE 25: Roads Stabilization Fund..... 20
ARTICLE 26: Home Rule Petition - Authorization for the Town of Belmont to Hold a
Referendum on a License for the Sale of Alcoholic Beverages at a Private Club20
ARTICLE 27: Water Pipeline Easement 21



April 10, 2008

Dear Town Meeting Members:

We are pleased to submit this year's Town Meeting Warrant. It is the Board's goal to conclude the Town Meeting in two consecutive sessions scheduled for Monday, April 28, and Wednesday, April 30. A third session will be reserved for Monday, May 5 if necessary. Each session of town meeting will begin promptly at 7:30 PM. It is the Selectmen's intent to move to adjourn each session at or before 11:00 PM.

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

The Warrant, motions and additional information can all be found in the Town Meeting section of the Town's web page: http://belmontma.virtualtownhall.net/Public_Documents/BelmontMA_WebDocs/townmeeting/index.

You are also encouraged to attend the Warrant Discussion Evening, a program sponsored by the League of Women Voters and the Warrant Committee designed to educate Town Meeting Members on aspects of articles in the Warrant. This year's program is scheduled for **Tuesday, April 22, at 7:30 PM** in the Wadsworth Room of the Belmont Hill School.

We look forward to a productive Town Meeting.

Sincerely,

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

BOARD OF SELECTMEN

MODERATOR'S MESSAGE ON TOWN MEETING PROCEDURES

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

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

motion made at the conclusion of a speech. This, by definition, includes a motion that would terminate debate, such as a motion for the previous question.

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

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

Michael J. Widmer
Moderator



**TOWN OF BELMONT
WARRANT FOR 2008 ANNUAL TOWN MEETING
APRIL 28, 2008
COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To either of the Constables in said County:

Greetings:

In the name of the Commonwealth of Massachusetts you are required to notify and warn the Inhabitants of the Town of Belmont, qualified as the law requires to vote in elections and Town Affairs, to meet at the Belmont High School Auditorium on MONDAY, APRIL 28, 2008, at 7:30 P.M., and to notify and warn the Town Meeting Members to meet and act at said time and place on the following Articles, viz:

ARTICLE 1: Reports

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

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

Majority vote required for passage Yes _____ No _____

ARTICLE 2: Authorization to Represent Town's Legal Interests

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

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

Majority vote required for passage Yes _____ No _____

ARTICLE 3: Authorization to Transfer Balances

To see if the Town will authorize the transfer of certain balances on the Treasurer's books and Accountant's books.

This article authorizes the transfer of balances from various sources necessary to achieve the Town's financial plan for Fiscal Year 2009 (the Budget) as contained in Article 4.

Majority vote required for passage Yes_____ No_____

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

ARTICLE 4: Budget Appropriation

To determine what sums of money shall be granted to pay Town expenses for the fiscal year beginning July 1, 2008 and to make the necessary appropriations for the same for the support of schools and for other Town purposes, determine how the same shall be raised, or in any way act thereon.

This article is the appropriation of the Town's Fiscal Year (FY) 2009 budget, commencing on July 1, 2008. Typically, the Budget is broken down into several major categories of expenditures, each requiring a separate vote of Town Meeting.

Majority vote(s) required for passage Yes_____ No_____

The Warrant Committee will report orally on this Article.

ARTICLE 5: Salaries of Elected Officials

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

This article fulfills the state law requiring Town Meeting to set the compensation of a town's elected officers. This article also appropriates the funds necessary to meet these compensation levels. For FY 2009, the recommended compensation levels are listed below. Please note that the Town Meeting establishes and appropriates the compensation of all other municipal employees under separate articles (Article 11 and Article 4).

Town Moderator	\$200
Chairman of the Board of Selectmen	\$5,000
Selectman (2)	\$4,500 each
Town Clerk	\$84,299
Town Treasurer	\$84,027
Chairman of the Board of Assessors	\$3,030
Assessor (1)	\$2,424
Assessor (1)	\$2,196

Majority vote required for passage Yes_____ No_____

The Warrant Committee will report orally on this Article.

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

Majority vote required for passage Yes_____ No_____

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

ARTICLE 9: Position Classification and Compensation Plan

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

This is a standard article appearing in the Warrant. Classification and compensation of all permanent Town (non-school) positions are included in a plan adopted by Town Meeting pursuant to section 108A of Chapter 41 of the Massachusetts General Laws. The classification and compensation of unionized employees is bargained collectively and inserted into the Plan. In 2000, the Town completed a study of the classification of all Town employees, except for civil service police officers and firefighters. The new Plan was bargained with affected Town unions and implemented. The new Plan is posted on the Town’s web site and will be distributed to Town Meeting Members at Town Meeting. The compensation reflects current (FY 2008) rates unless noted. Funds necessary to implement changes associated with the Plan are included within the budget.

Majority vote required for passage Yes_____ No_____

The Warrant Committee will report orally on this article.

ARTICLE 10: Appropriation of Capital Expenditures

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

This is a standard article appearing on the Warrant to appropriate funds to support capital expenditures. While the article is general as to the categories of capital expenditures, the motion shall be explicit. The recommendations of the Capital Budget Committee for FY 2009 capital expenditures will be provided in advance of the Annual Town Meeting.

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

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

ARTICLE 11: Appropriation for Water and Sewer and Stormwater Services

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

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

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

The Warrant Committee will report orally on this Article.

ARTICLE 12: Authorization of Expenditure from Revolving Funds

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

This article seeks authorization to establish revolving funds for certain operations of the Town. A revolving fund allows the expenditure of user fees for program expenses without further Town Meeting appropriation. However, the Town Meeting must annually renew the funds. At this time, the Board of Selectmen and Warrant Committee are considering the use of revolving funds for the following programs:

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

Majority vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

20.4.2 *In addition to other penalties applicable to violation of these By-laws, in the event the Town undertakes to remove any obstructions described in Sections 20.4 and 20.4.1, the Town may charge the landowner for the reasonable cost thereof.*”

2. *By inserting a new Section 20.5.1 in section 20.5 of Article 20, by creating subsections of that section and numbering them as Sections 20.5, 20.5.1 and 20.5.2 and by striking from Section 20.5 (new Section 20.5.2) the words “any such written permits or authorization” and inserting in their place the words “any written permits or authorization granted pursuant to Sections 20.5 and 20.5.1 above” so that the amended section will read as follows:*

“20.5 No person, other than an authorized agent of the Town, shall break, dig up or construct any sidewalk; walk upon or otherwise alter lots or borders on cemetery grounds or areas of other municipal grounds upon which hedges, shrubs or flowers are grown; in any way damage or write, paint, print, inscribe, display signs or distribute written matter upon any town property; or conduct any parade upon public ways, except upon written permit or authorization from the Board of Selectmen or its designee.

20.5.1 No person, other than an authorized agent of the Town shall break, remove, dig up, or install any pavement, ground, or curbing in or on any public street or highway for any purpose whatsoever, including but not limited to the creation or modification of a driveway curb cut, except upon written permit or authorization from the Board of Selectmen or its designee.

20.5.2 Any written permits or authorization granted pursuant to Sections 20.5 and 20.5.1 above shall be in force for such time and subject to such conditions, including a bond, as the Board of Selectmen or its designee may specify and shall set forth any appropriate safety or security measures to be taken, the manner in which the permitted activity is to be performed or the condition of the affected municipal property upon completion of the authorized activity.”

3. *By adding the following new Section 20.7, renumbering existing Sections 20.7 through 20.11 as 20.8, 20.9, 20.10, 20.11 and 20.12, and changing any existing references to Sections 20.7, 20.8, 20.9, 20.10 and 20.11 and subsections thereof, accordingly:*

20.7 Excavation Permit: No person, other than an authorized agent of the Town, shall excavate a trench in a public way or otherwise dig below the surface of a public way, and no person shall excavate a trench on any private land, for any purpose, without first obtaining a written permit from the Board of Selectman or its designated agent, and, then, only in accordance with said Board’s written regulations and with the applicable provisions of Chapter 82, Sections 40 through 40D of the General Laws, and chapter 82A of the General Laws; provided, however, in the case of an emergency excavation made by a person engaged in the transmission or distribution of a public utility, written permission may be obtained after commencement of such excavation provided that the Board of Selectmen is satisfied that the perceived emergency was, in fact, a situation, in which immediate action was necessary to maintain or restore an essential utility service to avoid imminent danger to the public health or safety.

- (b) *Beginning in fiscal year 2008 the Trust Fund shall be credited with all amounts appropriated or otherwise made available by the town for purposes of meeting the current and future costs of OPEB costs payable by the town, and with all amounts contributed or otherwise made available by employees of the town for the purpose of meeting future OPEB costs payable by the town. Any interest or other income earned by such fund shall be added to and become a part of the fund. Except as otherwise expressly provided herein, any amounts expended from such fund shall be expended only for the costs payable by the town for OPEB benefits.*
- (c) *The Belmont contributory retirement board shall be the custodian of such fund and may employ an outside custodial service to hold the monies in the fund. The Belmont contributory retirement board may invest and re-invest the monies held in the fund not required for current disbursement in accordance with the investment powers granted retirement boards under G.L. c. 32, §23(2)(g) and in accordance with the regulations of the public employees retirement administration commission and with any applicable general law. All monies held in the Trust Fund shall be segregated from other funds held by the Belmont retirement board and by the town. Trust Fund monies shall not be subject to the claims of the town's general creditors. The Trust Fund shall be subject to the public employee retirement commission's triennial audit and the town's contributory retirement system annual audit.*
- (d) *The Belmont contributory retirement board may employ any qualified bank, trust company, corporation, firm or person to provide advice on the investment of amounts held in the Trust Fund and to prepare any required actuarial study and may pay for any such advice or service from amounts held in the fund. Procurement for these services shall be subject to the procurement procedures and rules followed by the Belmont contributory retirement board for services to the town's contributory retirement system.*
- (e) *If civil action is brought against a member of the retirement board, the defense or settlement of which action is made by an attorney employed by the retirement board, the member shall be indemnified for all expenses incurred in the defense of this action and shall be indemnified for damages to the same extent as provided for public employees in chapter 258 of the General Laws if the claim arose out of acts performed by the member or members while acting within the scope of his official duties, but a member of a retirement board shall not be indemnified for expenses incurred in the defense of an action, or damages awarded in an action, in which there is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by the member.*

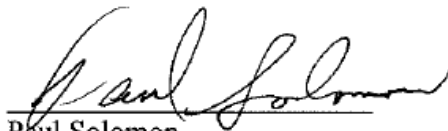
Chapter 97 of the Acts of 2007 is hereby further amended by deleting the text of section 3 of said act in its entirety and inserting in place thereof the following:

- (a) *The Town shall engage an actuary, who shall be a member of the American Academy of Actuaries, to perform an actuarial valuation of the town's OPEB liabilities and funding schedule, as of January 1, 2006, and no less frequently than every second year thereafter. The determinations shall be made in accordance with generally accepted actuarial standards and shall conform to the requirements of GASB 43 and 45 and the actuary shall make a report of the determinations to the town meeting and included in the town report. The report shall, without limitation, detail the demographic and economic actuarial*

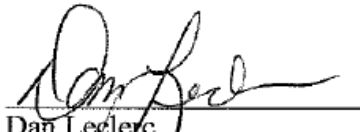
Given under our hands this 31st day of March, 2008.

BOARD OF SELECTMEN


Angelo R. Firenze, Chair


Paul Solomon




Dan Leclerc