

2016 Annual Town Meeting

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Segment A: Belmont High School 7 pm, begins May 2, 2016
Segment B: Chenery Middle School 7 pm, begins June 6, 2016



**TOWN OF BELMONT
WARRANT FOR 2016 ANNUAL TOWN MEETING
MAY 2, 2016
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, MAY 2, 2016, at 7:00 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 at the call of the Chair..

Majority vote required for passage.

ARTICLE 2:

AUTHORIZATION TO REPRESENT THE 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 to do so, or in any way act thereon.

This is a standard article that authorizes the Board of Selectmen to represent the Town's legal interests and to settle legal claims.

Majority vote required for passage.

ARTICLE 3:

ABANDONMENT OF UTILITY EASEMENT

To see if the Town will vote to abandon an easement for sanitary sewerage and storm drainage originally shown on a plan titled "Samuel Barnard Estate, Belmont Mass" dated December 11, 1922, said portion to be abandoned being shown on a plan entitled "ALTA/ACSM Land Title Survey in Belmont, MA" dated July 21, 2015, by Cliff E. Rober, P.L.S., on file in the Town Clerk's Office, or in any way act thereon.

This article seeks authorization to abandon an existing utility easement at 112 Trapelo Road, 102-104 Trapelo Road, 489-493 Common Street, 495-501 Common Street and Parcel 207, at the request of the owner.

Submitted by the Board of Selectmen

The Board of Selectmen will report on this Article.

Majority vote required for passage.

ARTICLE 4:

AMEND GENERAL BYLAWS FOR "DEMOLITION DELAY" §60-320

To see if the Town will vote to amend Section 60-320 of the Town of Belmont General Bylaws ("Demolition Delay") as follows, or in any way act thereon.

1. By striking, from Subsection B, "Time Limitation", '2016' and replacing it with '2017', so that the Subsection reads:

B. Time Limitation. The provisions of this Section shall be null and void and of no force and effect on and after June 30, 2017.

This article seeks to amend the General Bylaws to extend the Demolition Delay Bylaw by one year to allow for completion of the Historic District Commission Town-wide survey of historic properties.

Submitted by the Historic District Commission

The Bylaw Review Committee and Planning Board will report on this Article.

Majority vote required for passage.

ARTICLE 5:

AMEND GENERAL BYLAWS FOR "RESIDENTIAL PROPERTY SNOW REMOVAL" §60-800

To see if the Town will vote to amend Section 60-800 of the General Bylaws of the Town of Belmont by deleting section 60-800 (I) in its entirety and inserting in place thereof the following section 60-800 (I) or in any way act thereon:

I. Residential property snow removal.

(1) Purpose. Since pedestrians are safer when walking on sidewalks than when walking in the streets used by vehicular traffic, the purpose of this subsection is to encourage owners of residential property to remove the snow, slush, and ice from abutting sidewalks so that sidewalks throughout the Town are safe for use during the winter season, and so that the Town's local services and amenities are reasonably accessible by pedestrians via sidewalks, especially by elderly persons, persons using wheelchairs, persons using carriages to transport children, and students walking to school.

(2) Definitions. For the purposes of this subsection, the following terms shall have the following definitions:

OBLIGATED PERSON

The person responsible for compliance with this subsection pursuant to Subsection I(4).

SIDEWALK

A paved walkway (whether paved with brick, stone, cement, concrete, asphalt, or other impervious material) that is located within the right-of-way of a street that abuts residential property.

(3) Obligations. Snow, slush, and ice shall be removed from the sidewalk, in accordance with the deadlines set forth in Subsection I(5), to a width of at least 36 inches or, if the sidewalk is narrower, for the full width of the sidewalk.

(4) Obligated persons. The owner of record of a residential property abutting a right-of-way in which a sidewalk is located shall be obligated to comply with this subsection within that portion of the right-of-way to which the residential property abuts, unless the owner of record can demonstrate that this obligation has been duly delegated to a responsible person, identified by name and address, by a written agreement signed by the person so delegated or by an express reference to the obligation in a written lease.

(5) Deadlines for removal and treatment.

(a) After the cessation of a weather event that has resulted in snow, slush, or ice on a sidewalk, the snow, slush, or ice shall be removed no later than 8:00 p.m. the following day, and the sidewalk shall be treated with melting compounds, sand, or other grit, as reasonably necessary to inhibit slipping. Regardless of this deadline, obligated persons are encouraged to remove snow, slush, and ice promptly from the full width of the sidewalk in order to minimize the ice formed on the sidewalk when snow or ice melts and refreezes, so that neighbors and others can use the sidewalks as soon as possible.

(b) Treatment of ice that forms on sidewalks shall be accomplished no later than 8:00 p.m. on the day after the ice has formed, but obligated persons are encouraged to treat the ice promptly so that neighbors and others can use the sidewalks as soon as possible.

(c) The deadlines set forth in this subsection shall be extended for obligated persons who are temporarily absent from the residential property for vacations, holidays, hospitalization, and unexpected absences; provided, however, that such obligated persons shall be required to complete their removal and treatment obligations by 8:00 p.m. on the day following the end of their temporary absence.

(6) Rules and regulations. The Board of Selectmen shall adopt rules and regulations further implementing this subsection, including, without limitation, provisions and hearing procedures for exemptions from the requirements of this subsection for obligated persons who are physically unable to perform the obligations themselves and have a bona fide financial hardship; provided, however, that exemptions granted to such obligated persons shall be void if the obligated person causes portions of the residential property to be cleared of snow, slush, or ice for vehicular access from the street.

(7) Fines. Fines for violations of this subsection shall be on the following schedule: first offense: written warning; second offense: \$50; third and successive offenses: \$100 each, to a maximum of \$350 per winter season (October 1 to April 30). In situations where there is more than one obligated person, such fines may be assessed jointly or individually. No more than one fine may be assessed with respect to any single weather event requiring removal or treatment of snow, slush or ice.

(8) Enforcement.

(a) A person who is an enforcing person as defined in Subsection J shall take appropriate action with respect to observed or reported violations of this subsection.

(b) An enforcing person taking cognizance of such a violation shall promptly send the alleged offender a noncriminal written citation thereof by hand delivery or mail, postage prepaid, addressed to the owner of record.

(c) An owner of record who receives a citation pursuant to this subsection shall have 20 days thereafter to pay the applicable fine or to provide to the enforcing person a photocopy of the written agreement or lease used to delegate the obligation to comply with this subsection, in which case the owner of record shall not be responsible for paying any applicable fine, and the enforcing person may dismiss or modify the citation or reissue the citation to the obligated person as is deemed appropriate.

(d) If a citation is not dismissed and the fine is not timely paid, the provisions of Subsection J, other than those establishing penalties, shall be applicable.

(9) Not evidence. Except as required by applicable law, violations of this subsection shall not be admissible as evidence of negligence in any civil proceeding brought by an injured third party against an obligated person, tenant, or owner of record.

This article seeks only to remove the "sunset" provision from the existing Bylaw and reinsert the Residential Property Snow Removal provision to the General Bylaws to require that owners of residential property with paved sidewalks remove snow and ice within 24 hours to provide safe pedestrian passage. Violations would be subject to a non-criminal fine. The Board of Selectmen will adopt rules and regulations to determine hardship exemptions.

Submitted by the Board of Selectmen

The Bylaw Review Committee will report on this article.

Majority vote required for passage.

ARTICLE 6: RELATING TO THE CONSTRUCTION OF OVERSIZED DWELLING UNITS IN THE SINGLE RESIDENCE C ZONING DISTRICTS

1. To see if the Town will vote to amend Section 1.4, Definitions and Abbreviations, in the definition for 'Grade' by replacing the word 'altered' with 'raised' in the last sentence, as follows:

Grade - The average of the ground level adjoining the building at all exterior walls based upon the existing contour lines. Contour lines shall be illustrated on a plan and shall be established

prior to any filling or earth moving/removal activities. The grade shall not be altered-raised more than 12 inches to allow for proper drainage.

2. To see if the Town will vote to amend Section 1.5.4, Nonconforming Single and Two-Family Residential Structures, by inserting:
 - a. The headings 'General Residence Zoning Districts', 'Single Residence C Zoning Districts', and 'All Other Districts', and
 - b. The provisions under the heading for 'Single Residence C Zoning Districts', as follows:

1.5.4 Nonconforming Single and Two-Family Residential Structures

General Residence Zoning Districts

In the General Residence Zoning District, as provided in Massachusetts General Law Chapter 40A, Section 6, preexisting non-conforming structures may be extended or altered with a Special Permit by the Planning Board, provided that no such extension or alteration shall be permitted unless there is a finding by the Planning Board that such extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Notwithstanding the foregoing, dormers that comply with Section 4.2.2, Linear Requirements, shall be allowed without review by the Planning Board. On lots that do not comply with the minimum area requirements of this Zoning By-Law (including the minimum lot area per dwelling unit), preexisting non-conforming single and two-family structures may not be voluntarily demolished and reconstructed except in accordance with a Special Permit issued by the Planning Board under Section 6D of this Zoning By-Law.

Single Residence C Zoning Districts

In the Single Residence C Zoning Districts, a nonconforming single- and two-family residential structure may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure.

The Building Commissioner may issue a Building Permit under the following circumstances:

- 1) An alteration to a structure which complies with all current setbacks, open space, lot coverage and building height requirements but is located on a lot with insufficient area and/or frontage;
- 2) An alteration to a structure which encroaches upon one or more required setbacks, where the alteration will comply with all current setbacks, open space, lot coverage and building height requirements. This clause shall apply regardless of whether the lot complies with the current area and/or frontage requirements;
- 3) A half-story addition to a nonconforming structure, that will not increase the footprint of the existing structure, create a new dimensional nonconformity or extend an existing dimensional nonconformity, provided that the existing height restrictions shall not be exceeded. This clause shall apply regardless of whether the lot complies with the current area and/or frontage requirements.

If the proposed reconstruction, renovation, extension, alteration, or structural change does not meet the standards listed above, a Special Permit shall be required from the Board of Appeals.

If the Building Commissioner determines that such proposed reconstruction, extension, alteration, or structural change,

- 1) Increases the gross floor area of the non-conforming structure by more than thirty percent (30%); or,
- 2) Has been altered, extended, reconstructed or structural change made to the exterior of the structure within the past five (5) years beginning on the date of issuance of the most recently issued building permit,

a Special Permit under Section 6D of this Zoning By-Law, where applicable, shall be required from the Planning Board.

A nonconforming single- or two-family structure may be reconstructed after voluntary demolition in accordance with the following provisions:

1. Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, and shall be only as great in volume or area as the original nonconforming structure.
2. If the proposed reconstruction would:
 - a. cause the structure to exceed the gross floor area of the original non-conforming structure or
 - b. cause the structure to be located other than on the original footprint,

a Special Permit under Section 6D of this Zoning By-Law, where applicable, shall be required from the Planning Board prior to such demolition.

The Special Permit Granting Authority may grant a Special Permit to reconstruct, extend, alter or change a nonconforming structure if it finds that the reconstructed and enlarged building:

1. is appropriate in scale and mass for the neighborhood, with particular consideration of abutting properties,
2. will not increase the existing nonconforming lot coverage, if it exists, and,
3. will not be substantially more detrimental than the existing nonconforming building to the neighborhood.

For the purposes of this Section, a nonconforming single- and two-family structure shall be defined as a single- and two-family structure on a lot that does not comply with the existing minimum lot area and/or frontage requirements and/or the single- and two-family structure encroaches or otherwise does not comply with one or more setbacks, open space, lot coverage or building height requirements.

In All Other Districts

In all other districts, nonconforming single and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure. The Building Commissioner may issue a Building Permit under the following circumstances:

3. To see if the Town will vote to amend Section 4.2.2, Linear Requirements for Residential Districts, as follows:
 - a. Within the dimensional table create a new row for 'SR-C' by separating it from 'SR-B';
 - b. Under the 'Maximum Building Height, Feet' column, replace '36' with '30'; and,
 - c. Under subsection B. Height, insert an item '2' limiting the ridge to 34 feet and renumber the remaining items accordingly:

RESIDENTIAL DISTRICTS	MINIMUM SETBACK DIMENSIONS FEET			MAXIMUM BUILDING HEIGHT	
	Front	Side	Rear	Feet	Stories
SR-B and SR-C					
➤ Dwelling	25	10	30	36	2½
➤ Other	25	10	25	36	2½
SR-C					
➤ Dwelling	25	10	30	30	2½
➤ Other	25	10	25	30	2½

B. Height

2. In the SR-C Districts, the height of a Dwelling or other structure shall not exceed 34 feet to the ridge. Notwithstanding the definition of 'Height' in Section 1.4, the height of a Dwelling or other structure with a flat roof shall not exceed 30 feet to the highest point of the roof.
4. To see if the Town will amend Section 4.2.2, Linear Requirements for Residential Districts, subsection A. Setbacks, by inserting an item '2' and renumber the remaining items accordingly, as follows:

A. Setbacks

2. In the SR-C Districts, the placement of ground-mounted outdoor mechanical and fuel storage equipment on a lot shall be subject to the following requirements:
 - a. Not within the front yard - The front yard is defined as the area between a line obtained by extending the front elevation of the dwelling to each of the sidelines of the lot and the front line of the lot;
 - b. Not within the required side or rear setbacks;
 - c. Not within at least 10'-0" of the front elevation; and,
 - d. Screened so that it is not visible from the street or adjacent properties.

\$101,300	Allocation of not less than 10 percent of annual revenues in the Community Preservation Fund for Community Housing	Community Housing	Community Housing
\$ 50,650	Appropriations for administrative and operating expenses not more than 5 percent of annual revenues in the Community Preservation Fund	Administration	Administrative Expenses

This article is a standard article that appropriates funds to support the operations of the Town's Community Preservation Committee and its approved projects. The Community Preservation Fund receives revenues from a 1.5% property tax surcharge to fund the program. The state provides limited matching grant funds to the Town based on the surcharge collections.

Submitted by the Community Preservation Committee

The Community Preservation Committee, Warrant Committee, and Capital Budget Committee will report on this Article.

Majority vote required for passage.

ARTICLE 8:

SALARIES OF ELECTED OFFICIALS

To see if the Town will vote to fix the salary and compensation of each and all the elected 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.

Elected Officials of the Town	Salary
Town Moderator	\$200
Chair of the Board of Selectmen	\$5,000
Selectmen (2)	\$4,500 (each)
Town Clerk	\$91,572
Town Treasurer	\$99,975
Chair of the Board of Assessors	\$3,030
Assessors (2)	\$2,200 (each)

This is a standard article that fulfills that state law requiring Town Meeting to set the compensation levels and to appropriate the funds necessary for FY17. Please note that Town Meeting establishes and appropriates the compensation of other municipal employees under Article 10.

The Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 9: ENTERPRISE FUNDS 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; or in any way act thereon.

This is a standard article to appropriate funds to support the operations of the Town's water and sewer functions from enterprise funds that receive revenues from user fees. Enterprise funds are entirely self-supporting from user fees and do not receive any funding from property taxes.

The Warrant Committee will report on this Article.

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

ARTICLE 10: FY17 BUDGET APPROPRIATION

To determine what sums of money shall be granted to pay Town expenses for the fiscal year beginning July 1, 2016 and to make the necessary appropriations for the same for the support of schools and for other Town purposes; to determine how the same shall be raised, or in any way act thereon.

This is a standard article that appropriates the Town's FY17 budget, commencing on July 1. The budget consists of several categories of expenditures, each require a separate vote of Town Meeting. Due to uncertainty regarding the amount of state aid, the budget will be heard at the June sessions of Town Meeting. The Warrant Committee Report contains the budget summary and supporting information and will be distributed to Town Meeting Members in advance of the June sessions.

The Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 11: TRANSFER FUNDS TO GENERAL STABILIZATION FUND

To see if the Town will vote to raise and appropriate, or transfer from unappropriated available funds in the Treasury a sum of money to the General Stabilization fund, or in any way act thereon.

This is a standard article that seeks the transfer of funds to a general stabilization fund to achieve the Town's financial plan for FY17.

The Warrant Committee will report on this Article.

Two-thirds vote required for passage.

ARTICLE 12: AUTHORIZATION TO TRANSFER BALANCES TO FUND THE FY17 BUDGET

To see if the Town will authorize the transfer of certain balances on the Treasurer's books and Accountant's books, or in any way act thereon.

This is a standard article that authorizes the transfer of balances from various sources necessary to achieve the Town's financial plan for FY17 (the General Fund Budget).

The Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 13:

**AUTHORIZATION FOR UP-FRONT FUNDS FOR CHAPTER 90
HIGHWAY IMPROVEMENTS**

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

This is a standard article that seeks to appropriate "up-front" funds that will be reimbursed from state highway aid, referred to as Chapter 90. This aid is authorized by the Legislature through state transportation bond issues. The estimated apportionment will be reported prior to the June sessions of Town Meeting. These funds, when supplemented with capital budget funds, will be used for the Town's Pavement Management Program to extend the life of our roadway system. In addition, the Town has used Chapter 90 funds to "leverage" substantial state/federal funding to design major road projects (i.e., Trapelo Road).

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

Majority vote required for passage.

ARTICLE 14:

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; or in any way act thereon.

This is a standard article to appropriate funds for capital expenditures. While the article is general as to the categories of capital expenditures, the motion will be explicit. The recommendations of the Capital Budget Committee for FY17 capital expenditures will be distributed to Town Meeting Members prior to the June session of Town Meeting.

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

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

ARTICLE 15:

**APPROPRIATION OF OTHER POST EMPLOYMENT BENEFITS
(OPEB) STABILIZATION FUND**

To see if the Town will vote to appropriate, or transfer from available funds in the Treasury, a sum of money to the Other Post-Employment Benefits ("OPEB") Stabilization Fund; and to determine whether the money shall be provided by the tax levy, by transfer from available funds, by transfer from the departmental Enterprise Funds, or by any combination of these methods; or in any way act thereon.

This article seeks to appropriate from available free cash or other available funds for future Town liabilities for Other Post-Employment Benefits.

The Warrant Committee will report on this Article.

Two-thirds vote required for passage.

ARTICLE 16:

AUTHORIZATION FOR REVOLVING FUNDS

To see if the Town will vote, pursuant to Chapter 44, Section 53E½, of the General Laws, to establish new revolving funds; to reauthorize revolving funds established under various previous votes of the Town by various Town Departments, to hear or receive a report concerning the receipts and expenditures of same or to amend the votes under any previously adopted revolving funds, to appropriate a sum of money to fund same, to determine how the money shall be raised or expended; or in any way act thereon.

This is a standard article that seeks authorization to establish new revolving funds, and to re-authorize existing revolving funds, for certain operations of the Town. These funds allow the expenditure of user fee, receipts for program expenses without further Town Meeting appropriation. However, Town Meeting must annually renew these funds. While this article is general, the motion will specifically include the funds and spending limits in each category.

The Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 17:

UNDERWOOD POOL PROJECT BORROWING DE-AUTHORIZATION AND APPROPRIATION OF BOND PREMIUM PROCEEDS

To see if the Town will vote to rescind the unused borrowing authority in the amount of \$112,000 that was appropriated under Article 17 of the May 7, 2014 Annual Town Meeting for the purpose of performing improvements to the Underwood Pool Project; and appropriate the premium paid to the Town upon the sale of bonds issued for the Underwood Pool Project, which are subject of a Proposition 2 1/2 debt exclusion, to pay costs of the project financed by such bonds and to reduce the amount authorized to be borrowed by the same amount, or in any way act thereon.

This article rescinds the authority to borrow funds that were not needed for improvements to the Underwood Pool Project due to usage of bond premium revenues in place of bond proceeds. The total authorization was approved for \$2,902,000 on Article 17 of the May 7, 2014 Town Meeting.

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

Majority vote required for passage.

ARTICLE 18:

CITIZENS' PETITION: OPEB FUND ANNUAL EXPENSE

To fund OPEB obligations by transferring and appropriating funds from the Town's Free Cash to the Town's OPEB Trust Fund.

This article is submitted in the exact form as provided by the Citizens.

Submitted by James R. Williams

The Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 19:

CITIZENS' PETITION: GENERAL FUND STABILIZATION

To see if the Town will vote to transfer from unappropriated available funds in the Treasury a sum of money to the General Stabilization Fund.

This article is submitted in the exact form as provided by the Citizens.

Submitted by Robert L. Sarno

The Warrant Committee will report on this Article.

Majority vote required for passage.



Given under our hands this 28th day of March, 2016.

BELMONT - BOARD OF SELECTMEN

Sami S. Baghdady, Chair

Mark A. Paolillo, Vice Chair

James R. Williams

A True Copy, Attest
Ellen O'Brien Ashman
Town Clerk of Belmont, MA



12-11-1907
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