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**TOWN OF BELMONT
WARRANT FOR 2024 ANNUAL TOWN MEETING
April 29, 2024
COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To any of the Constables of the Town of Belmont 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 convene on **MONDAY, April 29, 2024, at 7:00 P.M.**, in person at the Belmont High School Auditorium, and to notify and warn the Town Meeting Members to meet and act at said time and place on the following Articles.

Interested members of the public may see and hear the proceedings by tuning in to the Belmont Media Center's live broadcast of the proceedings on Belmont cable television (Comcast channel 8, Verizon channel 28) or by live-streaming at www.belmontmedia.org.

Town Meeting Members and other participants approved by the Moderator who wish to address the meeting are encouraged to appear in person. Registered voters who wish to address the meeting as approved by the Moderator may appear in person.

ARTICLE 1

REPORTS

To hear the report of the Select Board and other Town Officers, 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 Select Board 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 Moderator.

Majority vote required for passage.

ARTICLE 2 AUTHORIZATION TO REPRESENT THE TOWN'S LEGAL INTERESTS

To see if the Town will authorize the Select Board 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 on behalf of the Town, as and when they deem it for the best interest of the Town, or in any way act thereon.

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

Submitted by the Select Board

The Select Board will report on this Article.

Majority vote required for passage.

ARTICLE 3 AMEND STORMWATER MANAGEMENT AND EROSION CONTROL GENERAL BYLAW

To see if the Town will vote to amend the General Bylaws § 60-325 "Stormwater Management and Erosion Control" to correctly specify the department, division, or administrative unit of the Town that will administer § 60-325, and to correct certain punctuation, as follows:

A. Insert a new definition in § 60-325.B to follow the definition of Construction Site:

Department: in this § 60-325, the term "Department" shall mean to the Town of Belmont Department of Public Works—Engineering Division, or such other department, division, or administrative unit of the Town that the Select Board designates from time to time to administer all or any portion of § 60-325 of the General Bylaws.

B. Delete the definition "OCD" in § 60-325.B.

C. Amend § 60-325 by replacing all references to "Office of Community Development" and "OCD" with the term "Department."

D. In the definition of Alteration in § 60-325.B, correct the punctuation by deleting the comma after the word "activity."

This article will update the General Bylaws to name the newly reorganized Engineering Division within the Department of Public Works as the Department responsible for enforcing the Stormwater Management and Erosion Control bylaw.

Submitted by the Select Board

The Select Board will report on this Article.

Majority vote required for passage.

ARTICLE 4

AMEND ZONING BY-LAW - RESTAURANT PARKING

To see if the Town will vote to amend the Zoning By-law by replacing the existing Section 5.1.2

d) Restaurant Parking:

~~d) Restaurant: one parking space per 2 persons seating capacity. For purposes of calculating parking requirements, up to 20 outdoor seasonal seats shall not count in total seating capacity.~~

with the following:

d) Restaurant: one parking space per 4 persons seating capacity. For purposes of calculating parking requirements, up to 20 outdoor seasonal seats shall not count in total seating capacity.

1. Creditable parking: the following spaces may be credited towards meeting these requirements:

i. All on-site spaces;

ii. In all Business Districts: legal on-street parking spaces, within 600 feet of any entrance to the restaurant, in any Business District; and;

iii. Parking spaces located on another parcel, pursuant to Section 5.1.3(a).

2. Special Permit for reduction in parking requirement:

i. Applicants may seek a Special Permit from the Board of Appeals to reduce the number of spaces below the number required by this Section 5.1.2(d).

ii. The Board of Appeals may consider, in addition to the Special Permit criteria of Section 7.4.3, whether:

• Feasible alternatives for providing necessary parking, including off-site parking, exist; and

• Any special circumstances making a reduced number of spaces adequate for all parking needs.

iii. Where a Special Permit is required under this Section 5.1.3(d)(2), no Design and Site Plan review pursuant to Section 7.3 is necessary from the Planning Board.

Or take any action relative thereto.

This article modifies restaurant parking requirements as a result of the new restaurant use requirements passed in fall 2023. Specifically, the new language reduces the parking requirements for restaurants from 1 space per 2 person seating capacity to 1 space per 4 person seating capacity. It also provides a multi-element means for determining whether appropriate parking is available to the restaurant by allowing them to add: on-site current or planned parking, on-street parking within a certain distance to the restaurant, and potential leased off-street spaces, if available. If a combination of these three sources does not add up to the new required number, then the applicant may seek relief via special permit with the ZBA.

Submitted by the Planning Board

The Select Board and Planning Board will report on this Article.

Two-thirds majority vote required for passage.

ARTICLE 5 AMEND ZONING BY-LAW - AMENDMENTS TO SECTION 4, INTENSITY REGULATIONS

To see if the Town will vote to amend the Zoning By-law by:

1. In Section 4.1, Replacing "~~Office of Community Development~~" with "Office of Planning and Building".

This amendment simply updates the current name of the department.

2. Amending Section 4.2.2.A.2 by replacing "~~the Single Residence B and C~~" with "Residential".

Because this provision is the same for all residential districts, this amendment reflects that.

3. Replacing existing Section 4.2.2.A., subsections 3, 4, and 5 in their entirety with the following:

3. For a building in a Single Residence A or D District, the minimum front setback shall be the least of:

- a. The minimum lot setback requirement listed in Section 4.2.2;
- b. 30% of the depth of the lot; or
- c. The average of the setbacks of the buildings on the lots contiguous thereto on either side. For purposes of determining the average setbacks of the contiguous lots, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at the minimum as listed in Table 4.2.2.

However, in no case shall a front yard setback in the SR-A and SR-D district be less than 16'.

This amendment cleans up this subsection 3, removes B and C districts, and provides a numbered list rather than a comma delimited sentence.

4. For a building in a Single Residence B or C District, the minimum front setback shall be the least of:

- a. The minimum lot setback requirement listed in Section 4.2.2;
- b. 25% of the depth of the lot; or
- c. The average of the setbacks of the buildings on the lots contiguous thereto on either side. For purposes of determining the average setbacks of the contiguous lots, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at the minimum as listed in Table 4.2.2.

However, in no case shall a front yard setback in the B and C district be less than 16'.

This amendment cleans up this subsection 4, makes it the same as 3 but for B and C, and slightly increases the setback from 15' to 16' to be consistent with subsection 3.

5. For a building in a GR District, the minimum front setback shall be the least of:
 - a. The minimum lot setback requirement listed in Section 4.2.2;
 - b. 20% of the depth of the lot; or
 - c. The average of the setbacks of the buildings on the lots contiguous thereto on either side. For purposes of determining the average setbacks of the contiguous lots, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at the minimum as listed in Table 4.2.2.

However, in no case shall a front yard setback in the GR district be less than 10'.

This amendment cleans up this subsection 5, makes the language for GR consistent with prior sections on A-D and B-C.

4. Amending Section 4.2.2.A.7 by replacing "the SR-residential" with "Residential".

This amendment simply modifies reference to single residential to read Residential, which is the same thing but more clear language for the public.

5. Replacing the text of Section 4.3.3, Unenclosed Steps and Similar Projections, as written with the following:

The provisions of Section 4.2 shall not apply to:

- 1) Unenclosed steps, unroofed porches, ramps for the handicapped or other similar features which are not more than three feet high above the adjacent grade and which do not project more than four feet from the foundation wall and in no event are closer than 4 feet to a lot side lot line and 10 feet to a lot rear lot line.
- 2) Permanent coverings, such as roofs or awnings, affixed to the first story of a dwelling, covering entrances and exits to and from a dwelling, and projecting no more than 5' from the face of the building and no more than 4' horizontally from the outer edges of the door panels, except that no such covering shall extend more than 2' beyond the footprint of the structure and encroach into a side yard.

The language from this subsection is retained in full and makes up subsection 1 and subsection 2 is new language added that refers to exceptions made for permanent coverings over entry doors.

6. Adding the following sentence to the end of Section 4.3.5.c.2: "However, the Board of Appeals may grant a Special Permit for an exemption from this section for corner lots."

The language notes that ZBA make grant an exception to these restrictions in the case of a corner lot since these lots have two front yards and are challenging for the siting of primary and accessory buildings.

7. In Section 4.3.6, replacing "~~the regulations~~" with "the setback regulations".

This proposed amendment clarifies that the regulations in 4.3.5 referred to here are specifically setback regulations and this is being clarified.

Or take any action relative thereto.

Submitted by the Planning Board

The Select Board and Planning Board will report on this Article.

Two-thirds majority vote required for passage.

ARTICLE 6 AMEND ZONING BY-LAW - AMENDMENTS TO SECTION 1, GENERAL, SUBSECTIONS 1.4 DEFINITIONS AND ABBREVIATIONS AND 1.5 NONCONFORMING USES AND STRUCTURES

To see if the Town will vote to amend the Zoning By-law by:

1. Amending the definition of "Family" in Section 1.4 by inserting "or a group," after "employees".

This amendment adds reference to a group as part of definition of family which aligns with state law and is consistent with other provisions in the Bylaw.

2. Amending or adding the following definitions in Section 1.4 as follows:

Floor Area, Gross - The sum of the horizontal areas of the several floors of all buildings on the same lot, measured from the exterior face of exterior walls or from the center lines of walls separating two attached buildings, including basements and any interior parking and loading areas, but not including cellars, or areas having less than ~~six~~ seven feet floor-to-ceiling height.

This proposed amendment provides additional clarity to the definition in the case of attached buildings. It also changes the excluded area height from 6 to 7 feet.

Floor Area Ratio (FAR) – The ratio of gross floor area to the ~~lot~~ area of the lot. In determining gross floor area for these purposes only, any building area having floor-to-ceiling height in excess of 15 feet shall be counted twice. FAR does not apply to residential dwellings.

This proposed amendment rewords reference to the "lot" and provides an exception for residential dwellings.

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. Except that for an attached garage with slab on grade, the grade shall not be raised more than 12 inches to allow for proper drainage. Attached garages with slab on grade do not count to any grade calculation. The slab shall serve as the grade.

This proposed amendment provides clarification regarding limitation on raising of grade plus an additional note that attached garages with slab on grade do not count related to a grade calculation.

Open Space - Any open area on a lot, without any building or structure, except patios, unbuilt-on-containing landscape materials, and pedestrian walks, patios, recreational facilities-but excluding driveways and parking spaces.

This proposed amendment clarifies the definition of open space and specifically excludes recreational facilities.

Pergola - A detached open shade structure which is incidental to the use of the principal structure on the same lot, and which is not to be used as storage.

This proposed amendment adds a new definition for the term "Pergola" which is found elsewhere in the Bylaw.

3. Amending the definition of "Setback" in Section 1.4 by replacing "street or property line" with "street right-of-way line or property line".

This proposed amendment clarifies that "street line" is clarified to refer to the public right-of-way line.

4. Amending the definition of "Structure" in Section 1.4 by inserting "pergolas," after "swimming pools,".

This proposed amendment adds the term "pergola" to the definition of structure (p.1-13).

5. Amending Section 1.5.4.A.1 by replacing "~~preexisting non-conforming structures that result in additional gross floor area may be extended or altered with a Special Permit by the Zoning Board of Appeals~~" with "preexisting non-conforming structures may be extended or altered so as to increase their gross floor area with a Special Permit by the Zoning Board of Appeals".

This proposed amendment simply shifts the same language to after the action verbs (extended or altered) from before, where it is now.

6. Replacing references to Section 1.5.4.C with reference to Section 1.5.4.B in Section 1.5.4.B and all of its subsections.
7. Replacing references to Section 1.5.4.B with reference to Section 1.5.4.C in Section 1.5.4.C and all of its subsections.

These proposed amendments correct typographical errors in these sections.

8. Striking the words "~~of the damage and completed within three (3) years~~" from Section 1.5.5.

This proposed amendment simply removes the time period in which repairs to a damaged structure must be completed.

This is an annual article to request funds to pay bills after the close of the fiscal year in which the goods were received or the services performed and for which no money was encumbered.

Submitted by the Select Board

The Select Board and the Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 9 AMEND FY2024 OPERATING, ENTERPRISE AND CPA BUDGETS

To see if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Articles 11, 13, and 22 of the warrant for the 2023 Annual Town Meeting, to be used during the current fiscal year, or make any other adjustments to the current fiscal year budgets and appropriations that may be necessary; to determine whether the money shall be provided by transfer from available funds including the Community Preservation Fund; or in any way act thereon.

This is an annual article to permit adjustments to current fiscal year (FY2024) appropriations.

Submitted by the Select Board

The Select Board and Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 10 APPROPRIATE FOR AUTHORIZED CAPITAL IMPROVEMENTS

To see if the Town will vote to make supplementary appropriations to be used in conjunction with sums appropriated in prior years for the installation or construction of water mains, sewers and sewerage systems, drains, streets, buildings, recreational facilities or other capital improvements and equipment that have heretofore been authorized; determine whether the money shall be provided by the tax levy, by transfer from the balances in other articles, by transfer from available funds, including enterprise funds and the Community Preservation Fund, by borrowing, or by any combination of these methods; or in any way act thereon.

This is an annual article to request funds to supplement existing appropriations for certain capital projects in light of revised cost estimates that exceed such appropriations.

Submitted by the Select Board

The Select Board, Warrant Committee and Comprehensive Capital Budget Committee will report on this Article.

Majority vote required for passage.

ARTICLE 11

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	FY2024 Salary	FY2025 Salary	Change
Town Moderator	\$ 450	\$ 450	\$—
Chair of the Select Board	\$ 5,000	\$ 5,000	\$—
Select Board (2)	\$ 4,500	\$ 4,500	\$— (each)
Town Clerk	\$ 106,556	\$ 108,687	\$2,131
Chair of the Board of Assessors	\$ 3,030	\$ 3,030	\$—
Assessors (2)	\$ 2,200	\$ 2,200	\$— (each)

This is a standard article to comply with the provision in M.G.L. c. 41, §108 requiring the compensation levels of all elected officers to be fixed at the Annual Town Meeting, and to appropriate the funds necessary for FY2025. Please note that Town Meeting will establish and appropriate the compensation of other municipal employees under Article 24.

Submitted by the Select Board

The Select Board and Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 12

MWRA I/I FINANCIAL ASSISTANCE PROGRAM PHASE XI

To see if the Town will vote to appropriate a sum of money to allow the Town Engineer and the Department of Public Works Sanitary Sewer and Stormwater Division to participate in the Massachusetts Water Resources Authority’s Infiltration/Inflow Local Financial Assistance Program for the purpose of designing and constructing improvements to the sanitary sewer and storm drain system to mitigate the impacts of infiltration/inflow in the sanitary sewer system; said sum to be raised by borrowing under the program as follows,

Phase	Term	Amount
11	10 years	\$260,000.00

or take any other action relative thereto.

This article seeks Town Meeting authorization to borrow funds at a 0% rate of interest from the Massachusetts Water Resources Authority in connection with their Infiltration/Inflow Local Financial Assistance Program. Funds for repayment of the loan would be raised through sewer user fees.

Submitted by the Select Board

The Select Board, Warrant Committee and Comprehensive Capital Budget Committee will report on this Article.

Two-thirds vote required for passage.

ARTICLE 13 ENTERPRISE FUNDS FOR WATER, 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.

Submitted by the Select Board

The Select Board, Warrant Committee, and Comprehensive Capital Budget Committee will report on this Article.

Majority vote required for passage.

ARTICLE 14 ESTABLISH EXPENDITURE LIMITATION FOR REVOLVING FUNDS

To see if the Town will vote, pursuant to Chapter 44, Section 53E½, of the General Laws, to establish expenditure limitations for FY2025 for the revolving funds authorized in § 50-220 of the Town Bylaws;

Fund Title	Entity/Dept.	Spending Limits
Senior Programs	Council on Aging	\$ 150,000
Art Gallery	Belmont Cultural Council	\$ 15,000
Rock Meadow Maintenance	Conservation Commission	\$ 15,000
Copying/Lost Books	Library Trustees	\$ 15,000
Stormwater Improvements	Community Development	\$ 100,000
MLK Day Breakfast	Human Rights Commission	\$ 5,000
Non-School Property Maintenance	Facilities	\$ 60,000
Stormwater Consulting	Community Development	\$ 50,000
Recreation	Recreation Department	\$ 1,280,000
Total		\$ 1,940,000

or in any way act thereon.

This is a standard article that sets a limit on the amount of fee revenue that can be expended from the various revolving funds listed in §50-220 of the Town Bylaws during the upcoming fiscal year.

- A. Senior Programs Fund: funds derived from Council on Aging course and program fees, charges or other receipts to be expended by the Council on Aging to fund courses and programs for Fiscal Year 2018 and subsequent years.*
- B. Art Gallery Fund: funds derived from commissions on art sales, to be expended by the Belmont Cultural Council for gallery exhibits and event expenses, including administrative costs and part-time wages, for Fiscal Year 2018 and subsequent years.*
- C. Rock Meadow Restoration and Maintenance Fund: funds derived from rental fees from garden plots, to be expended by the Conservation Commission for costs associated with the restoration and maintenance of the Rock Meadow conservation area, including part-time wages, for Fiscal Year 2018 and subsequent years.*
- D. Library Lost Book and Copying Fund: funds derived from lost book fees and fees for printing and copying, to be expended by the Board of Library Trustees for the replacement of lost books and for copier and printer supplies and maintenance for Fiscal Year 2018 and subsequent years.*
- E. Stormwater Improvement Fund: funds derived from payments made in lieu of on-site stormwater facilities, under the Stormwater Management and Erosion Control Bylaw, to be expended by the Director of the Office of Community Development for design, construction, and maintenance of public or shared stormwater facilities, for Fiscal Year 2018 and subsequent years.*
- F. Martin Luther King Day Breakfast Fund: funds derived from ticket sales for the annual Martin Luther King Day Breakfast, to be expended by the Human Rights Commission for event expenses for Fiscal Year 2018 and subsequent years.*
- G. Non-School Property Maintenance Fund: funds derived from the rental of Town properties not under the control of the School Department, to be expended by the Select Board for the maintenance and repair of such properties.*
- H. Stormwater Consulting Fund: funds derived from consultant fees paid by applicants for stormwater permits, to be expended by the Director of the Office of Community Development for peer review consultant services for Fiscal Year 2018 and subsequent years.*
- I. Recreation Revolving Fund: funds derived from recreation programs and activities to be expended by the Director of the Recreation Department for costs associated with recreation programs, including part-time wages, for FY2025 and subsequent years.*

Submitted by the Select Board

The Select Board and Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 19

ADOPT MUNICIPAL BUILDINGS INSURANCE FUND

To see if the Town will vote to accept the provisions of General Laws Chapter 40, Section 13 to establish a municipal buildings insurance fund to fund insurance deductible payments, or in any way act thereon.

This article would establish a special revenue fund to allow the Town to pool funding that might be remaining in one year to offset future expenses. In addition, a small balance remaining from insurance proceeds is proposed to transfer to the fund.

Submitted by the Select Board

The Select Board and the Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 20

APPROVE 5-YEAR TERM FOR POLICE TASER LEASE

To see if the Town will vote to approve a contract for a 5-year lease for up to 49 Tasers for the Police Department, or in any way act thereon.

This article would allow the Police Department to enter into a contract for 5 years to lease Tasers for its uniformed officers. The current limit in Massachusetts General Laws is 3 years. The Police currently have 10 Tasers which were purchased using grant funds. They have found them to be a useful deescalation strategy. This approach will allow the Police Department to build the cost for Tasers into their operating budget.

Submitted by the Select Board

The Select Board and the Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 21

APPROPRIATION OF FY2025 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 budget expenditures. While the article is general as to the categories of capital expenditures, the motion will be explicit. The

ARTICLE 24

**FY2025 BUDGET APPROPRIATION AND AUTHORIZATION TO
TRANSFER BALANCES TO FUND THE FY2025 BUDGET**

To determine what sums of money shall be granted to pay Town expenses for the fiscal year beginning July 1, 2024, and to make the necessary appropriations for the same for the support of schools and for other Town purposes; and to raise, appropriate, transfer money from available funds, and change the purpose of the unexpended balance of prior appropriations to fund the ensuing year's operations, or in any way act thereon.

This is a standard article that appropriates the Town's FY2025 budget, commencing on July 1, 2024. The budget consists of several categories of expenditures; each such category, and the transfer of balances from various sources necessary to fund the General Fund Budget, will be presented for a separate vote 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 Annual Town Meeting.

Submitted by the Select Board

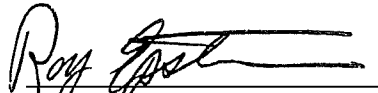
The Select Board, School Committee and Warrant Committee will report on this Article.

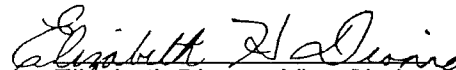
Majority vote required for passage.



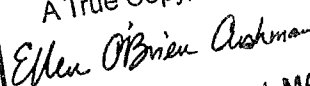
Given under our hands this **5th** day of **April, 2024**

BELMONT SELECT BOARD


Roy Epstein, Chair


Elizabeth Dionne, Vice Chair


Matthew Taylor, Member

A True Copy, Attest

Town Clerk of Belmont, MA