

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Officer's Return, Reading:

By virtue of this Warrant, I, on _____ notified and warned the inhabitants of the Town of Reading, qualified to vote on Town affairs, to meet at the place and at the time specified by posting attested copies of this Town Meeting Warrant in the following public places within the Town of Reading:

- Precinct 1 J. Warren Killam School, 333 Charles Street
- Precinct 2 Peter Sanborn Place, 50 Bay State Road
- Precinct 3 Reading Police Station, 15 Union Street
- Precinct 4 Joshua Eaton School, 365 Summer Avenue
- Precinct 5 Town Hall, 16 Lowell Street
- Precinct 6 Austin Preparatory School, 101 Willow Street
- Precinct 7 Reading Library, Local History Room, 64 Middlesex Avenue
- Precinct 8 Wood End School, 85 Sunset Rock Lane

The date of posting being not less than fourteen (14) days prior to April 7, 2009, the date set for the Local Election in this Warrant.

I also caused an attested copy of this Warrant to be published in the Reading Chronicle in the issue of _____

Alan W. Ulrich, Constable

A true copy. Attest:

Cheryl A. Johnson, Town Clerk

TOWN WARRANT
(Seal)
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

To any of the Constables of the Town of Reading, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Reading, qualified to vote in the Presidential Primary and Local Elections and Town affairs, to meet in the following place designated for the eight precincts in said Town, namely:

Precincts 1, 2, 3, 4, 5, 6, 7 and 8
RMHS Hawkes Field House, Oakland Road

TUESDAY, the SEVENTH DAY OF APRIL, A.D., 2009
from 7:00 a.m. to 8:00 p.m. to act on the following Articles, viz:

ARTICLE 1 To elect by ballot the following Town Officers:

A Moderator for one year;
One member of the Board of Selectmen for three years;
One member of the Board of Assessors for three years;
Two members of the Board of Library Trustees for three years;
Two members of the Municipal Light Board for three years;
Two members of the School Committee for three years; and
Sixty five Town Meeting Members shall be elected to represent each of the following precincts:

Precinct 1	Eight members for three years;
Precinct 2	Eight members for three years; one member for one year;
Precinct 3	Eight members for three years;
Precinct 4	Eight members for three years;
Precinct 5	Eight members for three years;
Precinct 6	Eight members for three years;
Precinct 7	Eight members for three years; and
Precinct 8	Eight members for three years.

QUESTION 1

Shall the Board of Selectmen be granted the authority to issue licenses for the sale of all alcohol beverages to be consumed on the premises to restaurants with a seating capacity of less than 100 persons?

Yes _____ No _____

Summary: Currently, the Board of Selectmen may only issue an all alcohol beverage license to a restaurant that has a seating capacity of not less than 100 persons. An affirmative vote under this question would permit the Board to issue all alcoholic beverage licenses to those restaurants that do not meet the minimum seating capacity for 100 patrons. The Board believes that such a reduction will benefit smaller restaurants in Town. The license will be subject to rules and regulations established by the Board of Selectmen as well as all other provisions of Massachusetts General Laws, Chapter 138. Approval of this measure will not change the total number of restaurant licenses (all alcoholic or wine and malt) that can be issued in the Town.

and to meet at the Reading Memorial High School, 62 Oakland Road, in said Reading on

MONDAY, the TWENTY-SEVENTH DAY OF APRIL A.D., 2009

at seven-thirty o'clock in the evening, at which time and place the following Articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with the provisions of the Reading Home Rule Charter.

ARTICLE 2 To hear and act on the reports of the Board of Selectmen, Town Accountant, Treasurer-Collector, Board of Assessors, Director of Public Works, Town Clerk, Tree Warden, Board of Health, School Committee, Contributory Retirement Board, Library Trustees, Municipal Light Board, Finance Committee, Cemetery Trustees, Community Planning & Development Commission, Town Manager and any other Official, Board or Special Committee.

Board of Selectmen

Background: This Article appears on the Warrant for all Town Meetings. At this Annual Town Meeting, the following report(s) are anticipated:

- ◆ State of the Town – by the Chairman of the Board of Selectmen.
- ◆ Review Reading's potential participation as a "Green Community" pursuant to the Green Communities Act.

Finance Committee Report: No report.

Bylaw Committee Report: No report.

ARTICLE 3 To choose all other necessary Town Officers and Special Committees and determine what instructions shall be given Town Officers and Special Committees, and to see what sum the Town will vote to appropriate by borrowing or transfer from available funds, or otherwise, for the purpose of funding Town Officers and Special Committees to carry out the instructions given to them, or take any other action with respect thereto.

Board of Selectmen

Background: This Article appears on the Warrant of all Town Meetings. There are no known Instructional Motions at this time. The Town Moderator requires that all proposed Instructional Motions be submitted to the Town Clerk in advance so that Town Meeting Members may be "warned" as to the subject of an Instructional Motion in advance of the motion being made. Instructional Motions are normally held until the end of all other business at Town Meeting.

Finance Committee Report: No report.

Bylaw Committee Report: No report.

ARTICLE 4 To see if the Town will vote to amend the FY 2009 - FY 2018 Capital Improvements Program as provided for in Section 7-7 of the Reading Home Rule Charter and as previously amended, or take any other action with respect thereto.

Board of Selectmen

Background: This Article is included in every Town Meeting Warrant. Town Bylaw prohibits Town Meeting from approving any Capital Expenditure unless the project is included in the Capital Improvements Program (CIP).

The following changes are needed for FY 2009 in the current CIP:

Thermal Imaging – Add \$6,000 in FY09, and delete \$30,000 in future years in the CIP. This \$6,000 represents the local share with the remainder of the cost being covered by a grant awarded to the Town.

Municipal Building Improvements – Add \$15,000 in roofs for gutter and related work at the West Side Fire Station, and add \$10,000 in flooring for replacement carpeting at the Reading Public Library. There is a surplus of about \$15,000 in other municipal building capital projects, and perhaps a bit more which would allow some or all of these two projects to be funded by previous capital appropriations.

Finance Committee Report: The Finance Committee recommends the subject matter of this Article by a vote of 8-0-0 at their March 25, 2009 meeting. This Article allows capital requests to be available for funding in a later Article at this Town Meeting. A 10 year balanced capital plan is a prudent fiscal tool that facilitates long range planning and project prioritization. The balanced plan provides the maximum amount the Town can fund each year and stay within the FINCOM guide lined amount.

Bylaw Committee Report: No report.

ARTICLE 5 To see if the Town will vote to amend one or more of the votes taken under Article 11 of the Warrant of the Annual Town Meeting of April 28, 2008, as amended under Article 4 of the November 10, 2008 Subsequent Town Meeting; and to see what sum the Town will vote to appropriate by borrowing or transfer from available funds, or otherwise, as the result of any such amended votes for the operation of the Town and its government, or take any other action with respect thereto.

Finance Committee

Background: The following budget amendments are proposed for the FY 2009 Budget:

General Fund – Wages and Expenses

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
B99	Benefits – Expenses <ul style="list-style-type: none"> • Health Insurance <ul style="list-style-type: none"> ○ Enrollment \$100,000 ○ Muni Gov't \$ 37,980 <i>(FF \$15,970; Tech. \$8,250; Libr. \$6,680; Comm Svc \$7,080)</i>	\$137,980	
M1	Accounting – Wages <ul style="list-style-type: none"> • Overtime 	\$ 2,000	

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
N15	Finance – Wages <ul style="list-style-type: none"> • Technician \$20,620 • Overtime \$10,000 • Elections – Grant \$10,344 	\$ 40,964	
N16	Finance – Expenses <ul style="list-style-type: none"> • Elections – Grant \$10,344 • Tech. Virtualization \$5,000 		\$15,344
P1	Library – Wages <ul style="list-style-type: none"> • Technician position \$16,700 • Other \$16,000 	\$32,700	
P2	Library – Expenses <ul style="list-style-type: none"> • Materials 		\$10,800
Q7	Town Manager's Office – Expenses <ul style="list-style-type: none"> • Retreat 	\$ 1,000	
R14	Community Services – Wages <ul style="list-style-type: none"> • Eliminated positions -\$17,700 • Sick/Vac. Buyback +\$7,500 	\$ 10,200	
S16	Public Works – Expenses <ul style="list-style-type: none"> • Street Lighting 		\$12,000
S17	Public Works – Expenses <ul style="list-style-type: none"> • Rubbish 	\$57,000	
S19	Public Works – Wages <ul style="list-style-type: none"> • Sick/vac. Buyback +\$10,000 • DPW positions - \$15,000 	\$ 5,000	
S20	Public Works – Expenses <ul style="list-style-type: none"> • Highway Equipment repairs, parts and maintenance 		\$85,000
T7	Public Safety – Wages <ul style="list-style-type: none"> • Police optional train. \$4,000 • Police s/v buyback \$37,000 • Police positions \$40,000 • Fire positions \$24,800 	\$105,800	
	Subtotals	\$392,644	\$123,144
	Net Operating Expense Reductions and Transfers	\$269,500	

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
S18	Public Works – Expenses <ul style="list-style-type: none"> • Snow & Ice Control (estimate) 		\$750,000
T8	Public Safety – Expenses <ul style="list-style-type: none"> • Police Academy (reimbursed by new Officers into the general fund) 		\$ 3,000

N16	Finance – Expenses • FINCOM Reserve Fund		\$ 50,000
	Subtotals		\$803,000
	Net from Operating Transfers and Available Funds (Free Cash)		\$803,000

Finance Committee Report: The Finance Committee recommends the subject matter of this Article by a vote of 8-0-0 at their March 25, 2009 meeting.

Bylaw Committee Report: No report.

Capital

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
C99	Fire Capital – Local share of Thermal Imaging Grant		\$6,000
	Subtotals		\$6,000
	Net from Operating Transfers and Available Funds (Free Cash)		\$6,000

Finance Committee Report: The Finance Committee recommends the subject matter of this Article by a vote of 8-0-0 at their March 25, 2009 meeting.

Bylaw Committee Report: No report.

Enterprise Funds

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
W5	Expenses in Lines M1 through S20	\$347,625	
X5	Expenses in Lines M1 through S20	\$234,651	
	Subtotals	\$582,276	
	Net Reduction in Operating Budget Appropriations:		
	Water	\$347,625	
	Sewer	\$234,651	

Finance Committee Report: The Finance Committee will see this information for the first time at their April 15, 2009 meeting. At the November 2008 Town Meeting, funds were added to several general fund budgets to reflect a new accounting requirement by the Massachusetts Department of Revenue. In order to complete this change, the same amount of funds must now be removed from the Enterprise Fund Budgets. As in the November action taken by Town Meeting, no additional funds are spent or moved within the budgets – this is simply a new accounting requirement. The FY10 Budget as presented will fully comply with these new requirements.

Bylaw Committee Report: No report.

ARTICLE 6 To see if the Town will vote to authorize the payment during Fiscal Year 2009 of bills remaining unpaid for previous fiscal years for goods and services actually rendered to the Town, or take any other action with respect thereto.

Board of Selectmen

Background: Dennis K. Burke, Inc. submitted three invoices in FY09 for adjustments to FY08 invoices in the DPW for materials purchased due to their own mistakes. The Town is responsible to pay the adjustments which total \$9,277.34.

Finance Committee Report: The Finance Committee recommends the subject matter of this Article by a vote of 8-0-0 at their March 25, 2009 meeting.

Bylaw Committee Report: No report.

ARTICLE 7 To see if the Town will vote to approve the FY 2010 – FY 2019 Capital Improvements Program as provided for in Section 7-7 of the Reading Home Rule Charter, or take any other action with respect thereto.

Board of Selectmen

Background: Recent CIP's have shown near-term requests in excess of the anticipated annual funding available. This was done purposefully and in several past years, Town Meeting has been in a position to approve additional capital spending at the Subsequent Town Meeting in November due to strong levels of reserves.

In light of the global economic conditions, we do not foresee any reasonable opportunity to utilize free cash mid-year for capital improvements for at least two years. As a result, significant amounts of capital in every department have been moved further out on the CIP so that the near term plan is balanced to what funds are available at Annual Town Meeting only.

As we await the findings and recommendations of Performance Contracting, another change to the CIP is that all energy-related capital items have been pushed out to FY 2011 and beyond. This does not suggest any lack of priority for these items – in fact, we hope to accomplish a significant portion of this work in FY10 if Performance Contracting goes forward. Some or all of these items will be financed with energy savings so until we have a firm financial and operational plan, we show energy-related items in future years only.

The proposed CIP reflects some of the following major changes:

Thermal Imaging – Deleted \$30,000 from capital plan; request \$6,000 as part of the FY09 budget amendments. This would represent the local share with the remainder of the cost being covered by a grant awarded to the Town.

Public Safety Radios – Increased the scope of work and estimated cost in 2010 from \$180,000 to \$311,000. Some details are a matter of security but the scope has been expanded to include key communications equipment throughout the Town, in addition to the hand-held units for Fire and Police.

DPW Truck #3 – Cost reduced by \$200 to \$97,000.

Sidewalks/Curbs – Allocation reduced from \$50,000 to \$25,000.

Assessors' Financial System – Added to the CIP at the request of the Board of Assessors in FY12 for an approximate cost of \$100,000.

Please see the Blue Pages in the Appendix of this report for the details of both the FY 2010 - FY 2019 Capital and FY 2010 – FY2025 Debt Service schedule.

Finance Committee Report: The Finance Committee recommends the subject matter of this Article by a vote of 0-0-8 at their March 25, 2009 meeting. The votes to abstain reflect a request from the School Committee to re-prioritize capital, presented at the FINCOM meeting of March 25, 2009, and the uncertainty about a final list of FY10 proposed capital as of that date.

Bylaw Committee Report: No report.

ARTICLE 8 To see what sum the Town will vote to appropriate by borrowing, whether in anticipation of reimbursement from the State under Chapter 44, Section 6, Massachusetts General Laws, or pursuant to any other enabling authority or from the tax levy, or transfer from available funds, or otherwise, for highway projects in accordance with Chapter 90, Massachusetts General Laws, or take any other action with respect thereto.

Board of Selectmen

Background: The purpose of this Article is to make Chapter 90 funds for road improvements available to the Town. The Article authorizes debt in anticipation of receipt of the grant but the Town has never sold debt for these projects. The funds will not be borrowed but authorizing the borrowing allows the community to plan for projects with certainty that they will be funded. The FY 2010 Chapter 90 allocation is \$446,097.

Finance Committee Report: The Finance Committee recommends the subject matter of this Article by a vote of 8-0-0 at their March 25, 2009 meeting. This is a routine method of authorizing the receipt and application of Chapter 90 funds. In the event Chapter 90 funds are not received, the projects would require alternative funding sources outside the scope of this Article.

Bylaw Committee Report: No report.

ARTICLE 9 To see if the Town will vote to authorize the Board of Selectmen to sell, or exchange, or dispose of, upon such terms and conditions as they may determine, various items of Town tangible property, or take any other action with respect thereto.

Board of Selectmen

Background: The following list of intangible property with a value in excess of \$5,000 is proposed for disposition under this Article. Between now and Town Meeting, there may be additional items added to the list.

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<u>Department</u>	<u>Equipment</u>
Fire	1997 Chevrolet Blazer
DPW	1995 International sewer jetter 1995 International dump truck/sander 1997 Ford F350 pickup truck
Police	2 Ford Crown Victoria police cars

Finance Committee Report: The Finance Committee recommends the subject matter of this Article by a vote of 8-0-0 at their March 25, 2009 meeting. This would authorize the disposal of six aging vehicles.

Bylaw Committee Report: No report.

ARTICLE 10 To see if the Town will vote to transfer the sum of One Hundred and Twenty Five Thousand Dollars (\$125,000) from the sale of real estate fund for the purpose of designing a building or buildings to replace the present service building in the Laurel Hill Cemetery including but not limited to design specifications, test borings, surveying and any other items incidental thereto, said funds to be expended by and under the direction of the Town Manager, and that the Town Treasurer be and hereby is authorized and instructed to transfer said sum to carry out the purpose of this vote, or take any other action with respect thereto.

Board of Cemetery Trustees

Background: When the present service building was built in 1920, Laurel Hill was Reading's only cemetery, and the work was done by pick and shovel until 1965 when the last addition was built, then Reading had just two cemeteries and much of the work was still done by pick and shovel.

Today, Reading has four cemeteries with the work being done by a crew of four full-time and two seasonal employees equipped with power mowers and a backhoe. Because of the size of this and other equipment, it cannot be stored in the present building in an efficient manner, and is difficult for the employees to access it. At 25 acres and the most labor intensive of the four cemeteries, the Trustees feel that a new service building or buildings should be built on the present Laurel Hill location and not combined into the DPW site at New Crossing Road.

Finance Committee Report: The Finance Committee does not recommend the subject matter of this Article by a vote of 0-6-2 at the meeting of March 25, 2009. The committee acknowledged the need for the project and is concerned about the safety issues raised but given the knowledge that in the current economic climate the funding for the construction of the facility is not available, and that the Board of selectmen has not made a decision on the actual siting of the facility, it seems premature to approve funding for design.

Bylaw Committee Report: No report.

Board of Cemetery Trustees Report: No report.

ARTICLE 11 To see if the Town will vote to authorize revolving funds for certain Town Departments under Massachusetts General Laws, Chapter 44, Section 53E ½ for the

fiscal year beginning July 1, 2009 with the receipts, as specified, credited to each fund, the purposes, as listed, for which each fund may be spent, the maximum amount that may be spent from each fund for the fiscal year, and the disposition of the balance of each fund at fiscal year end

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Conservation Commission Consulting Fees	Conservation Commission	Fees As provided for in Reading General Bylaws Section 5.7, Wetlands Protection	Consulting and engineering services for the review of designs and engineering work for the protection of wetlands.	\$25,000	Available for expenditure next year
Inspection Revolving Fund	Town Manager	Building Plumbing, Wiring, Gas and other permits for the Walkers Brook Crossing, Archstone and Johnson Woods developments	Legal, oversight and inspection, plan review, initial property appraisals and appeals, Community Services general management, landfill monitoring costs, curb sidewalks and pedestrian safety improvements, records archiving and other project related costs.	\$125,672	Available for expenditure next year
Public Health Clinics and Services	Board of Health	Clinic fees and third party reimbursements	Vaccines, materials for screening clinics and clinical supply costs, medical equipment and supplies, immunizations, educational materials	\$25,000	Available for expenditure next year
Library Materials Replacement	Library Director and Trustees	Charges for lost or damaged Library materials	Acquire Library materials to replace lost or damaged items	\$15,000	Available for expenditure next year
Mattera Cabin Operating	Recreation Administrator	Rental Fees	Utilities and all other maintenance and operating expenses	\$10,000	Available for expenditure next year

or take any other action with respect thereto.

Board of Selectmen

Background: These are revolving funds that will require annual renewal at the Annual Town Meeting.

- **Conservation Consulting Revolving Fund** - There was no activity in the Conservation Consulting Revolving Fund during Fiscal Year 2008. The balance remains at zero. The Conservation Commission voted unanimously to support Article 10 of the Warrant, reauthorizing the revolving fund in the amount of \$25,000.
- **Inspections Revolving Fund** - Beginning in 2004, Town Meeting approved the inspections revolving funds as a way to deposit building and other permit fees, and to use them directly for purposes of plan review, inspections, legal expenses, initial property value appraisal and appeals, and general management of the Community Services operations related to three developments as well as for the construction of curbs, sidewalks and pedestrian safety improvements.

The balance available for the FY 2010 year is \$125,672 which would be the total expense to be authorized.

- **Health Clinic Revolving Fund** - The Reading Health Division contracts for third party payments for a number of immunizations. The funds are used to augment the influenza vaccine supply from the State Department of Public Health to insure vaccine for the homebound clients and first responders. The Reading Health Division also uses these funds for meningitis prevention vaccine for adolescents and materials for cholesterol, glucose and tuberculosis screening clinics. Clinic client fees are also deposited into this fund to offset vaccine and clinical supply costs.

The necessary amounts used for clinic vaccine, supplies and staff salaries related to the clinics each year directly from the revolving fund is approximately \$25,000.

- **Library Materials** - During the course of a year, the Library recovers funds from patrons who have lost or damaged books or other materials. Currently, those funds go into the Town's General Fund and at the end of the year, go into Free Cash. The adoption of this Article will allow those funds recovered from patrons to be available directly to the Library to purchase replacement materials.
- **Mattera Cabin** - The log cabin on the Mattera Conservation land was purchased a couple of years ago. The Town has developed a program of improvements to the cabin, and is working on programming its use. Some of the use is anticipated to be revenue generating, and it is anticipated that over time the site would generate enough funding to pay the operating costs of the cabin - primarily utilities. This Article would allow those revenues to be used directly for the operating expenses of the cabin.

Finance Committee Report: The Finance Committee recommends the subject matter of this Article by a vote of 8-0-0 at their March 25, 2009 meeting.

Bylaw Committee Report: No report.

ARTICLE 12 To see if the Town will vote to establish a stabilization fund, or take any other action with respect thereto.

Board of Selectmen

Background: In the various Town budgets, one will see from time to time funding for sick leave buy-back or vacation leave buy-back. As a result, the budgets may artificially fluctuate from year to year. The intent of this Article is to establish a stabilization fund and to pay those obligations from the stabilization fund as they occur. This will permit the Department Salary and Wage Budgets to track more effectively the routine annual requirements of the Department. In FY 2019, there are no anticipated retirements that require the payment of sick leave buy-back or vacation buy-back, and it is anticipated that the stabilization would be funded with \$25,000 from Free Cash this year, and supplemented from year to year.

As a matter of policy and collective bargaining process, sick leave buy-back is being phased out but that process could take upwards of 20 years.

Finance Committee Report: The Finance Committee does not recommend the subject matter of this Article by a vote of 1-4-3 at their March 25, 2009 meeting.

Bylaw Committee Report: No report.

ARTICLE 13 To see what sum the Town will vote to transfer to the Water Enterprise Fund, sums of money received during FY 2009 and which may be received in subsequent years as a result of the settlement of the so-called MTBE litigation, or take any other action with respect thereto.

Board of Selectmen

Background: The Town has converted its entire water supply to utilizing the MWRA as its water source. Part of the reason for making that transition was to avoid future contamination issues that could render the local water supply incapable of meeting the Town's needs. Reading is well aware of that potential when a gasoline spill on I-93 in 1992 closed the Town's wells for a period of time as a precaution to prevent contamination.

Several years ago, the Town joined a class action suit against gasoline refiners for MTBE contamination to Town wells. Many of those cases have been settled, and the Town has received \$709,987 to date. There will be more payments to come in the future, although the settlements to date represent the vast majority of expected payments.

Because the Town has spent a great deal of money to buy into the MWRA for water supply, the intent is to utilize these legal settlement funds related to water supply contamination to help offset water rate increases over the next several years.

The action under this Article will be to transfer these and future payments from this source into the water reserve account.

Finance Committee Report: The Finance Committee recommends the subject matter of this Article by a vote of 5-0-3 at their March 25, 2009 meeting. If applied, this could potentially ease water rates charged to residents. Since these funds are not obligated to be applied to Water projects, there was discussion on whether the funds should be allowed to flow to Free Cash in order to be available for the general fund in future years, and then available for Operating or Capital challenges. For the abstaining votes, there was not sufficient information to draw conclusions.

Bylaw Committee Report: No report.

ARTICLE 14 To see if the Town will vote to determine how much money the Town will appropriate by borrowing, or from the tax levy, or transfer from available funds, or otherwise, for the operation of the Town and its government for Fiscal Year 2010 beginning July 1, 2009, or take any other action with respect thereto.

Finance Committee

Background: Please see the Yellow Pages in the Appendix of this report for the FY 2010 Budget.

Finance Committee Report: The Finance Committee votes are reflected in the budget presentation material.

Bylaw Committee Report: No report.

ARTICLE 15 To see what sum the Town will raise by borrowing or transfer from available funds, or otherwise, and appropriate for the purpose of making energy and water conservation and similar improvements to Town owned properties, including the costs of consulting services, audits, plans, documents, cost estimates, bidding services and all related expenses incidental thereto and necessary in connection therewith, said sum to be expended by and under the direction of the Superintendent of Schools and the Town Manager; and to see if the Town will authorize the School Committee, Board of Selectmen, Superintendent of Schools, Town Manager, or any other agency of the Town, to apply for a grant or grants, to be used to defray the cost of all, or any part of, said energy and water conservation improvements; and to authorize the Superintendent of Schools and/or the Town Manager to enter into any and all contracts and agreements as may be necessary to carry out the purposes of this Article, or take any other action with respect thereto.

School Committee

Background: Reading Public Schools and the Town of Reading have launched an exciting new project to evaluate and then implement a set of comprehensive energy conservation measures in our municipal and school buildings. The Energy Savings Performance Contracting (ESPC) process, as set forth in Massachusetts General Laws Chapter 25A, Section 11I, allows a municipality to partner with an Energy Services Company (ESCO) to evaluate, design and “construct” building infrastructure improvements to reduce energy and water consumption with construction costs paid for through the savings generated from the project.

The Subsequent Town Meeting in November 2008 approved an expenditure of no more than \$120,000 for consulting services and an initial energy audit. The cost of the audit would only be paid if a project does not go forward. In response to a Request for Qualifications, seven leading national ESCOs submitted responses. In accordance with the state-mandated process, the evaluation resulted in the selection of NORESKO of Westborough, Massachusetts as the top rated firm to partner with Reading.

The ESPC Project began with the technical energy audit of all fifteen town and school buildings. The audit process involved comprehensive measurement and analysis of building energy and water use. Teams of energy auditors utilized meters, monitors, data loggers, surveys and on-site inspection to determine how our buildings use energy and establish an energy consumption baseline. A team of engineers then evaluated and designed energy conservation measures that could be undertaken to reduce building energy consumption

from the baseline level. This team of energy engineers and specialists presented these alternatives to the Town. As this Warrant goes to print in advance of Town Meeting, Town staff is in the process of finalizing the highest priority measures that best meets the needs and objectives of the community.

In addition, a variety of financing options are being evaluated, including seeking debt authorization for some (or all) of this project from Town Meeting through this Article. If the entire project is funded with debt through this Article, debt service will first be paid from energy savings. Any remaining debt service would be paid from the annual share of debt and capital. Town staff is diligently monitoring Federal and State stimulus funding, to see if any (or all) of this project is eligible. In light of the volatile status of stimulus funding and of the financial markets, the widest possible set of financial tools is particularly important at this time.

Once the project scope has been finalized, and Town Meeting has authorized debt (if and as needed), the ESCO, acting as general contractor, will design/build the infrastructure improvements over the course of one to two years, depending upon the number of measures selected. Reading's project team will approve the type or brand of equipment to be installed as well as sub-contractors used for installation who will also have to meet NORESCO's stringent qualification criteria. Reading's project team will meet weekly with NORESCO's construction management team during all phases of the project and key information will be communicated to Town officials and the general public through a blog including project schedules, tasks and timelines.

Finance Committee Report: The Finance Committee abstained from taking an affirmative or negative position relative to the subject matter of this Article by a vote of 0-0-8 at the March 25, 2009 meeting. This position was taken due to the fact that final information on the project that would be proposed or what funding would be required was not available in time for an informed decision to be made by the Warrant publication deadline. The Finance Committee may revise this position when or if more pertinent information becomes available in time to take a vote.

Bylaw Committee Report: No report.

School Committee Report: No report.

ARTICLE 16 To see if the Town will vote to amend the Town of Reading General Bylaws, Article 3, Section 3.1 Board of Selectmen, by adding a new section as follows:

3.1.2 Whenever a decision of the Community Development and Planning Commission, Zoning Board of Appeals or Conservation Commission provides for the conveyance of land, or any interest therein, including but not limited to easements, to the Town for nominal consideration, the Board of Selectmen is authorized to accept said conveyance on behalf of the Town

or take any other action with respect thereto.

Board of Selectmen

Background: Town Counsel has recommended this bylaw which, in their experience, is common in many other communities. This bylaw would permit the Board of Selectmen to accept a conveyance of land, including easements, when the conveyance or easements are

for nominal consideration (less than \$100.00 and when no appropriation is required) and they are part of the approval granted by any of the three regulatory bodies of the Town as part of their decision-making process. Usually these conveyances are for utility easements or similar conveyances.

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee recommends the subject matter of this Article by a vote of 3-0-0.

ARTICLE 17 To see if the Town will vote to adopt the following bylaw as Section 5.5.10 of the Reading General Bylaws:

Section 5.5.10 - Public Consumption of Marijuana or Tetrahydrocannabinol

No person shall smoke, ingest or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, school house, school grounds, cemetery, parking lot or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier, or in any place accessible to the public.

This Bylaw may be enforced through any lawful means in law or in equity including but not limited to enforcement by criminal indictment or complaint pursuant to G.L. c. 40, §21, or by noncriminal disposition pursuant to G.L. c. 40, §21D, by the Board of Selectmen, the Town Manager, or their duly authorized agents or any Police Officer. The fine for violation of this bylaw shall be Three Hundred Dollars (\$300.00) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, §32L,

or take any other action with respect thereto.

Board of Selectmen

Background: In January 2009, Massachusetts General Law was changed to decriminalize the possession of less than one ounce of marijuana. The civil violation of possession is now \$100.00. This Bylaw proposes to make consumption of marijuana in a public place a violation of Town Bylaw, and makes the violation an equal violation to the consumption of alcoholic beverages Section (5.5.6) with a fine of up to \$300.00 in addition to the civil violation. Section 5.5.6 is shown below for Town Meeting Members information. The language proposed here is model language from the Attorney General's Office.

5.5.6 Consumption of Alcoholic Beverages

No person shall consume any alcoholic beverages as defined in Chapter 138 of the General Laws while on, in or upon any public way, public parking lot or upon any vehicle on such way, lot or place. All alcoholic beverages being used in violation of this Bylaw shall be seized and safely held until final adjudication of the charges against the person or persons arrested or summoned before the Court, at which time they shall be returned to the person entitled to lawful possession.

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee recommends the subject matter of this Article by a vote of 3-0-0.

ARTICLE 18 To see if the Town will vote to amend the Town of Reading Zoning By-Laws as follows: (*words in italics denotes new language*)

To amend Section 5.1.2, Table of Dimensional Controls, to reduce the minimum front yard setback in the Business-A Zoning District from fifty (50) feet to *fifteen (15)* feet for one or two family dwellings, apartments, and other permitted principal uses; and

To amend Section 4.9.7.2.b so that the By-Law provision reads as follows: “The minimum front, side and rear yard requirements shall be the same as in the underlying districts except that the minimum front yard set-back may be as little as 30 feet if there is no parking in the front yard *and except in the Business A district the front yard setback shall be fifteen (15) feet for one or two family dwellings, apartments, and other permitted principal uses*”, or take any other action with respect thereto.

Community Planning and Development Commission

Background: The 2005 Master Plan (Goal 3 of the Economic Development Chapter, Objective 3A and B of the Implementation Chapter) directed the Community Planning & Development Commission to develop a rezoning and streetscape beautification plan for South Main Street, particularly façade and parking lot improvements and visually screening parking.

CPDC has been working on draft Design Guidelines to accomplish this as Town Meeting Members saw from the display at the 2008 Subsequent Town Meeting. These objectives cannot be met because current zoning forces structures to be built 50’ behind the front lot line. This results in forcing parking to the front of the lot, and leaves insufficient space for appropriate landscaping since most of the Business-A District along South Main Street (from Reading Plaza to South Street) is only 150 feet wide from the center line of Main Street.

Article 18 proposes to reduce the minimum front yard setback in the Business-A District in order to implement the Master Plan’s objective of improving the appearance of the facades and streetscape, to implement the Design Guidelines, and to provide an opportunity to locate parking in other parts of the lots in the Business-A District. This amendment is one component of the improvement strategy for South Main Street, from which other improvements can follow upon implementation. Without this amendment, parcels in Business-A (Wayside Bazaar, the former Getty Station, the former Frame Shop) may be redeveloped imminently with construction and site plans that do not meet the community’s vision for improving the appearance of South Main Street.

This amendment, if approved, applies only to the Business-A Zoning Districts, which are located along both sides of South Main Street, two parcels of land on the east side of Main Street north of Salem Street (both are developed), and the commercial area on North Main Street at Franklin Street.

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee recommends the subject matter of this Article by a vote of 3-0-0.

CPDC Report: Report was not available at time of printing and will be given at Town Meeting.

ARTICLE 19 To see if the Town will vote to amend Paragraph a. of Section 4.9.7.2. of the Reading Zoning By-Laws, by inserting the parenthetical words “*(other than financial institution and/or pharmacy drive-thru uses)*” after the words “*drive-thru uses,*” so that Paragraph a. of Section 4.9.7.2 reads as follows:

- a. Within a PUD-B Overlay District, any portion of land that is within the underlying Business A District or within 30 feet of the underlying Business A District zoning boundary line may be used for those various uses allowed within the underlying Business A District, excepting that Automotive Uses and enclosed storage as a primary use as listed in the Table of Uses in Section 4.2.2 (Table of Uses), and fast food restaurant or drive-thru uses (***other than financial institution and/or pharmacy drive-thru uses***) shall not be allowed.

or take any other action with respect thereto.

Community Planning and Development Commission

Background: Town Meeting adopted a PUD-B Overlay District for property at 80-100 Main Street in 2007. The Community Planning & Development Commission granted a Special Permit and Site Plan Review in accordance with the PUD-B in September, 2007. This Warrant Article is proposed at the request of the property owner to allow drive-thru pharmacies and drive-thru banks as potential tenants for the development. Any modifications to the approved site plan or changes to the approved development would have to be reviewed for approval by the Community Planning & Development Commission.

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee recommends the subject matter of this Article by a vote of 3-0-0.

CPDC Report: Report was not available at time of printing and will be given at Town Meeting.

ARTICLE 20 To see if the Town will vote, pursuant to Section 2-6 of the Reading Home Rule Charter, to declare the seats of certain Town Meeting Members to be vacant and remove certain described persons from their position as Town Meeting Members for failure to take the oath of office within 30 days following the notice of election or for failure to attend one half or more of the Town Meeting sessions during the previous year, or take any other action with respect thereto:

Precinct 1

Mark L. Dockser
Jane M. Spano

Precinct 2

Mary Frances Grimmer
George A. Snow

<u>Precinct 3</u>	David A. Craven Albert Garbarino Catherine L. Martin John Michael O'Leary Kathleen M. Tibbetts
<u>Precinct 4</u>	Paul J. Baratta
<u>Precinct 5</u>	Frederick S. Shaffer
<u>Precinct 7</u>	C. Ellen Commito
<u>Precinct 8</u>	Andrew Patrick Murphy

Board of Selectmen

Background: The Reading Home Rule Charter provides for the removal by Town Meeting of Town Meeting members who did not attend at least half of the Town Meeting sessions during the previous year. In 2008 there were just 3 Town Meeting sessions. There are 13 members who meet those criteria, as listed above.

The Town Meeting Members from Precincts 1, 2, 3, 4, 5, 7 and 8 will be asked to meet in a caucus before this Article is taken up, and to evaluate the particular circumstances of each of these situations. The affected precincts will then make a recommendation to Town Meeting as to whether the member should be removed.

Finance Committee Report: No report.

Bylaw Committee Report: No report.

and you are directed to serve this Warrant by posting an attested copy thereof in at least one (1) public place in each precinct of the Town not less than fourteen (14) days prior to April 7, 2009, the date set for the Election in said Warrant, and to publish this Warrant in a newspaper published in the Town, or providing in a manner such as electronic submission, holding for pickup or mailing, an attested copy of said Warrant to each Town Meeting Member.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time appointed for said meeting.

Given under our hands this 10th day of March, 2009.

Stephen A. Goldy, Chairman

Ben Tafoya, Vice Chairman

James E. Bonazoli, Secretary

Camille W. Anthony

Richard W. Schubert

SELECTMEN OF READING

Alan W. Ulrich, Constable