

**SUBSEQUENT TOWN MEETING
(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 elections and Town affairs, to meet at the Reading Memorial High School Auditorium, 62 Oakland Road, in said Reading, on Monday, November 9, 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 1 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, Conservation Commission, Town Manager and any other Board or Special Committee.

Board of Selectmen

ARTICLE 2 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 raise by borrowing or transfer from available funds, or otherwise, and appropriate 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

ARTICLE 3 To see if the Town will vote to amend 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

ARTICLE 4 To see if the Town will vote to amend one or more of the votes taken under Article 14 of the April 27, 2009 Annual Town Meeting relating to the Fiscal Year 2010 Municipal Budget, and see what sum the Town will raise by borrowing or transfer from available funds, or otherwise, and appropriate 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

ARTICLE 5 To see if the Town will vote to authorize the payment during Fiscal Year 2010 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

ARTICLE 6 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

ARTICLE 7 To see if the Town will vote to increase the senior tax exemptions as follows:

To increase the property tax exemption allowed to certain senior citizens and surviving spouses and minors under Mass. General Laws Chapter 59, Section 5, Clause 17D by any percentage up to the annual cost of living adjustment (COLA) as determined by the Commissioner of Revenue; and

To increase the income and asset limits certain senior citizens may have to qualify for an exemption under Mass. General Laws Chapter 59, Section 5, Clause 41C by any percentage up to the annual cost of living adjustment (COLA) as determined by the Commissioner of Revenue,

or take any other action with respect thereto.

Board of Assessors

ARTICLE 8 To see if the Town will vote to rescind authorized but unused debt for: Energy and similar improvements to Town owned buildings as authorized by Article 9 on November 10, 2008,

or take any other action with respect thereto.

Board of Selectmen

ARTICLE 9 To see what sum the Town will raise by borrowing pursuant to G.L. Chapter 44, §7(1) or transfer from available funds, or otherwise, and appropriate for the purpose of reconstructing surface drains, sewers and sewerage systems, including the costs of engineering services, plans, documents, cost estimates, bidding services and all related expenses incidental thereto and necessary in connection therewith, said sum to be spent under the direction of the Town Manager; and to see if the Town will authorize the Town Manager, the Board of Selectmen, or any other agency of the Town to apply for a grant or grants to be used to defray all or any part of said sewer construction and/or reconstruction and related matters; and to see if the Town will vote to authorize the Town Manager to enter into any or all agreements as may be necessary to carry out the purposes of this Article; and to see if the Town will authorize the Town Manager, the Board of Selectmen, or any other agency of the Town to apply for a non-interest bearing loan from the Massachusetts Water Resources Authority, and to authorize the Treasurer-Collector, with the approval of the Board of Selectmen, to borrow pursuant to said loan, or take any other action with respect thereto.

Board of Selectmen

ARTICLE 10 To see if the Town will vote the sum of Sixty Thousand Dollars (\$60,000) from the sale of real estate and/or other funds for the purpose of designing a building or buildings to replace the present service building in 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 the Town Manager, and that the Town Treasurer be and hereby is authorized and instructed to transfer said funds to carry out the purpose of this vote, or take any other action with respect thereto.

Board of Cemetery Trustees

ARTICLE 11 To see if the Town will vote to accept the provisions of G.L. c. 64L, § 2(a) to impose a local sales tax upon the sale of restaurant meals originating within the Town by a vendor at the rate of .75 percent of the gross receipts of the vendor from the sale of restaurant meals to take effect January 1, 2010, or take any other action with respect thereto.

Board of Selectmen

ARTICLE 12 To see if the Town will vote to amend Article 5, Public Order, of the Town of Reading General Bylaws as follows: (*New language is in italics.*)

5.5.4 Public Buildings, Public Property and Public Ways

5.5.4.1 No person shall gamble or keep, use or have in his possession any spirituous or intoxicating liquor in any building or room owned or occupied by the Town *or upon any public property or public ways*, except as otherwise authorized by the Board of Selectmen, special Statute or general laws.

5.5.4.2 No person shall smoke or have in his possession any lighted cigar, cigarette, or other tobacco product in any building or room owned or occupied by the Town,

or take any other action with respect thereto.

Board of Selectmen

ARTICLE 13 To see if the Town will vote to amend Section 4.5, Licenses, of the Town of Reading General Bylaws by deleting there from in its entirety Section 4.5.2, Junk, and inserting therein a new provision as follows:

4.5.2 Junk, Old and Precious Metals and Secondhand Articles

4.5.2.1 License Required

4.5.2.1.1 Every person who is in the business of collecting, dealing in, or keeping a shop for the purchase, sale or barter of junk, old and precious metals including gold and silver, and/or secondhand articles, shall be licensed by the Board of Selectmen.

4.5.2.1.2 No person shall use any building, enclosure or other structure for the storage, sale or keeping of rags, waster paper stock or other inflammable material without a license therefore from the Board of Selectmen.

4.5.2.2 Application for License; Term; Fee

- 4.5.2.2.1** Each application for a license shall be made in writing to the Board of Selectmen and set forth the name of the party licensed, the nature of the business and the building or place in which it is to be carried out.
- 4.5.2.2.2** Each license for the keeping of a shop for the purchase, sale or barter of junk, old and precious metals including gold and silver, and/or secondhand articles shall be issued on a location specific basis.
- 4.5.2.2.3** Licenses under this bylaw may be issued only after notice and a public hearing and shall be for a period of one (1) year unless sooner revoked by the Board of Selectmen.
- 4.5.2.2.4** The fee for each such license shall be determined by the Board of Selectmen.
- 4.5.2.2.5** The license shall be clearly and prominently displayed in a suitable and conspicuous place on the premises.
- 4.5.2.2.6** Such license shall run from April until May of the following year.

4.5.2.3 Record of Purchases, Examination and Inspection of Records and Articles

- 4.5.2.3.1** Every junk dealer, old and precious metal dealer or secondhand article dealer shall keep a book in which shall be written at the time of each purchase, a description thereof, the name, age and residence of the person from whom the purchase was made, and the day and hour when such purchase was made. Photocopies of picture identification shall be taken and maintained for any person who sells or barter an item.
- 4.5.2.3.2** A list of all purchases and acquisitions shall be submitted to the Reading Police Department within one (1) week of such purchase or acquisition.
- 4.5.2.3.3** The Chief of Police or his designee shall at all times have the authority to inspect or examine all books kept by the dealer or keeper of the shop and shall have the right to inspect and examine all articles and merchandise therein.

4.5.2.4 Purchases from Persons less than Eighteen (18) Years of Age Prohibited

No junk dealer, old and precious metal dealer or secondhand article dealer or any employee thereof shall directly or indirectly purchase or receive by way of barter or exchange any junk, old and precious metals or secondhand articles from a person under the age of eighteen (18) years.

4.5.2.5 Articles Purchased or Received to be Retained for Fourteen (14) Days

No item purchased or received by any dealer or keeper of a shop licensed under this bylaw shall be removed from the Town, sold, or otherwise disposed of for at least fourteen (14) days from its date of purchase or acquisition unless permission has been obtained from the Chief of Police or his designee who may request to inspect or photograph the item.

4.5.2.6 Testing of Weighing and Measuring Devices

All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the Town of Reading Sealer of Weights and Measures prior to being placed into service. All weighing and measuring devices shall thereafter be inspected and tested on an annual basis.

4.5.2.7 Rules and Regulations

The Board of Selectmen may adopt rules and regulations governing the issuance and conduct of business for the sale of junk, old and precious metals and secondhand articles pursuant to the authority granted by M.G.L. Chapter 140, §54 and the authority granted by this bylaw.

4.5.2.8 Suspension or Revocation of License

Any license issued hereunder may be suspended or revoked, after a notice and hearing, for cause or violation of this bylaw and/or the Board of Selectmen’s rules and regulations.

4.5.2.9 Enforcement and Penalties

Violations of this bylaw shall be subject to a fine of Three Hundred Dollars (\$300.00). Each day the violation exists shall constitute a separate offense. This penalty may be enforced pursuant to Section 5.11, Non-Criminal Disposition of Certain Violations of Bylaws and Rules and Regulations, of this bylaw.

4.5.2.10 Severability

If any provision of this bylaw is held to be invalid, it shall not affect the validity or application of the remaining provisions, or take any other action with respect thereto.

Board of Selectmen

ARTICLE 14 To see if the Town will vote to amend the Cemetery Rules and Regulations of the Town of Reading by rescinding the previous Cemetery Rules and Regulations and adopting the following Cemetery Rules and Regulations:

RULES AND REGULATIONS

Foreword

The Town of Reading Home Rule Charter adopted on March 24, 1986 and amended November 13, 2004 provides that:

"The Board of Cemetery Trustees shall be responsible for the preservation, care, improvement and embellishment of the Town's cemeteries and burial lots therein and such other powers and duties given to the Board of Cemetery Trustees under the Constitution and General Laws of the Commonwealth, by the Charter, by bylaw or by Town Meeting vote."

Working under this charge, the Board of Cemetery Trustees strives not only to fulfill its legal responsibilities regarding the Town's cemeteries, but also to preserve the aesthetic quality of our heritage by establishing the following rules and regulations. The Trustees encourage public comment at regularly schedule meetings or via correspondence.

TOWN OF READING CEMETERY RULES AND REGULATIONS

The Board of Cemetery Trustees has set forth the following rules and regulations for the ownership, use and care of burial sites in the Town's cemeteries. The authority to do this is found in Chapter 114 of Massachusetts General Laws.

Resident Requirements

1. The sale of lots is limited to current Reading residents only.

Ownership of Lots

2. The Trustees shall set the price of lots. All lots must be paid in full at the time of the sale.
3. The owner of a lot is limited to burying human remains in that site. The owner has a right to place a memorial subject to limitations as outlined in other sections of these regulations.
4. When a lot is purchased, the owner will be issued a deed specifying the location and dimensions of the lot. The Trustees are responsible for corner posts set at each lot. These will clearly define the number of the lot. The deed will contain certain terms and conditions for the use of this lot.

Copies of lost deeds may be obtained by paying an established fee.

5. The owner of a lot may only transfer ownership of that lot by deed if such transfer is approved by the Trustees. A fee will be charged for the recording of deed transfer. The owner does not have a right to lease the property.
6. Lots may be resold only to the Town of Reading, at the original purchase price.
7. Upon the death of the lot owner, ownership shall pass as provided by the statutes of Massachusetts in force at that time. The Trustees will require proof of the rights of ownership of such lot.

Care of Lots

8. The Trustees shall require certain deposits to be made at the time of sale for perpetual care of the lot or grave without expense to the Town.

"Perpetual Care" means the cutting of grass on the grave or lot at reasonable intervals, raking and cleaning, reseeding and other work as may be necessary to keep the lot or lots in good condition. Perpetual care will not include the repairing or replacing of memorials.

Memorials

9. A memorial may be installed on a lot. The Trustees must approve the design and specifications for any memorial. Flat markers shall be of granite or bronze; upright memorials shall be of granite. No other materials shall be allowed.

10. Where permitted only one upright memorial of granite may be placed on a lot subject of limitations as outlined in other sections of these regulations. One flat marker may be set on an individual grave. Markers may not be set to embrace two or more graves. All markers shall be set flush with the ground. The foundations for all memorials will be installed by the Cemetery Department and a fee will be charged.

11. In Laurel Hill, a memorial will not be installed unless the lot is endowed with perpetual care. On old lots matching markers may be used if existing markers exceed regulation size. If upright headstones become broken or excessively tipped, the right is reserved to lay these into the ground as flat markers.

12. Neither the Trustees nor the Town shall be liable for damage to memorials or markers.

13. A stone cutter or other person who is to do work on a structure erected on a lot or grave must obtain a written permit from the Cemetery Director before beginning work. Work must be performed under the supervision of the Director. The work area must be left in proper condition.

14. An owner of a lot or lots does not have the right to plant trees, shrubs or plants on the lot(s). Nor does the owner have the right to erect a fence, curbing, hedge or any other landmark. The Trustees have the right to remove any shrub, hedge, root or branch that they may deem detrimental to other cemetery lots. The Trustees also have the right to remove unsightly flowers, old vases and other containers that may present an unsafe condition or be detrimental to the looks of the lot or the cemetery in general. No vigil lights or wooden crosses will be allowed on any lot or grave.

Memorial Regulations

15. The following regulations are for upright memorials. These limitations must be followed or the memorial may not be erected.

On a two grave lot, maximum size 3'0"x 1'0" base, 3' high.

On a three grave lot, maximum size 4'0"x 1'3" base, 3' high.

On a four grave lot, maximum size 4'6"x 1'6" base, 4' high.

On a five grave lot, maximum size 4'6"x 1'6" base, 4' high.

On a six grave lot, maximum size 5'x 2' base, 4' high.

On a seven grave lot, maximum size 5'6"x 2' base, 4' high.

On an eight grave lot, maximum size 6'x 2' base, 4' high.

On a single grave, only a flat marker is allowed.

Unless otherwise noted all markers shall be 2' x 1', and shall be of bronze or granite. Baby grave markers shall be 1'3" x 0'8". Granite markers shall be consistently 4" thick.

In all veteran sections, grave markers shall only be of bronze.

Special Regulations for Charles Lawn Memorial Park

16. No upright memorial will be allowed on lots within this cemetery. Each individual or extra depth grave space may have a flush marker. A central marker will be allowed on lots of two or more burial spaces. This will be no larger than 3' x 1'.

17. Floral decorations are limited to one pot of 8 inches in diameter per grave.

Urn Gardens at Forest Glen and Charles Lawn

18. Two cremation urns may be interred in each grave.
19. Memorialization will be limited to one 2'x1' bronze flush marker in Forest Glen. Granite or bronze markers may be used in Charles Lawn.

Interments and Removals

20. No interment may be made before (a) a permit is issued by the Board of Health to the Director, (b) the owner of the lot gives an order to use the lot, and (c) all fees have been paid.

21. The Director must be given reasonable advance notice of an interment or removal. This notice must give the lot number, the grave number, name and age of deceased for a burial, size of box and name of the undertaker in charge. Neither the Director nor the trustees will be held responsible for any error in the given notice (including any order given by phone).

Fees for opening graves, making and recording interments, reinterments, funerals after working hours or Saturday afternoons or holidays as well as other services will be established by the Trustees and shall be paid in advance.

22. Funerals will not be allowed on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day nor Christmas Day.

23. All burial cases must be sectional concrete or monolithic containers.

24. In each regular grave space, one regular interment plus one cremation urn or two cremation urns will be allowed, except extra depth lots in Charles Lawn, where provisions have been made for two burials in one grave space.

General Regulations

25. All funeral processions in the cemetery are under the direction and control of the Director.

26. No firearms are allowed in any cemetery except for military and memorial services.

27. Vehicles, except for those in a funeral, procession, may be excluded from any cemetery. Maximum speed limit in any cemetery is fifteen miles per hour.

28. All persons walking through a cemetery must keep to the pathways and not trespass on lots except for gaining access to their own lots. Parents must take full responsibility for their children and not permit them to climb on headstones. Loitering, playing and dogs are not allowed.

29. Unauthorized gravestone rubbing is not allowed.

30. Cemeteries are open from sunrise to one half hour after sunset.

31. The soliciting of business by anyone within the cemetery is prohibited.

32. No employee shall receive any fee or gratuity from any person except the standard fees prescribed by the Trustees and to be paid to the Town. Any employee violating this rule will be subject to disciplinary action.

33. The Trustees shall have authority to grant to owners to depart in special instances from the provisions of the foregoing regulations in cases where it clearly appears that the spirit and intent of the regulation will not thereby be violated.

or take any other action with respect thereto.

Board of Cemetery Trustees

ARTICLE 15 To see if the Town will vote to amend Section 6.3.17 of the Town of Reading Zoning By-laws as follows: (Language underlined shows deletions/*words in italics denotes new language.*)

6.3.17. Reconstruction after Destruction (by a Special Permit)

The Board of Appeals may grant a Special Permit for the reconstruction of a use, structure, building, sign, parking space or loading bay or other situation allowed by Special Permit, which is destroyed or damaged by explosion, collapse, fire, storm, natural disaster or other catastrophic event, any of which is beyond the control of the owner or by the proposed voluntary action of the owner, to demolish, in whole or in part, in a manner different from the prior conditions, provided *that* the Board determines that:

- a. The reconstruction conforms to the current requirements of this bylaw to the maximum extent practicable.
- b. *The reconstruction is appropriate in scale and mass for the neighborhood, with particular consideration of abutting properties.*
- b. c. In the case of the reconstruction of a nonconforming use, that it complies with the standards for the substitution of a nonconforming use.

Board of Selectmen

ARTICLE 16 To see if the Town will vote to rescind Article 5.18 of the Town of Reading General Bylaws "Local History District" which was adopted pursuant to Chapter 40C of the General Laws as originally voted under Article 17 of the November 18, 2004 Special Town Meeting and amended under Article 27 of the May 5, 2005 Annual Town Meeting, or take any other action with respect thereto.

Board of Selectmen

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 November 9, 2009, the date set for the meeting 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 22nd day of September, 2009.

Ben Tafoya, Chairman

James E. Bonazoli, Vice Chairman

Camille W. Anthony, Secretary

Stephen A. Goldy

Richard W. Schubert
SELECTMEN OF READING

Thomas H. Freeman, Constable

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 November 9, 2009, the date set for the Subsequent Town Meeting in this Warrant.

Thomas H. Freeman, Constable

A true copy. Attest:

Laura Gemme, Town Clerk