



**TOWN OF BELMONT
OFFICE OF THE TOWN ADMINISTRATOR AND
BOARD OF SELECTMEN**

April 6, 2012

Dear Town Meeting Members:

Please find enclosed the Annual Town Meeting Warrant and Motions for eighteen (18) articles. In order to allow adequate time to consider all budgetary articles, the Board has recommended that financial articles be discussed and voted in May. The schedule will be as follows:

- Non-financial articles (1-2 and 15-18) will be scheduled for action on the opening session of Annual Town Meeting on Monday, April 23rd. Should the business not be concluded, the meeting will be continued to Wednesday, April 25th.
- Financial articles (3 to 14) are scheduled for action on Monday, May 14, 2012. Should the business not be concluded, the meeting will be continued to Wednesday, May 16, 2012.
- Written amendments to the enclosed articles must be submitted to the Town Clerk by 4 p.m. on April 17, 2012 for the articles to be discussed April 23, 2012; for the articles to be discussed May 14, amendments are due May 9th.
- Special Town Meeting, within the Annual Town Meeting, is proposed for Monday, May 14th.

Please be informed that the Board plans to call a Special Town Meeting that will take place within the Annual Town Meeting. The warrant and motions for the Special Town Meeting will be distributed to all Town Meeting Members in the second mailing with all the financial articles in preparation of the May 14th session.

Town Meeting will convene at the Belmont High School Auditorium and will begin promptly at 7:00 PM. Please note that the starting time for Town Meeting is 7:00 PM – not 7:30 PM as it may have been scheduled in the past. It is the Selectmen's intent to move to adjourn each session at or before 11:00 PM.

The enclosed Town Meeting Warrant includes a descriptive paragraph after most articles explaining their purpose or intent. The packet also includes:

- Motions for the articles of the Town Meeting session
- Letter of report from the Capital Budget Committee
- Information from the Belmont Historic Commission concerning the Demolition By-Law.
- Flyer for Warrant Briefing to be held on Thursday, April 19th from 7-9 p.m.

As in the past, the League of Women Voters and Warrant Committee will co-sponsor a Warrant Briefing for Town Meeting Members. The briefing will be held Thursday, April 19th at the Beech Street Center to discuss and inform Town Meeting Members about the warrant articles.

Please note that all Town Meeting information is available on the Town's web page within the Town Meeting section: http://www.belmontma.gov/Public_Documents/BelmontMA_WebDocs/townmeeting/index

Thank you for your participation in this Annual Town Meeting.

Sincerely,

Mark Paolillo, Chair
Andres Rojas, Vice Chair
Ralph Jones

BOARD OF SELECTMEN

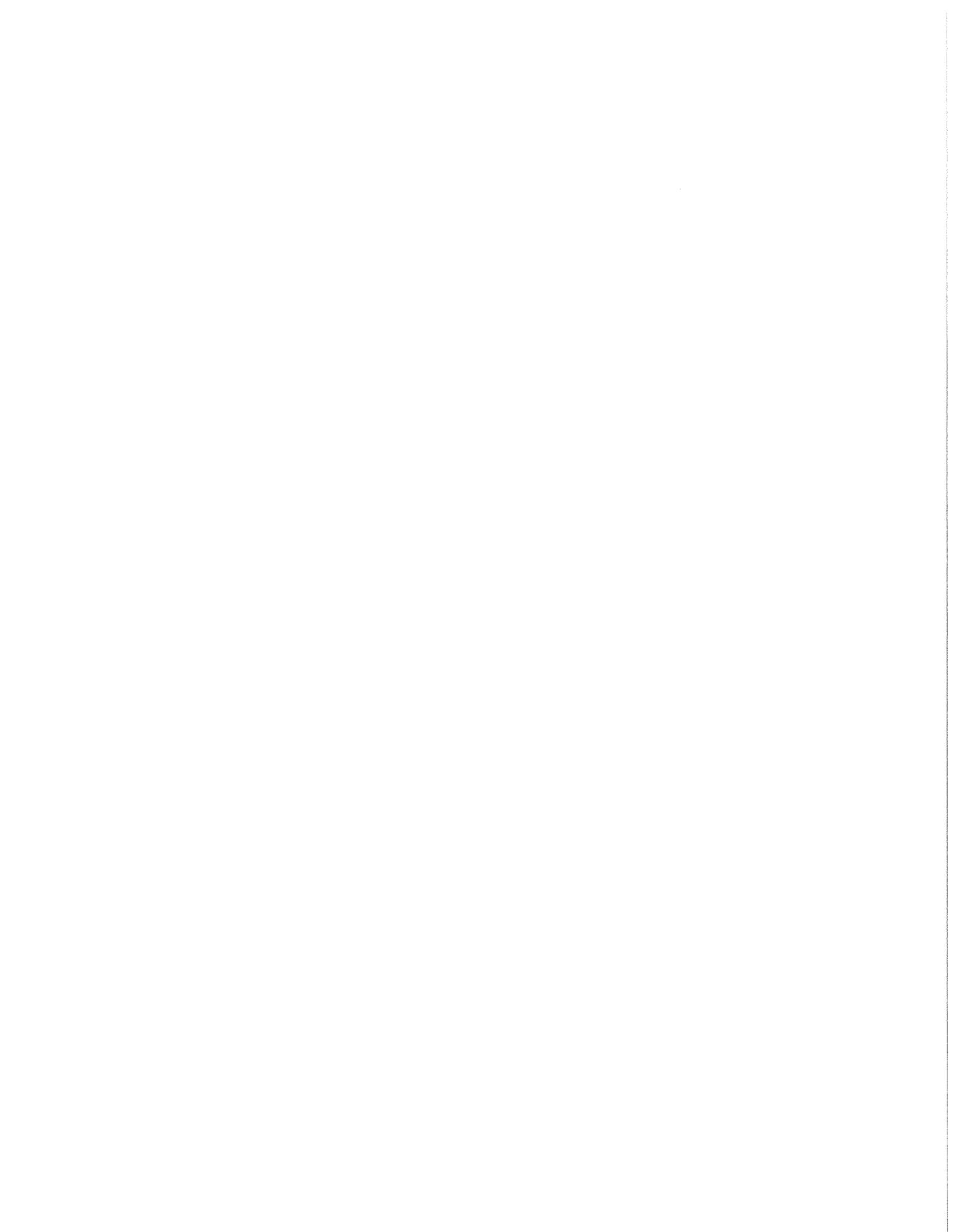
WARRANT BRIEFING

Thursday, April 19, 2012

7-9 pm

Beech Street Center

Sponsored by The Belmont League of Women Voters
and The Warrant Committee



MODERATOR'S MESSAGE ON TOWN MEETING PROCEDURES

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

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

and, after it is seconded, if required, the Moderator will recognize the maker of the motion to speak to it. The Moderator will not recognize a motion made at the conclusion of a speech. This, by definition, includes a motion that would terminate debate, such as a motion for the previous question.

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

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

Michael J. Widmer
Moderator



**Town of Belmont
Annual Town Meeting
April 23, 2012**

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(Revised April 4, 2012)

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Please note that articles for Special Town Meeting anticipated to be called for May 14, 2012 will be mailed under separate cover.

ARTICLE 3: Authorization to Transfer Balances

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

This article authorizes the transfer of balances from various sources necessary to achieve the Town's financial plan for Fiscal Year 2013 (the Budget) as contained in Article 4.

Majority vote required for passage Yes _____ No _____

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

ARTICLE 4: Budget Appropriation

To determine what sums of money shall be granted to pay Town expenses for the fiscal year beginning July 1, 2012 and to make the necessary appropriations for the same for the support of schools and for other Town purposes, determine how the same shall be raised, or in any way act thereon.

This article is the appropriation of the Town's Fiscal Year (FY) 2013 budget, commencing on July 1, 2012. Typically, the Budget is broken down into several major categories of expenditures, each requiring a separate vote of Town Meeting.

Majority vote(s) required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

ARTICLE 5: Salaries of Elected Officials

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

This article fulfills the state law requiring Town Meeting to set the compensation of a town's elected officers. This article also appropriates the funds necessary to meet these compensation levels. For FY 2013, the recommended compensation levels are listed below. Please note that the Town Meeting establishes and appropriates the compensation of all other municipal employees under separate articles (Article 4).

| | |
|------------------------------------|--------------|
| Town Moderator | \$200 |
| Chairman of the Board of Selectmen | \$5,000 |
| Selectman (2) | \$4,500 each |
| Town Clerk | \$78,216 |
| Town Treasurer | \$90,928 |
| Chairman of the Board of Assessors | \$2,748 |
| Assessor (1) | \$2,424 |
| Assessor (1) | \$2,424 |

Majority vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

determine whether these appropriations shall be raised by borrowing or otherwise and by whom expended, or in any way act thereon.

This is a standard article appearing on the Warrant to appropriate funds to support capital expenditures. While the article is general as to the categories of capital expenditures, the motion shall be explicit. The recommendations of the Capital Budget Committee for FY 2013 capital expenditures will be provided in advance of the Annual Town Meeting.

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

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

ARTICLE 9: Appropriation for Water and Sewer and Stormwater Services

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

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

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

The Warrant Committee will report orally on this Article.

ARTICLE 10: Authorization of Expenditure from Revolving Funds

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

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

| Revolving Account | Spending Authority | Revenue Source | Allowed Expenses | Expenditure Limits |
|-------------------------|--------------------------|-------------------------------|--|--------------------|
| Teen/Youth Events | Recreation Commission | Event fees | Teen/youth center events | \$5,000 |
| Senior Programs | Council on Aging | Course and program fees | Program costs, including trip expenses | \$50,000 |
| Art Gallery | Belmont Cultural Council | Percentage of art sales | Gallery exhibit and event expenses | \$15,000 |
| Rock Meadow Maintenance | Conservation Commission | Rental fees from garden plots | Restoration and maintenance of Rock Meadow Conservation Area | \$10,000 |

| | | | | |
|--------------------|---------------------------|---|---|----------|
| Copying/Lost Books | Board of Library Trustees | Lost book fees; printing and copying fees | Replacement of lost books; paper, ink, printer/copier maintenance and replacement | \$10,000 |
|--------------------|---------------------------|---|---|----------|

Majority vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

ARTICLE 11: Appropriate Community Preservation Committee Budget and Projects

To see if the Town will vote to hear and act on the Community Preservation Committee recommendations for the FY2013 Community Preservation Committee Budget and, pursuant to the recommendations of the Community Preservation Committee, to appropriate from the Community Preservation Fund, annual revenues or available funds or to reserve amounts in the Community Preservation Fund for future appropriations, for the administrative expenses of the Community Preservation Committee for FY2013; for the acquisition, creation and preservation of open space - including land for recreational use; for the acquisition, preservation, rehabilitation and restoration of historic resources; and for acquisition, creation, preservation and support of community housing; or act in any other manner in relation thereto.

This is a new standard article appearing on the Warrant to appropriate funds to support the operations of the Town's Community Preservation Committee and projects. The Community Preservation Fund receives revenues from property tax surcharge to fund the program and future projects.

Majority vote required for passage Yes _____ No _____

The Warrant Committee will report orally on this Article.

ARTICLE 12: Water Main Replacement Program - Bond Authorization

To see if the Town will vote to appropriate a sum of money for the purpose of performing water main rehabilitation, including, without limitation, replacement or slip lining of unlined water mains, water main cleaning and lining, identification and replacement of water service connections constructed of lead or other services in poor condition, looping of dead-end water mains, water valve and hydrant installation or replacement, and engineering, planning, design and construction services associated with any of the foregoing ("the project"); to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow up to a sum of money and issue bonds or notes therefore under Chapter 44 of the General Laws or any enabling authority for the purpose of meeting this obligation; and to authorize the Treasurer, with the approval of the Board of Selectmen, to enter into any loan agreement and/or financial assistance agreement with respect to any federal or state aid available for the project or for the financing thereof; and to authorize the Board of Selectmen to expend all funds for the project and to take any other action necessary to carry out the project; or in any way act thereon.

This article seeks to borrow funds for water main rehabilitation and the Town's Water Main Replacement Program. The funds will supplement the Town's low interest loan from the MWRA and will be repaid from water enterprise user fees.

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

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

ARTICLE 13: DEP Sewer/Stormwater Loan Program - Request for Borrowing
To see if the Town will vote to appropriate a sum of money to allow the Town of Belmont to participate in the Department of Environmental Protection – State Revolving Fund Loan Program for the purpose of performing improvements to the sanitary sewer and storm drain; said sum to be raised by borrowing under the program, or in any way act thereon.

This article seeks to borrow funds at 2% interest from the DEP through their State Revolving Fund Loan Program. The funds would be repaid from sewer user fees.

Two-thirds vote required for passage Yes _____ No _____

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

ARTICLE 14: Appropriation from Landfill Stabilization Fund
To see if the Town will vote to appropriate a sum of money for the purpose of performing improvements to the former incinerator site; said sum to be raised from the Landfill Stabilization Fund, or in any way act thereon.

This article seeks to appropriate funds from the Landfill Stabilization Fund to allow further site analysis, design of the cap, and demolition of the former incinerator building at the former incinerator site.

Two-thirds vote required for passage Yes _____ No _____

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

ARTICLE 15: Trapelo Road and Belmont Street Improvements
To see if the Town will vote to:

(a) approve the modification of the layouts of Trapelo Road and Belmont Street, as shown on the plan entitled "Plan and Profile of Trapelo Road and Belmont Street in the Towns of Belmont & Watertown, Middlesex County, Final Right of Way Plan," prepared by the BSC Group, Inc., 15 Elkins Street, Boston, MA 02127, dated March 1, 2012;

(b) appropriate a sum of money by transfer from available funds and/or by borrowing to acquire an interest in fee, or a lesser interest, in the following two parcels of land contiguous to the Trapelo Road and Belmont Street rights-of-way as shown on plan sheets 26 – 28 of said plan, including the cost of appraisals and any transactional costs related thereto;

1. Parcel 1-T, now or formerly of the Belmont Housing Authority, 5,114± square feet, being a portion of the land shown on the Assessors Maps as Map 59, Parcel 11-A; and further described in Book 12540, Page 586 at the Middlesex South District Registry of Deeds; and

2. Parcel SW-1, now or formerly of Powertest Realty Company, 331 square feet, being a portion of the land shown on the Assessors Maps as Map 32, Parcel 8; and further described in Book 16160, Page 69 at the Middlesex South District Registry of Deeds;

(c) to authorize the Board of Selectmen to acquire interests in said parcels, by purchase, gift, lease, eminent domain, or otherwise; and

(d) to transfer the care, custody and control of the parcel identified as Parcel SW-2, Town of Belmont, Area 2,598± square feet" being a portion of the land described in a deed recorded at the Middlesex South District Registry of Deeds in Book 45478, Page 285, and also shown on the Assessors Plans as Map 59, Parcel 11-8, to the Board of Selectmen for highway purposes, and

(e) to authorize the Selectmen to apply for, accept and expend without further appropriation any federal and/or state grants pertaining to said project.

or to take any other action relative thereto.

ARTICLE 16: Minuteman School Capital Building Stabilization Fund

To see if the Town will vote to approve the establishment of a Stabilization Fund by the Minuteman Regional Vocational Technical School District to pay costs of capital repairs, renovations, and improvements to the regional district school and its associated facilities, in accordance with the provisions of Chapter 71 Section 16G ½ of the General Laws, or take any other action relative thereto.

This article is a request from the Minuteman Regional Career and Technical High School, located at 758 Marrett Road, Lexington, Massachusetts, to approve the school's establishment of a stabilization fund to pay costs for capital repairs, renovations and improvements to the school.

Majority vote required for passage

Yes _____ No _____

The Warrant Committee will report orally on this Article.

ARTICLE 17: Amend General By-Law: Electronic Voting By-Law

To see if the Town will vote to amend the General By-Laws of the Town of Belmont by inserting after Section 2.7.6.1 the following new Section 2.7.6.2:

2.7.6.2. Electronic Voting. Notwithstanding the provisions of the foregoing sections 2.7.6 and 2.7.6.1, and upon the procurement by the Town of a system, including all software and hardware, to enable electronic voting by Town Meeting Members using wireless handheld mobile devices, the Moderator may count the vote on any matter before the Town Meeting by the use of such and electronic vote counting system.

Or take any other action relative thereto.

This article would allow the utilization of an electronic vote counting system to allow Electronic Voting by Town Meeting Members using wireless handheld mobile devices.

Majority vote required for passage

Yes _____ No _____

ARTICLE 18: General By-Law Change: Demolition By-Law (Last Revised 2/27/12)

To see if the Town will vote to amend the General By-Laws by adding a new Article 34 as follows:

“ ARTICLE 34

Demolition Delay

34.1 Intent and Purpose.

This Article is enacted for the purpose of preserving and protecting Significant Buildings within the Town of Belmont that constitute or reflect distinctive features of the architectural, cultural, economic, political, or social history of the Town; and to limit the detrimental effect of demolition on the character of the Town. Through this Article, owners of Preferably Preserved Buildings are encouraged to seek out and consider alternative options that will preserve, rehabilitate or restore such Buildings; and residents of the Town are alerted to impending demolitions of Significant Buildings. By preserving and protecting Significant Buildings, this Article promotes the public welfare by making the Town a more attractive and desirable place in which to live and work. To achieve these purposes the Belmont Historic District Commission is authorized to advise the Inspector of Buildings with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this Article.

34.2 Definitions.

For the purposes of this Article, the following terms shall have the following definitions:

- (a) **APPLICANT** - Any person or entity that files an Application for a demolition permit. If the Applicant is not the owner of the premises upon which the Building is situated, the owner must indicate on or with the Application his/her assent to the filing of the Application.
- (b) **APPLICATION** - An Application for a Demolition Permit, including the information required in Section 34.3.2.
- (c) **BUILDING** - Any structure used or intended for supporting or sheltering any use or occupancy.

- (d) COMMISSION - The Belmont Historic District Commission.
- (e) DEMOLITION – Any act of pulling down, destroying, removing, dismantling, or razing a Building or commencing the work of total or substantial destruction with the intent of completing the same.
- (f) DEMOLITION PERMIT - The permit required by the Inspector of Buildings for Demolition or substantial Demolition of a Building, excluding a permit required solely for the Demolition of the interior of a Building.
- (g) DESIGNEE – A member of the Commission who is assigned thereby to exercise authority pursuant to this Article, on such terms and conditions as the Commission may set.
- (h) INSPECTOR OF BUILDINGS - The person authorized by law to issue Demolition Permits within the Town of Belmont.
- (i) PREFERABLY PRESERVED BUILDING – Any Significant Building with respect to which the Commission determines, following a public hearing, that it is in the public interest for such Building to be preserved rather than demolished.
- (j) SIGNIFICANT BUILDING - A Building within Belmont that is, in whole or in part, fifty (50) or more years old and that has been determined by the Commission or its Designee to be significant based on any of the following criteria:
 - The Building is listed on the National Register of Historic Places; or
 - The Building has been found eligible for the National Register of Historic Places; or
 - The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town of Belmont or the Commonwealth of Massachusetts or the nation; or
 - The Building is historically or architecturally important (in terms of period, style, method of building construction, or association with a recognized architect or builder) either by itself or in the context of a group of Buildings.

34.3 Procedure

34.3.1 No Demolition Permit for a Building that is, in whole or in part, fifty (50) or more years old shall be issued without following the provisions of this Article. If a Building is of unknown age, it shall be assumed that the Building is fifty (50) or more years old for the purposes of this Article.

34.3.2 An Applicant proposing to demolish a Building that is fifty (50) or more years old shall file with the Inspector of Buildings an Application containing the following information:

- The address of the Building to be demolished.

- The owner's name, address and telephone number.
 - A description of the Building.
 - The reason for requesting a Demolition Permit.
 - A brief description of the proposed reuse, reconstruction or replacement.
 - A photograph or photograph(s) of the Building and photographs of neighboring Buildings.
- 34.3.3 The Inspector of Buildings shall, within seven (7) calendar days of receipt of such Application, forward a copy thereof to the Commission. The Commission or its Designee shall thereafter make a determination of whether or not the Building is a Significant Building. If notice of such determination is not provided to the Inspector of Buildings within thirty (30) calendar days after the Commission's receipt of the Application, the Inspector of Buildings may proceed to issue the Demolition Permit.
- 34.3.4 Upon determination by the Commission or its Designee that the Building is not a Significant Building, the Commission shall so notify the Inspector of Buildings and Applicant in writing. The Inspector of Buildings may then issue the Demolition Permit.
- 34.3.5 Upon determination by the Commission or its Designee that the Building is a Significant Building, the Commission shall so notify the Inspector of Buildings and the Applicant in writing, and the Inspector of Buildings shall thereafter defer issuance of the Demolition Permit until after further review by the Commission pursuant to Section 34.3.6.
- 34.3.6 If the Commission or its Designee finds that the Building is a Significant Building, it shall hold a public hearing within thirty (30) calendar days of its written notification to the Inspector of Buildings, or such later date to which the Applicant consents. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in the same manner as meeting notices posted in Belmont under the Open Meeting Law, Chapter 30A, Section 20, of the General Laws, for a period of not less than seven (7) calendar days prior to the date of said hearing, and the Inspector of Buildings and the Applicant shall be notified in writing of the meeting time and place no less than fourteen (14) days in advance.
- 34.3.7 The Commission shall determine, within forty-five (45) calendar days after the written notification to the Inspector of Buildings that the Building is a Significant Building pursuant to Section 34.3.5 whether the Building is a Preferably Preserved Building. If agreed to in writing by the Applicant, the determination of the Commission may be postponed to a later date. If the Commission does not notify the Inspector of Buildings of its determination in writing within forty-five (45) calendar days of the date of the notice pursuant to Section 34.3.5, or such later date as agreed by the Applicant, the Inspector of Buildings may issue the Demolition Permit.

34.3.8 If the Commission determines that the Building is not a Preferably Preserved Building, the Commission shall so notify the Inspector of Buildings and Applicant in writing. The Inspector of Buildings may then issue the Demolition Permit.

34.3.9 If the Commission determines that the Building is a Preferably Preserved Building, the Commission shall notify the Inspector of Buildings and Applicant in writing. A Demolition Permit may thereafter be issued no sooner than twelve (12) months after the date of the notification that the Building is a Preferably Preserved Building, unless a shorter time is otherwise authorized by the Commission, based on its finding that the intent and purpose of this Article, as provided in Section 1 hereof, will be adequately served.

34.4 Administration

34.4.1 The Commission may adopt such rules and regulations as are necessary to administer the provisions of this Article.

34.4.2 Subject to the specific approval of the Board of Selectmen, the Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this Article.

34.4.3 The Commission may develop a list of Significant Buildings that will be subject to this Article. Buildings proposed for the Significant Building list shall be added only at a public meeting of the Commission. Owners of record of Buildings proposed for such listing shall receive written notice of the time and place of such public meeting no less than fourteen (14) days in advance thereof. Upon receipt of an Application forwarded from the Inspector of Buildings for such a listed Significant Building, the Commission shall proceed with procedures for determination whether such Significant Building is a Preferably Preserved Building and, notwithstanding the provisions of section 34.3.3, the Inspector of Buildings shall defer issuance of the Demolition Permit until after further review by the Commission pursuant to Section 34.3.6.

34.5 Responsibility of Owners

34.5.1 The owner of a Significant Building who has applied for a Demolition Permit shall:

- provide such information as is reasonably requested by the Commission in connection with its consideration of whether the Building is a Preferably Preserved Building;
- allow access to the property as reasonably requested by the Commission;
- secure the premises, if vacant, to the satisfaction of the Inspector of Buildings until a Demolition Permit is issued;
- participate in the investigation of preservation options for a Preferably Preserved Building; and

- cooperate with the Commission and any interested parties in seeking alternatives to the demolition of a Preferably Preserved Building.

34.5.2 If the owner of a Preferably Preserved Building fails to secure the Building to the satisfaction of the Inspector of Buildings, the subsequent destruction of such Building through any cause, which destruction could have been prevented by the required security measures, shall be considered a Demolition in violation of this Article.

34.6 Emergency Demolition

34.6.1 Nothing in this Article shall restrict the Inspector of Buildings from ordering the immediate Demolition in accordance with applicable law of any Building in the event of imminent danger to the safety of the public. In the event that the Inspector of Buildings is informed that a Building that is fifty (50) or more years old is dangerous to life or limb, or otherwise may be subject to a removal order, the Commission shall be notified and, where practicable, the Commission or its Designee shall be allowed to accompany the Inspector of Buildings during the inspection of such Building.

34.6.2 As soon as practicable after the Inspector of Buildings has issued an emergency demolition order for a Building that is fifty (50) or more years old, a copy of such order shall be provided to the Commission, together with copies of all documentation relevant thereto.

34.7 Enforcement and Remedies

34.7.1 The Commission and/or the Inspector of Buildings are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this Article or to prevent a threatened violation thereof.

34.7.2 Any owner of a Building that is fifty (50) or more years old, which is demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article, shall be subject to a penalty of Three Hundred Dollars (\$300.00). Each day that such violation exists shall constitute a separate offense until a faithful restoration of the demolished Building or other remediation or remediation plan has been approved by the Commission. This subsection may be enforced by the Inspector of Buildings by non-criminal disposition as provided in Ch. 40, Section 21D of the General Laws.

34.7.3 If a Building that is fifty (50) or more years old is demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article, no building permit authorizing construction on the lot on which the Building was located or on any adjoining lot under common ownership therewith shall be issued for a period of two (2) years from the date of the demolition, unless agreed to by the Commission.

34.8 Historic District Act

Following a determination that a Building is a Preferably Preserved Building, the Commission may recommend to Town Meeting that the Building be protected pursuant to the provisions of Chapter 40C of the Massachusetts General Laws for Town Meeting approval of the inclusion of Buildings or Sites within an Historic District.

34.9 Severability

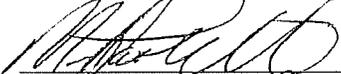
If any provision of this Article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the intent and purpose of this Article, as provided in Section 1 hereof.”

, or in any way act thereon.

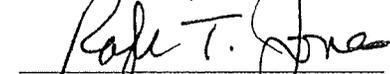


Given under our hands this 4th day of April, 2012.

BOARD OF SELECTMEN



Mark Paolillo, Chair

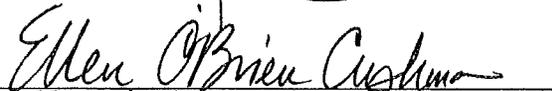


Ralph T. Jones

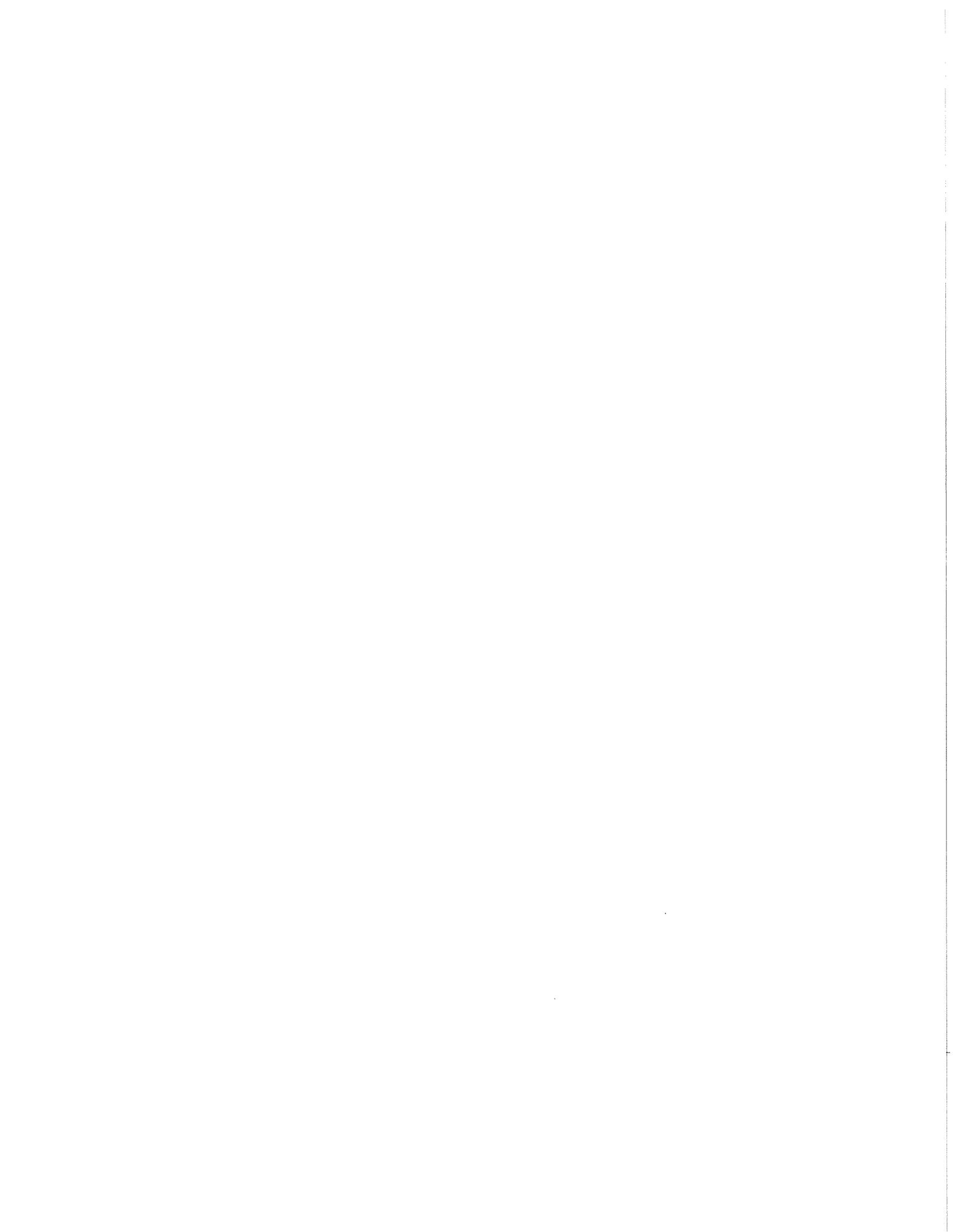


Andres Rojas

TRUE COPY, ATTEST:



Ellen O'Brien Cushman, Town Clerk



TOWN OF BELMONT
ANNUAL TOWN MEETING

APRIL 23, 2012

LIST OF MOTIONS

PRELIMINARY MOTION

MOVED: That the Articles in the Warrant be considered in the following order:

1, 2, 15, 16, 17, 18

3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14

ARTICLE 1

MOVED: That the reports of the Selectmen and other Town officials, departments and committees for the year 2011 be accepted.

MOVED: That Article 1 be laid on the table.

ARTICLE 2

MOVED: That the Board of Selectmen be, and it hereby is, authorized to bring and defend actions for and against the Town, to submit any such claims to arbitration, and to enter into settlement on account of the same in behalf of the Town as and when it deems it for the best interest of the Town so to do; said power shall be vested solely in the Board of Selectmen.

Majority vote required for passage

ARTICLE 15

MOVED: That the Town vote to approve the modification of the layouts of Trapelo Road and Belmont Street, and approve the acquisition and transfer of land incident thereto, as printed in Article 15 of the Warrant for this Town Meeting.

Two thirds vote required for passage

ARTICLE 16

MOVED: That the Town approve the establishment of a Stabilization Fund by the Minuteman Regional Vocational Technical School District to pay costs of capital repairs, renovations, and improvements to the regional district school and its associated facilities, in accordance with the provisions of Chapter 71 Section 16G ½ of the General Laws.

Majority vote required for passage

ARTICLE 17

MOVED: That under Article 17, the reading of the proposed amendment to Section 2.7.6 of the Town Bylaws pertaining to “Electronic Voting” be dispensed with, the same being set forth in full under Article 17 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

MOVED: That the Town vote to amend Section 2.7.6 of the General Bylaws of the Town of Belmont by inserting after Section 2.7.6.1 a new Section 2.7.6.2, as set forth in full under Article 17 in the Warrant for this Meeting.

Majority vote required for passage

ARTICLE 18

MOVED: That under Article 19, the reading of the new proposed general by-law of the Town entitled “Demolition Delay” be dispensed with, the same being set forth in full under Article 18 in the Warrant for this Meeting and having been distributed to each Town Meeting Member.

MOVED: That the Town vote to amend the General Bylaws of the Town of Belmont by inserting therein a new Article 34, “Demolition Delay” as set forth in full under Article 18 in the Warrant for this Meeting.

Majority vote required for passage

TOWN OF BELMONT
CAPITAL BUDGET COMMITTEE

April 3, 2012

Dear Town Meeting Members,

Ordinarily, you would receive a lengthy and detailed report from the Capital Budget Committee with your Annual Town Meeting packet. As we approached the deadline for mailing the report we realized that we simply did not have solid and accurate information about this year's Capital Budget to give you. Therefore, following consultation with our Selectman representative, Mark Paolillo, and Town Clerk, Ellen Cushman, we have chosen to wait and send you a full report prior to the budget portion of the Town Meeting in May. Sending you vague information without a list of the projects we recommend for funding and their cost would not have respected your need to have comprehensive data prior to your voting on capital items.

At this time, let us preview the major themes in the FY2013 Capital Budget. As you know, Town departments, along with the School Department, submit requests to the Capital Budget Committee with an estimated cost and in a priority order. The CBC spends considerable time meeting with the department heads, asking questions, and analyzing their requests. It is the task of the CBC to put all of the requests into a long-term plan, establish one priority list, and agree on which projects to fund in the coming fiscal year. Requests for road repairs are funded out of Chapter 90 state funds and the yearly allocation from the 2001 override. Water and sewer requests are funded out of enterprise funds. All other requests must be funded from the allocation given to the CBC from the Selectmen.

This year's CBC department requests include several "big ticket" items: a ladder truck for the fire department; replacement turf at the high school football field; replacement flooring for the high school gym; town-wide telephone software; a co-generation system to provide electricity, heat and hot water for the Higginbottom pool; a one ton pick-up truck for the DPW. In addition we have requests to continue multi-year projects such as the fourth year of building envelope work and the third year of replacing unit-vents at the high school. Further, we have many requests for replacement flooring, doors, and vehicles, some of which we may determine should be funded out of operating funds.

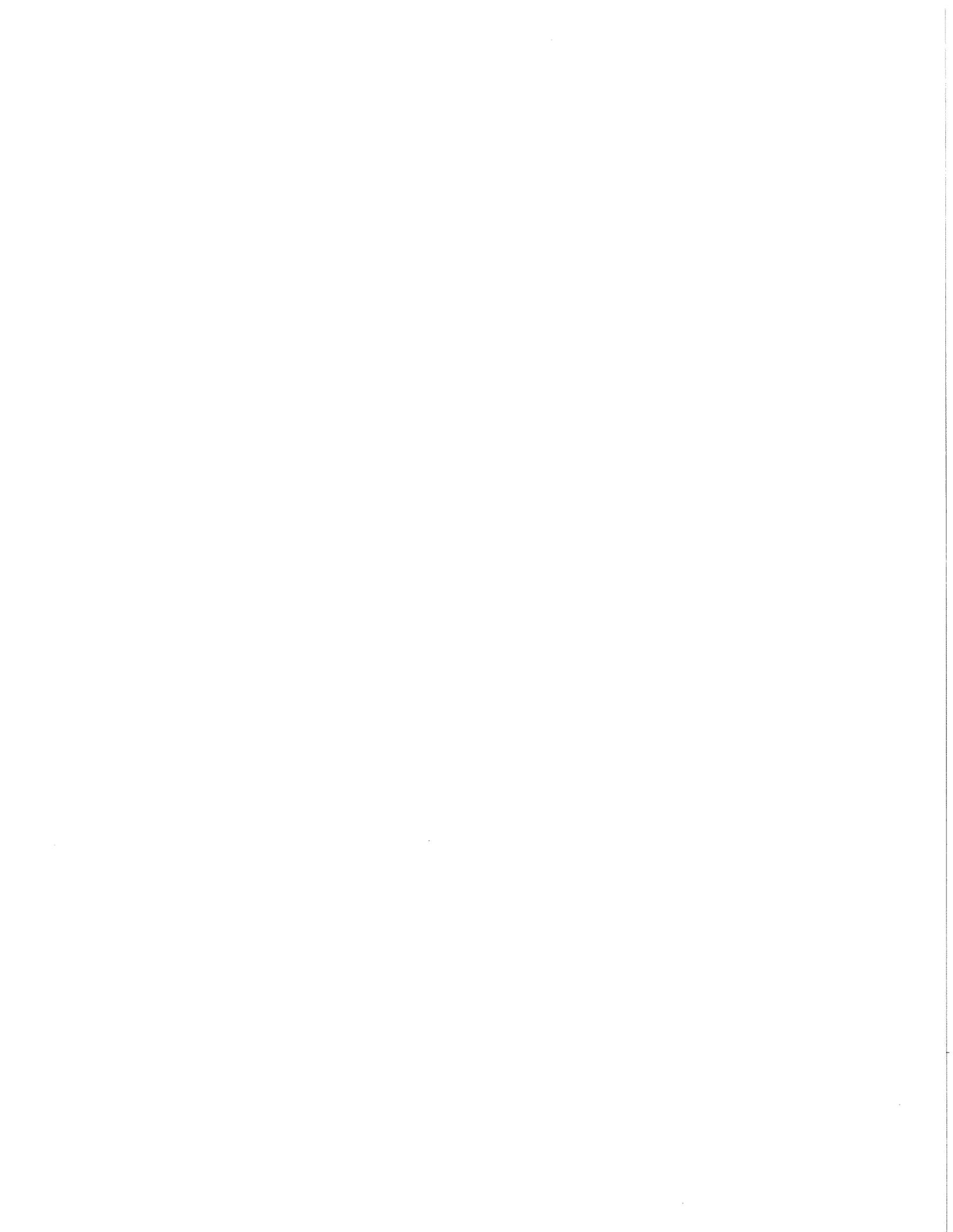
Currently the CBC is working closely with the Town Treasurer and Town Accountant to determine how to best prioritize and fund these large items. Lease/purchase agreements are one way to afford fire engines and dump trucks by spreading the impact of the cost over several years. However, we must always be aware of the effect of adding more debt, however short-term, to the overall debt load of the town.

Finally, the CBC plans to spend some of its "off season" time addressing the list of capital projects still facing the Town: police station, DPW facility, high school, library, skating rink, White field house and Underwood pool. Each year the Committee is increasingly uncomfortable funding requests for repairs to the rink, pool and White field house when we know their effective life span has passed. But, absent a plan, it would be irresponsible to allow those resources to fall into total disrepair.

Thank you for your attention and we look forward to providing you with a useful report and list of recommendations well in advance of the presentation of budget articles in May.

Anne Marie Mahoney, Chairman
Michael Battista
John Conte

Rebecca Vose, Secretary
M. Patricia Brusch
Mark Paolillo



Belmont's Demolition Delay Bylaw – Frequently Asked Questions

1. What is a Demolition Delay Bylaw?

A Demolition Delay Bylaw affords public review of demolition permit applications for historically significant buildings, and can invoke a delay period before the demolition of such buildings may commence. During the delay period, the building owner and the Historic District Commission (HDC) can explore opportunities to preserve or move the threatened building. While the bylaw does not prevent demolition indefinitely, the opportunity to temporarily postpone the demolition of a Preferably Preserved building often has a positive outcome.

2. What buildings are affected by this bylaw?

The Demolition Delay Bylaw applies to buildings that are determined to be "Preferably Preserved" by the Belmont HDC. Based on a review of demolition permits within the past four (4) years, the HDC estimates that the Bylaw will potentially affect only **5% of demolition permits**. Between 2007-2011, 42 demolition applications were filed, but only two (2) buildings met the criteria for Preferably Preserved.

3. What criteria are used to determine if a building is "Preferably Preserved"?

Preferably Preserved properties are at least 50 years of age and must meet at least one of the following criteria:

- a.) listed on or determined eligible for listing on the National or State Register of Historic Places,
- b.) significant in Belmont for their association with an important person or event, or
- c.) important for their architectural style, age, or rarity.

4. What other communities have a Demolition Delay Bylaw?

All of our neighboring communities have an established Demolition Delay Bylaw. This includes Cambridge, Arlington, Watertown, Lexington, and Waltham, as well as their surrounding communities of Winchester, Lincoln, Boston, Brookline, Woburn, Weston, Woburn and Newton. One hundred thirty-two (132) communities in Massachusetts have a Demolition Delay Bylaw.

5. Why is this Bylaw being proposed now?

Implementation of a Demolition Delay Bylaw was a key goal of Belmont's 2010 Comprehensive Plan. Since completion of the Comprehensive Plan, the Historic District Commission has researched the demolition delay topic and crafted a bylaw that it feels best serves Belmont.

6. What is the Public Review Process for properties subject to the Demo Delay Bylaw?

- Once a demolition permit is filed, the Inspector of Buildings must notify the HDC within 7 days.
- The HDC then determines if the building is Significant and notifies the Building Inspector within 30 days. If the building is Not Significant, an HDC representative will sign the demolition permit.
- If the building is Significant, the HDC must then determine within 45 days if the property is Preferably Preserved.
- During this 45-day period, the HDC will hold a Public Hearing to gather community input.
- If the property is determined Preferably Preserved, the provisions of the Bylaw take effect, including a maximum period of 12 months before a demolition permit can be issued.

7. Why is it a twelve month delay?

The twelve month delay provides sufficient time for the exploration and evaluation of alternatives that could potentially save the historic structure. The HDC will work with landowners to meet the intent of the Bylaw in the shortest amount of time possible.

8. What about municipal buildings or development projects that are currently underway?

The HDC will work pro-actively with the Planning Board and public officials regarding the future of Belmont's municipal buildings, some of which may meet the criteria for "Preferably Preserved." The HDC has already agreed to exempt the re-development of South Pleasant Street and the Cushing Village Development from the Demolition Delay Bylaw.

9. Will this new Bylaw place an undue burden on Town staff?

No. The HDC already reviews all demolition permit applications. The primary increase in workload will be the responsibility of the Commission.

10. Why did you select 50 years of age?

50 years is the national standard for determining whether a property is historic and it is the benchmark recommended by the Massachusetts Historical Commission. Most demolition delay bylaws have a 50-year date as a starting point. There are some significant mid-century modern buildings in Belmont, which would potentially be lost with an earlier date.

11. How does this Bylaw affect the value of my property?

The Bylaw should not adversely affect the value in any way. In fact, studies have shown that retaining and rehabilitating historic or architecturally significant structures actually increases the value of real estate.

12. Some communities have a list of Preferably Preserved properties. Why doesn't Belmont?

One of the Historic District Commission's highest priorities is to update and complete the inventory of historic and architecturally distinctive properties in the town. Once that is done, a complete list of Preferably Preserved properties will be available.