

# COMMONWEALTH OF MASSACHUSETTS

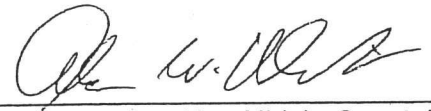
Middlesex, ss. Officer's Return, Reading:

By virtue of this Warrant, I, on February 28, 2012 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 Reading Police Station, 15 Union Street
- Precinct 3 Reading Municipal Light Department, 230 Ash Street
- Precinct 4 Joshua Eaton School, 365 Summer Avenue
- Precinct 5 Reading Library, Local History Room, 64 Middlesex Avenue
- Precinct 6 Barrows School, 16 Edgemont Avenue
- Precinct 7 Birch Meadow School, 27 Arthur B Lord Drive
- Precinct 8 Wood End School, 85 Sunset Rock Lane
- Town Hall, 16 Lowell Street

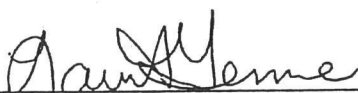
The date of posting being not less than fourteen (14) days prior to April 23, 2012, the date set for Town Meeting in this Warrant.

I also caused a posting of this Warrant to be published on the Town of Reading website on February 29, 2012.



Alan Ulrich, Constable

A true copy Attest:

  
\_\_\_\_\_  
Laura Gemme, 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 elections and Town affairs, to meet at the Reading Memorial High School Auditorium, 62 Oakland Road, in said Reading, on Monday, April 23, 2012, 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 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  
One Hundred and Ninety Two Town Meeting Members shall be elected to represent each of the following precincts:

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

To vote on the following two questions:

**Question 1:**

Shall the Town of Reading approve the amendment to Article 5 of the Reading Home Rule Charter, proposed by the November 14, 2011 Subsequent Town Meeting, which is summarized below:

Article 5, Town Manager

Section 5 –1 Appointment, Qualifications, Term

This amendment will authorize the Board of Selectmen to enter into a contract with the Town Manager for a term not exceeding three (3) years in length.

Yes \_\_\_\_\_ No \_\_\_\_\_

**Question 2:**

Shall the Town of Reading approve the amendment to Article 7 of the Reading Home Rule Charter, proposed by the November 14, 2011 Subsequent Town Meeting, which is summarized below:

Article 7 – Finances and Fiscal Procedures

Section 7-2: Submission of Proposed Budget

This amendment modifies the budget process by requiring the Town Manager to consult with the Board of Selectmen on the Municipal Government portion of the budget before submitting the budget to the Finance Committee.

Yes \_\_\_\_\_ No \_\_\_\_\_

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

MONDAY, the TWENTY-THIRD DAY OF APRIL A.D., 2012

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.

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**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 (Board of Selectmen)

**Finance Committee Report:** No report.

**Bylaw Committee Report:** No report.

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**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.

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**ARTICLE 4** To see if the Town will vote to amend the FY 2012 - FY 2021 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 Bylaws prohibit Town Meeting from approving any Capital Expenditure unless the project is included in the Capital Improvements Program (CIP). Bond ratings agencies also want to ensure that changes to a long-term CIP are adequately described. The following changes are proposed to the 2012-2021 CIP:

General Fund

FY12 increase by \$194,000:

- ◆ \$ 70,000 DPW Bulldozer to replace 1971 Bulldozer (was scheduled for FY14)
- ◆ \$ 50,000 DPW Highway Pickup with added Hot Box equipment replace 1997 vehicle (was in FY15)
- ◆ \$306,000 additional road repairs funded by 40R (replaces \$231,000 road repairs)
- ◆ \$ 39,000 additional sidewalk/pedestrian safety - \$25k funded by 40R (replaces \$50,000 sidewalks)
- ◆ \$ 10,000 Town facilities – Town Hall carpet

FY13 increase by \$331,250:

- ◆ \$ 58,000 Main St. Fire station floor repairs
- ◆ \$135,000 Sidewalk Snow Plow (replaces two smaller sidewalk Plows \$78,000 + \$66,750 previously proposed)
- ◆ (\$10,000) street signs eliminated
- ◆ \$230,000 additional road repairs funded by 40R
- ◆ \$ 63,000 additional sidewalk/pedestrian safety funded by 40R

FY14 increase by \$327,000:

- ◆ \$500,000 Birch Meadow Pavilion (replaces \$430,000 Imagination Station)

- ◆ \$ 45,000 Hunt Park playground (swaps with FY15 \$45,000 Wood End upper playground)
- ◆ \$207,000 additional road repairs funded by 40R
- ◆ \$ 50,000 additional sidewalk/pedestrian safety funded by 40R

FY15 and beyond:

- ◆ Several additions, deletions and changes

Storm Water Enterprise Fund

FY14 decrease by \$10,000:

- ◆ \$140,000 Drainage Improvement projects (replaces \$150,000 Saugus River Design & Permitting)

FY15 and beyond:

- ◆ Several additions, deletions and changes

Water Enterprise Fund

FY13 increase by \$14,000:

- ◆ \$350,000 Ivy St/Belmont St water main (replaces \$276,000 Causeway Road water main)
- ◆ (\$ 60,000) Water conservation program moved to operating budget

FY14 decrease by \$279,000:

- ◆ \$276,000 Causeway Road water main (replaces \$350,000 Ivy St/Belmont St water main)
- ◆ \$120,000 Larch Lane water main (moved up from FY15)
- ◆ (\$ 50,000) Water conservation program moved to operating budget
- ◆ (\$225,000) well abandonment moved out to FY16
- ◆ (\$ 50,000) well upgrade moved to FY15 and increased to \$200,000

FY15 and beyond:

- ◆ Several additions, deletions and changes

Sewer Enterprise Fund

FY13 increase by \$130,000:

- ◆ \$130,000 "Poet's Corner" Sewer Main repair

FY14 increase by \$645,000:

- ◆ \$ 75,000 for Sewer Main projects
- ◆ \$300,000 for West St. Sewer Station repairs
- ◆ \$270,000 for Joseph's Way Sewer Station repairs

FY15 and beyond:

- ◆ Several additions, deletions and changes – note addition of several Sewer Station repairs

**Finance Committee Report:** The Finance Committee recommends the proposed amendments to the FY 2012 – FY 2021 Capital Improvements Program by a vote of 7-0-0 at their meeting on March 28, 2012.

**Bylaw Committee Report:** No report.

**ARTICLE 5** To see if the Town will vote to adopt Massachusetts General Laws Chapter 32B, Section 20 which allows the Town to set up an irrevocable trust for "Other Post Employment Benefits Liabilities" or take any action with respect thereto.

Board of Selectmen

**Background:** This article will provide for the establishment of a Trust Fund into which the Town may, from time to time, deposit funds which will eventually fully fund the Town's Other Post Employment Benefits (OPEB) obligation – primarily health insurance for active and retired employees. Accepting

Ch32B sec 20 allows a city, town, district, county or municipal lighting plant to **establish** a separate fund, to be known as an Other Post Employment Benefits (OPEB) Liability Trust Fund. Funds will be invested and reinvested by the custodian consistent with the prudent investor rule set forth in chapter 203C. This article does not put any money into the trust. It only establishes the trust so that when we want to vote to fund it, there is a mechanism for us to save and invest.

**What is OPEB?**

The term OPEB refers to all benefits, other than pensions, that retirees receive. For public employees in Massachusetts, OPEB largely consists of retiree health insurance but also includes life insurance. Only employees that are in the Reading Contributory Retirement system and retire immediately following employment by the town of Reading, are entitled to these benefits after meeting certain eligibility requirements, a vesting period and minimum retirement age.

While it is not currently mandatory to fund the OPEB liability, many communities have begun accumulating funds to meet their obligations. Municipalities should be setting aside money to fund the actuarially determined OPEB obligations, payable in the future, that were incurred for active employees during the year. Then, when the employee retires, the trust fund should have accumulated enough money to pay the health insurance for the retiree. As more communities begin to save money in an OPEB Trust, there could eventually be a mandate from the state that funding begin for all communities, similar to what was done in 1988 for funding retirement obligations.

**Middlesex League Communities – OPEB Funding Strategies**

Community	Amount Funded	Description/Notes
Arlington	\$4,200,000	Annually appropriate the difference between \$500K and the non contributory pension appropriation; as non contributories decrease, funded amount increases. Raised the retiree contribution for health insurance from 10% - 15% and annually appropriate this difference to OPEB. Formally earmarked Medicare D reimbursement to OPEB.
Belmont	\$600,000	The Town is trying to develop a policy for an annual funding mechanism.
Burlington	\$0	Town Meeting warrant article to propose funding OPEB in January. Considering allocating a set % of free cash annually, building an amount into the operating budget annually, or both options in combination.
Lexington	\$1,900,000	Town earmarked Medicare D revenues over the past several years to the OPEB trust.
Melrose	\$0	City has no funding protocol to date, most likely would need a Prop 2 1/2 override.
Reading	\$0	Town Meeting warrant article to propose funding OPEB in May.
Stoneham	\$0	Town is aggressively funding the pension liability with a projected fully funded date of 2023. Intent is to pay this off and then begin funding OPEB. Plan to set up trust fund soon and potentially add any one time revenues windfall that might be received.
Wakefield	\$50,000	\$50K funded from the operating budget in FY12. Town recently joined the GIC and is considering allocating some of the savings achieved to OPEB in future budgets.
Watertown	\$1,075,000	Funds set aside in an OPEB Stabilization Fund (i.e. not a legal OPEB trust fund). Town is on an aggressive funding schedule for pension liability (2022) and intends to reallocate pension funding to OPEB upon fully funded status.
Wilmington	\$100,000	The Town set aside token funds in an account still controlled by the town (i.e. not a legal OPEB trust fund). Considering adding to it this year.
Winchester	\$400,000	Most recently contributed \$250K; set up GASB 45 Task Force
Woburn	\$937,086	The City has set aside the Medicare D reimbursement over the past several years in a reserve still controlled by the City (i.e. not a legal OPEB trust fund).

**Finance Committee Report:** The Finance Committee recommends the subject matter of this article by a vote of 7-0-0 at their meeting on March 14, 2012. This Article simply establishes a Trust Fund as a first step towards addressing Reading’s long term liability and commitment to fund retiree healthcare benefits. Over time this will relieve reliance upon the operating budget and will hopefully one day fully fund our obligation. The next Article will begin to fund the liability, and a second deposit is proposed as part of Article 13 (the FY13 Budget). In the

coming months the Finance Committee will meet with Town officials to discuss formalizing a disciplined approach or policy for meeting this long term obligation.

**Bylaw Committee Report:** No report.

**ARTICLE 6** To see if the Town will vote to amend one or more of the votes taken under Article 28 of the Warrant of the Annual Town Meeting of April 25, 2011 as amended under Article 5 of the Warrant of the Subsequent Town Meeting of November 14, 2011; 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.

Board of Selectmen

**Background:** The following budget amendments are proposed for the FY12 budget:

**General Fund – Wages and Expenses**

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
B99	Benefits: - \$500,000 Health Insurance + \$500,000 OPEB Trust Fund - \$50,000 Unemployment - \$35,000 Medicare - \$25,000 Worker Comp. Ins. early payment discount + \$13,000 Pension Assessment – military leave	\$97,000	
C99	Capital: +\$306,000 DPW Roads* + \$ 39,000 DPW curb/sidewalk (\$25k from 40R funds*) + \$ 70,000 DPW replace 1971 Bulldozer before FY14 + \$ 50,000 DPW replace 1997 Hwy pickup before FY15 + \$ 10,000 Town Facilities Town Hall carpet		\$475,000
E99	Vocational Education - \$25,000 lower enrollment than anticipated	\$25,000	
H91	Accounting wages + \$5,000 overlap for new Town Accountant		\$5,000
I91	Finance wages - \$37,000 Open clerical position not filled - \$11,000 Technology position open until filled - \$ 7,000 Surplus from combining elections	\$55,000	
I92	Finance expenses + \$24,000 Assessors outsourced property inspection + \$11,000 Technology required by new library system + \$15,000 Technology for Town Hall		\$50,000
K91	Community Services wages - \$ 8,000 Health inspector (now a Melrose employee) - \$ 5,000 Various positions due to staff turnover	\$13,000	
K92	Community Services expenses + \$ 8,000 Health inspector (Melrose employee) + \$15,000 Consultant for housing plan		\$23,000
L91	Library wages + \$1,500 overlap for new librarian		\$1,500

M91	Public Works wages + \$20,000 Overtime caused by storms in the fall of 2011		\$20,000
M92	Public Works expenses + \$15,000 for variety of expenses related to fall storms		\$15,000
M93	Public Works – Snow & Ice	\$38,500	
M94	Public Works – Street Lights	\$10,000	
M95	Public Works Rubbish	\$125,000	
N91	Public Safety wages – Overtime in Fire department		\$95,000
V99	Town Facilities + \$10,000 for Community Service area – handicap accessibility and customer service		\$10,000
	<b>Subtotals</b>	<b>\$363,500</b>	<b>\$694,500</b>
	Subtotals excluding items in *C99		\$363,500
	Items in *C99		*\$331,000
	<b>Net from Operating Transfers</b> <b>*From 40R Smart Growth Stabilization Fund</b>	<b>None</b> <b>\$331,000</b>	

**Finance Committee Report:** The Finance Committee recommends the proposed FY 2012 budget transfers by a vote of 7-0-0 at their meeting on March 28, 2012.

**Bylaw Committee Report:** No report.

**ARTICLE 7** To see if the Town will vote to approve the FY 2013 – FY 2022 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:** Please see the Blue Pages in the Appendix of this Warrant Report for the FY 2012 – FY 2021 Capital improvements Program.

**Finance Committee Report:** The Finance Committee voted 7-0 at their March 28, 2012 meeting to recommend the subject matter of this Article. Placing items in the capital improvement program is a prerequisite but does not authorize spending funds towards these items.

**Bylaw Committee Report:** No report.

**ARTICLE 8** To see if the Town will vote to authorize the payment during Fiscal Year 2012 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:** For the Town to pay bills from a prior year requires a special vote of Town Meeting. The following bills from a prior year are due. This will require a 9/10 vote of Town Meeting.

- ◆ The Engineering Division has a bill from June 2011 for copier maintenance. There was confusion between the parent company and the local office as to who would do the billing and how much it would be. Numerous phone calls to both locations finally produced an invoice for \$155 that needs to be paid since the service was provided.
- ◆ The DPW has a bill in the amount of \$78.31 in invoices from last fiscal year for auto parts.

**Finance Committee Report:** The Finance Committee recommends the subject matter of this article by a vote of 7-0-0 at their meeting on March 14, 2012.

**Bylaw Committee Report:** No report.

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**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:** Following is a list of surplus vehicles that are scheduled to be disposed of in FY 2012. Town Meeting approval is required for disposition of tangible property with a value of \$5000 or more. It is unlikely that any of these items have a value that exceeds that amount, but to be safe, Town Meeting approval is requested. Disposition could be through trade in, auction, or other sale.

- ◆ Fire - 1996 Chevrolet 2500 Pickup Truck
- ◆ DPW - 1961 3" Trashmaster centrifugal pump mounted on a 2 wheel trailer, 12 HP Wisconsin engine (not running)
- ◆ DPW - 1998 Ford Crown Victoria.
- ◆ DPW - 10' Baker snow plows fixed angle.
- ◆ DPW - 1973 John Bean Roto-Mist Hydraulic Sprayer.
- ◆ DPW - 490 Dynahoe backhoe bucket (30")
- ◆ DPW - Lindsay T40HA- Portable Air Compressor (not running)
- ◆ DPW - 1970 Brodie 4 Wheel Trailer
- ◆ DPW - 1987 Haban Sickle Bar Mower Attachment
- ◆ DPW - 1985 Takeuchi Crawler Excavator
- ◆ DPW - 1995 Holder 6000 with boom flail and blower
- ◆ DPW - 1971 Cat 951B Traxcavator
- ◆ DPW - 1997 F250 pickup
- ◆ DPW - 2003 Ford F250 pickup
- ◆ DPW - 2003 Cat 430D, 5 speed,
- ◆ Police - 2 Ford Crown Victoria Police Cruisers
- ◆ Police - 2009 Harley Davidson motorcycle
- ◆ School - 1996 Chevrolet K2500 Utility body pick-up truck
- ◆ Surplus soil/stone material at the Compost Center site

Town Meeting members may be interested in how we disposed of tangible personal property that was authorized last year. Last year we disposed of the following vehicles:

◆ Ford F250 Pickup (1989)	DPW/Parks	136K miles	Trade-in	\$ 600
◆ Ford Explorer (2000)	DPW/Engineering	108K miles	Trade-in	\$ 625
◆ Ford F350 Pickup (1997)	DPW/Water	74K miles	Trade-in	\$ 1000
◆ Ford F350 Pickup (2006)	DPW/Sewer	90K miles	Trade-in	\$ 2000
◆ Ford F250 Pickup (2001)	DPW/Sewer	105 miles	Trade-in	\$ 1000
◆ Elgin Pelican (John Deere) Sweeper (2005)		2658 hours	Trade-in	\$28,000
◆ Warco Motor Grader (1952) from FY11 surplus		Sold after 2 postings		\$ 606
Total				\$33,831

**Finance Committee Report:** The Finance Committee voted 7-0 at their March 28, 2012 meeting to recommend the subject matter of this Article. This Article authorizes the disposition of surplus property.

**Bylaw Committee Report:** No report.

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**ARTICLE 10** 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, 2012 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 Oaktree, Addison-Wesley/Pearson and Johnson Woods developments	Legal, oversight and inspection, plan review, initial property appraisals and appeals, Community Services general management, curb sidewalks and pedestrian safety improvements, records archiving and other project related costs.	\$200,000	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
Town Forest	Director of Public Works upon the recommendation of the Town Forest Committee	Sale of timber; fees for use of the Town Forest	Planning and Improvements to the Town Forest	\$10,000	Available for expenditure next year

or take any other action with respect thereto.

Board of Selectmen

**Background:** The revolving funds established in this article are subject to annual renewal by Town Meeting.

- **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 and records archiving and management. The balance available as of February 29 2012 in this fund is \$209,962. There is expected to be little expenditure from these funds for FY 2012, as some of these projects have just been getting started. The balance in the fund is from permit fees from Oaktree, Addison-Wesley/Pearson (now Pulte Homes), and a small amount from Johnson Woods developments.

- **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 Division also uses these funds for materials for other screening clinics. Clinic client fees are also deposited into this fund to offset vaccine and clinical supply costs. The balance available as of February 29 2012 in this fund is \$44,766. The State has been cutting back on the free flu and other vaccines to be distributed to cities and towns, and the Town therefore needs to purchase extra doses. The necessary amounts used for clinic vaccine, supplies and staff salaries related to the clinics each year directly from the revolving fund is therefore approximately \$25,000.
- **Library Materials Replacement Fund** – During the course of a year, the Library recovers funds from patrons who have lost or damaged books or other materials. Previously, those funds went into the Town's General Fund and at the end of the year went into Free Cash. Once this Revolving Fund was adopted (beginning in FY 2010), those funds recovered from patrons for lost or damaged materials were available directly to the Library for expenditure to purchase replacement materials and processing supplies. The balance available as of February 29 2012 in this fund is \$2,360.
- **Mattera Cabin Operating Fund** – The log cabin on the Mattera conservation land was purchased several years ago, and was recently renovated by the Vocational School. Some of the use is revenue generating, and it is anticipated that over time the site will generate enough funding to pay the operating costs of the cabin – primarily utilities. This Article allows those revenues that are generated to be used directly for the operating expenses of the cabin. The balance available as of February 29, 2012 in this fund is \$2,181.
- **Town Forest Revolving Fund** was created last year. The purpose is to allow revenues from controlled timber harvesting and permit fees to then be spent by the DPW Director upon the recommendation of the Town Forest Committee, on improvements to the Town Forest, including planning efforts. The Town Forest Committee has had a forest stewardship plan created (through a grant) to make recommendations on forest management including controlled timber harvesting. The Committee is in the process of determining how to proceed in beginning this work. In addition, the Town Forest Committee has commissioned a master plan for the Town Forest and adjacent property, and the Master Plan will include recommendations on improvement to the Town Forest. Finally, the Town Forest Committee is beginning to develop policies and regulations on the use of the Town Forest. Since this revolving fund was just created last year, the balance available as of February 29 2012 in this fund is \$0. It is anticipated that timber harvesting on a limited basis will begin in FY 2013, and therefore there will be proceeds in the revolving fund which can be used for the purposes of the trust.

**Finance Committee Report:** At its meeting on March 14, 2012 the Finance Committee voted 7-0 to recommend this Article. Revolving Funds are a way to earmark funds to specific Town services. Each has its own revenue source, purpose, and maximum amount which can be spent. Each Fund is subject to annual Town Meeting approval.

**Bylaw Committee Report:** No report.

**ARTICLE 11** To see if the Town will vote to revoke its acceptance of Chapter 468 of the Acts of 1911 which extended the provisions of Civil Service for the Reading Police Department, including the Chief of Police; and further, that this revocation will not affect the Civil Service status of existing personnel in their current positions; or take any other action relating thereto.

Board of Selectmen

**Background:** This article would prospectively remove the members of the Reading Police Department from Civil Service, and would allow the Town to conduct its own hiring, promotional, and disciplinary process and decisions without being subject to the dictates of a State Agency – the Civil Service Commission.

The Reading Police Department has been in the state Civil Service system since a Town Meeting vote in 1918. At that time there were no unions representing municipal police departments, and very little state legislation or case law dealing with employee rights or responsibilities. This was the era of the famous (or infamous) Boston Police Strike, and Civil Service was looked at nationally as a means of combating corruption in government. Much has changed since that time almost 100 years ago, including the Civil Service system itself.

The Civil Service system (known otherwise as the Department of Human Resources) governs, for agencies coming under their jurisdiction:

- ◆ Initial hiring
- ◆ Promotions
- ◆ Discipline

**Initial Hiring** Hiring good qualified people to provide Town Police services is the most important decision that is made in operating a first class Police Department.

**Civil Service process** The initial hiring process is slow, cumbersome, and does not address local needs. It is a state-wide, one size fits all system. There is no local control. The process begins with a state wide exam. Some communities report that they had no or few candidates take the exam this past year. The exam is given in May of the year, and the exam for a community is good for two years. The results of the exam are available in October – five months after the exam is given! When a community has a need to hire a Police Officer, they ask Civil Service for a list of candidates, and the list is sent with the number of people who the community may consider restricted to a formula of  $2N+1$  – or 3 candidates if you are hiring one Police Officer (it could be more candidates if there are tie scores). The candidate list will be based solely on the score of a written exam, with the exception that veterans and dependents of Police Officers killed in the line of duty are automatically placed at the top of the list. Additionally, if there are any Police Officers anywhere in the Commonwealth who have been laid off and have not been hired back, they also go to the top of the list for consideration. Candidates are then interviewed and the Appointing Authority (Town Manager) makes a decision and a conditional offer of employment, pending successful completion of a psychological exam (paid for by the Town), a medical exam (paid for by the Town), and a Physical Abilities test administered by Civil Service. If the Town Manager selects anyone but the highest ranked candidate, he must put in writing why a higher ranked (based solely on test scores and/or veteran or other preference) was not selected. This decision is subject to an appeal to the Civil Service Commission by anyone who is aggrieved by the decision.

**Problems with Civil Service** The hiring process under Civil Service is very cumbersome and time consuming. To take five months to certify a test in these days is too long – SAT's for example are graded instantaneously. The only criterion that the Town may consider is the test score, background check, and an interview. For the Town to ask for a list of minorities or women to diversify the employment of the Police Department requires a written admission on the part of the Town of past discrimination. At times, the Town has made a decision not to fill a position because none of the candidates available for selection met the needs of the Town.

**Proposed system** If Town Meeting approves this Article, then the Town will be able to develop its own hiring system, as the Town does for all other employees of the Town including DPW, non-union, School employees, RMLD employees etc. There are a number of other communities in the Boston metropolitan area

that do not have Civil Service, and the Town would consider conducting periodic joint examinations for entry level Police Officers. Other non-Civil Service Communities are able to advertise and recruit candidates, including minorities and women. An exam would be conducted, and experience in other communities shows that an exam given on a Saturday can be graded and certified the following Tuesday, and interviews of selected candidates can begin immediately. The cost of the examination is borne by the candidates. The Town may then interview any number of candidates, and the test scores would be considered as one of a number of criteria that can be used in selecting what candidate to interview. The Town can also consider things like education, work background, and other normal hiring criteria. Under this process, hiring will be able to be conducted expeditiously, and there should never be a circumstance where a position is left vacant (at considerable expense because the workload will then have to be picked up on overtime) because none of the candidates meets the needs of the Town.

### **Promotions**

Promotion of the best candidates to fill leadership positions in the Police Department is critical to carrying out the mission of the Department. Pending Town Meeting approval of this Article, the Town has negotiated with the two unions representing Police Patrol Officers and Police Superior Officers, language that outlines the process of promoting to the ranks of Sergeant and Lieutenant.

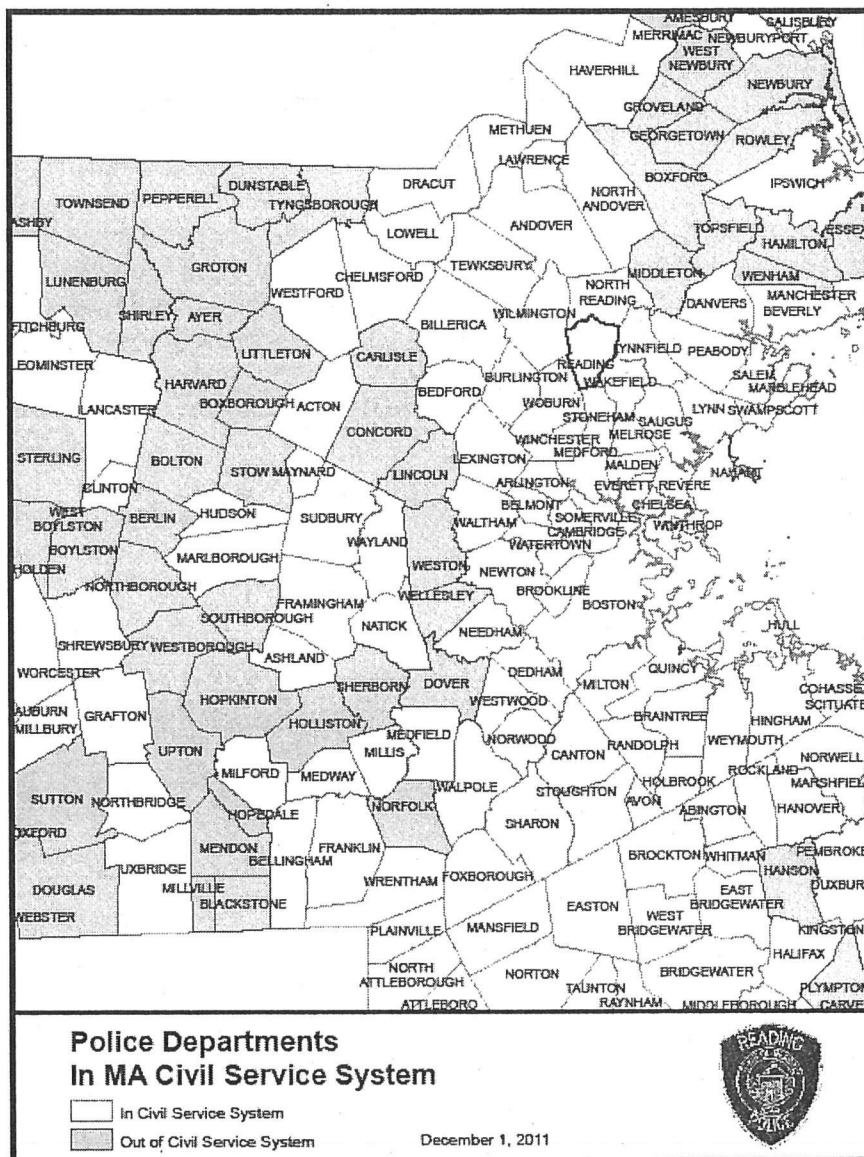
**Civil Service process** Similar to the initial hiring process, the promotional process is slow, cumbersome, and does not address local needs. It is a state-wide, one size fits all system. There is no local control. The process begins with a state wide exam. The exam is given in October of the year, and the exam for a community is good for two years. The results of the exam are available in May of the following year – six months after the exam is given! When a community has a need to promote, they take the requisite number of names from the top of the list of candidates, restricted to a formula of  $2N+1$  – or 3 candidates if you are promoting one Sergeant or Lieutenant (it could be more candidates if there are tie scores). The candidate list will be based solely on the score on a written exam. Candidates are then interviewed and the Appointing Authority (Town Manager) makes a decision. If the Town Manager selects anyone but the highest ranked candidate, he must put in writing why a higher ranked (based solely on test scores) candidate was not selected. This decision is subject to an appeal to the Civil Service Commission by anyone who is aggrieved by the decision.

**Problems with Civil Service** The promotional process under Civil Service is very cumbersome and time consuming. To take six months to certify a test in these days is not necessary – SAT's for example are graded instantaneously. At times, the Town has made a decision not to fill a position because none of the candidates available for selection met the needs of the Town.

**Proposed system** If Town Meeting approves this article, then the Town has developed its own promotional system, as the Town does for all other employees of the Town. This system is embodied in the two union contracts which have been approved subject to Town Meeting approving this article. In addition to alternatives to traditional testing (including conducting an Assessment Center) the Town may consider additional criteria to determine the most qualified candidate for a position. These include: job related experience; performance evaluation in his/her present position (including contributions to the department); supervisory evaluation of the employee's promotion potential; score on promotional exam; sick leave record; formal education; training and education through career development; disciplinary record; philosophical agreement with the Town's and department's vision and goals; work ethic; and initiative. Part of the cost of the promotional examination process is borne by the candidates, as is the case currently under Civil Service. Following the examination or Assessment Center, the Town may then conduct interviews of all candidates and may consider the other criteria listed above in making a selection. Promotions may then be handled expeditiously, and there should never be a circumstance where a position is vacant for any length of time (at considerable expense because the workload will then have to be picked up on overtime). In the past the Town has made a decision not to fill a position because none of the candidates available for selection met the needs of the Town.

**Discipline** The involvement of Civil Service in the disciplinary process of Police Officers of any rank is seldom used in Reading. Contractually, an Officer who is subject to discipline and chooses to appeal their discipline has to choose to either utilize the process under Civil Service, or utilize the process under the

Collective Bargaining Agreement – they cannot process an appeal under both. Nobody in the Police Department can remember the last time a disciplinary action on the local level was appealed to Civil Service. The few times that a disciplinary action has been appealed, it has gone through the grievance and arbitration procedure contained in the Collective Bargaining Agreements. The grievance and arbitration process is less expensive, quicker, and less subject to the arbitrary decisions of the Civil service Commission.



### Other Questions/Issues

- ◆ What is the status of current employees vis-à-vis Civil Service? As long as a current employee retains their current rank, they will still be covered by Civil service. A Police patrol Officer who is currently an employee as of July 1, 2012, will remain under Civil Service as long as they are employed as a Police Patrol Officer. However, if that employee is promoted to the rank of Sergeant, the employee as a Sergeant will no longer be covered by Civil Service
- ◆ What happens to Police Patrol Officers who have recently taken the Civil Service Exam for promotion to Sergeant? The Town has agreed that those officers who have taken and passed the recent (October 2012) Civil Service exam for promotion to Sergeant will be considered on an equal footing with those who pass the Town exam for the position to be given next fall. The new Sergeant's position will not be under Civil Service.

**Finance Committee Report:** No report.

**Bylaw Committee Report:** The Bylaw Committee reviewed with the both the Police Chief and the Town Manager the reasons for this article. The reasons are presented above. The Bylaw Committee concurs with those reasons and the actions resulting from this article. The Bylaw Committee recommends the subject matter of this article by a vote of 4-0-0.

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**ARTICLE 12** To see if the Town will vote to accept a gift to establish the Friends of Reading Football Scholarship Fund to be administered by the Town of Reading Commissioner of Trust Funds in accordance with the wishes of the donors, or take any other action with respect thereto.

Board of Selectmen

**Background:** This article requests that the Town establish the Friends of Reading Football Scholarship Fund to be administered by the Town of Reading Commissioner of Trust Funds in the initial amount of \$5,000.00. Any subsequent gifts to the Friends of Reading Football Scholarship Fund and interest earned shall be added to the principal of the Fund and distributed equally on an annual basis as outlined below. The Friends of Reading Football is a duly organized 501.c.3 charitable organization as recognized by the Internal Revenue Service and is designated as a non-profit entity by the Commonwealth of Massachusetts, Office of the Attorney General. Furthermore, the Friends of Reading Football is in-compliance with the Administrative Services Procedures required by the Reading Superintendent of Schools.

The principal balance of the Friends of Reading Football Scholarship shall be expended for the purpose of awarding two annual scholarships to Reading Memorial High School Seniors who have been members in good standing for at least two years in the football program, one of which must be the applicant's senior year. The first scholarships will be awarded in June of 2012.

Two annual awards of \$250 each, plus accrued interest, will be granted each year. A roster of at least three, and not more than five, qualified applicants will be nominated by the Reading Memorial High School varsity football coaching staff. A list of selected nominees will be referred to the Reading Memorial High School Assistant Principals who will make two final selections from the list of nominees.

The criteria for selection of the recipients of the scholarships shall include the following:

1. The students shall be seniors who have been members of the Reading Memorial High School Varsity football program in good standing for at least two years, of which one year must be the student's senior year;
2. The students shall have a record of demonstrated leadership and good moral character;
3. The students shall have a record of good academic performance;
4. The student shall submit a written statement to the Head Varsity Coach expressing their interest and eligibility for the scholarship.

The scholarship shall be awarded annually during the Reading Memorial High School commencement or awards ceremony.

**Finance Committee Report:** No report.

**Bylaw Committee Report:** No report.

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**ARTICLE 13** 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 2013 - beginning July 1, 2012, or take any other action with respect thereto.

**Background:** Please see the yellow pages in the Appendix of this Warrant Report for the FY 2013 Budget.

**Finance Committee Report:** FINCOM budget votes for each line item from their meeting on March 28, 2012 are shown in the budget section. All lines were approved by a vote of 7-0-0.

**Bylaw Committee Report:** No report.

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**ARTICLE 14** 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 for expenditure. The Article authorizes expenditures upon receipt of the grant. The FY 2013 Chapter 90 allocation is anticipated to be \$603,012, slightly more than the \$597,663 for FY 2012. At the time of printing of this warrant, the state was just beginning to approve a multi-year Chapter 90 bond authorization, and the total state-wide FY 2013 appropriation in the proposed bond bill is expected to be \$200 million, the same as for FY 2012.

**Finance Committee Report:** At its March 28, 2012 meeting, the Finance Committee voted to recommend the subject matter of Article 14 by a vote of 7-0. We vote at town meeting each year to approve the acceptance and use of these funds for road improvements from the State, the only issue being the precise sum of money available from the state. Though the final allocation for FY13 for Reading was not known as of this vote, barring any new or different contingencies placed by the State on the funds, the committee believes that that the town should accept whatever level of funding is offered.

**Bylaw Committee Report:** No report.

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**ARTICLE 15** 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 making improvements to the Whittier Road, Tennyson Road, Tennyson Circle, Wadsworth Road and Browning Terrace area 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.

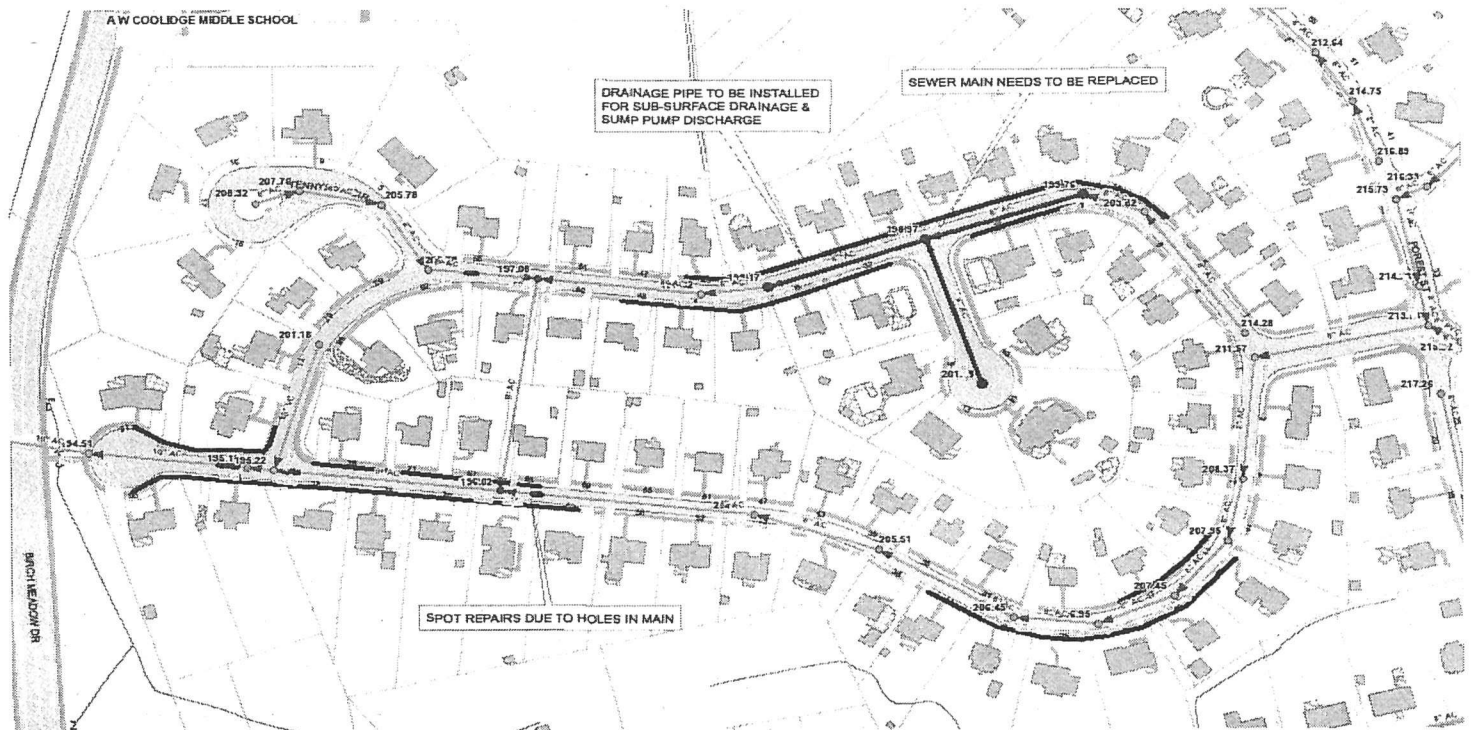
Board of Selectmen

**Background:** This Article will be Indefinitely Postponed. The following background is given for Town Meeting's information.

During the recent Inflow and Infiltration study and subsequent video inspection it was determined that the Whittier Road and Tennyson Road area sewer system has numerous structural deficiencies, substantial inflow and infiltration and a cross connection with the drainage system. Based on the extent of the sewer main's deteriorated condition, portions of the sewer system in this area must be replaced and re-habilitated to eliminate inflow and infiltration; correct structural deficiencies; eliminate cross connections to the drainage system; restore the flow capabilities of the sewer system and provide a subsurface drainage system for the elimination of illicit discharges.

The project will require the replacement of approximately 600 linear feet of sewer main; perform sewer main spot repairs, manhole replacement; testing and sealing of sewer mains and manholes; the repair and installation of approximately 2600 feet of subsurface drainage systems and appurtenances.

The estimated cost is \$250,000. The remaining unexpended balance of \$120,000 of funds approved under Article 9 of the Warrant at the November 9, 2009 Subsequent Town Meeting will be allocated towards this project, leaving \$130,000 in additional funds which are included in the FY 2013 Capital Plan and Sewer Budget previously approved under articles 7 and 13.



**Finance Committee Report:** No report.

**Bylaw Committee Report:** No report.

**ARTICLE 16** To see if the Town will vote to authorize the Board of Selectmen to grant an easement to Northern Bank and Trust for placement of an ATM machine in the Town owned parking area between Woburn Street and Haven Street in accordance with a plan titled "ATM Kiosk Easement Exhibit Plan", dated Feb, 24, 2012 prepared by Allen & Major Associates, Inc.; and, further, to see if the Town will vote to authorize the Board of Selectmen to acquire an easement for driveway purposes between Haven Street and the parking area from Northern Bank and Trust in accordance with a plan titled "Access Easement Exhibit Plan", dated Feb, 24, 2012 prepared by Allen & Major Associates, Inc.; or take any other action related thereto.

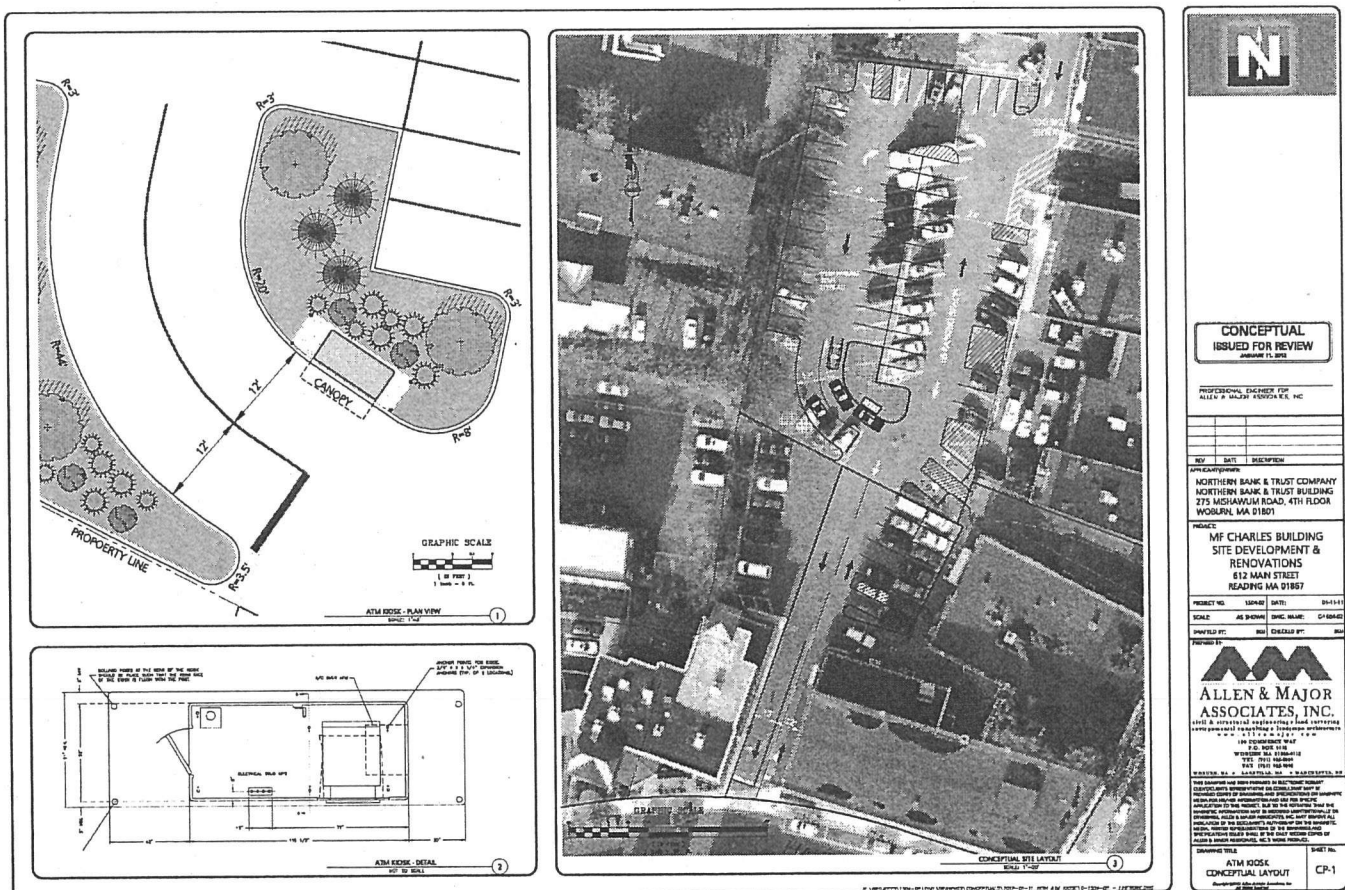
Board of Selectmen

**Background:** The CPDC is considering site plan approval for the renovations to the MF Charles building. At it's meeting on April 2, 2012 the CPDC approved the site plan, leaving 2 options for the ATM kiosk depending upon Town Meeting action on this article.

Th project to redevelop this property has been long awaited since the building was sold about five years ago. One of the opportunities which presents itself is the establishment of two way vehicular access from Haven Street, an improvement to the circulation to the municipal parking lot which has been envisioned in the Master Plan and parking studies for a number of years. This is a unique one time opportunity to establish that access as part of the planning approval for his project.

The renovation of the MF Charles building will include a new bank – the owner of the building also owns Northern Bank and Trust. In lieu of the drive through window that has existed along the driveway on the side of the MF Charles building for years, the owner is willing to give the Town an easement over the entire 24 foot driveway, and in exchange the bank would receive an access easement over the municipal parking lot and for the ATM kiosk.

The plan below shows both easements. This can be accomplished with no loss of parking, and with full use of the municipal parking lot (the bank drive-up kiosk has a "bypass" lane for through traffic). An added benefit to the project will be site lighting and some much needed landscaping within the municipal lot.



**Finance Committee Report:** No report.

**Bylaw Committee Report:** No report.

**ARTICLE 17** To see if the Town will vote to authorize the Board of Selectmen, upon approval of the Conservation Commission, to obtain a utility easement for the construction, maintenance, repair and operation of utilities over, across and upon a certain portion of land in the Town of Reading held by it for conservation purposes pursuant to a plan entitled "Belmont Street to Ivy Street Utility Easement" prepared by the Department of Public Works Engineering Division and dated March 5, 2012;

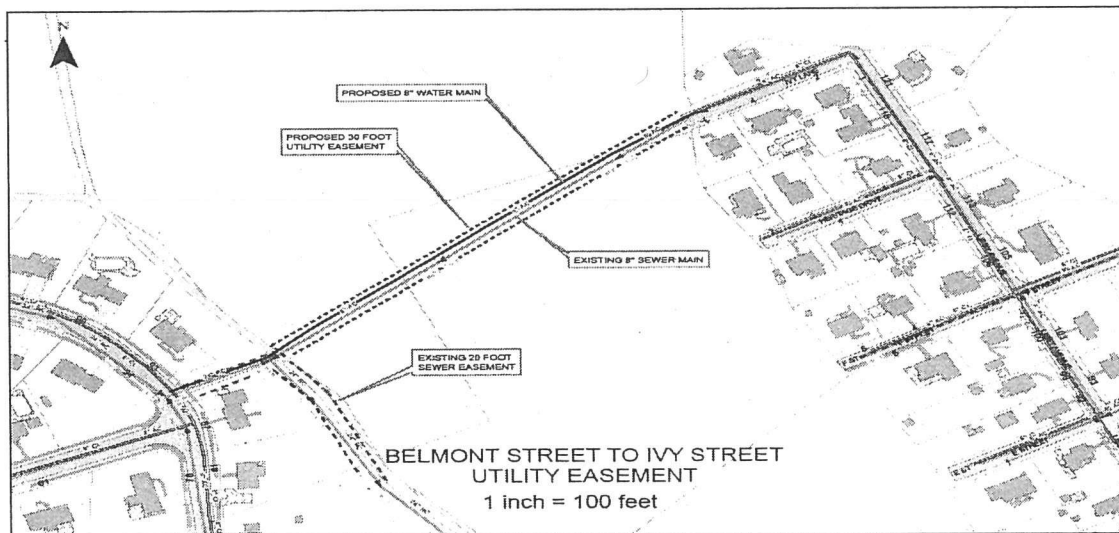
and, further, to see if the Town will authorize, empower and direct the Selectmen and the Conservation Commission, to execute, acknowledge and deliver in the name and on behalf of said Town such deeds or other instruments as may be necessary or proper in connection therewith, such deeds or other instruments to be in such form and upon such terms as the Selectmen may deem proper; and, further, that the Town authorize the Selectmen and Conservation Commission to petition the General Court to adopt such legislation as may be necessary to carry out the purpose of this vote, or take any other action with respect thereto.

Board of Selectmen

**Background:** Over the past several years the Town has continuously made strides to upgrade and rehabilitate the Town's water distribution system as recommended in the 2001 study, performed by Weston and Sampson Engineering. These upgrades help to address poor fire flows, water quality and pressure loss due to undersized or deteriorated mains. In the study the Libby Avenue area was found to have deficient fire flows, providing only 20% of the recommend fire flows. The installation of a new water main connecting the end of Ivy Street to Belmont Street will eliminate a major dead end in the water distribution system; and improve fire flows and water quality to the area.

The proposed 8" water main looping Ivy Street to Belmont Street will be cement lined ductile iron pipe approximately 850 feet in length. Approximately 700 feet of the proposed water main will be installed through Town property paralleling the current sewer main which was installed in 1976. The property through which the easement is needed consists of 2 parcels that were taken by the Town for conservation purposes in 1972 and 1974. During a deed research of the Town owned land it was determined that no rights have been reserved for a utility easement.

The purpose of this article is to authorize the Selectman to create a thirty (30) foot wide utility easement to permit the proper installation, maintenance and repair of the Town's utilities over conservation controlled Town owned land. The Article will further authorize the Town to request the General Court to adopt legislation as may be necessary to carry out the authorization of the easement.



**Finance Committee Report:** No report.

**Bylaw Committee Report:** No report.

April 23, 2012 Annual Town Meeting  
Report on the Warrant

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**ARTICLE 18**

To see if the Town will adopt the following resolution:

*We, the voters at the 2012 Annual Town Meeting of the Town of Reading, affirm our belief that the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations.*

*The United States Supreme Court's 2010 decision in Citizens United v. Federal Election Commission overturned longstanding precedent prohibiting corporations and unions from spending their general treasury funds in public elections. We believe that the ruling created a serious and direct threat to our democracy and the conduct of free and fair elections, by permitting corporations and others to drown out the voices of ordinary persons. Already we have seen our political process flooded with newly unleashed corporate and other money, resulting in historically unprecedented campaign expenditures.*

*The people of the United States have previously used the Constitutional Amendment process to correct decisions of the United States Supreme Court that invade or invalidate democratic institutions, including elections.*

*NOW, THEREFORE, BE IT RESOLVED THAT WE, THE VOTERS AT THE 2012 ANNUAL TOWN MEETING OF THE TOWN OF READING, CALL UPON THE UNITED STATES CONGRESS TO PASS AND SEND TO THE STATES FOR RATIFICATION A CONSTITUTIONAL AMENDMENT TO RESTORE THE FIRST AMENDMENT AND FAIR ELECTIONS TO THE PEOPLE, AND FURTHER, WE CALL UPON THE MASSACHUSETTS GENERAL COURT TO PASS ONE OR MORE RESOLUTIONS ASKING FOR THOSE ACTIONS.*

The Town Clerk of the Town of Reading shall send a copy of this resolution to the state and federal representatives and senators serving the Town of Reading, and to the Governor of the Commonwealth of Massachusetts and the President of the United States, and take any other appropriate action relative thereto.

Or take any other action with respect thereto

By Petition  
John Lippitt et al

**Background:** A little more than two years ago, the U.S. Supreme Court made a precedent-breaking decision. In a five-to-four vote on a case called *Citizens United v. Federal Election Commission* (*Citizens United* for short), the court ruled that corporations and unions have the same rights to freedom of speech as U.S. citizens under the Bill of Rights. The court expanded on previous rulings that said that spending money to deliver a political message counts as speech. It held, for the first time, that corporations have the right to spend unlimited corporate funds to support or oppose candidates for elected office. This overturned the 1907 law banning corporate contributions signed by President Theodore Roosevelt, who said, "All contributions by corporations to any political committee or for any political purpose should be forbidden by law."

**WHAT DOES THIS TOWN MEETING RESOLUTION DO?**

The resolution presented here to Town Meeting states that:

- Free speech rights belong to people not corporations or other organizations, and
- Unlimited spending by corporations and others in our elections presents a real danger to our democracy because corporations and others with wealth can drown out the voices and interests of all of us ordinary citizens.

This resolution calls:

- On Congress to pass an amendment to our Constitution to clearly establish that money is not the same as speech, and that human beings, not corporations, are entitled to constitutional rights such as free speech, and
- On our State Legislature to pass a resolution supporting a Constitutional amendment. Such a resolution, Senate Bill 772, is being considered by the Legislature. It had a hearing on February 28<sup>th</sup> and a committee vote is expected to have occurred by March 21.

#### **WHO ELSE SUPPORTS OVERTURNING CITIZENS UNITED?**

Fifteen cities or towns in Massachusetts, including Boston, and hundreds of communities across the United States have passed similar resolutions calling for a Constitutional amendment to overturn Citizens United, including Los Angeles, New York, and the 55 VT towns that passed resolutions on March 6. At least two state legislatures (HI & NM) have passed such resolutions and a number of state legislatures are considering them.

Citizens all across the country have concluded that unlimited campaign spending by corporations and wealthy individuals means that our elections will not be a fair fight. Democracy's foundation, *government of, by, and for the People*, is undermined by the influence of money on elections and government decision-making. If, as *Citizens United* asserts, money equals speech, then those with more money have louder voices and those with no money have no voice. This flies in the face of the principles of our democracy and the Constitution that our founders wrote.

Over 200 groups have formed a loose coalition working to overturn *Citizens United*, including Move to Amend, Common Cause, the National Lawyers Guild, the Unitarian Universalist Association, and Veterans for Peace. The Montana Supreme Court upheld the state's 1912 law limiting corporate spending in campaigns, despite a lower court ruling that *Citizens United* had invalidated the law in question. The 2nd U.S. Circuit Court of Appeals similarly upheld a New York City law that places limits on political contributions.

#### **WHY IS OVERTURNING THE CITIZENS UNITED DECISION SO IMPORTANT?**

With the 2012 election season underway, the consequences of the *Citizens United* decision are becoming clearer by the day. Some wealthy individuals and corporations are already contributing millions of dollars to Super PACs, which have already spent over \$40 million in the Republican presidential primaries. The amount spent to date is a drop in the bucket compared to the hundreds of millions of dollars that these Super PACs have stated they will raise and spend during the entire 2012 election period.

The unleashing of corporate funds has dramatically expanded possible election spending and, therefore, concerns that elected officials will be more responsive to contributors and their money than to constituents. The Open Secrets project at the Center for Responsive Politics calculated that even before *Citizens United* roughly 72% (\$3.4 billion) of all campaign contributions in 2007–2010 came from the business sector (individuals and organizations), with labor contributing 4% (\$172 million), ideological groups 7% (\$308 million), and others 17%. Now we can expect even greater business sector dominance.

**Finance Committee Report:** No report.

**Bylaw Committee Report:** No report.

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**ARTICLE 19** To see if the Town will vote to approve an Affordable Housing Trust Fund Allocation Plan pursuant to Chapter 140 of the Acts of 2001 entitled "AN ACT AUTHORIZING THE TOWN OF READING TO ESTABLISH AN AFFORDABLE HOUSING TRUST FUND", or take any other action with respect thereto.

Board of Selectmen

**Background:** The purpose of this Article is to approve an Affordable Housing Trust Fund Allocation Plan approved by the Board of Selectmen.

Chapter 140 of the Acts of 2001 authorized the Town of Reading to establish an Affordable Housing Trust Fund (AHTF).

- ◆ "The Town of Reading may establish a separate fund to be known as the Affordable Housing Trust Fund for the purpose of creating or preserving affordable housing ... for the purpose of creating, maintaining or operating affordable housing."
- ◆ The AHTF may "develop new or rehabilitate existing dwelling units for purchase or rental by low and moderate income housing purchasers or tenants;"
- ◆ "Expenditures shall follow an allocation plan submitted by the Board of Selectmen annually to Town Meeting at the Annual Town Meeting, and approved by Town Meeting."
- ◆ "all expenditures from the fund, . . . shall be in accordance with the allocation plan and approved by a majority vote of the full combined memberships of the Board of Selectmen and the Reading Housing Authority."

The purpose of the Affordable Housing Allocation Plan is to provide a framework for the Town to expend funds on affordable housing. The current balance is \$259,077. Funds have been accumulated over the years as funds were secured for the purpose by the CPDC, and funds deposited in one instance when an existing affordable unit was no longer able to be kept affordable after efforts were made to do so. There are no Town tax generated funds in the AHTF. The only expenditure to date from the AHTF is an amount of \$200,000 for Oaktree development to provide an additional 3 affordable housing units. That sum is in escrow and by the fall of 2012 the Town will know whether any or all of it has been utilized. Pending that information, the Board of Selectmen has indicated that it may ask to transfer funds from the 40R payments to the Affordable Housing Trust Fund next fall.

Under Article 6 of this Annual Town Meeting, approval was received for hiring a consultant to update the Town's Housing Plan, including the 5 year "Housing Production Plan". This effort is important as a defense against unfriendly 40B developments in the community, and requires the Town to develop a phased plan to produce housing to reach the 10% threshold as required by the 40B statute. As part of these planning efforts, the Town will evaluate how the AHTF can best be used to support the "Planned Production" goals of the Housing Plan, and it is expected that at the 2013 Annual Town Meeting the Affordable Housing Allocation Plan will be fleshed out in better detail, although it is important that the plan remain as flexible as possible to enable the Town to respond to opportunities as they arise.

An additional initiative that is being considered is to join a regional consortium which would assist the member communities in monitoring and administering the Town's responsibilities for the various affordable housing developments that exist and will be developed in the future, to maintain the affordable units that the Town has worked so hard to create. This would be a potential use of the "Administrative" monies designated by the Affordable housing Allocation Plan.

At its meeting on March 27, 2012, the Board of Selectmen voted to approve the following as the FY 2013 Affordable Housing Trust Fund Allocation Plan:

**Affordable Housing Trust Fund Allocation Plan  
March 27, 2012**

Pursuant to Article 19 of the 2012 Annual Town Meeting, an Affordable Housing Trust Fund Allocation Plan for the Fiscal Year 2013 in accordance with the provisions of Chapter 140 of the Acts of 2001 is as follows:

Available Balance – <u>Unrestricted Funds</u> :	\$ 259,077
Available Balance – <u>Restricted Funds</u>	\$ 0

Unrestricted funds shall be used for the following purposes:

\$5,000 or a maximum of 2% for administration of Affordable Housing

Remainder for constructing affordable housing (including loan and grant programs); or for maintaining and improving affordability of existing housing stock; or for the purchase of existing housing stock to add it to or maintain it as a part of the existing affordable housing inventory

**Finance Committee Report:** At its March 14, 2012 meeting, the Finance Committee voted to recommend the subject matter of Article 19 by a vote of 7-0. The allocation plan though sparse in detail will be more fully developed in the upcoming fiscal year with the assistance of a consultant hired by the Board of Selectman and the Reading Housing Authority to develop a more complete Housing Plan for the town. We believe that in order to support the goals of the Affordable Housing Trust Fund, the allocation plan must be flexible and allow for entering into agreements during the upcoming fiscal year as opportunities arise. We believe that the provisions of the AHTF provide a fiscally responsible mechanism for approving the use of funds, with a majority vote of the combined memberships of the Board of Selectmen and Reading Housing Authority required for all expenditures.

**Bylaw Committee Report:** No report.

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**ARTICLE 20** To see if the Town will vote to add section 5.4 to the Town of Reading General Bylaw as follows

**5.4 Criminal History Check Authorization**

5.4.1 Fingerprint Based Criminal History checks The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172 B 1/2, conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

- Hawking and Peddling or other Door-to- Door Salespeople, (Police Chief)
- Manager of Alcoholic Beverage License (Board of Selectmen)
- Owner or Operator of Public Conveyance (Board of Selectmen)
- Dealer of Second-hand Articles (Board of Selectmen)
- Hackney Drivers, (Board of Selectmen)
- Ice Cream Truck Vendors (Board of Health)

5.4.1.1 Notification At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which has issued an Informational Bulletin which explains the requirements for town by-laws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.

5.4.1.2 State and national criminal records background checks Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this by-law.

5.4.1.3 Authorization to conduct fingerprint-based state and national criminal record background checks The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law. The State and FBI criminal history will not be disseminated to unauthorized entities. Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her

record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority pursuant to this by-law until it has taken the steps detailed in this paragraph.

5.4.1.4 Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so. The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town as listed. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

5.4.1.5 Regulations The Board of Selectmen, is authorized to promulgate regulations for the implementation of the proposed by-law, but in doing so it is recommended that they consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database, and other applicable state laws.

5.4.2 Use of Criminal Record by Licensing Authorities Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this by-law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law.

5.4.3 Fees The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be determined by the Board of Selectmen and shall not exceed one hundred dollars (\$100). The Town Treasurer shall periodically consult with Town Counsel and the Department of Revenue, Division of Local Services regarding the proper municipal accounting of those fees. A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

5.4.4 Effective Date This by-law shall take effect May 4, 2012, so long as the requirements of G.L. c. 40 sec. 32 are satisfied.

Or take any other action with respect thereto

Board of Selectmen

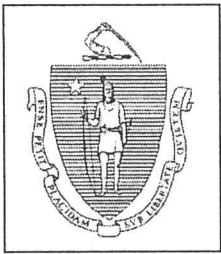
**Background:** In 2010 the Massachusetts Legislature incorporated language within the Criminal Offender Record Information (CORI) Reform Law that adds Massachusetts General Law (MGL) Chapter 6, Section 172 ½ which becomes effective May 4, 2012. This new section allows municipal officials to enact by-laws that

require fingerprint-based state and national criminal history checks of applicants for licenses in specified occupations. Currently the Police Department is unable to conduct fingerprint-based record checks and cannot use the multi-state criminal offender check system on vendors who often travel door to door within our community. Many of these transient vendors are from out-of-state and a local Massachusetts record check fails to reveal any previous criminal history, while the subject may have extensive violent out-of-state criminal history. The passing of this by-law is the first step in a multi-step process. The bylaw will need to be reviewed by the Attorney General's Office, the Massachusetts State Police State ID Section and the MA Department of Criminal Justice Information Services (DCJIS). Following their reviews, the bylaw will then be reviewed by the FBI Access Integrity Unit. Finally, the Board of Selectmen is authorized by the Bylaw to develop regulations to implement it, and the Board must consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security on these regulations.

There are clear guidelines within the Bylaw as to how the fingerprint based checks are to be used as well as an appeal process for the applicant to correct or complete information on the record check. The record check also cannot be disseminated to anyone who is not authorized to receive it.

The Massachusetts Police Chief's Association General Counsel, worked with the Attorney General's Office, in consultation with the staff of the EOPSS/CHSB (DCJIS) and FBI, to reach a consensus on the wording of the sample by-law that a community might adopt that would meet with everyone's approval.

The following is an Informational Bulletin from the Commonwealth of Massachusetts Department of Public Safety on this matter:



## **THE COMMONWEALTH OF MASSACHUSETTS**

**EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**

**Department of Criminal Justice Information Services**

200 ARLINGTON STREET, SUITE 2200 CHELSEA, MASSACHUSETTS 02150

WWW.MASS.GOV/CHSB

THE COMMONWEALTH'S PROVIDER OF CRIMINAL JUSTICE INFORMATION SERVICES

TEL: 617-660-4600 • TTY: 617-660-4606 • FAX: 617-660-4613

Deval L. Patrick Governor  
Timothy P. Murray Lieutenant Governor

Mary Elizabeth Heffernan Secretary of Public Safety and Security  
James F. Slater, III Acting Commissioner

### ***Informational Bulletin*** ***Civil Fingerprinting – Chapter 256 of the Acts of 2010*** ***Effective May 4, 2012***

**What is the new law that permits municipal officials to conduct fingerprint based state and national criminal history records checks on license applicants?**

On August 6, 2010, the Governor signed into law Chapter 256 of the Acts of 2010, "An Act Reforming the Administrative Procedures Relative to Criminal Offender Record Information and Pre- and Post-Trial Supervised Release." Section 23 of this new law, ***which takes effect on May 4, 2012, adds c. 6, §172B ½ to the Massachusetts General Laws and creates an umbrella statute under which municipal officials may enact ordinances to require state and national criminal history record checks of applicants for licenses in specified occupations.***

This new section provides:

Municipalities may, by local ordinance, require applicants for licenses in specified occupations to submit a full set of fingerprints for the purpose of conducting a state and national criminal history records check pursuant to sections 168 and 172 and 28 U.S.C. §534. Fingerprint submissions may be submitted by the licensing

authority to the identification unit within the department of state police through the criminal history systems board, or its successor, for a state criminal records check and to the Federal Bureau of Investigation for a state and national criminal records check.

Municipalities may, by local ordinance, establish the appropriate fee charged to applicants for administering a fingerprinting system. For the purposes of section 2LLL of chapter 29, \$30 of the fee shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund and the remainder of the fee may be retained by the licensing authority for costs associated with the administration of the system.<sup>1</sup>

<sup>1</sup> While Chapter 256 of the Acts of 2010 refers only to "ordinances," the Massachusetts General Laws define "ordinance" as a term synonymous with "bylaw." G.L. c. 4, §7, cl. Twenty second. Thus, for the purposes of M.G.L. c. 6, §172B ½, both cities and towns may avail themselves of these statutory provisions to establish a state and national criminal history records check for civil fingerprinting for designated municipal licenses.

### **What are the requirements for a municipal ordinance that authorizes fingerprint based state and national criminal history records checks on municipal license applicants?**

The FBI will not permit municipalities access to the national criminal history records database unless the municipality has an ordinance or by-law that meets the following requirements:

- The ordinance must reference the authorizing statute, Mass. Gen. Laws c. 6, § 172B½.
- The ordinance must require fingerprinting of a licensing applicant.
- The ordinance must authorize the use of FBI records to conduct state and national criminal history records checks.
- The ordinance must identify specific categories of licensing applicants to be screened and may not be overly broad in its scope.
- The ordinance must clearly state that FBI criminal history will not be disseminated to unauthorized entities.

### **Once the FBI AIU has approved a municipal ordinance, how does a municipality conduct fingerprint based state and national criminal history records checks on license applicants?**

- The ordinance must be forwarded to the State Identification Section of the Massachusetts State Police (SIS) and copied to the Massachusetts Department of Criminal Justice Information Services Office of the General Counsel (DCJIS OGC). SIS will submit the ordinance for approval by the FBI Access Integrity Unit (AIU). Once approved, the FBI will add the ordinance to the FBI Massachusetts Approved Statute List. SIS will also maintain a Massachusetts Approved Ordinance List.
- Once the municipal ordinance has been approved by the FBI AIU, the municipality must contact both the SIS and DCJIS OGC to establish the business processes required for the implementation of a state and national criminal records check system, including the assignment of an Originating Agency Identifier (ORI). Contact information for both agencies appears below.
- Once these business processes have been established, a licensing applicant may be fingerprinted at the police department of the municipality in which he or she is seeking a municipal license.
- The police department will forward the applicant's fingerprints either electronically or manually to the SIS which will submit them to the FBI. All fingerprint submissions must contain the ordinance number or correct city code citation in the "Reason Fingerprinted" block of the fingerprint submission form.
- The results of the state and national criminal history records will be returned directly to the live scan fingerprint device of the submitting department and/or a designated secure website managed by DCJIS.
- It is the responsibility of the submitting department to review the results of the criminal history check and determine suitability of the license applicant. For results that are returned without a disposition to a charge, the submitting department is responsible for gathering the missing disposition(s). The CJIS may be used to contact out-of-state agencies using the International Justice and Public Safety (Nlets) message keys.

### **Once the municipal licensing authorities receive the state and national criminal history records check results, what are their responsibilities?**

- Any non-law enforcement municipal employee who as a result of this process receives and reviews, or maintains state and national criminal history records check results must first complete DCJIS's information security/identification verification training, as well as DCJIS CORI training.
- Municipal officials responsible for determining suitability for licensing must provide the applicant with the opportunity to challenge the accuracy or completeness of the FBI criminal history.

- Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.
- If the applicant wants to challenge the accuracy or completeness of the record, municipal officials must advise the applicant that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34.

**How much will obtaining a fingerprint based state and national criminal history records check cost?**

- Pursuant to M.G.L. c. 6, §172B½, each municipality can set its own state and national criminal records check fee structure by ordinance. The new law requires that municipalities deposit \$30.00 of this fee into the Commonwealth's Firearms Fingerprint Identity Verification Trust Fund. DCJIS and the SIS will establish a payment system through which police departments make these deposits. Municipal licensing authorities may keep the remainder of the fees for costs associated with the administration of its state and national criminal history records check system.

**What other requirements for conducting fingerprint based state and national criminal history records check do municipalities need to know about?**

- The state and national criminal history check results may only be used for the purpose requested, that is, screening for specific licenses.
- A state and national criminal history records background check for civil licensing purposes may only be conducted based on a fingerprint check as authorized by a municipal ordinance and may not be conducted based on name and date of birth.
- A federal background check may not be conducted for municipal employment applicants unless such employment involves a position requiring a license issued by the municipality.
- All municipal entities that conduct fingerprint based state and national criminal history checks will be subject to audit by the DCJIS.
- Each municipal entity will be required to develop and maintain written policies and procedures for its fingerprint based national criminal history records check system.

**Once an ordinance for civil fingerprinting has passed, who should a municipality contact?**

Once a municipality passes a civil fingerprinting ordinance, it should contact the following:

Commanding Officer  
Massachusetts State Police  
State Identification Section  
59 Horse Pond Rd.  
Sudbury, Ma 01776.  
(508) 358-3170

Additionally, a copy of the ordinance or by law must be sent to the DCJIS OGC by email at [dcjisprints@state.ma.us](mailto:dcjisprints@state.ma.us). The State Identification Section will respond with detailed instructions and the next steps required for implementing a state and nation criminal history record check system.<sup>2</sup>

<sup>2</sup> Please note, all proposed by-laws or ordinances must still be approved by the Massachusetts Attorney General's Office Municipal Law Division.

**NOTE:**

*Municipalities are not allowed to submit any state or national fingerprint checks until authorized by the DCJIS and the SIS. The DCJIS and the SIS will publish guidelines and detailed processes prior to commencement of this program.*

*Federal law prohibits police departments from conducting name and date of birth national criminal history records check for non-criminal justice purposes (i.e., licensing).*

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**Finance Committee Report:** No report.

**Bylaw Committee Report:** The Bylaw Committee recommends the subject matter of this Article by a vote of 4-0-0.

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**ARTICLE 21** To see if the Town will vote to Amend Section 7.2 of the Town of Reading General Bylaw by inserting the following new language as Section 7.2.3.8:

7.2.3.8 Appeal

The owner of record may appeal from either or both of the:

- Inclusion on the list of Potentially Significant Structures
- Conditions of demolition delay

by filing a written notice of appeal within fourteen (14) days of the date of said decision, with both the Chairman of the Historical Commission and the Chairman of the Board of Selectmen.

Within twenty-one (21) days of receipt of the notice of appeal, the Board of Selectman shall convene an appeal hearing which shall include the Historical Commission and the owner of record, (or their attorney, or other designated representative) for the purpose of adjudicating the appeal. The appeal shall review the record of the proceedings before the Historical Commission and input provided by the applicant and HisCom representatives. Notice of the hearing shall be given to the parties and to abutters within 300 feet of the property. Within fourteen (14) days of the conclusion of the hearing, the Board of Selectmen will render a decision on the appeal.

or take any other action with respect thereto.

By Petition  
Erin Calvo-Bacci et al

**Background:** The recently added properties to the list were not done so in a clear and concise process and without any guidelines. Amending the bylaw will insure a proper appeal process for the property owner. Currently those property owners who were added to the list without a proper appeal process must take legal action which is costly for the property owner and the town.

**Finance Committee Report:** No report.

**Bylaw Committee Report:** The Bylaw Committee recommended changes to this article so that a process could be put in place for appeal on being initially included on list of potentially historical structures. The recommend changes would result in the article being only applied to the initial inclusion and would not affect the demolition delay. Provided the changes are accepted the Bylaw Committee recommends the article.

The Bylaw Committee recommends the subject matter of this article by a vote of 3-0-1, providing that the motion proposed is as follows:

Move that the Town vote to Amend Section 7.2 of the Town of Reading General Bylaw by inserting the following new language as Section 7.2.3.8:

7.2.3.8 Appeal

The owner of record may appeal from ~~either or both of the:~~ inclusion on the list of Potentially Significant Structures ~~• — Conditions of demolition delay~~ by filing a written notice of appeal within ~~fourteen (14)~~ **thirty (30)** days of the date of ~~said decision~~ **notice of inclusion**, with both the Chairman of the Historical Commission and the Chairman of the Board of Selectmen.

Within twenty-one (21) days of receipt of the notice of appeal, the Board of Selectman shall convene an appeal hearing which shall include the Historical Commission and the owner of record, (or their attorney, or other designated representative) for the purpose of adjudicating the appeal. The appeal shall review the record of the proceedings before the Historical Commission and input provided by the applicant and ~~HisCom~~ **Historical Commission** representatives. Notice of the hearing shall be given to the parties and to abutters within 300 feet of the property. Within fourteen (14) days of the conclusion of the hearing, the Board of Selectmen will render a decision on the appeal.

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**ARTICLE 22** To see if the Town will vote to authorize the Board of Selectmen to petition the Great and General Court for a Special Act which will amend sections of Article 2 of the Reading Home Rule Charter as follows (note – ~~cross through~~ represents language to be eliminated and **bold** represents new language):

**Section 2-1: Composition**

The legislative body of the Town shall be a representative Town Meeting consisting of one hundred ~~ninety-two (192)~~ **forty four (144)** members from eight (8) precincts who shall be elected to meet, deliberate, act and vote in the exercise of the corporate powers of the Town. Each precinct shall be equally represented in Town Meetings by members so elected that the term of office of one-third of the members shall expire each year. **Any increase or reduction in the number of members of Town Meeting shall be phased in equally over a three year period**

**Section 2-3: Town Meeting Membership**

The registered voters in every precinct shall elect Town Meeting Members in accordance with all applicable election laws. Whenever any precincts are revised, the registered voters shall elect ~~twenty-four (24)~~ **eighteen (18)** Town Meeting Members to represent the precinct. Terms of office shall be determined by the number of votes received. The ~~eight (8)~~ **six (6)** candidates receiving the highest number of votes shall serve for three (3) years, the ~~eight (8)~~ **six (6)** receiving the next highest number of votes shall serve for two (2) years, and the next ~~eight (8)~~ **six (6)** candidates receiving the next highest number of votes shall serve for one (1) year from the day of election.

In the event of a tie, ballot position shall determine the order of finish. At each Annual Election thereafter, the registered voters in each precinct shall elect ~~eight (8)~~ **six (6)** Town Meeting Members to represent the precinct, and shall also elect Town Meeting Members to fill any vacant terms.

After the revision of precincts, the term of office of all Town Meeting Members from the revised precincts shall cease upon the election of their successors. After each election of Town Meeting Members, the Town Clerk shall notify each Town Meeting Member of his election by mail.

**To be qualified for election on a write-in vote for a vacant Town Meeting position, the write-in candidate must receive at least ten (10) write-in votes.** In the event of a tie write-in vote for a vacant Town Meeting position, the position shall be filled by a vote of the remaining Town Meeting Members of the precinct, from the write-in candidates whose write-in votes were tied **with at least ten (10) write-in votes.** The Town Clerk shall give notice of the tie vote to the remaining Town Meeting Members of the precinct. The Town Clerk shall set a time and place for a precinct meeting for the purpose of filling the vacancy. The Town Clerk shall give notice of the meeting to precinct Town Meeting Members at least seven (7) days in advance and shall publish legal notice in a newspaper of general circulation in the community. A vacant position filled in this manner shall be filled for the entire remainder of the term.

Or take any other action with respect thereto

Board of Selectmen

**Background:** Article 22, if approved by Town Meeting, the State legislature, and the voters of the Town, would make two changes to the Reading Home Rule Charter:

- ◆ The number of members of Town Meeting would be reduced from the current 192 members (24 per precinct times 8 precincts) to 144 members (18 per precinct times 8 precincts); and
- ◆ To be elected by a write-in vote, a Town Meeting member would need to receive not less than 10 votes.

Due to re-printing as a result of the 2010 Federal census, all Town Meeting members were required to run for re-election in March 2012. Candidates took out nomination papers for only 70% of the available seats on Town Meeting. This means that 30% of the Town Meeting seats were filled by either write-in votes, or votes of the remainder of the members of the respective precincts. In the election that took place on March 6, 2012, 43 members were elected with fewer than 10 write in votes, or over 22% of the seats. Only 8 Town Meeting members were elected with more than 10 write in votes.

Looking at the past 5 years (not including 2012) as a sample, there was no time when there were as many people running for Town Meeting seats as there were available seats. The 5 year average was 82%, and the range was from a low of 66% in 2008, to a high of 92% in 2007. Additionally, an average of 19% of the Town Meeting seats over the 5 year period was filled by 10 or fewer write-in votes. The number 10 is significant because it takes 10 signatures on a nomination paper to get on the ballot for a Town Meeting seat.

Method of Election of Town Meeting members	2012	2011	2010	2009	2008	2007	5 Year Average 2007 to 2011	5 year average % filled by method noted
Number of Seats available on Election Day	192	68	70	65	71	65	67.8	
Number of Names on Ballot	134	52	63	56	47	60	55.6	86.88%
Write-In Elected with 10 or less Votes	0	13	11	6	23	8	12.2	19.06%
Write-In Elected with 11 or more Votes	0	1	1	1	3	0	1.2	1.88%
Number Appointed by Precinct	0	3	4	8	4	0	3.8	5.94%
TMM vacancies end of year	0	8	3	1	3	0	3	
TMM removed due to attendance	0	5	1	4	10	3	4.6	
% of seats with candidates on the ballot	69.8%	76.5	90%	86.2%	66.2%	92.3%	82%	

It is clear then, that not even counting for competition for Town Meeting seats, there are not enough residents of the community interested in being Town Meeting members to sustain a Town Meeting of 192 members.

When the Board of Selectmen discussed this potential Charter Amendment to reduce the size of Town Meeting because of a lack of candidates on the ballot over the past 5 years, the Board asked what the experience was in 2002, the last time that all 24 positions per precinct were on the ballot, due to "re-precincting". The following table shows the number of candidates that had taken out papers in 2002, per precinct, and in every precinct there were at least enough candidates running for Town Meeting seats to fill all positions from the printed ballot, and in half the precincts there were contested races. This clearly shows a change since 10 years ago in interest in running for Town Meeting.

	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Precinct 6	Precinct 7	Precinct 8
Number of Candidates	29	24	24	25	24	29	29	24

Over the history of the Representative Town Meeting in Reading (adopted in 1943), adjustments in the number of Town Meeting positions have been made from time to time.

The process of making these Charter changes would be:

- ◆ Approval at Town Meeting – April 2012
- ◆ Filing of a “Special Act” with the State Legislature (our State Reps and Senator have agreed to sponsor this and have in fact prepared draft legislation) – May 2012
- ◆ Passage of the Special Act, signed by the Governor – Summer/Fall 2012
- ◆ Approval of the Charter amendment by Reading’s voters – November 2012 or April 2013

**Finance Committee Report:** No report.

**Bylaw Committee Report:** The Bylaw Committee is concerned that Town Meeting membership as presently structured is too large for the current societal and cultural influences of today’s busy lifestyles. This results in not enough candidates running for available seat.

The Committee is further concerned that Town Meeting members could be elected by as little as 1 vote. The Committee sees this as a potential disconnect between the member elected and the voters he or she is to represent. The Bylaw Committee recommends this Article by a vote of 4-0-0.

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**ARTICLE 23** 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** None

**Precinct 2** None

**Precinct 3** None

**Precinct 4** None

**Precinct 5** None

**Precinct 6** None

**Precinct 7** None

**Precinct 8** None

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. Since all Town Meeting members had to run for re-election in 2012 because of the re-precincting related to the 2010 Federal census, there are no incumbent Town Meeting members and therefore no action to be taken under this article.

**Therefore this article will be indefinitely postponed.**

**Finance Committee Report:** No report.

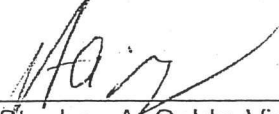
**Bylaw Committee Report:** No report.

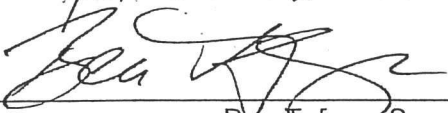
and you are directed to serve this Warrant by posting an attested copy thereof in at least one (1) public place in each precinct of the Town not less than fourteen (14) days prior to April 23, 2012, or providing in a manner such as electronic submission, holding for pickup or mailing, an attested copy of said Warrant to each Town Meeting Member.

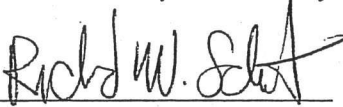
Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time appointed for said meeting.

Given under our hands this 28<sup>th</sup> day of February, 2012.

  
Camille W. Anthony, Chairman

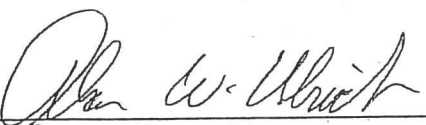
  
Stephen A. Goldy, Vice Chairman

  
Ben Tafoya, Secretary

  
Richard W. Schubert

James Bonazoli

SELECTMEN OF READING

  
Alan Ulrich, Constable