

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Officer's Return, Reading:

By virtue of this Warrant, I, on March 4, 2011 notified and warned the inhabitants of the Town of Reading, qualified to vote on Town affairs, to meet at the place and at the time specified by posting attested copies of this Town Meeting Warrant in the following public places within the Town of Reading:


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

The date of posting being not less than fourteen (14) days prior to April 5, 2011, the date set for the Local Election in this Warrant.

I also caused a posting of notice of this Warrant will be published on the Town of Reading website on March 4, 2011.


Alan W 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 the Local Elections and Town affairs, to meet in the following place designated for the eight precincts in said Town, namely:

Precincts 1, 2, 3, 4, 5, 6, 7 and 8
Reading Memorial High School, Hawkes Field House, Oakland Road

TUESDAY, the FIFTH DAY OF APRIL, A.D., 2011
from 7:00 a.m. to 8:00 p.m. to act on the following Articles, viz:

ARTICLE 1 To elect by ballot the following Town Officers:

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

Precinct 1 Eight members for three years;
Precinct 2 Eight members for three years;
One member two years;
Precinct 3 Eight members for three years;
Two members two years;
Precinct 4 Eight members for three years;
Precinct 5 Eight members for three years;
Precinct 6 Eight members for three years;
One member two years;
Precinct 7 Eight members for three years; and
Precinct 8 Eight members for three years.

To vote on the following two questions:

Question 1:

Shall the Town of Reading approve the amendments to Article 4 of the Reading Home Rule Charter, proposed by the November 8, 2010 Subsequent Town Meeting, which are summarized below:

Article 4 – Appointed Boards and Committees

Section 4-10 (a) This section will be deleted to eliminate the Land Bank Committee.

Section 4-10 (b) This section is relettered as Section 4-10 (a).

Section 4-10 (c) This section is relettered as Section 4-10 (b).

Yes _____ No _____

Question 2:

Shall the Town of Reading approve the amendments to Article 2 of the Reading Home Rule Charter, proposed by the November 8, 2010 Subsequent Town Meeting, which are summarized below:

Article 2 – Representative Town Meeting

Section 2-15: Referendum Procedure This amendment clarifies the process for filing a referendum petition to submit an affirmative vote of the Town Meeting to the voters in the form of a ballot question, and establishes the form of the petition to be circulated for signatures. The amendment requires that the ballot question be set forth at the top of each petition form and be identical to the ballot question that will appear on the official ballot. Circulators may make additional copies of the petition form but each copy must be an exact duplicate. The petition form must have language advising voters that it may not be altered in any way, and that no extraneous markings may appear on the petition form or the signatures on that petition form may be invalidated. Extraneous markings do not include signatures and addresses. The petition form must also include language advising that only the signatures of registered voters will be valid, that the petition form should not be signed more than once, and that they may authorize another person to write their name and address on the petition form if they are physically unable to do so. The back of each petition form shall instruct voters to read the signer information on the front before signing. In addition to certifying signatures, the amendment authorizes the Board of Registrar of Voters to examine the petition forms for alterations and extraneous markings.

In addition, the separate paragraphs of Section 2-15 have been given lettered subsections.

Yes _____ No _____

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

MONDAY, the TWENTY-FIFTH DAY OF APRIL A.D., 2011

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

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

Board of Selectmen

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

- State of the Town (Board of Selectmen)
- Financial Update (Finance Committee)

Finance Committee Report: No Report

Bylaw Committee Report: No Report

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

Board of Selectmen

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

Finance Committee Report: No Report

Bylaw Committee Report: No Report

ARTICLE 4 To see if the Town will vote to amend the FY 2011 - FY 2020 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 prohibits 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 2011-2020 CIP:

- Library renovation/expansion project (described further in Article 12);
- Add \$100k cemetery garage design study (FY13); \$1.5 mil. project (FY14) as debt;
- Street sweeper moved from FY12 to FY11;
- Several items beyond FY12 were advanced or deferred as capital priorities have changed. These are also included in the CIP in Article 11 – the FY 2012-FY 2021 Capital Improvements Program.

Finance Committee Report: The Finance Committee voted 9-0-0 at their March 28, 2011 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 5. To see if the Town will vote to amend one or more of the votes taken under Article 12 of the Warrant of the Annual Town Meeting of April 26, 2010 as amended under Article 4 of the warrant of the Subsequent Town Meeting of November 10, 2010; and to see what sum the Town will vote to appropriate by borrowing or transfer from available funds, or otherwise, as the result of any such amended votes for the operation of the Town and its government, or take any other action with respect thereto.

Finance Committee

Background: The following budget amendments are proposed for the FY11 budget:

General Fund – Wages and Expenses

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
E99	Vocational Education (Minuteman)		\$27,000
G92	Town Admin Expenses (Legal \$10k; P&C Insurance \$30k)	\$40,000	
K91	Community Services Wages (sick/vacation buyback)		\$10,000
K92	Community Services Expenses (animal disposal \$3k; Veteran's benefits \$20k)		\$23,000
M93	Public Works: Snow & Ice *		\$502,000
M95	Public Works: Rubbish	\$125,000	
N91	Public Safety (Fire) Wages		\$100,000
U99	School department (energy)	\$250,000	
	Subtotals	\$415,000	\$662,000
	Net from Operating Transfers and Available Funds (Free Cash)		\$237,000
	From Town Sick/Vacation Stabilization Fund		\$10,000

* Does not include any Snow/Ice Expenditures from April 1 snow-storm.

Enterprise Funds – Wages and Expenses

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
Y99	Storm Water – Street Sweeper (capital)		\$142,000
Y99	Storm Water		
	Jet/VAC Truck (capital)	\$21,000	
	General Drainage (capital)	\$55,000	
	Project specific Drainage (capital)	\$40,000	
	Equipment Rental (expenses)	\$ 1,000	
	Subtotals	\$117,000	\$142,000
	Net Transfer From Storm Water Reserves (3/29 balance \$275,590)		\$25,000

Finance Committee Report: The Finance Committee voted 9-0-0 at their March 30, 2011 meeting to recommend the subject matter of this Article. Transfers between wage and expense line items and from free cash are necessary to balance the FY11 budget. Note the snow & ice budget is through March 30, 2011 and is more than fully responsible for the need to use general fund reserves this year. In the Storm Water Enterprise Fund, an attractive trade-in allowance for the old Street Sweeper is a high priority, and several drainage projects will be deferred until July 2011 to accommodate the purchase of a new Street Sweeper in FY11 instead of FY12 as previously planned.

Bylaw Committee Report: No Report

ARTICLE 6 To see if the Town will vote to authorize the payment during Fiscal Year 2011 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: There are no known prior year's bills and, therefore, it is likely that this Article will be **indefinitely postponed.**

Finance Committee Report: No report

Bylaw Committee Report: No report

ARTICLE 7 To see what sum the Town will vote to appropriate by borrowing, whether in anticipation of reimbursement from the State under Chapter 44, Section 6, Massachusetts General Laws, or pursuant to any other enabling authority or from the tax levy, or transfer from available funds, or otherwise, for highway projects in accordance with Chapter 90, Massachusetts General Laws, or take any other action with respect thereto.

Board of Selectmen

Background: The purpose of this Article is to make Chapter 90 funds for road improvements available to the Town. The Article authorizes expenditures upon receipt of the grant. The FY 2012 Chapter 90 allocation is anticipated to be \$593,943. This amount represents a \$133,637 increase over the previous year's allotment. The expectation is that the State will formally release the amount prior to the April 25 Annual Town Meeting.

Finance Committee Report: The Finance Committee voted 9-0-0 at their March 28, 2011 meeting to recommend the subject matter of this Article. The FY 2012 Chapter 90 allocation is \$593,943, up nearly 30% when compared to FY 2011 as the State directs more funding to road improvements.

Bylaw Committee Report: No Report

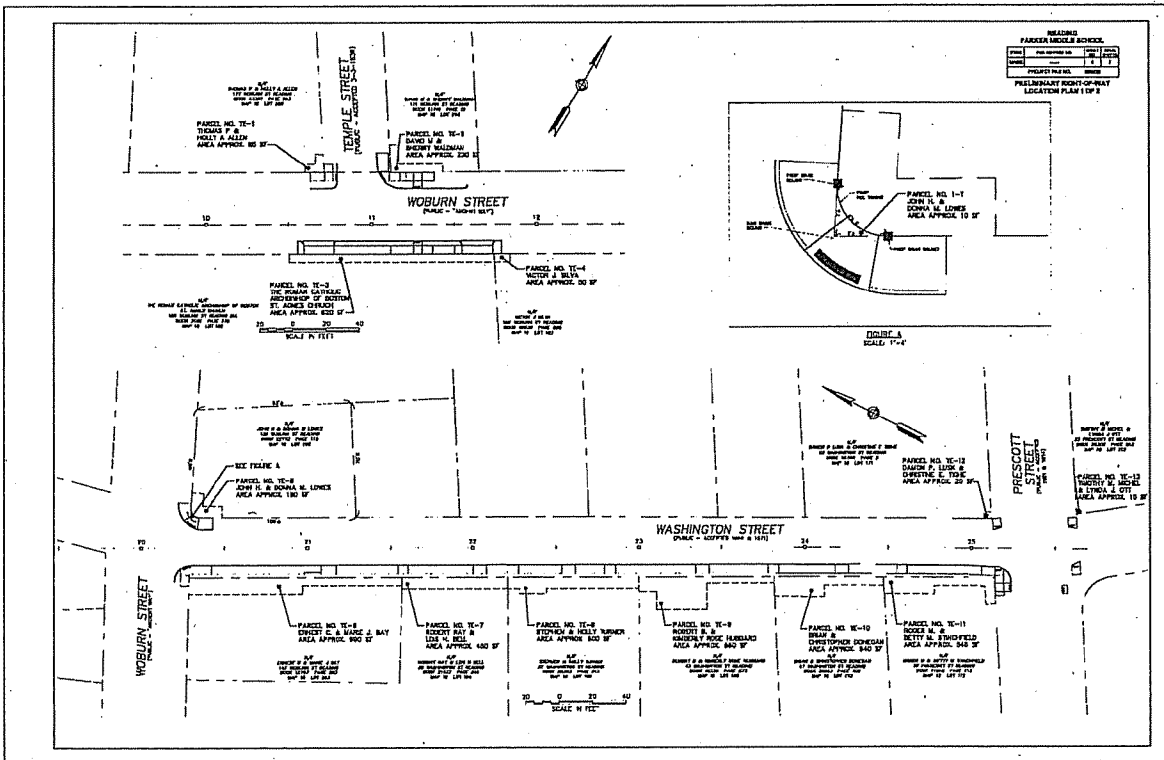
ARTICLE 8 To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, permanent and temporary construction easements upon and over a portion of certain properties located at Woburn Street, Sunnyside Avenue, Washington Street, Prescott Street and Fairview Avenue, as shown on a plan entitled "Massachusetts Department of Transportation, Highway Division, Safe Routes to School, Parker Middle School, Woburn Street-Washington Street-Sunnyside Avenue, Preliminary Right of Way in the City of Reading, Middlesex County, 25/75% Submission, November 3, 2010" a copy of which is on file in the Town Clerk's Office, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, for the purpose of constructing and maintaining sidewalks; and, further, to see if the Town will vote to raise, appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto, and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, or take any other action with respect thereto.

Board of Selectmen

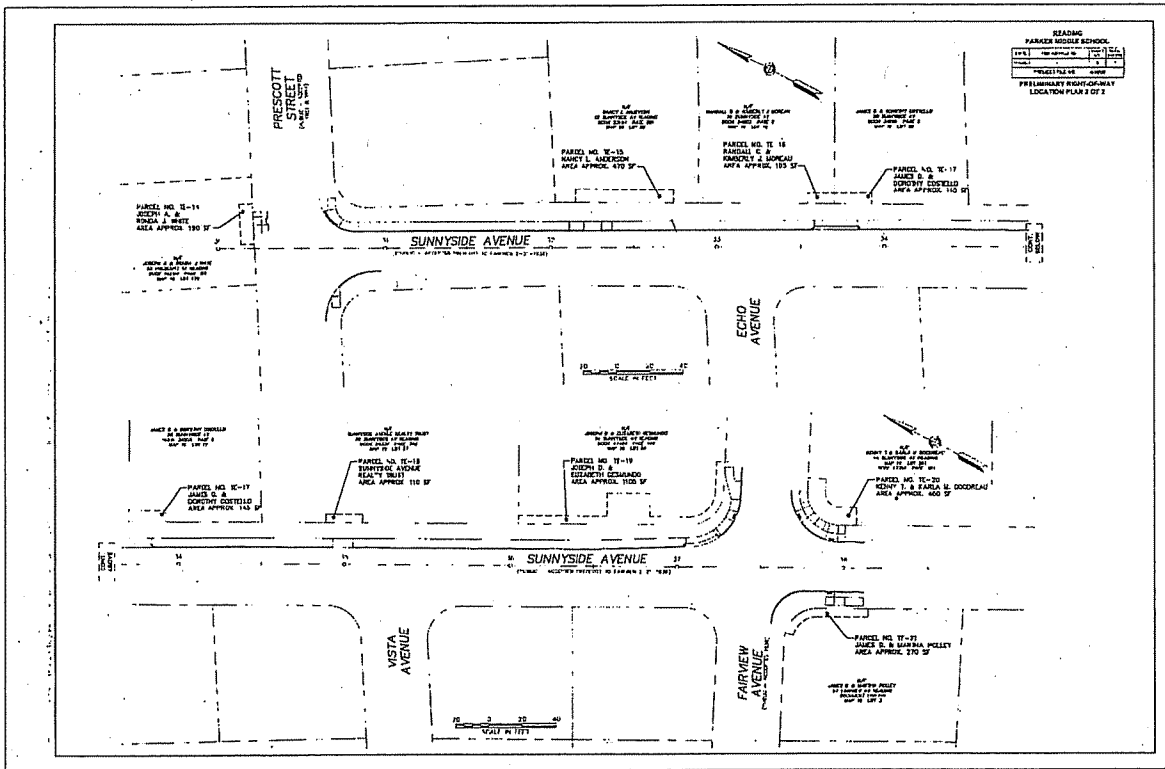
Background: The purpose of this Article is to authorize the Board of Selectman to acquire the temporary and permanent easements necessary to construct the Safe Routes to School Infrastructure Program Project (SRTS). The SRTS project is a 100% federally funded infrastructure program with an estimated value of \$350,000, administered through MassRides of the Massachusetts Executive Office of Transportation. The program creates and enhances safety for school pedestrian and bicycle access. The Parker Middle School project received approval in 2008 and includes improvements to:

- ◆ the Woburn Street and Temple Street Intersection;
- ◆ a new sidewalk and curb along the westerly side of Washington Street from Woburn Street to Prescott Street; and
- ◆ a new sidewalk and curb along the easterly side of Sunnyside Avenue from Prescott Street to Fairview Avenue.

The extent of the proposed improvements and the required easements are depicted on the plans below.



Temple/Woburn Street intersection and Washington Street (above) and Sunnyside Ave (below)



To facilitate construction of these improvements it is necessary to acquire temporary easements from 21 property owners along the project; and 1 permanent easement at the intersection of Washington Street and Woburn Street. The temporary easements enable the minor re-grading of driveways, walkways and properties which are necessary to construct the improvements. The permanent easement is necessary to reconstruct the existing sidewalk which is presently located within private property.

A complete listing of the easements is as follows:

Safe Routes Temporary Easement List

Address	Name	Parcel Number (ROW)	Square Footage
177 Woburn St.	Thomas P. and Holly A. Allen	TE - 1	85
171 Woburn St.	David M. and Sherry Waldman	TE - 2	220
180 Woburn St.	St. Agnes Roman Catholic Church	TE - 3	620
166 Woburn St.	Victor J. Silva	TE - 4	50
136 Woburn St.	John H. and Donna M. Lowes	TE - 5	190
142 Woburn St.	Ernest C. and Marie J. Bay	TE - 6	990
35 Washington St.	Robert Ray and Lois H. Bell	TE - 7	450
37 Washington St.	Stephen and Holly Turner	TE - 8	600
43 Washington St.	Robert B. and Kimberly Rose Hubbard	TE - 9	860
47 Washington St.	Brian and Christopher Donegan	TE - 10	540
37 Prescott St.	Roger M. and Betty M. Stinchfield	TE - 11	545
52 Washington St.	Damon P. Lusk and Christiner E. Tighe	TE - 12	20
32 Prescott St.	Timothy M. Michel and Lynda J. Ott	TE - 13	10
65 Prescott St.	Joseph A. and Ronda J. White	TE - 14	190
12 Sunnyside Ave.	Nancy L. Anderson	TE - 15	470
16 Sunnyside Ave.	Randall G. and Kimberly J. Moreau	TE - 16	105
20 Sunnyside Ave.	James G. and Dorothy Costello	TE - 17	145
28 Sunnyside Ave.	Sunnyside Avenue Realty	TE - 18	110
34 Sunnyside Ave.	Joseph D. and Elizabeth Gesmundo	TE - 19	1105
44 Sunnyside Ave.	Kenny T. and Karla M. Goodreau	TE - 20	450
57 Fairview Ave.	James D. and Martha Polley	TE - 21	270

Safe Routes Permanant Easement List

136 Woburn St.	John H. and Donna M. Lowes	SW - 1	25
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The easements are in the process of being appraised and a complete listing of the acquisition cost is expected to be available prior to the April 25 Annual Town Meeting.

Finance Committee Report: The Finance Committee voted 0-0-8 at their March 28, 2011 meeting not to recommend the subject matter of this Article. The Committee was unable to take a position on this article because valuations on properties subject to the easements were not yet available.

Bylaw Committee Report: No Report

ARTICLE 9 To see if the Town will vote to accept the following roads as public ways pursuant to M.G.L. c.82, in accordance with the layouts adopted by the Board of Selectmen and on file with the Office of the Town Clerk:

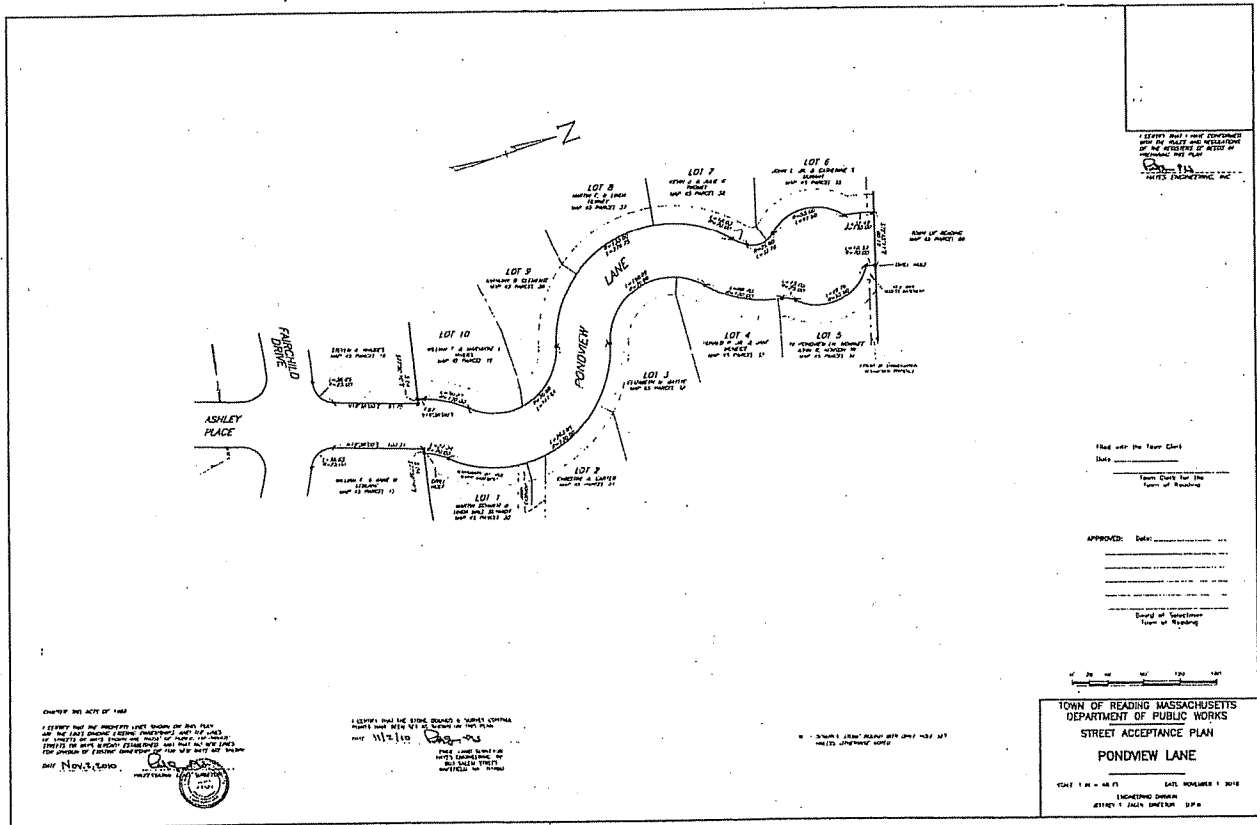
- Pondview Lane

and to authorize the Board of Selectmen to accept deeds of easement and for the fee in said roads; and to authorize the Board of Selectmen to purchase, or take such ways in fee or rights of easement by eminent domain under the provisions of M.G.L. c.79;, or to acquire said lands in fee or rights of easement therein by purchase, gift or otherwise, and to assess

betterments therefore pursuant to M.G.L. c.80; and to see what sum the Town will raise by borrowing, or from the tax levy, or transfer from available funds, or otherwise, and appropriate for the acquisition of said lands or easements therein or for payment of any eminent domain damages and for the construction of said ways, or take any other action with respect thereto.

Board of Selectmen

Background: The purpose of this Article is to accept the report of the Board of Selectmen upon the laying out of Pondview Lane; and to authorize the Board of Selectman to accept Pondview Lane as a public way. The construction of Pondview Lane is completed and all subdivision requirements have been met. The developer has maintained fee ownership of the road and therefore, the estimated betterment cost for acceptance of the roadway is \$1.00 per property owner fronting on the street, or \$10.



Finance Committee Report: The Finance Committee voted 9-0-0 at their March 28, 2011 meeting to recommend the subject matter of this Article. The current and ongoing additional costs to maintain the roadway are anticipated to be minimal.

Bylaw Committee Report: No Report

ARTICLE 10 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.

- Taurus (1999) – Police
- Crown Victoria (2007) – Police
- Ford Pickup (1989) – DPW/Parks 136k miles
- Ford Explorer (2000) – DPW/Engineering 108k miles
- Ford F350 Pickup (1997) – DPW/Water 74k miles
- Ford F350 Pickup (2006) – DPW/Sewer 90k miles
- Ford F250 Pickup (2001) – DPW/Sewer 105k miles
- Elgin Pelican (John Deere) Sweeper (2005) –2658 hours run

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/Horton ambulance (2000) \$4,000 trade-in allowance (Fire ambulance)
- Ford Expedition (1998) \$1,000 trade-in allowance (Police Ford Expedition)
- Ford Econoline Van (1996) \$1,000 trade-in allowance (Police Ford Expedition)
- Ford E250 Cargo Van (2001) \$500 trade-in allowance
- Melrose Bobcat Front End Loader (1987) \$1,500 trade-in allowance
- Warco Motor Grader (1952) – **still available!**
- International dump truck (1990) \$2,500 trade-in allowance
- Int'l dump truck w/ catch basin cleaner (1998) \$15,000 trade-in allowance

Finance Committee Report: The Finance Committee voted 9-0-0 at their March 30, 2011 meeting to recommend the subject matter of this Article. This Article authorizes the disposal of aging vehicles.

Bylaw Committee Report: No Report

ARTICLE 11 To see if the Town will vote to approve the FY 2012 – FY 2021 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 9-0-0 at their March 30, 2011 meeting to recommend the subject matter of this Article. This Article established the Capital Improvements Program, and any projects to be funded must first appear on the CIP before they are eligible to be funded. A ten-year capital plan is a prudent fiscal tool that facilitates long range planning and project prioritization. The plan provides the maximum amount the Town can fund each year and stay within the FINCOM guide-lined amount.

Bylaw Committee Report: No Report

ARTICLE 12 To see if the Town will vote to approve the preliminary design for the renovation and expansion of the Reading Public Library design as shown on the architectural schematics included in the background materials, or take any other action with respect thereto.

Library Board of Trustees

Background: The Fall Town Meeting authorized the Library Trustees to apply for a state construction grant through the Massachusetts Board of Library Commissioners to upgrade and make more efficient use of space to serve the needs of a growing patronage. Much has changed in library services over the past 27 years. Since its relocation to the Highland School site in 1984, the Reading Public Library has seen the introduction of computers, DVDs, and numerous other media formats. Interlibrary loan requests have grown exponentially, and the meeting room has been in constant demand. The community's use of the library has doubled in immeasurable ways and skyrocketed in many others. The library trustees have studied current building deficiencies and projected needs, with the goal of serving the community for many years to come. The trustees are committed to preserving as much of the "feel" of the current library as possible while enhancing its accessibility, functionality and flexibility.

Beacon Architectural Associates, working in conjunction with Adams & Smith Architects, has prepared a proposal that calls for rearrangement of existing internal space, major capital improvements to the exterior (such as masonry and window replacements) and a 7,596-square-foot expansion on the hill at the easterly side toward School Street.

This article does not involve financial consideration. Part of the grant process includes acceptance by Town Meeting of a plan that would upgrade and expand the current facility. Funding of any improvements, if a grant is approved, will require separate Town Meeting and voter approval.

**Detailed information on the proposed improvements is included
In a separate attachment to this report**

Finance Committee Report: No Report

Bylaw Committee Report: No Report

Article 13 To see if the Town will vote to authorize the Board of Selectmen to enter into a lease of the existing indoor ice skating rink known as the Burbank Ice Arena, and the parking areas and accompanying land, all known as 51 Symonds Way, Reading, Massachusetts, and shown as lot 54 and a part of Lot 56 on Reading Assessors' Map 41, to a non-profit organization, organized under the laws of the Commonwealth of Massachusetts, and that has been determined by the Internal Revenue Service to be an organization qualified under Section 501(c)(3) of the Internal Revenue Code, and that has at least ten years of experience in the operation of a skating rink, for the purpose of operating an ice skating rink, with usage preference for the residents of the Town, for an initial term of ten (10) years, with up to two options to extend the lease term for up to ten years each; with the net income from the rinks operations, after deducting (a) operational, maintenance and repair costs and expenses, and (b) the funding of a cash reserve fund to cover capital replacements and contingencies, to be paid to the Town of Reading, Massachusetts, such

rental payments to the Town to be made no less frequently than annually and upon such other lease terms and conditions as the Board of Selectmen deem appropriate; or take any action in relation thereto.

Board of Selectmen

Background: The purpose of this article is to authorize the Board of Selectmen, in accordance with State statute, to advertise and bid for a new lease for the Burbank Ice Arena. The current lease expires in 2013, and it will take some time for the Town to properly advertise, accept bids, and negotiate the terms of a new lease. The following information is offered so that Town Meeting members understand the value of the current operation of the Burbank Ice Arena under the existing lease.

In the early 1990's Nelson Burbank offered to give an indoor ice skating rink to the Town. In 1993 Town Meeting voted to accept such a gift from Mr. Burbank and to lease land on Symonds way for the ice rink. The Town entered into a long-term lease in 1993 with Reading Ice Arena Authority, Inc. (the Authority), a then newly formed non-profit corporation organized by Mr. Burbank, by the terms of which the Authority would construct, maintain and operate an indoor ice skating arena. Since that time it has operated a quality skating rink. The Board of Directors of the Authority is composed of Reading residents who come from various public interest groups. The Board of Selectmen appoints one of the members of the Board.

Over the last 10 years, the Authority has paid to or for the Town over one million, six hundred thousand dollars (\$1,600,000). Some additional contributions of the Authority to the Town and to our community are stated below.

The final term of the original lease expires in 2013.

Reading Ice Arena Authority

51 Symonds Way, Reading, MA 01867

Check #	Date	Purpose	Amount	Cumulative totals
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<u>Payment for Reading's contribution to YMCA</u>				
753	1.11.99	FOR YMCA	\$250,000	
756	8.21.99	FOR YMCA	\$100,000	
761	1.12.00	FOR YMCA	\$100,000	
762	4.15.00	FOR YMCA	<u>\$64,968</u>	
			\$514,968	\$514,968

<u>Payment in Lieu of taxes for land lease</u>		
	1997	\$696
	1998	\$675
	1999	\$658
	2000	\$658
	2001	\$619

Payment in Lieu of taxes for land lease (cont.)		
	2002	\$512
	2003	\$481
	2004	\$512
	2005	\$526
	2006	\$505
	2007	\$505
	2008	\$527
	2009	<u>\$553</u>
		\$7,427
		\$522,395

Direct payment to the Town of Reading			
757	11.9.99	TOWN REA.	\$50,000
764	4.10.01	TOWN REA.	\$130,000
766	4.22.02	TOWN REA.	\$204,163
767	4.1.03	TOWN REA.	\$116,074
768	4.4.04	TOWN REA.	\$107,256
769	4.16.05	TOWN REA.	\$110,000
770	4.18.05	TOWN REA.	\$10,000
771	4.12.06	TOWN REA.	\$120,000
772	4.17.07	TOWN REA.	\$120,000
9960	5.22.08	TOWN REA.	\$100,000
787	6.18.10	TOWN REA.	<u>\$95,000</u>
			\$1,162,493
			\$1,684,888

Improvements made to the Burbank Arena			
Costs for major improvements other than general up keep			
		Sound system	\$25,000
		Scoreboard	\$14,470
		Granite counter tops	\$15,005
		Rink dehumidification	\$69,465
		Zamboni	\$60,850
		Monitoring system	\$35,649
		Painting Interior	\$44,500
		Rink lighting replacement	<u>\$38,000</u>
			\$302,939
			\$302,939
		improvements - Locker Room for Girls	\$317,099
			\$317,099
		Total major improvements and upkeep	\$620,038
			\$620,038

Total payments to Reading plus investment in facility: \$ 2,304,926

RIAA QUALITATIVE BENEFITS TO TOWN OF READING

In addition to the direct financial benefits to the Town as enumerated above, the Reading Ice Arena Authority has operated in a manner to maximize non financial benefits to the community and its many non-profit organizations. The following is a summary of some of these activities:

- ◆ Provided free Meeting Room Space and Equipment Storage Space to Reading Non-profits Since 1994. Groups Include(d):
 - Reading Youth Hockey
 - Reading Youth Lacrosse
 - Reading Youth Baseball
 - Reading Senior Baseball
 - Reading Youth Soccer
- ◆ Host the Reading Lions Club Road Race Annually (at no Charge), Moved Here due to Parking / Traffic Constraints at Memorial Park
- ◆ Provided Ice Rentals at No Charge for:
 - Reading High School 2008 State Championship Celebration / Fundraiser
 - North Shore Skating Club 2009 Skate-a-thon to Benefit Dana Farber Cancer Institute
- ◆ Since 2000 have provided a clean, lit parking area & restrooms for Symonds Way Field, which was built without any dedicated parking area. Field Hosts:
 - RHS Freshmen Baseball Games
 - Youth Baseball Games
 - Youth Soccer Games
 - Youth Soccer Clinic which was moved here due to parking Concerns elsewhere in Town
- ◆ Since 2002, have been in written agreement with Town of Reading Health Division that the RIAA's Burbank Ice Arena will provide facility and labor for an Emergency Morgue in the event of a large loss of life in town.
- ◆ Since inception, have lived up to all agreements with Symonds Way / Haverhill St. / Range Road neighbors ... Formerly Maillett & O'Brien. Presently Grimmer, Foley, Donnelly & Reading Rifle & Revolver.
- ◆ Have provided reasonably priced public skating sessions year-round.
- ◆ Member in good standing of Reading/No. Reading Chamber of Commerce, Mass. Restaurant Association, Northeast Ice Skating Managers' Association and the Ice Skating Institute
- ◆ Provided dedicated locker room space for Reading High School Boys' & Girls Ice Hockey teams.
- ◆ Hosted annual New Year's Eve Bash for children. For many years the Reading Firefighters Association co-hosted with RIAA.
- ◆ Host Reading Girls Scouts Martin Luther King Day Skating Event Annually
- ◆ Host Reading Special Skates, Saturdays at 12noon for 18 weeks per year.
- ◆ Provided Cold Storage for flowers (American Cancer Society's Daffodil Days).

Finance Committee Report: The Finance Committee voted 9-0-0 at their March 28, 2011 meeting to recommend the subject matter of this Article. The Ice Arena Authority is achieving its mission of offering valuable services to the Town, not being a financial burden on the Town, and it has been able to provide a regular annual payment to the Town. Authorizing the Board of Selectmen to enter into a new lease agreement will continue these benefits.

Bylaw Committee Report: No Report.

ARTICLE 14 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, 2011 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

or take any other action with respect thereto.

Board of Selectmen

Background:

- **Conservation Consulting Revolving Fund** - There was no activity in the Conservation Consulting Revolving Fund during Fiscal Year 2011. The balance remains at zero. The Conservation Commission voted unanimously to support Article 8 of the Warrant, re-authorizing the revolving fund in the amount of \$25,000. These funds are used to receive payments from applicants, hire expert consultants where required, and return the balance to the applicant.
- **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 purposes of plan review, inspections, legal expenses, initial property value appraisal and appeals, and general management of the Community Services operations related to three developments as well as for the construction of curbs, sidewalks and pedestrian safety improvements. The balances available as of March 31, 2010 in these funds are \$6,879.44. The total expenses to be authorized during FY 2010 are expected to be up to \$100,000, assuming that there would be permit fees from the Walkers Brook Crossing, Oaktree, Addison-Wesley/Pearson (now Pulte Homes), and 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 cholesterol, glucose and tuberculosis screening clinics. Clinic client fees are also deposited into this fund to offset vaccine and clinical supply costs. In the coming year the State is cutting back on the free flu vaccine to be distributed to cities and towns, and the Town therefore needs to purchase an extra 800 doses at an estimated cost of \$8000. 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 **\$35,000**.
- **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. Through March 10, 2011, the amount recovered was \$7,874.40.
- **Mattera Cabin Operating Fund** - The log cabin on the Mattera conservation land was purchased a couple of years ago. The Town has developed a program of improvements to the cabin, and is working on programming its use. Some of the use is anticipated to be revenue generating, and it is anticipated that over time the site would generate enough funding to pay the operating costs of the cabin - primarily utilities. This Article would allow those revenues to be used directly for the operating expenses of the cabin.

Finance Committee Report: The Finance Committee voted 9-0-0 at their March 28, 2011 meeting to recommend the subject matter of this Article. Revolving accounts are an appropriate and well governed mechanism to provide funds directly for a stated ongoing

program or purpose. The accounts are self-funded, do not affect the tax levy and are required by Massachusetts General Law to be authorized annually.

Bylaw Committee Report: No Report

ARTICLE 15 To see if the Town will vote pursuant to Massachusetts General Laws Chapter 30B, Section 12 to authorize the School Committee to enter into a contract or contracts including all extensions renewals and options for school bus transportation for a period greater than three years but not exceeding 5 years upon such terms and conditions determined by the School Committee, or take any other action with respect thereto.

School Committee

Background: The current three-year contract for Student Transportation Services between the Reading School Committee and North Suburban Transportation expires on June 30, 2011. The School Department has issued Invitations to Bid for a subsequent contract pursuant to Chapter 30B. While historically, the contract for transportation services has been for a three year period, recent evidence from other district procurements suggests that vendors may be willing to offer lower rates in return for a longer term contract. To explore that option, the Invitation to Bid was structured to provide an Alternative Bid for a three year contract with the option to extend for two additional one year periods. Should responses for this Alternative Bid result in lower rates, the School Committee would like the authority to exercise this option and enter into a longer term agreement. The contract would be structured such that the additional two one-year renewals would be optional and would be exercised at the discretion of the School Department rather than by mutual agreement or at the discretion of the vendor.

Finance Committee Report: The Finance Committee voted 9-0-0 at their March 30, 2011 meeting to recommend the subject matter of this Article. Extending the term of the contract will make it more feasible for other vendors to bid, driving down rates. By extending the potential contract term, vendors will also be more willing to reduce rates. Giving the School Department two one year options will allow them to lock in reduced rates for a longer term, and allow an out if terms become less favorable.

Bylaw Committee Report: No Report.

ARTICLE 16 To see if the Town will vote to supplement debt authorized under Article 9 of the 2010 Subsequent Town Meeting for the so called "Green Repair" program and if so, to see what sum the Town will raise by borrowing or transfer from available funds, or otherwise, and appropriate for the purpose of making improvements including but not limited to repairing and/or replacing roofs and/or windows at the Killam School and/or Birch Meadow School, including the costs of consulting services, audits, plans, documents, cost estimates, bidding services, and all related expenses incidental thereto and necessary in connection therewith, said sum to be expended by and under the direction of the School Committee and/or the Superintendent of Schools; and to see if the Town will authorize the School Committee, Board of Selectmen, Superintendent of Schools, Town Manager, or any other agency of the Town, to apply for a grant from the Massachusetts School Building Authority or any other source of funding, to be used to defray the cost of all, or any part of such improvements; and to authorize the School Committee and/or the Superintendent of Schools and/or the Town Manager to enter into any and all contracts and agreements as

may be necessary to carry out the purposes of this Article, or take any other action with respect thereto.

School Committee

Background: Under Article 9 of the November 8, 2010 Subsequent Town Meeting, Town Meeting voted to authorize debt in an amount not to exceed \$2,000,000 for the purpose of replacing the roof at the Killam Elementary School and windows at the Killam and Birch Meadow Elementary Schools as part of the Massachusetts School Building Authority's "Green Repair" program. The funding amount was based on the best available information and known site conditions at each building. With the necessary approvals from MSBA in place, the School Department entered into an agreement with an Owner's Project Manager and Architect to develop a preliminary schematic design and project scope and budget for submission to the MSBA. The preliminary cost estimate places the total project cost at \$2,900,000. The additional costs include an upgrade to the existing roofing system from an EPDM to a PVC roofing; hazardous materials abatement costs; and other unanticipated site and market conditions. As a result of the greater than anticipated project cost and additional work that would be required if we proceed with the original project scope at Killam (including handicap accessibility upgrades), the scope of work is now being limited to replacement of the Killam roof and the windows at Birch Meadow only. We would, however, recommend installing the PVC rather than the EPDM roofing system at Killam which has a longer life and comes with an additional warranty period of ten years. To do so requires an increase to the original authorization in the amount of \$250,000. The not to exceed amount would now be \$2,250,000 with 47.21% of that cost being eligible for MSBA reimbursement.

If approved, this Article may add a small additional expense to the projected FY12 Debt Service budget that is presented in Article 29. The exact amount of new debt service should be known in time for a budget adjustment – if needed – at the November 2011 Town Meeting.

Finance Committee Report: The Finance Committee voted 9-0-0 at their March 30, 2011 meeting to recommend the subject matter of this Article. The repairs are required at some point and the better warranty on the roof proposed for Killam is an attractive option. The State reimbursement of approximate 47% and additional ongoing energy savings make this a cost effective decision. Note that the total figure of \$2.25 million is a maximum and includes a 10% contingency amount which may not be fully expended.

Bylaw Committee Report: No Report

ARTICLE 17 To see if the Town will vote accept the supplemental annual allowance of \$9,000 for widow(er)s of disability retirees as provided in section 101 of Chapter 32 of the Massachusetts General Laws, or take any other action with respect thereto.

Contributory Retirement Board

Background: The Reading Contributory Retirement board voted unanimously to accept the supplemental annual allowance provision of Chapter 32, Section 101. It must be approved by Town Meeting before it can take effect.

This section of the General Laws applies only when a disability retiree dies of a cause unrelated to his disability. When the cause of death is directly related to the retiree's disability the surviving spouse continues to receive the retiree's pension allowance.

Before 1964, there was no provision for a disability retirees to leave a benefit to his spouse when he died of a cause unrelated to his disability.

In 1964, section 101 allowed widows of disabled public employees to be paid an annual allowance of \$1200. It has been amended 3 times in the past
1973 increase \$1200 to \$1680 (9 years since inception)
1984 increase \$1680 to \$3000 (11 years since previous increase)
1995 increase \$3000 to \$6000 (11 years since previous increase)

Accepting this warrant article will make the following change
Proposed

July 1, 2012 increase \$6000 to \$9000 (17 years since previous increase)

The Actuarial value of this change is an average increase of \$8400 per year to our Pension Assessment. There is no appropriation required at this time. The Funding schedule for the Pension system is recalculated every other year. It will be revised as of June 30, 2011 and this change will be reflected in the 2012 pension assessment which be paid by the Town in FY 2013.

This allowance only applies to employees who became Disability Retirees before 1996. We have approximately 25 members in this status (it may be lower and we are checking this now.) The law changed in 1996 to allow a disability retiree to make the choice of taking a lower monthly benefit in order to leave a 2/3's lifetime benefit to the spouse. If they choose the higher benefit, then they have made the choice to leave nothing to the spouse upon their death.

For our 25 disability retirees that were disabled before 1996 and were not given the opportunity to choose a lower monthly benefit, their spouses will only get the small amount allowed by this section of the law.

Finance Committee Report: The Finance Committee voted 9-0-0 at their March 28, 2011 meeting to recommend the subject matter of this Article. This allowance applies to a small number of Disability retirees and despite past adjustments averaging every 11 years, the latest benefit amount has not been adjusted in the last 17 years.

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

ARTICLE 18 To see if the Town will vote to delete Section 5.15 – Storing or Handling of Crude Petroleum or any Crude Petroleum Products, of the Reading General Bylaw, or take any other action with respect thereto.

Board of Selectmen

Background: Since the Town of Reading enacted General Bylaw 5.17 Storage and Handling of Crude Petroleum or any Crude Petroleum Products on April 26, 2004, there have been significant changes in how underground storage tanks containing these products are regulated in Massachusetts. Major changes are outlined below:

1. As of August 8, 2007, the Massachusetts Fire Prevention Code requires underground storage tanks and related piping to be inspected by a third party inspector once every three years. Third party inspectors must have a level of training that is approved by the State Fire Marshal.
2. As of April 1, 2008, the State Fire Marshal and the local Fire Chief may prohibit delivery of product to an underground tank for a violation of the Fire Prevention Code, including conditions that endanger public health, safety and the environment.
3. As of July 1, 2009, the Massachusetts Underground Storage Tank Program was transferred to the Massachusetts Department of Environmental Protection (MassDEP). MassDEP is now responsible for aspects of the underground storage tank system in areas of environmental concerns and leaks. MassDEP also has rule making authority to promulgate regulations governing underground storage tanks that relate to leak prevention.
4. Beginning on August 8, 2012 the Massachusetts Fire Prevention Code requires operators of underground storage tank systems to be operated by trained personnel. Among other requirements, this regulation will mandate a trained operator to operate underground tank installations and to inspect safety systems and leak detection systems monthly. Trained operators must have completed training that is approved by the State Fire Marshal.

The local Fire Chief is responsible to issue permits for underground tank installations, the product stored, self service fuel stations and the removal of underground storage tanks. The State Fire Marshal and the local Fire Chief has the authority to conduct random inspections of facilities that have been inspected by a third party inspector to ensure the integrity of the system.

Therefore the local bylaw is unnecessary and redundant, and can be rescinded.

Finance Committee Report: No Report

Bylaw Committee Report: The Bylaw Committee agrees the Section 5.15 of the General Bylaw is now redundant of State Law and thus no longer needed. The Bylaw Committee recommends the subject matter of this article by a vote of 4-0-0.

ARTICLE 19 To see if the Town will vote to amend Section 5.13 – “Demolition of Structures of Potentially Historical Significance” of the Reading General Bylaw, by deleting the term “twelve (12) months” from Section 5.13.3.6 thereof, and inserting in its place “six (6) months” so that section reads in its entirety: (note – ~~cross-through~~ represents language to be eliminated and **bold** represents new language)

5.13.3.6 If the Commission determines that the demolition of the Potentially Significant Structure would be detrimental to the historical or architectural heritage or resources of the Town, such structure shall be considered a Preferably Preserved Historic Structure. The Commission shall so advise the applicant and the Building Inspector, and a Demolition Permit may be delayed up to ~~twelve (12)~~ **six (6)** months after the conclusion of the hearing during which time alternatives to demolition shall be considered. The Commission shall offer the owner information about options other than demolition, such as resources in the preservation field, the Massachusetts Historical Commission, the Town Planner, and other interested parties that **General Bylaws 69 Amended through March 2010** might provide assistance in preservation, funding and/or adaptive reuse.

or take any other action with respect thereto.

Board of Selectmen

Background: The portion of the above warrant article in the third to the last and next to the last lines that is shown in bold and says “**General Bylaws 69 Amended through March 2010**” is the footer in the published bylaw and was inadvertently copied into the text when the Article was drafted. This language was discovered by members of the Reading Historical Commission and will be left out of the motion under this article.

In 1996 Town Meeting adopted General Bylaw Section 5.13 “Demolition of Structures of Potentially Historical Significance”. This Bylaw was amended in 2006 and the timeframe for the demolition delay extended from six (6) months to twelve (12) months.

The purpose of the Bylaw is to preserve and protect structures of potentially historical significance. The Bylaw defines potentially historically significant structures as reflecting the architectural, cultural, economic, political, or social history of the Town. A more detailed definition is contained in Section 5.13.2.4 and generally includes structures that are on the National/State Register of Historic Places; included in (or pending being listed in) the Town’s Historical and Architectural Inventory; or by a vote of the Reading Historical Commission (RHC). The Bylaw further states that its goal is to encourage owners of historic structures to find alternatives to demolition. Administration of this Bylaw falls under the authority of the Reading Historical Commission (RHC).

When a permit is filed with the building inspector for demolition of a potentially historical structure, it is forwarded to the RHC for an initial determination of applicability of a demolition delay under this Bylaw. The RHC determines if the structure is potentially historically significant. If the determination is positive then a public hearing is held. If the outcome of the hearing is a determination that the structure is potentially historically significant, then it is considered a Preferably Preserved Historic Structure and demolition is delayed for up to twelve (12) months. Through this demolition delay provision, the RHC works with property owners to seek alternatives to demolition. If after the 12 month demolition delay there is no likelihood that the property owner can find alternatives to demolition or convey the property to another owner who could, the restriction expires. If the RHC and the property owner can come to an agreement on plans for the structure then the demolition delay may be lifted at any time.

Article 19 proposes to modify the regulations under Section 5.13 of the Town’s General Bylaws and reduce the maximum amount of time a demolition delay order can be issued by the RHC from 12 months to 6 months and:

- Allow property owners to make plans for their structures in a more expedited manner;
- Boost economic development;
- Provide a customer service benefit;

Modifying the time frame will still keep the Demolition Delay Bylaw in tact and provide a tool for historic preservation, but will make it less burdensome on the applicant/property owner. The table below shows the history of the use of the bylaw to date, and indicates that, with a very limited sample, the 6 month delay resulted in 2 “saved” properties, where the 12 month delay has resulted in no “saved” properties, and in 2 demolitions.

Town of Reading - Demolition Delay By-Law

Re-cap of Activity as of 3/1/11 - per Reading Historical Commission

Regulation	Outline of Issues	Quantity	Date	Resid.	Comm.	Mixed	Municipal
6 Month Delay							
1	Town Meeting Adoption		1996				
2	Number of Properties on List - Town-wide	229					
3	Application Activity (# applications)	10					
4	Case Disposition; # Residential; # Commercial	8 - Demo		6	1	1	2
5	Number of Properties on List - West St Historic District	0					
12 Month Delay							
1	Town Meeting Adoption		2006				
2	Number of Properties on List - Town-wide	329	2010				
3	Application Activity (# applications)	2					
4	Case Disposition; No. Residential; No. Commercial	2-Demo		1			1*
5	Number of Properties on List - West St Historic District	12**					

Notes:

* Reading Housing Authority

**Estimated number per RHC

Reading Historical Commission Report: The Reading Historical Commission feels that the proposed change to the demolition delay period from 12 months to 6 months will seriously impede its work, and could threaten the Town's most treasured and historic resources. The Reading Historical Commission does not recommend warrant Article 19.

The purpose of the Reading Historical Commission is to document historical assets of the Town and to develop a plan to protect them. Not only is this the legal purpose of the Reading Historical Commission, but it is also a Town goal that has been stated repeatedly, as in the Master Plan objective "to protect buildings of historical significance...as part of the value the Town puts into its architectural heritage and character." The Board of Selectmen reaffirmed this Town priority in their 2008 "Vision, Mission, and Values" Statement which reads, in part, "In support of the Town of Reading Mission, Reading Municipal Government will... uphold the character of Reading by actively encouraging efforts to document and preserve the history of the community, its historic buildings and areas, and prized open

spaces." The demolition delay bylaw is the tool by which the Reading Historical Commission can carry out this stated objective.

The demolition delay bylaw was enacted in 1996, with a 6-month delay. The Reading Historical Commission worked with this 6-month delay for 10 years, but found the delay period to be inadequate to find alternatives to demolition. The Reading Historical Commission returned to Town Meeting in 2006 to ask that the delay period be increased to 12 months, and Town Meeting amended the bylaw. The Reading Historical Commission has found the 12-month delay to be a more productive and successful length of time, as it allows a property owner and the Reading Historical Commission more time to fully explore alternatives to demolition, and to concurrently go through other commissions' regulatory procedures and hearing processes (e.g., Conservation, CPDC, and/or ZBA). The Reading Historical Commission does not wish the demolition delay to be overly burdensome for property owners, and is judicious in its application. In fact, a provision for early release ends the delay when a solution has been formulated, or it becomes clear that the building will not be saved. However, the Reading Historical Commission believes that the 12-month delay is sometimes necessary to protect the Town's limited, and diminishing, historical resources. The delay period is truly a time for unforeseen alternatives to be discovered. Ultimately, property owners retain all decision-making authority.

There are currently 130 cities and towns in Massachusetts with a demolition delay bylaw, some with a delay of up to 18 months. Every year, more cities and towns add a similar bylaw to protect their historical assets, and every year several cities and towns increase their length of delay. Since 2006, when Reading increased its delay from 6 to 12 months, no towns or cities have eliminated the bylaw or decreased the length of the delay.

Historic preservation is a vital component to economic development in Reading. Reading has embraced Smart Growth principles, with Town Meeting establishing the Downtown Smart Growth District zoning and with the revitalization of the downtown, both of which the RHC supported. Historic preservation is a major component of the Smart Growth movement; it is sustainable development, it supports mixed land uses, it fosters distinctive and attractive communities with a strong sense of place, it utilizes existing infrastructure, and it promotes a pedestrian friendly environment. Historic buildings are natural incubators of small businesses and provide a variety of rent levels and rental spaces, and often allow for more immediate occupancy. Our historic assets, attractive and historic downtown, and the "Sense of Place" created by those historic buildings are a major draw for business owners wishing to establish themselves in Reading, and for those moving here. Reading often markets its historic assets to attract businesses to town. A Smart Growth approach that does not include historic preservation high on the agenda is missing a valuable economic development strategy. Historic properties create a sense of continuity and rootedness that stabilize the Town's economy and create a sense of community.

The current Demolition Delay Bylaw is an invaluable tool that enables the Town of Reading to protect its historic buildings. The regulation provides an effective measure of control over local historic resources. This is the only tool the RHC can utilize to assure active participation in the formal process when demolitions of historic properties are proposed. Article 19 would significantly weaken this proven and effective tool.

Finance Committee Report: No Report

Bylaw Committee Report: The Bylaw Committee feels the presently 12 month requirement should stay in place in order to preserve Reading heritage. The Committee does not see an

undue burden from leaving the 12 months in place. By a vote of 1-2-0 the Bylaw Committee does not recommend the subject matter of this article.

Economic Development Committee Report: The EDC recommends to the Board of Selectmen support of Article 19, by a vote of 5-0-0.

ARTICLE 20 To see if the Town will vote to delete in its entirety, Section 5.16 of the Reading General Bylaw, and insert in its place the following new Section 5.16,

5.16 Outdoor Loudspeakers and Public Address Systems

No commercial establishment (except for restaurants as noted below) shall install or operate any outdoor loudspeaker or public address system on its premises except for the sole purpose of direct communication with a customer to assist that customer or to conduct a specific business transaction at the commercial establishment, as for example at a drive-up window of a fast food or banking establishment, or at self-service gasoline pumps. Any such loudspeaker or public address system shall be operated only during the regular business hours of the establishment. The owner of the establishment shall at all times ensure that the volume of sound produced outdoors by such loudspeaker or public address system shall be such as not to be audible from any portion of a public way or residential property.

Restaurants, except drive-through food establishments, may provide outdoor loudspeakers for the purpose of providing music for their patrons while dining, provided that such music is not audible from any portion of a public way or abutting property. Any such loudspeaker shall be operated only during the regular business hours of the establishment.

or take any other action with respect thereto:

Board of Selectmen

Background: Section 5.16 was adopted by Town Meeting on April 30, 1998. At that time virtually every business in Reading directly abutted residential property, and there had been no previous regulation of loudspeakers for drive through restaurants, gasoline service station, banks, and the like. The existing regulations have worked well and there have been no complaints from abutting property owners about noise from speakers from these establishments. However, since the development of the commercial development on Walkers Brook Drive, there are a number of restaurants (7) that have been developed which are isolated from abutting residential development. Several of these businesses have unknowingly installed speaker systems, and they have been directed to turn them off. However, it does not appear that there is any public purpose in not allowing speakers in these locations for the enjoyment of their dining customers; particularly with a requirement "... that such music is not audible from any portion of a public way or abutting property. Any such loudspeaker shall be operated only during the regular business hours of the establishment."

Finance Committee Report: No Report

Bylaw Committee Report: The Bylaw Committee recommends the subject matter of this article by a vote of 3-1-0.

Economic Development Committee Report: The EDC recommends to the BOS support of Article 20, by a vote of 5-0-0.

ARTICLE 21 To see if the Town will vote to amend the General Bylaws of the Town of Reading by deleting Section 5.2.4, and by adding a new section 5.19 as follows:

5.19 Snow and Ice Removal

5.19.1 Residences. The owner or occupant of any residentially zoned land abutting a paved sidewalk that has been designated by the Board of Selectmen as a walking route in the Town shall cause all snow and ice to be removed from said sidewalk by plowing, shoveling, scraping or otherwise so as not to damage such sidewalk, and within eight hours between sunrise and sunset after such snow and ice have come upon the sidewalk. At a minimum, only so much of said sidewalk that meets the Americans with Disabilities Act (ADA) requirements for a minimum cleared width of thirty six inches (36') shall be required. Violations of this section shall be punishable by a fine of \$25 per day that the snow and ice are not so removed. The provisions of this bylaw may be enforced through the non-criminal disposition method as provided in M.G.L. c. 40, § 21D and Section 5.11 of this Bylaw. For the purpose of non-criminal disposition, the following shall be enforcing persons: Police Officers.

The Board of Selectmen is authorized to exempt citizens from the requirements of this section upon petition showing demonstrable extreme hardship due to a combination of health and financial duress.

5.19.2 Apartments / Condominiums. The owner of any residential property utilized for apartment house or multi unit condominium use that abuts a paved sidewalk in the Town shall cause all snow and ice to be removed from the entire width of such sidewalk by plowing, shoveling, scraping or otherwise so as not to damage such sidewalk, and within the first three hours between sunrise and sunset after such snow and ice have come upon such sidewalk. Violations of this section shall be punishable by a fine of \$25 per day that the snow and ice are not so removed. The provisions of this bylaw may be enforced through the non-criminal disposition method as provided in M.G.L. c. 40, § 21D and Section 5.11 of this Bylaw. For the purpose of non-criminal disposition, the following shall be enforcing persons: Police Officers.

5.19.3 Businesses. The owner or occupant of any land abutting upon a paved sidewalk of a public way in this Town, which said property is zoned or used for business purposes shall cause all snow and ice to be removed from the entire width of such sidewalk. Such snow and ice shall be so removed by plowing, shoveling, scraping or otherwise so as not to damage such sidewalk, and within the first three hours between sunrise and sunset after such snow and ice has come upon such sidewalk. Violations of this section shall be punishable by a fine of \$25 per day that the snow and ice are not so removed. The provisions of this bylaw may be enforced through the non-criminal disposition method as provided in M.G.L. c. 40, § 21D and Section 5.11 of this Bylaw. For the purpose of non-criminal disposition, the following shall be enforcing persons: Police Officers.

5.19.4 In addition to the remedies provided above, the Board of Selectmen may, in its discretion, after due notice to the owner of the real property and an opportunity to be heard, perform or otherwise cause the clearing or treating of snow and/or ice to be performed and recover from said owner the expense therefore which shall not exceed \$500.00 per occurrence. Such expense shall constitute a municipal charge lien against the real property as provided in M.G.L. c. 40, § 58.

5.19.5 No person shall move or remove snow or ice from private lands upon any public street, sidewalk or common land of the Town in such a manner as to obstruct or impede the free passage of vehicular or pedestrian traffic upon the street, sidewalk or common land of the Town, unless he has first obtained a permit therefore issued by the Director of Public Works. No person shall lay, throw, place, or cause to be placed any ice or snow on any portion of any street, sidewalk, or common land within the Town.

or take any other action with respect thereto.

Board of Selectmen

Background: This article would require property owners to clear snow and ice from sidewalks abutting their property. The Massachusetts Supreme Judicial Court case of Papadopoulos v. Target Corporation makes property owners more liable for not clearing their sidewalks of snow and ice than was previously the case.

The Town currently plows approximately 43 miles of sidewalk, which is divided up into 3 specific route areas (northern area, southern area, and business area). Normally, sidewalks are plowed during the storm, and scraped in the following days if needed. Sidewalks in school zones are given first priority (except for storms during school vacation and similar situations), followed by the downtown areas, then all connecting sidewalks.

The cost of plowing a mile of sidewalk in a single storm is approximately \$40.00 for the northern and southern routes, and \$648 by contractor for the business district. To date in FY 2011 (winter of 2010/2011) the cost of plowing sidewalks is estimated at \$44,000. Also to date the snow/ice has cost Reading taxpayers approximately \$1,025,000, all but \$525,000 paid from cash reserves.

After storms of an above average amount the Town's sidewalk snow blowers are also needed to clear heavy accumulations of snow on streets, in order to widen the streets. This is a slow process and can potentially take several days to complete. This removes sidewalk plowing equipment from potential use on sidewalks.

Many of the sidewalks in the community are not plowed by the Town, and in those situations some property owners currently clear their sidewalks, and others do not. The effect is that during winter months there is no continuity of safe walking routes except on school routes and in downtown where the Town has been clearing the sidewalks. Therefore, during winter weather, residents in some neighborhoods are reduced to walking in roadways when walking dogs, visiting neighbors, or walking for exercise.

In accordance with Board of Selectmen policy, 4.19, the Town Sidewalk Snowplowing Program is reviewed at the completion of each snowplowing season for potential changes which would be made on any number of factors.

The Metropolitan Area Planning Commission (MAPC) has produced a report in 2011 entitled "Snow Removal Policy Toolkit". In the information, a comparative map shows the sidewalk snow clearance policies. The chart below summarizes the policies of a number of nearby comparable communities:

	Town clears selected sidewalks	All Property Owners clear sidewalks	Commercial Property Owners only clear sidewalks	Residential Property Owners only clear sidewalks	No sidewalk clearing regulation	No data
North Reading	X			X		
Lynnfield	X	X				
Wakefield	X		X			
Stoneham	X		X			
Woburn		X				
Wilmington	X		X			
Winchester					X	
Bedford					X	
Burlington					X	
Belmont			X			
Melrose					X	

Shading indicates communities that require snow/ice removal from some or all sidewalks by abutting property owners

Note from the above chart that 7 of the 11 communities cited require some or all property owners to clear their sidewalks of snow and ice. In some of these communities the city or town also clears some walks.

The Board of Selectmen is further reviewing the draft bylaw prior to Town Meeting, and may modify the proposal in a couple of areas:

- ◆ Enforcement by DPW rather than police
- ◆ Consideration of modifying the time frames for snow removal

Finance Committee Report: No Report

Bylaw Committee Report: The Bylaw Committee feels that this proposed bylaw will result in hardships either physically or financially for certain residential owners.

The Committee recognizes the fiscal crisis of the Town and can understand exploring a way to cut down on the cost of snow removal. However the Committee would prefer to see a more cooperative spirit of everyone involved in working toward a solution on the snow removal issue than to have this burden forced on everyone thru the use of penalties. By a vote of 0-3-1 the Bylaw Committee does not recommend the subject matter of this article.

ARTICLE 22 To see if the Town will vote to amend the Reading Home Rule Charter as follows: (note – ~~cross through~~ represents language to be eliminated and **bold** represents new language)

by removing "Board of Assessors" in the first paragraph of Section 3.1 so that the paragraph reads as follows:

Section 3-1: General Provisions

The offices to be filled by the voters shall be the Board of Selectmen, School Committee, ~~Board of Assessors~~, Board of Library Trustees, Municipal Light Board, Moderator, Vocational School Representative and such members of regional authorities or districts as may be established by statute, interlocal agreement or otherwise,

to re-number Section 3.6 as Section 4-10, and to amend the language in the new Section 4-10 to read as follows:

Section ~~3-6~~ **4-10**: Board of Assessors

There shall be a Board of Assessors consisting of three (3) members elected **appointed** for three (3) year terms so arranged that one (1) term shall expire each year. **The terms of the members of the Board of Assessors shall expire on the first day of July.**

Members of the Board of Assessors shall be appointed by an Appointment Committee chaired by the Moderator, consisting of the Moderator who shall have one vote, the Chairman of the Board of Selectmen who shall have one vote, and the Chairman of the Finance Committee who shall have one vote. Any vacancy on the board shall be filled by the Appointment Committee.

The Board of Assessors ~~may appoint property appraisers and~~ shall have all the powers and duties given to Boards of Assessors by the Law of the Commonwealth not inconsistent with this Charter,

to renumber the present Section 4.10 as Section 4.11,

or take any other action with respect thereto.

Board of Selectmen

Background: The Reading Home Rule Charter was developed in 1985 and adopted in April 1986. Members of the Charter Commission from that time have indicated that when it came to the question of the Board of Assessors being elected or appointed, a concern was expressed by 2 of the 3 incumbent members of the Board of Assessors at the time that making the Board of Assessors an appointed Board would have negatively affected their pensions because they were retired State employees. Largely because of this concern, the Board of Assessors was made an elected Board. Those 2 members are no longer on the Board of Assessors.

There are several reasons to consider making the Board of Assessor's an appointed body at this time:

- 1) In the last 30 years, there have been 5 instances (soon to be 6?) where there was a vacancy on the Board of Assessors that had to be filled by a committee of the whole made up of the remaining members of the Board of Assessors and the full membership of the Board of Selectmen: 1984, 1989, 2000, 2007, and 2009. Additionally there was at least one instance where a vacancy was filled by a write-in vote because there were no candidates on

the ballot. Again in 2011 an incumbent on the Board of Assessors has chosen not to run for re-election, and the options are:

- o A write-in candidate with as little as 1 vote could be elected; or
- o If there are no write-in votes the remaining members of the Board of Assessors along with the full membership of the Board of Selectmen would once again appoint a member to the Board of Assessors until the next election.

2) The work of the Board of Assessors is more technical than policy making. The Assessors are similar in operation to the appointed Board of Health or the appointed Community Planning and Development Commission, rather than a policy making body like a Board of Selectmen or a School Committee. This lends itself more to a deliberate search for residents of the community who have expertise and interest in this work. In some instances the qualifications that make a good Assessor might not reside in someone who is interested in running for election.

3) The Town has worked hard over the past several years to develop completely integrated financial systems through the use of technology. It is important that the Assessment function be fully integrated with the remaining financial systems, and that the final decisions on such matters reside centrally within the Town administration.

4) The Board of Selectmen is interested in examining the potential for regionalizing a number of services, and tax assessment is one that lends itself particularly well to a regional structure. Having the Board of Assessors as an appointed Board would facilitate such a process.

One argument sometimes made for having an elected Board of Assessors is that it takes the politics out of the appointment process. To address this issue, the Charter amendment proposes to have an appointment committee process just like that for the Finance Committee and Bylaw Committee. The Appointment Committee would be made up of the Town Moderator along with the Chairman of the Board of Selectmen and the Chairman of the FINCOM.

A survey of other area communities reveals that a number of comparable communities have appointed Boards of Assessors:

TOWN	Board of Assessors
Bedford	Elected
Burlington	Elected
Danvers	Appointed
Lexington	Appointed
Melrose	Appointed
North Andover	Appointed
North Reading	Appointed
Stoneham	Elected
Wakefield	Elected
Wilmington	Appointed
Winchester	Elected

The process for amending the Reading Home Rule Charter is spelled out in Article Section 8-1: "This Charter may be replaced, revised or amended ... by a two-thirds vote of the Town Meeting approved by the voters at the next Town Election.", which will be in the spring of 2012.

Finance Committee Report: No Report

Bylaw Committee Report: The Bylaw Committee feels that the Appointment Committee as set forth in this proposed Charter change should include the Chairman of the Board of Assessors in place of the Chairman of the Finance Committee. The Chairman of the Board of Assessors would be more familiar with the working of both the Assessment Department and the Board and thus would be the better individual to make a judgment regarding the best person to serve on the Board of Assessors.

The Appointment Committee for both the Finance Committee and the Bylaw Committee on which this proposal was modeled after include the Chairman of each respective Committee as part of the Appointment Committee.

The Bylaw Committee agrees that the Board of Assessors should advance to an appointment process instead of being elected. The lack of candidates in the recent election concerns the Committee.

The Bylaw Committee recommends the subject matter of this Article as amended by a vote of 4-0-0.

ARTICLE 23 To see if the Town will vote to amend Section 4.3.3 of the Town of Reading Zoning By-Laws as follows: (note – ~~cross through~~ represents language to be eliminated and **bold** represents new language)

4.3.3. SITE PLAN REVIEW

4.3.3.1. Applicability. The following types of activities and uses require site plan review by the CPDC: ***Routine maintenance or replacement in-kind is exempt.***

- a. ***Any exterior construction, or alteration or expansion of more than five hundred (500) gross square feet of an institutional, commercial, industrial, or multi-family structure with four or more dwelling units;***
~~Construction, exterior alteration or exterior expansion of, or change of use within an institutional, commercial, industrial, or multi-family structure with four or more dwelling units;~~
- b. ~~Construction or expansion of a parking lot for an institutional, commercial, industrial, or multi-family structure or purpose.~~
- b. ***A change of use within an institutional, commercial, industrial, or multi-family structure;***
- c. ***Interior renovations over two thousand (2,000) gross square feet;***
- d. ***Construction or expansion of a parking lot for an institutional, commercial, industrial, or multi-family structure or purpose.***

4.3.3.2. Procedures. Applicants for site plan approval shall submit twelve (12) copies of the site plan to the CPDC for review, and within three (3) days thereafter request a determination

from the Town Planner on completeness of application. The Town Planner shall make a determination of completeness within thirty (30) days of receipt of such application. The CPDC shall review and act upon the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its determination of completeness, and notify the applicant of its decision. The decision of the CPDC approving site plan review, shall be a majority of the commission and shall be in writing. No building permit or certificate of occupancy shall be issued by the Building Inspector without the written approval of the site plan by the CPDC, or unless 60 days lapse from the date of a determination of completeness of the site plan without action by the CPDC.

4.3.3.3. Requirements:

4.3.3.3.1. Where the CPDC serves as the special permit granting authority for proposed work, it shall consolidate its site plan review and special permit procedures.

4.3.3.3.2. The applicant may request, and the CPDC may grant by majority vote, an extension of the time limits set forth herein.

4.3.3.3.3. No deviation from an approved site plan shall be permitted without modification thereof approved by CPDC.

4.3.3.4. Preparation of Plans. Applicants are invited to submit a pre-application sketch of the proposed project to the CPDC and to schedule a comment period at a regular meeting of the CPDC. Site plans shall be submitted on 24-inch by 36-inch sheets, or larger if necessary for clarity. Plans shall be prepared by a registered professional engineer, registered land surveyor, architect or landscape architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal.

4.3.3.5. Contents of Plan. The contents of the site plan are as follows:

4.3.3.5.1. Five (5) separate plans prepared at a scale of one (1) inch equals twenty (20) feet or forty (40) feet or such suitable scale as may be approved by the CPDC. The plans are as follows:

- a. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, and areas for snow storage after plowing. The first sheet in this plan shall be a locus plan, at a scale acceptable to the CPDC, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the staff.
- b. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling storm water drainage, including resource area delineation.
- c. Utility plan which shall include all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and fire

fighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including flood plain areas.

- d. Architectural plans, which shall include the floor plans and architectural elevations of all proposed buildings and a color rendering or photographs of similar structures.
 - e. Landscaping plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for shrub or tree, and including proposed erosion control measures.
- 4.3.3.5.2. The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof.
- 4.3.3.5.3. A written summary of the contemplated projects shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this By-Law.
- 4.3.3.5.4. The site plan shall be accompanied by drainage calculations by a registered professional engineer. Storm drainage design must conform to the Town of Reading subdivision regulations and Department of Environmental Protection storm water regulations.
- 4.3.3.5.5. The CPDC may require a narrative statement detailing the impact of the proposed use on municipal services and the environment, lighting, traffic, hazardous materials storage, trash, hours of operation and construction impacts.
- 4.3.3.5.6. Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.
- 4.3.3.5.7. All plans submitted shall be in digital format as well as prints as approved by the Town Engineer. Number of prints submitted shall be determined by the Town Planner.
- 4.3.3.6. Approval. Site plan approval shall be granted upon determination by the CPDC that the plan meets the following objectives. The CPDC may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and storm water

drainage consistent with the functional requirements of the CPDC's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the site plan, after considering the qualities of the specific location, the proposed land use, the design of building form, the grading, egress points, and other aspects of the development, so as to:

- a. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of storm water flow from the site, soil erosion, and the threat of air and water pollution;
 - b. Maximize pedestrian and vehicular safety both on the site and approach/egression from it;
 - c. Minimize obstruction of scenic views from publicly accessible locations;
 - d. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned through the use of landscaping and fencing;
 - e. Minimize glare from headlights and lighting intrusion;
 - f. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
 - g. Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;
 - h. Ensure compliance with the provisions of the Zoning By-Law;
 - i. Maximize property enhancement through use of landscaping and other site amenities;
 - j. Minimize environmental impacts to adjacent properties through hours of operation, deliveries, noise, rubbish removal and storage.
- 4.3.3.7. Lapse. Site plan approval shall lapse after two (2) years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the CPDC upon the written request of the applicant.
- 4.3.3.8. Regulations. The CPDC may adopt and from time to time amend reasonable regulations for the administration of these site plan guidelines.
- 4.3.3.9. Fee. The CPDC may adopt reasonable administrative fees and technical review fees for site plan review at levels necessary to cover costs. The CPDC may also require the applicant to fund professional review of the filing.
- 4.3.3.10. Appeal. The appeal of any decision of the CPDC hereunder shall be made in accordance with the provisions of Mass. Gen. L. Ch. 40A. §17.
- 4.3.3.11. ~~_____~~ Exemptions:

~~Site plan review shall not be required for the following:~~

- ~~a. The construction is solely for the maintenance or repair of the existing structure;~~
- ~~b. The construction, expansion or alteration of a building or structure does not exceed three hundred (300) gross square feet, or such alteration involves only interior renovation of less than one thousand (1,000) gross square feet;~~
- ~~c. The construction, expansion or alteration only involves the modification of internal electrical, plumbing or mechanical systems.~~

4.3.3.12.1. Waiver of Site Plan:

4.3.3.11. Minor Site Plan Review:

The Community Planning and Development Commission *or the Town Planner by administrative approval* may waive *grant approval for a minor site plan review* with or without conditions *provided the proposed construction, expansion or alteration will not result in any adverse impact in the areas described in Sections 4.3.3.5 or 4.3.3.6 and for any of the following reasons provided however that the property has not been approved for a minor site plan review within the last three (3) years;* the requirement for site plan review for any of the following three reasons:

- a. The construction, expansion or alteration only involves the interior renovation of an existing space *such as plumbing, electrical, furniture, fixtures, mechanical systems, or interior changes to comply with the current building code such as handicap accessibility.* and the proposed changes will not result in an adverse impact in the areas described in Sections 4.3.3.5 or 4.3.3.6.
- b. The proposed change in use is in the same use category and will not result in an adverse impact in the areas described in Sections 4.3.3.5 or 4.3.3.6.
- c. The property has undergone *been developed according to a full* site plan review and approval within the past five years. and the proposed changes will not result in an adverse impact in the areas described in Sections 4.3.3.5 or 4.3.3.6.

If the Community Planning and Development Commission *or Town Planner* does not act within ~~60~~ 30 days of receiving a complete waiver *Minor Site Plan Review Project* request, the waiver shall be deemed granted.

4.3.3.12.1. Waiver of Loading Zone Space Requirements:

The Community Planning and Development Commission may waive the requirements of 6.1.1.3 as to the number of loading zone spaces, provided there is no adverse impact in the areas described in Section 4.3.3.6., or take any other action with respect thereto.

4.3.3.12.2. Waiver of Parking, Loading Space and Related Design Requirements in the Business C District.

Upon the applicant's request and submission of supporting documentation, the community Planning and Development Commission may waive or reduce the requirements under Section 6.1.1.3 and Section 6.1.2, provided there is no adverse impact in the areas described in Section 4.3.3.6.

or take any other action with respect thereto.

Community Planning and
Development Commission

Background: The purpose of Article 23 is to promote ease of permitting and improving customer service and thereby promoting economic development.

The Zoning By-Law includes a provision under Section 4.3.3 for Site Plan Review. The purpose of Site Plan Review is to promote development that will be beneficial to the community and that is in keeping with its character. Site Plan Review allows the Town to manage growth and insure that it is consistent with the Zoning Bylaw and the Reading Master Plan. Site Plan Review is not required for residential construction of less than four (4) dwelling units.

Article 23 seeks to modify (lessen) the threshold requirements for site plan review, omit the waiver requirement, and add a provision for Minor Site Plan Review. Article 23 proposes to change the threshold for exterior construction or alternation from 300 square feet to 500 square feet and for interior construction or alteration from 1,000 square feet to 2,000 square feet.

In an effort to streamline Site Plan Review Article 23 eliminates the requirement for seeking a waiver for projects that currently qualify for site plan review but still are required to appear before the Community Planning and Development Commission (CPDC).

To promote economic development and ease of permitting, Article 23 includes a new provision for Minor Site Plan Review which allows administrative approval by either the CPDC or the Town Planner for projects that meet the stated criteria as follows:

- Construction, expansion, or alteration involving an interior renovation (no exterior work) of an existing space such as plumbing, electrical, furniture, fixtures, mechanical equipment or interior changes to comply with the current building code such as handicap access;
- The proposed change is in the same use category (no change of use);
- The property has been developed according to a full site plan review and approval within the past five years;

In summary, Article 23 supports on-going efforts to streamline regulations, simplify reviews to be more customer friendly, and promote economic development. It should be noted that smaller projects that can be handled through administrative approvals will result in a big benefit to applicants who otherwise have to attend evening CPDC meetings. Public hearings for larger projects sometimes pre-empt the smaller projects as they are scheduled first on the agenda, weeks in advance, due to advertising requirements. This requires smaller projects to be scheduled later on the agenda which can be very late into the evening.

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.

Economic Development Committee Report: The EDC recommends to the Board of Selectmen support of Article 23, by a vote of 5-0-0.

ARTICLE 24 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: Chapter 140 of the Acts of 2001 authorized the Town of Reading to establish an Affordable Housing Trust Fund (AHTF). This legislation was done as a Home Rule Petition by the Town. The legislation provides in part "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 by the Town of Reading, the Reading Housing Authority or a housing trust, community development corporation or similar entity created under the laws of the commonwealth for the purpose of creating, maintaining or operating affordable housing." Among the state purposes is to: "develop new or rehabilitate existing dwelling units for purchase or rental by low and moderate income housing purchasers or tenants;"

According to the legislation, "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." "[a]ll expenditures from the fund, . . . shall be in accordance with the allocation plan approved by a majority vote of the full combined memberships of the Board of Selectmen and the Reading Housing Authority."

The purpose of this legislation is to provide a framework for the Town to expend funds on affordable housing. The current balance in the Affordable housing Trust Fund is \$458,017.68 which has been accumulated over the years as funds secured for the purpose by the CPDC, and funds deposited in at least one instance when an existing affordable unit was no longer able to be kept affordable after efforts were made to do so. There have been no expenditures to date from this fund, although there have been several attempts at using these funds – in one instance to subsidize a Reading housing Authority project.

As part of the Oaktree development (the former Atlantic site) a total of 20% of the units will be affordable units, or 11 units of the total of 57 units in the development. The Town has negotiated to provide up to \$400,000 from the Affordable Housing Trust fund to subsidize the development of those 11 affordable units. All of the affordable units will be affordable in perpetuity. All of the 57 units will count on the Town's inventory of affordable housing units because the units will be developed as rental units.

An affordable housing restriction will be required that must be approved by the State Department of Housing and Community Development (DHCD). This request is based on the stated need for the funds to carry out the project and will require a joint agreement between Oaktree, the Board of Selectmen, and the Housing Authority.

As part of the due diligence related to this request, the Town has been working with Oaktree reviewing pro-formas to clarify the finances of this project including the need for our help through the AHTF. The process is on-going and the Town has asked for additional information to clarify what has been provided to date.

In addition to analyzing the pro-forma, the Town has indicated to Oaktree that we would be drafting a set of legal documents with conditions in order to satisfy our requirements. The discussion has included protecting the Town's investment of funds by use of the following which would be recorded at the Registry of Deeds:

- **Deferred Payment Loan (DPL) Agreement** – this is commonly used in affordable housing projects where the funds are provided as a grant, but with conditions that could trigger repayment of all or some of the funds. For example, if the project were sold as a permitted project to another developer then the terms of the DPL could require repayment in full. or
- **Promissory Note** – another legal document that assures compliance with stated terms. or
- **Mortgage** – just like a bank would place a mortgage on a house, we would do so here.

By taking these steps the Town of Reading will be protected and a viable redevelopment project will be supported. The redevelopment of the former Atlantic Supermarket, 30 Haven Street, is an important project that will be an anchor to both Haven Street and High Street. It will increase foot traffic throughout the downtown and promote Smart Growth. With just under 100,000 square feet of new construction including approximately 20,000 square feet of retail with 57 units of residential above (11 of which will be affordable) this project is consistent with the Master Plan, Housing Plan, and Economic Development efforts. As a rental project under the 40R zoning, the Town of Reading will get credit for all 57 units in its affordable housing inventory maintained by the State. Even if the development were to change to condominiums, the Town would still be credited with 11 affordable units.

Finance Committee Report: The Finance Committee voted 0-1-8 at their March 30, 2011 meeting not to recommend the subject matter of this Article. If financial information becomes available to FINCOM they will review it at their April 13, 2011 meeting and may reconsider their vote. A majority of the Committee is not opposed to using Trust Funds for this project, but felt there was not enough information at the time of the vote to feel comfortable supporting this Article. Members questioned the need for the Town to subsidize the developer for construction costs and urged the Town to drill down further and analyze the project's financial statements. FINCOM wanted to know what steps the Town would take to protect the investment, including structuring the Trust funds as a loan. The lone member opposing the article felt it was inappropriate for the Town to utilize Trust Fund proceeds to subsidize a private developer for housing units the Town does not own.

Bylaw Committee Report: No Report

ARTICLE 25 To see if the Town will vote to sell at public auction the southwesterly section of Lot 28-202 (Pearl and Audubon) of the Board of Assessors' map together with the former public way known as Pearl Street, said auction to be held on or before December 31, 2011, or take any other action with respect thereto.

By Petition

Background: Pursuant to M.G.L. c.40, §§3 and 15, the Selectmen may be authorized to convey or sell municipal property, but they cannot be compelled to do so. Moreover, in conveying or selling municipal property, Town Counsel recommends that a title search be conducted to confirm ownership in the Town and, possibly, to ascertain if the property is under the jurisdiction of a body other than the Board of Selectmen a situation that for example, may require compliance with §15A (conveyance from one municipal department to another).

Town Counsel has located a document recorded with the Registry of Deeds in Book 11691, Page 461 indicating that this particular parcel was taken for the establishment of a drainage/sewer easement.

Finance Committee Report: No Report

Bylaw Committee Report: No Report

ARTICLE 26 To see if the Town will vote to authorize the Board of Selectmen to sell or dispose of, upon such terms and conditions as they may determine, the following real estate properties as shown on the Board of Assessors' Map, 38-54 Birch Road, 8-11 Fairmount Road, 33-37 Main Street, 23-62 Torre Street, 27-210 Locust Street, 17-215 Green Street, 32-13 off Parkman Road, 23-70 Bay State Road and 21-147 Kingston Street, or take any other action with respect thereto.

By Petition

Background Pursuant to M.G.L. c.40, §§3 and 15, the Selectmen may be authorized to convey or sell municipal property, but they cannot be compelled to do so. Moreover, in conveying or selling municipal property, Town Counsel recommends that a title search be conducted to confirm ownership in the Town and, possibly, to ascertain if the property is under the jurisdiction of a body other than the Board of Selectmen, a situation that for example, may require compliance with §15A (conveyance from one municipal department to another).

This article presents a "mixed bag" of parcels. Parcel 38-54 Birch Road and Parcel 8-11 Fairmount Road are tax title (land of low value) property. Tax title property which is taken through the land of low value procedure may not be sold or conveyed by the Selectmen pursuant to c.40, §§3 and 15 until the Town becomes the purchaser of the land. The Town becomes the purchaser of the land only after it has first been advertised for sale at auction and either, no bid is received, or a bid is received that is determined by the Treasurer to be inadequate; Parcel 17-215 Green Street is identified on deeds to abutting land as "land reserved for a drain" a description which, does not imply or mean town ownership; Parcel 27-210 Locust Street is described as a "Right of Way" in deeds to abutting properties but again, this does not mean that it is town owned; and parcels on Parkman, Bay State and Kingston do not have title references that could be reviewed.

Finance Committee Report: No Report

Bylaw Committee Report: No Report

ARTICLE 27 To see if the Town will vote to sell at public auction Lot 9-3 (Lothrop Road) of the Board of Assessors' Map, said auction to be held on or before December 31, 2011, or take any other action with respect thereto.

By Petition

Background: Pursuant to M.G.L. c.40, §§3 and 15, the Selectmen may be authorized to convey or sell municipal property, but they cannot be compelled to do so. Moreover, in conveying or selling municipal property, Town Counsel recommends that a title search be conducted to confirm ownership in the Town and, possibly, to ascertain if the property is under the jurisdiction of a body other than the Board of Selectmen a situation that for example, may require compliance with §15A (conveyance from one municipal department to another).

The title reference provided for this parcel goes back further than the records available online at the Registry of Deeds. More importantly, the Assessors records indicate that this is Water Department property.

Finance Committee Report: No Report

Bylaw Committee Report: No Report

ARTICLE 28 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 2012- beginning July 1, 2011, or take any other action with respect thereto.

Finance Committee

Background: Please see the yellow pages in the Appendix of this Warrant Report for the FY 2012 Budget.

Finance Committee Report: Please see the yellow pages in the Appendix of this Warrant Report for the FINCOM votes on the FY 2012 Budget. They are summarized in Section A. under 'Spending Scorecard'.

Bylaw Committee Report: No Report

Economic Development Committee Report: The EDC recommends to the BOS support of the Town Manger's FY2012 proposed budget as it pertains to the Community Services line item, by a vote of 5-0-0.

ARTICLE 29 To see if the Town will vote to appropriate funds from the tax levy, or transfer from available funds or otherwise to the Employee Sick Leave Buy-back and Vacation Leave Buyback Stabilization Fund, or take any other action with respect thereto.

Board of Selectmen

Background: The 2009 Annual Town Meeting voted to establish a stabilization fund for Town employee sick-leave and/or vacation leave buy-back. This was done because the Town Departments could not accurately forecast 18 months in advance what employees might leave their employment and be eligible for these payments. In most cases, the various Town wage budgets as voted by Town Meeting did not have the capacity to support these unpredictable payments, unless a position remained unfilled for a sufficient period of time.

In FY11 the Town has had several circumstances that required these payments and in most cases we were able to fund the costs through unused wages because a position was unfilled. In Article 5 of this Town Meeting we are requesting a transfer out of \$10,000 for a department that does not have sufficient funds to cover an FY11 obligation.

If this transfer under Article 5 is approved, the remaining balance of the fund would be approximately \$5,400. Article 29 seeks to add \$25,000 from free cash to supplement this amount, to be used in future years by vote of Town Meeting as needed.

The potential for Sick Leave buy-back is diminishing as changes in Personnel Policies and collective bargaining agreements work towards eventual elimination of this benefit. For example, as part of the bargaining process in 2010, all Sick Leave Buy-back for Police Patrol Officers and Police Superior Officers was eliminated – currently and prospectively. All other Town non-union and most other Town unions have given up sick leave buy-back prospectively from a variety of dates. Many non-union employees have never been eligible for this benefit.

Vacation leave buy-back is already severely constrained by limits on vacation leave carryover, and is the smaller amount of the buy-back leave.

Finance Committee Report: The Finance Committee voted 9-0-0 at their March 30, 2011 meeting to recommend the subject matter of this Article. If a transfer was approved earlier at this Annual Town Meeting under Article 5, then the balance of this stabilization fund is about \$5,420. Increasing that amount will allow the Town to meet future obligations without skewing the individual department budgets, which was the intention when this Fund was created.

Bylaw Committee Report: No Report

ARTICLE 30 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 2

Lizabeth Ann Malinski
Gerard McDonald
John B. Sullivan
Kim Marie Sullivan
Richard J. Moore
Robert R. Morelli

Brooks E. Rice
Joseph T. Connearney Sr.
Wei E. Lam
George A. Snow

Precinct 3
David A. Craven
Anthony D'Arezzo

Precinct 5
Susan A. Giacalone

Precinct 6
Jacquelyn A. Mandell
Allison M. Piper
Steven L. Cool
Rick D'Angelo
Chad R. Smith

Precinct 7
Mario A. Jarrin Hurtado
Nancy B. Matheson

Precinct 8
Patricia Beckman
William O. Finch
Donald J. Golini
Robert I. Nordstrand

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. There are 24 members who meet those criteria, as listed above. This compares to 10 members who were listed in the Town Meeting warrant report in 2010.

The remaining Town Meeting Members from Precincts 2, 3, 5, 6, 7 and 8 will be asked to meet in a caucus before this Article is taken up, and to evaluate the particular circumstances of each of these situations. The affected precincts will then make a recommendation to Town Meeting as to whether the member should be removed

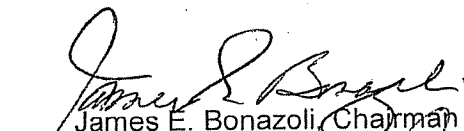
Finance Committee Report: No Report

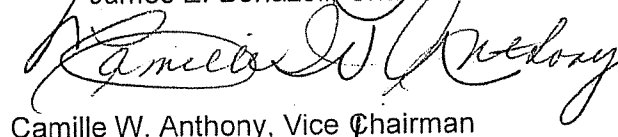
Bylaw Committee Report: No Report

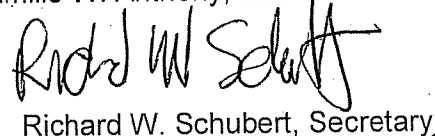
and you are directed to serve this Warrant by posting an attested copy thereof in at least one (1) public place in each precinct of the Town not less than fourteen (14) days prior to April 5, 2011, the date set for the Election in said Warrant, or providing in a manner such as electronic submission, holding for pickup or mailing, an attested copy of said Warrant to each Town Meeting Member.

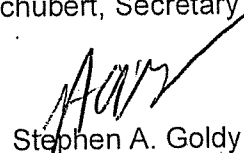
Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time appointed for said meeting.

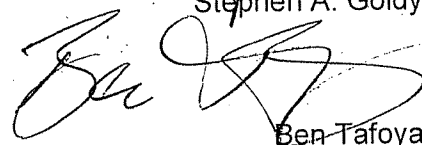
Given under our hands this 1st day of March, 2011.


James E. Bonazoli, Chairman

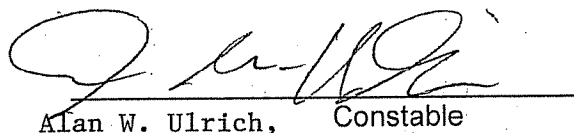

Camille W. Anthony, Vice Chairman


Richard W. Schubert, Secretary


Stephen A. Goldy


Ben Tafoya

SELECTMEN OF READING


Alan W. Ulrich, Constable

ARTICLE 12

On March 3, 2011, the Library celebrated its 27th year in the 115-year-old Highland School building. Since its relocation to the historic landmark in 1984, the community's use of the library has more than doubled.

The charm, livable scale, and coziness of the Library make it feel like home. But there are limitations to an old school building serving as a busy, high-traffic library: inflexible spaces due to inadequate infrastructure; no room to grow or update technology; no place to plug in a computer or laptop. The dark corners, dead-end stacks, and hidden areas make supervision of public spaces difficult and public safety and accessibility issues need to be addressed. Structural problems need to be fixed: the roof leaks; the basement ships water and is damp; the gutters, masonry, and windows need major repairs; and the HVAC, lighting, and work spaces are inefficient and outdated.

The Reading Public Library Board of Trustees commissioned a study in 2010 to determine present and future facility needs in the light of continuous growth in service and multiplying facility deficiencies. The study concluded that a slightly larger and updated building was needed to address greater demands for services for all ages including outgrown meeting, conference and children's rooms; a lack of quiet places to read or study; and an out of date infrastructure.

The Trustees acknowledged the community's affection for this local landmark and interest in historic preservation and they determined to find a solution that would once again adapt this old school building as a library for future generations. The Trustees selected Beacon Architectural/Adams & Smith, an architectural team with extensive experience with historical buildings who have completed successful library projects throughout the state, to draft a design.

The Building Plan calls for rearrangement of existing internal space and a 7,596-square-foot expansion on the hill at the east side toward School Street. The two-story addition would align with the lower and main levels of the current building. Major structural repairs and substantial renovation are required to comply with current building codes.

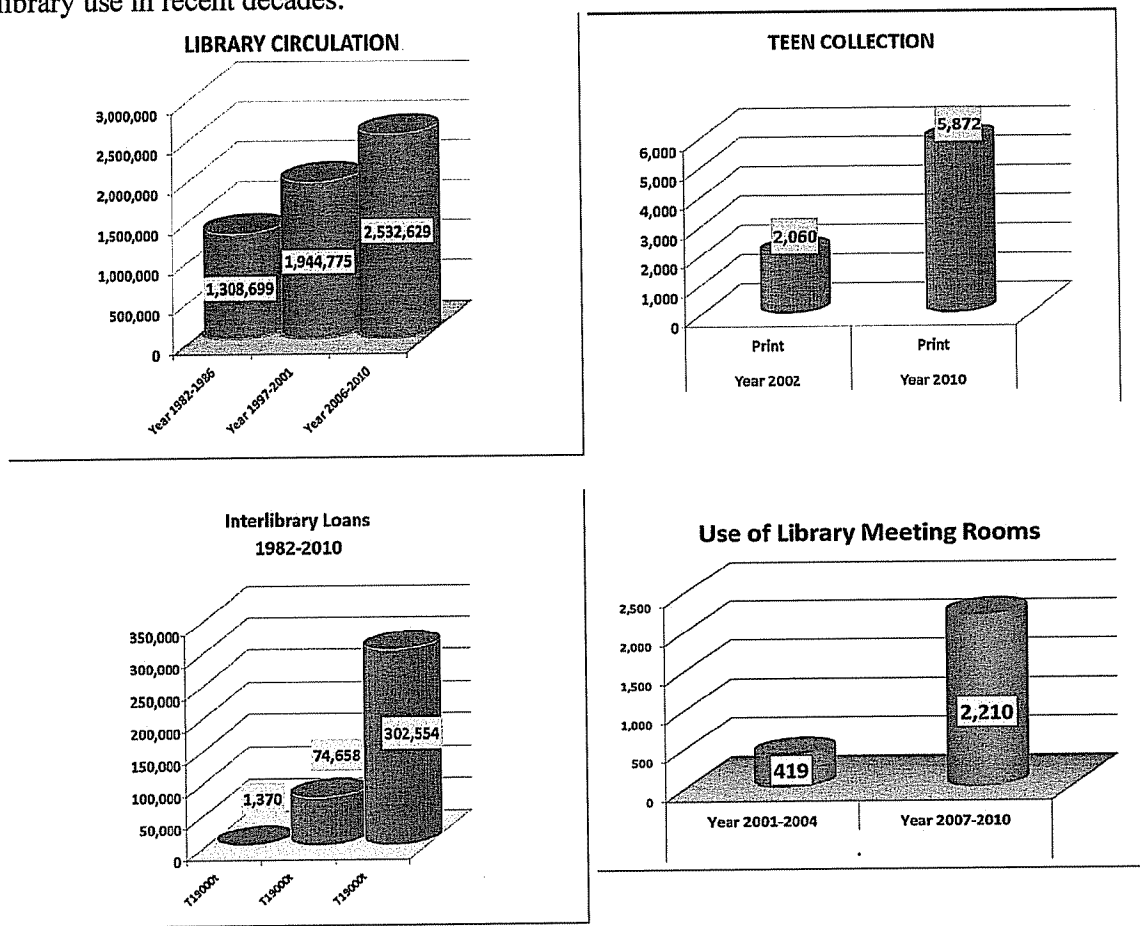
The Trustees are committed to preserving the character of the current library while enhancing its accessibility, functionality and adaptability. The plan also provides for a greatly expanded children's room and public meeting space that can be used after the library has closed.

The 2010 Fall Town Meeting authorized the Library Trustees to apply for a state grant through the Massachusetts Board of Library Commissioners, and the application for partial funding of a construction project was submitted in January. The Trustees are asking 2011 Town Meeting to approve the design as shown.

Meeting the Demand

Much has changed in library services over the past 27 years. Since its relocation to the 1896 Highland School building in 1984, the library has seen the introduction of computers, DVDs, and numerous other media formats. Interlibrary loan requests have grown exponentially, and the meeting room has been in constant demand.

The community's use of the library has doubled in measurable ways and skyrocketed in many others. As one patron describes it, the library has become the living room of the community. It is a focal point that attracts residents of all ages. The charts show the tremendous growth of library use in recent decades.



The 2010 Fall Town Meeting authorized the library trustees to apply for a state grant through the Massachusetts Board of Library Commissioners, and the application was submitted in January. The trustees had commissioned a study to determine present and future needs and selected an architectural firm that has completed successful library projects throughout the state.

Beacon Architectural Associates, working in conjunction with Adams & Smith Architects, determined that the current building is structurally sound but highly inefficient for today's needs. Their proposal calls for rearrangement of existing internal space and a 7,596-square-foot expansion on the hill at the easterly side toward School Street. The two-story addition would align with the lower and main levels of the current building.

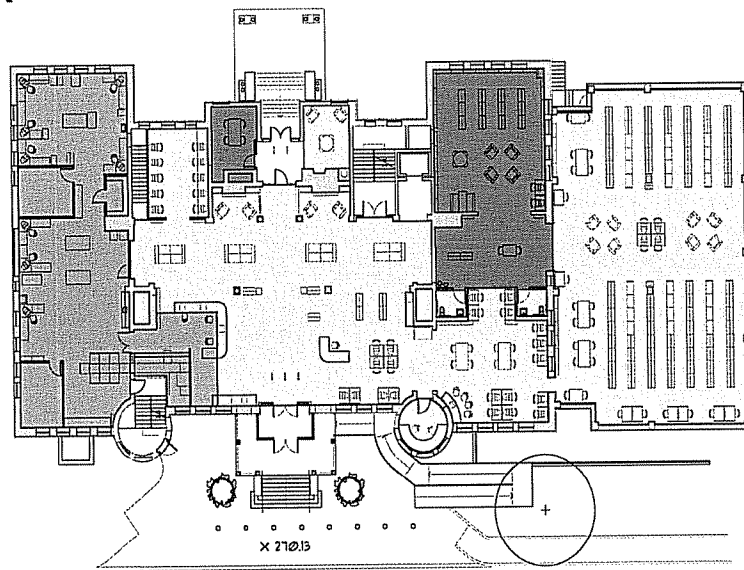
The Trustees are committed to preserving as much of the "feel" of the current library as possible while enhancing its accessibility, functionality and flexibility. The plan also

provides for public meeting space that can be used after the library has closed with easier access into the building.

Goals of Library Building Program

- Make exterior and interior repairs
- Replace windows for greater efficiency
- Improve HVAC and lighting
- Accommodate new technology
- Increase staff work space
- Improve circulation efficiency
- Expand Children's area
- Improve accessibility issues
- Relocate meeting rooms
- Create more study space and quiet areas

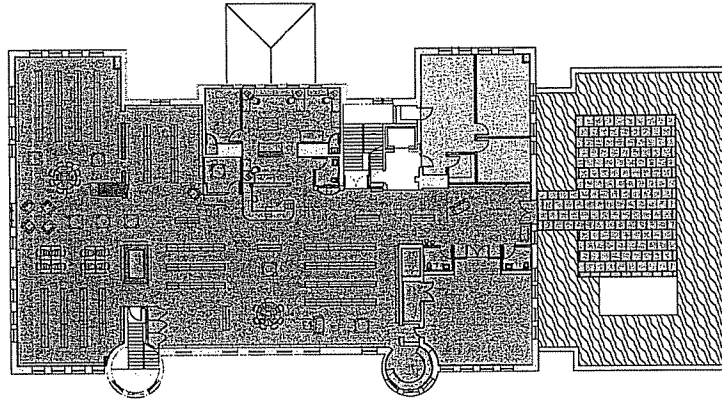
FIRST FLOOR



First Floor Plan

- Computer classroom
- New young adult area
- Relocation of general stacks
- Additional study areas
- More space for public computers
- Quiet reading room and nooks
- Parking lot entrance relocated symmetrically
- Modernized circulation area including optional self-checkout
- Processing area for increasing homebound requests

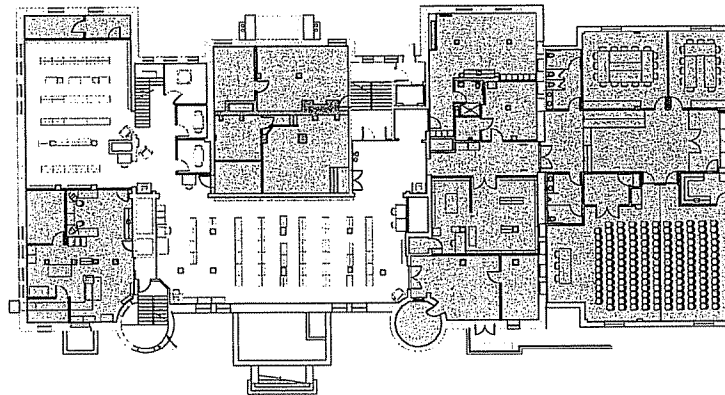
SECOND FLOOR



Second Floor Plan

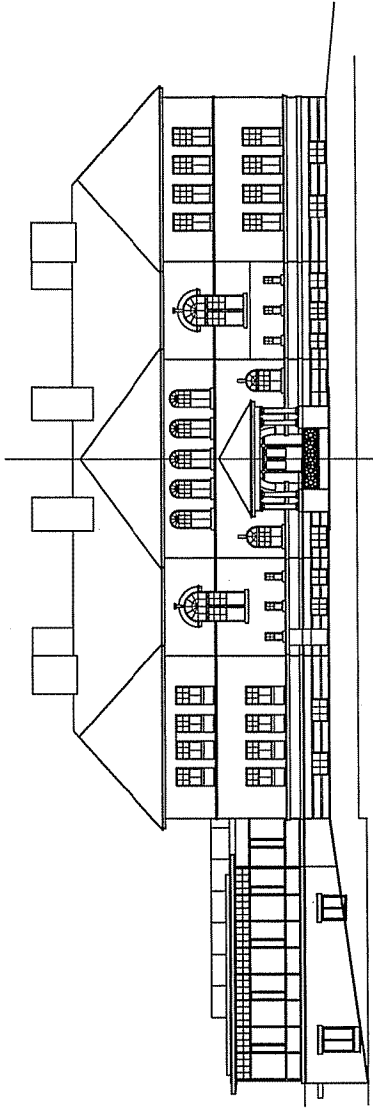
- Doubling of space for children
- Additional computer stations for children
- New early learning center
- Designated area for children's programs
- Space for outdoor programs surrounded by a green roof

GROUND FLOOR

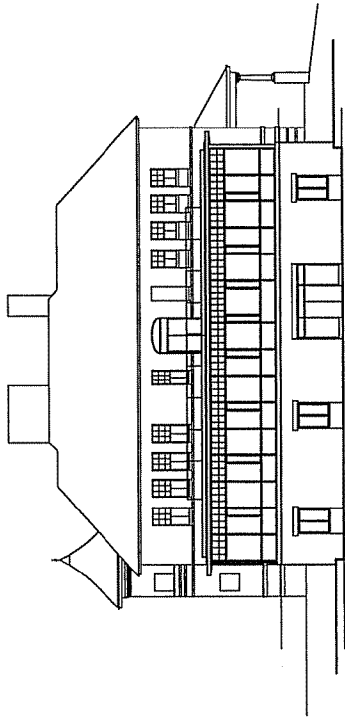


Ground Floor Plan

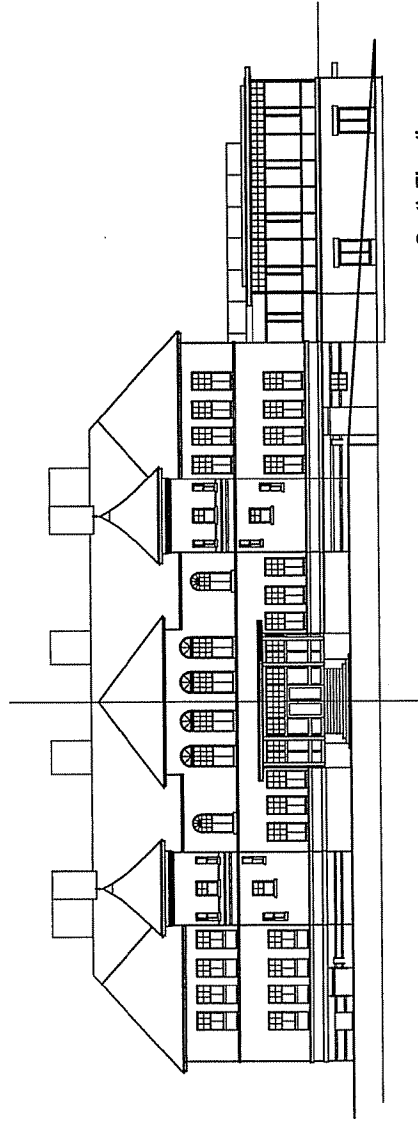
- 3 additional study rooms
- Additional conference rooms
- Larger meeting room with accessibility after library hours
- 7 Additional Parking spaces
- Fully accessible book stacks with better lighting
- Enhanced staff presence on lower level
- Relocation of Local History



North Elevation



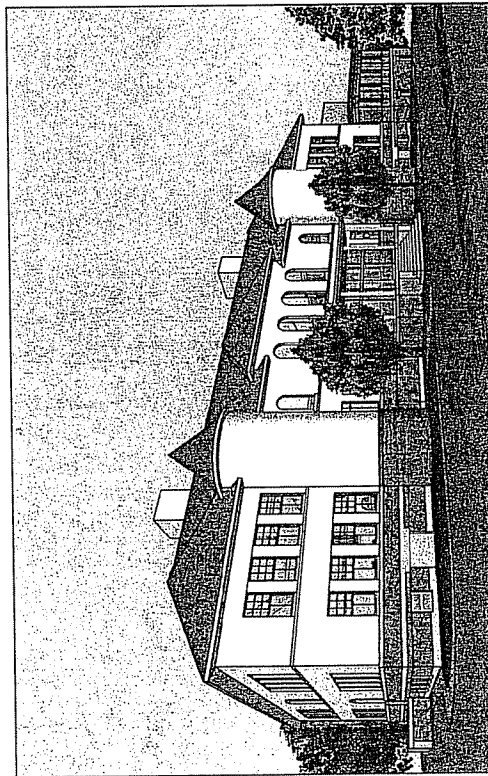
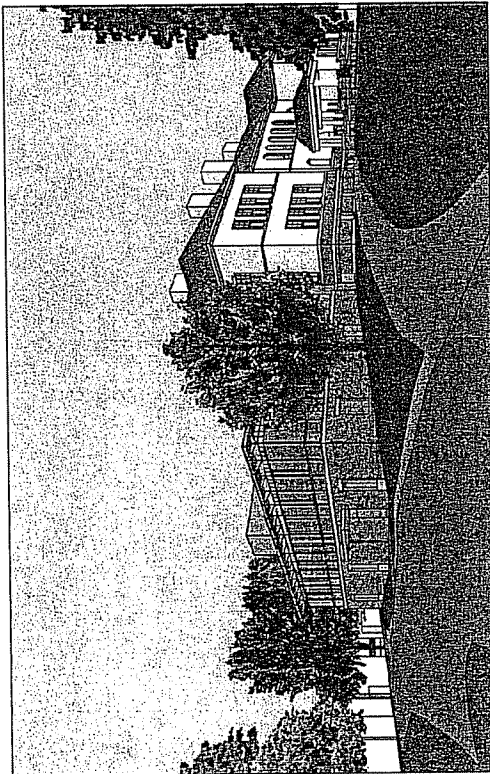
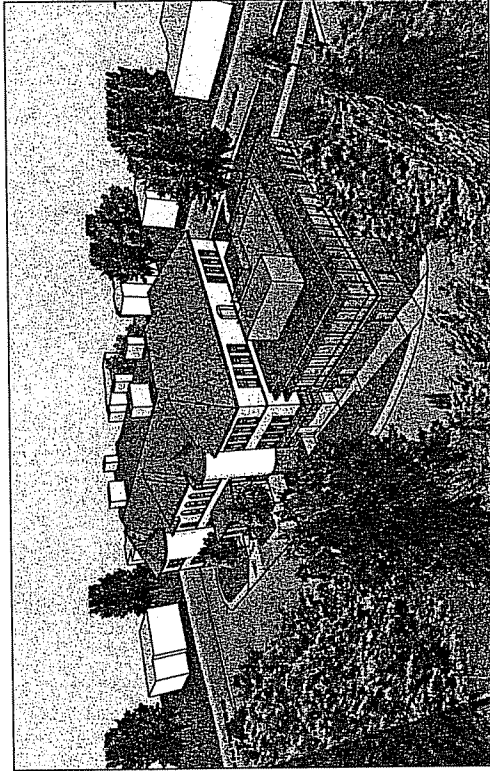
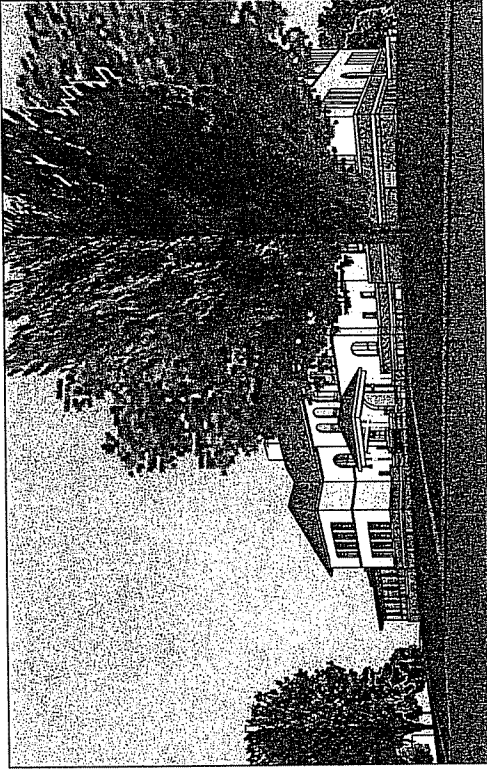
East Elevation



South Elevation

Reading Public Library
Proposed Exterior Elevations
19 November 2010 $\frac{3}{8}''=1'-0''$

BEACON ARCHITECTURAL
ASSOCIATES
ADAMS & SMITH ARCHITECTS



Reading Public Library
Model views
Revised 12-10-10

BEACON ARCHITECTURAL
ASSOCIATES
ADAMS & SMITH ARCHITECTS

