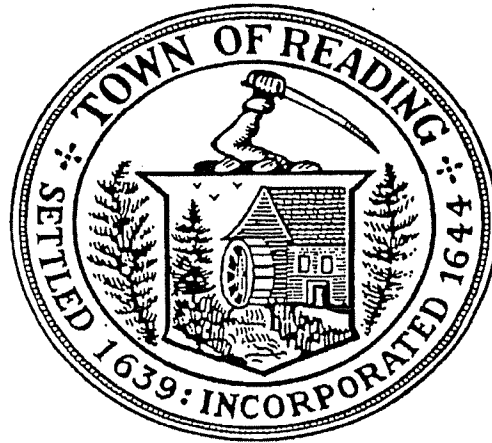


**Town of
Reading
Massachusetts**



**Report on the Warrant
Subsequent Town Meeting
November 9, 2009**

**SUBSEQUENT TOWN MEETING
NOVEMBER 9, 2009
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**SUBSEQUENT TOWN MEETING
(Seal)
COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Reading, qualified to vote in elections and Town affairs, to meet at the Reading Memorial High School Auditorium, 62 Oakland Road, in said Reading, on Monday, November 9, 2009, at seven thirty o'clock in the evening, at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with the provisions of the Reading Home Rule Charter.

ARTICLE 1 To hear and act on the reports of the Board of Selectmen, Town Accountant, Treasurer-Collector, Board of Assessors, Director of Public Works, Town Clerk, Tree Warden, Board of Health, School Committee, Contributory Retirement Board, Library Trustees, Municipal Light Board, Finance Committee, Cemetery Trustees, Community Planning & Development Commission, Conservation Commission, Town Manager and any other Board or Special Committee.

Board of Selectmen

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

- RMLD Report (see Appendix)
- State of the Schools Report
- Report on Instructional Motion re: Cemetery Garage

Finance Committee Report: No report.

Bylaw Committee Report: No report.

ARTICLE 2 To choose all other necessary Town Officers and Special Committees and determine what instructions shall be given Town Officers and Special Committees, and to see what sum the Town will raise by borrowing or transfer from available funds, or otherwise, and appropriate for the purpose of funding Town Officers and Special Committees to carry out the instructions given to them, or take any other action with respect thereto.

Board of Selectmen

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

Board of Selectmen

Background: The following amendments are proposed to the FY 2010 – FY 2019 and FY 2020 Capital Improvements Program (CIP). These amendments need to be included in the CIP in order for Town Meeting to consider funding them under the various Articles at Town Meeting. The full revised CIP is included in the blue pages in the back of this report.

The following are proposed modifications to the CIP previously approved at the Annual Town Meeting in April 2009:

- **C1 to C99** – All FY 2020 items are new to the CIP;
- **C1 to C99** – Several energy-related items have been deleted from the CIP as they are being funded by the debt for Performance Contracting;
- **C1 to C99** – Some items have been updated to reflect current cost estimates;
- **C1 to C99** – Some items have been moved ahead in time or further into the future reflecting changing priorities;
- **C2 (Buildings – Schools)** – Add a Phone System for Coolidge MS in FY 2017 (\$50,000);
- **C4 (Buildings – Town)** – Add an Elevator Controller for the Library in FY 2012 (\$35,000);
- **C9 (Public Safety – Fire)** – Add a Patient Care Reporting System for Fire Department ALS Ambulance Service in FY 2011 (\$25,000);
- **C12 (DPW – Parks and Cemetery)** – Several new items have been added to the Parks list of capital, reflecting further investigation by planners for Washington Park and the Birch Meadow complex. Some backstop projects now include re-grading the infields.

Finance Committee Report: The Finance Committee voted to recommend the subject matter of this Article at a meeting on October 14, 2009 by a vote of 8-0-0. This Article brings the items into the capital plan for consideration but does not establish the funding priority.

Bylaw Committee Report: No report.

ARTICLE 4 To see if the Town will vote to amend one or more of the votes taken under Article 14 of the April 27, 2009 Annual Town Meeting relating to the Fiscal Year 2010 Municipal Budget, and see what sum the Town will raise by borrowing or transfer from available funds, or otherwise, and appropriate as the result of any such amended votes for the operation of the Town and its government, or take any other action with respect thereto.

Finance Committee

Background:

General Fund – Wages and Expenses - Block A

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>	<u>FINCOM Vote</u>
B99	Benefits – Expenses • Health Insurance	\$175,000		9-0-0
D99	Debt Service • Performance Contracting		\$60,000	9-0-0
E97	Northeast Vocational • Ongoing budget discussions		\$28,257	0-8-1
G92	Town Administration – Expenses • P&C Insurance	\$15,000		9-0-0
K91	Community Services – Wages • Planning		\$12,000	9-0-0
K92	Community Services – Expenses • Veteran’s Benefits		\$50,000	9-0-0
	Subtotals	\$190,000	\$150,257	
	Net Operating Expense Reductions and Transfers	\$39,743		
	Net Change in Revenues • New Growth +\$250k • Reading Ice AA - \$120k		\$130,000	
	Reduce Free Cash Use from \$346,805 to \$177,062	\$169,743		

Changes to the FY10 Budget shown in Block A reflect the need to alter a previously voted expense line item or to update FY10 revenue figures.

General Fund – Wages and Expenses - Block B

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>	<u>FINCOM Vote</u>
V99	School Department <ul style="list-style-type: none"> • Reduce General Fund Expense to allow payment by Federal Grant 	\$842,443		9-0-0
	Subtotals	\$842,443		
	Net Operating Expense Reductions and Transfers	\$842,443		
	NOTE: Net Change in Revenues <ul style="list-style-type: none"> • Fed Grant replaces State Aid 	\$842,443		

Changes to the FY10 Budget shown in Block B reflect the need to follow the Federal Government's instructions to remove a grant-funded portion of the School Department Budget both from the voted general fund budget and from the expected general fund revenues. There is no impact on the amount of funds available to the School Department for FY10. Essentially, the Commonwealth has substituted this federal grant funding for what would have been traditional State Aid.

General Fund – Capital – Block C

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>	<u>FINCOM Vote</u>
C7	Finance Department - Assessors <ul style="list-style-type: none"> • Replace Assessor's Software System 		\$75,000	9-0-0
	Subtotals		\$75,000	
	Net from Operating Transfers and Available Funds (Free Cash)		\$75,000	

This item was previously listed as a projected FY12 capital expense. Due to unexpected staff turnover, new software is now a top priority of the elected Board of Assessors before a new hire may be made. Concern about the existing software include the need for ongoing support by the Commonwealth in a declining budget environment, the age of the software, and the sparse use throughout eastern Massachusetts when the need to hire a new Town Appraiser arises.

Finance Committee Report: The Finance Committee votes to recommend the subject matter of this Article at a meeting on October 14, 2009 are shown in the tables above. FINCOM reviewed the proposed FY 2010 Budget changes and with the exception of the change to Line Item E97 for the Northeast Vocational School Budget, FINCOM voted to support all items. The FINCOM determined that the changes (except for E97) are reasonable and consistent with existing policies. On E97, the Northeast Vocational Budget, the Committee voted 0-8-1 against approval based on the advice of Town Management that additional discussions on the budget are required before Reading should vote to support the proposed budget.

Bylaw Committee Report: No report.

ARTICLE 5 To see if the Town will vote to authorize the payment during Fiscal Year 2010 of bills remaining unpaid for previous fiscal years for goods and services actually rendered to the Town, or take any other action with respect thereto.

Board of Selectmen

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

Board of Selectmen

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

- Bancroft Avenue Tennis Court Wind Screens. At the request of the proponents of this project, the tennis court project included wind screens installed on the perimeter fence. After they were installed, neighborhood residents asked that they be removed, and the Board of Selectmen directed their removal. These wind screens are now being stored, and we would like to sell them by any one of several means available. The initial cost of the screens was \$10,350.

Finance Committee Report: The Finance Committee voted to recommend the subject matter of this Article at a meeting on October 14, 2009 by a vote of 9-0-0. Neighborhood objections to the screens led to their removal, and there is no reason to keep and store these screens.

Bylaw Committee Report: No report.

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

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

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

or take any other action with respect thereto.

Board of Assessors

Background: The Board of Assessors has decided to move to **indefinitely postpone** the subject matter of Article 7, and to further consider this matter, and may bring this issue before Town Meeting in the spring at the Annual Town Meeting.

Finance Committee Report: No report.

Bylaw Committee Report: No report.

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

or take any other action with respect thereto.

Board of Selectmen

Background: Last November, Town Meeting approved \$120,000 in a debt authorization in order to complete a comprehensive energy audit of all School and Town facilities. In the event that a performance contracting project was not undertaken, the Town would owe this amount to the auditing firm. However, Town Meeting approved the performance contracting project at the Annual Town Meeting in April 2009 and, therefore, no audit fees are due and there is no further need for this debt authorization.

Finance Committee Report: The Finance Committee voted to recommend the subject matter of this Article at a meeting on October 14, 2009 by a vote of 9-0-0. The debt authorization is no longer needed.

Bylaw Committee Report: No report.

ARTICLE 9 To see what sum the Town will raise by borrowing pursuant to G.L. Chapter 44, §7(1) or transfer from available funds, or otherwise, and appropriate for the purpose of reconstructing surface drains, sewers and sewerage systems, including the costs of engineering services, plans, documents, cost estimates, bidding services and all related expenses incidental thereto and necessary in connection therewith, said sum to be spent under the direction of the Town Manager; and to see if the Town will authorize the Town Manager, the Board of Selectmen, or any other agency of the Town to apply for a grant or grants to be used to defray all or any part of said sewer construction and/or reconstruction and related matters; and to see if the Town will vote to authorize the Town Manager to enter

into any or all agreements as may be necessary to carry out the purposes of this Article; and to see if the Town will authorize the Town Manager, the Board of Selectmen, or any other agency of the Town to apply for a non-interest bearing loan from the Massachusetts Water Resources Authority, and to authorize the Treasurer-Collector, with the approval of the Board of Selectmen, to borrow pursuant to said loan, or take any other action with respect thereto.

Board of Selectmen

Background: The MWRA's Infiltration and Inflow (I/I) Local Financial Assistance Program provides support to MWRA member communities to perform sewer rehabilitation and reduce infiltration and inflow into the sewer system. The assistance is provided through a combination grant and no-interest loan from the MWRA. The Town allocation under Phase 7 of the program is \$404,000 of which 40% (\$181,800) is in the form of a grant, and 60% (\$222,200) in the form of a no-interest loan. The loan is required to be paid back to the MWRA in equal installments over a five-year period beginning one year after distribution of the funds

Acceptance of the grant/loan offer will enable the Town to continue with its I/I removal program to remove unwanted sewage flows from the sewer system which reduces excess assessments from MWRA and decreases the excess demand on the sewer system.

The Town's I/I removal program consists of house-to-house inspections, TV inspections, test and sealing of manholes and sewer mains, spot repair of sewers, lining and replacement of sewers, flow metering and gauging. Infiltration occurs when surface water enters sewers through leaks, cracks and faulty joints in pipes and manholes. Inflow is caused from storm water runoff that enters the sewer system through improper connections such as cross connected drains, roof drains and sump pumps. The house-to-house inspections will identify inappropriate direct connections (inflow) to the Town's sewer system with the purpose of assisting residents with identifying methods to remove the connections.

The Town will also provide limited financial assistance to the homeowner. TV inspections and the testing and sealing of manholes and sewer mains will continue with the purpose of identifying and eliminating points of infiltration into the sewer system. Spot repairs, lining and replacement of sewers are performed when damage to the sewer system is not repairable or cost effective through internal sealing.

The Town will also perform flow metering and gauging to assist the Town in determining the areas of the sewer system that are experiencing the highest levels infiltration and inflow. Flow metering will also help to establish how effective the Town has been in mitigating I/I for the past several years.

Finance Committee Report: The Finance Committee voted to recommend the subject matter of this Article at a meeting on October 14, 2009 by a vote of 9-0-0. The program provides a combination grant and interest free loan to continue a program which reduces improper inflow and infiltration into the Town's sewer system. Reductions of infiltration result in less water in the system while identifying improper inflow results in more paying customers. The current phase of the program identified many improper sewer connections.

Bylaw Committee Report: No report.

ARTICLE 10 To see if the Town will vote the sum of Sixty Thousand Dollars (\$60,000) from the sale of real estate and/or other funds for the purpose of designing a building or buildings to replace the present service building in Laurel Hill Cemetery including but not limited to design specifications, test borings, surveying and any other items incidental thereto, said funds to be expended by the Town Manager, and that the Town Treasurer be and hereby is authorized and instructed to transfer said funds to carry out the purpose of this vote, or take any other action with respect thereto.

Board of Cemetery Trustees

Background: The Board of Cemetery Trustees has voted to **indefinitely postpone** the subject matter of this Article.

Finance Committee Report: No report.

Bylaw Committee Report: No report.

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

Board of Selectmen

Background: The Town may now approve as a local option an excise of .75% on the sales of restaurant meals originating within the municipality by accepting the provisions of G.L. c. 64L, § 2(a). The Massachusetts Department of Revenue (DOR) will collect the local meals excise at the time it collects the State tax on the sale. Therefore, the local excise applies to all meals subject to the State sales tax.

A community may not vary the rate or the meals subject to the excise. The acceptance of the meals excise may not be rescinded for a period of three years from the date of local acceptance. A community's acceptance of the local meals excise becomes operative on the first day of the next calendar quarter after the vote, provided that date is at least 30 days after the vote to accept. If not, the acceptance becomes operative on the first day of the second quarter after the vote. If accepted by this Subsequent Town Meeting, the Local Option Meals Excise will become effective January 1, 2010.

The Town has looked at the following issues with regard to the meals excise, and will present updated information to Town Meeting:

- ◆ What are other near-by communities doing with respect to adoption of this local option? **An updated list will be presented to Town Meeting.**
- ◆ How much money will be generated to the Town of Reading by acceptance of this local option? **The estimate is \$150,000 per year. There are several estimates available using different methodologies, and this is the mid-range of those estimates**
- ◆ What are the Reading establishments that sell meals that would be subject to this local option? **There is a list of 40 "Common Victualers" licensed establishments in Reading.**

- ◆ Can a "sunset" of this local option meals excise be included in the acceptance? **No. If accepted by Town Meeting, Town Meeting could consider whether or not to rescind the acceptance three or more years after it is accepted.**
- ◆ How much of the meals excise on restaurants in Reading would be paid by residents of Reading? **There is no way to determine or even estimate this statistic.**
- ◆ What would the meals excise be for typical meals? **For a \$2.00 cup of coffee, the additional excise would be 1.5 cents; for a \$10.00 meal, the additional excise would be 7.5 cents; for a \$100.00 meal, the additional excise would be 75 cents.**
- ◆ What is the meals excise levied on? Fast food? Candy bars? Drinks at a restaurant? Drinks at a club? **A "meal" is defined as "any food or beverage, or both, prepared for human consumption and provided by a restaurant, where the food or beverages is intended for consumption on or off the restaurant premises, and includes food or beverages sold on a "take out" or "to go" basis, whether or not they are packaged or wrapped, and whether or not they are taken from the premises or restaurant." Therefore, the local option meal tax is imposed on alcohol and other beverages served either with or without a meal, for example, at the restaurant bar. A "restaurant" is broadly defined and means "any eating establishment where food, . . . or beverages are provided and for which a charge is made, including but not limited to, a cafe, lunch counter, private or social club, cocktail lounge, hotel dining room, catering business, tavern, diner, snack bar, dining room, vending machine, and any other place or establishment where food or beverages are provided, whether stationary or mobile, temporary or permanent..." The MA Department of Revenue will issue implementation guidelines. Vending machines which dispense snacks and candy with a price of less than \$3.50 are also exempt. Church suppers, etc. are also exempt.**

Finance Committee Report: The Finance Committee voted to recommend the subject matter of this Article at a meeting on October 14, 2009 by a vote of 8-1-0. As the Town has limited options to raise new revenue, the option to tax meals receipts at .75% allows the Town to implement a minimal tax to raise a modest amount of income for the Town's general fund. A majority of the members supported the Article because of pressing budget concerns for the coming fiscal years. One member opposed the tax due to concern about the impact of the tax on Reading residents.

Bylaw Committee Report: The Bylaw Committee voted to recommend the subject matter of this Article by a vote of 3-2-0.

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

5.5.4 Public Buildings, Public Property and Public Ways

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

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

or take any other action with respect thereto.

Board of Selectmen

Background: When the Board of Selectmen approved a policy in mid-2009 for licensing of restaurant dining on public sidewalks, it became evident that Section 5.5.4 of the General Bylaws did not permit the Board of Selectmen to allow liquor service in the sidewalk area as part of the outdoor dining licensing.

The Board of Selectmen desires the authority to allow the expansion of a licensed liquor establishment onto the abutting sidewalk under conditions outlined in the policy. The proposed amendments to Section 5.5.4 would allow the Board of Selectmen to authorize restaurants to serve liquor in sidewalk dining areas otherwise licensed by the Board of Selectmen for outdoor dining.

A copy of the Board of Selectmen Policy on Outdoor Dining is included in the Appendix to this report. If this Article is approved by Town Meeting, it is the Board of Selectmen's intent to amend this policy to permit service of alcohol in sites otherwise licensed for service of alcoholic beverages and also licensed for outdoor dining.

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee voted to recommend the subject matter of this Article by a vote of 5-0-0.

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

4.5.2 Junk, Old and Precious Metals and Secondhand Articles

4.5.2.1 License Required

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

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

4.5.2.2 Application for License; Term; Fee

4.5.2.2.1 Each application for a license shall be made in writing to the Board of Selectmen and set forth the name of the party licensed, the nature of the business and the building or place in which it is to be carried out.

