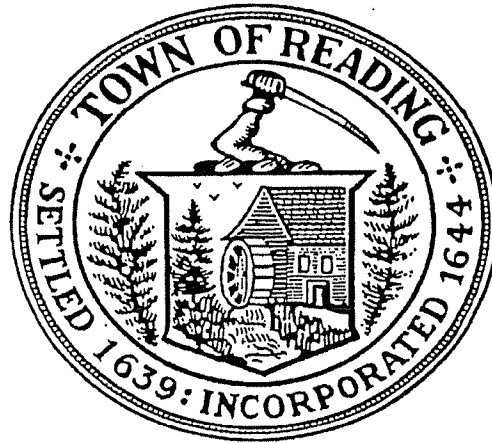


**Town of  
Reading  
Massachusetts**



**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.

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**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.

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**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.

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**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
	<b>Subtotals</b>	<b>\$190,000</b>	<b>\$150,257</b>	
	<b>Net Operating Expense Reductions and Transfers</b>	<b>\$39,743</b>		
	<b>Net Change in Revenues</b> • New Growth +\$250k • Reading Ice AA - \$120k		<b>\$130,000</b>	
	<b>Reduce Free Cash Use from \$346,805 to \$177,062</b>	<b>\$169,743</b>		

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"> <li>• Reduce General Fund Expense to allow payment by Federal Grant</li> </ul>	\$842,443		9-0-0
	<b>Subtotals</b>	<b>\$842,443</b>		
	<b>Net Operating Expense Reductions and Transfers</b>	<b>\$842,443</b>		
	<b>NOTE: Net Change in Revenues</b> <ul style="list-style-type: none"> <li>• Fed Grant replaces State Aid</li> </ul>	<b>\$842,443</b>		

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"> <li>• Replace Assessor's Software System</li> </ul>		\$75,000	9-0-0
	<b>Subtotals</b>		<b>\$75,000</b>	
	<b>Net from Operating Transfers and Available Funds (Free Cash)</b>		<b>\$75,000</b>	

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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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

**4.5.2 Junk, Old and Precious Metals and Secondhand Articles**

**4.5.2.1 License Required**

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

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

**4.5.2.2 Application for License; Term; Fee**

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

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

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

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

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

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

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

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

#### **4.5.2.6 Testing of Weighing and Measuring Devices**

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

#### **4.5.2.7 Rules and Regulations**

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

#### **4.5.2.8 Suspension or Revocation of License**

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

#### **4.5.2.9 Enforcement and Penalties**

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

#### **4.5.2.10 Severability**

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

Board of Selectmen

**Background:** The Town has been approached in a couple of instances lately about whether an individual or company could open a store to take in and process precious metals. The existing Town Bylaw is shown below.

#### **4.5.2 Junk**

*General Bylaws amended through July 2009*

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

***4.5.2.2*** *The Board of Selectmen may license suitable persons, upon such terms and conditions as the Board shall determine, to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals and second-hand articles, and no person shall be such a dealer or keeper without such a license.*

***4.5.2.3*** *The Board of Selectmen may also license suitable persons as junk collectors, to collect by purchase or otherwise, junk, old metals and second-hand articles from place to place within the Town, and no person shall engage in such business without such a license.*

Town Counsel has advised that the existing bylaw does not give very much guidance to the Board of Selectmen in licensing such dealers, and the existing bylaw does not provide much in the way of protection to the public. The proposed bylaw is based on models used in other communities. The Attorney General's Office has approved similar bylaws.

**Finance Committee Report:** No report.

**Bylaw Committee Report:** The Bylaw Committee voted to recommend the subject matter of this Article by a vote of 4-1-0.

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

### **RULES AND REGULATIONS**

#### **Foreword**

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

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

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

### **TOWN OF READING CEMETERY RULES AND REGULATIONS**

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

#### **Resident Requirements**

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

#### **Ownership of Lots**

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

These will clearly define the number of the lot. The deed will contain certain terms and conditions for the use of this lot.

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

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

### **Care of Lots**

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

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

### **Memorials**

9. A memorial may be installed on a lot. The Trustees must approve the design and specifications for any memorial. Flat markers shall be of granite or bronze; upright memorials shall be of granite. No other materials shall be allowed.
10. Where permitted only one upright memorial of granite may be placed on a lot subject of limitations as outlined in other sections of these regulations. One flat marker may be set on an individual grave. Markers may not be set to embrace two or more graves. All markers shall be set flush with the ground. The foundations for all memorials will be installed by the Cemetery Department and a fee will be charged.
11. In Laurel Hill, a memorial will not be installed unless the lot is endowed with perpetual care. On old lots matching markers may be used if existing markers exceed regulation size. If upright headstones become broken or excessively tipped, the right is reserved to lay these into the ground as flat markers.
12. Neither the Trustees nor the Town shall be liable for damage to memorials or markers.
13. A stone cutter or other person who is to do work on a structure erected on a lot or grave must obtain a written permit from the Cemetery Director before beginning work. Work must be performed under the supervision of the Director. The work area must be left in proper condition.
14. An owner of a lot or lots does not have the right to plant trees, shrubs or plants on the lot(s). Nor does the owner have the right to erect a fence, curbing, hedge or any other landmark. The Trustees have the right to remove any shrub, hedge, root or branch that they may deem detrimental to other cemetery lots. The Trustees also have the right to

remove unsightly flowers, old vases and other containers that may present an unsafe condition or be detrimental to the looks of the lot or the cemetery in general. No vigil lights or wooden crosses will be allowed on any lot or grave.

### **Memorial Regulations**

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

On a two grave lot, maximum size 3'0"x 1'0" base, 3' high.  
On a three grave lot, maximum size 4'0"x 1'3" base, 3' high.  
On a four grave lot, maximum size 4'6"x 1'6" base, 4' high.  
On a five grave lot, maximum size 4'6"x 1'6" base, 4' high.  
On a six grave lot, maximum size 5'x 2' base, 4' high.  
On a seven grave lot, maximum size 5'6"x 2' base, 4' high.  
On an eight grave lot, maximum size 6'x 2' base, 4' high.  
On a single grave, only a flat marker is allowed.

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

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

### **Special Regulations for Charles Lawn Memorial Park**

16. No upright memorial will be allowed on lots within this cemetery. Each individual or extra depth grave space may have a flush marker. A central marker will be allowed on lots of two or more burial spaces. This will be no larger than 3' x 1'.
17. Floral decorations are limited to one pot of 8 inches in diameter per grave.

### **Urn Gardens at Forest Glen and Charles Lawn**

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

### **Interments and Removals**

20. No interment may be made before (a) a permit is issued by the Board of Health to the Director, (b) the owner of the lot gives an order to use the lot, and (c) all fees have been paid.
21. The Director must be given reasonable advance notice of an interment or removal. This notice must give the lot number, the grave number, name and age of deceased for a burial, size of box and name of the undertaker in charge. Neither the Director nor the trustees will be held responsible for any error in the given notice (including any order given by phone).

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

22. Funerals will not be allowed on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day nor Christmas Day.
23. All burial cases must be sectional concrete or monolithic containers.
24. In each regular grave space, one regular interment plus one cremation urn or two cremation urns will be allowed, except extra depth lots in Charles Lawn, where provisions have been made for two burials in one grave space.

### **General Regulations**

25. All funeral processions in the cemetery are under the direction and control of the Director.
26. No firearms are allowed in any cemetery except for military and memorial services.
27. Vehicles, except for those in a funeral, procession, may be excluded from any cemetery. Maximum speed limit in any cemetery is fifteen miles per hour.
28. All persons walking through a cemetery must keep to the pathways and not trespass on lots except for gaining access to their own lots. Parents must take full responsibility for their children and not permit them to climb on headstones. Loitering, playing and dogs are not allowed.
29. Unauthorized gravestone rubbing is not allowed.
30. Cemeteries are open from sunrise to one half hour after sunset.
31. The soliciting of business by anyone within the cemetery is prohibited.
32. No employee shall receive any fee or gratuity from any person except the standard fees prescribed by the Trustees and to be paid to the Town. Any employee violating this rule will be subject to disciplinary action.
33. The Trustees shall have authority to grant to owners to depart in special instances from the provisions of the foregoing regulations in cases where it clearly appears that the spirit and intent of the regulation will not thereby be violated,  
or take any other action with respect thereto.

Board of Cemetery Trustees

**Background:** The Town of Reading's Board of Cemetery Trustees has completed a review and revision of the Cemetery Rules and Regulations. It was the consensus of the Board that these Rules and Regulations be made more concise. These Rules and Regulations are available on the Town of Reading website, and are issued to all new lot owners.

The only major change to the Rules and Regulations is that cemetery lots will only be available for sale to Reading residents. Previously, former residents could purchase lots. This change is required due to the finite resources we have for cemetery lots. This change also keeps Reading in line with surrounding towns. The Cemetery Division will continue to offer lots on a pre-need basis.

Following the closing of the Warrant, Town Counsel has determined that the Board of Cemetery Trustees has the authority and responsibility to adopt Rules and Regulations for the Cemeteries in accordance with the following provisions of Section 4.11.2 of the General Bylaws and, therefore, this Article will be **indefinitely postponed**. The process that the Board of Cemetery Trustees will use for considering adoption of their Rules and Regulations is found in Section 4.11 of the Town of Reading General Bylaws:

#### **4.11 Rules and Regulations**

**4.11.2** *No Town agency or Town officer shall adopt or amend any rule or regulation until after a public hearing, notice of the time and place of which, and of the subject matter sufficient for identification, shall be posted in a conspicuous place in the Town Hall for a period of not less than seven (7) days before the date of such hearing and published in a newspaper of general circulation in the Town not less than seven (7) days before the day of the hearing if such newspaper exists. Copies of the entire text shall be supplied to the Board of Selectmen, the Finance Committee, the Bylaw Committee and the Town Counsel not less than seven (7) days prior to said hearing and shall be available to the public at the office of the Town Clerk and at said hearing. Prior to the adoption or amendment of any such rule or regulation, the Town Counsel shall render an opinion to the Town agency or Town officer proposing such adoption or amendment. Notice of the adoption or amendment of any such rule or regulation shall be posted in a conspicuous place in the Town Hall and published once in a newspaper of general circulation of the Town if such newspaper exists. A copy of all such rules or regulations so adopted or amended shall be filed in the Office of the Town Clerk and, as provided in Section 8-8 of the Charter, they shall not become effective until ten (10) days following the date they are so filed.*

**Finance Committee Report:** No report.

**Bylaw Committee Report:** No report.

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

#### **6.3.17. Reconstruction after Destruction (by a Special Permit)**

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

- a. The reconstruction conforms to the current requirements of this bylaw to the maximum extent practicable.

b. *The reconstruction is appropriate in scale and mass for the neighborhood, with particular consideration of abutting properties.*

b. c. In the case of the reconstruction of a nonconforming use, that it complies with the standards for the substitution of a nonconforming use.

Board of Selectmen

**Background:** A request was received by the Board of Selectmen to consider amending this section of the Zoning By-Laws because it does not provide very much protection to neighbors, nor does it provide much in direction to the Zoning Board of Appeals in making decisions on Special Permits in the event of destruction of a structure. Town Counsel advises that the entirety of Section 6.3 of the Zoning By-Laws needs to be revised, but that the change proposed may be a stop-gap until a complete re-write can be done.

The CPDC will hold the public hearing on this Article on October 19, 2009.

The Article if passed would have the language read as follows:

**6.3.17. Reconstruction after Destruction (by a Special Permit)**

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

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

**Finance Committee Report:** No report.

**Bylaw Committee Report:** Action pending.

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

Board of Selectmen

**Background:** The Town approved the bylaw establishing the West Street Historic District in 2004. Recently, the Board of Selectmen has not been able to fill the five positions on the West Street Historic District Commission (WSHDC), and as of August 2009, there were no members left on the Commission. The Board of Selectmen has advertised for the positions, and has recruited but to no avail.

One of the very important functions of the WSHDC is to approve or deny certain improvements to properties in the West Street Historic District. Without a Commission in place, property owner's plans to improve their properties are left in limbo. The complete bylaw establishing the West Street Historic District is in Section 5.18 of the General Bylaws available on the Town web site at:

[http://www.ci.reading.ma.us/Pages/ReadingMA\\_Clerk/generalbylaws.pdf](http://www.ci.reading.ma.us/Pages/ReadingMA_Clerk/generalbylaws.pdf)

Recently three applicants have come forward to serve on the Commission and the Board of Selectmen has appointed all three, making a quorum of the Commission. In addition, there are three other applicants for the remaining two positions. Therefore, it is likely that the Board of Selectmen will move to **indefinitely postpone** the subject matter of this Article.

**Finance Committee Report:** No report.

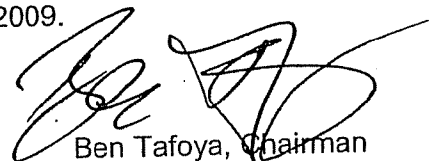
**Bylaw Committee Report:** No report.

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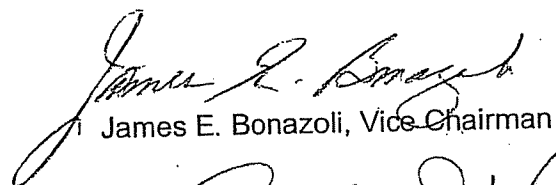
and you are directed to serve this Warrant by posting an attested copy thereof in at least one (1) public place in each precinct of the Town not less than fourteen (14) days prior to November 9, 2009, the date set for the meeting in said Warrant, and to publish this Warrant in a newspaper published in the Town, or providing in a manner such as electronic submission, holding for pickup or mailing, an attested copy of said Warrant to each Town Meeting Member.

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

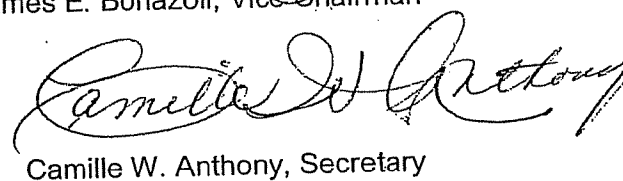
Given under our hands this 22nd day of September, 2009.



Ben Tafoya, Chairman



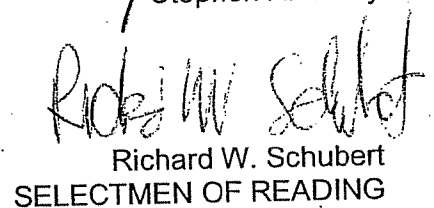
James E. Bonazoli, Vice Chairman



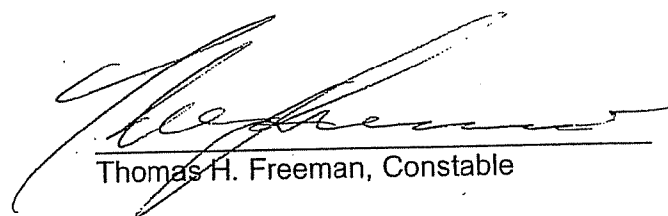
Camille W. Anthony, Secretary



Stephen A. Goldy



Richard W. Schubert  
SELECTMEN OF READING



Thomas H. Freeman, Constable

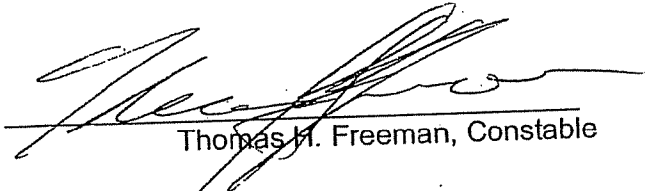
# COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Officer's Return, Reading:

By virtue of this Warrant, I, on Sept. 23, 2009 notified and warned the inhabitants of the Town of Reading, qualified to vote on Town affairs, to meet at the place and at the time specified by posting attested copies of this Town Meeting Warrant in the following public places within the Town of Reading:

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

The date of posting being not less than fourteen (14) days prior to November 9, 2009, the date set for the Subsequent Town Meeting in this Warrant.

  
Thomas H. Freeman, Constable

A true copy. Attest:

  
Laura Gemme, Town Clerk

## **TOWN OF READING MUNICIPAL LIGHT DEPARTMENT HIGHLIGHTS FOR SUBSEQUENT TOWN MEETING, NOVEMBER, 2009**

\*The Board of Commissioners adopted a strategic plan in Fiscal Year 2009 to guide the Department through 2015. Four key elements:

- An emphasis on energy efficiency and load management
- A long-term diverse and environmentally responsive power supply portfolio
- Long-term reliability of the RMLD distribution system
- Enhanced customer service to residential and commercial customers.

\*To implement these strategies, the RMLD has done the following:

- Established and filled a full-time position for an energy efficiency engineer
- Expanded its energy efficiency programs including residential and commercial energy audits and various rebate programs ranging from appliance rebates to major commercial lighting rebates
- Adopted a strategy for its power supply portfolio that includes contracts with different suppliers for varying lengths of time and ongoing efforts to include renewable energy resources in this portfolio
- Commenced an \$8 million dollar project at the Gaw sub-station in Reading to replace the three sub-station transformers and related equipment to improve the reliability and capacity of the system.

\*In FY 2009 the RMLD sold 696 million kilowatts of electricity, a 3% decrease from FY 2008. The peak demand in FY 2009 of 155 megawatts occurred in July 2008, which was about 8% lower than the previous year's peak demand.

\*Fuel costs for FY 2009 were \$51 million, 7% higher than the previous year.

\*The RMLD makes voluntary payments to the four towns in its service territory based on each town's percentage of kWh sales. In addition, the RMLD makes a return-on-investment payment to the Town of Reading. In FY 2009, the RMLD returned a combined total of \$2.35 million to Reading, an increase of 2.3% above the previous year.

Additional information on our capital projects and financial status is available in our FY 2009 Annual Report, which is being distributed this evening.

### **Section 3.10 – Licenses for Utilizing Public Sidewalks for Outdoor Dining**

The Board of Selectmen desires to encourage restaurants to provide outdoor dining on public sidewalks in the downtown area of Reading in a safe and orderly manner. These regulations are adopted pursuant to Section 5.2.1 of the General Bylaws of the Town of Reading, which provides in part that “No person shall place or cause to be placed any obstruction in any street, public place or private way in the Town without permission of the Board of Selectmen....”

Outdoor dining on private property may be permitted in addition to or in lieu of outdoor dining on a public sidewalk, upon site plan approval by the Community Planning and Development Commission. This policy addresses only outdoor dining on public sidewalks.

The following regulations shall apply for licenses for utilizing public sidewalks for outdoor dining, or “Outdoor Dining Licenses”:

#### **Application**

1. Each application will be dealt with on a case by case basis. These guidelines are not intended to be a full list of issues to be dealt with by the Board but are guidelines to the Applicant.
2. Applications for Outdoor Dining Licenses utilizing public sidewalks shall be made to the Board of Selectmen by submission of an Application Form. The application will include the name, address, email address, and telephone number of the owner of the building within which the restaurant is located, proof of ownership, a lease, or written approval of the property owner within which the restaurant is located (if other than the applicant) for the use of the premises for the license period. The application shall be signed by the owner of the restaurant and shall be accompanied by a copy of the current Permit to Operate a Food Establishment issued by the Board of Health.
3. The application shall also include 10 copies of a professionally drawn plan and all supporting documents containing the information required in order to be able to make a decision as to the license, and shall also include a plan for outdoor lighting if any is proposed.
4. The License is revocable at will by the Town for any reason whatsoever upon written notice to the Licensee from the Town. The License Agreement shall stipulate that in the event of such revocation, the Licensee shall have no recourse or claim against the Town for such revocation whether by way of monetary charges, a suit in equity or otherwise.
5. Outdoor Dining Licenses shall be issued only to Inn-holders and Common Victualers for portions of public sidewalks directly abutting their business, and will be issued only within a commercial or industrial zoning district within the Town, unless such a business shall exist and has pre-dated zoning, or has been granted a variance to do business in a location that is not in a business or industrial zoning district.
6. Prior to the issuance of a license for outdoor dining on public sidewalks, the Board may require a review by the Community Services Director, Health Services Administrator, Police Chief, Fire Chief, Town Engineer, and the Building/Zoning Inspector and proof that all necessary approvals, permits, and other licenses needed to operate have been issued.

### **Sale and Service of Alcoholic Beverages Prohibited**

7. It is the policy of the Board of Selectmen that Alcoholic Beverages cannot be served on public property. Nor may a patron bring his/her own alcohol to be consumed on a premise licensed for Outdoor Dining. Therefore, an Outdoor Dining License shall not be construed as nor shall it permit an alteration or extension of premises where alcoholic beverages are served. The serving or consumption of alcohol on any public property that is the subject of an Outdoor Dining License is expressly forbidden.
8. Applicants who hold an alcoholic beverages license and who elect to apply for an Outdoor Dining License for serving food without serving alcoholic beverages shall provide a detailed alcohol control plan/strategy as part of their Outdoor Dining License application packet. The alcohol control plan shall include what steps the manager shall take to ensure that alcohol remains only on the licensed premises and not in the sidewalk area. Such a plan/strategy may include signage, staff instructions, monitoring of the outdoor dining area, etc. The applicant shall also submit as part of the application packet the TIPS or alcohol server training certificates for all managers and servers of the restaurant which is licensed to sell alcoholic beverages.

### **Standards for Operation**

9. Due to the seasonal and temporary nature of an outdoor dining area, the seating within an outdoor dining area will not be considered an increase in the number of seats serving a restaurant or eating establishment and will not be counted toward any off-street parking requirement
10. Outdoor dining areas shall be considered as part of the restaurant and shall comply with Board of Health Regulations. In addition to any other requirements, smoking is prohibited in seasonal outdoor dining areas per Board of Health regulations.
11. The Board of Selectmen may require outdoor dining areas to be separated from their surroundings by a temporary removable perimeter barrier. No such barriers may damage the public sidewalk.
12. Perimeter treatments, umbrellas, furniture and trash receptacles shall be supplied by the applicant and shall be maintained in a safe and sanitary manner by the applicant. All perimeter treatments, umbrellas, furniture and trash receptacles must be removed at the end of each season.
13. The licensee shall provide, maintain, and empty as needed, outdoor trash receptacles during the times that the licensed premises are open for business. All trash receptacles shall be covered and trash removed nightly.
14. The licensee shall be responsible for keeping the portion of the sidewalk subject to an Outdoor Dining License clean and free of dirt, dust, and other debris from April 15 through October 31 of each year. In addition, the Outdoor Dining Licensee shall be responsible for preventing and/or cleaning up litter from the licensed establishment in areas abutting the licensed premises.
15. In no event shall the placement of outdoor dining furniture, umbrellas, or perimeter barriers create a pedestrian or wheelchair passage along the public sidewalk in a width of less than four feet. Restaurants shall have an accessible path of travel from the traveled portion of the public sidewalk to the doorway(s) of the establishment through the outdoor dining area at least 36 inches wide.

16. Outdoor food preparation shall not be allowed unless approved by the Board of Health in accordance with their procedures and regulations.
17. The Outdoor Dining License shall be considered annually and every license shall expire on December 31 of each year, subject to renewal. No facilities or furniture shall be placed on the sidewalk as part of the license except for the period between April 15 and October 31 of each year.
18. Within the period from April 15 to October 31, upon notification from the Department of Public Works or from Public Safety personnel that weather conditions or work to be performed on the property of the Town requires removal of the outdoor dining furniture, the applicant shall immediately remove all of its property associated with the Outdoor Dining License from the public property.

#### **Administrative Requirements**

19. If the license is approved by the Board of Selectmen the owner and operator of the restaurant shall sign a License Agreement and shall provide a required Certificate of Insurance before issuance of the License and before commencement of any activities under the License.
20. The Licensee shall provide evidence of insurance as required by the Town Manager and by State Statute. Such insurance shall cover the use of all equipment related to the premises related to the Outdoor Dining License. The Comprehensive General Liability Policy shall insure against all claims and demands for bodily injury and property damage with respect to the sidewalk dining facilities and services, and the Town shall be named as an "additional insured" in all policies of such insurance. The Licensee (and their heirs, successors and assigns in interest) shall hold harmless, defend and indemnify the Town of Reading and its employees and agents from any responsibility, liability and claims arising out of or related to the operations under the Outdoor Dining License.
21. The Licensee shall comply with all applicable laws (including the sign portions of the Zoning by-laws), rules, regulations, and conditions of other licenses and permits.
22. The license fee shall be \$100 per year and shall be payable upon initial application for an Outdoor Dining License, and for annual renewal of the license.

In granting a License, the Board of Selectmen may impose such additional conditions as it determines to be appropriate.

*Adopted 7-14-09*

Capital Plan FY10 to FY20  
Balanced versus expected funding

	FY-2010	FY-2011	FY-2012	FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	FY-2018	FY-2019	FY-2020	FY11-20 10yr CIP
<b>Town of Reading, MA 10/16/2009 10:14</b>												
<i>NOTE: Projected use of Sale of R/E Fund</i>	325,000	300,000	275,000	250,000	200,000	150,000	100,000	50,000	-	-	-	1,325,000
5% NAR policy - debt & capital	3,449,328	3,490,797	3,529,125	3,634,999	3,744,049	3,856,370	3,991,343	4,131,040	4,275,626	4,425,273	4,580,158	39,658,779
Debt Schedule - Net Included Debt	2,503,643	2,897,776	2,780,070	2,529,221	1,890,286	1,799,954	1,615,668	1,531,120	1,230,835	883,603	837,434	17,995,967
TRF from Energy Savings		319,735	327,728	335,922	344,320	352,928	361,750	370,794	380,064	389,566	399,305	3,582,112
Available to fund Capital	1,080,685	912,756	1,076,783	1,441,700	2,198,083	2,409,344	2,737,425	2,970,714	3,424,855	3,931,236	4,142,029	25,244,924
dedicated funds to roads	(400,000)	(425,000)	(450,000)	(475,000)	(500,000)	(525,000)	(550,000)	(600,000)	(650,000)	(700,000)	(750,000)	(5,625,000)
Net Capital Funding to allocate	680,685	487,756	626,783	966,700	1,698,083	1,884,344	2,187,425	2,370,714	2,774,855	3,231,236	3,392,029	19,619,924
Schools - Equipment	-	-	50,000	100,000	150,000	200,000	200,000	-	-	-	-	700,000
Buildings - Schools (non Energy)	30,000	20,000	60,000	59,000	109,000	399,000	444,000	130,000	725,000	750,000	600,000	3,296,000
Buildings - Schools (Energy)	-	54,000	54,000	12,000	12,000	-	42,000	128,000	-	15,000	51,000	368,000
Buildings - Town (non Energy)	15,000	-	250,000	50,000	85,000	330,000	327,000	467,000	300,000	150,000	-	1,959,000
Buildings - Municipal (Energy)	-	30,000	215,000	145,000	50,000	50,000	50,000	50,000	45,000	30,000	30,000	695,000
Community Services	-	-	-	-	-	-	-	-	-	-	-	-
Finance	75,000	-	-	-	-	-	-	-	-	-	-	180,000
Library	-	-	20,000	120,000	20,000	20,000	-	-	-	-	-	2,621,100
Public Safety - Fire	31,000	277,000	24,000	36,000	155,000	69,000	654,000	316,500	90,600	150,000	849,000	291,000
Public Safety - Police	311,000	-	-	-	35,000	211,000	10,000	-	-	35,000	-	4,163,400
Public Works - Equipment	138,600	120,000	35,000	214,300	249,800	293,100	275,100	693,200	763,400	604,800	914,700	4,951,900
Public Works - Parks & Cemetery	45,000	45,000	75,000	134,000	748,000	335,000	170,600	575,000	685,600	1,463,700	720,000	5,985,000
Public Works - Roads	435,000	460,000	475,000	500,000	525,000	550,000	575,000	650,000	700,000	750,000	800,000	25,210,400
<b>TOTAL CAPITAL</b>	<b>1,080,680</b>	<b>1,006,000</b>	<b>1,258,000</b>	<b>1,370,300</b>	<b>2,138,800</b>	<b>2,457,100</b>	<b>2,747,700</b>	<b>3,009,700</b>	<b>3,309,600</b>	<b>3,948,500</b>	<b>3,964,700</b>	<b>5,625,000</b>
Dedicated to Roads (previous over-ride)	400,000	425,000	450,000	475,000	500,000	525,000	550,000	600,000	650,000	700,000	750,000	19,585,400
Capital Request above road portion	680,680	581,000	808,000	895,300	1,638,800	1,932,100	2,197,700	2,409,700	2,659,600	3,248,500	3,214,700	3,392,029
Capital Funding to allocate	680,685	487,756	626,783	966,700	1,698,083	1,884,344	2,187,425	2,370,714	2,774,855	3,231,236	3,392,029	19,619,924
Annual Surplus (Deficit)		(93,244)	(181,217)	71,400	59,283	(47,756)	(10,275)	(38,986)	115,255	(17,264)	177,329	34,524
Cumulative Surplus (Deficit)		(93,244)	(274,461)	(203,062)	(143,779)	(191,535)	(201,810)	(240,797)	(125,541)	(142,805)	34,524	

Capital Plan FY10 to FY20  
Balanced versus expected funding

	FY-2010	FY-2011	FY-2012	FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	FY-2018	FY-2019	FY-2020	FY11-20 10yr CIP
<b>Town of Reading, MA</b> 10/15/2009 15:36												
<b>Schools - Equipment</b>			50,000	120,000	150,000	200,000	200,000	-	-	-	-	720,000
Technology - Instructional Equipment			50,000	100,000	150,000	200,000	200,000					700,000
Vehicles				20,000								20,000
<b>Buildings - Schools (Total)</b>	30,000	74,000	114,000	71,000	121,000	399,000	486,000	258,000	725,000	765,000	651,000	3,664,000
<b>Buildings - Schools (Energy)</b>		54,000	54,000	12,000	12,000	-	42,000	128,000	-	15,000	51,000	368,000
<b>Buildings - Schools (non Energy)</b>	30,000	20,000	60,000	59,000	109,000	399,000	444,000	130,000	725,000	750,000	600,000	3,296,000
<b>Energy (Performance Contracting)</b>			<i>various items financed by DEBT for 15yrs</i>									
Electrical Systems				12,000	12,000						15,000	240,000
HVAC/Energy Mgmt Systems							22,000	128,000			51,000	128,000
Windows & Doors		54,000	54,000				20,000					
Generators												
Technology Infrastructure												
Water Heater												
ADA Compliance												
Ceilings												
Classroom Furniture												
Compressors												60,000
Fire Alarms			60,000									
Cafeteria Equip. & Furniture												
Plumbing												476,000
Capet/Flooring				59,000	109,000	79,000	124,000	80,000	25,000			2,690,000
Roofing						320,000	320,000		700,000	750,000	600,000	20,000
Security System	30,000											
Fire Suppression System		20,000										
Other								50,000				50,000

Capital Plan FY10 to FY20  
Balanced versus expected funding

Town of Reading, MA 10/15/2009 15:36		FY-2010	FY-2011	FY-2012	FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	FY-2018	FY-2019	FY-2020	FY11-20 10yr CIP
Buildings - Municipal		15,000	30,000	465,000	195,000	135,000	380,000	377,000	517,000	345,000	180,000	30,000	2,654,000
Buildings - Municipal (Energy)		-	30,000	215,000	145,000	50,000	50,000	50,000	50,000	45,000	30,000	30,000	695,000
Buildings - Municipal (non Ener)		15,000	-	250,000	50,000	85,000	330,000	327,000	467,000	300,000	150,000	-	1,959,000
Energy (Performance Contracting)			various items financed by DEBT for 15yrs										
Electrical Systems	Mun	-	-	20,000	75,000	-	-	20,000	20,000	15,000	-	-	150,000
HVAC/Energy Mgmt Systems	Mun	-	-	110,000	70,000	50,000	50,000	30,000	30,000	30,000	30,000	30,000	460,000
Windows & Doors	Mun	-	30,000	85,000	-	-	-	-	-	-	-	-	85,000
Generator	Mun	-	-	-	-	-	-	-	-	-	-	-	-
Technology Infrastructure	Mun	-	-	-	-	-	-	-	-	-	-	-	-
Water Heater	Mun	-	-	-	-	-	-	-	-	-	-	-	-
ADA Compliance	Mun	-	-	-	-	-	-	-	-	-	-	-	-
Ceiling	Mun	-	-	30,000	-	-	-	-	-	-	-	-	30,000
Furniture	Mun	-	-	-	-	-	-	-	-	-	-	-	-
Compressor	Mun	-	-	-	-	-	-	-	-	-	-	-	-
Fire Alarm	Mun	-	-	15,000	-	-	-	-	-	-	-	-	15,000
Kitchen/Cateteria	Mun	-	-	-	30,000	-	-	-	-	-	-	-	30,000
Plumbing	Mun	-	-	-	-	-	-	-	-	-	-	-	-
Capet/Flooring	Mun	-	-	20,000	20,000	35,000	30,000	-	-	-	-	-	105,000
Roofing	Mun	-	-	65,000	-	-	-	327,000	467,000	300,000	150,000	-	1,309,000
Security System	Mun	-	-	85,000	-	-	-	-	-	-	-	-	85,000
Fire Suppression System	Mun	-	-	-	-	-	-	-	-	-	-	-	-
Other	Mun	15,000	-	35,000	-	50,000	300,000	-	-	-	-	-	385,000

Capital Plan FY10 to FY20  
Balanced versus expected funding

Town of Reading, MA 10/15/2009 15:36	FY-2010	FY-2011	FY-2012	FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	FY-2018	FY-2019	FY-2020	FY11-20 10yr CIP
<b>Community Services</b>												
<b>Finance</b>												
Assessors - Financial System (\$75k)	75,000											
Technology - Firn Platform SW (\$1.25m 5yr del)	75,000											
<b>Library</b>												
Furnishings & Shelving			20,000	20,000	20,000	20,000						180,000
Circulation System			20,000	20,000	20,000	20,000						80,000
				100,000								100,000
<b>Public Safety - Fire</b>												
Pumper Eng #1(2010-\$625k; next FY30)	31,000	277,000	24,000	36,000	155,000	69,000	654,000	316,500	90,600	150,000	849,000	2,621,100
Pumper Eng #2(2007-\$410k; next FY25)			Debt	Debt	Debt	Debt						
Pumper Eng #3(1995: est \$630k FY16)			Debt	Debt	Debt	Debt	630,000					630,000
Pumper Eng #4(2001: est \$804k FY20)												804,000
Ladder Trk #1(2008: \$800k; next FY27)			Debt	Debt	Debt	Debt	Debt	Debt	Debt			
Ambulance #1 (2000- 10 yrs)		230,000										230,000
Ambulance #2 (2006 - 10yrs)												275,000
Patient Care Reporting System		25,000						275,000				25,000
Passenger Car#1 (2005 - 10yrs)												41,500
Passenger Car#2 (1997 - 10yrs)	31,000								45,600			
Pickup Truck #3 (2006 - 12yrs)												
Pickup Truck #4 (1996 - 12yrs)												
Alarm Truck (1994 - 16yrs)												
ALS Defibrillator (2006 - 5yrs)		22,000										
BLS-AED (2004 - 8yrs)			10,000	36,000								
Rescue Tool(2006 - 12yrs)												
Breathing Air Bottles												
Thermal Imaging (2010 - 10yrs)			14,000								45,000	
Fire Hose					25,000							
Turnout Gear (2008 - 5yrs)					130,000							
<b>Public Safety - Police/Dispatch</b>												
Handguns & Associated Leather (Police)	311,000				35,000	211,000	10,000			35,000		291,000
Digital Fingerprint Scanner							10,000					10,000
Vehicle Video Integration					16,000							16,000
Radios (Police & Fire 1997 - 10yrs)	311,000				35,000					35,000		70,000
AEDs						20,000						20,000
Public Safety software (\$175k)						175,000						175,000

Capital Plan FY10 to FY20  
Balanced versus expected funding

Town of Reading, MA 10/15/2009 15:36	FY-2010	FY-2011	FY-2012	FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	FY-2018	FY-2019	FY-2020	FY11-20 10yr CIP
<b>Public Works - Equipment</b>	138,600	120,000	35,000	214,300	249,800	293,100	275,100	693,200	763,400	604,800	914,700	4,163,400
Large Trucks	97,000	-	-	110,000	60,000	115,000	64,000	280,000	198,000	72,000	276,000	1,175,000
Truck #4 - Sander (2001)	15							220,000	123,000			123,000
Truck #8 - 10 wheeler (2000)	15											220,000
Truck #9 - Sander (2004)	15										136,000	136,000
Truck #16 - Sander (1990)	15			110,000								110,000
Truck #19 - Sander (1987)	15										140,000	140,000
Truck #3 - Sander (1995)	15				60,000				75,000			135,000
Dump Truck C2 (1996)	10							60,000				60,000
Dump Truck C3 (1999)	10											115,000
Truck #10 (1996)	15					115,000						115,000
Dump truck #12 Parks (1997)	15						64,000					64,000
Dump truck #24 Parks (2000)	15								72,000			72,000
<b>Pick-ups/Cars/Vans</b>	41,600	-	35,000	-	35,000	81,000	113,700	78,800	48,700	130,000	185,000	707,200
Pickup Ford Utility #11 (1989)	10				35,000						45,000	80,000
Pickup Chevy #9 Parks (1986)	10		35,000								45,000	80,000
Pickup Ford Utility #C1 (1997)	10					46,000						46,000
Pickup Ford #2 Parks (1997)	10									85,000		46,000
Pickup Chevy Utility #1 (2008)	10										50,000	85,000
Pickup Ford Utility #4 (1987)	10	41,600				35,000						50,000
Pickup Ford Utility #7 (1997)	10						36,500					35,000
HV3 Ford Van (1995)	10							39,500				36,500
HV4 Ford Van (1995)	10								48,700			39,500
HV5 Ford Van COA (2003)	10											48,700
Survey #1 Ford Explorer (2000)	10							39,300				39,300
Car#2 Ford Sedan (2007)	10									45,000		45,000
Car#3 Ford Escape HYBRID (2008)	10						31,200					45,000
Cem. #4 Ford Sedan (1993)	10											31,200
<b>Backhoes/Loaders/Heavy Equipment</b>					105,000		32,400	-	200,000	96,000	180,000	613,400
Backhoe Loader (Cem.) (2008)	10									96,000		96,000
Loader JD #624G (2007)	10								200,000			200,000
Loader Cat #928F (1994)	10										180,000	180,000
Bobcat Loader 743 (1987)	10						32,400					32,400
CAT Bulldozer 951 (1971)	10				105,000							105,000

Capital Plan FY10 to FY20  
Balanced versus expected funding

Town of Reading, MA 10/15/2009 15:36	FY-2010	FY-2011	FY-2012	FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	FY-2018	FY-2019	FY-2020	FY11-20 10yr CIP
	Specialty Equipment - Heavy Duty	-	120,000	-	48,700	-	-	255,000	217,000	135,000	111,000	886,700
Tractor Ford 445 (Parks)	15			48,700								48,700
Roller - Ferguson 46A (1988)	15							82,000				82,000
Screener (1994)	15						130,000	135,000				135,000
Pavement Leeboy Sprd (1998)	10									111,000		130,000
Sidewalk Snow Plow #3(2008)	10											111,000
Snow - Holder #1 C6000 (1995)	10	120,000										120,000
Snow - Holder #2 C9700 (1997)	10								135,000			135,000
Snow - Bombardier #1 (1993)	10							125,000				125,000
Specialty Equipment - Light Duty				20,000	37,800	26,800	30,000	43,000	81,500	89,600	66,500	395,200
HW Comp2 INT Compr (1996)	10					26,800						26,800
300L Lebot (Roller) (1998)	10						21,000					21,000
Eager Beaver Trailer (1985)	15				37,800							37,800
1CH Woodsman Chipper (2004)	10										66,500	66,500
1GV Leaf Vac (1999)	10								39,500			39,500
2CH Mobark (1989)	10									46,000		46,000
2GV Leaf Vac (2000)	10									43,600		43,600
SmithCo 60 Leaf Vac (1999)	10						30,000					42,000
Toro 48" LeafVac (1993)	10			20,000								20,000
FMC Truck Mount Sprayer 500gal	10											30,000
SmithCo 13-550 Infield (1994)	7							22,000				22,000
Lawnmowers				15,600	-	70,300	35,000	36,400	18,200	82,200	96,200	353,900
Mower (Cem.) SKAG 72" (1998)	4						17,500					17,500
Mower (Cem.) SKAG 61" (1999)	4							18,200				18,200
Mower (Parks) TORO Gang (1996)	8					70,300						166,500
Mower (Cem.) SKAG 52" (1995)	4			15,600					18,200			33,800
Mower (Parks) SKAG 52" (1998)	4						17,500					17,500
Mower - TORO Gang (2008)	6									82,200		82,200
912F#2 John Deere Mower (1989)	7									18,200		18,200
Engineering Equipment/Services				20,000	12,000							32,000
Survey Equipment/Plan Plotter				20,000	12,000							32,000
Public Works - Parks & Cemete	45,000	45,000	75,000	134,000	748,000	335,000	170,600	575,000	700,600	1,476,700	735,000	4,996,900
Public Works - Cemetery												
Design - Maintenance Building \$60k		sale of real estate										
Construction Maintenance Building \$1mil/5yrs			30,000	50,000	20,000	50,000	20,000	20,000	20,000	50,000	20,000	310,000
Public Works - Grounds			30,000	50,000	20,000	20,000	20,000	20,000	20,000	50,000	20,000	110,000
Fence Replacement				50,000		50,000		50,000		50,000		200,000
Parking Lot Pavement												

Capital Plan FY10 to FY20  
Balanced versus expected funding

	FY-2010	FY-2011	FY-2012	FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	FY-2018	FY-2019	FY-2020	FY11-20 10yr CIP
<b>Town of Reading, MA</b> 10/16/2009 10:14												
<b>Public Works - Parks</b>	45,000	45,000	45,000	84,000	728,000	285,000	150,600	525,000	665,600	1,413,700	700,000	4,641,900
Tennis Courts - Bancroft Ave. \$485k	Debt	Debt	Debt								150,000	150,000
Artificial Turf@Parker MS \$736k	Debt	Debt	Debt					250,000				250,000
Coolidge MS field upgrade (grass)	30,000	30,000	30,000	30,000	30,000	30,000	10,000	10,000	10,000	10,000	10,000	200,000
Reconstruct Playgrounds Program	Wash Park	Killam	Josh Eaton	Sturges	Wood End up	Hunt Pk	BM Tot lot	Wood End dn	Mem Park	B Meadow	Barrows	-
Playground safety surface	15,000	15,000	15,000	15,000	15,000	25,000	15,000	15,000				115,000
Memorial Park \$650k grant in FY10												
Washington Park \$625k (also playground in FY10)			39,000	sidewalk parking	129,000				233,000		100,000	501,000
					tennis ct				backstop		paths	-
					124,000				& shift field			124,000
					basketball ct							-
Birch Meadow Complex = \$2.116 mil (also playgrounds in FY18&FY19)						230,000		110,000	150,000	1,100,000	38,000	1,628,000
						BB courts		Mtn bkstop	softball light	fields & paths	st. backstop	-
						Multi-Purp cts		dugouts	20,000		38,000	58,000
								bleachers	batting cage		lot backstop	430,000
Playground \$430k (Imagination Station)					430,000				124,500			219,500
Barrows \$298k (also playground in FY09)							95,000		tennis ct			-
							backstop		78,100			78,100
							& infield		basketball ct			-
Killam \$30.6k (also playground in FY11)							30,600					30,600
							backstop					-
Joshua Eaton \$179k (also playground in FY12)								140,000			39,000	179,000
								backstop			backstop	-
								& infield				-
Symonds Way \$50k									50,000			50,000
									backstop			-
Hunt Park \$125k (also playground in FY15)										125,000		125,000
										backstop		-
Sturges Park \$178.7k (also playground in FY13)										63,800		63,800
										tennis ct		-
										80,000		80,000
										basketball ct		-
										34,900		34,900
										backstop		-
Wood End \$325k											325,000	325,000
										field		-

Capital Plan FY10 to FY20  
Balanced versus expected funding

Town of Reading, MA 10/15/2009 15:36	FY-2010	FY-2011	FY-2012	FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	FY-2018	FY-2019	FY-2020	FY11-20 10yr CIP
Over-ride local share (previous schedule)	347,270	355,952	364,851	373,972	383,321	392,904	402,727	412,795	423,115	433,693	444,535	3,987,863
	+25k/yr ==>							+50k/yr ==>				
Over-ride local share (new schedule)	400,000	425,000	450,000	475,000	500,000	525,000	550,000	600,000	650,000	700,000	750,000	5,625,000
<b>Public Works - Roads</b>												
	435,000	460,000	475,000	500,000	525,000	550,000	575,000	650,000	700,000	750,000	800,000	5,985,000
Sidewalk/Curb/Ped. SA	25,000	25,000	25,000	25,000	25,000	25,000	25,000	50,000	50,000	50,000	50,000	350,000
Street Signs	10,000	10,000										10,000
	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt	
Downtown Improve (\$650k 10yr bond)			7,500,000									7,500,000
Reconstruction: West Street			50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	500,000
Skim Coating & Crack Seal Patch	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	500,000
Various Streets/local fund	350,000	375,000	245,000	185,000	210,000	475,000	500,000	550,000	600,000	650,000	700,000	4,490,000
West Street design (\$155k)			155,000									
West Street - Local share (\$480k)			240,000	240,000	240,000	240,000	240,000	240,000	240,000	240,000	240,000	2,400,000
Various Streets/Ch. 90 fund or grants	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	4,500,000
Total Cost	885,000	910,000	8,425,000	950,000	975,000	1,000,000	1,025,000	1,100,000	1,150,000	1,200,000	1,250,000	17,985,000
Chapter 90 or Grants	450,000	450,000	7,950,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	12,000,000
General Fund Cost	435,000	460,000	475,000	500,000	525,000	550,000	575,000	650,000	700,000	750,000	800,000	5,985,000

## CONDUCT OF TOWN MEETING

Reading's Town Meeting is conducted in accordance with the rules set down in Article 2 of the Charter and the General Bylaws. Although Town Meeting Time Third Edition is the basic source, a Town Meeting Member need only be familiar with what is contained in the Charter. These notes are intended to outline the major points all Town Meeting Members should know, and which by knowing will make Town Meeting more understandable.

### ORGANIZATION

- ◆ Town Meeting consists of 192 elected members, of which 97 constitute a quorum.
- ◆ There are two required sessions: The Annual Meeting in Spring which is primarily for fiscal matters and acceptance of the annual budget, and the Subsequent Meeting in November. Special Town Meetings may be called at any time that the need arises.
- ◆ There are three main committees which review certain Articles and advise Town Meeting of their recommendations:

Finance for all expenditures of funds, Bylaw for all bylaw changes, and the Community Planning and Development Commission for all zoning changes.

Their reports are given prior to discussing the motion.

### GENERAL RULES OF PROCEDURE

- ◆ The Meeting is conducted through the Warrant Articles which are presented (moved) as motions. Only one motion may be on the floor at a time; however, the motion may be amended. Often two or more Articles which address the same

subject may be discussed together; however, only one is formally on the floor, and each when moved is acted upon individually. Note that the vote on one may influence the others.

- ◆ Members who wish to speak shall rise, state their name and precinct in order to be recognized.
- ◆ A Member may speak for ten (10) minutes but permission must be asked to exceed this limit.
- ◆ Seven (7) Members can question a vote and call for a standing count, and twenty (20) can ask for a roll call vote; however, a roll call vote is seldom used because of the time it takes.

### PRINCIPAL MOTION ENCOUNTERED AT TOWN MEETING

The following motions are the principal ones used in most cases by Town Meeting to conduct its business. Experience shows that the Members should be familiar with these.

- ◆ **Adjourn:** Ends the sessions, can be moved at any time.
- ◆ **Recess:** Stops business for a short time, generally to resolve a procedural question or to obtain information.

- ◆ **Lay on the Table:** Stops debate with the intention generally of bringing the subject up again later. May also be used to defer action on an Article for which procedurally a negative vote is undesirable. Note that tabled motions die with adjournment.
- ◆ **Move the Previous Question:** Upon acceptance by a two-thirds (2/3) vote, stops all debate and brings the subject to a vote. This is generally the main motion, or
  - ◆ The most recent amendment, unless qualified by the mover. The reason for this as provided in Robert's Rules of Order is to allow for other amendments should they wish to be presented.
- ◆ **Amend:** Offers changes to the main motion. Must be in accordance with the motion and may not substantially alter the intent of the motion. In accordance with Robert's Rules of Order, only one primary and one secondary motion will be allowed on the floor at one time, unless specifically accepted by the Moderator.
- ◆ **Indefinitely Postpone:** Disposes of the Article without a yes or no vote.
- ◆ **Take from the Table:** Brings back a motion which was previously laid on the table.
- ◆ **Main Motion:** The means by which a subject is brought before the Meeting.

**THE FOLLOWING MOTIONS MAY BE USED BY A MEMBER FOR THE PURPOSE NOTED:**

- ◆ **Question of Privilege:** Sometimes used to offer a resolution. Should not be used to "steal" the floor.
- ◆ **Point of Order:** To raise a question concerning the conduct of the Meeting.
- ◆ **Point of Information:** To ask for information relevant to the business at hand.

**MULTIPLE MOTIONS**  
**SUBSEQUENT (MULTIPLE) MOTIONS**

If the subsequent motion to be offered, as distinct from an amendment made during debate, includes material which has previously been put to a vote and defeated, it will be viewed by the Moderator as reconsideration and will not be accepted. If the subsequent motion contains distinctly new material which is within the scope of the Warrant Article, then it will be accepted. An example of this latter situation is successive line items of an omnibus budget moved as a block.

**SUBJECT TO THE FOLLOWING**  
**CONSIDERATIONS**

- ◆ The maker of any proposed multiple motion shall make their intent known, and the content of the motion to be offered shall be conveyed to the Moderator - prior to the initial calling of the Warrant Article.
- ◆ Once an affirmative vote has been taken on the motion then on the floor - no further subsequent alternative motions will be accepted. (Obviously does not apply to the budget, for example.)

- ◆ Also - There can only be one motion on the floor at any one time. You have the ability to offer amendments to the motion that is on the floor. You also have the ability to move for reconsideration.

**TOWN OF READING BYLAWS**  
**ARTICLE 2: TOWN MEETINGS**

**2.1 General**

**Section 2.1.1**

The Annual Town Meeting shall be held on the third Tuesday preceding the second Monday in April of each year for the election of Town Officers and for other such matters as required by law to be determined by ballot. Notwithstanding the foregoing, in any year in which presidential electors are to be elected, the Board of Selectmen may schedule the commencement of the Annual Town Meeting for the same date designated as the date to hold the Presidential Primary.

**Section 2.1.2**

The polls for the Annual Town Meeting shall be opened at 7:00 a.m. and shall remain open until 8:00 p.m.

**Section 2.1.3**

All business of the Annual Town Meeting, except the election of such Town officers and the determination of such matters as required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting to be held at 7:30 p.m. on the second Monday in April, except if this day shall fall on a legal holiday, in which case the Meeting shall be held on the following day or at a further adjournment thereof.

**Section 2.1.4**

A Special Town Meeting called the Subsequent Town Meeting shall be held on the second Monday in November,

except if this day shall fall on a legal holiday, in which case the Meeting shall be held on the following day.

The Subsequent Town Meeting shall consider and act on all business as may properly come before it except the adoption of the annual operating budget.

**Section 2.1.5**

Adjourned sessions of every Annual Town Meeting after the first such adjourned session provided for in Section 2.1.3 of this Article and all sessions of every Subsequent Town Meeting, shall be held on the following Thursday at 7:30 p.m. and then on the following Monday at 7:30 p.m. and on consecutive Mondays and Thursdays, unless a resolution to adjourn to another time is adopted by a majority vote of the Town Meeting Members present and voting.

**Section 2.1.6**

The Board of Selectmen shall give notice of the Annual, Subsequent or any Special Town Meeting at least fourteen (14) days prior to the time of holding said Meeting by causing an attested copy of the Warrant calling the same to be posted in one (1) or more public places in each precinct of the Town, and either causing such attested copy to be published in a local newspaper 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.

**Section 2.1.7**

All Articles for the Annual Town Meeting shall be submitted to the Board of Selectmen not later than 8:00 p.m. on the fifth Tuesday preceding the date of election of Town officers unless this day is a holiday in which case the following day shall be substituted.

All Articles for the Subsequent Town Meeting shall be submitted to the Board of Selectmen not later than 8:00 p.m. on the fifth Tuesday preceding the Subsequent Town Meeting in which action is to be taken, unless this day is a holiday, in which case the following day shall be substituted.

### **Section 2.1.8**

The Board of Selectmen, after drawing a Warrant for a Town Meeting, shall immediately deliver a copy of such Warrant to each Member of the Finance Committee, the Community Planning and Development Commission, the Bylaw Committee and the Moderator.

## **2.2 Conduct of Town Meetings**

### **Section 2.2.1**

In the conduct of all Town Meetings, the following rules shall be observed:

**Rule 1:** A majority of the Town Meeting Members shall constitute a quorum for doing business.

**Rule 2:** All Articles on the Warrant shall be taken up in the order of their arrangement in the Warrant, unless otherwise decided by a majority vote of the Members present and voting.

**Rule 3:** Prior to debate on each Article in a Warrant involving the expenditure of money, the Finance Committee shall advise the Town Meeting as to its recommendations and the reasons therefore.

**Rule 4:** Prior to a debate on each Article in a Warrant involving changes in the Bylaw or Charter, petitions for a special act, or local acceptance by Town Meeting of a State statute, the Bylaw Committee shall advise the Town Meeting as to its recommendations and reasons therefore.

**Rule 5:** Every person shall stand when speaking, shall respectfully address the Moderator, shall not speak until recognized by the Moderator, shall state his name and precinct, shall confine himself to the question under debate and shall avoid all personalities.

**Rule 6:** No person shall be privileged to speak or make a motion until after he has been recognized by the Moderator.

**Rule 7:** No Town Meeting Member or other person shall speak on any question more than ten (10) minutes without first obtaining the permission of the Meeting.

**Rule 8:** Any non-Town Meeting Member may speak at a Town Meeting having first identified himself to the Moderator. A proponent of an Article may speak on such Article only after first identifying himself to the Moderator and obtaining permission of Town Meeting to speak. No non-Town Meeting Member shall speak on any question more than five (5) minutes without first obtaining the permission of the Meeting. Non-Town Meeting Members shall be given the privilege of speaking at Town Meetings only after all Town Meeting Members who desire to speak upon the question under consideration have first been given an opportunity to do so.

**Rule 9:** Members of official bodies who are not Town Meeting Members shall have the same right to speak, but not to vote, as Town Meeting Members on all matters relating to their official bodies.

**Rule 10:** No speaker at a Town Meeting shall be interrupted except by a Member making a point of order or privileged motion or by the Moderator.

**Rule 11:** Any person having a monetary or equitable interest in any matter under discussion at a Town Meeting and any person employed by another having such an interest, shall disclose the fact of his interest or his employer's interest before speaking thereon.

**Rule 12:** The Moderator shall decide all questions of order subject to appeal to the meeting, the question on which appeal shall be taken before any other.

**Rule 13:** When a question is put, the vote on all matters shall be taken by a show of hands, and the Moderator shall declare the vote as it appears to him. If the Moderator is unable to decide the vote by the show of hands, or if his decision is immediately questioned by seven (7) or more members, he shall determine the question by ordering a standing vote and he shall appoint tellers to make and return the count directly to him. On request of not less than twenty (20) members, a vote shall be taken by roll call.

**Rule 14:** All original main motions having to do with the expenditure of money shall be presented in writing, and all other motions shall be in writing if so directed by the Moderator.

**Rule 15:** No motion shall be received and put until it is seconded. No motion made and seconded shall be withdrawn if any Member objects. No amendment not relevant to the subject of the original motion shall be entertained.

**Rule 16:** When a question is under debate, no motion shall be in order except (1) to adjourn, (2) to lay on the table or pass over, (3) to postpone for a certain time, (4) to commit, (5) to amend, (6) to postpone indefinitely or (7) to fix a time for terminating debate and putting the question, and the afore-

said several motions shall have precedence in the order in which they stand arranged in this Rule.

**Rule 17:** Motions to adjourn (except when balloting for offices and when votes are being taken) shall always be first in order. Motions to adjourn, to move the question, to lay on the table and to take from the table shall be decided without debate.

**Rule 18:** The previous question shall be put in the following form or in some other form having the same meaning:

"Shall the main question now be put?," and until this question is decided all debate on the main question shall be suspended. If the previous question be adopted, the sense of the meeting shall immediately be taken upon any pending amendments in the order inverse to that in which they were moved except that the largest sum or the longest time shall be put first, and finally upon the main question.

**Rule 19:** The duties of the Moderator and the conduct and method of proceeding at all Town Meetings, not prescribed by law or by rules set forth in this Article, shall be determined by rules of practice set forth in Town Meeting Time Third Edition except that to lay on the table shall require a majority vote.

#### **Section 2.2.2**

It shall be the duty of every official body, by a Member thereof, to be in attendance at all Town Meetings for the information thereof while any subject matter is under consideration affecting such official body.

#### **Section 2.2.3**

All committees authorized by Town Meeting shall be appointed by the Moderator unless otherwise ordered by a vote of the Members present and

voting. All committees shall report as directed by the Town Meeting. If no report is made within a year after the appointment, the committee shall be discharged unless, in the meantime, the Town Meeting grants an extension of time. When the final report of a committee is placed in the hands of the Moderator, it shall be deemed to be received, and a vote to accept the same shall discharge the committee but shall not be equivalent to a vote to adopt it.

#### **Section 2.2.4 Motion to Reconsider**

2.2.4.1 A motion to reconsider any vote must be made before the final adjournment of the Meeting at which the vote was passed but such motion to reconsider shall not be made at an adjourned meeting unless the mover has given notice of his intention to make such a motion, either at the session of the meeting at which the vote was passed or by written notice to the Town Clerk within twenty-four (24) hours after the adjournment of such session.

When such motion is made at the session of the meeting at which the vote was passed, said motion shall be accepted by the Moderator but consideration thereof shall be postponed to become the first item to be considered at the next session unless all remaining Articles have been disposed of, in which case reconsideration shall be considered before final adjournment. There can be no reconsideration of a vote once reconsidered or after a vote not to reconsider. Reconsideration may be ordered by a vote of two-thirds (2/3) of the votes present.

Arguments for or against reconsideration may include discussion of the motion being reconsidered providing such discussion consists only of relevant facts or arguments not previously presented by any speaker.

2.2.4.2 The foregoing provisions relating to motions to reconsider shall not apply to any such motion made by the Board of Selectmen and authorized by the Moderator as necessary for the reconsideration of actions previously taken by Town Meeting by reason of State or Federal action or inaction or other circumstances not within the control of the Town or Town Meeting.

In the event such a motion to reconsider is made and authorized, said motion may be made at any time before the final adjournment of the Meeting at which the vote was passed, said motion may be made even if the vote was already reconsidered, or was the subject of a vote not to reconsider and reconsideration may be ordered by a vote of two-thirds (2/3) of the votes present.

2.2.4.3 Notice of every vote to be reconsidered at an adjourned Town Meeting shall be posted by the Town Clerk in one (1) or more public places in each precinct of the Town as soon as possible after adjournment, and he shall, if practicable, at least one (1) day before the time of the next following session of said Adjourned Meeting, publish such notice in some newspaper published in the Town.

Said notice shall include the vote to be reconsidered and the place and time of the next following session of said Adjourned Meeting. The foregoing notice provisions shall not apply when a motion to reconsider any Town Meeting action is made publicly at Town Meeting before the adjournment of any session of any Adjourned Town Meeting.

#### **Section 2.2.5**

The Selectmen shall, at each Annual Town Meeting, give to the Members information of the State of the Town.

**Section 2.2.6**

The Town Meeting Members and Town Meeting Members-Elect from each precinct shall hold an annual precinct meeting after the Annual Town Election but before the convening of the business sessions of the Annual Town Meeting.

The purpose of the meeting shall be the election of a Chairman and a Clerk and to conduct whatever business may be appropriate. Chairman shall serve no more than six (6) consecutive years in that position. Additional precinct meetings may be called by the Chairman or by a petition of six (6) Town Meeting Members of the precinct.

**Section 2.2.7**     **Removal of Town Meeting Members**

2.2.7.1 The Town Clerk shall mail, within thirty (30) days after the adjournment sine die of a Town Meeting, to every Town Meeting Member who has attended less than one half (1/2) of the Town Meeting sessions since the most recent Annual Town Election, a record of his attendance and a copy of Section 2-6 of the Charter.

2.2.7.2 Town Meeting Members of each precinct shall consider at a precinct meeting to be conducted in accordance with Section 2.2.6 of these Bylaws and Section 2-6 of the Charter, preceding the consideration of the Article placed upon the Annual Town Meeting Warrant in accordance with Section 2-6 of the Charter, the names of Town Meeting Members in that precinct appearing on said Warrant Article and adopt recommendations to Town Meeting as to what action should be taken regarding each such Member. The Chairman of each precinct or his designee shall make such recommendations along with supporting evidence and rationale to Town Meeting.

2.2.7.3 The names of the Members subject to removal in accordance with Section 2-6 of the Charter shall be grouped by precinct in the Warrant Article required by said Section.

**Section 2.2.8**     **Meetings During Town Meeting**

No appointed or elected board, commission, committee or other entity of Town Government shall schedule or conduct any hearing, meeting or other function during any hours in which an Annual, Subsequent or Special Town Meeting is in session or is scheduled to be in session.

Any such board, commission or committee which schedules or holds a meeting or hearing on the same calendar day but at a time prior to a session of Town Meeting shall adjourn or recess not less than five (5) minutes prior to the scheduled session of Town Meeting.

Any Board, Commission or Committee may, at the opening of any session of Town Meeting, present to that Town Meeting an instructional motion requesting an exemption from this Bylaw and asking that Town Meeting permit it to meet at a date and hour at which a future session of Town Meeting is scheduled and may present reasons for Town Meeting to give such permission.

Notwithstanding the foregoing, any board, commission or committee which meets the requirements of Section 23B of Chapter 39 of the General Laws concerning emergency meetings may, upon meeting such requirements, conduct such a meeting or hearing at a time scheduled for a Town Meeting.