

**ABSTRACT OF THE ANNUAL TOWN MEETING HELD
MONDAY, APRIL 6, 2009, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSIONS HELD APRIL 7, APRIL 13, 2009**

NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING
APRIL 6, 2009 – 589 APRIL 7, 2009 – 354 APRIL 13, 2009 – 458

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| <u>Symbol</u> | <u>Description</u> |
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| * | This article is on the Consent Calendar |
| # | This article submitted by Citizen Petition |

The Moderator, Mr. Mackenzie, called the Annual Town Meeting to order on Monday, April 6, 2009, at 7:00 PM. He introduced Rabbi Lewis Mintz of Congregation Beth Elohim, Rabbi Mintz then gave the invocation.

Mr. MacKenzie gave an overview of the process of Town Meeting. He then explained some basic rules and parliamentary procedure of the Town Meeting as found back of the warrant.

The Moderator asked the League of Voters to do a Study after the Fall Town Meeting.. The League did a study of Town Meeting and performed the study extremely well. Mr Mackenzie spoke in regard to the recommendations from the League of Women Voters. A number of recommendations were made. We will be trying these changes at this Town Meeting. If the changes seem to work, we will institutionalize them or if they need to be modified, we will modify them, if they need to be dropped, we will drop them.

Some of the differences are as follows; Debate time limit up to 12 minutes; Pro and Con argument up to 2 min to present argument; Amendments up to 5 minutes to back amendment; Time will be displayed on the screen. Questions will be taken at separate microphones. One question per person, in one part, not in many parts. Answers to question should be directed to a particular Board or Committee or person.

The Moderator explained that motions will be displayed on the screen for the audience. He explained to Town Meeting that they would be voting on the motions that are read, not the articles as written in the warrant.

The Moderator explained that all budget articles have been grouped together.

Mr. MacKenzie explained how the CONSENT CALENDAR is voted and proceeded to read the articles on the CONSENT CALENDAR: This will be done in two sections. If a consent article is held, it would be taken up after the completion of the remainder of the consent articles.

The Moderator thanked all the Town and School Volunteers for all their efforts.

ARTICLE 1 CHOOSE TOWN OFFICERS
(Majority vote)

To choose all necessary Town Officers and Committees and to fix the salaries and compensation of all the elective officers of the Town as follows:

| | |
|------------------------------|-----------------------------------|
| Moderator | \$ 20.00 per Town Meeting session |
| Board of Selectmen, Chairman | \$750.00 per year |
| Board of Selectmen, Member | \$650.00 per year |

, or take any other action relative thereto.

MOTION: Ms. Friedrichs moves that the Town fix the compensation for elected officers as shown in the Article.

MOTION CARRIES UNANIMOUSLY

Cornelia O. Huber, Trustee of the Elizabeth White Fund, nominates Frank Joyner, 8 Birch Ridge Road, Acton for the position of trustee of the Elizabeth White Fund, term to expire 2012.

MOTION CARRIES UNANIMOUSLY

Gerald Browne, Trustee of the West Acton Citizens' Library, nominates Ellen Spero, 25 Windsor Avenue, Acton, for the position of Trustee of the West Acton Citizens' Library, term to expire 2012.

MOTION CARRIES UNANIMOUSLY

Robert Vanderhoof, Trustee of the Firemans Relief Fund, nominates William A. Klauer, 70 Piper Road, Acton, for the position of Trustee of the Firemans Relief Fund, term to expire 2012.

MOTION CARRIES UNANIMOUSLY

Alice P. Miller, Trustee of the Charlotte Goodnow Fund, nominates Cynthia Schimpf, 307 Littleton Road, Harvard, for the position of Trustee of the Charlotte Goodnow Fund, term to expire 2012.

MOTION CARRIES UNANIMOUSLY

ARTICLE 2 BUDGET TRANSFER

(Majority vote)

To see if the Town will vote to appropriate from available funds a sum of money to defray necessary expenses above the amount appropriated at the 2008 Annual Town Meeting, or take any other action relative thereto.

MOTION: Mr. Magee moves that the Town take no action.

MOTION CARRIES UNANIMOUSLY

Budgetary Consent Calendar Articles and Motions

Article 3 Council on Aging Van Enterprise Budget

Move that the Town appropriate \$103,525 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, \$53,525 be raised from department receipts and \$50,000 be raised from taxation.

Article 4 Nursing Enterprise Budget

Move that the Town appropriate \$796,406 for the purpose of operating the Town of Acton Public Health Nursing Service, and to raise such amount, \$655,000 be raised from department receipts and \$141,406 be transferred from retained earnings.

Article 5 Septage Disposal Enterprise Budget

Move that the Town appropriate \$135,526 for the purpose of septage disposal, and to raise such amount, \$135,526 be raised from department receipts.

Article 6 Sewer Enterprise Budget

Move that the Town appropriate \$1,638,389 for the purpose of operating the sewer system, and to raise such amount, \$1,638,389 be raised from department receipts.

Article 7 Recycling and Transfer Station Enterprise Budget

Move that the Town appropriate \$785,267 for the purpose of solid waste disposal and recycling, and to raise such amount, \$600,267 be raised from department receipts and \$185,000 be transferred from retained earnings.

Article 8 Self-Funding Programs (Revolving Funds)

Move that the revolving funds for the Local School System, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Department, and Fire Department be continued in the amounts and for the purposes set forth in the expense column of this Article.

Article 9 Town Board Support – Acton-Boxborough Cultural Council

Move that the Town raise and appropriate \$2,000 for the ongoing expenses of the Acton-Boxborough Cultural Council.

MOTION: Mrs. Rosenzweig moves that the Town take up the seven budgetary articles in the Consent Calendar on pages 21 and 22 of the Warrant: Articles 3, 4, 5, 6, 7, 8 and 9.

Hold Article 7

MOTION CARRIES UNANIMOUSLY

ARTICLE 3 * COUNCIL ON AGING VAN ENTERPRISE BUDGET

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds a sum of money to operate the Senior Van Service, in accordance with Massachusetts General Law, Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: Mrs. Knibbe moves that the Town appropriate \$103,525 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, \$53,525 be raised from department receipts and \$50,000 be raised from taxation.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 4 * NURSING ENTERPRISE BUDGET

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds a sum of money to provide Public Health and Visiting Nurse Services, in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: Mr. Berry moves that the Town appropriate \$796,406 for the purpose of operating the Town of Acton Public Health Nursing Service, and to raise such amount, \$655,000 be raised from department receipts and \$141,406 be transferred from retained earnings.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 5 * SEPTAGE DISPOSAL ENTERPRISE BUDGET

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds a sum of money for the purpose of septage disposal, in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: Mr. Magee moves that the Town appropriate \$135,526 for the purpose of septage disposal, and to raise such amount, \$135,526 be raised from department receipts.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 6 * SEWER ENTERPRISE BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds a sum of money for the purpose of operating and maintaining a sewer collection and treatment facility, in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: Mr. Magee moves that the Town appropriate \$1,638,389 for the purpose of operating the sewer system, and to raise such amount, \$1,638,389 be raised from department receipts.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 7 * RECYCLING AND TRANSFER STATION ENTERPRISE BUDGET
(Majority vote) **(Previously known as the NESWC Enterprise Budget)**

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money for the purpose of solid waste disposal and recycling in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: Mrs. Rosenzweig moves that the Town appropriate \$785,267 for the purpose of solid waste disposal and recycling, and to raise such amount,
\$600,267 be raised from department receipts and
\$185,000 be transferred from retained earnings

Held from consent

MOTION CARRIES

ARTICLE 8 * SELF-FUNDING PROGRAMS (REVOLVING FUNDS)
(Majority vote)

To see if the Town will vote, pursuant to Massachusetts General Law, Chapter 44, Section 53E½ to continue revolving funds for the Local School System, to be expended by the Superintendent of Schools; and for the Historic District Commission, Building Department, Sealer of Weights and Measures, Health Inspectional Services and Fire Department Fire Alarm Network, to be expended by the Town Manager, as noted below:

| | | |
|------|----------------|-----------------|
| Fund | FY10 Estimated | FY10 Authorized |
|------|----------------|-----------------|

| | Revenue | Expenditure |
|---|------------|-------------|
| School Department | | |
| Douglas at Dawn/Dusk | \$ 221,000 | \$ 221,000 |
| Gates Amazing Programs | \$ 36,500 | \$ 36,500 |
| Merriam Mornings/Afternoons/Summer | \$ 211,500 | \$ 211,500 |
| Historic District Commission | | |
| | \$ 600 | \$ 600 |
| Building Department ♦ | | |
| Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees | \$ 211,040 | \$ 211,040 |
| Sealer of Weights and Measures | | |
| | \$ 11,621 | \$ 11,621 |
| Health Department | | |
| Food Service Inspections | \$ 32,565 | \$ 32,565 |
| Hazardous Materials Inspections | \$ 34,008 | \$ 34,008 |
| Fire Department | | |
| Fire Alarm Network | \$ 56,298 | \$ 56,298 |

, or take any other action relative thereto.

MOTION: Mrs. Knibbe moves that the revolving funds for the Local School System, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Department, and Fire Department be continued in the amounts and for the purposes set forth in the expenditure column of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 9 * TOWN BOARD SUPPORT –
(Majority vote) **ACTON-BOXBOROUGH CULTURAL COUNCIL**

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$2,000, or any other sum, to be expended by the Town Manager for the ongoing expenses of the Acton-Boxborough Cultural Council for programs in Acton, or take any other action relative thereto.

MOTION: Mr. Magee moves that the Town raise and appropriate \$2,000 for the ongoing expenses of the Acton-Boxborough Cultural Council.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 10 AMBULANCE ENTERPRISE FUND
(Majority vote)

To see if the Town will vote to establish an Ambulance Enterprise Fund in accordance with Massachusetts General Laws Chapter 44, Section 53F½ for the purpose of health care, and to transfer the fund balance from the Ambulance Fees Revolving Fund, or take any other action relative thereto.

MOTION: Mrs. Rosenzweig moves that the Town establish an Ambulance Enterprise Fund for the purpose of health care, and appropriate \$1,208,681, and to raise such amount,
\$ 412,442 be raised from department receipts,
\$ 271,239 be raised from taxation,
\$ 525,000 be transferred from the Ambulance Fees Revolving Fund balance,

And further moves that the Town transfer to the Ambulance Enterprise Fund the remaining Ambulance Fees Revolving Fund balance as of June 30, 2009.

MOTION CARRIES

ARTICLE 11 TOWN OPERATING BUDGET

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the departments, offices and boards of the Town, exclusive of the School budgets, or take any other action relative thereto.

MOTION: Mrs. Rosenzweig moves that the Town appropriate \$25,973,422 to be expended by the Town Manager for the purpose of funding the fiscal year 2010 municipal budget, and to raise such amount,

\$ 25,830,799 be raised from taxation,

\$ 124,623 be transferred from Wetlands Filing Fees,

\$ 18,000 be transferred from Cemetery Trust Funds for Cemetery use,

And further moves that Town authorize the Town Manager to sell, trade or dispose of vehicles and equipment being replaced and to expend any proceeds so received.

Motion to Amend Mr Kadlec moves to amend the amount to be appropriated from \$25,973,422 to \$25,373,422 and to amend the amount to be raised from taxation, from \$25,830,799 to \$25,230,799.

MOTION TO AMEND LOST

ORIGINAL MOTION CARRIES

ARTICLE 12 FUND COLLECTIVE BARGAINING AGREEMENT

(Majority vote)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money necessary to fund the cost items contained in Collective Bargaining Agreement(s) between the Town and one or more of its unions as filed with the Town Clerk, or take any other action relative thereto.

MOTION: Mr. Berry moves that the Town take no action.

MOTION CARRIES

ARTICLE 13 CAPITAL IMPROVEMENTS

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to be expended by the Town Manager for the purchase, replacement or improvement of vehicles, equipment or infrastructure as listed below, including related incidental costs, or take any other action relative thereto.

| | | |
|--------------|-------------------------------------|-------------------|
| A. | Senior Center Facility Improvements | \$ 36,000 |
| B. | Town Engineer Inspectional Vehicle | \$ 22,000 |
| C. | Highway Department Dump Truck | \$ 135,000 |
| D. | Municipal Properties Truck | \$ 45,000 |
| E. | Municipal Properties Tractor | \$ 32,000 |
| Total | | \$ 270,000 |

MOTION: Mrs. Rosenzweig moves that the Town transfer from the Recycling and Transfer Station Enterprise Fund (formerly known as the North East Solid Waste Committee Enterprise Fund) retained earnings and appropriate \$270,000 to be expended by the Town Manager for the purposes set forth in the article, and that the Town Manager be authorized to sell, trade or dispose of vehicles and equipment being replaced and to expend any proceeds so received.

MOTION CARRIES UNANIMOUSLY

ARTICLE 14 AMBULANCE REVOLVING FUND
(Majority vote)

To see if the Town will vote, pursuant to Massachusetts General Law, Chapter 44, Section 53E½ to continue the Ambulance Fees revolving fund, to be expended by the Town Manager, as noted below:

| Fund | FY10 Estimated Revenue | FY10 Authorized Expenditure |
|------------------------|------------------------|-----------------------------|
| Fire Department | | |
| Ambulance Fees | \$ 666,202 | \$ 666,202 |

The fund from such fees to be used for acquiring equipment used in providing Emergency Medical Services (EMS), including but not limited to defraying the maturing debt and interest or lease costs thereof, and/or for paying a portion of the wages or salaries of Town employees who perform services as Emergency Medical Technicians, EMS First Responders, and other personnel engaged in providing Emergency Medical Services on behalf of the Town including the costs of fringe benefits associated with the wages or salaries so paid.

, or take any other action relative thereto.

MOTION: Mr. Berry moves that the Town take no action.

MOTION CARRIES UNANIMOUSLY

ARTICLE 15 COMMUNITY SHUTTLE
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$24,500 to be expended by the Town Manager for the implementation of a town shuttle program, or take any other action relative thereto.

MOTION: Mrs. Rosenzweig moves that the Town transfer from Free Cash and appropriate \$24,500 to be expended by the Town Manager for the implementation of a town shuttle program.

MOTION CARRIES

ARTICLE 16 ACTON PUBLIC SCHOOLS BUDGET (Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Acton Public School System, or take any other action relative thereto.

MOTION: Mrs. Harer moves that the Town appropriate \$25,753,782 to be expended by the Superintendent of Schools to fund the fiscal year 2010 Acton Public Schools budget, and to raise such amount,

 \$ 25,322,782 be raised from taxation and
 \$ 431,000 be transferred from Free Cash.

MOTION CARRIES

ARTICLE 17 CAPITAL IMPROVEMENTS – DOUGLAS SCHOOL (BONDING) (Two-thirds vote)

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the School Committee for the purpose of paying costs associated with replacing the roof at the C.T. Douglas School, located at 21 Elm Street in Acton, Massachusetts and for the payment of all other costs incidental and related thereto, for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 43.85 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA. Or to take any other action relative thereto.

MOTION: Mrs. Harer moves that the Town appropriate the sum of six-hundred sixty-four thousand one-hundred two dollars (\$664,102) to be expended under the direction of the School Committee for the purpose of paying costs associated with replacing the roof at the C.T. Douglas School, located at 21 Elm Street in Acton, Massachusetts and for the payment of all other costs incidental and related thereto, for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program.

To meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town;

Provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 43.85% of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any amounts received from the MSBA prior to the issuance of any bonds or notes under this vote.

MOTION CARRIES UNANIMOUSLY

ARTICLE 18 ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT
(Majority vote) **ASSESSMENT**

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any other action relative thereto.

MOTION: Mr. Chinitz moves that the Town raise and appropriate \$23,417,707 to fund the fiscal year 2010 assessment of the Acton-Boxborough Regional School District.

MOTION CARRIES

ARTICLE 19 MINUTEMAN REGIONAL SCHOOL DISTRICT ASSESSMENT
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Minuteman Regional Vocational Technical School District, or take any other action relative thereto.

MOTION: Mr. Olmstead moves that the Town transfer from Free Cash and appropriate \$710,730 to fund the fiscal year 2010 assessment of the Minuteman Regional School District.

MOTION CARRIES UNANIMOUSLY

ARTICLE 20 AUTHORIZE STABILIZATION FUND –
(Majority vote) **MINUTEMAN REGIONAL SCHOOL DISTRICT**

To see if the Town will approve the establishment of a stabilization fund by the Minuteman Regional Vocational Technical School District, beginning July 1, 2009, under MGL Chapter 71, Section 16G½, or take any other action relative thereto.

MOTION: Mr. Olmstead moves that the Town authorize the Minuteman Regional School District to establish a stabilization fund.

MOTION IS LOST

MOTION TO ADJORN Mrs. **Rosenzweig** moves to adjourn the Annual Town Meeting at 10:28 PM, until Tuesday, April 7, 2009 at the Acton-Boxborough Regional High School Auditorium at 7 PM

MOTION CARRIES

April 7, 2009

The Moderator, Mr Mackenzie called meeting to order , Tuesday, April 7, 2009 at 7:06 PM.

The Moderator introduced the Chair of the Finance Committee, Steve Noone who then introduced the members, Pat Clifford, Doug Tindal, Bob Evans, Mary Ann Ashton, Pat Easterly, Bill Mullin, Kent Sharp, Vice Chair Herman Kabakoff and Maynard Brandon.

The Moderator introduced Heather Harer who spoke to honor Bill Ryan, Superintendent who will be retiring at the end of the 2009 school year after 34 years of service the last 9 years as the Superintendent.

ARTICLE 21 # TOWN STABILIZATION FUND
(Two-thirds vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money for a Stabilization Fund for the Town, or take any other action thereto.

MOTION: **Mr. Nitschelm** moves that the Town transfer from the Recycling and Transfer Station Enterprise Fund (formerly known as the North East Solid Waste Committee Enterprise Fund) and appropriate \$1,000,000 to be held as a Stabilization Fund under Massachusetts General Law, Chapter 40, Section 5B.

MOTION IS LOST
DECLARED 2/3 BY MODERATOR*

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001, ARTICLE 43 AND THE AMENDED BYLAW 5A WAS APPROVED BY THE ATTORNEY GENERAL ON AUG. 6, 2001.
(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

Mr. Mackenzie introduced the chairman of the Board of Selectmen, Lauren Rosenzweig, who then introduced Eva K. Taylor - Town Clerk, Stephen Anderson - Town Council, Steve Ledoux – Town Manager, Paulina Knibbe, Terra Friedrichs, Peter Berry, members of the Board of Selectmen and Andrew Magee Chair of the Board of Selectmen, who will be our outgoing selectmen.

ARTICLE 22 # USE OF FUNDS TO REDUCE THE TAX RATE
(Majority vote)

To see if the Town will determine an amount of Free Cash and/or of the Recycling and Transfer Station Enterprise Fund which shall be used for the purpose of reducing the tax rate for the fiscal year beginning July 1, 2009, or take any other action relative thereto.

MOTION: **Mr Calandrella** moves to take no action

MOTION CARRIES UNANIMOUSLY

ARTICLE 23 # FINANCE COMMITTEE BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to be expended by the Acton Finance Committee to support their activities for the fiscal year starting July 1, 2009, or take any other action relative thereto.

MOTION: Mr. Kadlec moves that the Town take no action.

MOTION CARRIES UNANIMOUSLY

ARTICLE 24 # RESOLUTION TO ADOPT A RESERVE POLICY
(Majority vote)

A Resolution of the Town of Acton related to the Adoption of a Reserve Policy

Whereas, the Town of Acton could increase transparency in the budgeting process;
Whereas, the Town has a history of conflicting and inconsistent use of its financial reserves;
Whereas, there is disagreement about the definition of “reserves;”
Whereas, depletion of reserves has led to two general overrides in the past six years;
Whereas, establishment of a Reserve Policy is recommended by Department of Revenue and is generally considered a sound financial planning tool;

Now, therefore it be resolved that:

The Acton Board of Selectmen and the Acton Finance Committee adopt a Reserve Policy.

MOTION: Mr. Kadlec moves that the Town take no action.

MOTION CARRIES

ARTICLE 25 # RESOLUTION TO PRESENT DEBT AND INTEREST COSTS
(Majority vote) **AS A TOWN MEETING ARTICLE**

A Resolution of the Town of Acton related to the appropriations for debt and interest

Whereas, the Town of Acton should increase transparency in the budgeting process;
Whereas, debt and interest costs, including those funded by debt exclusion overrides, have been included in municipal and school operating budgets;
Whereas, such debt and interest costs are determined at the time that the debt is incurred and are not part of yearly operations;
Whereas, such debt and interest costs generally decrease over time;
Whereas, inclusion of debt and interest in yearly operating budgets distorts the year-to-year operating budget comparisons:

Now, therefore be it resolved that:

All Municipal and Acton Public School debt and interest costs be presented as a separate Town Meeting Article.

MOTION: Mr. Logan moves that the Town adopt the non-binding Resolution as set forth in the article.

MOTION IS LOST

**ARTICLE 26 # RESOLUTION TO PRESENT NEW CAPITAL PROJECTS TO
(Majority vote) TOWN MEETING**

A Resolution of the Town of Acton related to the presentation of new capital projects to the Acton Town Meeting

Whereas, the Town of Acton should increase transparency in the budgeting process;
 Whereas, some new capital items have been funded within Municipal and School operating budgets without specific review by Town Meeting;
 Whereas, Town Meeting should be allowed to decide whether to support any capital project;
 Whereas, inclusion of capital items in yearly operating budgets distorts the year-to-year operating budget comparisons;
 Whereas, the Town of Acton currently employs a “bottom line” budget which allows some projects to be funded that have not been approved by Town Meeting;

Now, therefore be it resolved that:

1. A capital project be defined as costing more than \$25,000 and having a useful life of more than five years, the cost shall be defined as total out-of-pocket cost regardless of whether the item is paid for in one fiscal year or financed over time.
2. Yearly operating budgets shall not include capital projects.

MOTION: Mr. Logan moves that the Town adopt the non-binding Resolution as set forth in the article.

MOTION IS LOST

**ARTICLE 27 COMMUNITY PRESERVATION PROGRAM –
(Majority vote) DIRECT APPROPRIATIONS FROM FUND BALANCE**

To see if the Town will vote to appropriate or set aside for later appropriation, and to authorize the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2008 Community Preservation Fund balance as set forth herein, the following amounts for community preservation purposes, with such expenditures to be subject to conditions listed in the Article’s Summary and to be further specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation:

| | |
|---|---------------|
| FY 2008 COMMUNITY PRESERVATION FUND BALANCE | |
| FY 2008 Community Preservation Fund Revenues | |
| Community Preservation Fund Surcharge Collected in FY 2008 | \$ 708,031.00 |
| State Community Preservation Trust Fund Receipt, October 2008 | \$ 473,581.00 |
| Other FY 2008 Community Preservation Fund Components | |
| Interest Earned in FY 2008 | \$ 101,371.00 |
| Recapture of unspent previous years’ project appropriations | \$ 15,751.00 |
| Unencumbered FY 2008 Fund Balance | \$ 236,687.00 |

| | |
|--|----------------------------|
| Total - FY 2008 Community Preservation Fund Balance | \$ 1,535,421.00 |
| APPROPRIATIONS | |
| Purpose | Recommended Amounts |
| Set Aside Appropriations for | |
| A. Acquisition, creation, and preservation of open space, and its rehabilitation and restoration | \$ 425,000.00 |
| B. Acquisition, preservation, rehabilitation and restoration of historic resources | \$ 44,000.00 |
| Spending Appropriations | |
| C. Civil War Exhibit - Enhancement | \$ 8,000.00 |
| D. Historic Streetscape Restoration - Shade Trees in Historic Districts | \$ 10,000.00 |
| E. Wright-Holden Farmlands - MHC Area Form | \$ 1,000.00 |
| F. Town Cemeteries - National Register of Historic Places Listing | \$ 14,000.00 |
| G. John Robbins House - Preservation Work | \$ 42,075.00 |
| H. Pre-development Funds (Sachem Way), Acton Housing Authority | \$ 152,000.00 |
| I. Capital Fund, Acton Housing Authority | \$ 150,000.00 |
| J. Community Housing Program Fund | \$ 50,000.00 |
| Administrative Spending Appropriation | |
| K. A fund for CPC direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee | \$ 59,080.00 |
| Total Recommended Appropriations from FY 2008 Community Preservation Fund Balance | |
| | \$ 955,155.00 |
| Remaining FY 2008 fund balance | \$ 580,266.00 |

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the 2008 Community Preservation Fund Revenues at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the recommended appropriations for open space, historic preservation, and community housing each meet or exceed 10% of the 2008 Community Preservation Fund Revenues.

And, whereas Town Meeting may vote to delete or reduce any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2008 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2008 Community Preservation Fund Revenues for open space (\$118,161.20), not less than 10% of the FY 2008 Community Preservation Fund Revenues for historic preservation (\$118,161.20), and not less than 10% of the FY 2008 Community Preservation Fund Revenues (\$118,161.20) for community housing.

, or take any other action relative thereto.

MOTION: Mr. Sghia-Hughes moves that the Town transfer from the Community Preservation Fund and appropriate, or set aside for later appropriation, \$955,155 and that the Town Manager be authorized to expend or set aside amounts as set forth in the article and in compliance with conditions to be noted in the Community Preservation Committee's Award Letters.

Section G H J K held

Section G-John Robbins House – Preservation Work

Mr Nitchelm moves to amend the motion under Article 27 to remove spending appropriation G \$42,075 for John Robbins House Preservation Work and to decrease the total appropriation from the FY2008 Community Preservation Fund Balance by the corresponding amount.

Motion to amend lost

Section H-Pre-development Funds (Sachem Way)

Mr Sullivan moves to amend the motion under Article 27 to remove spending appropriation H (\$152,000 for Pre-development Funds (Sachem Way) for the Acton Housing Authority) and to decrease the total appropriation from the FY2008 Community Preservation Fund Balance from \$955,155 to \$803,155.

Teller count on Amendment yes 129 no 138

Motion to amend lost

Section J-Community Housing Program Fund

Section K-CPC Direct Expenses and for reimbursing the Town.

ORIGINAL MOTION CARRIES

**ARTICLE 28 AMEND TOWN BYLAWS –
(Majority vote) COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to amend Chapter S of the general Bylaws of the Town (the Community Preservation Committee Bylaw) as follows:

1. Delete the last paragraph of Section 1.1, which section defines the membership positions on the Community Preservation Committee, and replace it with the following new paragraph:

Three members at-large to be appointed by the Board of Selectmen who are residents of the Town of Acton, two members at-large to be appointed for one year and thereafter for a term of three years, and one member at-large to be appointed for two years and thereafter for a term of three years.

[The last paragraph of section 1.1 currently reads:

“Three members to be appointed by the Board of Selectmen who are citizens of the Town of Acton, two members to be appointed for one year and thereafter for a term of three years, and one member to be appointed for two years and thereafter for a term of three years.”]

2. Add a new Section 1.3 as follows:

In addition to the members of the Committee set forth in Section 1.1, the Committee may include up to two associate members who are residents of the Town of Acton. Associate members shall be appointed by the Board of Selectmen for one-year terms. The chairperson of the Committee may designate any such associate member to sit on the Committee for any particular matter(s) in the case of an absence, inability to act, or conflict of interest on the part of any member at-large, or in the event of a vacancy in a member at-large position on the Committee, until said vacancy is filled.

3. Delete section 2.2, which prescribes the election of officers of the Community Preservation Committee, and replace it with a new section 2.2 as follows:

At the first meeting of each fiscal year, the Committee shall elect a chairperson, a vice chairperson, and a clerk by majority vote. These officers shall not be associate members.

[Section 2.2 currently reads:

“At the first meeting of each fiscal year, the Committee shall elect a chairperson and a clerk by a majority vote.”]

Or take any other action relative thereto.

MOTION: Mr. Benson moves that the Town adopt the general bylaw amendments as set forth in the Article.

Motion to Amend Dr Donald moves to amend to substitute the words “legal residents” for the word “residents” in all places it appears.

MOTION TO AMEND CARRIES UNANIMOUSLY

MOTION AS AMENDED CARRIES

Other Consent Calendar Articles and Motions

Article 29 Hear and Accept Reports

Move that the Town accepts the reports of the various Town Officers and Boards as set forth in the 2008 Town Report and that the Moderator calls for any other reports.

Article 30 Highway Reimbursement Program (Chapter 90)

Move that the Town Manager is authorized to accept Highway funds from all sources and that such funds are hereby appropriated for highway purposes.

Article 31 Insurance Proceeds

Move that the Town Manager is authorized to accept insurance proceeds of any name and nature whatsoever from all sources and such funds are hereby appropriated.

Article 32 Gifts or Grants

Move that the proceeds of any gifts or grants from any source accepted pursuant to Massachusetts General Law, Chapter 44, Section 53A, and any interest thereon, are hereby appropriated for the stated purposes of the gifts or grants, and may be expended with the approval of the Board of Selectmen or otherwise as stated in Section 53A.

Article 33 Federal and State Reimbursement Aid

Move that the Town Manager is authorized to accept federal and state reimbursement funds from all sources and that such funds are hereby appropriated for the purposes outlined by such reimbursement.

Article 34 Performance Bonds

Move that the Town appropriate the proceeds of any performance bonds, for the purposes stated in said bonds, available as a result of any default, non-performance or other covered conditions.

Article 35 Sale of Foreclosed Properties

Move in the words of the Article.

Article 36 Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986

Move that the Town continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions.

Article 37 Accept Trail Easement – Bruce Freeman Rail Trail

Move that the Town authorize the acquisition of the easements as set forth in the Article.

Article 38 Accept Trail Easement – Bay Circuit Rail Trail

Move that the Town authorize the acquisition of the easements as set forth in the Article.

Article 39 Amend Town Bylaws – Non-Criminal Disposition for Zoning Bylaw

Move that the Town adopt the general bylaw amendments as set forth in the Article.

Article 40 Redemption of Parcels in Tax Title Foreclosure by Installment Payment Agreement

Move in the words of the Article.

Article 41 Amend Town Bylaws – Redemption of Parcels in Tax Title Foreclosure by Installment Payment Agreement

Move that the Town adopt the general bylaw amendments as set forth in the Article.

Article 42 Amend Zoning Bylaw – Truck Rental as Accessory Use in Light Industrial District

Move that the Town adopt the zoning bylaw amendments as set forth in the Article.

Article 43 Amend Zoning Bylaw – Corrections, Clarifications and Minor Amendments

Move that the Town adopt the zoning bylaw amendments as set forth in the Article.

MOTION: Mrs. Rosenzweig moves that the Town take up the fifteen articles in the Consent Calendar on pages 22 and 23 of the Warrant: Articles 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43.

Hold Articles 29 30 32 37 38 43

**Remaining Consent Articles 31 33 34 35 36 39 40 41 42
CARRIES UNANIMOUSLY**

MOTION TO ADJORN Mrs. Rosenzweig moves to adjourn the Annual Town Meeting at 10:26 PM, until Monday April 13, 2009 at the Acton-Boxborough Regional High School Auditorium at 7 PM

MOTION CARRIES

April 13, 2009

The Moderator, Mr Mackenzie called meeting to order , Monday, April 13, 2009 at 7:02 PM.

The Moderator explained the order that the articles will be taken up for this evening. We will make a motion to move Article 48, and then Article 49 and 50, Grace issues, and then return to Article 29 which was the first article to be held from consent.

The Moderator introduced the Town Manager, Steve Ledoux who made the presentation for the 4th annual recipient of the Joseph A. Lalli Merit Award for outstanding work of a Town of Acton employee. This years Employee of the year award goes to Carol Steiner of the Council of Aging

Mr Steve Ledoux also honored the First Public Safety Employee of the Year in honor of the untimely death of Firefighter Leo Hayes to the Leo J. Hayes Support Trust Fund.

The Moderator introduced Lauren Rosenzweig, Chair of the Board of Selectmen. Mrs Rosenzweig recognized Andy Magee for his extrodinary service to the Town of Acton.who will be stepping down as a member of the Board of Selectmen.

Lauren Rosenzweig also spoke in recognition of Bill Ryan, Superintendant of School, who will be retiring at the end of the 2009 school year.

MOTION: Ms Friedrichs moves to take Article 48 out of order, to be taken up now.

MOTION CARRIES

ARTICLE 48 AMEND TOWN BYLAWS – QUORUM FOR THE (Majority vote) COMMISSION ON DISABILITIES

To see if the Town will vote to amend Chapter B of the General Bylaws of the Town to add the following Section B22:

B22. Commission on Disabilities

22.1 This Commission on Disabilities shall consist of nine (9) members, appointed by the Board of Selectmen, each serving a three (3) year term, pursuant to Charter § 4-2.

22.2 A quorum of the Commission on Disabilities shall consist of at least three (3) members in attendance. The Commission on Disabilities shall act by a majority vote of its members present; provided however, that if only a quorum of three (3) members is present, the vote must be unanimous to carry.

or take any other action relative thereto.

MOTION: Ms. Friedrichs moves that the Town adopt the general bylaw amendments as set forth in the article.

MOTION CARRIES UNANIMOUSLY

ARTICLE 49 SEWER BETTERMENT ABATEMENT FUNDING (Two-thirds vote)

To see if the Town, acting pursuant to General Bylaw § D10(1), will allocate to taxpayers at large, raise and appropriate or appropriate from available funds, and annually transfer to the sewer enterprise fund, a sum of money sufficient to cover, all or any portion of any sewer betterment abatement together with interest and costs thereon granted or ordered in connection with the matter *W.R. Grace & Co.-Conn. v.*

Lauren Rosenzweig, et al., Middlesex Superior Court C. A. No. MICV-2006-01587, or take any other action relative thereto.

MOTION: **Mrs. Knibbe** moves, pursuant to General Bylaw § D10(1), to allocate to taxpayers at large the amount of \$1,500,000 together with all interest and costs thereon to cover a sewer betterment abatement granted in the matter *W.R. Grace & Co.-Conn. v. Lauren Rosenzweig, et al.*, Middlesex Superior Court C. A. No. MICV-2006-01587; to amortize the total thereof in annual installments to be appropriated from year-to-year until amortized in full; and to raise and appropriate and transfer to the sewer enterprise budget \$165,000 as the FY 2010 installment.

Mrs. Knibbe introduced Judge Kass to speak on this article.

Motion to allow Judge Kass to speak to Town Meeting.

MOTION TO SPEAK CARRIES UNANIMOUSLY

Mr Paul Gaboury Motion to extend debate on Article 49 to 7 minutes per speaker .(2/3 vote)
Declared 2/3 by moderator motion passed

**MOTION CARRIES
DECLARED 2/3 BY MODERATOR***

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,
ARTICLE 43 AND THE AMENDED BYLAW 5A WAS APPROVED BY THE ATTORNEY GENERAL ON AUG. 6, 2001.
(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

ARTICLE 50 REDETERMINATION OF UNIFORM SEWER BETTERMENT UNIT
(Majority vote)

To see if the Town will authorize the Board of Selectmen acting as the Town's Sewer Commissioners to redetermine pursuant to G.L. c. 83, § 15A the uniform unit fixed under G.L. c. 83, § 15 charged for the existing and potential sewer units served by the construction of the Middle Fort Pond Brook Sewer District plant, system and infrastructure, to fund all or any portion of any sewer betterment abatement together with interest and costs thereon granted or ordered in connection with the matter *W.R. Grace & Co.-Conn. v. Lauren Rosenzweig, et al.*, Middlesex Superior Court C. A. No. MICV-2006-01587, and to assess, order, determine, certify, commit and cause to be collected the same in the manner prescribed by law, or take any other action relative thereto.

MOTION: **Mrs. Knibbe** moves that the Town take no action.

MOTION CARRIES UNANIMOUSLY

ARTICLE 29 * HEAR AND ACCEPT REPORTS
(Majority vote)

To see if the Town will accept reports and hear and act upon the report of any committee chosen at any previous Town Meeting that has not already reported, or take any other action relative thereto.

MOTION: **Mr. Magee** moves that the Town accept the reports of the various Town Officers and Boards as set forth in the 2008 Town Report and that the Moderator calls for any other reports.

Held from consent

MOTION CARRIES

ARTICLE 30 * HIGHWAY REIMBURSEMENT PROGRAM (CHAPTER 90)

(Majority vote)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, a sum of money for highway improvements under the authority of Massachusetts General Law, Chapter 90, and any other applicable laws, or take any other action relative thereto.

MOTION: Mr. Magee moves that the Town Manager is authorized to accept Highway funds from all sources and that such funds are hereby appropriated for highway purposes.

Held from consent

MOTION CARRIES

ARTICLE 31 * INSURANCE PROCEEDS

(Majority vote)

To see if the Town will vote to appropriate the proceeds of any insurance policy reimbursements of costs incurred as a result of any covered loss, including without limitation any liability insurance, property insurance, casualty insurance, workers' compensation insurance, health insurance, disability insurance, automobile insurance, police and fire injury and medical costs, and any other insurance of any name and nature whatsoever, or take any other action relative thereto.

MOTION: Mr. Berry moves that the Town Manager is authorized to accept insurance proceeds of any name and nature whatsoever from all sources and such funds are hereby appropriated.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 32 * GIFTS OR GRANTS

(Majority vote)

To see if the Town will vote to appropriate the proceeds of any gifts or grants accepted pursuant to Massachusetts General Law, Chapter 44, Section 53A, and any interest thereon, and that, consistent with the requirements of Massachusetts General Law, Chapter 40, Section 4A, the Board of Selectmen or Town Manager are authorized to enter into an agreement or agreements on behalf of the Town, on such terms and conditions as the Board of Selectmen or the Town Manager may determine, for the stated purposes of the gifts or grants, or take any other action relative thereto.

MOTION: Mr. Berry moves that the proceeds of any gifts or grants from any source accepted pursuant to Massachusetts General Law, Chapter 44, Section 53A, and any interest thereon, are hereby appropriated for the stated purposes of the gifts or grants, and may be expended with the approval of the Board of Selectmen or otherwise as stated in Section 53A.

Held from consent

Motion to Amend Ms Friedrichs moves to amend the motion by adding; provided that the gift or grant does not result in unfunded, recurring annual Town expenditures not within the scope of the approved municipal, school or district budget as applicable.

Motion to amend Lost

ORIGINAL MOTION CARRIES

ARTICLE 33 * FEDERAL AND STATE REIMBURSEMENT AID
(Majority vote)

To see if the Town will vote to appropriate any Federal Government and State Government reimbursement for costs incurred as a result of any declared emergencies or other occurrence, and that, consistent with the requirements of Massachusetts General Law, Chapter 40, Section 4A, the Board of Selectmen or Town Manager are authorized to enter into an agreement or agreements on behalf of the Town, on such terms and conditions as the Board of Selectmen or the Town Manager may determine, or take any other action relative thereto.

MOTION: **Mr. Magee** moves that the Town Manager is authorized to accept federal and state reimbursement funds from all sources and that such funds are hereby appropriated for the purposes outlined by such reimbursement.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 34 * PERFORMANCE BONDS
(Majority vote)

To see if the Town will vote to appropriate the proceeds of any performance bonds for the purposes stated in said bonds available as a result of any default, non-performance or other covered conditions, or take any other action relative thereto.

MOTION: **Mr. Berry** moves that the Town appropriate the proceeds of any performance bonds, for the purposes stated in said bonds, available as a result of any default, non-performance or other covered conditions.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 35 * SALE OF FORECLOSED PROPERTIES
(Majority vote)

To see if the Town will vote to authorize the Board of Selectmen to dispose of foreclosed properties acquired by the Town for nonpayment of taxes in accordance with the provisions of Massachusetts General Laws, or take any other action relative thereto.

MOTION: **Mr. Magee** moves in the words of the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 36 * ELDERLY TAX RELIEF
(Majority vote) **REAUTHORIZE CHAPTER 73 OF THE ACTS OF 1986**

To see if the Town will vote to continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions, or take any other action relative thereto.

MOTION: **Ms. Friedrichs** moves that the Town continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 37 * ACCEPT TRAIL EASEMENT – BRUCE FREEMAN RAIL TRAIL
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept a deed of an easement interest for purposes of establishing and maintaining a paved trail for public non-motorized use and emergency vehicle access, on such terms and conditions as the Selectmen may determine, on, across, over, and/or under land owned by The Bravery Realty Trust and located at 144 Great Road in Acton. Said easement is shown as a “20-foot Wide Pedestrian Easement” on a plan of land entitled “Plan of Land in Acton, Massachusetts (Middlesex County) for: The Bravery Realty Trust, scale: 1” = 20’, June 10, 2008” that is on file with the Acton Planning Department and recorded in the Middlesex South District Registry of Deeds as Plan No. 69 of 2009. And further see if the Town will raise, appropriate, transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

MOTION: **Mr. Magee** moves that the Town authorize the acquisition of the easements as set forth in the Article.

Held from consent

MOTION CARRIES UNANIMOUSLY

ARTICLE 38 * ACCEPT TRAIL EASEMENT – BAY CIRCUIT TRAIL
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept a deed of an easement interest for purposes of establishing and maintaining a trail for public non-motorized use, on such terms and conditions and in a final location or locations as the Selectmen may determine, on, across, over, and/or under a strip of land at 908 Main Street in Acton between parcels 6 and 8 shown on page C-5 of the 2007 edition of the Acton Town Atlas, and further see if the Town will raise, appropriate, transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

MOTION: **Mr. Magee** moves that the Town authorize the acquisition of the easements as set forth in the Article.

Held from consent

MOTION CARRIES UNANIMOUSLY

ARTICLE 39 * AMEND TOWN BYLAWS –
(Majority vote) **NON-CRIMINAL DISPOSITION FOR ZONING BYLAW**

To see if the Town will vote to amend Chapter E of the General Bylaws of the Town by deleting paragraph 19 of Chapter E, Section E45 (Non-Criminal Disposition) and replacing it as follows:

“Chapter M – Zoning Bylaw; enforcing persons: Zoning Enforcement Officer. Fine: \$300 for each offense. Each day that a violation continues shall constitute a separate offense.”

[Note – this paragraph currently reads:

Chapter M - Zoning Bylaw; enforcing person – Zoning Enforcement Officer – Fine \$25.00 first offense; \$50.00 second offense; \$100.00 each subsequent offense.]

, or take any other action relative thereto.

MOTION: Mrs. Rosenzweig moves that the Town adopt the general bylaw amendments as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 40 * REDEMPTION OF PARCELS IN TAX TITLE FORECLOSURE
(Majority vote)

To see if the Town will vote to authorize the Treasurer to enter into written installment payment agreements with persons claiming an interest in parcels in tax title foreclosure for the redemption of any such parcels on terms and conditions as the Treasurer may determine in the Treasurer’s reasonable discretion, subject to approval of the Land Court in accordance with the requirements of Massachusetts General Laws Chapter 60, Section 68.

or take any other action relative thereto.

MOTION: Mr. Berry moves in the words of the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 41 * AMEND TOWN BYLAWS – REDEMPTION OF PARCELS IN TAX
(Majority vote) **TITLE FORECLOSURE BY INSTALLMENT PAYMENT AGREEMENT**

To see if the Town will vote to amend Chapter B (“Town Agencies and Officers”) of the General Bylaws of the Town by adding a new Section B22 entitled “Tax Title Payment Plans” as follows:

The Treasurer shall have the authority to enter into written installment payment agreements with persons entitled to redeem parcels in tax title on such terms and conditions as the Treasurer may determine in the Treasurer’s reasonable discretion and in accordance with Massachusetts General Laws Chapter 60, Section 62A. This bylaw shall apply to all taxpayers with parcels in tax title in the Town of Acton. All installment payment agreements shall comply with the following minimum requirements:

1. The installment payment agreement shall have a maximum term of five (5) years;
2. The installment payment agreement may include a waiver of up to 50% of the interest that has accrued in the tax title account, but only if the taxpayer complies with the terms of the agreement (no taxes or collection costs may be waived); and
3. The installment payment agreement must state the amount of the payment due from the taxpayer at the time of execution of the agreement, which must be at least 25% of the amount needed to redeem the parcel at the inception of the agreement.

or take any other action relative thereto.

MOTION: Mrs. Knibbe moves that the Town adopt the general bylaw amendments as set forth in the article.

CONSENT MOTION CARRIES UNANIMOUSLY

**ARTICLE 42 * AMEND ZONING BYLAW – TRUCK RENTAL AS ACCESSORY
(Two-thirds vote) USE IN THE LIGHT INDUSTRIAL (LI) DISTRICT**

To see if the Town will vote to amend the Zoning Bylaw, section 3.8.2 (Accessory Uses Permitted in the Office, Business, and Industrial Districts) by inserting a new sub-section 3.8.2.8 as follows:

- 3.8.2.8 In the Light Industrial District, the rental of trucks with a gross vehicle weight not greater than 26,000 pounds, provided that not more than five trucks for rental use shall be parked on site at any one time and that no such truck shall be parked on site for more than 72 consecutive hours.

, or take any other action relative thereto.

MOTION: Mr. Yacouby moves that the Town adopt the zoning bylaw amendment as set forth in the article.

CONSENT MOTION CARRIES UNANIMOUSLY

**ARTICLE 43 * AMEND ZONING BYLAW –
(Two-thirds vote) CORRECTIONS, CLARIFICATIONS AND MINOR AMENDMENTS**

To see if the Town will vote to amend the zoning bylaw as follows:

1. In Section 1 (Authority, Purpose, Definitions and Applicability) delete the lead paragraph of section 1.4 and replace it with a new paragraph as follows:

1.4 Applicability - All LOTS and parcels of land in the Town of Acton and all BUILDINGS, STRUCTURES and other improvements thereon shall be subject to the regulations, restrictions and requirements established in this Bylaw. Except when specifically referred to or stated otherwise, this Bylaw shall not apply to STREETS and appurtenances and easements thereto; to railroad rights of way; to public bicycle, pedestrian, and multi-use paths funded, laid out, or constructed by the Town of Acton, the Commonwealth of Massachusetts, or the Federal Government; or to any BUILDING, STRUCTURE or USE of land, including grading, filling, and excavating, which is associated with a public sewer collection system owned or operated by the Town of Acton.

*[Note: The lead paragraph of section 1.4 currently reads as follows:
1.4 Applicability - All LOTS and parcels of land in the Town of Acton and all BUILDINGS, STRUCTURES and other improvements thereon shall be subject to the regulations, restrictions and requirements established in this Bylaw. Except when specifically referred to or stated otherwise, this Bylaw shall not apply to STREETS, appurtenances and easements thereto, to railroad rights of way, or to any BUILDING, STRUCTURE or USE of land, including grading, filling, and excavating, which is associated with a public sewer collection system owned or operated by the Town of Acton.]*

2. In Section 3.5.14 (Use Definition of Building Trade Shop) insert before “or similar occupation” the following:

”building cleaning service,”.

[Note: Section 3.5.14 currently reads as follows:

3.5.14 Building Trade Shop – An establishment for use by the practitioner of a building trade such as a carpenter, welder, plumber, electrician, builder, mason, landscaping contractor, lawn care service, or similar occupation.]

And insert in the table of Section 5.5A.1 (Maximum Floor Area of Businesses and Industries in Village Districts) the following footnote (1) in line 3.5.14 Building Trade Shop and columns NAV, SAV, and WAV:

(1) The maximum NET FLOOR AREA for building cleaning services shall be 3,000 square feet.

3. In section 10.6 (Outdoor Lighting Regulations for Site Plan Special Permits), insert in the 2nd line of subsection 10.6.2.2.a), the word “additionally” before the word ‘SHIELDED’.

[Note: Sub-section 10.6.2.2.a) currently reads:

10.6.2.2.a) Any LUMINAIRE whose distance from a LOT line is less than three times its height (3xH) shall be SHIELDED so that all DIRECT LIGHT cast in the direction of STREETS, or abutting LOTS that are in Residential or Conservation USE, is cut off at an angle no more than 70 degrees measured from a vertical line directly below the LUMINAIRE (Figure 2). This requirement shall apply to all sides of the LUMINAIRE that emit light toward a LOT line that is less than 3xH away from the LUMINAIRE. The cut-off may be accomplished either by the LUMINAIRE photometric properties, or by a supplementary external shield.]

, or take any other action relative thereto.

MOTION: Mr. Clymer moves that the Town adopt the zoning bylaw amendments as set forth in the article.

Held from consent

MOTION CARRIES UNANIMOUSLY

**ARTICLE 44 ACCEPT SIDEWALK EASEMENTS AND
(Two-thirds vote) STREET RELOCATION AND LAYOUT**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept deeds of easement interests for sidewalks along Prospect Street, High Street and Main Street, for all purposes which streets, sidewalks and ways are now or hereafter used in the Town, on such terms and conditions as the Selectmen may determine and in a final location

or locations as the Selectmen may determine, on, across, over, and/or under the following land and relocate a portion of Main Street, by acquiring and/or taking parcels 2C, 2D, and 4A, and by discontinuing, abandoning and/or conveying, as necessary, parcel 1A, on a plan all as further described below, to accept a deed of a fee simple or easement interest, for all purposes which streets, sidewalks and ways are now or hereafter used in the Town, on such terms and conditions as the Selectmen may determine and in a final location or locations as the Selectmen may determine, on, across, over, and/or under the following land:

A. Prospect Street (from Central Street to Main Street):

1. Land n/f of Thomas and Jana Bull of 21 Central Street (Town Atlas Map G-2A Parcel 51),
2. Land n/f of Richard Paul and Phyllis C. Bursaw of 16 Prospect Street (Town Atlas Map G-2A Parcel 31-1),
3. Land n/f of From Karen B.V. Dutton of 18 Prospect Street (Town Atlas Map G-2A Parcel 31),
4. Land n/f of Brian H. and Cydney R. Cotter of 22 Prospect Street (Town Atlas Map G-2A Parcel 24),
5. Land n/f of Michael A. Euele and Diann M. Oster of 28 Prospect Street (Town Atlas Map G-2A Parcel 19),
6. Land n/f of Jason Temple of 34 Prospect Street (Town Atlas Map G-2A Parcel 11),
7. Land n/f of Robert N. and Lisa K. Fitzgerald of 38 Prospect Street (Town Atlas Map G-2A Parcel 6),
8. Land n/f of Thomas E. and Charlotte E. Wetherbee of 44 Prospect Street (Town Atlas Map G-2A Parcel 7),
9. Land n/f of Jay A. and Barbara B. Estabrook of 50 Prospect Street (Town Atlas Map G-2A Parcel 3),
10. Land n/f of Michael Story Bush of 54 Prospect Street (Town Atlas Map G-2A Parcel 1),
11. Land n/f of Geraldo O. Miranda of 60 Prospect Street (Town Atlas Map G-2 Parcel 151),

B. High Street (from Parker Street to Dunham Lane):

1. Land n/f of Michael and Sharen Crooks of 192 Parker Street (Town Atlas Map I-3 Parcel 133),
2. Land n/f of Gerald Nadler and Lorraine Ledford of 230 High Street (Town Atlas Map I-3 Parcel 134),
3. Land n/f of Don & Gayle Johnson of 1 Cindy Lane, an easement along their entire frontage on High Street for 1 Cindy Lane, 236 High Street and Cindy Lane (Town Atlas Map I-3 Parcels 134-1 and 144, respectively),
4. Land n/f of Nancy W. Rader of 248 High Street (Town Atlas Map J-3 Parcel 7),

C. High Street (from Audubon Hill Emergency Access to 46 High Street):

1. Land n/f of the Audubon Hill North Condominium (Town Atlas Map H-3A Parcel 59),
2. Land n/f of Vesa M. and Miriam J. Kuosmanen of 30 High Street (Town Atlas Map H-3A Parcel 58),
3. Land n/f of Royce A. and Susanne J. Fuller of 40 High Street (Town Atlas Map H-3B Parcel 10),
4. Land n/f of Mary D. and Marc A. Kuta of 46 High Street (Town Atlas Map H-3B Parcel 18),

D. Main Street (from Post Office Square to Great Road):

1. Land n/f of the Acton Water District Land (Town Atlas Map E-4 Parcel 4) as shown on a plan entitled "Easement Plan of Land, Main Street (Route 27) in Acton, Massachusetts as Laid Out by Order of the Board of Selectmen, 2008", Scale 1"=40".
2. To acquire and/or take Parcel 2C as shown on a plan entitled "Plan of the Relocation of a Portion of Main Street (Route 27) in Acton, Massachusetts, as Laid Out by Order of the Board of Selectmen, 2008", containing approximately 3,191 square feet, more or less, of land owned by Brewster Conant.
3. To acquire and/or take Parcel 2D as shown on a plan entitled "Plan of the Relocation of a Portion of Main Street (Route 27) in Acton, Massachusetts, as Laid Out by Order of the Board of Selectmen, 2008", containing approximately 2,855 square feet, more or less, of land owned by Brewster Conant.
4. To acquire and/or take Parcel 4A as shown on a plan entitled "Plan of the Relocation of a Portion of Main Street (Route 27) in Acton, Massachusetts, as Laid Out by Order of the Board of Selectmen, 2008", containing approximately 7,093 square feet, more or less, of land owned by Brewster Conant.
5. And to discontinue, abandon, and/or convey whatever right, title and interest the Town may have in a portion of the 1927 County Layout of Main Street (Route 27) on the northerly side of Main Street opposite Brook Street shown as Parcel 1A on a plan entitled "Plan of the Relocation of a Portion of Main Street (Route 27) in Acton, Massachusetts, as Laid Out by Order of the Board of Selectmen, 2008", containing approximately 5,810 square feet, more or less, of land.

The acquisition and discontinuance of the above-mentioned Main Street parcels will reconfigure this portion of the town way known as Main Street at the intersection of Brook Street, as laid out and relocated by the Board of Selectmen according to said Plan and as described in more detail in the Order of Layout and Relocation,

and further see if the Town will raise, appropriate, transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

MOTION: Mrs. Knibbe moves that the Town authorize the acquisition of the easements as set forth in the Article and that the Town accept a portion of Main Street, as relocated by the Board of Selectmen, authorize the Board of Selectmen to acquire and/or take by eminent domain Parcels 2C, 2D

and 4A, and authorize the Board of Selectmen to discontinue and dispose of Parcel 1A, all as shown on the Plan of the Relocation of a Portion of Main Street as referenced in and as set forth in the Article.

Hold Section D-Main Street (from Post Office Square to Great Road)

Section A Prospect Street (from Central Street to Main Street):

Section B High Street (from Parker Street to Dunham Lane)

Section C High Street (from Audubon Hill Emergency Access to 46 High Street):

MOTION CARRIES UNANIMOUSLY

**Section D-Main Street (from Post Office Square to Great Road) MOTION CARRIES
DECLARED 2/3 BY MODERATOR***

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,
ARTICLE 43 AND THE AMENDED BYLAW 5A WAS APPROVED BY THE ATTORNEY GENERAL ON AUG. 6, 2001.
(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

ARTICLE 45 SCHOOL STREET PLAYING FIELDS LEASE

(Majority vote)

To see if the Town will vote to authorize the Board of Selectmen to enter into a lease, for one dollar a year and on such other terms and conditions as the Selectmen may determine, of approximately 14.6 acres of open space farmland located within the southerly portion of Lot 6 on Acton's Assessors Map H-4, which land is shown on plans that are on file with the Town Manager's office, as provided in Chapter 286 of the Acts of 2008;

or take any other action relative thereto.

MOTION: Mr. Magee moves that the Town authorize the Board of Selectmen to enter into a lease of land as set forth in the article.

MOTION CARRIES UNANIMOUSLY

ARTICLE 46 SCHOOL STREET PLAYING FIELDS MITIGATION

(Majority vote)

UTILIZING WETHERBEE LAND

To see if the Town will vote to authorize the Board of Selectmen to utilize Lot 173 on Acton Assessor's Map G-4, also known as the Wetherbee land, for any agricultural mitigation that is necessary in return for the School Street playing fields lease as required under Chapter 286 of the Acts of 2008 and to restrict that land as necessary for such mitigation;

or take any other action relative thereto.

MOTION: Mr. Magee moves that the Town authorize the Board of Selectmen to utilize all or any portion of Lot 173 on Acton Assessor's Map G-4, also known as the Wetherbee land, for any agricultural mitigation that is necessary in return for the School Street playing fields lease as required under Chapter 286 of the Acts of 2008 and to enter into related agreements and restrict that land as necessary for such mitigation.

MOTION CARRIES UNANIMOUSLY

ARTICLE 47
(Majority vote)

AMEND TOWN BYLAWS – DEMOLITION OF HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT BUILDINGS

To see if the Town will vote to amend Chapter N of the General Bylaws of the Town, Procedure for the Demolition of Historically or Architecturally Significant Buildings, as set forth below, or take any other action relative thereto:

Section N3, SubSection 3.1:

Delete the word “Upon” at the beginning of the first sentence and replace with the words “Within seven (7) days of”;

Add a new sentence between the first sentence and the second sentence as follows:

“The Building Commissioner shall also notify the Commission (by email or similarly expedient means) when such a permit has been sent to the Commission for consideration.”

Section N3, SubSection 3.1:

Delete the words “seven (7)” in the first sentence and replace with the words “fourteen (14)”.

Section N3, SubSection 3.3:

Delete the words “fifteen (15)” in the second sentence and replace with the words “ten (10)”.

Section N3, SubSection 3.5:

Delete the words “twenty one (21)” in the first sentence and replace with the words “ten (10)”;

Delete the words “at least six (6)” in the first sentence and replace with the words “eighteen (18)”;

Before the period at the end of the paragraph, add the words: “for any significant building that falls into one of the categories identified in Section 2.3.a. of this bylaw, or until twelve (12) months after the date of such determination by the Commission for any significant building that falls into one of the categories identified in Sections 2.3.b. or 2.3.c. of this bylaw”.

Section N4, SubSection 4.2:

Delete the words “two (2)” in the first sentence and replace with the words “three (3)”;

Before the period at the end of the first sentence, add the words: “, unless authorized by the Commission pursuant to Section 4.4”.

Section N4, (new) SubSection 4.4:

Add a new SubSection 4.4 as follows:

4.4 At any time, the owner of property on which a significant building has been voluntarily demolished in violation of Sections 4.2 or 4.3 of this bylaw can apply in writing to the Commission for an exemption to the provisions of Sections 4.2 or 4.3, such application to state with particularity the facts and circumstances to prove to the

Commission that an exemption is warranted due to (i) exigent circumstances or disasters beyond the owner's (and, if different than the owner, the permit applicant's) control, or (ii) documentation evidencing the owner's intent to complete a faithful restoration of the demolished building. The Commission may in its discretion determine that the written request states sufficient grounds for exemption from the provisions of Sections 4.2 or 4.3 and authorize an exemption from this bylaw. Any exemption granted pursuant to this Section 4.4 shall apply only to the voluntary demolition for which the owner submitted a written exemption request, and not for any subsequent voluntary demolition to which this bylaw would otherwise apply.

Section N7:

Add a new Section N7, as follows:

N7. Severability

The sections, paragraphs, sentences, clauses and phrases of this bylaw are severable, and if any phrase, clause, sentence, paragraph or section of this bylaw shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrase, clauses, sentences, paragraphs and sections of this bylaw.

MOTION: **Ms. Friedrichs** moves that the Town adopt the general bylaw amendments as set forth in the article.

MOTION CARRIES UNANIMOUSLY

Ms Rosenzweig moves to dissolve the Annual Town Meeting at 10:06 PM.

Tellers for Town Meeting

| | |
|-----------------|------------------|
| Karen Dudziak | Bob Ferrara |
| Tom Geagan | Deena Ferrara |
| Jack Whittier | Joan Gardner |
| Judy Wolff | Connie Huber |
| Jeff Bergart | Bob Ingram |
| Ann Chang | Herman Kabakoff |
| Belle Chaote | Anne Kadlec |
| Brewster Conant | Charles Kadlec |
| Al Doscocil | Marilyn Peterson |
| Lois Doscocil | Gail Sawyer |