

Town of Acton

Annual Town Meeting Warrant



Monday, April 7, 2008

**The Annual Town Meeting will convene at 7:00 PM in the
Acton-Boxborough Regional High School Auditorium
36 Charter Road**

Notice of Election and Meeting

Annual Town Election Tuesday, April 1, 2008 7:00 AM – 8:00 PM

- Precinct 1** – Nagog Woods Club House – 100 Nonset Path
Precinct 2 – Conant School – 80 Taylor Road
Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
Precinct 6 – Conant School – 80 Taylor Road

For assistance in determining your election voting location, please use the State Elections Division's web site **www.WhereDoIVoteMA.com** or contact the Town Clerk's office by e-mail at **clerk@acton-ma.gov** or by telephone at **(978) 264-9615**.

Annual Town Meeting Monday, April 7, 2008 7:00 PM Acton-Boxborough Regional High School Auditorium 36 Charter Road

Note: Copies of the detailed Municipal Operating Budget are available at Town Hall, Public Safety Facility, Memorial Library and West Acton Citizens' Library. Copies will also be available at Town Meeting.

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Board of Selectmen's Message

This Town Meeting Warrant is your invitation to participate in the legislative portion of Acton's town government. Acton citizens have a cherished tradition of governing themselves by means of an open Town Meeting. We encourage all Acton residents to attend. All registered voters are urged to participate in the debate and vote on the Articles presented. Other residents, even if they are not registered voters, are invited to attend and observe, or to view the proceedings on Comcast cable channel 8 and Verizon cable channel 45.

Town Meeting Dates, Times and Location

The Annual Town Meeting will begin on April 7 at 7:00 PM in the Acton-Boxborough Regional High School Auditorium. Town Meeting is then expected to continue on additional consecutive nights. All adjourned sessions will begin at 7:00 PM in the Acton-Boxborough Regional High School Auditorium. Come early to get checked in by the Town Clerk's staff and to obtain additional information.

Regular attendees at Annual Town Meeting will note that many of the Articles in this Warrant relate to matters which are routinely addressed every year, such as the established Enterprise Budgets and the Schools' and Municipal Operating Budgets, while other Articles relate to issues and matters that are new or unique this year. Although some Articles, such as Zoning or Bylaw amendment proposals, do not involve appropriation of funds, much of the Annual Town Meeting's attention is focused on fiscal matters.

Town Meeting Warrant and Procedures

The Town Meeting Warrant is the agenda for the meeting. It is drawn up by the Selectmen from various proposals made by the Selectmen, the School Committees, other Boards, staff and citizens. The Selectmen determine the order that the Articles appear in the Warrant. The Articles will be considered in the order in which they appear, unless the Moderator, or the meeting itself, changes that order. Each Article is intended to give fair notice of the topic to be discussed and voted upon, thus any motion made at Town Meeting under one of these Articles must be found by the Moderator to be within the scope of the printed Article. At the Town Meeting, the motion made under each Article will describe the specific action that is proposed to be taken. The wording of the motion, and any amendments that might be offered to the main motion, may differ from the exact wording of the Article, but as indicated above must be within the scope of the Article. Accordingly, it is suggested that each attendee listen closely to the reading of the motion, and any amendments made before voting.

Your attention is invited to the Warrant section on Parliamentary Procedure and a Basic Guide to Town Meeting Process written by the Town Moderator. The best debate is conducted by those who have informed themselves concerning the issues. Informed debate is delayed when speakers rise only to ask basic questions that could be individually addressed. To assist speakers to inform themselves in advance, and to avoid delays during the meeting engendered by persons seeking basic information, the Board of Selectmen strongly encourages and solicits questions in advance concerning any of the proposed Articles. Information in regard to the Articles is available from any of the people listed after each Article summary, or a general inquiry may be made to the Town Manager's office at (978) 264-9612 or manager@acton-ma.gov for an appropriate referral. Copies of the Municipal Operating Budget will be made available in advance of the meeting at the Memorial Library, West Acton Citizens' Library, Public Safety Facility, and Town Hall. Copies will also be available at Town Meeting. Furthermore, personnel designated by staff or the Moderator will be available in the auditorium during the Meeting to answer informational questions which may not be of interest to the entire assemblage on a one-on-one basis.

Thank You to Our Volunteers

In addition to trying to balance our budgetary needs against limited resources, another necessity for the healthy function of our local government and community is the flow of active, interested citizens willing to volunteer their time, talents, and energy to participate as members of the Town's many volunteer regulatory and advisory Boards, Commissions and Committees. Volunteers are the very foundation of our government, and as the needs of the Town expand, so does the need for volunteers. No special knowledge is necessary to volunteer, only an interest to serve the community and advance the public good, combined with a willingness to learn. The rewards may be intangible, but are very real. We encourage you to volunteer by filling out the Citizen Resource Sheet which is included in this Warrant, tearing it out and mailing it to Town Hall, depositing it in the marked box in the lobby outside the auditorium at Town Meeting, or handing it to any Selectman at this meeting. Please consider helping your Town by volunteering some time – we believe you will find it very rewarding.

F. Dore' Hunter, Chair
Lauren S. Rosenzweig, Vice-chair
Andrew D. Magee, Clerk
Paulina Knibbe, Member
Peter Berry, Member

Town Manager's Message

Acton is in an enviable position. While there is a backlog of unfulfilled needs, the community has strong reserves and great potential.

As our Town grows and changes, we are presented with new challenges. The citizens of Acton expect their government to deal with these pressures and demands. That is why this Warrant develops a clear plan that will yield tangible results.

The underlying Municipal Strategic Business Plan is built on the principles of fiscal discipline and achieving results for today and the future. Overall, it is focused on key outcomes for our citizens: A better quality of life and a chance to share in the community's good fortune.

To achieve these outcomes, Management has set out six priorities, which are to:

- Govern with integrity and transparency
- Manage growth pressures
- Improve quality of life
- Build strong village centers
- Provide safe and secure neighborhoods
- Provide financial planning for future fiscal years

This Warrant supports the underlying Municipal Strategic Business Plan and sets out the vision, strategic initiatives, and immediate and long-term actions to achieve these priorities. As we work toward these goals, we are focused on achieving results. As part of our commitment to accountability, we have provided detailed departmental budgets in the Budget Supplement and we will provide quarterly financial reports on our progress throughout the year.

The municipal appropriation requests contained in this Warrant are constructed to protect you and your family, enhance your quality of life, and construct a better future for the next generation.

Acton's citizens have every reason to be optimistic about the future. We are in a strong position to move forward, and respectfully ask for your support.

Working together, we will achieve great things.

Respectfully submitted,

Steven L. Ledoux
Town Manager

Finance Committee's Message

Over the summer of 2007, the Finance Committee debated and agreed upon on a set of key economic decisions facing the Town of Acton as the budgets for FY2009 were developed. Using a consensus process, we developed a document called the *Point of View* which expressed our outlook and provided guidance to the Acton Leadership Group, the Board of Selectmen, and both the Acton Public School Committee and the Acton Boxboro Regional School Committee. Adopted in November 2007, the Finance Committee's Point of View stated:

- ❑ The Town of Acton's financial position is strong.
- ❑ Solid financial management, combined with certain sharp increases in marginal revenues (most especially Chapter 70 funds), has contributed to this strong picture.
- ❑ Chapter 70 funding is expected to continue to be strong.
- ❑ Balance sheet sources of cash, such as free cash, E&D and NESWC fund balances are providing latitude with respect to financial decisions.
- ❑ We do not foresee dramatic, highly volatile changes in other revenues from State sources.
- ❑ While the housing sector is weak, it does not appear to be having a major impact on the local or state economies.
- ❑ Sharp growth in expense "drivers" that have had a major impact on decision making, such as health insurance expense, energy costs and SPED growth, are moderating.

Similarly, the Point of View offered recommendations for the budget planning cycle:

- ❑ There is no need for an operating override.
- ❑ There is a need for addressing lagging capital maintenance items, especially in the School systems ("Moderate Level Capital Items")
- ❑ Also in the planning stages is at least one very major capital project, the North Acton Fire and Emergency Services Building ("Major Capital Items")
- ❑ The Moderate Level Capital Items should be approved and funded this year, within Proposition 2 ½ limits. In other words, these capital needs should be approved and funded without using a debt exclusion override.
- ❑ The FinCom invites the Town and Schools advice on how best to structure the debt with respect to the Moderate Level Capital Items.
- ❑ The business case, including a firm cost/benefit analysis with respect to the Fire and Emergency Services capital project, is not complete. We recommend that a robust, clear business case be prepared as soon as practicable. This will be critical to our ability to respond for FY2009 budget purposes. Nonetheless, if this Major Capital Item is approved, the net fundable amount (net of any contributions or transfers) may be funded outside Proposition 2 ½ by a debt exclusion override.

Fundamentally, the guidance in our Point of View has withstood the twin tests of time and fiscal reality. The certification of FY07 fund balances included \$1.9 million in free cash, the capital commitment in the FY08 budget promised relief within that sector, and Chapter 70 funding for the schools continued to favor Acton. In late fall, the Board of Selectmen opted to defer town wide consideration of a North Acton Fire and Emergency Services project, eliminating the need for a debt exclusion override.

As the budget work began, the Finance Committee's focus became a review of the appropriate means of financing capital expenditures and we continued to endorse the funding of moderate capital projects, such as the replacement of the boilers and univents at the elementary schools, within the limits of Proposition 2 ½. We also took the position that capital outlays for large purchases, for example fire equipment, be financed over the expected life of the asset.

Revenue

The revenue side of the budget has challenged all of the town boards. Despite the strength in our reserve accounts, the deterioration of the national economy over the fourth quarter of 2007 and the reliance of state funding on new, uncertain revenue sources have raised concerns. It is not clear that the funding levels proposed in the Governor's budget can be met either this year or going forward. Similarly, past experiences with slow economic growth have impacted our traditional sources of revenue, especially property taxes.

Based on concerns relating to the ongoing sustainability of the base budgets, the Finance Committee has asked both the town and school budgets to meet their needs with small contributions from one time revenues. We support using funds from the NESWC enterprise account for capital expenses and have asked for contributions from the Excess and Deficiency (E&D) fund and Free Cash on a limited basis. Overall, the Finance Committee sees the preservation of all the reserve funds as a protection against the softening economy and a cushion against sharp changes in revenues, particularly those earmarked from the State.

Outlook

As the Finance Committee asserted in November when we adopted our Point of View, the outlook for Acton is positive. We continue to benefit from careful management of costs, high levels of Chapter 70 support for our schools and good news from our Health Insurance Trust in regard to insurance costs. Major spending projects have been set aside and careful stewardship of our reserves will allow us to maintain the levels of service our citizens deserve and expect, even as we await the resolution of the national economic picture and the clarification of the state's revenue sources. This balance has been achieved through a conscious discipline on the part of the Board of Selectmen and the School Committees and represents an effort to insulate our taxpayers from economic uncertainty now and going forward.

Respectfully submitted,

Patricia Clifford, Chair, and Stephen Noone, Vice Chair
Acton Finance Committee

Comprehensive Community Plan Announcement



ACTON TOMORROW ... LET'S HEAR ABOUT IT FROM YOU!

We would like to identify what most of us want from our town, what we want it to be like, and what our common values are, so that we can create a shared vision of the Town's future and begin discussions about how to get there.

What do you like most about Acton and hope to preserve?

What do you like least and would like to change?

What do you feel is missing from our Town?

What would make Acton an even better place to live?



In the very near future the Town and our consultants will be sending out a **MAIL SURVEY** to all of Acton's residents and businesses. The survey will also be on the web (www.ActonOutreach.com) and in The Beacon Newspaper.

The town will also be conducting a **PHONE SURVEY** calling randomly selected homes and businesses to ask you what you think about the future of our town.



On *Saturday, March 29 at 1:30 at the Parker Damon School*, and sometime in mid-May, you are invited to two town-wide **VISIONING SESSIONS** where you can come to tell us what you as residents care about most.

Please visit www.ActonOutreach.com for more information.

Annual Town Meeting Warrant



*Town of Acton
Commonwealth of Massachusetts, ss.*

To either of the Constables of the Town of Acton, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of said Town of Acton, qualified to vote at Town Meetings for the transaction of town affairs, to meet in their respective precincts to wit:

Precinct 1 – Nagog Woods Club House – 100 Nonset Path
Precinct 2 – Conant School – 80 Taylor Road
Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
Precinct 6 – Conant School – 80 Taylor Road

On **Tuesday, April 1, 2008 between 7:00 AM and 8:00 PM**, by posting a copy of this Warrant by you attested, at each of the places as directed by vote of the Town, fourteen days at least before the first day of April 2008,

To bring their votes on one ballot for the following officers:

Moderator for one year, two Selectmen for three years, two School Committee members for three years, one Trustee of the Memorial Library for three years, one Trustee of the Memorial Library for two years to fill an unexpired term;

In addition, the Acton Water District will elect one Commissioner for three years and one Clerk for three years.

You are also to notify legal voters aforesaid to meet at the Acton-Boxborough Regional High School Auditorium in said Acton on **Monday, April 7, 2008 at 7:00 PM**, then and there to act on the following articles:

Consent Calendar

In an effort to streamline Town Meeting, the Board of Selectmen has decided to continue the concept of a Consent Calendar. The use of this Calendar speeds the passage of articles which the Selectmen feel should generate no controversy and can be properly voted without debate. The purpose of the Consent Calendar is to allow motions under these articles to be acted upon as one unit and to be passed without debate.

The Consent Calendar will be taken up as the first order of business. Please do your homework. If you have any questions about the consent articles, motions or procedure, please feel free to contact the official listed in the summary of the article or to contact the Town Manager's Office, by e-mail at manager@acton-ma.gov or by telephone at (978) 264-9612, before Town Meeting.

At the call of the Consent Calendar, the Moderator will call out the numbers of the Articles, one by one. If **two or more** voters object to any particular Article being included in the Consent Calendar, they should say the word "**Hold**" in a loud voice when the number is called. The Article will then be removed from the Consent Calendar and restored to its original place in the Warrant, to be debated and voted in the usual manner. After the calling of the individual items in the Consent Calendar, the Moderator will ask that all remaining articles be passed **as a unit** by the voters.

Please carefully review the list of articles and motions proposed for each Consent item that follows. Complete summaries are included with each article printed in this Warrant.

Consent Calendar Articles and Motions

Article 3 * Council on Aging Van Enterprise Budget

Move that the Town appropriate \$97,973 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, \$41,366 be raised from department receipts and \$56,607 be raised from taxation.

Article 4 * Nursing Enterprise Budget

Move that the Town appropriate \$781,598 for the purpose of operating the Town of Acton Public Health Nursing Service, and to raise such amount, \$554,000 be raised from department receipts and \$227,598 be transferred from retained earnings.

Article 5 * Septage Disposal Enterprise Budget

Move that the Town appropriate \$173,694 for the purpose of septage disposal, and to raise such amount, \$148,694 be raised from department receipts and \$25,000 be transferred from retained earnings.

Article 6 * Sewer Enterprise Budget

Move that the Town appropriate \$1,608,944 for the purpose of operating the sewer system, and to raise such amount, \$1,608,944 be raised from department receipts.

Article 7 * Recycling and Transfer Station Enterprise Budget

Move that the Town appropriate \$977,534 for the purpose of solid waste disposal and recycling, and to raise such amount, \$592,534 be raised from department receipts and \$385,000 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 * 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 10 * 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 11 * 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 12 * 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 13 * 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 14 * Sale of Foreclosed Properties

Move in the words of the Article.

Article 15 * 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 16 * 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.

Article 33 * Inter-Municipal Agreement – Bruce Freeman Rail Trail

Move in the words of the Article.

Article 35 * Designate Issuer of Trench Excavation Permits

Move in the words of the Article.

Article 36 * Amend Town Bylaws – Zoning Enforcement Officer

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

Article 41 * Amend Zoning Bylaw – Corrections, Clarifications and Minor Amendments

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

Article 42 * Accept Street Relocation & Layout – Parker & High Streets

Move that the Town authorize the Board of Selectmen to take by eminent domain Parcel F-2B shown on the Plan of the Relocation of a Portion of Parker & High Street as set forth in the Article.

Article 43 * Accept Trail Easement – Hazelnut Street

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

Article 44 * Accept Sidewalk Easement – Post Office Square

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

Article 45 * Accept Sidewalk Easement – 217 Parker Street & 1 Robert Road

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

Article 46 * Accept Sidewalk Easement – 1 to 9 Central Street

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

Article 47 * Accept Sidewalk Easement – 74 Charter Road

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

Article 48 * Accept Sidewalk Easement – 55 Great Road

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

Article 49 * Accept Land Gift – Knowlton Drive

Move that the Town accept the gift of land as set forth in the Article.

Article 50 * Accept Property by Deed in Lieu of Foreclosure – Lothrop Road

Move that the Town authorize the Tax Collector to accept a deed in lieu of foreclosure, on such terms and conditions as he shall determine appropriate, to Parcels 62, 76 and 87 on Assessor's Map G2, also being shown as Lots 32, 33, and 34 on the subdivision plan referenced in the Article.

Donald MacKenzie
Town Moderator

Articles

One or more of the following symbols may follow an Article number:

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

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.

SUMMARY

This article provides for the election of Trustees of the Elizabeth White Fund, Trustees of the West Acton Fireman's Relief Fund, Trustees of the Goodnow Fund and Trustees of the Citizens' Library Association of West Acton and establishes the salaries of the Town's elected officials.

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

| | | |
|-------------------------|--|--|
| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Deferred |
|-------------------------|--|--|

ARTICLE 2 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.

SUMMARY

This article provides for the acceptance of the Annual Town Report, any other reports Town Boards and Committees may need to offer, and to offer for acceptance any reports of committees chosen at previous Town Meetings.

In addition, the Senior Center Expansion Advisory Committee will report on its activities to-date.

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

| | | |
|-------------------------|--|--|
| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Deferred |
|-------------------------|--|--|

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.

SUMMARY

This article requests funding to operate the van service for use by senior citizens and disabled citizens of the Community. This 40-hour per week van service is funded by the Federal, State and Local Governments. 50% of the service is paid by Federal funds, 25% of the service is paid by the Commonwealth, and the final 25% is absorbed by the Town. Fare rates are determined by the Lowell Regional Transit Authority. Revenues will be used to reduce the Town’s share of total costs. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

| Fund Balance 6/30/07 | Budgeted Revenue FY08 | Budgeted Expense FY08 | Est. Fund Balance 6/30/08 | Budgeted Revenue FY09 | Budgeted Expense FY09 | Tax Subsidy | Est. Fund Balance 6/30/09 |
|----------------------|-----------------------|-----------------------|---------------------------|-----------------------|-----------------------|-------------|---------------------------|
| \$ 21,277 | \$ 87,953 | \$ 87,953 | \$ 6,305 | \$ 41,366 | \$ 97,973 | \$51,607 | \$ 6,305 |

Direct inquiries to: Jean Fleming, Council on Aging Director
seniorcenter@acton-ma.gov / (978) 264-9643

Selectman assigned: Paulina S. Knibbe: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Recommended**

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.

SUMMARY

This article requests an appropriation for the Nursing Service Enterprise Fund. An Enterprise Fund permits the Nursing Service to offset its costs with fees for service. These fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of running the Nursing Service. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

| Fund Balance 6/30/07 | Budgeted Revenue FY08 | Budgeted Expense FY08 | Est. Fund Balance 6/30/08 | Budgeted Revenue FY09 | Budgeted Expense FY09 | Est. Fund Balance 6/30/09 |
|----------------------|-----------------------|-----------------------|---------------------------|-----------------------|-----------------------|---------------------------|
| \$ 344,169 | \$ 764,416 | \$ 739,416 | \$ 228,994 | \$ 554,000 | \$ 781,598 | \$ 1,396 |

Direct inquiries to: Doug Halley, Health Director: health@acton-ma.gov / (978) 264-9634
Selectman assigned: Peter J. Berry: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Recommended**

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.

SUMMARY

This article requests that the receipts from septage haulers, licensing of septage haulers, licensing of septic system inspectors, licensing of septic installers, and disposal works construction permit fees be used for the purpose of allowing septage collected within Acton to be taken to a water pollution abatement facility and to maintain the Town’s septage waste disposal program. These fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of septage waste disposal. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

This article will also fund replacement of a 1996 vehicle used by the Health Department. The vehicle is used for inspectional services. The existing vehicle is no longer dependable requiring more frequent servicing to replace or repair major parts. A hybrid vehicle is being purchased in an effort to promote a policy of energy efficient vehicles that are less reliant on petroleum products. The existing vehicle has limited trade-in value.

| Fund Balance 6/30/07 | Budgeted Revenue FY08 | Budgeted Expense FY08 | Est. Fund Balance 6/30/08 | Budgeted Revenue FY09 | Budgeted Expense FY09 | Est. Fund Balance 6/30/09 |
|----------------------|-----------------------|-----------------------|---------------------------|-----------------------|-----------------------|---------------------------|
| \$ 75,592 | \$ 145,533 | \$ 145,533 | \$ 56,812 | \$ 148,694 | \$ 173,694 | \$ 31,812 |

Direct inquiries to: Doug Halley, Health Director: health@acton-ma.gov / (978) 264-9634
Selectman assigned: Andrew D. Magee: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

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.

SUMMARY

This article requests funding for operation of the municipal sewer system. Sewer charges, private sewer treatment plant fees, connection fees, sewer inspector fees, betterments, State and Federal aid for Sewers, and any other income derived from the operation of the municipal sewer system will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of sewerage disposal for the system. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise fund or to reduce user fees.

| Fund Balance 6/30/07 | Budgeted Revenue FY08 | Budgeted Expense FY08 | Est. Fund Balance 6/30/08 | Budgeted Revenue FY09 | Budgeted Expense FY09 | Est. Fund Balance 6/30/09 |
|-------------------------|--------------------------|--------------------------|------------------------------|--------------------------|--------------------------|------------------------------|
| \$ 0 | \$ 1,583,399 | \$ 1,583,399 | \$ 0 | \$ 1,608,944 | \$ 1,608,944 | \$ 0 |

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

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, Ambulance Fees and Fire Department Fire Alarm Network, to be expended by the Town Manager, as noted below:

| Fund | FY09 Estimated Revenue | FY09 Authorized Expenditure |
|--|------------------------|-----------------------------|
| School Department | | |
| Douglas at Dawn/Dusk | \$ 206,500 | \$ 206,500 |
| Gates Amazing Programs | \$ 36,500 | \$ 36,500 |
| Merriam Mornings/Afternoons/Summer | \$ 236,500 | \$ 236,500 |
| Historic District Commission | \$ 600 | \$ 600 |
| Building Department ♦ | \$ 209,701 | \$ 209,701 |
| Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees | | |
| Sealer of Weights and Measures | \$ 11,168 | \$ 11,168 |
| Health Department | | |
| Food Service Inspections | \$ 28,993 | \$ 28,993 |
| Hazardous Materials Inspections | \$ 82,575 | \$ 82,575 |
| Fire Department | | |
| Fire Alarm Network | \$ 52,294 | \$ 52,294 |
| Ambulance Fees (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) ♦ | \$ 250,000 | \$ 250,000 |

, or take any other action relative thereto.

SUMMARY

This article allows the Schools and Town to fully fund the extended day/summer programs of the Local Schools, Historic District Commission activities, Building Department inspectional programs, Sealer of Weights and Measures services, specified ongoing Health inspectional programs, Ambulance Fees and the Town-wide Fire Alarm Network from their respective receipts and fund balance. This article removes the cost of these services from the tax base. Fees are deposited in a separate account and may be expended to

pay part or all of the anticipated costs of operating each program. If income exceeds costs, the excess is retained for use of the specific program in any subsequent period.

◆ Examples of removing costs from the tax base is to purchase equipment and vehicles related to these programs from fund balances. The following vehicles will be purchased:

A. Building Department Revolving Fund: Inspectional Vehicle (\$25,000)

This article will fund replacement of a 1995 vehicle used by the Building Department. The vehicle is used for inspectional services. The existing vehicle is no longer dependable, requiring more frequent servicing to replace or repair major parts. A hybrid is being purchased in an effort to promote a policy of energy efficient vehicles that are less reliant on petroleum products. The existing vehicle has limited trade-in value.

B. Ambulance Fees Revolving Fund: Ambulance (\$200,000)

This article will provide funding to purchase and equip a second ambulance for use by the Acton Fire/EMS Department. This request is made due to an increasing number of emergency medical calls. Currently additional calls for ambulance services are handled by ambulances from adjacent communities, leaving them without ambulance coverage for a period of time. In addition to being utilized for additional ambulance calls within the Town, this unit would be utilized when the primary ambulance was down for service or repair and could also be utilized for major incidents or major planned events. This second ambulance is being requested without additional staffing at this time.

(For Budget Detail, excluding School Programs, please see Municipal Budget Supplement)

| | FY2007 ACTUAL REV | FY2007 ACTUAL EXPENSE | FUND BALANCE 6/30/2007 | FY2008 BUDGETED REVENUE | FY2008 BUDGETED EXPENSE | FY2008 EST FUND BALANCE | Actual Revenue 2/25/2008 | Actual Expense 2/25/2008 |
|------------------------------|-------------------------|-----------------------------|------------------------------|-------------------------------|-------------------------------|-------------------------------|--------------------------------|--------------------------------|
| Historic District Commission | 255.00 | - | 1,076.66 | 600.00 | 600.00 | 1,076.66 | 50.00 | 149.83 |
| Building Department | 135,317.30 | 102,457.40 | 78,880.62 | 166,559.00 | 166,559.00 | 78,880.62 | 64,236.70 | 81,467.04 |
| Sealers Weights & Measure | 12,757.10 | 14,304.45 | 13,165.47 | 10,955.00 | 10,955.00 | 13,165.47 | 3,602.00 | 6,980.13 |
| Health Department | | | | | | | | |
| Hazardous Material | 53,767.92 | 40,308.79 | 36,743.23 | 53,300.00 | 65,800.00 | 24,243.23 | 10,665.74 | 37,966.30 |
| Food Service | 37,696.00 | 19,981.73 | 61,292.42 | 30,115.00 | 42,615.00 | 48,792.42 | 30,540.00 | 22,178.31 |
| Fire Department | 44,213.96 | 49,780.75 | 52,337.00 | 52,294.00 | 52,294.00 | 52,337.00 | 5,369.13 | 23,700.44 |
| School Department | | | | | | | | |
| Douglas at Dawn | 245,007.38 | 197,589.97 | 227,030.90 | 176,750.00 | 176,750.00 | 227,030.90 | 119,071.52 | 102,383.22 |
| Gates Amazing Mornings | - | 10,693.55 | 143.58 | 36,500.00 | 36,500.00 | 143.58 | 2,187.50 | 1,300.00 |
| Merriam Afternoons | 183,587.80 | 152,789.89 | 155,760.72 | 204,800.00 | 204,800.00 | 155,760.72 | 101,315.20 | 75,431.45 |
| Ambulance | 399,540.43 | 229,598.62 | 672,653.22 | 300,000.00 | 50,000.00 | 922,653.22 | 225,931.15 | 6,947.10 |

Direct inquiries to: ¹ Bill Ryan, Superintendent of Schools: bryan@mail.ab.mec.edu / (978) 264-4700

² John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Paulina S. Knibbe: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Recommended**

ARTICLE 11 * 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.

SUMMARY

Section 53A authorizes Town officers and departments to accept “grants or gifts of funds from the Federal Government and from a charitable foundation, a private corporation, or an individual, or from the commonwealth, a county or municipality or an agency thereof” and to expend said funds for the purposes of such grant or gift with the approval of the Board of Selectmen or otherwise as specified in the statute. The Department of Revenue has taken the position that such funds may require appropriation in certain circumstances. This Article provides that appropriation so that those funds may be expended for their stated purposes.

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Recommended**

ARTICLE 12 * 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.

SUMMARY

The Federal Emergency Management Agency (FEMA) and Massachusetts Emergency Management Agency (MEMA) each provide planning and mitigation monies to cities and towns, and each reimburses for certain costs during declared emergencies. In addition, monies may be distributed for Homeland Defense, other Federal programs and other State programs. This article would authorize the Town to expend all such monies.

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Recommended**

ARTICLE 13 * 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.

SUMMARY

The Department of Revenue has issued an opinion that the Town cannot expend performance bonds without appropriation. This article would authorize the Town Manager to expend funds secured from performance bonds provided by or on behalf of contractors and others to secure the performance of obligations by such persons to the Town.

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Paulina S. Knibbe: bos@acton-ma.gov

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|-------------------------|--|---|
| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Recommended |
|-------------------------|--|---|

ARTICLE 14 * 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.

SUMMARY

This article grants authority to the Board of Selectmen to sell and convey properties that the Town has obtained via tax foreclosure.

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Peter J. Berry: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Recommended |
|-------------------------|--|---|

ARTICLE 15 * 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.

SUMMARY

This is a reauthorization of an ongoing program of tax relief for certain qualifying individuals that was first adopted by Town Meeting in 1999. Section 4 of Chapter 73 of the Acts of 1986 authorized Towns that annually accept the provisions of this law to grant additional real estate tax exemptions for qualifying individuals. These additional exemptions are available to the elderly, disabled or veterans who qualify for property tax exemptions under Clauses 17, 17C, 17C½, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B and 41C of Section 5, Chapter 59 of the Massachusetts General Laws. This article will continue to provide additional tax relief to qualified individuals by increasing the exemptions to the maximum allowable under the law.

Direct inquiries to: Brian McMullen, Assistant Assessor: assessor@acton-ma.gov / (978) 264-9622
Selectman assigned: Peter J. Berry: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

ARTICLE 16 * 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.

SUMMARY

The Acton-Boxborough Cultural Council (ABCC) seeks a sum of money to produce cultural activities and programming in Acton. These funds will help to foster collaborations among local artists and cultural organizations and to address the cultural needs of the Town. This will augment the funds received by the ABCC from the State through the Massachusetts Cultural Council.

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Andrew D. Magee: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

ARTICLE 17 BUDGET TRANSFER

(Majority vote)

To see if the Town will vote to appropriate from available funds a sum of money to defray necessary expenses of the Council on Aging Van Enterprise Fund above the amount appropriated at the 2007 Annual Town Meeting, or take any other action relative thereto.

SUMMARY

This article is routinely placed on the Warrant to allow Town Meeting to transfer funds and supplement monies, if necessary, to cover expenses in the current fiscal year.

The COA Van Enterprise Fund requests an additional \$7,500 for FY 2008 in order to keep the COA Van running five days a week through June 30, 2008. The pool of substitute van drivers has been utilized for several more weeks than budgeted due to extended employee leave. There are no other areas of this budget that can be drawn from to cover this deficit.

Direct inquiries to: Jean Fleming, Director, Council on Aging
seniorcenter@acton-ma.gov / (978) 264-9643

Selectman assigned: Paulina S. Knibbe: bos@acton-ma.gov

| | | |
|-------------------------|--|--|
| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Deferred |
|-------------------------|--|--|

ARTICLE 18 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.

SUMMARY

This article requests funds for the fiscal year 2009 Municipal Operating Budget. The Municipal Budget also includes certain school costs. These are primarily the costs of debt service requirements; property, liability and contents insurance on school buildings; pension costs and Workers' Compensation Insurance for school employees, other than teachers and Regional school employees. The standard motion for the Municipal Budget appropriation under this article typically includes the transfer of monies such as Cemetery Trust Funds and Wetland Filing Fees. Budget detail provided in the Municipal Budget Supplement is available at the Memorial Library, West Acton Citizens' Library, Public Safety Facility, Town Hall and at the Polling Places on April 1, 2008. Copies will also be available at Town Meeting.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

| | | |
|-------------------------|--|--|
| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Deferred |
|-------------------------|--|--|

ARTICLE 19 NEW PERSONNEL
(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 to fund the positions as listed below, except that Part B, Deputy Police Chief, be contingent upon the removal of the position from Civil Service:

| | Position | Salary and Benefits |
|--------------|--|----------------------------|
| A. | Police Officer | \$ 56,000 |
| B. | Deputy Police Chief | \$ 91,000 |
| C. | Assistant Planner – Zoning Enforcement Officer | \$ 71,400 |
| Total | | \$ 218,400 |

, or take any other action relative thereto.

SUMMARIES

A. Police Officer

This article would authorize the hiring of one police officer to supplement the existing patrol force. Filling shifts has become a major problem due to the new construction, growth and traffic issues facing the town. The town is growing and as a result the department has been dealing with many major incidents that require a greater number of officers for initial response and investigation follow-ups. Hiring this officer would allow us to provide better police protection for the Town. Low staffing levels are also an officer-safety concern and this additional officer would help with that problem.

Direct inquiries to: Frank Widmayer, Chief of Police: fwidmayer@acton-ma.gov / (978) 264-9638
Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Deferred**

B. Deputy Police Chief

This position is for a Deputy Chief who would report directly to the Chief of Police and help with the overall supervision of the department. Currently, the Chief is the only non-union, management personnel in the department. All other 32 officers are union employees. The Deputy Chief would be a non-union position. This position has been requested for a number of years. No high-level supervision has been added to the police department since 1988.

Direct inquiries to: Frank Widmayer, Chief of Police: fwidmayer@acton-ma.gov / (978) 264-9638
Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Deferred**

C. Assistant Town Planner / Zoning Enforcement Officer

This proposal is to replace a professional position in the Planning Department which was eliminated in 1990. This position would perform the duties of a generalist planner, and assume the role of the Zoning Enforcement Officer. The Planning Department has currently two full-time planners and a part-time secretary that is shared with the Engineering Department. Staff workloads have steadily increased with a particularly steep rise over the past three to four years. This rise in workload is due to growth in population; rise in public inquiries via e-mail and other means expecting immediate responses; high

demand for disseminating public information electronically; constantly increasing requirements from state and federal agencies; responsibility for advancing two rail trail projects; and greater demand for work to be completed and presented quickly and with exceptional quality. The Planning Department now staffs and supports seven boards and committees with varied duties and purposes resulting in at least twelve evening meetings monthly that staff needs to prepare for and attend. Present workloads and work quality cannot be sustained with the current staffing level. Precision, accuracy, product and service quality, and legal deadlines are in jeopardy under these pressured circumstances.

This position would address routine planning projects with a focus on shorter deadlines so other Planning Department staff can continue working on longer range planning projects. The position would also assist with plan review, board and committee support, general office duties, and cover e-mail/phone/walk-in requests. The Planning Department drafts the planning policies and zoning regulations for the Town's review, and adoption as the Town sees fit. This position would generally administer and enforce the Acton Zoning Bylaw as enacted by Town Meeting. As Zoning Enforcement Officer, the person would review all plot and building plans for zoning compliance, perform site inspections, investigate complaints of zoning violations, and take legal enforcement action as needed. It is anticipated that bringing planning and zoning enforcement functions under the same departmental umbrella will result in improved work quality, higher office efficiency, and more effective zoning for the Town.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 264-9636
Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

| | | |
|-------------------------|--|--|
| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Deferred |
|-------------------------|--|--|

ARTICLE 20 **HOME RULE PETITION –**
(Majority vote) **REMOVE DEPUTY POLICE CHIEF POSITION FROM CIVIL SERVICE**

To see if the Town will vote to authorize the Town Manager to take the appropriate steps to remove the Deputy Police Chief's position from Civil Service status, and to authorize the Board of Selectmen to petition the General Court for an Act to permit such removal, or take any other action relative thereto.

SUMMARY

Police officers in the Town of Acton are the only municipal employees covered by the provisions of the Civil Service laws. These provisions are cumbersome and quite limiting, especially with respect to selections in the hiring process. This action would allow complete flexibility in the selection and appointment to this extremely important and sensitive position, and final candidates would be subject to an outside, professional assessment center hiring process.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Peter J. Berry: bos@acton-ma.gov

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|-------------------------|--|--|
| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Deferred |
|-------------------------|--|--|

ARTICLE 21 CAPITAL IMPROVEMENTS – STUDIES

(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 implementation of the programs as listed below:

| | | |
|--------------|------------------------------|-------------------|
| A. | Comprehensive Community Plan | \$ 90,000 |
| B. | Community Shuttle | \$ 20,000 |
| Total | | \$ 110,000 |

, or take any other action relative thereto.

SUMMARIES

A. Comprehensive Community Plan

This proposal is to supplement funding approved by the 2007 Annual Town Meeting to create a new Master Plan for the Town of Acton. The additional appropriation is requested to support more extensive outreach and public participation and to help transform the Master Plan into a Comprehensive Community Plan.

Background - The Master Plan assesses a community’s demographics, housing, business, economy, open space, natural and cultural/historic resources, recreation, transportation, infrastructure, services, and other conditions. Based on the information collected, goals and objectives and implementation strategies are crafted to guide future growth and development. The process involves seeking public input. However, because of Acton’s changing population, it has been recognized that before working on the Plan, an unprecedented community outreach effort is needed that far exceeds any past efforts and the efforts initially envisioned for public participation in this Plan. Additionally, there is no data nor historically has there been any public input on key areas of citizen concerns and demands such as government services, infrastructure, capital needs, energy efficiency/green initiatives, and technology/communication that are critical components of quality of life. As a result, the Town has contracted with the firm Planners Collaborative to conduct a greater community outreach and participation phase of the Master Plan to try to gather input on core values and issues, reach out to community members who have not participated in Town government before, and to conduct community surveys with returns that will have statistical relevance. The contract amount for this work is \$116,000.

The 2007 Annual Town Meeting appropriation for the Master Plan was \$180,000. The amount requested in this article is the anticipated funding gap between the amount appropriated for the Master Plan in 2007, and the additional cost for the expanded outreach program now under way, and the broadened Master Plan scope. It is the intent of this capital item to replenish the Master Plan funding from the previous year so that the next planning phase can proceed quickly without losing community energy and momentum built in the current outreach phase. The outcome of the community outreach program will help define the scope and focus of the subsequent phase or phases of the Master Plan. The result should be a more comprehensive plan that addresses all aspects of community life and where every person in Acton has a greater opportunity to help create a vision, formulate goals, establish planning policy, and set realistic strategies to reach a desired future for Acton.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 264-9636
Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Deferred**

B. Community Shuttle

Acton has identified a community shuttle bus as a potential solution to continuing parking problems at the South Acton Commuter Rail Station, and also to help people in town who do not drive or have other transportation. This appropriation will pay for a transportation professional to complete an application by February 2009 for Federal Congestion Mitigation/Air Quality funds through the Suburban Mobility funding program of the Boston Region Metropolitan Planning Organization (MPO). While developing the application, this professional will assess needs of Acton residents and employees and discuss cooperation in the project with adjacent towns, human service agencies, and local businesses. The hope is to begin shuttle service in Fall 2009. State and federal funding sources, including Lowell Regional Transit Authority and Suburban Mobility, could cover the cost of service during the first two years.

The Transportation Advisory Committee has heard anecdotal evidence of need through residents’ letters to the Town and through comments shared at recent public forums held by the Town, the United Way, and the League of Women Voters. In the fall of 2007, the MPO presented the draft version of “Technical Report: Analysis of the Potential for Demand-Responsive Service in the Town of Acton” which concluded that a flexible, on-demand shuttle service (such as seniors and disabled residents presently use on weekdays) or a fixed route with planned diversion points as needed, would be most suitable.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 264-9636
Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

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|-------------------------|--|--|
| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Deferred |
|-------------------------|--|--|

ARTICLE 23 CAPITAL IMPROVEMENTS – EQUIPMENT & VEHICLES (BONDING)

(Two-thirds vote)

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

| | | |
|--------------|--|---------------------|
| A. | Fire Department Aerial Ladder Apparatus | \$ 800,000 |
| B. | Highway Department Front End Loader | \$ 200,000 |
| C. | Highway Department High-Capacity Snow Blower | \$ 116,625 |
| Total | | \$ 1,116,625 |

SUMMARIES

A. Fire Department Aerial Ladder Apparatus

This request is for funds to purchase and equip a new aerial ladder truck. This apparatus will replace a 1993 aerial ladder truck. Replacement is necessary due to frame component corrosion, minimum hydraulic lift capacity and other safety concerns. The aerial ladder truck is the only aerial ladder truck for the Town and its continued use is questionable. The ladder truck has previously been reconditioned and repaired, and a recent evaluation by an independent repair facility recommends that replacement has become the more cost-effective alternative to further reconditioning and repair.

The ladder truck is a critical part of our delivery of Emergency Medical Service and is equipped with EMS supplies and equipment. It is staffed by Firefighter/EMTs that can begin evaluation and treatment prior to the arrival of the ambulance. If approved, the down payment and debt service for this apparatus will be funded by the Ambulance Fees Revolving Fund.

Direct inquiries to: Robert Craig, Fire Chief: fire@acton-ma.gov / (978) 264-9645
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Deferred**

B. Highway Department Front End Loader

This request is for funds to purchase a front end loader for the highway department. The front end loader is a piece of equipment that is used daily, year-round for all aspects of highway work. The loader would be capable of using the snow blower attachment (requested below), but has the advantage of being usable during all four seasons of the year, as opposed to the single-season usability of the truck also referenced below.

Direct inquiries to: David Brown, Highway Superintendent: highway@acton-ma.gov / (978) 264-9624
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Deferred**

C. Highway Department High-Capacity Snow Blower

This request is for funds to replace a 1973 International truck snow blower with a front end loader-mounted attachment. A high-capacity snow blower is used to remove large amounts of snow from Town roads during snow removal operations. This snow blower attachment will quickly attach to the Town’s front end loaders. The present unit is at an age where replacement parts are not available locally or are non-existent. When worn parts need replacement and are not listed in today’s catalogs, suppliers have asked that we take the part to their place of business, where they try to match it up with something similar or custom fabricate them, necessitating a large expense.

Direct inquiries to: David Brown, Highway Superintendent: highway@acton-ma.gov / (978) 264-9624
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Deferred**

ARTICLE 24 ENERGY SAVINGS INITIATIVE – STREETLIGHT REPLACEMENT
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$125,000, or any other sum, to be expended by the Town Manager to develop and implement a program to conserve energy use and/or reduce the cost of energy in operating the Town’s street lighting system including without limitation energy audits, energy conservation measures, energy conservation projects, energy management programs, conversion of equipment to a more energy-efficient system, or a combination thereof; to authorize the Town Manager to apply for and accept any applicable grants, subsidies and rebates for such measures, projects, programs and equipment; and to authorize the Town Manager to enter into one or more long-term guaranteed energy savings contracts pertinent thereto pursuant to General Laws Chapter 25A, Section 11I, for a term not to exceed twenty years, and on such terms and conditions as the Town Manager may determine, provided that the cost of any capital improvements, in excess of the sum appropriated and any grants, subsidies and rebates received, shall be paid for by the energy savings attributable to the contract; or take any other action relative thereto.

SUMMARY

This article requests an appropriation to replace the existing street lights with more energy efficient lights, and to authorize the Town Manager to explore and implement other methods to conserve energy use and/or reduce the cost of energy in operating the Town’s street lighting system. The street light system is owned by the Town of Acton and maintained under service contract. Electricity for the lights is purchased from various suppliers. It is estimated that converting the lights may result in an annual energy savings of \$35,000.

Direct inquiries to: Dean A. Charter, Municipal Properties Director
 dcharter@acton-ma.gov / 978-264-9629
Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Deferred**

ARTICLE 25 ACCEPT STREET RELOCATION & LAYOUT – MAIN STREET

(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to relocate a portion of Main Street, by acquiring and/or taking, on such terms and conditions as the Selectmen may determine, by purchase, gift, eminent domain or otherwise and accept a deed of a fee simple or easement interest, for all purposes for which streets, sidewalks and ways are now or hereafter may be used in the Town, in 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 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.

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.

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.

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 plan that is referenced in the paragraphs above is on file with the Acton Town Clerk (the “Plan”). The acquisition and discontinuance of the above-mentioned 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 therefor, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

The current owner of this land has generously offered to convey Parcel 2C, 2D & 4A to the Town for incorporation into the public right of way of Main Street. The Town would also abandon a portion of the existing layout of Main Street shown as Parcel 1A and convey the ownership to the abutting property owner. The relocation and layout of Main Street is necessary in order to construct a proposed sidewalk on the northbound side of Main Street from Post Office Square to Great Road.

Direct inquiries to: Bruce M. Stamski, P.E., Town Engineer / Director of Public Works
engineering@acton-ma.gov / (978) 264-9628

Selectman assigned: Andrew D. Magee: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

ARTICLE 26 ACCEPT SIDEWALK EASEMENT – MAIN STREET

(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 easement interests for all purposes for which streets, sidewalks and ways are now or hereafter may be used in the Town, on such terms and conditions as the Selectmen may determine, on 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’ ”, to be recorded with the Middlesex South District Registry of Deeds, and to 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.

SUMMARY

The donation of this easement will encompass the section of proposed sidewalk on Main Street that would be constructed on the Water District Land (Town Atlas Map E-4 Parcel 4). The proposed sidewalk is designed to be constructed from Post Office Square to Great Road on the northbound side. The sidewalk on the Water District Land will be constructed with the consent of the Acton Water District.

Direct inquiries to: Bruce M. Stamski, P.E., Town Engineer / Director of Public Works
engineering@acton-ma.gov / (978) 264-9628

Selectman assigned: Andrew D. Magee: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Deferred |
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ARTICLE 27 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.

SUMMARY

This article requests funds for the fiscal year 2009 Acton Public Schools’ Operating Budget.

Direct inquiries to: Bill Ryan, Superintendent of Schools: bryan@mail.ab.mec.edu / (978) 264-4700

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Deferred |
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ARTICLE 28 CAPITAL IMPROVEMENTS – SCHOOL FACILITIES (BONDING)

(Two-thirds vote)

To see if the Town will vote to appropriate a sum of money, to be expended at the direction of the School Committee, for the purpose of making extraordinary repairs to the Administration Building, Douglas and Gates Schools, including the purchase of equipment, architects’ and engineers’ fees and other costs incidental thereto; to determine whether such appropriation shall be raised by taxation, by transfer from available funds, by borrowing or otherwise, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2009 for the Town of Acton Local Schools to complete the following capital projects: replacement of boilers at the Douglas and Gates Schools; replacement of heating and ventilation systems, including univents, at the Administration Building and Gates School, and costs incidental and related thereto.

Direct inquiries to: Bill Ryan, Superintendent of Schools: bryan@mail.ab.mec.edu / (978) 264-4700
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Deferred |
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ARTICLE 29 CAPITAL IMPROVEMENTS – CONANT 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 of making boiler upgrades at the Conant School, 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 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.

SUMMARY

This article requests funds for fiscal year 2009 for the Town of Acton Local Schools to replace the boilers at Conant School, replacement of heating and ventilation systems, including univents, and costs incidental and related thereto.

Direct inquiries to: Bill Ryan, Superintendent of Schools: bryan@mail.ab.mec.edu / (978) 264-4700
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Deferred |
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ARTICLE 30 ACTON-BOXBOROUGH 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 Acton-Boxborough Regional School District, or take any other action relative thereto.

SUMMARY

This article requests funds for the fiscal year 2009 Acton-Boxborough Regional School District Assessment. This assessment, voted by the Acton-Boxborough Regional District School Committee, is governed by the terms of the Acton-Boxborough Regional School District Agreement.

Direct inquiries to: Bill Ryan, Superintendent of Schools: bryan@mail.ab.mec.edu / (978) 264-4700
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Deferred**

ARTICLE 31 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.

SUMMARY

This article requests funds for the fiscal year 2009 Minuteman Regional Vocational Technical School District Assessment. This assessment, voted by the Minuteman School Committee, is governed by the terms of the Minuteman School District Agreement.

Direct inquiries to: William Callahan, Superintendent: wcallahan@minuteman.org / (781) 861-6500
Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Deferred**

ARTICLE 32
(Majority vote)

COMMUNITY PRESERVATION PROGRAM
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 2007 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:

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| FY 2007 COMMUNITY PRESERVATION FUND BALANCE | |
| FY 2007 Community Preservation Fund Revenues | |
| Community Preservation Fund Surcharge Collected in FY 2007 | \$ 682,395.00 |
| State Community Preservation Trust Fund Receipt, October 2007 | \$ 690,028.00 |
| Other FY 2007 Community Preservation Fund Components | |
| Interest Earned in FY 2007 | \$ 137,304.00 |
| Recapture of unspent previous years’ project appropriations | \$ 0.00 |
| Unencumbered FY 2006 Fund Balance | \$ 193,565.14 |
| Total - FY 2007 Community Preservation Fund Balance | \$ 1,703,292.14 |
| APPROPRIATIONS | |
| Purpose | Recommended Amounts |
| Set Aside Appropriations for | |
| A. Acquisition, creation, and preservation of open space, and its rehabilitation and restoration | \$ 500,000.00 |
| Spending Appropriations | |
| B. Pre-development Funds (Sachem Way), Acton Housing Authority | \$ 136,000.00 |
| C. Administrative Fund, Acton Community Housing Corporation | \$ 15,000.00 |
| D. Community Housing Program Fund | \$ 170,000.00 |
| E. Exchange Hall Renovations | \$ 231,948.00 |
| F. Conant Nature Trails (Conant Elementary School) | \$ 15,000.00 |
| G. Theater III Window Restoration | \$ 46,000.00 |
| H. Trail Through Time | \$ 35,000.00 |
| I. NARA Picnic Pavilion | \$ 250,000.00 |
| J. Elm Street Playground | \$ 75,000.00 |
| K1. West Acton Citizen’s Library Renovations | \$ 60,036.00 |
| Administrative Spending Appropriation | |
| L. CPC direct expenses | \$ 3,500.00 |
| M. A fund reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee | \$ 65,121.00 |
| Total Recommended Appropriations from FY 2007 Community Preservation Fund Balance | \$ 1,602,605.00 |
| Remaining FY 2007 Fund Balance | \$ 100,687.14 |

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the 2007 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 2007 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 2007 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2007 Community Preservation Fund revenues for open space (\$137,242.30), not less than 10% of the FY 2007 Community Preservation Fund revenues for historic preservation (\$137,242.30), and not less than 10% of the FY 2007 Community Preservation Fund revenues (\$137,242.30) for community housing.

And, to authorize the Board of Selectmen and the Town Manager to expend from the FY 2007 Set-Aside Fund Balance for the acquisition, preservation, rehabilitation and restoration of historic resources as set forth herein, the following amount for historic 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:

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|---|----------------------------|
| FY 2007 SET-ASIDE FUND BALANCE FOR THE ACQUISITION, PRESERVATION, REHABILITATION AND RESTORATION OF HISTORIC RESOURCES | \$ 59,464.00 |
| APPROPRIATIONS | |
| Purpose | Recommended Amounts |
| Spending Appropriations | |
| K2.West Acton Citizen’s Library Renovations | \$ 59,464.00 |
| Total Recommended Appropriations from FY 2007 Set-Aside Fund Balance for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources | \$ 59,464.00 |
| Remaining FY 2007 Historic Set Aside Fund Balance | \$ 0.00 |

, or take any other action relative thereto.

SUMMARY

This article would make appropriations from the Town’s Community Preservation Fund. All items listed are recommended by the Community Preservation Committee.

In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B (the Act). This established Acton’s Community Preservation Fund through a 1.5% annual surcharge on real estate property tax bills with certain exemptions, and made the Town eligible to receive annually additional monies from the Massachusetts Community Preservation Trust Fund, which are added to the Town’s Community Preservation Fund. Under the Act, the Community Preservation Fund may be used to acquire, create and preserve open space; to acquire, preserve, rehabilitate, and restore historic resources; to acquire, create, preserve and support community housing; to acquire, create and preserve land for recreational use; to rehabilitate and restore open space, land for recreational use and community housing

that is acquired or created with CPA funds; and for certain related expenses in support of the foregoing. Community housing is defined as housing for low- and moderate-income individuals and families. This is the fifth year of appropriations from Acton’s Community Preservation Fund.

Local adoption of the Community Preservation Act established the Acton Community Preservation Committee as a statutory committee under the Act (Chapter S of the Bylaws of the Town of Acton). The Community Preservation Committee’s duties under the law are to study the needs, possibilities, resources, and preferences of the Town regarding community preservation; to engage in an open and public process of deliberation and consult with other Town Boards and Committees; and to make recommendations to Town Meeting for appropriations from the Community Preservation Fund.

In July 2007, the Community Preservation Committee published its 2008 Community Preservation Plan with guidelines for the submission of projects seeking funding. The Committee received eleven applications for funding of proposed items and projects. The Committee reviewed all proposals, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under the Act. This article represents the Committee’s recommendation for appropriations from the available Community Preservation Fund balance, and from the Historic Resources Preservation Set-Aside Fund that was established in 2007. All recommended amounts are “up-to” spending limits. Savings, if any, will be available for future appropriations. All proposed projects are recommended for funding, whereby some of the projects are recommended at different funding levels than the proponents had originally requested. As in previous years, the recommended appropriations include a set-aside for open space. The recommended appropriations zero out the historic resources preservation set-aside fund and leave a remaining Community Preservation Fund balance of \$100,687.14 that is available for future Town Meeting appropriations in all eligible funding categories under the Act.

The Act states that Town Meeting may delete or reduce any of the recommended appropriations, but may not add new items or increase the recommended appropriations. The Act also requires that the Community Preservation Committee recommends in each fiscal year the spending of not less than 10% of the annual revenues in the Community Preservation Fund for each of the following: open space (not including land for active recreation purposes); historic resources; and community housing. The Committee may also recommend the taking by the Town of interest in real property (not recommended this year), the borrowing of funds for Community Preservation (not recommended this year), and appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee’s administrative and operating expenses.

A. Open Space Set-Aside

This item sets aside a fund from which Town Meeting may appropriate spending in future years for the purpose of acquisition, creation, and preservation of open space. Together with the previous years’ open space set-aside appropriations, the recommended amount will bring the balance in the open space set-aside to \$1,750,000.

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Recommended |

B. Pre-development Funds for the Acton Housing Authority

The Acton Housing Authority (AHA) proposes to construct new buildings for affordable rental housing for families below 80% of the area’s median income at the AHA property on Sachem Way. The appropriation of pre-development funds is designated for this community housing development project and is to be used for architectural services, engineering, surveying, environmental study and designs, and legal and financial consulting services. The AHA proposes to use \$30,000 of other funding and in-kind services for a total estimated project pre-development cost of \$166,000.

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Recommended |

C. Acton Community Housing Corporation Administrative Fund

This item will provide the Acton Community Housing Corporation (ACHC) with funds for office supplies, postage, bond insurance, legal services, and other miscellaneous expense to fulfill its mission and purpose in support of community housing in Acton. The ACHC does not have staff or employees and does not maintain offices. ACHC board members conduct the corporation’s business from their homes using Town Hall resources from time to time for things such as copying. The appropriation is expected to cover the ACHC administrative expenses for about three years. Under the ACHC enabling statute, expenditures from this fund by the ACHC requires the approval of the Board of Selectmen.

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

D. Community Housing Program Fund

This appropriation will be for the acquisition, creation, preservation, and support of community housing in the Town of Acton. It will replenish the Community Housing Program fund which received Community Preservation Fund appropriations in previous years. The Fund can be used for acquisition, rehabilitation, and conversion of existing housing stock; new development; refinancing or repurchase of existing affordability restrictions about to expire; purchase of new affordable housing deed restrictions; accessibility modifications of affordable units for persons with disabilities; and financial assistance to low- and moderate-income buyers. This set-aside fund will be retained as a special CPA fund earmarked for appropriate affordable housing activities recommended by the Acton Community Housing Corporation (ACHC) or any other entity approved by the Board of Selectmen. Under ACHC’s enabling statute, expenditure of such funds by the ACHC requires the approval of the Board of Selectmen. The ACHC keeps the Community Preservation Committee and the Board of Selectmen informed about the use of this Fund with periodic reports, and to seek guidance as appropriate.

The ACHC’s work in the coming year will focus on continuing its Condominium Buy-Down Program. Recently, the fund has been used to assist one eligible condo buyer, and there are commitments to subsidize the purchase of three condo units for first-time home buyers and one condo unit for the Acton Housing Authority. The ACHC has also created a Ready Buyer List of eligible households in need of affordable housing assistance under this program. In addition, the ACHC will continue its sponsorship of the First Time Homebuyer Course and will be working on development of downpayment assistance, foreclosure prevention, and credit counseling programs. Community Housing Program Fund initiatives funded in whole or in part with CPA funds shall be subject to the following conditions and restrictions:

- Any community housing created shall qualify under the statutory definition of "community housing" as “low and moderate income housing for individuals and families, including low or moderate income senior housing”.
- Any community housing created shall be subject to a permanent deed restriction that meets the requirements of chapter 184 and that ensures that the subsidized housing remains affordable in perpetuity and that the unit or units are added to the Town’s Subsidized Housing Unit Count.
- Specific program initiatives and expenses shall have prior approval by the Board of Selectmen.

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

E. Exchange Hall Renovations

The Exchange Hall, built in 1860 as a general store with function hall at the corner of School Street and Main Street in South Acton, is one of the most treasured and prominent historic buildings in Acton. The building is on the National Register of Historic Places and in the South Acton Local Historic District. The building is also listed among the most endangered historic treasures in the State. Situated on a postage-stamp lot, limited septic and parking capacities have held back its economic use and revitalization.

G. Theater III Window Restoration

The Acton Community Center, Inc. (Theater III) has applied for CPA funding to restore sixteen large original windows in their community theater building at 250 Central Street in West Acton. The building is the former Universalist Church built in 1868. It is situated in the West Acton Local Historic District. Payments under this appropriation shall be subject to the following conditions:

- Issuance by the Acton Historic District Commission of a Certificate of Appropriateness or Determination of Non-Applicability for the proposed window restorations.
- Conveyance to the Town and recording of a historic preservation restriction on the Theater III building at 250 Central Street that is in form and substance acceptable to the Community Preservation Committee and Town Counsel.
- The historic preservation restriction shall be perpetual to the extent permitted by law, subject to review after casualty damage or destruction.
- Payments shall be made after completion of window restoration work, and inspection by the Historic District Commission or their agent certifying that the completed work meets the terms of the Certificate of Appropriateness (if applicable) and of the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Recommended |

H. Trail Through Time

The Town of Acton has proposed this innovative historic preservation project for the restoration of various stone and foundation remains associated with the former Wheeler Farm, now on Town-owned conservation land in North Acton. In conjunction with the restoration there will be a non-intrusive archaeological Field School in collaboration with the Acton Discovery Museum. Appropriate landscape improvements would be made following the restoration, and an information board or kiosk will describe the site’s significance. A trail would connect the Wheeler Farm site with various other points of interest, including other remnants of early American settlements (Wheeler Farm, Robbins Mill Dam, and Pencil Factory Dam); the Nashoba Brook Stone Chamber recently restored with CPA funds; and remnants of stone structures in the same area, some of which are potentially of Native American origin. Payments under this appropriation shall be made after completion of restoration work items and inspection by the Historical Commission or their agent certifying that the completed work meets the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Recommended |

I. NARA Picnic Pavilion

The Town of Acton proposes to construct a ±1,500 square foot picnic pavilion at NARA at the site shown on the original NARA design plan for such a structure. This is where the tents are currently located. The timber frame structure with a metal roof will have three areas where unrelated functions can be held or they can be used together for larger events. The total person capacity is ±100. The structure will be surrounded by a concrete pad that offers additional gathering space. The goal is to complete the pavilion in time for Acton’s 275th anniversary in 2010. The requested funds are for the structure and related improvements. The Town will use gift funds and its own labor to install and complete landscaping around the pavilion site.

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Recommended |

J. Elm Street Playground

This recommended appropriation will help fund the creation of a brand new Elm Street playground facility located behind the existing tennis courts with a total estimated cost of \$85,000. It will completely replace an existing older facility that is no longer safe for use. The playground will be accessible for persons with disabilities, and feature a picnic pavilion, separate toddler and 6-11 year old play areas, a sandbox, environmentally friendly materials, and loose rubber surfaces. There is strong citizen support for this project with a private \$10,000 pledge from the Acton residents.

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

K1 and K2. West Acton Citizen’s Library Renovations (\$119,500 Total)

The Town has requested CPA funding for a restoration project on the exterior of the West Acton Citizens’ Library. The library is located at 21 Windsor Avenue in the West Acton Local Historic District. Built in the late 1840’s, the West Acton Citizens’ Library is the oldest publicly-owned building actively in use by the Town. Restoration work will include exterior wood repair and painting, window restoration, storm window replacements, granite step replacement or repair, and restoration of arched service entrance. The Town will provide \$12,500 in additional funding and in-kind services. Payments under this appropriation shall be subject to the following conditions:

- Issuance by the Acton Historic District Commission of a Certificate of Appropriateness or Determination of Non-Applicability for the proposed restoration work.
- Payments shall be made after completion of restoration work items and inspection by the Historic District Commission or their agent certifying that the completed work meets the terms of the Certificate of Appropriateness (if applicable) and of the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

L. and M. Administrative and Operating Expenses

The requested appropriation is 5% of the FY 2007 revenues in the Community Preservation Fund as provided in the Act (local surcharge and State trust fund receipts). The funding is to help the Town with administrative and legal expenses incurred in connection with the support of the Community Preservation Committee and Program, to purchase reusable Community Preservation project identification signs, and to pay for the Community Preservation Committee’s annual membership in the Community Preservation Coalition.

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 264-9636
Selectman assigned: Andrew D. Magee: bos@acton-ma.gov

ARTICLE 33 * INTER-MUNICIPAL AGREEMENT –
(Majority Vote) **BRUCE FREEMAN RAIL TRAIL**

To see if the Town will vote to authorize the Board of Selectmen or the Town Manager 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, consistent with the requirements of Section 4A of Chapter 40 of the General Laws, with one or both of the Towns of Carlisle and Westford, for the purpose of obtaining grants or other funding from the Massachusetts Highway Department or other federal, state, county or municipal government or agency thereof, and/or from a charitable foundation, a private corporation, or an individual, to effectuate the acquisition, design and construction of the Bruce Freeman Rail Trail, and any such grants and funds are hereby appropriated for their stated purposes and may be expended with the approval of the Board of Selectmen or the Town Manager, or take any other action relative thereto.

SUMMARY

This article authorizes the Board of Selectmen or Town Manager to enter into a joint municipal contract or inter-municipal agreement with the towns of Carlisle and Westford to continue advancement of the Bruce Freeman Rail Trail (BFRT). The BFRT is a multi-use path for non-motorized transportation from Lowell to Framingham. Phase 1 from Lowell to Route 225 in Westford is under construction. Phase 2A, currently in design, runs through the remainder of Westford, and then through Carlisle and Acton to East Acton. The other Phases to the south are in various stages of planning or design.

Acton has paid for the 25% design of the Acton portion of the BFRT from community preservation funds. Carlisle and Westford have paid for the 25% design for their respective portions. Acton, Carlisle, and Westford are now seeking to access State and/or Federal funding for completion of the design of Phase 2A. The Massachusetts Highway Department (MassHighway) is the State’s administrator of State and Federal funding for rail trails. MassHighway has determined that one joint contract with all three communities along the BFRT - Phase 2A is needed to disburse State or Federal funds rather than separate contracts with each Town. MGL Ch. 40, § 4A requires that Town Meeting authorize such a joint contract.

While this article is prompted by the immediate need to access State and/or Federal funds for design, it also authorize use of the joint municipal contract for purposes of acquisition and construction should that become advantageous or necessary to advance and complete the BFRT.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 264-9636
Selectman assigned: Andrew D. Magee: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Recommended |

ARTICLE 34 COMMUNITY SOCIAL SERVICES COORDINATOR

(Majority vote)

[Note: This article was inserted by the Board of Selectmen at the request of a citizens group.]

To see if the Town, pursuant to Section 5-1 of the Town Charter, will create and will raise and appropriate, or appropriate from available funds, a sum of money to operate a social services department, consisting at a minimum of one social worker, appointed by or contracted through the Town Manager, whose duties and responsibilities may consist of the following:

1. Assist the Acton community with new residents, immigrant families, single parents, homeless and underserved individuals;
2. Provide counseling and referral resources for those families and individuals who are in need of mental health services;
3. Provide liaison services between the Acton/Boxborough Regional School and Acton Public Schools for students and their families needing assistance;
4. Work in conjunction with the Acton Council on Aging and the Acton Senior Center to service the Acton senior population needing assistance with housing, medical and social services;
5. Work on collaboration with other Town departments as needed to ensure the health and well being of the Acton community;
6. Work in collaboration with other community organizations that service the Acton community;
7. Identify and, subject to the approval of the Town Manager, apply for and obtain federal and state grant funds to advance the foregoing responsibilities; and
8. Perform such other services as the Town Manager may specify;

, or take any other action relative thereto.

SUMMARY

After recognizing that many current social services and external agencies in the Town of Acton are overloaded, a group of concerned citizens have proposed (pursuant to Section 5-1 of the Town Charter) that the Town create a Community Social Services Coordinator position. The Coordinator will assist Acton residents including, but not limited to disabled individuals, homeless, single parents, immigrant individuals and families, senior citizens under 60 and otherwise underserved individuals. The position will provide short term counseling and referral resources for those families and individuals who are in need of such services as: mental health services, housing and fuel assistance information, hunger resources, and services for children. In addition, the Coordinator will provide liaison services between the Acton-Boxborough Regional Schools and the Acton Public Schools for students and their families needing such assistance. Further responsibilities include working in collaboration with other Town departments and other community organizations as needed to ensure the health and well-being of the Acton community. The Coordinator will also be responsible for identifying and, subject to the approval of the Town Manager, applying for and obtaining federal, state and other grant funds to advance the foregoing responsibilities; and perform such other services as the Town Manager may specify.

Direct inquiries to: Tina Grosowsky: tgrosowsky@verizon.net / (978) 264-9837

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Deferred | Deferred |

ARTICLE 35 * DESIGNATE ISSUER OF TRENCH EXCAVATION PERMITS

(Majority vote)

To see if the Town will, pursuant to Massachusetts General Laws, Chapter 82A, Section 2, vote to designate the Town Manager as the means by which the Town shall designate the Board or Officer to issue permits for the purposes of excavating or otherwise creating a trench, as regulated by Chapter 82A of the Massachusetts General Laws and 520 CMR 14.00, or take any other action relative thereto.

SUMMARY

This article implements the requirement in the Excavation and Trench Safety statutes and regulations, Chapter 82A of the Massachusetts General Laws and 520 CMR 14.00, that the Town designate an officer or board as the local permitting authority to issue trench excavation permits. The designated officer or board will be responsible for issuing the required trench excavation permits for any trench that is greater than three feet in depth and is fifteen feet or less between soil walls as measured from the bottom.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Paulina S. Knibbe: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Recommended**

ARTICLE 36 * AMEND TOWN BYLAWS – ZONING ENFORCEMENT OFFICER

(Majority vote)

To see if the Town will vote to amend Chapter E, Section E45 (Non-Criminal Disposition) of the General Bylaws of the Town as follows:

- A. Insert in the first paragraph “Zoning Enforcement Officer,” after “Building Commissioner, “.
- B. In the 21st paragraph (referencing Chapter M – Zoning Bylaw) replace “Building Commissioner” with “Zoning Enforcement Officer”.

, or take any other action relative thereto.

SUMMARY

This article replaces the Building Commissioner with the Zoning Enforcement Officer as the enforcing person of the zoning bylaw. See also separate zoning article in this warrant (entitled Corrections, Clarifications and Minor Amendments) that makes the corresponding adjustment in the zoning bylaw itself. Currently, the position of the Building Commissioner is simultaneously charged with the enforcement of the zoning bylaw. The departure of Acton’s long-time Building Commissioner in late 2007 highlighted the need for more flexibility in the selection of the person responsible for zoning enforcement.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 264-9636
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee
 Recommended **Recommended**

ARTICLE 37 **AMEND ZONING BYLAW**
(Two-thirds vote) **OUTDOOR RESTAURANT SEATING**

To see if the Town will vote to amend the zoning bylaw, Section 3, Use Definitions, by deleting section 3.5.5, Restaurant, and replacing it with a new section 3.5.5, Restaurant, as follows:

3.5.5 Restaurant – Establishment where food and beverages are sold within a BUILDING to customers for consumption 1) at a table or counter, or 2) in an adjacent outdoor space that does not obstruct a public way, sidewalk, walkway, vehicular parking, or a driveway, or 3) off the premises as carry-out orders, except that drive-up service shall not be allowed, or 4) any combination of the above. In the OP-2 and the TD District, the minimum square footage for an individual restaurant shall be 5,000 square feet measured in NET FLOOR AREA.

[Note – Section 3.5.5 currently reads as follows:

3.5.5 Restaurant – Establishment where food and beverages are sold within a BUILDING to customers for consumption 1) at a table or counter, or 2) on a patio closed on all sides with entrance to the patio normally available only from the BUILDING, or 3) off the premises as carry-out orders, except that drive-up service shall not be allowed, or 4) any combination of the above. In the OP-2 and the TD District, the minimum square footage for an individual restaurant shall be 5,000 square feet measured in NET FLOOR AREA. In the EAV District, service through walk-up windows may be allowed, and patios may be open and accessible from the outside.]

, or take any other action relative thereto.

SUMMARY

This article changes the definition of a restaurant to allow more flexibility in outdoor seating throughout the Town with the provision that such arrangements not obstruct public ways, sidewalks, parking lots, and similar facilities. This makes the zoning provisions for outdoor seating uniform town-wide where previously such flexible outdoor seating was only allowed in the East Acton Village District, and otherwise only in an enclosed patio that can be accessed only from the inside of the restaurant.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 264-9636
Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> | <u>Planning Board</u> |
| | Recommended | Deferred | Recommended |

ARTICLE 38 **AMEND ZONING BYLAW**
(Two-thirds vote) **LI-1 DISTRICT – INCREASE FLOOR AREA RATIO TO 0.20**

To see if the Town will vote to amend the zoning bylaw, Section 5, Table of Standard Dimensional Regulations, by changing the entry in column “MAXIMUM FLOOR AREA RATIO” and line “LI-1” from 0.10 to 0.20.

, or take any other action relative thereto.

SUMMARY

This article doubles the maximum Floor Area Ratio (FAR) in the Light Industrial – 1 (LI-1) zoning district from 0.10 to 0.20. FAR is a measure for building density. For example, an FAR of 0.20 means that the combined total floor area in buildings on a lot makes up 20% of the lot’s buildable land area. The LI-1 district is located on approximately 60 acres north and south of Main Street at Post Office Square and consists of nine properties of varying sizes. The district is largely built out under the current 0.10 FAR limit allowing only about 43,000 additional square feet to the 281,000 square feet of total existing floor area in the district. The existing net floor area is spread among the nine properties. One is built out in excess of the existing and proposed FAR limit, another is very near the proposed limit, four are between the existing and proposed FAR limits, two are below the existing limit, and one property is still vacant. The proposed FAR increase would accommodate an additional 201,000 square feet above the existing floor area in the district, or 158,000 square feet more than under the current FAR limit.

The proposed zoning change results from work of the Town’s Economic Development Committee. The committee reviewed the LI-1 zoning district and its current zoning limitations after a meeting that some property owners in the district had requested.

The proposed change brings most of the district properties into zoning conformance, and allows for additional growth on key parcels where additional building floor area, if permitted, would help retain longstanding Acton companies. The LI-1 district is currently the most restricted industrial zoning district. No other district has a FAR limit below 0.20. This change would bring the district up to par with most other industrial and commercial district, and provide growth opportunity for Acton’s commercial/industrial tax base. The 50% open space requirement in the district would remain intact, which is the most stringent in all industrial districts – usually 35%. Except for two residential areas, which have adequate buffers to the district, the land surrounding the district is vacant. This change follows the Town’s master plan recommendation for steps to pursue a more balanced tax base, which include increasing the FAR limit in this district and encouraging commercial and industrial development in areas that are already developed and used for such purposes.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 264-9636
Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> | <u>Planning Board</u> |
| | Recommended | Deferred | Recommended |

ARTICLE 39 **AMEND ZONING BYLAW**
(Two-thirds vote) **SENIOR RESIDENCES – AFFORDABLE HOUSING ALTERNATIVES**

To see if the Town will vote to amend the zoning bylaw by inserting a new subsection 9B.12.9 under section 9B – Senior Residence as follows:

3B.12.9 Affordable Housing Alternatives - The Planning Board in its special permit may authorize or require the substitution of required AFFORDABLE SENIOR RESIDENCES with:

3B.12.9.1 Off-site AFFORDABLE DWELLING UNITS, which shall be in suitable condition for family or individual persons’ housing as the Planning Board may determine, and eligible for inclusion in Acton’s subsidized housing inventory under M.G.L. Chapter 40B; or

3B.12.9.2 Monetary contributions for affordable housing programs made to the Acton Community Housing Program Fund in an amount sufficient for the Town or its designee to create off-site affordable family or individual persons’ housing, as the Planning Board may determine, and eligible for inclusion in Acton’s subsidized housing inventory under M.G.L. Chapter 40B.

, or take any other action relative thereto.

SUMMARY

In section 9B, the Acton Zoning Bylaw regulates the construction of senior residence developments. One provision requires the inclusion of affordable dwelling units for seniors. Another provides for increases in density of a project in exchange for additional affordable units for seniors. There is a very limited number of potentially qualifying seniors to purchase such affordable units while keeping the units eligible for inclusion in Acton’s subsidized housing inventory under M.G.L. Chapter 40B to count towards the minimum 10% affordable housing target. The State’s regulations for inclusion of units in the 40B subsidized housing inventory restrict buyers’ assets and income in a manner that makes it difficult to market the affordable units to income-eligible senior home buyers. This article, if adopted, will provide the Planning Board the option, when granting a special permit for Senior Residence housing, to arrange for the substitute provision of off-site affordable dwelling units that are not restricted to seniors, or for a monetary contribution to the Acton Community Housing Program Fund.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 264-9636

Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Deferred | <u>Planning Board</u> Recommended |
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ARTICLE 40 AMEND ZONING BYLAW – WIRELESS SERVICE FACILITIES

(Two-thirds vote)

To see if the Town will vote to amend the zoning bylaw by deleting sections 3.10 (Special Requirements for Wireless Communication Facilities), and 3.11 (Temporary Moratorium on Wireless Communication Facilities ...), and replacing them with a new section 3.10 as follows:

3.10 Special Requirements for Personal Wireless Facilities

3.10.1 Purposes

- 3.10.1.1 To allow Personal Wireless Facilities in accordance with and as required by the Federal Telecommunications Act of 1996 and in acknowledgment of M.G.L. Chapter 40A, Section 3.
- 3.10.1.2 To minimize their adverse impacts on adjacent properties, local historic districts, residential neighborhoods, and scenic vistas.
- 3.10.1.3 To establish requirements for their approval, and standards for their design, placement, safety, monitoring, modification, and removal.
- 3.10.1.4 To limit the overall number and height of Personal Wireless Towers to what is essential to serve the public convenience and necessity.
- 3.10.1.5 To promote shared USE of Facilities to reduce the need for new Facilities.

3.10.2 Applicability

- 3.10.2.1 This Section 3.10 shall apply to all reception and transmission Facilities that aid, facilitate, and assist with the provision of Personal Wireless Services.
- 3.10.2.2 No such Facility shall be erected or installed except in compliance with the provisions of this Section 3.10.
- 3.10.2.3 Nothing in this Bylaw shall be construed to regulate or prohibit customary installations for the reception of radio communication signals at home or business locations.
- 3.10.2.4 Nothing in this Bylaw shall be construed to regulate or prohibit a tower or antenna installed solely for use by a federally licensed amateur radio operator. For regulations on amateur radio towers see Section 3.8.3.6 of this Bylaw.

3.10.3 Definitions

- 3.10.3.1 Antenna – A transducer device designed to transmit and/or receive radio frequency signals.
- 3.10.3.2 Co-locator – One of two or more Carriers who occupy space on a common Facility to locate Antennas and other equipment for the provision of Personal Wireless Services.
- 3.10.3.3 Concealed-Antenna Monopole (CAM) – A Monopole with internally mounted Antennas that are not visible from the outside of the Monopole.
- 3.10.3.4 Coverage Gap or Service Gap – a “Coverage Gap” or “Service Gap” is considered to exist within a specific geographic area if a remote user of a Compatible User Service Device, while located within such geographic area, is highly likely to be unable to reliably connect to and communicate with the compatible Carrier’s Personal Wireless Services network, which gap is defined as less than -90 dBm received signal power, unless the Carrier in question demonstrates a different received signal power level or an alternative QoS metric reasonably applies.
- 3.10.3.5 Equipment Compound – A BUILDING, room, or fenced compound at the base of a Tower or elsewhere that encloses necessary equipment and installations to support Personal Wireless Services.
- 3.10.3.6 FCC – The Federal Communications Commission.

- 3.10.3.7 Flush Mounted Antennas – Antennas whose mounting brackets are attached directly on the outside surface of a Monopole that extend typically no more than 18 inches from the Monopole surface.
- 3.10.3.8 Monopole – A single self-supporting Tower, tubular in design, enclosing cables invisibly within the tubular structure and designed so it does not require braces or guy wires for support and stability.
- 3.10.3.9 Personal Wireless Services – Commercial Mobile Radio Services (CMRS), common Carrier wireless exchange access services, and unlicensed wireless services as identified and defined in the Federal Telecommunications Act of 1996 and pertinent FCC regulations.
- 3.10.3.10 Personal Wireless Service Device – A portable, fixed, or mobile Personal Wireless Service communications device, such as, without limitation, a car phone, cell phone, personal digital assistant, or smart phone used by a subscriber or remote user to connect to a Carrier’s Personal Wireless Service network.
- 3.10.3.11 Personal Wireless Service Provider or Personal Wireless Service Carrier (Provider or Carrier) – An entity, licensed by the FCC to provide Personal Wireless Services or an entity offering unlicensed Personal Wireless Services as a common carrier.
- 3.10.3.12 Personal Wireless Facility (Facility) – An installation that contains the equipment and support STRUCTURES necessary to provide Personal Wireless Services, including but not limited to an Equipment Compound, Tower and Antennas. In context, Facility may refer individually to one Provider’s installation supporting one Personal Wireless Service at a Site, or collectively to the aggregate of all installations of all Personal Wireless Service Providers providing all Personal Wireless Services at a common Site.
- 3.10.3.13 Personal Wireless Facility Site (Site) – A LOT as defined in this Bylaw; or one or more contiguous LOTS in single ownership; or one or more contiguous LOTS whose individual owners have entered into a partnership, corporation, trust, or other legal entity with the purpose of jointly hosting a Facility.
- 3.10.3.14 Personal Wireless Tower (Tower) – A STRUCTURE greater than 12 feet in height mounted on the ground or on another STRUCTURE erected with the primary purpose of supporting one or more Personal Wireless Service Antennas.
- 3.10.3.15 Service Coverage – Service Coverage refers to a geographic area where a remote user of a properly installed and operated Personal Wireless Service Device compatible with a Carrier’s Personal Wireless Services network (a “Compatible User Service Device”) has a high probability of being able to connect to and communicate with such network with a reasonable quality of service (“QoS”). There are various measures of QoS, including without limitation, received signal strength, various signal to noise and signal to interference ratio metrics, call reliability (as indicated by dropped call ratios, blocked calls and the like), and bit error rates.
- For purposes of this Section 3.10, there shall be the presumption that Service Coverage shall be deemed to exist within a specific geographic area if the predicted or measured received signal power on a standards-compliant Personal Wireless Services Device placed outdoors within such geographic area is highly likely to be -90 dBm or greater, unless the Carrier in question demonstrates, by clear and convincing evidence prepared by qualified radio frequency engineer or other qualified professional, that higher signal strengths or alternative QoS metrics are required to enable such Carrier to provide Service Coverage within the specific geographic area in question.
- 3.10.3.16 Significant Gap – A Coverage Gap in a Carrier’s Personal Wireless Service network within a specific geographic area shall be considered to be a “Significant Gap” if such specific identified geographic area is so large in physical size and/or affects or is predicted to affect

such a large number of remote users of Compatible User Service Devices as to fairly and reasonably be considered “significant” as opposed to merely being a small “dead spot”. In determining whether or not a particular Carrier’s Coverage Gap is significant, a relatively small or modest geographic area may be considered a “Significant Gap” if such geographic area is densely populated or is frequently used by a large number of persons for active recreational or similar purposes who are, or are predicted to be, remote users of Compatible User Service Devices, and/or such geographic area straddles one or more public highways or commuter rail lines regularly traveled, or predicted to be traveled, by remote users of Compatible User Service Devices, while a larger geographic area may be considered not to be a “Significant Gap” if such geographic area does not straddle any public highways or rail lines and/or is sparsely populated. Whether or not a Significant Gap exists is to be determined separately for each Carrier’s Personal Wireless Services network, regardless of whether or not any other Carrier(s) have Service Coverage in such geographic area.

3.10.4 General Prohibitions and Requirements

- 3.10.4.1 Lattice style Towers and similar facilities requiring more than one leg or guy wires for support are prohibited. However, additional equipment may be mounted on an existing lattice Tower.
- 3.10.4.2 A Personal Wireless Tower shall not be erected in a Local Historic District or within 500 feet of the boundary of a Local Historic District measured from the center point of a Tower at its base.
- 3.10.4.3 All STRUCTURES, equipment, utilities and other improvements associated with Personal Wireless Facilities shall be removed within one year after cessation of USE.
- 3.10.4.4 Night lighting of Personal Wireless Facilities is prohibited except for low intensity lights installed at or near ground level in or on the Equipment Compound and in compliance with the Outdoor Lighting Regulations of this Bylaw, Section 10.6.
- 3.10.4.5 At least one sign shall be installed in a visible location at the Equipment Compound that provides the telephone number where the operator in charge can be reached at all times.
- 3.10.4.6 Section 6 (Parking Standards) of the Acton Zoning Bylaw shall not apply to Wireless Communication Facilities.
- 3.10.4.7 Nothing in this Bylaw shall be construed to regulate or prohibit a Personal Wireless Facility on the basis of the environmental effects of radio frequency emissions, provided the Facility complies with regulations of the Federal Communications Commission concerning such emissions.

3.10.5 Personal Wireless Facilities Allowed by Right

- 3.10.5.1 In all zoning districts, a Personal Wireless Facility shall be allowed and no special permit shall be required,
 - a) if the Antenna(s) and Antenna mounting apparatus or STRUCTURE does not exceed 3 feet in diameter and 12 feet in height and is otherwise in compliance with applicable dimensional requirements of this Bylaw as they relate to the Personal Wireless Facility Site, or
 - b) if the Facility is located entirely within, or mounted on, a BUILDING or STRUCTURE that is occupied or used primarily for other purposes, provided that the BUILDING or STRUCTURE, including the Facility, meets all dimensional requirements of this Bylaw for the zoning district in which the Site is located. A cupola or other appurtenance, that is consistent with the general characteristics of the zoning district within which the Facility is located, that is otherwise allowed by right, and that fully conceals all Antennas, cables, and other related hardware may be added to a

BUILDING when the supporting equipment belonging to the Facility is installed within the BUILDING.

3.10.5.2 In the Office Districts (OP-1, OP-2), the Industrial Districts (LI, GI, LI-1, IP, SM), the Powder Mill District (PM), and the Limited Business District (LB), a Monopole Tower shall be allowed and no special permit shall be required, if its height does not exceed applicable height limitations for STRUCTURES and BUILDINGS in the zoning district in which it is located, and if its setback, measured from its center point at its base to all Site boundary lines, is at least the distance equal to its height, but not less than the otherwise applicable minimum yard requirement for BUILDINGS and STRUCTURES in the zoning district.

3.10.5.3 Any new Antennas or other equipment owned by a Personal Wireless Service Provider may be mounted on a previously approved Tower without a special permit, if there is no increase in height above the maximum height specified in the special permit for the Tower and if the installation does not deviate from the approved appearance of the Tower. For example, an approved CAM may not be converted to a Flush Mount Monopole by any subsequent Antenna installations.

3.10.6 Special Permit for Facilities

3.10.6.1 Any Personal Wireless Facility, and any increase in height or size, or reconstruction or replacement of an existing Facility that does not meet the criteria under Section 3.10.5 above, may only be allowed by special permit from the Planning Board in accordance with M.G.L. ch. 40A, s. 9, subject to the following statements, regulations, requirements, conditions and limitations.

3.10.6.2 For the purpose of this Section 3.10, public hearing notices shall be sent to parties in interest and to all LOT owners within one thousand feet of the property line of the Site where the Facility is proposed.

3.10.6.3 A Personal Wireless Tower shall not exceed a height of 175 feet from ground level, or a height that is allowed without illumination at night under Federal Aviation Administration or Massachusetts Aeronautics Commission regulations, whichever is less. For purposes of determining the height of a Tower, the height shall be the higher of the two vertical distances measured as follows:

- a) The elevation of the top of the Tower STRUCTURE including any Antennas or other appurtenances above the pre-construction mean ground elevation directly at the base of the pole; or
- b) The elevation of the Tower STRUCTURE including any Antennas or other appurtenances above the mean ground elevation within 500 feet of the base of the pole.

3.10.6.4 Personal Wireless Towers shall be CAMs. On a case by case basis, generally when aesthetic considerations are less important, the Planning Board may allow Monopoles with external Flush Mounted Antennas, or external standard Antenna mounting frames that extend laterally from the Monopole.

3.10.6.5 Personal Wireless Towers shall be located, designed, and constructed as Monopoles that are extended to or structurally extendable to the maximum height allowed under Section 3.10.6.3 above, capable of accommodating the maximum number of technically feasible Co-locator Antennas on the portion of the Monopole above the trees as well as an Equipment Compound physically able to, or capable of being enlarged to, fully accommodate the maximum number of Personal Wireless Service Carriers and other equipment necessary for the maximum number of technically feasible Co-locators at the Site.

- 3.10.6.6 In all Residential Districts, the setback of a Tower, measured from the center point of the Tower at its base to the boundary lines of the Site, shall be at least the distance equal to the maximum permissible height of the Tower.
- 3.10.6.7 The center point of any Personal Wireless Tower at its base shall be separated from any existing dwelling by a horizontal distance that is at least twice the maximum permissible height of the Tower, unless the residential BUILDING and the Facility are located on the same LOT.
- 3.10.6.8 An Equipment Compound, if employed, shall be located in the immediate vicinity of the base of a Tower.
- 3.10.6.9 Any Tower shall be designed to accommodate the maximum feasible number of Carriers.
- a) The Planning Board may require the employment of all available technologies and Antenna arrangements to minimize vertical space consumption, and require sufficient room and structural capacity for all necessary cables and Antennas.
 - b) The Planning Board may require the owner of such Tower to permit other Providers to Co-locate at such Facility upon payment of a reasonable charge, which shall be determined by the Planning Board if the parties cannot agree.
 - c) The Planning Board may require that the equipment of all users of a Tower shall be subject to rearrangement on the Tower or in the Equipment Compound if so directed by the Planning Board at a later time in its effort to maximize Co-location of Carriers. This may result in different vertical Antenna locations, reduced vertical separation of Antennas, and changes of Antenna arrangements, to the extent feasible without causing technically unacceptable radio frequency signal interference between the Antennas of the Co-locators and without creating new Significant Gap in the existing coverage of incumbent Providers on the Tower.
 - d) The Planning Board may require that the equipment of all Carriers on a Tower shall be subject to relocation to another nearby Facility if such relocation, when considered individually or in concert with existing or potential new Facilities, does not create a Significant Gap in the Carrier's-coverage when so directed by the Planning Board at a later time in its effort to maximize Co-location of Carriers. It may then order the removal of a Tower after the relocation is completed.
 - e) The Planning Board may require long-term easements, leases, licenses, or other enforceable legal instruments that fully support a Facility at its maximum potential technical capacity, including sufficient space on the Tower and for Facility base equipment to accommodate the maximum number of technically feasible Co-locators at the Site, adequate ACCESS and utility easements to the Facility from a public STREET, and the right for the maximum number of technically feasible Co-locators to Co-locate on the Tower and to upgrade the utilities and equipment as needed for maintaining and improving service and capacity.
- 3.10.6.10 Unauthorized entry into an Equipment Compound shall be prevented by the installation of security measures such as fencing (for outdoor Equipment Compounds) or locked rooms or buildings. Towers shall be secured against unauthorized climbing. The Planning Board shall require suitable fencing and landscape screening or other mitigation means to shield the installation from the view of nearby residences or ways.
- 3.10.6.11 The Planning Board may require that all ground equipment must be placed inside a BUILDING where the Planning Board finds that a fenced-in compound does not adequately address reasonable and legitimate aesthetic concerns. In such cases, the Planning Board shall have the power under the special permit to regulate the size, shape, and exterior appearance of the BUILDING.

- 3.10.6.12 A Tower approved hereunder shall be used only for the transmission of signals for Personal Wireless Services, except with the specific authorization of the Planning Board.
- a) The Planning Board may approve or require the installation of transmission devices owned, operated, or used by the Town of Acton or any of its agencies, and may allow such devices to extend above the otherwise applicable maximum Tower height. The Planning Board may waive or modify the approved appearance provision of Subsection 3.10.5.3 for such devices.
 - b) The Planning Board may also approve the installation of communication devices by entities other than Personal Wireless Service Carriers as secondary occupants of a Facility that are subject to Planning Board termination upon six months notice of the Planning Board, provided that they do not interfere with the Personal Wireless Services and that the intent of this Bylaw to maximize Co-location of Personal Wireless Service Providers is not compromised.
- 3.10.6.13 The Planning Board shall in its special permit make adequate provisions for the removal of the Tower and Equipment Compound after its USE for Personal Wireless Services has ended. It shall require that the Facility location shall be restored to pre-existing conditions as much as is reasonably possible so that no traces of the Facility, including foundation, gravel pads, and driveways, remain visible above ground, and that the location be otherwise stabilized and naturalized as appropriate for the particular Site.
- 3.10.6.14 The Planning Board may, as a condition of any special permit, require all Carriers at a Facility, upon the written request of the Planning Board from time to time, to file with the Planning Board and Town Clerk a report, prepared and stamped by a Massachusetts Registered Professional Engineer, that certifies that such Carrier's Facility is, and such Co-locator's Facilities are, in compliance with the terms and conditions of the special permit and the Acton Zoning Bylaw. The Planning Board may also require the Carriers to file with the Planning Board certifications from other independent, qualified engineers or other appropriate professionals that the Facility is in compliance with applicable state and federal laws, such as those regarding radio frequency emissions, noise, or aeronautical navigation safety. The Planning Board may make such requests not more frequently than once every two years, unless the Planning Board has reasonable grounds to believe that the Facility is not in compliance in any substantial or material respect with the terms and conditions of the special permit or any applicable FCC or other State or Federal laws.
- 3.10.6.15 The Planning Board may limit the number of Towers on a Site to one, or to any other number it deems necessary and appropriate for the Site. Multiple Towers on a single Site shall be separated by such reasonable distance that prevents excessive interference (mechanical or electromagnetic) between Carriers' services and that creates the most harmonious appearance to the general public, but by not less than 40 feet measured between the center points at the Towers' respective bases.
- 3.10.6.16 The Special Permit application for a Personal Wireless Facility shall be accompanied by a plan showing the Facility location in relation to the boundary lines of the Facility Site and all BUILDINGS within 500 feet, and plans for the installation or construction of the Facility adequate to show compliance with the provisions of this Bylaw, and such supplemental information as may be required by the Planning Board in the Rules and Regulations for a Special Permit for Personal Wireless Facilities. The application shall also include maps showing areas where the proposed Facility will be visible when there is foliage and when there is not.
- 3.10.6.17 Mandatory Findings – The Planning Board shall not issue a special permit for a Wireless Communication Facility unless it finds that the Facility:
- a) is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, s. 11;

- b) is designed to provide, in the most community-compatible method practicable, Service Coverage to a Significant Gap within the Town. The applicant shall bear the burden of demonstrating, by clear and convincing evidence, the existence of such Significant Gap;
- c) is designed in the most community-compatible method practicable and is necessary to satisfy a Significant Gap in service. The applicant shall bear the burden of demonstrating that other methods preferred by the Town are not feasible for providing Service Coverage to satisfy such Significant Gap;
- d) cannot for technical or physical reasons be located on an existing Wireless Communication Facility or Tower that would be expected to provide comparable Service Coverage. Such alternative existing location or locations need not provide full service to the entire Significant Gap if, in the determination of the Planning Board, the remaining Gap to have been served by the proposed Facility is not Significant and/or if remaining portions of the Significant Gap can be served by new Facilities preferred by the Planning Board;
- e) cannot be located at any other practicably available site that is less objectionable to the general public due to technical requirements, topography, or other unique circumstances. The applicant shall have the burden of showing what alternative sites and technologies it considered and why such sites and technologies are not practicably available;
- f) is sited in such a manner that it is suitably screened;
- g) is colored so that it will as much as possible blend with or be compatible with its surroundings;
- h) is designed to accommodate the maximum number of users technologically feasible;
- i) is necessary because there is no other existing Facility or Facilities with available space or capacity available to satisfy the Significant Gap;
- j) is in compliance with applicable Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission, and the Massachusetts Department of Public Health regulations; and
- k) complies with all applicable requirements of this Bylaw, including Section 10.3.

3.10.6.18 The Planning Board under its special permit authority may waive one or more requirements of this Section 3.10.6 and its subsections, including dimensional requirements, and it may grant a waiver from the use restrictions contained in Section 3.4.10 of the Table of Principal Uses, where the Board finds that the relief is necessary to avoid an effective prohibition of Personal Wireless Services in the Town or avoid unreasonable discrimination among Providers of functionally equivalent services-

- a) Any request for such waivers shall be supported by a study prepared by a qualified radio frequency engineer or other qualified professional consultant demonstrating to the Planning Board's satisfaction that there exists a Significant Gap in coverage within the specific geographic area proposed, and clear and convincing evidence that no alternative locations, technologies, and/or configurations are available that meet the otherwise applicable requirements.
- b) In granting such a waiver or waivers, the Planning Board must find that the extent of the granted relief is mitigated by showing that any alternative for serving the Significant Gap that is feasible is no less objectionable in its impact on the community, that all practicable mitigation of the proposed Facility's impact is incorporated in the design and conditions, and that the desired relief may be granted without substantial detriment to the neighborhood and without denigrating from the intent and purpose of this Bylaw.

- c) However, the Board shall not grant relief from the maximum height limitation in Subsection 3.10.6.3.
- d) The Board shall be empowered hereunder to grant relief from any setback requirements in Subsections 3.10.6.6 or 3.10.6.7 provided that the Facility as proposed with such non-conforming setbacks is demonstrated to be necessary to serve the Significant Gap or that such relief will produce a better result for the community than without such relief, consistent with Section 3.10.1 – Purposes, and its subsections.
- e) The applicant shall provide the Board with a written statement describing how the requested relief meets the objectives of the preceding paragraph (d) and is in the best interest of the Town with reference to Section 3.10.1 – Purposes, and its subsections.

, or take any other action relative thereto.

SUMMARY

The one-year moratorium on new wireless communication facilities adopted at the May 10, 2007 Special Town Meeting ends on April 15, 2008. This article, if adopted, would completely replace the currently suspended section 3.10 (Special Requirements for Wireless Communication Facilities) and section 3.11 (the moratorium). The proposed replacement section 3.10 set forth above in this article was developed by the Wireless Communication Facilities Bylaw Study Committee, which the Board of Selectmen appointed after the moratorium was adopted. The committee reviewed bylaws in other municipalities, “model bylaws”, some recent and relevant case law, and FCC rulings, and sought and used the advice of legal counsel and a technical consultant. It also reviewed the Town of Acton zoning regulations for wireless service facilities in section 3.10 as most recently amended at the Annual Town Meeting of 2007 before the adoption of the moratorium, and plotted maps of the Town that show the required setbacks for wireless facility towers and areas where such towers are not allowed. The resulting map validates that the Town is very well protected. To ensure that there is no violation of Federal Law by an inadvertent “effective prohibition”, the proposed new section 3.10 includes a process for granting waivers. Overall, the proposed new section 3.10 takes into account newer technology, is better organized, has more precise definitions of terms, allows for the assembly of lots to create a facility site, and adds stronger language for facility screening and removal after use has ceased.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 264-9636
 Selectman assigned: Peter J. Berry: bos@acton-ma.gov

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|-------------------------|--|--|--|
| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Deferred | <u>Planning Board</u> Recommended |
|-------------------------|--|--|--|

ARTICLE 41 * 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:

A. Delete section 2.2 – Zoning Map, and replace it with a new section 2.2 as follows:

2.2 Zoning Map – The zoning maps listed below are part of this Bylaw, and are collectively referred to as “The Zoning Map”. The location and boundaries of the zoning districts are shown on the Zoning Maps. The Zoning Maps are amended from time to time by action of Town Meeting. The last amendment dates are noted on the Zoning Maps.

- “Zoning Map of the Town of Acton” as last amended, consisting of a single sheet designated Map Number 1, and showing the Residential, Village, Office, Business, Industrial, and Special Districts.
- “Flood Insurance Rate Map”, dated January 6, 1988 (Scale 1" = 400' consisting of 8 sheets designated Map Number 2, Sheet 1 of 8 through 7 of 8 plus the map index and street index) and the associated data in the “Flood Insurance Study, Town of Acton, January 6, 1988.”
- “Groundwater Protection District Map of the Town of Acton” as last amended; Map Number 3A, consisting of a single sheet at a scale of 1" = 1200', and Map Number 3B, consisting of sheets 3B-1 through 3B-18 at a scale of 1" = 200'. See Section 4.3.2 of this Bylaw for a more detailed description of the Groundwater Protection District and the use of these maps.
- “Affordable Housing Overlay District Map of the Town of Acton” as last amended, consisting of Map Number 4 and shown on the same sheet as Map Number 1.

[Note: Section 2.2 currently reads:

2.2 Zoning Map – The zoning maps described below are part of this Bylaw. Location and boundaries of the zoning districts are shown on the zoning maps, which may be amended and are collectively referred to as “The Zoning Map.”

- *“Zoning Map of the Town of Acton,” amended to April 2006, consisting of a single sheet designated Map Number 1, as amended.*
- *“Groundwater Protection District Map of the Town of Acton, January 1989”, last amended in 1996, designated Map Number 3A, consisting of a single sheet at a scale of 1" = 1200', and Map Number 3B, consisting of sheets 3B-1 through 3B-18 at a scale of 1" = 200'. See Section 4.3.2 of this Bylaw for a more detailed description of the Groundwater Protection District and the use of these maps.*
- *“Flood Insurance Rate Map,” dated January 6, 1988 (Scale 1" = 400' consisting of 8 sheets designated Map Number 2, Sheet 1 of 8 through 7 of 8 plus the map index and street index) and the associated data in the “Flood Insurance Study, Town of Acton, January 6, 1988.”*
- *“Affordable Housing Overlay District Map of the Town of Acton” last amended in April 2006, consisting of a single sheet designated Map Number 4, shown together with the same sheet Map Number 1.]*

B. In section 3, Table of Principal Uses, change the entry in column “NAV”, and line “3.3.3 - Two-Family Dwelling” from N to Y.

C. In section 11, Enforcement, delete the head paragraph of subsection 11.1 and replace it with a new paragraph as follows:

11.1 Enforcement – The Zoning Enforcement Officer of the Town of Acton, as appointed by the Town Manager, is hereby designated as the officer charged with the enforcement of this Bylaw. During any period of temporary absence or disability of the Zoning Enforcement

Officer, the Town Manager may appoint an inspector of buildings, building commissioner, local inspector, planning director or assistant town planner as the officer charged with the enforcement of this Bylaw. All zoning enforcement actions initiated and decisions made by the officer charged with the enforcement of this Bylaw prior to the appointment of the Zoning Enforcement Officer or during any temporary absence or disability of the Zoning Enforcement Officer shall continue unabated in the name of the Zoning Enforcement Officer.

[Note: The lead paragraph of section 11.1 currently reads:

11.1 The Building Commissioner of the Town of Acton is hereby designated as the officer charged with the enforcement of this Bylaw.]

And:

Replace the title “Building Commissioner” and “Commissioner” with “Zoning Enforcement Officer” wherever they occur in the following sections of the Zoning Bylaw: 3.8.1.5.p) and q); 3.9.1; 4.1.7.2; 4.1.9.1; 4.2.2.4; 4.3.2.5; 4.3.8.4; 5.4.5; 5.4.5.1; 5.4.5.2; 6.7 (2nd paragraph); 6.7.3; 6.7.6; 6.7.8.1; 6.7.8.4; 6.7.8.8; 6.7.9; 6.7.9.3; 6.7.9.5; 6.9.5.4; 6.9.6.4; 6.10; 7.3.12; 7.4.2; 7.6; 7.6.1; 7.6.2; 8.6; 9.8; 9B.15; 10.1.1; 10.2.1.3); 10.4.4.2; 10.4.4.4; 10.4.6; 10.6.2.4.c)iii; 11.1.1.

- D. In section 7, Signs and Advertising Devices, delete section 7.4.4 and renumber section 7.4.5 and its subsections 7.4.5.1 and 7.4.5.2 to become section 7.4.4 and subsections 7.4.4.1 and 7.4.4.2 respectively.

[Note: Section 7.4.4 currently states:

7.4.4 Re-lettering – The re-lettering of a SIGN shall be equivalent to the ERECTING of a SIGN as defined in Section 7.2.5, except in the case of the following SIGNS and under the following conditions:

7.4.4.1 Any SIGN listed under Section 7.5.

7.4.4.2 Indicators of time and temperature.

7.4.4.3 The listing of current shows on SIGNS associated with a cinema or theater.

7.4.4.4 The names of individual businesses located on a FREESTANDING SIGN which identifies a BUSINESS CENTER, and which is ERECTED in conformance with Sections 7.8.5.2 or 7.8.6.3.]

And:

Delete section 7.12.2, and replace it with a new section 7.12.2 as follows:

- 7.12.2 Nothing herein shall be deemed to prevent orderly, regular, and timely maintenance, repair, and repainting with the same original colors of a non-conforming SIGN, or the re-lettering, re-facing, or changing of message of a non-conforming sign.

[Note: Section 7.12.2 currently reads:

Nothing herein shall be deemed to prevent orderly, regular and timely maintenance, repair and repainting with the same original colors of a non-conforming SIGN.]

, or take any other action relative thereto.

SUMMARY

This article makes housekeeping changes to the zoning bylaw.

Part A deals with the reference of various zoning maps, which are part of the zoning bylaw. The change lists the maps in the order in which they are numbered and makes the last amendment date that, which is shown on the map, rather than having it noted in the bylaw text. This will eliminate the need to periodically update this section of the zoning bylaw when map changes are made. The Flood Insurance Rate Map is a Federal map and continues unchanged since its original 1988 date.

Part B changes the use regulations of the zoning bylaw to allow two-family dwellings in the North Acton Village District. This will bring it in line with the other village zoning district where two-family dwellings are also allowed.

Part C names the Zoning Enforcement Officer as the Town’s agent to enforce the Zoning Bylaw. Until now, the enforcement of the zoning bylaw was the duty of the position of the Building Commissioner. This change will allow the Town Manager flexibility to appoint the Building Commissioner as the Zoning Enforcement Officer or to appoint a different person, and to appoint any interim personnel for this function as needed. The recent departure of the long-time Building Commissioner illustrated the need for this change.

Part D changes the sign regulations to ensure that the re-lettering, or re-facing, of existing signs with different words, names, or messages is allowed even if the sign is non-conforming with today’s regulations. The sections to be deleted and changed are in conflict with another section of the zoning bylaw (7.2.5) which explicitly allows re-lettering of all existing signs. The change eliminates this inconsistency and brings the zoning bylaw into compliance with case law, which ruled that existing non-conforming signs must be allowed to change messages, and that to do otherwise would unconstitutionally regulate speech and content.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 264-9636
 Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Recommended | <u>Planning Board</u> Recommended |
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ARTICLE 42 * ACCEPT STREET RELOCATION & LAYOUT –
 (Two-thirds vote) **PARKER & HIGH STREETS**

To see if the Town will authorize the Board of Selectmen to acquire or take, on such terms and conditions as the Selectmen may determine, by purchase, gift, eminent domain or otherwise and to accept a deed of a fee simple or easement interest, for all purposes for which streets, sidewalks and ways are now or hereafter may be used in the Town, in Parcel F-2B consisting of approximately 108 square feet, more or less, of land in the Town of Acton shown on a plan entitled “Plan of the Relocation of a Portion of Parker & High Street in Acton, Massachusetts, as Laid Out by Order of the Board of Selectmen, 2008,” prepared by the Town of Acton Engineering Department, on file with the Acton Town Clerk (the “Plan”), said parcel to become a portion of the town ways known as Parker Street and High 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 therefore, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

The current owner of this land has generously offered to convey this small parcel containing 108 square feet, more or less, of land to the Town for incorporation into the public right of way of Parker Street & High Street. The Town has been working with the property owner in order to improve the sight distance at the intersection. Improvements have been completed on the road shoulder by the Town’s Department of Public Works.

Direct inquiries to: Bruce M. Stamski, P.E., Town Engineer / Director of Public Works
engineering@acton-ma.gov / (978) 264-9628

Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> Recommended | <u>Finance Committee</u> Deferred |
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ARTICLE 43 * ACCEPT TRAIL EASEMENT – HAZELNUT STREET

(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 pedestrian use, on such terms and conditions as the Selectmen may determine and in a final location or locations as the Selectmen may determine, on land at 354 Great Road, shown on the 2007 Acton Town Atlas as parcel D-4/4, formerly shown as D-4/2. The easement provides a connection from Hazelnut Street, over land owned by Quail Ridge Country Club, LLC to the Town of Acton conservation land at Nagog Hill, and shall be located in, or in the general vicinity of, the “proposed 40-foot right of way” and “proposed 20-foot trail easement” on sheets 15 and 16 of 29 of a plan entitled “Golf Course Site Plan for Quail Ridge Country Club, 178 Great Road, Acton, Massachusetts”, scale 1”=50’, dated August 15, 2003 and revised May 11, 2004, prepared for Quail Ridge Country Club, LLC, by Stamski & McNary, Inc., and further to see if the Town will raise, appropriate, transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

The provision of this pedestrian trail and emergency access easement is a condition of the Planning Board’s special permit approval of the Quail Ridge Country Club golf course in May of 2002. The trail is not constructed at this time. The specific trail location was to be determined after construction of fairway #4, now completed, and after consultations with and approvals as necessary from the Conservation Commission. More recently, the Land Stewardship Committee has taken interest in designing the trail.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 264-9636

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

ARTICLE 45 * ACCEPT SIDEWALK EASEMENT –
(Two-thirds vote) 217 PARKER STREET & 1 ROBERT ROAD

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 all purposes which streets, sidewalks and ways are now or hereafter may be used in the Town, on such terms and conditions as the Selectmen may determine, on the following land:

1. From George C. and Susan A. Triantafillou of 217 Parker Street, an easement along their frontage on Parker Street, shown as Sidewalk Easement A containing approximately 531 square feet, more or less, of land on a plan entitled “Easement Plan of Land in Acton, Massachusetts (Middlesex County), Owned by George C. and Susan A. Triantafillou and One Robert Road Realty Trust, Scale 1”=20’, February 1, 2008”, prepared by the Town of Acton Engineering Department, on file therewith and to be recorded with the Middlesex South District Registry of Deeds;

2. From One Robert Road Realty Trust of 1 Robert Road, an easement along their frontage on Parker Street, shown as Sidewalk Easement B containing approximately 771 square feet, more or less, of land on a plan entitled “Easement Plan of Land in Acton, Massachusetts (Middlesex County), Owned by George C. and Susan A. Triantafillou and One Robert Road Realty Trust, Scale 1”=20’, February 1, 2008”, prepared by the Town of Acton Engineering Department, on file therewith and to be recorded with the Middlesex South District Registry of Deeds;

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

SUMMARY

The donation of these easements encompasses the sidewalk on Parker Street that was recently built during the 2006 & 2007 construction seasons. These easements are needed due to the fact that Parker Street is not wide enough at this location for a sidewalk given the location of the road pavement and the abutting properties. The sidewalk was constructed with the consent of these abutting property owners.

Direct inquiries to: Bruce M. Stamski, P.E., Town Engineer / Director of Public Works
engineering@acton-ma.gov / (978) 264-9628

Selectman assigned: Peter J. Berry: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

ARTICLE 46 * ACCEPT SIDEWALK EASEMENT – 1 TO 9 CENTRAL STREET

(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 along the entire frontage on Central Street of the land shown as 1-9 Central Street (Town Atlas Map H-2A Parcel 3) containing 1,175 square feet, more or less, of land, for all purposes which streets, sidewalks and ways are now or hereafter be used in the Town, on such terms and conditions as the Selectmen may determine, and further to see if the Town will raise, appropriate, transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

Many years ago, a portion of the existing sidewalk on Central Street was inadvertently built on the abutter’s property. The current owner of this land has offered to convey an easement containing 1,175 square feet, more or less, of land to the Town that encompasses this sidewalk along their Central Street frontage at no additional cost to the Town.

Direct inquiries to: Bruce M. Stamski, P.E., Town Engineer / Director of Public Works
engineering@acton-ma.gov / (978) 264-9628

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

ARTICLE 47 * ACCEPT SIDEWALK EASEMENT – 74 CHARTER ROAD

(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 all purposes which streets, sidewalks and ways are now or hereafter may be used in the Town, on such terms and conditions as the Selectmen may determine, in the easement area on the following land shown as 74 Charter Road on a plan entitled “Easement Plan in Acton, Massachusetts (Middlesex County), 74 Charter Road, Scale 1”=40’, February 1, 2008”, prepared by the Town of Acton Engineering Department, on file therewith and to be recorded with the Middlesex South District Registry of Deeds, and further to see if the Town will raise, appropriate, transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

The donation of this easement encompasses the sidewalk on Charter Road that was recently built during the 2007 construction season. The easement is needed due to the fact that Charter Road is not wide enough at this location for a sidewalk given the location of the road pavement and the abutting properties. The sidewalk was constructed with the consent of the abutting property owner.

Direct inquiries to: Bruce M. Stamski, P.E., Town Engineer / Director of Public Works
engineering@acton-ma.gov / (978) 264-9628

Selectman assigned: Paulina S. Knibbe: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

ARTICLE 48 * ACCEPT SIDEWALK EASEMENT – 55 GREAT ROAD

(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 a 5 foot wide sidewalk easement along their entire frontage on Great Road for all purposes which streets, sidewalks and ways are now or hereafter be used in the Town, on such terms and conditions as the Selectmen may determine, on the land shown as 55 Great Road (Town Atlas Map G-5 Parcel 58), and further to see if the Town will raise, appropriate, transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

The donation of this easement encompasses the sections of sidewalk along Great Road that was built on private property. The easement is needed due to the fact that Great Road is not wide enough at this location for a sidewalk given the location of the road pavement, utilities and the abutting properties. The sidewalk was constructed with the consent of the abutting property owner.

Direct inquiries to: Bruce M. Stamski, P.E., Town Engineer / Director of Public Works
engineering@acton-ma.gov / (978) 264-9628

Selectman assigned: Peter J. Berry: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

ARTICLE 49 * ACCEPT LAND GIFT – KNOWLTON DRIVE

(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire on such terms and conditions as the Selectmen may determine, by purchase, gift, eminent domain or otherwise and to accept the deed of a fee simple interest in a certain parcel of land on Knowlton Drive shown as Parcel Z-2 containing 8.2 acres, more or less, on a plan entitled “Plan of Land, Rear of 501 Massachusetts Avenue, Acton, Massachusetts, Prepared for Younameit Realty Company” dated June 8, 2007, prepared by Acton Survey & Engineering, and shown on Map F-2 of the Town Atlas as part of Parcel 75-14, for purposes of recreation and conservation, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

The current owner of this land has offered to convey this parcel containing 8.2 acres, more or less, of land to the Town. This parcel represents significant wildlife habitat and more than 1,200 linear feet of riverine ecosystem on Fort Pond Brook. This is a property listed in the Open Space and Recreation Plan as significant open space worthy of protection. The open field portion of the property has potential for recreation use.

Direct inquiries to: Tom Tidman, Natural Resources Director: nr@acton-ma.gov / (978) 264-9631

Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov

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| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
| | Recommended | Deferred |

ARTICLE 50 * ACCEPT PROPERTY BY DEED IN LIEU OF FORECLOSURE –
(Majority vote) **LOTHROP ROAD**

To see if the Town will authorize the Tax Collector, pursuant to General Laws Chapter 60, Section 77C, to accept title by deed in lieu of foreclosure to the parcels identified as Parcels 62, 76 and 87 on Assessor’s Map G2, being Lots 32, 33, and 34 as shown on a plan entitled “Sub-Division of Land in Acton, Mass.,” prepared by MacCarthy Engineering Services, Inc., dated June 20, 1955, and recorded as Plan No. 1707 of 1955 in the Middlesex South District Registry of Deeds, upon such terms and conditions as he shall determine appropriate, or take any other action relative thereto.

SUMMARY

The town’s tax collector, acting pursuant to a Town Meeting vote, may accept a deed to property in lieu of foreclosing on the property for back taxes. Upon acceptance and recording of the deed, any real estate taxes and other municipal charges and liens shall be treated as having been paid, and shall be accounted for by the town in the same manner as if a tax title foreclosure had been completed. In a case where the property owner is cooperative and there are no other liens or encumbrances other than the town’s liens, this option is generally faster and less expensive than pursuing a tax foreclosure proceeding through the Land Court. The three parcels in question are located at 15, 17 and 19 Lothrop Road and consist respectively of 35,495 square feet, 33,040 square feet, and 24,856 square feet of land, more or less, according to the subdivision plan described in the article.

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

| Recommendations: | <u>Board of Selectmen</u> | <u>Finance Committee</u> |
|-------------------------|----------------------------------|---------------------------------|
| | Recommended | Deferred |

And you are directed to serve this Warrant by posting attested copies thereof fourteen days at least before the time of said meeting, in not less than six public places in Town, to be designated by the Board of Selectmen.

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

Given under our hands at Acton this seventeenth day of March, 2008.

F. Dore’ Hunter, Chair
Lauren S. Rosenzweig, Vice-chair
Andrew D. Magee, Clerk
Paulina Knibbe, Member
Peter Berry, Member

Board of Selectmen

A true copy, Attest:

Constable of Acton

Glossary of Terms Commonly Used in Municipal Finance

Abatement: A complete or partial cancellation of a tax bill imposed by a governmental unit; applicable to tax levies and special assessments.

Appropriation: An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and the time when it can be expended. Any amount that is appropriated may be encumbered.

A warrant article appropriation is carried forward from year to year until spent for the designated purpose or transferred by town meeting vote to another account.

Assessed Valuation: The value placed upon a particular property by the local Board of Assessors for the purpose of apportioning the town's tax levy among individual property owners equitably and in accordance with the legal requirement that property be assessed at "full and fair cash value", certified periodically by the Commonwealth's Commissioner of Revenue (no less frequently than once every three years.)

Audit: Work done by accountants in examining financial reports, reviewing compliance with applicable laws and regulations, reviewing effectiveness in achieving program results. A basic audit examines only the financial reports and legal compliance. An outside Certified Public Accountant (CPA) audit is directed primarily toward the expression of an opinion as to the fairness of the financial statements and submission of a management letter. An auditor must be independent of the executive branch of government. A state auditor, private CPA or public accountant, or elected auditor meets this test.

Balance Sheet: A statement that discloses the assets, liabilities, reserves and equities of a fund or government unit at a specified date.

Budget: A plan of financial operation embodying an estimate of proposed expenditures for a given period and the proposed means of financing them. A budget may be preliminary (the financial plan presented to the town meeting) or final (the plan approved by that body).

Capital Budget: A plan of proposed capital outlays and the means of financing them for the current fiscal period. It is usually a part of the current budget.

Capital Exclusion: A vote to exclude from the levy limit the cost of a capital project. This exclusion only affects the levy limit for the year in which the project was undertaken.

Cemetery Land Fund: A fund established to which revenues are earmarked for the acquisition of land development costs on designated cemetery land purchases.

Cherry Sheet: An annual statement received from the Massachusetts Department of Revenue detailing estimated receipts for the next fiscal year for the various state aid accounts and estimated state and county government charges payable by the Town in setting the tax rate. The actual receipts and charges may vary from the estimates.

Classification: The division of the real estate tax and personal property voted by the Selectmen. The Selectmen may choose one rate for residences, another rate for business, and another rate for open space.

Debt Exclusion: A vote to exclude from the levy limit the costs of debt service for capital projects. This exclusion remains in effect for the life of the debt only.

Debt Service: Payment of interest and principal related to debt.

Encumbrance: Obligations such as purchase orders, contracts, salary commitments which are chargeable to an appropriation and for which a part of the appropriation is reserved.

Enterprise Fund: A fiscal entity with a self-balancing set of accounts that is utilized to account for a governmental service when it is the intent to recover the total costs of service, including depreciation, primarily through user charges and may be supplemented by taxes.

Equalized Valuation: The value of all property as determined by the Commissioner of Revenue biennially, to place all property in the state upon an equal footing, regardless of date of assessment.

Excess And Deficiency: Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts. The calculation is based on a year-end balance sheet which is submitted to the Department of Revenue by the district's auditor, accountant, or comptroller as of June 30. The regional school committee must apply certified amounts exceeding five percent of the district's prior year operating and capital costs to reduce the assessment on member cities and towns.

Expenditure: The spending of money by the town and schools for the programs or projects within the approved budget.

FTE: A full-time equivalent employee based on a 40-hour work week. May be one or more employees, but the total weekly hours equal 40.

Fiscal Year ("FY"): A 12-month period, beginning July 1 and ending June 30, to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations. The numbers of the fiscal year is that of the calendar year in which its ends; for example, FY09 or FY 2009 is the fiscal year which begins July 1, 2008 and ends June 30, 2009.

Free Cash: Certified each July 1 by the State, this is the portion of Undesignated Fund Balance available for appropriation. It is not cash but rather is approximately the total of cash and receivables less current liabilities and earmarked reserves, reduced also by reserves for uncollected taxes.

Fund: An accounting entity with a self-balancing set of accounts that is segregated for the purpose of carrying on identified activities or attaining certain objectives in accordance with specific regulations, restrictions or limitations.

General Fund: The fund into which the general (non-earmarked) revenues of the town are deposited and from which money is appropriated to pay expenses.

General Obligation Bonds: Bonds issued by the Town that are backed by the full faith and credit of its taxing authority.

Joint Labor Management Negotiation Process: A negotiation process available to Police and Fire Unions, which utilizes Commonwealth of Massachusetts' mediators and arbitrators. If an arbitration decision is issued, it is binding upon the Executive Branch (The Board of Selectmen and Management Staff). Further, the Executive Branch must fully support such an arbitration decision before Town Meeting, even if they believe such a decision is not in the best interest of the Town.

Overlay: The amount raised from the property tax levy in excess of appropriations and other charges. It is used to cover abatements and exemptions granted locally or on appeal, and cannot exceed an amount deemed reasonable by the Commissioner of Revenue.

Override: A vote to increase the amount of property tax revenue that may be raised over the levy limit.

Personnel Services: The cost of salaries, wages and related employment benefits.

Purchased Services: The cost of services that are provided by a vendor.

Property Tax Bill: The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed per thousand dollars of assessed valuation, for example:

| | | |
|--------------|------------|--|
| House Value: | \$ 300,000 | |
| Tax rate: | \$ 10 | which means \$10 per thousand |
| Levy: | \$ 10 | multiplied by \$300,000 and divided by \$1,000 |
| Result: | \$ 3,000 | |

Raise: A phrase used to identify a funding source for an expenditure which refers to money generated by the tax levy or other local receipt.

Reserve Fund: A fund appropriated each year that may be used only by vote of the Finance Committee for “extraordinary or unforeseen expenditures.”

Revolving Fund: Those funds that may be used for special uses. For example, Recreation fees may be paid into a revolving fund, and expenditures can be made without appropriation with the approval of the Town Manager. Revolving funds are established by state law or town bylaw. Some revolving funds must be annually reauthorized by Town Meeting.

Tax Levy: Total amount of dollars assessed in property taxes imposed by the Town each fiscal year.

Unreserved Fund Balance or Surplus Revenue Account: The amount by which cash, accounts receivable and other assets exceed liabilities and restricted reserves. It is akin to the stockholders equity account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion of the assets listed as “accounts receivable” may be taxes receivable and uncollected. (See Free Cash)

Warrant: A list of matters to be acted on by Town Meeting.

Town Meeting Parliamentary Procedure

Town Meeting is an old and honored tradition in New England. After more than 200 years we can say it still works – it does its job – and hopefully it’s more than a little enjoyable for you, the voters. It’s also the only form of government where the leaders must face the citizenry directly to answer all reasonable queries – and perhaps even some not so reasonable! However, to work well it must have rules of order – and it does. Town Meetings operate under what is generally called “parliamentary procedure” – in our case, as spelled out in Town Meeting Time. Unfortunately, this wonderful little book is widely read only by Moderators, Town Clerks, Town Counsels and a few others with unusual tastes. In addition to such formal procedures Town Meetings also are subject to relatively arbitrary rules of order set forth by the Moderator and precedent. The following information puts forth the most widely used of these “rules of the road” as an effort to help you enjoy and participate in our Town Meetings.

Moderator’s Rules

These are quite arbitrary, but hopefully are consistently applied:

1. Any registered voter may speak to any article, but all must speak politely and respectfully to other voters and members of town boards. Civility is not an option.
2. Since many voters may wish to speak, brevity of comment is appreciated. In addition, speakers are encouraged to add new points to the debate as opposed to repeating what others have already stated.
3. Voters may speak to an issue more than once, but generally “first time” speakers will be recognized before “repeaters”.
4. Remember to listen closely to the motion as stated. The motion puts the warrant article “in play” and it is the motion that is voted on, not the article as written in the warrant. However, there should be a strong similarity between motion and article.
5. Most motions must be “seconded”. Seconding motions is an easy way for newcomers to participate in the meeting. One does not even need to stand or be directly recognized. Generally calling out “second” at the right time will suffice.
6. Voting is most often done by voice. As the Moderator’s hearing fails, “standing” counts may be taken. The last resort, due to time constraints, is to take a counted vote by teller.
7. Although not encouraged, the Moderator’s judgment can be questioned as to the accuracy of the vote as announced. If seven (7) people request a “recount” of a voice or standing votes, it shall be done.
8. The Moderator will generally accept the motion to “move the previous question”, or more easily understood, “to cut off debate.” Many people think this motion is somewhat unfair, but it has been my experience that, more often than not, it is passed unanimously or by overwhelming numbers. In the past, the moderator has been accused of knowing who plans to make such a motion – generally such accusations are accurate!
9. After a motion has been made and seconded, the mover of the motion speaks first, followed by the appropriate Town Boards (generally the Selectmen and the Finance Committee) who state their opinions. The motion is then available for general discussion – pro, con, or questions.

10. Other than when seconding a motion or requesting a point of order, speakers must be recognized by the Moderator before they launch into their point or question. For the most part this “rule of the road” is rigorously enforced.

More Formal Parliamentary Procedure

There are many types of motions that may come before a meeting. The table below is far from all-inclusive, but indicates the most commonly used motions.

| Motion | Second Required | Debatable | Amendable | Vote Required | May Reconsider | May Interrupt |
|-----------------------------------|-----------------|-----------|------------------|---------------|----------------|---------------|
| Dissolve | Yes | No | No | Majority | No | No |
| Fix the Time to Adjourn | Yes | Yes | Yes | Majority | Yes | No |
| Lay on the Table | Yes | No | No | Two-thirds | Yes | No |
| Previous Question | Yes | No | No | Two-thirds | No | No |
| Limit Debate | Yes | No | No | Two-thirds | Yes | No |
| Postpone to a Time Certain | Yes | Yes | Yes | Majority | Yes | No |
| Amend | Yes | Yes | Yes ¹ | Majority | Yes | No |
| Postpone Indefinitely | Yes | Yes | No | Majority | Yes | No |
| Point of Order | No | No | No | None | No | Yes |
| Main Motion | Yes | Yes | Yes | Varies | Yes | No |
| Reconsider² | Yes | Yes | No | Two-thirds | No | No |

1 In Acton, we generally do not accept amendments to amendments – too confusing.

2 Controlled by Town bylaw – 2/3 Vote same night; 3/4 Vote, plus posting ensuing nights.

Some of the motions listed above may not be totally understandable in table form only. The following elaboration may help.

The motion to *dissolve* ends the Town meeting and is appropriate only when all business is completed.

Fix the time to adjourn is a motion often made by the Selectmen and indicates when a given Town Meeting session will end and when the next session will begin.

Lay on the table is a motion used to end debate temporarily or permanently on a given motion. A motion laid on the table may remain there forever, or may be retrieved by the appropriate “take from the table” vote.

The previous question cuts off debate immediately and causes a vote on the article or amendment under discussion.

Limit debate is a motion generally used to put a specific time limit on a motion or time limits on individual speakers.

Postpone to a time certain is a motion generally used to rearrange the order of the articles (or a single article) in the warrant.

Amend – Many types of motions can be amended or altered to bring them to an even higher state of perfection. Of course, since amendments are a little like “beauty being in the eye of the beholder,” they sometimes fail to pass. In any event, after the amendment is disposed of by a vote, the primary motion, either so amended or not, comes back to the assemblage for further discussion and vote.

Postpone Indefinitely serves the same basic purpose as laying a motion on the table except that it is debatable and requires only a majority vote. If the postpone motion carries, the motion to which it applies is dead – in parliamentary terms, at least.

Point of Order – Anyone at any time may rise to a point of order and interrupt the speaker, simply stating, “Point of order, Mr. Moderator.” The Moderator will immediately stop discussion, listen to the point of order and rule on its validity. Points of order may relate to many issues, for example, the right of a speaker to the floor, proper procedures, indecorous conduct or rarely, but within the realm of possibility, some error that the Moderator is committing.

Main Motions are made when no other business is pending and are the devices used to bring the warrant articles to the Town Meeting floor for discussion.

Reconsideration may be used to bring an article (or motion) which has already been disposed of back for a second time. If reconsideration is passed, it nullifies the previous vote and the article is re-discussed and re-voted. Many people feel that reconsideration is unfair, but it is a valid procedure and is occasionally used. In Acton, a Town Bylaw controls the vote quantum rather than Town Meeting Time. Anyone who wishes to reconsider a motion, particularly on a different night from the original vote, would be well advised to consult the Town Clerk on proper procedures.

Parliamentary procedure is not really complex, but the rules, like the rules of golf, do not always make sense. However, they should be consistently applied. If they are, then the Town Meeting can conduct its business in both an orderly and a fair fashion.

I hope this small treatise is helpful to you and adds to your understanding and enjoyment of a most precious night – TOWN MEETING.

Don MacKenzie
Town Moderator

Internet References

| | |
|--|---|
| Official Town of Acton Web Site | http://www.acton-ma.gov |
| Document Management System (“Docushare”) | http://doc.acton-ma.gov |

The Town maintains electronic mail (“E-mail”) distribution groups for all Boards, Committees and Commissions, as well as Departments. These groups are commonly referred to as “shells.”

E-mails sent to shells are automatically forwarded to all members of the committee who have provided their e-mail address to the Town.

Using e-mail does *not* satisfy Open Meeting Law requirements (Massachusetts General Laws, Chapter 39, Section 23B). Please direct questions regarding this law to the Town Clerk.

To use a shell, send your e-mail to the address listed in the right-hand column of this table. When replying to an e-mail sent to a shell, it is recommended that you use the "Reply to All" function of your e-mail program so that all members are copied on your reply.

| | |
|---|--|
| Acton Community Housing Corporation | achc@acton-ma.gov |
| Acton Leadership Group | alg@acton-ma.gov |
| Acton-Boxborough Cultural Council | abcc@acton-ma.gov |
| Appeals, Board of | boa@acton-ma.gov |
| Assessor Department | assessor@acton-ma.gov |
| Assessors, Board of | bas@acton-ma.gov |
| Building Department | building@acton-ma.gov |
| Cable Advisory Committee | cac@acton-ma.gov |
| Cemetery Department | cemetery@acton-ma.gov |
| Citizens' Library Department, West Acton | wac1@acton-ma.gov |
| Clerk Department, Town | clerk@acton-ma.gov |
| Collector Department | collector@acton-ma.gov |
| Commission on Disability | cod@acton-ma.gov |
| Community Preservation Committee | cpc@acton-ma.gov |
| Conservation Commission | conscom@acton-ma.gov |
| Council on Aging | coa@acton-ma.gov |
| Council on Aging Department (Senior Center) | seniorcenter@acton-ma.gov |
| Design Review Board | drb@acton-ma.gov |
| East Acton Village Planning Committee | eav@acton-ma.gov |
| Economic Development Committee | edc@acton-ma.gov |
| Economic Development Industrial Corporation | edic@acton-ma.gov |
| Emergency Management Agency, Acton | ema@acton-ma.gov |
| Engineering Department | engineering@acton-ma.gov |
| Environmental Standards for Fill Committee | esfc@acton-ma.gov |
| Finance Committee | fincom@acton-ma.gov |
| Finance Department | finance@acton-ma.gov |
| Fire Department | fire@acton-ma.gov |
| Fire-EMT Advisory Task Group | featg@acton-ma.gov |

| | |
|---|---------------------------|
| Health, Board of | boh@acton-ma.gov |
| Health Department | health@acton-ma.gov |
| Health Insurance Trustees | hit@acton-ma.gov |
| Highway Department | highway@acton-ma.gov |
| Historic District Commission | hdc@acton-ma.gov |
| Historical Commission | hc@acton-ma.gov |
| Human Resources Department | hr@acton-ma.gov |
| Information Technology Department | it@acton-ma.gov |
| Land Stewardship Committee | lsc@acton-ma.gov |
| Manager Department, Town | manager@acton-ma.gov |
| Memorial Library Department | library@acton-ma.gov |
| Memorial Library Trustees | mlt@acton-ma.gov |
| Morrison Farm Re-use Committee | mc@acton-ma.gov |
| Municipal Properties Department | mp@acton-ma.gov |
| Natural Resources Department | nr@acton-ma.gov |
| Nursing Department | nursing@acton-ma.gov |
| Open Space Committee | osc@acton-ma.gov |
| Outdoor Lighting Education Committee | olec@acton-ma.gov |
| Outreach Steering Committee | outreach@acton-ma.gov |
| Parking Clerk | parkingclerk@acton-ma.gov |
| Personnel Board | peb@acton-ma.gov |
| Planning Board | pb@acton-ma.gov |
| Planning Department | planning@acton-ma.gov |
| Police Department | police@acton-ma.gov |
| Public Ceremonies Committee | pcc@acton-ma.gov |
| Recreation Commission | reccom@acton-ma.gov |
| Recreation Department | recreation@acton-ma.gov |
| School Committee, Acton-Boxborough Regional | abrsc@acton-ma.gov |
| School Committee, Acton Public | apsc@acton-ma.gov |
| Selectmen, Board of | bos@acton-ma.gov |
| Senior Center Expansion Advisory Committee | sceac@acton-ma.gov |
| Senior Taxation Aid Committee | stac@acton-ma.gov |
| Sidewalk Committee | sidewalks@acton-ma.gov |
| South Acton Commuter Rail Task Force | sacrtf@acton-ma.gov |
| Town Report Committee | trc@acton-ma.gov |
| Transportation Advisory Committee | tac@acton-ma.gov |
| Treasurer's Advisory Committee | trac@acton-ma.gov |
| Veterans Service Officer | vso@acton-ma.gov |
| Volunteer Coordinating Committee | vcc@acton-ma.gov |
| Wastewater Advisory Communications Task Force | wactf@acton-ma.gov |
| Water Resources Advisory Committee | wrac@acton-ma.gov |

Volunteer Application



Town of Acton
472 Main Street
Acton, MA 01720
E-mail vcc@acton-ma.gov
Telephone: (978) 264-9612
Fax: (978) 264-9630

Volunteer Coordinating Committee

Residents interested in serving on a Town Board, Committee or Commission are asked to complete this form and forward it to the Office of the Town Manager at Town Hall.

(Please print or type)

Date _____

Name Title (Mr., Mrs., Dr., etc.) / First / Last / Suffix (Sr., Jr., III, etc.)

Address Number / Street

Contact E-mail Address / Telephone Number(s) (Home, Business, Cell, etc.)

Please refer to the other side of this sheet and indicate below, in order of preference, the Board, Committee or Commission that is of interest to you: _____

Have you previously been a member of a Board, Committee or Commission (either in Acton or elsewhere)? If so, please list the Board name and your approximate dates of service: _____

Do you have any time restrictions? _____ Are you a United States Citizen? _____

How long have you lived in Acton? _____ In Massachusetts? _____

Present occupation and employer (Optional: Attach résumé) _____

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? _____

Education or special training: _____

Please list below any additional information or comments that may help in the matching of your interests with the most appropriate Board/Committee, such as civic experience, special interest/hobbies, etc.:

TOWN OF ACTON VOLUNTEER BOARDS, COMMITTEES AND COMMISSIONS

- | | |
|-------------------------------------|--|
| Acton Community Housing Corporation | Historic District Commission |
| Acton-Boxborough Cultural Council | Historical Commission |
| Aging, Council on | Metropolitan Advisory Planning Council |
| Appeals, Board of | Minuteman Home Care |
| Assessors, Board of | Minuteman Vocational School Representative |
| Cable Advisory Committee | Personnel Board |
| Cemetery Commission | Planning Board |
| Community Preservation Committee | Public Ceremonies Committee |
| Conservation Commission | Recreation Commission |
| Disability, Commission on | South Acton Revitalization Committee |
| Fair Housing Committee | Town Report Committee |
| Finance Committee | Transportation Advisory Committee |
| Hanscom Field Advisory Committee | Volunteer Coordinating Committee |
| Health, Board of | |

Thank you. If you have questions or would like more information, please contact a member of the Volunteer Coordinating Committee. Current membership may be obtained through the Town Manager's office at Town Hall, (978) 264-9612.

The space below is for use by the Volunteer Coordinating Committee and the appointing body to record the status of your application.

| VCC Interview | Appointing Body |
|---|---------------------------------|
| Applicant Called _____ | Selectmen / Manager / Moderator |
| Schedule Date & Time _____ | Interview Date _____ |
| Recommendation _____ | Appointed Date _____ |
| | Term _____ |
| Board, Committee or Commission | |
| _____ | Member / Alternate / Associate |
| _____ | Member / Alternate / Associate |
| _____ | Member / Alternate / Associate |
| _____ | Member / Alternate / Associate |
| | Notification of Appointment |
| Recommendation Sent _____ | Received by VCC _____ |
| | Committee Notified _____ |
| <input type="checkbox"/> No openings at this time | Applicant Notified _____ |

VCC 4/5/05

Proposed Town Meeting Booklet

As I have previously mentioned at Town Meetings, I plan to put together a series of thoughts or vignettes on Town Meeting during the latter part of the Twentieth and the first years of the Twenty-First Centuries. No such work presently exists, and I'll need your help.

I'd very much appreciate your writing a few thoughts on Town Meeting – the “good” or the “less than good” about the process, a fond (particularly humorous) memory, a good or otherwise decision made, or anything in general you'd like to have included and be attributed to you in the booklet.

Please mail your submission to me at 12 Wilson Lane, Acton. I'd like to receive 100 or more different ideas for inclusion. Thank you.

Don MacKenzie
Town Moderator

Thoughts or Comments on Town Meeting

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(Please continue on reverse side)

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**Town of Acton
472 Main Street
Acton, MA 01720**

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U.S. POSTAGE PAID
PERMIT #67
ACTON, MA 01720**

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ACTON, MA 01720**