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BOARD OF SELECTMEN'S WARRANT MESSAGE
April 1, 2002

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 cable television channel 61.

Annual Town Meeting will begin on Monday April 1, 2002 and is expected to continue on additional consecutive nights. All sessions will begin at 7:00 p.m. in the Acton-Boxborough Regional High School Auditorium. Come early to get checked in by the Town Clerk's staff and obtain additional information. This year we will also have a Special Town Meeting called by the Selectmen in response to a citizens' petition. This Special Town Meeting will address a single article that will be presented in a separate warrant provided to the citizens of the town. The Special Town Meeting will begin at 7:00 p.m. on Tuesday, April 2, 2002.

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.

The year 2001 will always be remembered for the tragic events of September 11th and the incredible horror, grief, and support that resulted from the terrorist attacks. As the birthplace of the American Revolution, we know that the price of freedom and liberty can be very expensive. In the spirit of Town Meeting, at a special meeting of the town on September 25th, the Town passed a resolution, showing our resolve to defend freedom, to support our state and national leaders in the fight against terrorism, and to extend our thoughts and sympathy to all victims. The attacks of September 11th placed far greater demands on our public safety resources and also raised a heightened awareness for the need for public safety and emergency preparedness to which our local law enforcement officers responded admirably. Nevertheless, as the Town Manager, Don Johnson, stated in his annual budget message to the Board of Selectmen in December 2001, this is a new world, forever changed by the events of September 11th which places increasing burdens on local services:

The effects of 9/11 could not have been predicted by any of us as we watched the appalling events of that day unfold. Since that date, communities across the nation have diverted hundreds and thousands of man-hours each week to responses, investigations, and training centered on terrorism and threats of terrorism. Our national economy has been thrown into a tailspin. We are informed that as many as 800,000 are now unemployed as a result of September 11. The terrorists could not have possibly imagined the devastation of their actions on that fateful day. Likewise, they surely did not expect that we would rise up, hand-in-hand, united against their terrorism and the oppression they espouse.

We have been awakened to threats (real and imagined) in our nation and our community that we have not considered since World War II. Local Public Safety Officials now plan emergency responses to scenarios that would have been considered remote or

even outlandish just 100 days ago. We research tools, equipment and procedures that we previously considered exotic or appropriate only to major urban centers. We spend hours in seminars and training sessions trying to learn how to combat terrorism at the local level. Our Police and Fire personnel respond daily to terrified individuals who are fearful that their mail has been contaminated by Anthrax spores. We put our Public Safety personnel on high alert to watch for unknown, but potential terrorist strikes. We ask citizens to be aware of and report anything out of the ordinary. All of this and we hardly have a face to the enemy. This is a strange, uncharted new world. We are adjusting to it daily.

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 are printed to 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 (978-264-9612) 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, Acton Police Station, and Acton 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.

Among the new proposals this year on the Town Meeting Warrant are articles proposing an additional information technology system technician; funding for a new financial software package that is desperately needed and which would be utilized by the schools as well as town government as the town and schools move forward with an agreement to investigate the feasibility of a joint IT department; proposed changes to the Historic District Bylaw; consideration of the adoption of the Community Preservation Act and associated Bylaw additions; and two citizens' petitions related to zoning changes.

Again this year members of the Board of Selectmen, the School Committees and the Finance Committee met on a regular basis to coordinate the annual budgets and to develop both expenditure and revenue projections for the coming years. This has been an especially difficult budgetary process due to severe cutbacks in expected revenues, uncertainty in state budgets, and

continued demands placed on each of our budgets. On the budgetary side, the constraints imposed by Proposition 2 ½ along with factors over which we have little or no control such as inflationary trends, increases in school enrollments, unfunded state mandates, and public safety concerns create a serious and ongoing funding problem. Although this problem has been with us for a number of years, revenue growth from state aid and new development along with careful budgetary management has succeeded in maintaining satisfactory if not appropriate levels of service. This year, however, with the downturn in the economy and a projected *decline* in state revenues the problem has become significantly more severe. We project little or no revenue growth over the next two years, yet budgets must increase simply to deliver the same services as we have in the past without consideration of the needs brought on by growth. Early last fall as part of the budget planning process, the Board of Selectmen, the School Committees and the Finance Committee pledged that there would be no operating override proposed for this year and we have been forced to make many cuts in our proposed budgets to reach that objective. This was done with the knowledge that our available Free Cash balance was in excess of \$3.5 million, the largest balance we have had in recent years. As a result, we are proposing to use portions of available Free Cash to meet our budgetary needs this year in line with a multi-year plan of Free Cash usage, budgetary restraint that will likely result in cuts in services as well as the strong likelihood of a need for an operating override for next fiscal year.

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.

Peter K. Ashton, Chair
William H. Shupert, Vice Chair
Pamela Harting-Barrat, Clerk
F. Doré Hunter
Walter C. Foster

TOWN MANAGER'S MESSAGE

The Big Picture

Since September 11, 2001, communities across the nation have diverted hundreds and thousands of man-hours each week to responses, investigations and training centered on terrorism and threats of terrorism. Our national economy has been thrown into a tailspin. We are informed that as many as 800,000 are now unemployed as a result of September 11.

The framework of the Municipal Budget for years to come is set in the above paragraph. We are in this whether or not we wish to be. We are in it, and we are redirecting huge amounts of our limited budget and energy away from normal activities to deal with these realities. Our current resources are being stretched to the limit, yet they continue to respond.

Clearly, accommodations need to be made in the FY03 appropriations in order to insure the proper level of safety and security for our citizens. There are numerous elements of the recommendations that follow in this message that will begin to address those needs.

Capital Programs Update

Public Sewers: A limited portion of the Middle Fort Pond Brook Sewer Project is now open for business and more areas will be ready to accept flow in the days ahead. This has been a difficult project and there are still items to complete, however, as I write this message, I am pleased to advise the Town that the project remains on budget.

Public Safety Facility: The voters were heard at last year's Annual Town Meeting. Immediately following that meeting, a new study committee, with broad community representation, was convened to address the continuing urgent need for a Public Safety Facility to house our Police Department and Fire Administration. This is, by far, the most important aspect of the community's Emergency Preparedness needs as we address the unknown threats of Terrorism. The events of 9/11 underscored the urgency of the need for a new, properly equipped Emergency Operations Center. We can see much more clearly now the inherent risks of underestimating the breadth of disciplines to be managed in such a facility. Today this project is more important than ever. This is the nerve center of Acton in an emergency. Although the work of the new committee could not be completed in time for the 2002 Annual Town Meeting, we are working to return to the voters in the near future with a facility that addresses the Public Safety needs, and the financial realities, of Acton.

Common Goals

The Board of Selectmen and the School Committees adopted a position this year that there would be no Operating Override for FY03. Both have directed staff accordingly. At the time of their vote, the Selectmen observed that all three Municipal bargaining units (Police, Fire and Highway) were in arbitration or mediation with respect to our Collective Bargaining Agreements and noted that their "No Override" position was subject to review in the case of extraordinary circumstances (such as excessive awards in the pending labor settlements). Decisions by the arbitrators and mediators have now been rendered for all three units. The awards associated with these decisions are almost exactly in line with the Town's last best offers in each case. Accordingly, we have been able to honor the Selectmen's pledge that the Municipal Operations would not drive the need for an Operating Override for FY03.

“STATE OF THE TOWN”

Revenues have grown at a healthy rate in recent years. FY03 is expected to be dramatically different. The State has realized shortfalls in FY01 and FY02 revenues. These shortfalls are already playing themselves out as reductions in State Aid for communities. While the Governor and Legislature have actually increased school aid for FY02, they reduced our total Cherry Sheet amount by \$171,827. In addition, they have eliminated Chapter 90 aid for road construction, bringing the total decrease in State Aid for FY02 to more than \$300,000 (a 6.7% reduction). Moreover, they have already warned us to expect deeper cuts in FY03.

The State and Federal Governments continue to expect local officials (and taxpayers) to shoulder the front-line responsibilities for program cuts at the State and Federal level and now we must pick up the ball for Homeland Defense. Without the infusion of Free Cash or other new revenues, we are running out of assets to provide street maintenance, senior citizens' programs, libraries, recreation and all of the other “regular” services of Local Government.

FY03 BUDGET

The proposed FY03 Municipal Operating Budget will be voted as Article 13 of this Warrant. In addition to the basic Operating Budget, there are several other Articles that, together, constitute the entire appropriation requests of the Town for FY03. The total of these requests is \$16,965,085. This is a reduction of more than a quarter of a million dollars from the current FY02 appropriation, and represents a 1.5% decrease in total Municipal spending for FY03.

PRIORITY CHOICES

The practice of the Board of Selectmen is to place any new programs, new personnel and replacement of (or new) long-term assets in Warrant Articles that are distinct and separate from the Municipal Operating Budget. This practice provides an unobstructed view of the components of Municipal spending; however, it often misleads the citizen to believe that the non-budget Warrant Articles represent additional “wishes” rather than a maintenance Budget. With the exception of Articles 15 “New Personnel” and Article 27 “Information Technology Organization Consultant”, the entire Municipal spending package represents maintenance of the FY02 operations. In fact, the Board of Selectmen has chosen to defer many “maintenance” requests this year, due to lack of resources. Noteworthy items from the total recommended Municipal spending program this year include:

- 1) Various Public Safety and Emergency Preparedness vehicles, equipment and supplies
- 2) Financial Software replacement
- 3) Various Information Technology needs and improvements
- 4) Recreation safety and maintenance improvements
- 5) New personnel or expanded hours in several departments
- 6) Various vehicle and equipment replacements and upgrades
- 7) Initiation of the Federal mandate for Storm Water Management

SUMMARY

The world is a totally different place than the world we knew last year when I prepared the message for the 2001 Warrant. In preparing the FY03 Budget, we have been mindful of the needs to (1) provide a proper and adequate response to our changed world, (2) recognize the state of the local and national economy and (3) maintain the normalcy of everyday life for the residents of Acton. The balance of these often-competing interests has, again this year, resulted in budgetary requests for your Municipal Government that are further reduced from last year's appropriations. Indeed, the FY03 Municipal Appropriations requested here represent an annual rate of increase that is less than 3.5% for the last three years. We continue to make every effort to provide Public Safety and other local services at the least possible cost.

Respectfully Submitted,

Don P. Johnson

FINANCE COMMITTEE'S MESSAGE

March 1, 2002
To The Voters of Acton,

SPRING TOWN MEETING

The Town's financial situation as we approach Town Meeting is very challenging, especially compared with the past few years. The current recession and previously voted state income tax decreases have markedly reduced State tax revenues. This along with other commitments of the legislative leadership have sharply curtailed the amount of state aid available to the Town and the Schools, the so called "Cherry Sheet" (from the former color of the paper that listed them) amounts. Consequently, the budgets for FY 2003 that you will be presented at Town Meeting raise serious structural issues that will involve difficult and at times painful decisions. This year "Cherry Sheet Aid" for the Town and local Schools has increased by only \$21,000; at the Region, Acton's share is down by \$48,000. In addition non-tax income generated by the Town is down by \$53,000 and additional property tax income from newly completed construction is down by \$299,000 from FY2002. Motor excise taxes, however, are expected to increase by about \$175,000. This can be seen in the table below whose data were current on February 27th. Proposed expenditures are increasing for the schools. In the Region new teachers are being added to meet the enrollment growth, and there are ever rising expenditures to meet the State's Special Education Law (776). In the Local Schools SPED expenditures will account for about 25 percent of the budget and in the Regional Schools about 17 percent.

Acton's budgetary challenges are not unique and in many communities voters will be asked to approve operating overrides. In Acton the Board of Selectmen and the Two School Committees early in the budget cycle pledged not to seek an operating override. The budgets for the Town and the Schools in FY 2003 will be funded by an increase in local property taxes, using some reserves from an over-funded Health Insurance Trust, and applying a portion of the 3.6 millions dollars of Free Cash that the Town has available.

Along with fiscal balance one specific Warrant article needs to be addressed in this message. This is motion to enact the Community Preservation Act. The Finance Committee supported bringing the issue to the Town Meeting to allow citizens to decide, but they unanimously oppose its adoption. The Finance Committee believes that Act is essentially an operating override to fund projects currently not in our budget priorities and over which voters will have little control. Since to maintain current service levels in the Town and the Schools in the next few years probably will require one or more operating overrides, the Finance Committee is opposed to an additional override in the form of the Community Preservation Act.

INFRASTRUCTURE

Two additional projects, in addition to the previously approved projects for the three schools and the sewer system, await Town Meeting and voter approval. One is a replacement for the current police station and the second is building and renovations for fire department buildings. The police station project with a probable cost of six million dollars will most likely be presented a Special Town Meeting later this year. Additional costs for the fire department construction will be less, and there is as yet no timetable for when these proposals will come to Town Meeting.

The debt and interest payments for the three school projects are beginning to have significant impacts on the individual tax bills. The exact amount and the timing are unknown.

because the timing of State School Building Assistance being paid to Acton is uncertain given the condition of the Commonwealth's finances. By FY 2006 Acton's tax cost for principal and interest for the excluded debt for the three schools and the police station (assuming it is voted) Probably will be around \$6.2 million dollars. This would be up from FY2003's approximately \$1.4 million dollars.

THE YEARS BEYOND FY2003

Will the prospects for FY2004 and the four fiscal years that follow be any easier for the Town the Schools and their taxpayers? Most observers of the state's finances do not expect the State's revenues to allow for increases in state aid for cities and towns before several more years have passed. Nor is the federal government with its increasing deficits likely to provide additional assistance. Similarly the amount of additional property tax income coming from new construction will not increase for another year or two, if then. Non property tax income from the Town also will be slow to recover. And with health care costs rising, FY 2003 is likely to be the last year that the Health Insurance Trust Fund balance can be allowed to decline

How can future budgets be balanced? We can reduce expenditures changing the level of municipal and school services that have been provided in recent years. Alternatively we can maintain historical levels of services, pupil teacher ratios, police officers per capita, etc. by proposing and passing operating overrides. In practice probably both will have to be done. The table below only shows budget gaps and does not forecast how the Town will meet them.

The town has an "Acton Leadership Group" (ALG) that consists of the chairs of the two school committees, the chair and vice chair of the Selectmen and of the Finance Committee along with two administrators from the Town and the Schools. This ALG is developing a multiple year plan to deal with our fiscal situation. It is likely that this plan will consist of expenditure control, the use of free cash, and operating override(s) to fund the Town and the Schools over the next few fiscal years. Once approved by the ALG's constituent groups the plan will be presented at Town Meeting so that voters will have a sense of what to expect if they approve the budgets and individual articles on the Town's Warrant.

THE FINANCE COMMITTEE HEARING

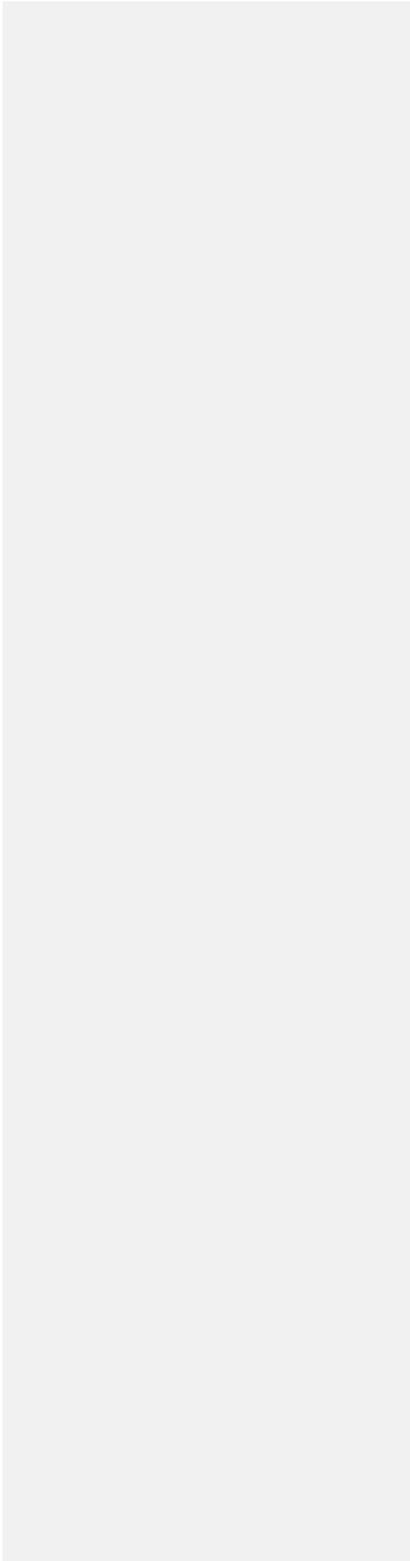
The Finance Committee will hold a budget hearing on March 20th at 7:30 in the Raymond J. Grey Library. We urge voters to carefully review the proposed budgets for the Town and the Schools and the individual warrant articles and then view our Budget Hearing on cable channel 61. Then we urge you at the beginning of April to attend Town Meeting to participate in deciding the Town's fiscal future.

Robert Evans Jr., Chair Acton Finance Committee

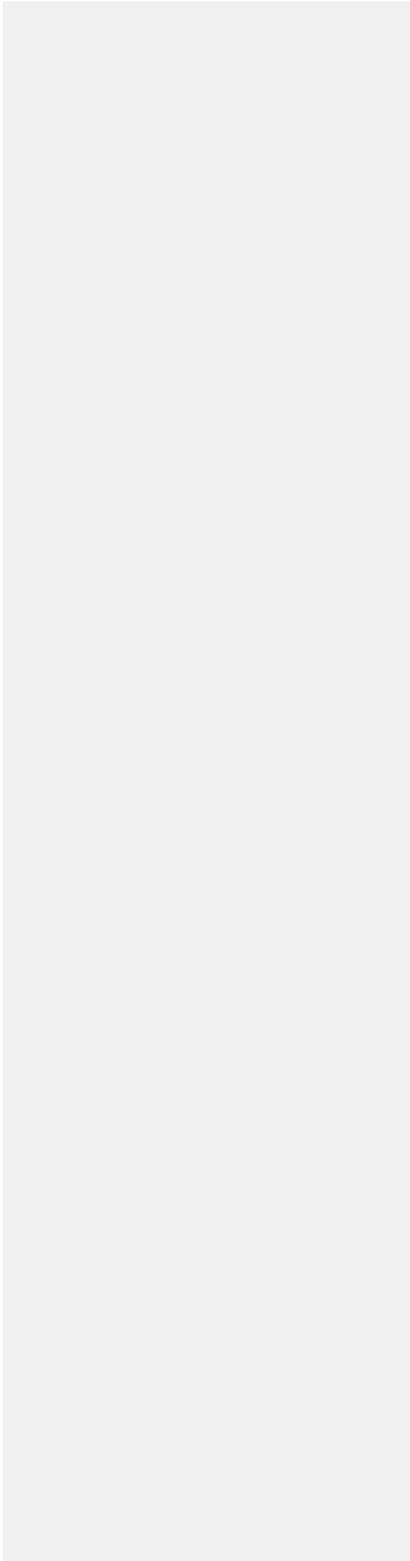
Actual, Proposed, and Projected Municipal/School Budgets

	FY	2001	2002	2003	2004
Revenues:					
Tax Levy:					
Base		\$34,450	\$36,235	\$38,140	\$39,793
2 1/2%		\$861	\$906	\$953	\$995
New Growth		\$924	\$999	\$700	\$800
Debt Excl.		\$1,917	\$2,315	\$2,034	\$3,883
Overlay		(\$500)	(\$271)	(\$500)	(\$500)
Total Tax Levy		\$37,652	\$40,184	\$41,327	\$44,971
Cherry Sheet		\$4,288	\$4,230	\$4,251	\$4,251
Excise Taxes		\$2,361	\$2,550	\$2,725	\$2,780
Fees		\$1,331	\$772	\$825	\$825
Int. Income		\$0	\$500	\$400	\$700
Pension/Other		\$0	\$1,273	\$0	\$0
Free Cash		\$282	\$315		
Regional Revenue		\$2,788	\$3,294	\$3,246	\$3,246
Regional E&D Acton's share		\$188	\$268	\$242	\$200
Total Revenues		\$48,890	\$53,386	\$53,016	\$56,973
Expenses:					
Municipal Expenses		16,093	\$17,057	\$16,876	\$19,020
Educational Exp.:		\$32,796	\$36,330	\$38,090	\$40,951
APS		15,825	\$17,195	\$17,735	\$18,105
ABRSD Region		16,362	\$18,265	\$19,583	\$22,054
Minuteman		\$609	\$870	\$772	\$791
Total Operating Expenses		\$48,889	\$53,387	\$54,966	\$59,971
Net Position		\$1	(\$1)	(1,950)	(2,998)
	FY	2001	2002	2003	2004
Debt Exclusion:					
Debt on APS		\$874	\$792	\$426	\$640
Debt on JHS		\$357	\$736	\$446	\$848
Debt on SHS			\$124	\$518	\$1,334
Municipal Debt Incurred		\$683	\$663	\$644	\$586
Other Municipal Debt -police \$6M					\$475
Total Debt Exclusions		\$1,914	\$2,315	\$2,034	\$3,883
Operating Override					
Free Cash Position		\$2,057	\$2,247	\$3,603	\$3,603
Regional E&D Position		\$460,077	\$460	\$428	

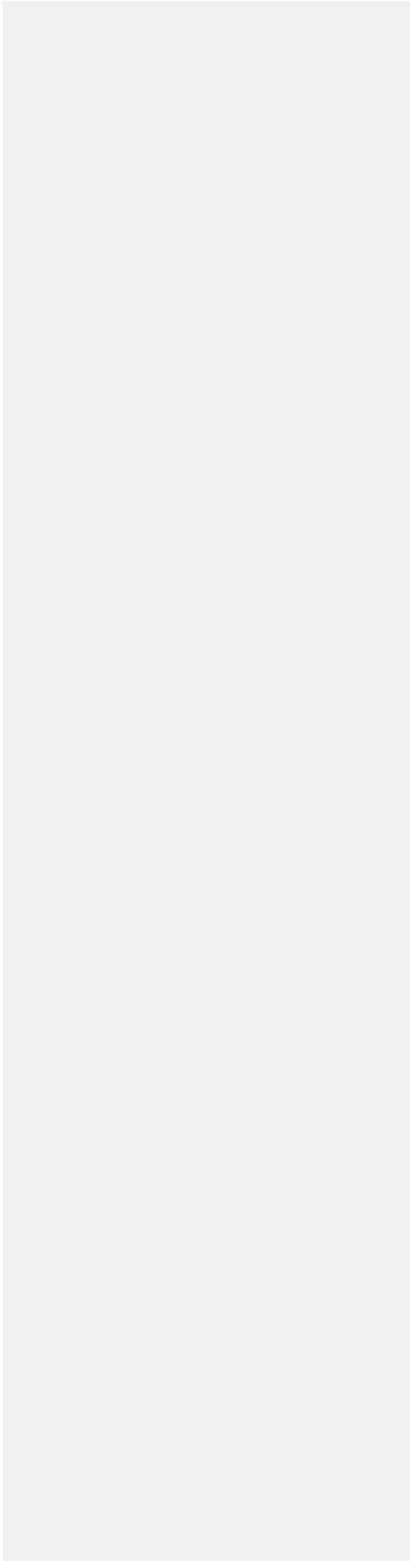
TAX SUPPORTED MUNICIPAL SPENDING



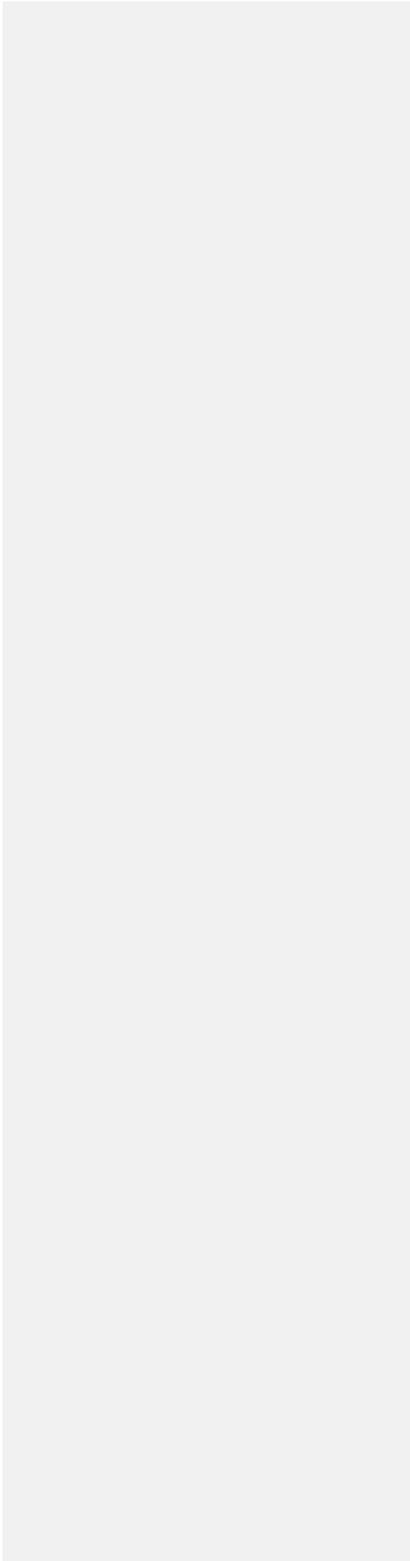
FY 2003 MUNICIPAL BUDGET PRESENTATION
Pie charts



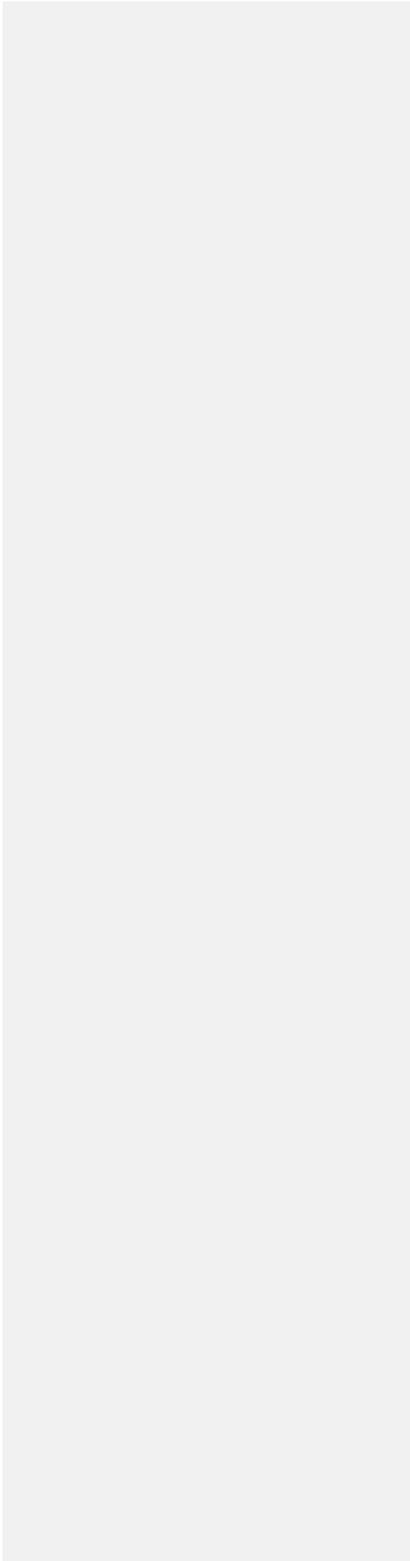
DEPARTMENT OBJECT BUDGET p 1



DEPARTMENT OBJECT BUDGET p 2



DEPARTMENT OBJECT BUDGET p 3



**MUNICIPAL SPENDING REQUESTS
AS RECOMMENDED BY THE BOARD OF SELECTMEN**

Article	Title	Amount
7	NESWC Enterprise Budget (net)	\$567,000
10	Plowing of Private Ways	\$12,500
13	Town Operating Budget	\$15,893,585
14	Capital Improvements – Facilities, Equipment and Vehicles	\$182,000
15	New Personnel	\$60,000
26	Computerized Financial Solution	(estimated) \$225,000
27	Information Technology Organizational Consultant	\$25,000
Total Amount		\$16,965,085

DRAFT 13

**TOWN OF ACTON
ANNUAL TOWN MEETING WARRANT**

Commonwealth of Massachusetts

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 – Club House, Nagog Woods**
- Precinct 2 – Conant School**
- Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School**
- Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School**
- Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School**
- Precinct 6 – Conant School**

at 7:00 A.M. the twenty-sixth day of March 2002, 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 twenty-sixth day of March 2002,

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

Moderator for one year, two Selectmen for three years, two members of the School Committee for three years, one Trustee of the Memorial Library for three years, one member of the Housing Authority for five years.

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

You are also to notify legal voters aforesaid to meet at the Acton-Boxborough Regional High School Auditorium in said Acton on Monday, April 1, 2002, at **7:00 P.M.**, 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, in consultation with Town Counsel and the Finance Committee, 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 AT THE COMMENCEMENT OF THE TOWN MEETING ON MONDAY, APRIL 1, 2002.

Please do your homework. If you have any questions about the consent articles, motions or procedure, please feel free to call the official listed in the summary of the article or to call the Town Manager's Office, 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 is then removed automatically 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 items remaining be passed AS A UNIT by the voters.

Please review the list of articles and motions proposed for each Consent item that follows. Complete summaries are found under each article printed in this warrant. Please review them carefully.

<u>ARTICLE</u>	<u>MOTION</u>
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3**	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.
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4**	Council on Aging Van Enterprise Budget: Move that the Town appropriate \$65,422 for the purpose of operating the Town of Acton Senior and Disabled Citizen Van service, and to raise such amount, \$65,422 be transferred from the Council on Aging Enterprise Fund.
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5**	Nursing Enterprise Budget: Move that the Town appropriate \$561,668 for the purpose of operating the Public Health Nursing Service, and to raise such amount, \$561,668 be transferred from the Nursing Enterprise Fund.
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6**	Septage Disposal Enterprise Budget: Move that the Town appropriate \$192,808 for the purpose of septage disposal, and to raise such amount, \$192,808 be transferred from the Septage Disposal Enterprise Fund.
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7**	NESWC Enterprise Budget: Move that the Town appropriate \$3,537,792 for the purpose of solid waste disposal, and to raise such amount, \$2,970,792 be transferred from the NESWC Enterprise Fund, and \$567,000 be raised and appropriated.
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8**	Sewer Enterprise Budget: Move that the Town appropriate \$1,248,954 for the purpose of operating the sewer system, and to raise such amount, \$1,248,954 be transferred from the Sewer Enterprise Fund.
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9**	Section 53E½ Self-Funding Programs: 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 for FY03 in the amounts and for the purposes set forth in the expense column of this article.
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10**	Plowing of Private Ways: Move that the Town raise and appropriate \$12,500 to be expended by the Town Manager for plowing of private ways open to public use as designated by the Board of Selectmen.
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11 Deferral of Sewer Operation and Maintenance Charges – Accept Massachusetts General Law, Chapter 83, Section 16G** – Move that the Town accept Massachusetts General Law, Chapter 83, Section 16G as amended.

16 Town Board Support - Special Projects:** Move that the Town raise and appropriate \$5,000 for the ongoing expenses of the Acton-Boxborough Cultural Council.

17 Chapter 90 Highway Reimbursement Program:** Move that the Town Manager is authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.

18 Emergency/Disaster Aid Homeland Defense Appropriations:** Move in the words of the article.

34 Sale of Foreclosed Properties:** Move in the words of the article.

35 Street Acceptance:** Move that the Town accept as public ways the streets listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

36 Acceptance of Land Gift – Minot Ave** –Move in the words of the article.

37 Acceptance of Land Gift - 28 Maple Street** - Move in the words of the article.

Donald MacKenzie
Town Moderator

LEGEND

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 Required)

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
	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.

Selectmen: Recommended

Finance Committee: Recommended

ARTICLE 2 HEAR AND ACCEPT REPORTS
(Majority Vote Required)

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.

Selectmen: Recommended

Finance Committee: Recommended

ARTICLE 3 ELDERLY TAX RELIEF
REAUTHORIZE CHAPTER 73 OF THE ACTS OF 1986**
(Majority Vote Required)

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 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 of 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 – 264-9622
Selectman Assigned: Peter Ashton

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 4 COUNCIL ON AGING VAN ENTERPRISE BUDGET**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$65,422, or any other sum, to operate the Senior Van Service, in accordance with Massachusetts General Laws, Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests an appropriation to fund van service for use by Senior Citizens and disabled citizens of the Community. An enterprise fund is 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 costs of service, primarily through user charges. Enterprise funds may be supplemented by taxes. This article requests that \$65,422 fund balance and fares from the users of the van's service be used for maintaining the service. This 40-hour per week, senior and disabled van service is funded by the Federal Government, State Government and Local Government. Fifty percent of the service is paid by Federal funds, twenty-five percent of the service is paid by the Commonwealth, and the final twenty-five percent is absorbed by the Town of Acton. Fare rates are determined by the

Lowell Regional Transit Authority and the revenues will be used to reduce the Town of Acton'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 6/30/01	BUDGETED REVENUE FY02	BUDGETED EXPENSE FY02	EST. FUND BALANCE 6/30/02	BUDGETED REVENUE FY03	BUDGETED EXPENSE FY03	EST. FUND BALANCE 6/30/03
\$16,497	\$62,692	\$63,952	\$15,237	\$65,000	\$65,422	\$14,815

Direct inquiries to: Jean Fleming, Director, Council on Aging - 264-9643
 Selectman Assigned: Pam Harting-Barrat

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 5 NURSING ENTERPRISE BUDGET**
 (Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$561,668, or any other sum, to provide Public Health and Visiting Nurse Services, in accordance with Massachusetts General Laws, 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 6/30/01	BUDGETED REVENUE FY02	BUDGETED EXPENSE FY02	EST. FUND BALANCE 6/30/02	BUDGETED REVENUE FY03	BUDGETED EXPENSE FY03	EST. FUND BALANCE 6/30/03
\$345,091	\$434,000	\$438,090	\$341,001	\$545,000	\$561,668	\$336,333

Direct inquiries to: Doug Halley, Director of Public Health - 264-9634
 Selectman Assigned: Pam Harting-Barrat

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 6 SEPTAGE DISPOSAL ENTERPRISE BUDGET**
 (Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$192,808, or any other sum, for the purpose of septage disposal, in accordance with Massachusetts General Laws, 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 of Acton 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.)

FUND BALANCE 6/30/01	BUDGETED REVENUE FY02	BUDGETED EXPENSE FY02	EST. FUND BALANCE 6/30/02	BUDGETED REVENUE FY03	BUDGETED EXPENSE FY03	EST. FUND BALANCE 6/30/03
\$102,356	\$186,747	\$189,550	\$99,553	\$192,000	\$192,808	\$98,745

Direct inquiries to: Doug Halley, Director of Public Health - 264-9634
 Selectman Assigned: Walter Foster

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 7 NESWC ENTERPRISE BUDGET**
 (Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$3,537,792, or any other sum, for the purpose of solid waste disposal, in accordance with Massachusetts General Laws, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests funding for the Town's solid waste disposal and recycling operation. This year's request simply covers day-to-day operations. The Citizens of Acton fund approximately \$867,000 (\$567,000 from property tax and \$300,000 from fees). The remaining 75% of the requested appropriation (\$2,670,792) is funded by non-citizen fees and fund balance. Fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of solid 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 fund or to reduce user fees. It is anticipated that the fund balance will be consumed by future increases in dumping fees to be

incurred between now and the end of the NESWC Contract in September 2005. Fund status is noted below: (For Budget detail see Municipal Supplement.)

FUND BALANCE 6/30/01	BUDGETED REVENUE FY02	BUDGETED EXPENSE FY02	EST. FUND BALANCE 6/30/02	BUDGETED REVENUE FY03	BUDGETED EXPENSE FY03	EST. FUND BALANCE 6/30/03
\$3,681,878	\$3,333,172	\$3,336,998	\$3,678,052	\$2,970,000	\$3,537,792	\$3,110,260

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
 Selectman Assigned: Pam Harting-Barrat

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 8 SEWER ENTERPRISE BUDGET**
 (Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$1,248,954, or any other sum, for the purpose of operating and maintaining a sewer collection and treatment facility, in accordance with Massachusetts General Laws, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

The purpose of this article is to provide monies for operation of the municipal sewer system. Sewer charges, private sewer treatment plant fees, connection fees, sewer inspector fees, betterment's, State and Federal aid for Sewers, and any other income derived from the operation of the municipal sewer operation 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 6/30/01	BUDGETED REVENUE FY02	BUDGETED EXPENSE FY02	EST. FUND BALANCE 6/30/02	BUDGETED REVENUE FY03	BUDGETED EXPENSE FY03	EST. FUND BALANCE 6/30/03
\$828,806	\$906,591	\$906,591	\$828,806	\$1,245,000	\$1,248,954	\$824,852

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
 Selectman Assigned: F. Doré Hunter

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 9 SECTION 53E½ SELF-FUNDING PROGRAMS**
(Majority Vote Required)

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

	ESTIMATED REVENUE FY 2003	AUTHORIZED EXPENITURE FY 2003
School Department		
Douglas at Dawn/Dusk	\$85,000	\$85,000
Merriam Mornings/Afternoons/Summer	\$30,000	\$30,000
Gates Amazing Mornings/Afternoons	\$30,000	\$30,000
Historic District Commission		
	\$600	\$600
Building Department		
(Includes fees for Micro Filming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees)	\$135,000	\$137,630
Sealer of Weights and Measures		
	\$10,000	\$10,012
Health Department		
Food Service Inspections	\$21,976	\$22,602
Hazardous Materials Inspections	\$43,687	\$62,337
Fire Department		
Fire Alarm Network	\$55,000	\$45,045

, 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, 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 all or part 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.

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

All monetary figures are rounded to the nearest dollar.

	FY 2001			FY 2002			Actual*	Actual*
	Actual Revenue	Actual Expense	Fund Balance	Budgeted Revenue	Budgeted Expense	Est. Fund Balance	Revenue	Expense
School Department¹								
Douglas at Dawn/Dusk	\$ 70,764	\$ 44,759	\$22,405	\$ 35,000	\$ 35,000	\$ 22,405	\$ 33,611	\$ 23,837
Merriam Mornings/Afternoons/Summer	\$ 12,850	\$ 12,360	\$ -	\$ 35,000	\$ 35,000	\$ -	\$ -	\$ -
Gates Amazing Mornings/Afternoons	\$ 5,525	\$ 4,669	\$10,914	\$ 35,000	\$ 35,000	\$ 10,914	\$ -	\$ 1,443
Historic District Commission²	\$ 215	\$ 175	\$ 481	\$ 600	\$ 600	\$ 481	\$ 80	\$ -
Building Department²	\$ 95,162	\$ 79,321	\$59,277	\$ 135,100	\$ 135,096	\$ 59,281	\$ 43,809	\$ 116,908
(Includes fees for Micro filming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees)								
Sealer of Weights and Measures²	\$ 8,996	\$ 7,197	\$ 2,727	\$ 7,605	\$ 6,840	\$ 3,492	\$ 4,702	\$ 4,567
Health Department²								
Food Service Inspections	\$ 24,080	\$ 20,007	\$20,364	\$ 22,000	\$ 21,171	\$ 21,193	\$ 14,420	\$ 10,486
Hazardous Materials Inspections	\$ 23,345	\$ 18,584	\$47,692	\$ 21,500	\$ 20,911	\$ 48,281	\$ 1,795	\$ 9,985
Fire Department²								
Fire Alarm Network	\$ 41,320	\$ 52,083	\$48,540	\$ 45,000	\$ 35,030	\$ 58,510	\$ 13,357	\$ 16,500

* As of December 31, 2001

¹ Direct inquiries to: William Ryan, Superintendent of Schools – 264-4700

² Direct inquiries to: John Murray, Assistant Town Manager – 264-9612
 Selectman Assigned: Pam Harting-Barrat

Selectmen: Recommended

Finance Committee: Recommended

ARTICLE 10PLOWING OF PRIVATE WAYS**
 (Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$12,500, or any other sum, to be expended by the Town Manager for the costs associated with the plowing of private ways open to public use as designated by the Board of Selectmen, or take any other action relative thereto.

SUMMARY

In 1986 at a Regular Town Election, the voters of the Town accepted the provisions of Massachusetts General Law, Chapter 40, Section 6C, allowing Town Meeting to appropriate money for the removal of snow and ice from such private ways within the Town limits that are open to public use, as may be designated by the Board of Selectmen. If the funds requested in this article are provided, this will be the seventh consecutive year that the Annual Town Meeting has appropriated funds for this

purpose. For the 2001-2002 winter season, the Board of Selectmen voted to plow private ways with a total length of 3.77 miles. If this Article is voted the Selectmen will review and revise, if necessary, the criteria established last year, receive petitions from private way residents by mid-September and vote a final plowing list by mid-October. The amount of plowing is limited to the funds available.

Direct inquiries to: David F. Abbt, Engineering Administrator - 264-9628
Selectman Assigned: F. Doré Hunter

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 11DEFERRAL OF SEWER OPERATION AND MAINTENANCE CHARGES –
ACCEPT MASSACHUSETTS GENERAL LAW, CHAPTER 83, SECTION 16G
(Majority Vote Required)**

To see if the Town will vote to accept Massachusetts General Law, Chapter 83, Section 16G which provides that the Town may, upon the application of the owner, if such owner is eligible for an exemption under clause Forty-first A of Section 5 of Chapter 59, enter into a deferral and recovery agreement with respect to charges for use of the common sewers, or take any other action relative thereto.

SUMMARY

Massachusetts General Laws, Chapter 83, Section 16G, allows qualifying senior citizens to defer a portion or all of their charges for use of the common sewer system. Acceptance of this section is consistent with the current senior citizen tax relief policy of the Town.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned: William Shupert

Selectmen: Recommended
Finance Committee: Recommended

**ARTICLE 12 BUDGET TRANSFER
(Majority Vote Required)**

To see if the Town will raise and appropriate, or appropriate from available funds, an amount of money to be used in conjunction with funds appropriated under the current fiscal year's budgets to be used during the current fiscal year, or make any other adjustments to the current fiscal year budgets and appropriations that may be necessary, or take any other action relative thereto.

SUMMARY

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

Direct inquiries to: John Murray, Assistant Town Manager – 264-9612
Selectman Assigned: Peter Ashton

Selectmen: Recommendation Deferred
Finance Committee: Recommendation Deferred

ARTICLE 13 TOWN OPERATING BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$15,893,585, or any other sum, 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 2003 (July 1, 2002-June 30, 2003) 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 is provided in the Municipal Budget Supplement, available at the Memorial Library, West Acton Citizens' Library, Police Station, Town Hall and at the Polling Places on March 26, 2002. Copies will also be available at Town Meeting.

Direct inquiries to: Don P. Johnson, Town Manager – 264-9612
Selectman Assigned: Peter Ashton

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 14 CAPITAL IMPROVEMENTS – FACILITIES, EQUIPMENT AND VEHICLES
(Majority Vote Required)

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 replacement or improvement of facilities and equipment as listed below:

A. Storm Water Program	\$10,000
B. Traffic Signals	\$30,000
C. Sanders	\$36,000
D. Fire Chief's Vehicle	\$38,000
E. Dump Truck	\$40,000
F. Pick-up Truck	<u>\$28,000</u>
Total	\$182,000

, or take any other action relative thereto.

SUMMARIES

A. In the future the Town will be required to comply with new EPA Storm Water Regulations, otherwise known as the National Pollution Discharge Elimination System (NPDES) Storm Water Phase II Program. The first step, which is due by March 2003, will be for the Town to write a Storm Water Management Plan in compliance with a General Permit for the 190 or so towns in Massachusetts subject to these regulations. These are towns with Urbanized Areas as delineated by the U.S. Census Bureau according to the most recent Decennial Census data. Only the urbanized portions of Acton are subject to these regulations, however this is between two-thirds and three-quarters of the entire town. EPA will issue the General Permit in December 2002. The Storm Water Management Plan the Town prepares must address the following six minimum control measures:

1. Public Education and Outreach
 - Distribute educational material
 - Sponsor speaking engagements
 - Organize school programs
2. Public Involvement / Participation
 - Hold public meetings
 - Recruit citizen volunteers
3. Illicit Discharge Detection and Elimination
 - Develop complete storm drainage system mapping
 - Detect and eliminate non-storm water discharges
4. Construction Site Runoff Control
 - Require erosion and sedimentation controls
 - Conduct site plan review and site inspections
5. Post-Construction Storm Water Management
 - Establish authority through local ordinance
 - Enforce approved operation and maintenance plans
6. Pollution Prevention / Good Housekeeping for Municipal Operations
 - Develop operation and maintenance program for municipal facilities including roads
 - Implement structural and/or non-structural strategies for storm water treatment

- Provide training for municipal personnel

The EPA will require that the Town set measurable goals in the plan and be able to show progress towards achieving them. This will require careful record keeping and annual reporting to EPA. The plan will need to be updated every five years and we anticipate that over time tougher requirements will make compliance more difficult and costly. Some of what the Town currently does in the way of storm water management will contribute to plan compliance and other activities will only need minor modification to comply, however, many actions the plan will require will be new or enhanced activities. These funds will be used for outside expertise to assist town officials and staff with the complex task of assembling the Storm Water Management Plan.

Direct Inquires to: David Abbt, Engineering Administrator – 264-9628

B. These funds will be used to convert the Town's four traffic signals to Light Emitting Diode (LED) displays. LED's replace conventional light bulbs in traffic signals, use 80-90% less electricity and last 5-10 times longer. These funds will be used to replace 37 red, 43 yellow, 43 green and 32 pedestrian displays. The payback period is 4 to 5 years and the savings in energy costs are estimated at approximately \$5,000 annually. The Town's four signals are located in West Acton, South Acton, Main Street (Route 27) at Post Office Square, and Powder Mill Road (Route 62) at High Street. All of the other traffic signal installations in Acton are owned and operated by the Massachusetts Highway Department and have been converted to LED displays already.

Direct Inquires to: David Abbt, Engineering Administrator – 264-9628

C. This request is for funding to replace two (2) stainless steel sander bodies utilized by the Highway Department during the winter for applying sand and salt. This is the second year of a three year program to replace sander bodies. The sanders being replaced are 1987-88 models that are severally worn. Cross members and side supports are cracking and have been welded and patched. The sides are wearing thin and it has been suggested that they may have to be completely lined with steel to prevent their collapse in the near future. The floors are worn to the point of replacement along with sprockets, adjusters and chains. The engines, which have been rebuilt in each of the units, will need rebuilding again, or replacement, in the near future. The old sander bodies will be traded toward the new purchases.

Direct Inquires to: David Brown, Highway Superintendent – 264-9624

D. This article will provide funding to purchase and equip a replacement vehicle for the Fire Chief. This is a scheduled replacement that has been deferred in each of the past several years. The vehicle being replaced is a 1992 Ford Crown Victoria sedan with 140,000 miles of service. The current vehicle has had a number of maintenance and age related issues and was recently "totaled" in an accident when the vehicle was backed into. The vehicle is no longer in service and the Fire Chief is currently using another town vehicle, which is not equipped for emergency response. The replacement vehicle will be an SUV, which will provide enhanced response capabilities especially during storm conditions.

Direct Inquiries to: Robert Craig, Fire Chief - 264-9645

E. This article requests the funds necessary to replace a 1992 dump truck, which is rapidly deteriorating and has a history of repair problems, with a new one-ton dump truck. The new vehicle will be used for the transportation of men and equipment needed to maintain the cemeteries, recreation fields, and conservation areas. In addition, this vehicle will be used by the

Highway Department each winter for snow plowing Acton's roads. This Article will provide half of the requested funds and the other half of the funds needed to purchase this truck will come from Cemetery Trust Funds.

Direct Inquires to: Thomas Tidman, Natural Resources Director– 264-9631

F. This article requests funding to replace a pickup truck that is used by the Assistant Superintendent of the Highway Department. The present vehicle will be transferred to the Natural Resources Department to replace a 1991 pickup that has in excess of 145,000 miles of service and is continually in need of repairs. The existing Natural Resources vehicle will be traded toward the purchase of the new vehicle or auctioned.

Direct Inquires to: David Brown, Highway Superintendent – 264-9624
Selectman Assigned: William Shupert

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 15 NEW PERSONNEL
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$60,000, or any other sum, to fund the position of Information Technology Systems Technician, or take any other action relative thereto.

SUMMARY

This article would authorize the hiring of a Systems Technician to supplement the Department's personnel that currently consists solely of its Director. The increased demand for services from the Department in the past year has kept us in a reactive, "fire-fighting" mode. As a result, the Department's ability to strategically plan for the future as well as address present issues has been severely curtailed. The Department is responsible for all areas of Information Technology in the Municipal Government, such as maintaining the financial software systems, electronic mail, file and print servers, all desktop systems, printers and the wide-area network (WAN). In addition, enterprise-wide projects such as implementation and maintenance of the AT&T fiber optic Institutional Network (I-Net) is administered by this Department. Security, disaster recovery, performance monitoring, maintenance, data analysis, supplies monitoring, training coordination and software updates are tasks that would be shared between the Director and the Technician.

Direct inquiries to: Mark Hald, Information Technology Director – 264-9606
Selectman Assigned: William Shupert

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 16TOWN BOARD SUPPORT – SPECIAL PROJECTS**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$5,000, 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 \$5,000 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. This request/amount is not included in the Town Manager's Budget.

Direct inquiries to: Don P. Johnson, Town Manager – 264-9612
Selectman Assigned: William Shupert

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 17 CHAPTER 90 HIGHWAY REIMBURSEMENT PROGRAM**
(Majority Vote Required)

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

SUMMARY

Each year, the State provides communities with 100% reimbursement for certain highway projects. The State Legislature annually establishes the level of highway improvement funds available to cities and towns under this "Chapter 90" Program. This process is not completed until after Acton's Annual Town Meeting; therefore, we are unable to specify a dollar amount at Town Meeting. State law requires that these State Highway Reimbursement Funds be appropriated by Town Meeting. The purpose of this article is to make that appropriation and allow the town to fully utilize whatever level of appropriation the State may make available during the upcoming fiscal year. If Town Meeting were not to adopt this article, it is conceivable that monies allocated to Acton may be redistributed to State projects or other cities and towns.

Direct inquiries to: John Murray, Assistant Town Manager – 264-9612
Selectman Assigned: William Shupert

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 18 EMERGENCY/DISASTER AND HOMELAND DEFENSE AID APPROPRIATIONS**
 (Majority Vote Required)

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 unusual occurrences during Fiscal Year 2003, or take any other action relative thereto.

SUMMARY

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

Direct inquiries to: John Murray, Assistant Town Manager – 264-9612
 Selectman Assigned: F. Doré Hunter

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 19 STATUS OF TWO-FAMILY AND MULTI-FAMILY DWELLINGS
 (Two-thirds Vote Required)

To see if the Town will vote to amend the zoning bylaw as follows:
[Notes in italic print are not part of the Article but are intended for explanation only.]

- A. Section 3, Table of Principal Uses, Principal Use Definitions, and Accessory Use Regulations.
- 1. In the Table of Principal Uses, insert a new line 3.3.3 as follows:

	RESIDENTIAL DISTRICTS				VILLAGE DISTRICTS				OFFICE DISTRICTS		BUSINESS DISTRICTS		
	R-2, R-4, R-8, R-8/4, R-10 & R-10/8	R-A	R-AA	VR	EAV	NAV	SAV	WAV	OP-1	OP-2	KC	LB	PM
PRINCIPAL USES													
3.3 RESIDENTIAL USES													
3.3.3 Two-FAMILY Dwelling	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N

INDUSTRIAL DISTRICTS					SP. DIST.	
GI	LI	LI-1	SM	TD	ARC	SITE PLAN
N	N	N	N	N	N	NR

and renumber existing line 3.3.3 and 3.3.4 respectively to 3.3.4 and 3.3.5.

2. Under Principal Use Definitions, insert a new section 3.3.3 as follows:

3.3.3 Two-FAMILY Dwelling - A BUILDING for residential use containing two DWELLING UNITS or, as permitted under this Bylaw, two Single FAMILY Dwellings on one LOT; but not a Dwelling Conversion or a Single FAMILY Dwelling with One Apartment.

and renumber existing sections 3.3.3 and 3.3.4 respectively to 3.3.4 and 3.3.5.

3. In section 8.7, change the current reference to section 3.3.4 to refer to section 3.3.5 instead.

B. Section 8, Non-conforming Lots, Uses, Structures and Parking; Exemptions.

1. Delete section 8.2.2.a) and replace it with a new section 8.2.2.a) as follows:

- a) In Residential Districts: Two-FAMILY Dwelling; Multifamily Dwelling; Commercial Education or Instruction; Retail Store; Office; Veterinary Care; Services; Repair Shop, Technical Shop, Studio; except that neither nonconforming Two-FAMILY Dwellings nor Multifamily Dwellings shall be changed to another nonconforming USE.

[Note - section 8.2.2 currently reads:

8.2.2 Changing a Nonconforming USE - A nonconforming USE may not be changed to another nonconforming USE except in accordance with the following requirements. The Board of Appeals may authorize by special permit a change from a nonconforming USE to another nonconforming USE provided the Board of Appeals finds that the proposed USE is in harmony with the character of the neighborhood and the applicable requirements of the zoning district, and provided further that in the Residential, Village and Office Districts the Board of Appeals may authorize a change only to one of the following other nonconforming USES (all USES as listed in the Table of Principal USES):

- a) *In Residential Districts: Multifamily Dwelling; Commercial Education or Instruction; Retail Store; Office; Veterinary Care; Services; Repair Shop, Technical Shop, Studio; except that a nonconforming Multifamily Dwelling may not be changed to another nonconforming USE.*
- b) *In Village Districts: Multifamily Dwelling, Veterinary Care, Commercial Entertainment, Manufacturing.*
- c) *In Office Districts: Hotel, Motel, Inn, Conference Center.]*

2. Delete section 8.2.3 and replace it with a new section 8.2.3 as follows:

8.2.3 Extending a Nonconforming USE -

8.2.3.1 In a Residential District a nonconforming USE may not be extended in area, except that,

- a) nonconforming Two-FAMILY Dwellings may be extended in BUILDING area by right, and
- b) nonconforming Multifamily Dwellings may be extended in BUILDING area by special permit from the Board of Appeals.

The extension of a nonconforming Two-FAMILY Dwelling or Multifamily Dwelling USE shall be subject to the applicable dimensional controls of this Bylaw and shall not result in an increase in the number of DWELLING UNITS, unless the dwelling qualifies for a Dwelling Conversion in accordance with section 3.3.4 of this Bylaw.

8.2.3.2 In all other Districts, a nonconforming USE may be extended in area by special permit from the Board of Appeals.

[Note - section 8.2.3 currently reads:

8.2.3 Extending a Nonconforming USE - In a Residential District a nonconforming USE may not be extended in area. In all other Districts, a nonconforming USE may be extended in area by special permit from the Board of Appeals.

Also note, that the reference to Dwelling Conversion in section 3.3.4 follows the new numbering sequence adopted with this article. In the present zoning bylaw, Dwelling Conversion is numbered 3.3.3.]

or take any other action relative thereto.

SUMMARY

Although there are numerous two-family dwellings or duplexes scattered throughout Acton, the zoning bylaw presently does not recognize them as a land use category. This article adds "Two-FAMILY Dwelling" as a defined land use to the zoning bylaw. Two-family dwellings would be allowed by right in zoning districts in which multi-family dwellings are also allowed. Two-family dwellings would be defined as buildings containing two dwelling units or, as permitted by the zoning bylaw, two separate dwellings on a single lot. The zoning bylaw defines multifamily dwellings as buildings containing more than two dwelling units.

In addition, many two-family and multifamily dwellings are located in Acton's single-family residential zoning districts. Under the law, they are regarded as pre-existing nonconforming uses, meaning that they were established before the advent of zoning regulations that instituted the one-dwelling-per-lot rule in those districts. The zoning bylaw presently does not allow the expansion of any nonconforming use in single-family residential districts. However, in addition to regular maintenance and upkeep, owners of two- and multifamily dwellings in single-family residential districts desire to expand the dwelling units to better meet their own needs or the needs and expectations of their tenants, such as adding living space, porches, decks, or garages. This article intends to allow the expansion of nonconforming multi-family dwellings by special permit. For nonconforming two-family dwellings, such expansion would be allowed by right, just as such expansion is allowed for conforming single family homes. The article would not allow an increase in the number of dwelling units on nonconforming two- and multi-family properties. However, note that the conversion of older residences (predating April 1, 1971) to 4-family dwellings may be allowed by special permit under a separate section of the zoning bylaw. The article would not allow new two-family dwellings in single family residential districts.

Direct inquiries to: Roland Bartl, AICP, Town Planner – 264-9636

Selectman Assigned: Pam Harting-Barrat

Selectmen: Recommended

Finance Committee: Recommended

Planning Board: Recommended

ARTICLE 20 REZONING OF MUNICIPAL LAND

(Two-thirds Vote Required)

To see if the Town will vote to amend the zoning map, Map No. 1, by rezoning from Agriculture Recreation Conservation (ARC) to Residence 10/8 (R-10/8) a parcel of land shown as parcel 9 on map D-4 of the 2001 Town Atlas, or take any other action relative thereto.

SUMMARY

Parcel 9 on map D-4 of the 2001 Town Atlas ("Parcel 9") is adjacent to the Palmer property. The rezoning of Parcel 9 will allow its use as part of a proposed golf course on the Palmer land, and the rezoning would facilitate the land swap described below. At the 2001 Annual Town Meeting, voters authorized the Selectmen to negotiate a "swap" of Parcel 9 for parcel 22 on map D-4 of the 2001 Town Atlas. This swap will facilitate the development of the golf course on the Palmer property by including Parcel 9 in the Palmer land, and the swap will benefit the Town of Acton by opening a corridor for public trails and access between adjacent publicly owned lands. Negotiations of the transfer are ongoing.

Direct inquiries to: Roland Bartl, AICP, Town Planner – 264-9636
Selectman assigned: William Shupert

Selectmen: Recommended

Finance Committee: Recommendation Deferred

Planning Board: Recommendation Deferred

ARTICLE 21 DELETE PLANNED UNIT DEVELOPMENT

(Majority Vote)

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

[Notes in italic print are not part of the Article but are intended for explanation only.]

- A. Delete the following text from Section 3.3.c) of the Zoning Bylaw: "a Planned Unit Development (PUD) under Section 9A of this Bylaw;"

[Note – Section 3.3 currently reads:

3.3 Residential USES – Not more than one BUILDING for dwelling purposes shall be located upon a LOT, except

- a) in the following Districts: Village Districts (EAV, NAV, SAV, WAV); Residence A District (R-A); Residence AA District (R-AA);*
- b) for the following USES: Nursing Home; Full Service Retirement Community; Assisted Living Residence as defined in this Bylaw or in MGL Ch. 19D; and*
- c) where a special permit has been granted for the following: a Planned Conservation Residential Community (PCRC) under Section 9 of this Bylaw; a Planned Unit Development (PUD) under section 9A of this Bylaw; an Independent SENIOR Residence under section 9B of this Bylaw; an AFFORDABLE Housing Development under section 4.4 of this Bylaw; a single FAMILY dwelling with one Apartment in a detached BUILDING under section 3.3.2.10 of this Bylaw; a golf course under section 3.5.17 of this bylaw.]*

- B. Amend the heading of the Table of Standard Dimensional Regulations contained in Section 5 of the Zoning Bylaw by deleting the comma immediately before the phrase "Planned Conservation Residential Communities" and inserting the word "and" in lieu thereof and by deleting the following text: "and Planned Unit Developments (PUD - Section 9A)".

[Note – The heading of the Table of Standard Dimensional Regulations contained in Section 5 currently reads:

See also Special Provisions and Exceptions to Dimensional Regulations (Section 5.3), Transfer of Development Rights for special dimensional regulations affecting the LB, NAV and EAV Districts and certain land in the R-2, R-8 and R-10/8 Districts along the near Great Road

(Section 5.4), Special Provisions for Village Districts (Section 5.5), Special Dimensional Requirements in the Groundwater Protection District (Section 4.3), and Special Dimensional Regulations for Open Space Developments (OSD – Section 4.2), Planned Conservation Residential Communities (PCRC – Section 9) and Planned Unit Developments (PUD – Section 9A).]

- C. Amend Section 6.2 of the Zoning Bylaw by deleting the comma immediately before the phrase “a PCRC” and inserting the word “and” in lieu thereof and by deleting the following text: “and a PUD (Section 9A)”.

[Note – Section 6.2 currently reads:

6.2 General Provisions – All required parking shall be located on the same LOT as the USE it serves except within a MAJOR AFFORDABLE Housing Development (Section 4.4), a PCRC (Section 9) and a PUD (Section 9A) where required parking may be provided in a flexible configuration within the TRACT OF LAND comprising the development, and except as provided in Section 6.9. Parking facilities shall also comply with the requirements of the Massachusetts Architectural Access Board.]

- D. Amend Section 6.3.5 of the Zoning Bylaw by deleting the following text: “or within a PUD (Section 9A)” and inserting a comma in lieu thereof.

[Note – Section 6.3.5 currently reads:

6.3.5 Car/Van Pools – In conjunction with a Site Plan Special Permit (Section 10.4) or within a PUD (Section 9A) the Special Permit Granting Authority may authorize a reduction in the number of required parking spaces provided that an effective employee car pool/van pool program will be implemented and car pool/van pool spaces are designated.]

- E. Amend Section 6.3.6 of the Zoning Bylaw by deleting the following text: “or within a PUD”; and by deleting the phrase “Sections 9A.7.5 and” and inserting the word “Section” in lieu thereof.

[Note – Section 6.3.6 currently reads:

6.3.6 Reserve Parking – In conjunction with a Site Plan Special Permit or within a PUD, the Special Permit Granting Authority may authorize the set-aside of part of the required number of parking spaces as “reserve parking”. See Sections 9A.7.5 and 10.4.4 for details.]

- F. Add the following new Section 8.9 to the Zoning Bylaw:

“8.9 Planned Unit Developments (PUD) - Notwithstanding the repeal of Section 9A of this Bylaw, any TRACT OF LAND for which a special permit for a Planned Unit Development (PUD) has been granted shall continue to be governed by such special permit and the provisions of Section 9A which were applicable to such special permit as of the date of issuance of such special permit.

- G. Delete existing Section 9A of the Zoning Bylaw in its entirety and substitute the following text in lieu thereof: “Section 9A - Intentionally Deleted.”

[Note – See the current version of the Zoning Bylaw for the entire text of existing Section 9A.]

or take any other action relative thereto.

SUMMARY

Adoption of this article will delete section 9A of the Zoning Bylaw preventing any new Planned Unit Developments in Acton. This article accomplishes the same objective as the citizen's petition to “Repeal Planned Unit Development”. However, it also deletes any related cross-

references in other parts of the Acton Zoning Bylaw and inserts an important clause that will maintain legal conformity and governing regulations for the one existing Planned Unit Development, Acorn Park.

Direct inquiries to: Roland Bartl, AICP, Town Planner – 264-9636
Selectman assigned: William Shupert

Selectmen: Recommended
Finance Committee: Recommendation Deferred
Planning Board: Recommendation Deferred

ARTICLE 22# REPEAL PLANNED UNIT DEVELOPMENT (PUD)
(Two-thirds Vote Required)

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw as follows:

Repeal Section 9A “PLANNED UNIT DEVELOPMENT (PUD)”. Sections 9A through section 9A.9 (inclusive) of the Acton zoning bylaws shall be deleted, or take any other action relative thereto.

SUMMARY

This article was submitted by Citizen Petition.

Submitted by Citizen Petition
Direct inquiries to: Roland Bartl, Town Planner – 264-9636
Selectman Assigned: William Shupert

Selectmen: Recommendation Deferred
Finance Committee: Recommendation Deferred

ARTICLE 23# REPEAL PLANNED CONSERVATION RESIDENTIAL COMMUNITY (PCRC)
(Two-thirds Vote Required)

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

Repeal Section 9 “PLANNED CONSERVATION RESIDENTIAL COMMUNITY (PCRC)” Sections 9 through Section 9.9 (inclusive) of the Acton zoning bylaw shall be deleted, or take any other action relative thereto.

SUMMARY

This article was submitted by Citizen Petition.

Submitted by Citizen Petition
Direct inquiries to: Roland Bartl, Town Planner – 264-9636
Selectman Assigned: William Shupert

Selectmen: Recommendation Deferred
Finance Committee: Recommendation Deferred

ARTICLE 24 ACTON PUBLIC SCHOOLS BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$17,635,222, or any other sum, to defray the necessary expenses of the Local Schools, or take any other action relative thereto.

SUMMARY

This article requests funds for Fiscal Year 2003 (July 1, 2002-June 30, 2003) for the Town of Acton Local Schools' Operating Budget.

Direct inquiries to: William Ryan, Superintendent of Schools – 264-4700
Selectman Assigned: Walter Foster

Selectmen: Recommended
Finance Committee: Recommendation Deferred

**ARTICLE 25 ACTON LOCAL SCHOOLS CAPITAL IMPROVEMENTS -
HEALTH, SAFETY AND MAINTENANCE**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$100,000, or any other sum, for the purpose of remodeling and making extraordinary repairs to the Conant, Douglas, Gates and Merriam Schools, and for the purchase of equipment, including any architects fees and engineering fees and other costs incidental thereto, or take any other action relative thereto.

SUMMARY

This article covers such required maintenance projects as upgrading classroom heating units at the Conant, Douglas and Merriam Schools, and replacing plumbing fixtures at the Gates School.

Direct inquiries to: William Ryan, Superintendent of Schools – 264-4700
Selectman Assigned: Walter Foster

Selectmen: Recommended
Finance Committee: Recommended

**ARTICLE 26 COMPUTERIZED FINANCIAL SOLUTION TO BE UTILIZED BY THE TOWN OF
ACTON INCLUSIVE OF THE ACTON PUBLIC SCHOOLS AND THE ACTON-
BOXBOROUGH REGIONAL SCHOOL DISTRICT**
(Two-thirds Vote Required)

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 purpose of purchasing a computerized financial package for the Town, and to authorize the Town Manager to enter into an agreement with the Acton Public Schools and the Acton-Boxborough Regional School District for joint use and sharing of costs of such system, including costs incidental and related thereto, and to authorize the

Town Manager to apply for, accept and expend any federal, state or other grants that may be available for the project, or take any other action relative thereto.

SUMMARY

The Joint Technology Advisory Committee (JTAC), along with the Board of Selectmen, the Acton Public School Committee and the Acton-Boxborough Regional School Committee, propose to replace the existing four independent financial systems with a unified financial system.

JTAC began meeting after the April 1999 Annual Town Meeting to discuss the information technology needs of the town and the schools. In February 2001, both the town and Acton-Boxborough Regional School system identified the need to replace their existing financial software. Beginning in July 2001 the Town and the Schools jointly identified vendors who could provide an enterprise-wide solution. Vendor presentations and interviews were completed in February 2002.

Direct inquiries to: Mark Hald, Information Technology Director – 264-9606
Selectman Assigned: Peter Ashton
School Committee Assigned: Marie Altieri and Terry Lindgren

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 27 INFORMATION TECHNOLOGY ORGANIZATION CONSULTANT
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$25,000, or any other sum, to be expended by the Town Manager, for the purpose of procuring the services of an Information Technology Organizational Consultant for the Town, and to authorize the Town Manager to enter into an agreement with the Acton Public Schools and the Acton-Boxborough Regional School District, for joint use and sharing of costs including costs incidental and related thereto, and to authorize the Town Manager to apply for, accept and expend any Federal, State or other grants that may be available for the project, or take any other action relative thereto.

SUMMARY

The Joint Technology Advisory Committee (JTAC), along with the Board of Selectmen, the Acton Public School Committee and the Acton-Boxborough Regional School Committee, propose to procure the services of an Information Technology Organizational consultant to evaluate the existing organizational structure for providing information technology services to the Town of Acton, inclusive of the Acton Public Schools and the Acton-Boxborough Regional School District, and to recommend the optimal organizational structure for providing such services in the future.

Direct inquiries to: John Murray, Assistant Town Manager – 264-9612
Selectman Assigned: Peter Ashton
School Committee Assigned: Marie Altieri and Terry Lindgren

Selectmen: Recommended
Finance Committee: Recommendation Deferred

ARTICLE 28 ACTON-BOXBOROUGH REGIONAL SCHOOL ASSESSMENT
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$16,142,936, or any other sum, 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 Fiscal Year 2003 (July 1, 2002-June 30, 2003) for the Acton-Boxborough Regional Schools' Assessment.

Direct inquiries to: William Ryan, Superintendent of Schools – 264-4700
Selectman Assigned: Pam Harting-Barrat

Selectmen: Recommendation Deferred
Finance Committee: Recommendation Deferred

ARTICLE 29 MINUTEMAN REGIONAL SCHOOL ASSESSMENT
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$771,713, or any other sum, 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 Fiscal Year 2003 (July 1, 2002-June 30, 2003) for the Minuteman Regional Vocational Technical School District Assessment. This assessment, or "bill", voted by the Minuteman School Committee, is governed by the terms of the Minuteman School District Agreement.

Direct inquiries to: Ron Fitzgerald, Superintendent – (781) 861-6500
Selectman Assigned: Pam Harting-Barrat

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 30 SEPTIC SYSTEM REPLACEMENT LOAN PROGRAM
(Two-thirds Vote Required)

To see if the Town will vote to appropriate a sum of money to be expended by the Town Manager for the purpose of financing the following water pollution abatement facility projects: Repair, replacement and/or upgrade of septic systems, and installation of sewer connections pursuant to agreements between the Board of Health and residential property owners, including without limitation, all costs thereof as defined in Massachusetts General Laws, Chapter 29C, Section I, to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust, or otherwise, or take any other action relative thereto.

SUMMARY

The State's Community Septic Management Program Betterment Loans allows communities to receive funds from the state, which can then be distributed to qualifying residents as low interest loans for replacing their on-site septic systems either by another on-site system or by a sewer connection. A betterment would be placed on the property, which would be repaid by the owner over a period determined by the Board of Selectmen. This Article will make that program accessible to the residents of Acton.

Direct inquiries to: Doug Halley, Health Director – 264-9634
Selectman Assigned: F. Doré Hunter

Selectmen: Recommendation Deferred
Finance Committee: Recommended

ARTICLE 31 LOCAL HISTORIC DISTRICT BYLAW (Majority Vote Required)

To see if the Town will vote to amend the Town Bylaw, Chapter P, Local Historic District Bylaw, in accordance with the text below:

[Note: Deletions from existing text are shown as strikethroughs. Additions to existing text are shown as underlined. Text lines containing changes are identified by vertical lines in the right-hand margin. These editing designations are provided in order to clearly identify the changes that will be proposed to the existing bylaw and are not part of the bylaw. If these changes are adopted, the stricken language will be deleted from the bylaw; the underlined language will be added to the bylaw; and the editing designations will not appear in the bylaw.]

CHAPTER P LOCAL HISTORIC DISTRICT BYLAW

The Town of Acton hereby creates a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws, Chapter 40C, as amended.

P1. Purpose

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Acton, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the ~~existing architecture.~~ historically significant architecture existing in the Local Historic District(s) when this Bylaw was first adopted in 1990. This Bylaw does not seek to establish an architectural museum, but instead to inform concerning the historical process of architectural growth and adaptation to heighten a sense of educated pride in our heritage.

P2. Definitions

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

"Alteration" or "To Alter"	The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.
"Building"	A combination of materials forming a shelter for persons, animals or property.
"Certificate"	A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.
"Commission"	The Historic District Commission as established in this Bylaw.
"Construction" or "To Construct"	The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.
"Display Area"	The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.
"District"	The Local Historic District as established in this Bylaw consisting of one or more DISTRICT areas.
"Exterior Architectural Feature"	Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.
"Person Aggrieved":	The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area; or an owner of property within 100 feet of said DISTRICT area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.
"Signs"	Any symbol, design or device used to identify or advertise any place of business, product, activity or person.
"Structure"	A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway.
<u>"Substantially at Grade Level"</u>	<u>Located at the existing or altered surface of the earth or pavement which does not/will not exceed one foot in height above the surface of the earth or pavement.</u>

"Temporary Structure or Building"

A BUILDING not to be in existence for a period of more than two years. A STRUCTURE not to be in existence for a period of more than one year. ~~The COMMISSION may further limit the time periods set forth herein as it deems appropriate.~~

P3. District

The DISTRICT shall consist of one or more DISTRICT areas as listed in Section 13 (Appendices) of this Bylaw.

P4. Commission

~~4.1 The DISTRICT shall be overseen by a COMMISSION consisting of six members, to be appointed by the Board of Selectmen, two members initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years. COMMISSION shall consist of seven (7) regular members appointed by the Board of Selectmen to staggered three (3) year terms, such that three members terms will expire in one year and two members terms will expire in the second and third year, and so forth.~~

~~4.2~~

~~4.2 The COMMISSION shall include, if possible, one member from two nominees solicited from the Acton Historical Society, one member from two nominees solicited from the chapter of the American Institute of Architects covering Acton; one member from two nominees of the Board of Realtors covering Acton; and one property owner from within each of the DISTRICT areas among its regular or alternate members, if practical, an Acton property owner who resides in each of the three DISTRICT areas, one Acton resident chosen from two nominees put forward by the Board of Realtors covering Acton, one Acton resident chosen from two nominees put forward by the chapter of the American Institute of Architects covering Acton, and one Acton resident chosen from two nominees put forward by the Acton Historical Society. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.~~

~~4.3 The Board of Selectmen may appoint up to four alternate members to the COMMISSION. Each alternate member shall have the right to act and vote in the place of one regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for terms of two or three years, and for three year terms thereafter, at its sole discretion, appoint up to a maximum of four (4) alternate members to the COMMISSION for three (3) year terms. The available alternate member(s) with the longest continuous length of service as an alternate may be substituted and vote on a one for one basis, in place of any regular member(s) who may be absent or has/have an actual or apparent conflict of interest, or in the case of a vacancy in the regular memberships.~~

~~4.4 Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.~~

~~4.5 Meetings of the COMMISSION shall be held at the call of the Chairman, at the request of two members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.~~

~~4.6 Four members of the COMMISSION shall constitute a quorum. A quorum is necessary for the COMMISSION to conduct a meeting. At least four (4) members of the COMMISSION (or Alternate Members with voting rights as to a matter(s) under consideration) must be present.~~

P5. Commission Powers and Duties

5.1 The COMMISSION shall exercise its powers in administering and regulating the CONSTRUCTION and ALTERATION of any STRUCTURES or BUILDINGS within the DISTRICT as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE and DISTRICT area.

5.2 The COMMISSION ~~may, after public hearing, may by vote of two thirds (2/3rds) of its regular members (not to include alternate members) from time to time~~ adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

5.3 The COMMISSION, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Acton, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which will meet the requirements of the DISTRICT. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

5.4 The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.

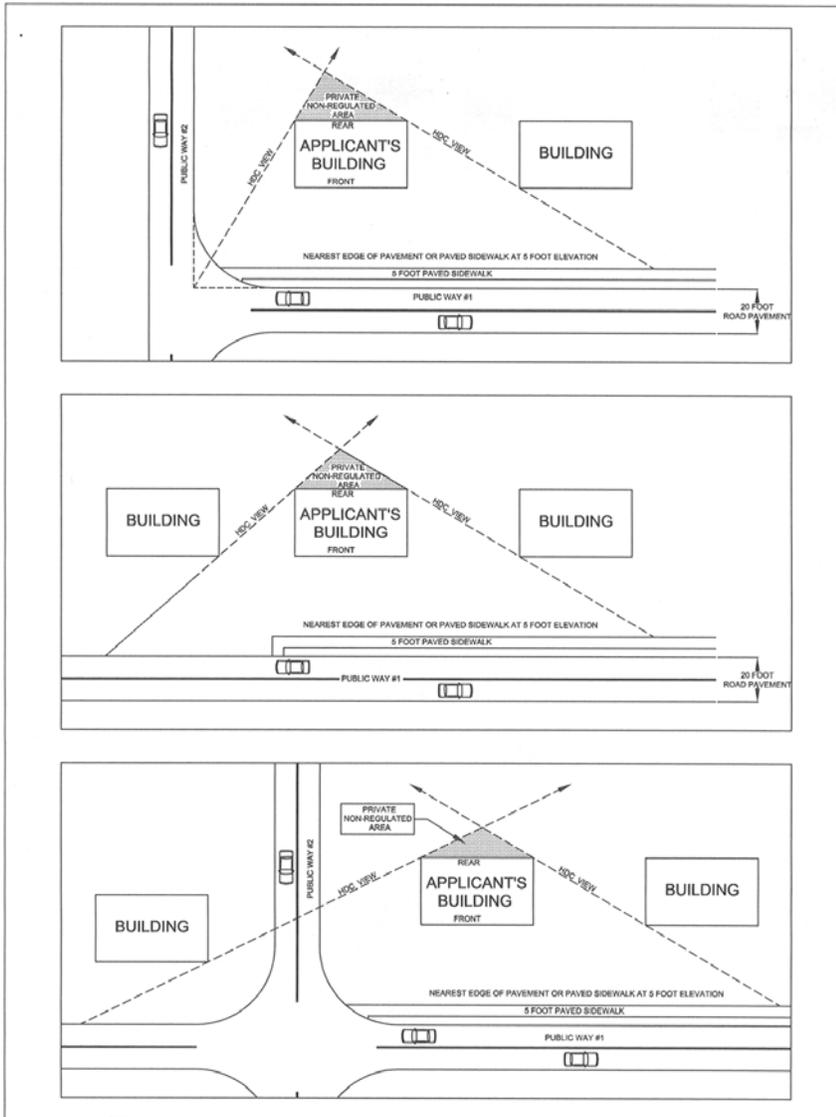
5.5 The COMMISSION shall keep a permanent public record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.

5.6 The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.

P6. Alterations and Construction Prohibited Without Certificate

6.1 ~~Except as this Bylaw provides, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from the public way on which the lot or property containing such BUILDING or STRUCTURE has frontage, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION, or ALTERATION. Where a lot containing such BUILDING or STRUCTURE has frontage on more than one public way or ways, the COMMISSION shall limit its review powers established under this Bylaw to the public way from which the view of the BUILDING or STRUCTURE is, in the opinion of the COMMISSION, most relevant to the integrity of the DISTRICT. No BUILDING or STRUCTURE, or any part thereof, which is within a DISTRICT shall be CONSTRUCTED or ALTERED in any way which affects the EXTERIOR ARCHITECTURAL FEATURES visible to the unaided eye from any point at a five (5) foot elevation above the surface of the public way, on which the underlying lot or property has frontage, that is no closer to the BUILDING or STRUCTURE than the closest edge of pavement, or paved sidewalk if any unless the COMMISSION shall have first issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION, except as this Bylaw otherwise provides.~~

6.1.1 *The following conceptual drawings are included to illustrate the review jurisdiction limitation set forth in paragraph 6.1 above: The viewing areas shown would be similarly applied to all buildings or structures on a property.*



6.2 Where a lot containing such BUILDING or STRUCTURE has frontage on more than one public way, the COMMISSION shall limit its review powers established under this BYLAW to the public way from which the view of the BUILDING or STRUCTURE is, in the opinion of the COMMISSION, most relevant to the integrity of the DISTRICT. The COMMISSION may, with due notice to the owners of those properties affected, make advance determinations of and provide the Town Clerk a list of its determinations as to which public way views are generally most relevant to the integrity of the various existing BUILDINGS in each DISTRICT. In the event it is proposed to rely upon a different view than the relevant and previously listed view when considering any particular application or complaint as to any BUILDING, the burden is upon the COMMISSION, as part of its decision, to adequately document in writing the reasons therefore.

6.3 No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this Bylaw has been issued by the COMMISSION.

P7. Procedures for Review of Applications

7.1 Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the Town Clerk and the COMMISSION an application for a CERTIFICATE of Appropriateness, or non-Applicability or of Hardship as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the COMMISSION to enable it to make a determination on the application. The date of the filing of an application shall be the date on which a copy of such application is received by the office of the Town Clerk.

7.2 The COMMISSION may appoint one or more of its members to initially and privately screen applications for CERTIFICATES to informally determine whether any application includes and/or is submitted with sufficient information upon which the COMMISSION may reasonably take its required actions. Within fourteen (14) days following the first filing of an application for a CERTIFICATE with the Town Clerk, the COMMISSION or its appointee/s may determine without need for a public hearing, that insufficient information has been provided, in which case the application may be once returned to the submitting party, with written advice as to what was considered to be lacking, and the applicant will then thereafter be required to re-file the application before any further COMMISSION action is required. Any second filing of essentially the same application must be formally acted upon by the COMMISSION as is otherwise provided in this Bylaw.

7.3 The COMMISSION shall determine within fourteen (14) days of the filing of an application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.

7.4 If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL

FEATURE which is not subject to review by the COMMISSION under the provisions of this Bylaw, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.

7.5 If the COMMISSION determines that such an application involves any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Acton. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the COMMISSION to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the COMMISSION shall deem entitled to notice.

7.5.1 A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing. If the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.

7.6 ~~The concurring vote of four members of the COMMISSION shall be required to issue a CERTIFICATE. The COMMISSION shall grant a CERTIFICATE, or issue a written decision, within sixty (60) days from the date the pertinent application was filed (or re-filed in the event the application was once returned for lack of information), unless the applicant consents in writing to a specific enlargement of time by which such an issuance may occur. In the absence of any such enlargement of time, should an issuance not be forthcoming within the prescribed time, the applicant is entitled as of right to a CERTIFICATE of Hardship.~~

7.6.1 If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved, but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the Commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the COMMISSION shall issue a CERTIFICATE of Hardship.

~~7.7 In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw. By the concurring vote of at least four members who were present throughout any relevant public hearing and the COMMISSION'S discussion leading up to its finding, the COMMISSION must adopt a specific written findings setting forth the basis on which it was initially determined that the application in question involved an EXTERIOR ARCHITECTURAL FEATURE subject to approval by the COMMISSION and may then:~~

- ~~A. Grant an appropriate CERTIFICATE for the work to be performed, to remain effective regardless of any subsequent change in the ownership of the property; or~~
- ~~B. Grant an appropriate CERTIFICATE for the work to be performed, to remain effective regardless of any subsequent change in the ownership of the property, with conditions and limitations requiring architectural or plan modifications as to those matters not excluded under Section P9 of this Bylaw which are within the COMMISSION'S review jurisdiction; or~~
- ~~C. Deny the application with a written statement of the basis for the denial, at which time it may provide written recommendations for changes not excluded from the jurisdiction of the COMMISSION by Section P9 of this Bylaw which, in a subsequent application, might be acceptable to the COMMISSION; or~~
- ~~A-D. Deny the application with a fact specific written statement of the basis for the denial without further recommendations, if essentially the same application has previously been the subject of a prior denial accompanied by written recommendations pursuant to sub-paragraph 7.7C above.~~

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~~7.8 If the COMMISSION determines that the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the DISTRICT, the COMMISSION shall issue a CERTIFICATE of Appropriateness. Should the COMMISSION, during the course of reviewing an application, find that it does not have review jurisdiction under this Bylaw it shall make an appropriate finding of Non-Applicability.~~

~~7.9 If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved, but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the COMMISSION determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the COMMISSION shall issue a CERTIFICATE of Hardship. Each CERTIFICATE or written decision upon an application by the COMMISSION shall be dated and signed by the Chairperson or such other person as the COMMISSION may designate and shall be deemed issued upon filing with the Town Clerk.~~

~~7.10 The COMMISSION shall send a copy of its CERTIFICATES and disapprovals to the applicant and shall file a copy of its CERTIFICATES and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a CERTIFICATE or disapproval shall be the date of the filing of a copy of such CERTIFICATE or disapproval with the office of the Town Clerk. Each CERTIFICATE or written decision upon an application by the COMMISSION~~

shall be promptly served on the applicant by the Town Clerk who shall promptly forward a copy thereof to the applicant at the address shown on the application, by first class mail, postage prepaid, and a copy shall be further provided to the Building Commissioner, Planning Board and Board of Selectmen.

7.11 Nothing contained in this bylaw shall be deemed to preclude any person contemplating construction or alteration of a BUILDING or STRUCTURE within a DISTRICT from consulting informally with the COMMISSION before submitting any application referred to in this bylaw on any matter which might possibly be within the scope of the Bylaw. Nothing contained in this bylaw shall be deemed to preclude the COMMISSION from offering informal advice to a potential applicant prior to receiving an application. However, any such preliminary advice offered by the COMMISSION shall not be deemed to set a precedent nor in any way limit the COMMISSION in the exercise of its functions under this bylaw.

P8. Criteria for Determinations

8.1 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.

8.2 In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the scale, shape and proportion of the BUILDINGS or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw, however, such requirements shall not further limit the maximum floor area ratio and height of a BUILDING as defined and permitted in the Acton Zoning Bylaw.

8.3 When ruling on applications for CERTIFICATES on solar energy systems as defined in Section 1A of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

8.4 The COMMISSION shall not consider interior arrangements or architectural features not subject to public view.

8.5 The COMMISSION shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the DISTRICT.

8.6 The COMMISSION may impose requirements on the screening and location of above ground features of septage systems. Such requirements shall not conflict with requirements of the Acton Board of Health.

P9. Exclusions

9.1 ~~The COMMISSION shall exclude from its purview the following~~The COMMISSION'S review jurisdiction shall not include the following:

- 9.1.1 Temporary BUILDINGS, STRUCTURES, seasonal decorations or SIGNS subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the COMMISSION may reasonably specify.
- 9.1.2 Terraces, walks, patios, driveways, sidewalks and similar STRUCTURES, provided that any such STRUCTURE is SUBSTANTIALLY AT GRADE LEVEL.
- 9.1.3 The number of the residents' personally owned or leased and regularly used motor vehicles which may be routinely parked within the boundaries of a residential property. However, in those circumstances and notwithstanding the provisions of Section 9.1.2, the COMMISSION shall retain limited review jurisdiction in regard to measures that would minimize the visual impact, as viewed from the public way, of any expansion of, or portions of, driveways or other STRUCTURES SUBSTANTIALLY AT GRADE LEVEL which are intended as parking spaces for more than four (4) motor vehicles.
- 9.1.4 Storm windows and doors, screen windows and doors, and window air conditioners.
- 9.1.5 The color of paint applied to the exterior surfaces of BUILDINGS or STRUCTURES.
- 9.1.6 The color of materials used on roofs.
- 9.1.7 Signs of not more than two (2) square feet in DISPLAY AREA in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign in connection with the nonresidential use of each BUILDING or STRUCTURE which is not more than six (6) square feet in DISPLAY AREA, consists of letters painted on wood without symbol or trademark and if illuminated is illuminated indirectly.
- 9.1.8 The reconstruction, substantially similar in exterior design, of a BUILDING, STRUCTURE or EXTERIOR ARCHITECTURAL FEATURE damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.
- 9.1.9 The point of access served by handicapped access ramps designed solely for the purpose of facilitating ingress or egress of a physically handicapped person, as defined in M.G.L. c.22 s13A.
- 9.1.10 Non-traditional material(s), providing that the difference between such material(s) and traditional material(s) cannot, upon review by the COMMISSION, be reasonably discerned by the unaided eye from the viewpoint(s) upon which the COMMISSION's power of review is based.

9.2 Nothing in this Bylaw shall be construed to prevent the following:

9.2.1 Ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not Involve a change in design, material or the outward appearance thereof.

9.2.2 Landscaping with plants, trees or shrubs.

9.2.3 The meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe, unhealthful or dangerous condition.

9.2.4 Any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.

9.3 Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

~~9.3 Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe, unhealthful, or dangerous condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.~~

P10. Categorical Approval

10.1 The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Acton, that certain categories of EXTERIOR ARCHITECTURAL FEATURES, STRUCTURES or BUILDINGS under certain conditions may be CONSTRUCTED or ALTERED without review by the COMMISSION without causing substantial derogation from the intent and purpose of this Bylaw.

P11. Enforcement and Penalties

~~11.1 The COMMISSION shall determine whether a particular activity is in violation of this Bylaw or not, and the COMMISSION shall be charged with the enforcement of this Bylaw. No Building Permit shall be issued for the CONSTRUCTION or ALTERATION of any BUILDING or STRUCTURE wholly or partially in a DISTRICT unless a CERTIFICATE has first been issued by the COMMISSION when such a CERTIFICATE is required by this Bylaw.~~

~~11.2 The COMMISSION, upon a written complaint of any resident of Acton, or owner of property within Acton, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Acton to prevent, correct, restrain or abate violation of this Bylaw. In the case where the COMMISSION is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the COMMISSION declines to act, the COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within twenty-one (21) days of receipt of such request. No ALTERATION or~~

CONSTRUCTION of any BUILDING or STRUCTURE wholly or partially in a DISTRICT for which a CERTIFICATE is required by this Bylaw shall deviate from the terms and conditions of such a CERTIFICATE.

11.3 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to \$300.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense. The Building Commissioner of the Town of Acton shall enforce this Bylaw upon a determination by the COMMISSION that a violation exists, and subject to the approval of the Board of Selectmen, may institute proceedings in Superior Court pursuant to M.G.L. c.40C § 13 for injunctive or other relief and/or imposition of fines.

11.4 The COMMISSION may designate the Building Commissioner of the Town of Acton to act on its behalf and to enforce this Bylaw under the direction of the COMMISSION, upon a written complaint challenging some enforcement action by the Building Commissioner, received by the Town Clerk within five (5) days following such decision, by a PERSON AGGRIEVED, or other citizen of or property owner in the Town of Acton, shall hold a timely public hearing to determine whether or not the Building Commissioner's action should be upheld, in whole or in part.

11.5 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of not less than \$10.00 nor more than \$500.00 for each offense under the provisions of M.G.L. c.40 § 13, or alternatively under #E45 of the Town of Acton Bylaws. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

P12. Validity and Separability

—The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

P12. Appeals

12.1 An appeal of a determination of the COMMISSION, except as to the propriety of a decision to invoke the provisions of M.G.L. c. 40C § 13 (institution of an action in Superior Court) by the Building Commissioner, may be taken by a PERSON AGGRIEVED by filing a written request with the Town Clerk, acting as an agent of the COMMISSION, within twenty (20) days of the issuance of a CERTIFICATE or a disapproval. In the event of such an appeal, the Acton Town Manager, or his delegate, shall make a timely request to the Metropolitan Area Planning Council that it promptly designate an arbitrator(s) with competence and experience in such matters to hear such an appeal. If such a person(s) is/are so designated he/she/they must hear the appeal in a timely manner and issue a written decision within forty-five (45) days of the request as specified in M.G.L. c. 40C § 12. The arbitration decision shall be binding on the parties, unless a Complaint seeking a further appeal is filed in Superior Court within twenty (20) days from the filing of the arbitration decision with the Town Clerk, pursuant to M.G.L. c. 40 § 12A.

P.13. Validity and Separability

13.1 The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any

court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

P1314. Appendices

Appendix 1: South Acton District

The South Acton District shall be a DISTRICT area under this Bylaw. The location and boundaries of the South Acton District are defined and shown on the Local Historic District Map of the Town of Acton, Sheet 1 - 1990 which is a part of this bylaw. Sheet 1 is based on the 1989 Town Atlas. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 1.

Appendix 2: Acton Centre District

The Acton Centre District shall be a DISTRICT area under this Bylaw. The location and boundaries of the Acton Centre District are defined and shown on the Local Historic District Map of the Town of Acton, Sheet 2 - 1990 which is a part of this bylaw. Sheet 2 is based on the 1989 Town Atlas. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 2.

Appendix 3: West Acton District

The West Acton District shall be a DISTRICT area under this Bylaw. The location and boundaries of the West Acton District are defined and shown on the Local Historic District Map of the Town of Acton, Sheet 3 - 1990 which is a part of this Bylaw. Sheet 3 is based on the 1989 Town Atlas. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 3.

, or take any other action relative thereto.

SUMMARY

The Selectmen convened an advisory committee last spring to review the Historic District by-law and the interpretation of the by-law after approximately 10 years of operation. The advisory committee was composed of representatives from the Board of Selectmen, Planning Board, Historic District Commission, representatives of the Districts and citizens at large. The Committee recommended several changes to the by-law to clarify and simplify the language of the by-law, to make the by-law consistent with current practice, and to provide better guidance to District owners regarding the review process and jurisdiction.

Direct Inquiries to: F. Doré Hunter and Peter Ashton
Selectmen Assigned: F. Doré Hunter and Peter Ashton

Selectmen: Recommended
Finance Committee: No Recommendation

ARTICLE 32 ADOPTION OF THE COMMUNITY PRESERVATION ACT
(Majority Vote Required)

To see if the Town will vote to accept sections 3 to 7 inclusive of Chapter 44B of the Massachusetts General Laws (MGL) otherwise known as the "Community Preservation Act", by approving a surcharge and exemptions to the surcharge as permitted by the Act contingent upon the voters of the Town of Acton approving a ballot question on the November 5, 2002 election. Pursuant to section 3(f) of Chapter 44B the ballot question shall read "Shall the Town of Acton accept section 3 to 7 inclusive of Chapter 44B of the General Laws, as approved by Town Meeting on April 1, 2002, as a summary which appears below, or take any other action relative thereto.

SUMMARY

The state legislature passed the Community Preservation Act in September 2000. This law enables communities to levy a property tax surcharge of up to 3.0% on real property for the purpose of creating a community preservation fund and to qualify for state matching funds. The community preservation fund can be used to acquire and protect open space, preserve historic buildings and landscapes, and create and maintain affordable housing. Each year, 10 percent of the funds must be used or set aside for each of these purposes while the remaining 70 percent may be allocated among the three areas or be set aside for future spending as the town decides.

The Community Preservation Act Study Committee recommends that Town Meeting adopt a 1.5% surcharge on the real property annual tax levy which shall be dedicated to the fund. In addition, the following two exemptions are recommended: the first \$100,000 shall be exempt and a Low income and senior exemption included. The surcharge amount and the exemptions may be amended on town meeting floor. Under the law, the town will also be eligible to receive additional funding from the state for the purposes delineated above. State matching funds are generated through a surcharge of \$20 on most filings at the Registry of Deeds and land filings at land court, with municipal liens charged \$10 and homestead declarations exempt. The state estimates that over \$30 million will be available as matching funds in the first year of operation. Towns may receive up to a 100% match from the state depending on the number of communities that approve this legislation.

The legislation, surcharge amount and exemptions must also be approved at a regular town election. This election will be held on November 5, 2002. Voters will be asked to approve the following question:

"Shall the town of Acton accept the provisions of sections 3 to 7 inclusive of Chapter 40B of the General Laws, as approved by its legislative body, a summary of which appears below?"

If this article is approved, the following article (Article 34) will amend the town By-Law to establish a Community Preservation Committee as required by MGL Ch. 44B to study the needs, resources and opportunities of the town regarding community preservation.

Direct inquiries to: Peter Ashton and Walter Foster
Selectman Assigned: Peter Ashton and Walter Foster

Selectmen: Recommended
Finance Committee: Not Recommended

ARTICLE 33 AMEND TOWN BY-LAWS, COMMUNITY PRESERVATION COMMITTEE
(Majority Vote Required)

To see if the Town will vote to amend the Town By-laws by creating a new section as follows:

Section S
Community Preservation Committee

Section 1. Establishment; appointment of members; membership; terms of office

1.1 There is hereby established, pursuant to the Community Preservation Act, a Community Preservation Committee ("Committee") consisting of nine (9) voting members. The composition of the Committee, the appointing authority and the terms of office for the Committee members shall be as follows:

One member of the Conservation Commission as designated by the Conservation Commission for a term of three years;

One member of the Historical Commission as designated by the Historical Commission for a term of three years;

One member of the Planning Board as designated by the Planning Board for an initial term of two years and thereafter a term of three years;

One member of the Recreation Commission as designated by the Recreation Commission for an initial term of two years and thereafter a term of three years;

One member of the Housing Authority as designated by the Housing Authority for a term of three years;

One member of the Board of Selectmen as designated by the Board of Selectmen for an initial term of one year and thereafter for a term of three years;

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

1.2 If a person designated by one of the boards, commissions, or authorities set forth above, no longer serves on the appointing authority, the appointing authority may appoint a new member to complete that term if the existing member no longer wishes to serve on the Committee. Otherwise, that member may complete his or her term on the Committee. If any of the commissions, boards or authorities listed in this section no longer be in existence for whatever reason, the Board of Selectmen shall appoint a person with similar experience and responsibilities to serve in his or her place.

Section 2: Meetings; quorum; chairman

2.1 The Committee shall comply with the provisions of the Open Meeting Law (MGL c. 39 §23B). The Committee shall not meet or conduct business without the presence of a quorum, which shall be a majority of members of the Committee. The Committee shall approve its actions by a majority vote of the members present, except as otherwise required by law.

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

Section 3: Duties

3.1 The Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including, but not limited to, the Conservation Commission, Historical Commission, Historic District Commission, Planning Board, Recreation Commission, Housing Authority, Acton Community Housing Corporation, Finance Committee and Board of Selectmen in conducting such study. The Committee may consult with other town boards, committees, and commissions as it sees fit. The Committee shall hold at least one (1) public informational hearing each year on the needs, possibilities and resources of the town regarding community preservation for which it shall publicly post notice by the Town Clerk and publish such notice in a newspaper of general circulation in town for each of the two weeks preceding the hearing.

3.2 The Committee shall make recommendations in proper form to the Town Meeting for the acquisition, creation, and preservation of open space; for the acquisition and preservation of historic resources; for the creation, preservation, and support of community housing, for the acquisition, creation, and preservation of land for recreational use; and for the rehabilitation or restoration of such open space, historic resources, land for recreational use, and community housing that is acquired or created with funds received in accordance with the Community Preservation Act, MGL Chapter 44B, Sections 3 to 7. With respect to community housing, the Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

3.3 The Committee shall engage in public discussion of all proposed acquisitions prior to the Town Meeting at which such acquisitions will be considered.

3.4 In each fiscal year, the Committee shall recommend spending, or setting aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of open space (not including land for active recreation purposes), historic resources, and community housing. The Committee may also recommend an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses. The Committee shall report each year to the Town Meeting on its actual expenditures and anticipated expenditures for administration and operating costs.

3.5 The Committee may recommend to Town Meeting that funds be set aside for later spending for specific purposes consistent with the Community Preservation Act, when sufficient revenues are not then available in the Community Preservation Fund, or for general purposes that are consistent with Community Preservation.

3.6 Recommendations to Town Meeting shall include the anticipated costs of the proposed appropriation consistent with the Community Preservation Act and a description of the project. In addition to approving appropriations from the Community Preservation Fund as recommended by the Committee, Town Meeting may approve such additional appropriations to meet the objectives of the Community Preservation Act as it deems appropriate.

3.7 The Committee may recommend to Town Meeting that it authorize the taking of the fee or any other interest in real property, in accordance with Chapter 79 of the Massachusetts General laws for any of the purposes of the Community Preservation Act.

3.8 The Committee shall keep a full and accurate account of all of its actions including its recommendations and the action taken on them, and records of all appropriations or expenditures made from the Community Preservation Fund. The records of the Committee shall be public records, to the full extent provided by law.

Section 4: Town Meeting, Legislative Body

4.1 All duties and responsibilities of the legislative body as set forth in the Community Preservation Act shall be vested in the Town of Acton's legislative body, Town Meeting.

4.2 In performing the duties and responsibilities of the legislative body as set forth in the Community Preservation Act, Town Meeting shall act pursuant to and in accordance with the requirements of the Community Preservation Act, the Town of Acton Charter and any applicable Town of Acton Bylaws, as from time to time amended.

4.3 Subject to and without limitation of the foregoing, in performing the duties and responsibilities of the legislative body as set forth in the Community Preservation Act, Town Meeting shall, in its sole and absolute discretion, have the power and authority to accept, reject, or modify, in whole or part, any recommendation of the Community Preservation Committee.

Section 5: Amendments

5.1 This Chapter may be amended from time to time by a majority vote of the Town Meeting, provided that such amendments would not cause a conflict to occur with the Community Preservation Act.

Section 6: Severability

6.1 In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 7: Effective Date

7.1 This chapter shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of MGL Chapter 40, §32 and Chapter 44B Section 3-7 inclusive have been met. Each appointing authority shall have 30 days after approval by the Attorney General and the town election whichever come later to make its appointments.

, or take any other action relative thereto.

SUMMARY

Before the Town approves adoption of the Community Preservation Act, both at town meeting and at a regular town election, the legislation (MGL Ch. 44B) requires that the Town establish a Community Preservation Committee. This article amends the By-laws of the Town to establish such a committee and even if approved at Town Meeting, will be contingent on approval of the Community Preservation Act at a regular town election.

This By-law would create a nine-person committee to study the needs, resources and opportunities of the Town regarding community preservation. It has the responsibility to consult with town boards and it must hold at least on public hearing each year. The Committee would be

responsible for making recommendations to Town Meeting for the expenditure of monies from the Community Preservation Fund in accordance with MGL Ch. 44B and it may recommend that funds be set aside for later spending. In making its recommendations, the Committee must provide information on the anticipated costs of any Community Preservation project and a description of each project.

Direct inquiries to: Peter Ashton
Selectman Assigned: Peter Ashton

Selectmen: Recommended
Finance Committee: Not Recommended

ARTICLE 34 SALE OF FORECLOSED PROPERTIES**
(Majority Vote Required)

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 provisions of the 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 – 264-9612
Selectman Assigned: F. Doré Hunter

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 35STREET ACCEPTANCE**
(Two-thirds Vote Required)

To see if the Town will accept as public ways the following streets or portions thereof, as laid out by the Board of Selectmen according to plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easement in said streets and associated parcels of land by eminent domain or otherwise, including easements for drainage, utility, sidewalk or other purposes as shown on said plans or described in the Orders of Layout:

In the ACORN PARK PHASE III SUBDIVISION

PALMER LANE – from the easterly sideline of Acorn Park Drive a distance of 692 feet, more or less, in an easterly and southerly direction, to the end of a T-shaped turnaround, including the turnaround, this being the entire road

In the WESTSIDE VILLAGE SUBDIVISION

WESTSIDE DRIVE – from the westerly sideline of Sudbury Road a distance of 470 feet, more or less, in a westerly direction to the westerly sideline of a 70.00-foot radius cul-de-sac, including the cul-de-sac and Parcel A, this being the entire road

In the ISAAC DAVIS PARK SUBDIVISION

KEIZER PATH – from the easterly sideline of Revolutionary Road a distance of 247 feet, more or less, in an easterly direction to land of the Town of Acton, this being the entire road. The intended use of Keizer Path is as a pedestrian way

, or take any other action relative thereto.

SUMMARY

This is the annual article to accept roads as Town ways that have been built to Planning Board standards. In order to create a new road, a developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer's contractor then constructs the road according to this plan and the Rules and Regulations of the Planning Board. Inspections are made by the Engineering Department during construction to insure compliance with these standards. Upon completion of the road, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the road as a Town Way. Prior to Town Meeting, the Selectmen hold a Public Hearing and adopt an "Order of Layout" containing a legal description of the road. Following Town Meeting, the Selectmen obtain title to the road by deed or eminent domain. Such roads are built and donated to the Town at no cost, however, the Town will assume future maintenance costs as with any Town road. The subdivision process is contained in Massachusetts General Law, Chapter 41, and the layout of Town ways is in Chapter 82. These roads have followed this process, and are now ready for acceptance.

Direct inquiries to: David F. Abbt, Engineering Administrator – 264-9628
Selectman Assigned: Walter Foster

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 36ACCEPTANCE OF LAND GIFT– MINOT AVE.**

(Majority Vote Required)

To see if the Town will vote to accept as a gift from James and Dr. Mary Donald a parcel of vacant land on Minot Avenue shown as Lot A, consisting of 11.2 acres on a plan entitled "Plan of Land in Acton, MA, Prepared For: Sudbury Valley Trustees, Date 5 December 2001", said parcel is also shown on Map F-3 of the Town Atlas as a portion of Parcel 78, for an addition to the Acton Arboretum, or take any other action relative thereto.

SUMMARY

This land is being donated to the Town as an addition to the Acton Arboretum. The parcel provides access to and abuts the current arboretum property. The Sudbury Valley Trustees and the Acton Conservation Trust co-hold a conservation restriction on this property, but the Town of Acton will own the land itself.

Direct Inquiries to: Tom Tidman, Natural Resources Director – 264-9631
Selectman Assigned: Pam Harting-Barrat

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 37 ACCEPTANCE OF LAND GIFT- 28 MAPLE STREET**
(Majority Vote Required)

To see if the Town will vote to accept as a gift from Gary E. Oldenburg, L&G Realty, LLC of Parcel H2.A-41-5 of vacant land on Maple Street, this gift to be effective June 30, 2002 pursuant to all taxes being paid in full, or take any other action relative thereto.

SUMMARY

This property, located at the intersection of Maple Street & Stow Street is within the Middle Fort Pond Brook Sewer Area. With the establishment of betterments for each property in the sewer area, property owners re-assessed the validity of holding onto marginally developable property. The owner of this particular property has determined that the tax and betterment obligation exceeds the potential development benefit of the property. Rather than allowing the property to be brought into town possession through a tax taking the owner has determined that offering the property as a gift to the town would be beneficial for both parties. A site visit by the town has confirmed that the property is severely restricted by on-site wetlands.

Direct Inquiries to: Doug Halley, Director of Public Health – 264-9634
Selectman Assigned: F. Doré Hunter

Selectmen: Recommended
Finance Committee: Recommended

ARTICLE 38 USE OF FUNDS TO REDUCE THE TAX RATE – FREE CASH
(Majority Vote Required)

To see if the Town will determine an amount of Free Cash which shall be used for the purpose of reducing the Tax Rate for the fiscal year beginning July 1, 2003, or take any other action relative thereto.

SUMMARY

This article requests that the Town Meeting appropriate a sum of money from Free Cash to offset the Tax Levy, the specific amount to be designated at Town Meeting. Free Cash is additional appropriation authority allowed us by operation of certain formulae calculations performed once a year by the Massachusetts Department of Revenue, and is not the same as cash in the bank.

Direct inquiries to: John Murray, Assistant Town Manager – 264-9612
Selectman Assigned: F. Doré Hunter

Selectmen: Recommendation Deferred
Finance Committee: Recommendation 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 meeting aforesaid.

Given under our hands at Acton this 2nd day of March 2002.

Peter K. Ashton
William H. Shupert, III
Pamela Harting-Barrat
F. Doré Hunter
Walter C. Foster

BOARD OF SELECTMEN

A TRUE COPY ATTEST

CONSTABLE OF ACTON

APPENDIX A
GLOSSARY OF TERMS

A GLOSSARY OF TERMS COMMONLY USED IN MUNICIPAL FINANCE

Abatement: A complete or partial cancellation of a levy 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. Any part of the general appropriation not spent or encumbered by June 30 automatically reverts to surplus.

A specific or particular 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 an added annual appropriation 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 long-term 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, using a standard of "full and fair value."

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

FTE: A full-time equivalent employee based on a 40-hour work week. May be more than 1 employee, but the total weekly hours equal 40.

Fiscal Year: 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; FY95 is the fiscal year which ends June 30, 1995.

Free Cash: Now referred to as "undesignated fund balance." Certified each July 1 by the State, this is the portion of 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 which are segregated for the purpose of carrying on specific 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 Levy: 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	

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 items to be voted upon at Town Meeting.

APPENDIX B
PARLIAMENTARY PROCEDURE

ACTON TOWN MEETING PROCEDURES

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	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
**RECONSIDER	Yes	Yes	No	Two-thirds	No	No

** Controlled by Town bylaw - 2/3 Vote same night; 3/4 Vote, plus posting ensuing nights.
 * In Acton, we generally do not accept amendments to amendments -- too confusing.

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
Moderator