

**ABSTRACT OF THE ANNUAL TOWN MEETING HELD
MONDAY, APRIL 5, 2010, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSIONS HELD APRIL 6, 2010
NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING
APRIL 5, 2010 – 298 APRIL 6, 2010 – 318**

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The Moderator, Mr. Mackenzie, called the Annual Town Meeting to order on Monday, April 5, 2010, at 7:01 PM. He introduced Rev. Robert A. Moore, of St Matthews United Methodist Church. Rev. Moore then gave the invocation.

Mr. Mackenzie introduced the chairman of the Board of Selectmen, Paulina Knibbe, who then introduced Eva K. Taylor - Town Clerk, Stephen Anderson - Town Council, Steve Ledoux – Town Manager, Peter Berry - Vice Chair, Lauren Rosenzweig – Clerk, Terra Friedrichs, and Michael Gowing, members of the Board of Selectmen

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

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

The Moderator explained the Pro and Con microphones and time frame for all speakers and presenters.

ARTICLE 1 CHOOSE TOWN OFFICERS

(Majority vote)

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

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

, or take any other action relative thereto.

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

MOTION CARRIES UNANIMOUSLY

Frank Joyner, Trustee of the Elizabeth White Fund, nominates Cornelia O. Huber, 50 Seminole Road, Acton for the position of trustee of the Elizabeth White Fund, term to expire 2013.

MOTION CARRIES UNANIMOUSLY

Ellen Spero, Trustee of the West Acton Citizens' Library, nominates Nancy Lenicheck, 24 Windsor Avenue, Acton, for the position of Trustee of the West Acton Citizens' Library, term to expire 2013.

MOTION CARRIES UNANIMOUSLY

William A. Klauer, Trustee of the Firemans Relief Fund, nominates Robert Vanderhoof, 374 Central Street, Acton, for the position of Trustee of the Firemans Relief Fund, term to expire 2013.

MOTION CARRIES UNANIMOUSLY

The Moderator, at the request of the Board of Selectmen, moves Article 2, and pull from consent Article 4, and take them up after Article 13. These Articles are being moved for clarity and to put the two articles, which deal with the Nursing Enterprise fund and the budgeting of same, for a clearer prospective.

Budgetary Consent Calendar Articles and Motions

Article 3 Council on Aging Van Enterprise Budget

Move that the Town appropriate \$105,618 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, \$40,000 be raised from department receipts, \$15,618 be transferred from retained earnings and \$50,000 be raised from taxation.

Article 5 Septage Disposal Enterprise Budget

Move that the Town appropriate \$120,754 for the purpose of septage disposal, and to raise such amount, \$120,754 be raised from department receipts.

Article 6 Sewer Enterprise Budget

Move that the Town appropriate \$1,668,511 for the purpose of operating the sewer system, and to raise such amount, \$1,668,511 be raised from department receipts.

Article 7 Ambulance Enterprise Fund

Move that the Town appropriate \$717,885 for the purpose of operating the ambulance service, and to raise such amount, \$446,885 be raised from department receipts and \$271,000 be raised from taxation.

Article 8 Recycling and Transfer Station Enterprise Budget

Move that the Town appropriate \$580,352 for the purpose of solid waste disposal and recycling, and to raise such amount, \$580,352 be raised from department receipts.

Article 9 Self-Funding Programs (Revolving Funds)

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

Article 10 Town Board Support – Acton-Boxborough Cultural Council

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

(CONSENT) MOTION: Mrs. Knibbe moves that the Town take up the seven budgetary articles in the Consent Calendar, except for Article 4, on pages 20 and 21 of the Warrant: Articles 3, 5, 6, 7, 8, 9 and 10.

CONSENT MOTION CARRIES

ARTICLE 3 * COUNCIL ON AGING VAN ENTERPRISE BUDGET

(Majority vote)

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

MOTION: Mr. Gowing moves that the Town appropriate \$105,618 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount,
\$40,000 be raised from department receipts,
\$15,618 be transferred from retained earnings and
\$50,000 be raised from taxation.

CONSENT MOTION CARRIES

ARTICLE 5 * SEPTAGE DISPOSAL ENTERPRISE BUDGET
(Majority vote)

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

MOTION: Mrs. Rosenzweig moves that the Town appropriate \$120,754 for the purpose of septage disposal, and to raise such amount, \$120,754 be raised from department receipts.

CONSENT MOTION CARRIES

ARTICLE 6 * SEWER ENTERPRISE BUDGET
(Majority vote)

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

MOTION: Mrs. Rosenzweig moves that the Town appropriate \$1,668,511 for the purpose of operating the sewer system, and to raise such amount, \$1,668,511 be raised from department receipts.

CONSENT MOTION CARRIES

ARTICLE 7 * AMBULANCE ENTERPRISE FUND
(Majority vote)

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

MOTION: Mrs. Knibbe moves that the Town appropriate \$717,885 for the purpose of operating the ambulance service, and to raise such amount,
\$ 446,885 be raised from department receipts and
\$ 271,000 be raised from taxation.

CONSENT MOTION CARRIES

ARTICLE 8 * RECYCLING AND TRANSFER STATION ENTERPRISE BUDGET
 (Majority vote) (Previously known as the NESWC Enterprise Budget)

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

MOTION: Mr. Berry moves that the Town appropriate \$580,352 for the purpose of solid waste disposal and recycling, and to raise such amount, \$580,352 be raised from department receipts.

CONSENT MOTION CARRIES

ARTICLE 9 * SELF-FUNDING PROGRAMS (REVOLVING FUNDS)
 (Majority vote)

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

Fund	FY11 Estimated Revenue	FY11 Authorized Expenditure
School Department		
Douglas at Dawn/Dusk	\$ 291,500	\$ 291,500
Merriam Mornings/Afternoons/Summer	\$ 200,000	\$ 200,000
Historic District Commission	\$ 600	\$ 600
Building Department	\$ 170,040	\$ 170,040
Sealer of Weights and Measures	\$ 13,126	\$ 13,126
Health Department		
Food Service Inspections	\$ 36,351	\$ 36,351
Hazardous Materials Inspections	\$ 44,511	\$ 44,511
Fire Department		
Fire Alarm Network	\$ 56,298	\$ 56,298

, or take any other action relative thereto.

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

CONSENT MOTION CARRIES

ARTICLE 10 * TOWN BOARD SUPPORT –
(Majority vote) **ACTON-BOXBOROUGH CULTURAL COUNCIL**

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

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

CONSENT MOTION CARRIES

The Moderator asked the Chair of the Finance Committee, Herman Kabakoff, to make a presentation on the finances of the Town before the next article, Article 11, is taken up.

ARTICLE 11 TOWN OPERATING BUDGET
(Majority vote)

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

MOTION: Mrs. Knibbe moves that the Town appropriate \$26,413,753 to be expended by the Town Manager for the purpose of funding the fiscal year 2011 municipal budget, and to raise such amount,

- \$ 26,102,035 be raised from taxation,
- \$ 247,718 be transferred from North East Solid Waste Committee Enterprise Fund retained earnings,
- \$ 56,000 be transferred from Free Cash,
- \$ 8,000 be transferred from Cemetery Trust Funds for Cemetery use,

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

MOTION CARRIES UNANIMOUSLY

ARTICLE 12 FUND COLLECTIVE BARGAINING AGREEMENT
(Majority vote) **POLICE SUPERIOR OFFICERS, FY07-FY09**

To see if the Town will vote to raise and appropriate, transfer and/or appropriate from free cash or other available funds a sum of money necessary to fund the cost items contained in the Collective Bargaining Agreement between the Town and the Acton Superior Officers' Union MCOP Local 380 for FY07-FY09 as filed with the Town Clerk, or take any other action relative thereto.

MOTION: Mr. Berry moves that the Town appropriate and transfer from Free Cash \$30,672 to fund the cost items contained in the FY07-FY09 Collective Bargaining Agreement between the Town and the Acton Superior Officers' Union MCOP Local 380.

MOTION CARRIES

ARTICLE 13 FUND COLLECTIVE BARGAINING AGREEMENT
(Majority vote) **POLICE SUPERIOR OFFICERS, FY10-FY12**

To see if the Town will vote to raise and appropriate, transfer and/or appropriate from free cash or other available funds a sum of money necessary to fund the cost items contained in the Collective Bargaining Agreement between the Town and the Acton Superior Officers' Union MCOP Local 380 for FY10-FY12 as filed with the Town Clerk, or take any other action relative thereto.

MOTION: Mr. Berry moves that the Town appropriate and transfer from Free Cash \$36,500 to fund the cost items for the first year of the FY10-FY12 Collective Bargaining Agreement between the Town and the Acton Superior Officers' Union MCOP Local 380.

MOTION CARRIES

ARTICLE 2 BUDGET TRANSFER
(Majority vote)

To see if the Town will vote to appropriate from available funds a sum of money to defray necessary expenses above the amount appropriated at the 2009 Annual Town Meeting, or take any other action relative thereto.

MOTION: Mr. Gowing moves that the Town appropriate and transfer \$55,000 from Nursing Enterprise Fund Retained Earnings for the purpose of supplementing the fiscal year 2010 Nursing Enterprise Fund Appropriation.

MOTION CARRIES UNANIMOUSLY

ARTICLE 4 * NURSING ENTERPRISE BUDGET
(Majority vote)

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

MOTION: Mr. Gowing moves that the Town appropriate \$747,822 for the purpose of operating the Town of Acton Public Health Nursing Service, and to raise such amount,
\$600,000 be raised from department receipts,
\$97,822 be transferred from retained earnings and
\$50,000 be raised from taxation.

Held from consent

MOTION CARRIES UNANIMOUSLY

ARTICLE 14 FUND COLLECTIVE BARGAINING AGREEMENT
(Majority vote) **POLICE PATROL OFFICERS**

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

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

MOTION CARRIES UNANIMOUSLY

ARTICLE 15 FUND COLLECTIVE BARGAINING AGREEMENT
(Majority vote) **FIRE**

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

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

MOTION CARRIES UNANIMOUSLY

Sharon Smith McManus introduced the members of the school committee. Ms. Smith McManus then congratulated Dr. Kong and Mr. Coppolino on being re-elected to the School Committee. She then recognized Dr. Steven Mills the new superintendent, who has completed his first year as the new Superintendent.

She thanked Sharon (Tess) Summers, who will be retiring at the end of the school year, for her 17 years of service, 7 of which were served at the Town Hall and 10 years as Director of Finance to the schools

Donald Aicardi, will become the new Director of Finance for the Schools in June.

ARTICLE 16 FUND COLLECTIVE BARGAINING AGREEMENT
(Majority vote) **HIGHWAY AND MUNICIPAL PROPERTIES**

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

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

MOTION CARRIES UNANIMOUSLY

ARTICLE 17 ACTON PUBLIC SCHOOLS BUDGET

(Majority vote)

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

MOTION: **Dr. Kong** moves that the Town appropriate \$25,910,449 to be expended by the Superintendent of Schools to fund the fiscal year 2011 Acton Public Schools budget, and to raise such amount,

- \$ 25,844,035 be raised from taxation and
- \$ 66,414 be transferred from Free Cash.

MOTION CARRIES

ARTICLE 18 ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT ASSESSMENT

(Majority vote)

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

MOTION: **Ms. Smith-McManus** moves that the Town raise and appropriate \$24,115,163 to fund the fiscal year 2011 assessment of the Acton-Boxborough Regional School District.

MOTION CARRIES

Mr Hunter moves to hold Article 19 and 20 for the superintendent of the Minuteman Regional School District to be present on the following night.

MOTION CARRIES UNANIMOUSLY

ARTICLE 21 CAPITAL EQUIPMENT AND IMPROVEMENTS

(Majority vote)

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

A.	Fire Fighting Personal Protective Equipment	\$ 40,000
B.	Police Portable Radios	\$ 15,000
C.	Fire Apparatus Mobile Data Computers	\$ 36,000
D.	Replace Highway Dump Truck	\$ 181,282
E.	Replace Municipal Properties F-350 Platform Dump Truck	\$ 58,000
F.	Replace Cemetery Backhoe	\$ 100,000
G.	Public Works Building Fire Suppression Sprinkler System	\$ 130,000
H.	Replace Fire Department Command Vehicle	\$ 50,000
I.	Replace Health Department Inspectional Vehicle	\$ 25,000
J.	Replace Transfer Station Trailer	\$ 84,500
Total		\$ 719,782

MOTION: Mr. Gowing moves that the Town appropriate \$719,782 to be expended by the Town Manager for the purposes set forth in the article, and to raise such amount,
\$560,282 be transferred from North East Solid Waste Committee Enterprise Fund retained earnings,
\$ 50,000 be transferred from Ambulance Enterprise Fund retained earnings,
\$ 12,500 be transferred from Food Service Inspections Revolving Fund retained earnings,
\$ 12,500 be transferred from Hazardous Materials Inspections Revolving Fund retained earnings,
\$ 84,500 be transferred from Recycling and Transfer Station Enterprise Fund retained earnings,

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

Hold for question – G and H

MOTION CARRIES

ARTICLE 22 ‘COPS IN SCHOOLS’ PROGRAM
(Majority Vote)

To see if the Town will vote to appropriate from free cash or other available funds \$56,000 for the COPS in Schools Program, or take any other action relative thereto.

MOTION: Mrs. Knibbe moves that the Town take no Action.

MOTION CARRIES UNANIMOUSLY

ARTICLE 23 CAPITAL IMPROVEMENT – BRIDGE WORK
(Majority Vote)

To see if the Town will vote to appropriate from free cash or other available funds \$209,681.19 for general bridge maintenance and improvements, or take any other action relative thereto.

MOTION: Mrs. Knibbe moves that the Town transfer from Free Cash and appropriate \$209,681 to be expended by the Town Manager for the purpose of bridge maintenance, repair and improvements, including any costs incidental and related thereto.

MOTION CARRIES UNANIMOUSLY

MOTION TO ADJOURN Mr. Hunter moves to adjourn the Annual Town Meeting at 10:00 PM, until Tuesday, April 6, 2010 at the Acton-Boxborough Regional High School Auditorium at 7 PM

MOTION CARRIES

April 6, 2010

The Moderator, Mr. Mackenzie called meeting to order, Tuesday, April 6, 2010 at 7:04 PM.

ARTICLE 19 MINUTEMAN REGIONAL SCHOOL DISTRICT ASSESSMENT

(Majority vote)

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

MOTION: Mr. Hunter moves that the Town transfer from Free Cash and appropriate \$645,766 to fund the fiscal year 2011 assessment of the Minuteman Regional School District.

MOTION CARRIES UNANIMOUSLY

The Moderator introduced the Town Manager, Steve Ledoux who gave the presentation for the 5th annual recipient of the Joseph A. Lalli Merit Award for outstanding work of a Town of Acton employee. This years Townl Employee of the Year award goes to Maura Haberman of the Recreation Department

Mr. Ledoux also honored 2nd annual recieipient of the Public Safety Employee of the Year, the award goes to Brent Carter, Firefighter / EMT.

**ARTICLE 20 MINUTEMAN REGIONAL SCHOOL DISTRICT
(Majority vote) CAPITAL FEASIBILITY STUDY**

To see if the Town will approve the sum of \$725,000 of borrowing authorized by the Minuteman Regional Vocational Technical School District, for the purpose of paying costs of a feasibility study to consider options for making improvements to the District's high school building located at 758 Marrett Road, Lexington, Massachusetts, which options shall include, but not be limited to renovating, reconstructing, expanding, remodeling and adding to the District's high school, or any combination of the foregoing, said sum to be expended at the direction of the School Building Committee. The Massachusetts School Building Authority's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs of the Project that the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District, and that the total amount of the borrowing authorized by this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA, or take any other action relative thereto.

MOTION: Mr. Hunter moves that the Town hereby approves the sum of \$725,000 of borrowing authorized by the Minuteman Regional Vocational Technical School District, for the purpose of paying costs of a feasibility study to consider options for making improvements to the District's high school building located at 758 Marrett Road, Lexington, Massachusetts, which options shall include, but not be limited to renovating, reconstructing, expanding, remodeling and adding to the District's high school, or any combination of the foregoing, said sum to be expended at the direction of the School Building Committee. The Massachusetts School Building Authority's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs of the Project that the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District, and that the total amount of the borrowing authorized by this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

The Moderator asked Town meeting to allow Dr. Bouquillon, Superintendent-Director of the Minuteman Regional School District to speak on this Article.

CARRIES UNANIMOUSLY

MOTION CARRIES

MOTION: Ms. Knibbe moves to take Article 25 out of order, and take up before 24.

MOTION CARRIES UNANIMOUSLY

ARTICLE 25 LAND ACQUISITION AND DISPOSITION –
(Two-thirds vote) **SIMEONE-CAOUETTE PROPERTY**

To see if the Town will vote to:

- (a) to authorize and direct the Board of Selectmen and the Town Manager to acquire by purchase, gift, eminent domain, exercise of first refusal option under Massachusetts General Laws Chapter 61A or otherwise, on such terms and conditions as the Selectmen may determine, fee, easement and/or other real property interests in, on, over, across, under and along all or any portion of the land with the buildings and improvements thereon depicted as Parcel 95 on Assessors' Map H-2 ("Parcel 95") and Parcel 62 on Assessors' Maps H-2A and H-3B (the "Caouette Land"), the majority of which property is currently classified as agricultural land under Massachusetts General Laws Chapter 61A;
- (b) to authorize the Board of Selectmen and the Town Manager to convey to the owner of the home located on Parcel 95, on such terms and conditions as the Selectmen may determine, fee, easement or other real property interests in, on, over, across, under and along up to approximately 3.7 acres of the portions of the Premises that are classified under Massachusetts General Laws Chapter 61A to create a single-family residential lot that complies with zoning;
- (c) to raise, appropriate, transfer from available funds or accept gifts of such additional funds as are necessary to accomplish the purposes of this article;
- (d) to authorize and direct the Board of Selectmen and the Town Manager to impose a perpetual Conservation Restriction, on such terms and conditions as the Selectmen may determine, on all or any portion of the Caouette Land so as to protect and preserve said land in perpetuity, with said restriction to be enforceable by the Commonwealth or by a nonprofit, charitable corporation or foundation as determined by the Selectmen (the "Conservation Land");
- (e) to authorize the Board of Selectmen and the Town Manager to delegate the management of the Conservation Land to the Conservation Commission, subject to the perpetual Conservation Restriction as aforesaid; and
- (f) to authorize the Board of Selectmen and the Town Manager to lease, on such terms and conditions as the Selectmen may determine, all or any portion of the Caouette Land for agricultural use;

, or take any other action relative thereto.

MOTION: Mr. Gowing moves, subject to an affirmative vote on the transfer and appropriation under line item K of Article 24, that the Town authorize the acquisition, conveyance, lease, restriction, and delegation of the real property for open space and recreational use as defined in the Community Preservation Act and as otherwise set forth in the Article, except that subparagraph (c) be deleted.

MOTION CARRIES UNANIMOUSLY

ARTICLE 24 COMMUNITY PRESERVATION PROGRAM

(Majority vote)

To see if the Town will vote to appropriate or set aside for later appropriation, and to authorize and direct the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2009 Community Preservation Fund balance as set forth herein, up to the following amounts for community preservation purposes, with such expenditures to be subject to conditions listed in the Article’s Summary and to be further specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation:

FY 2009 COMMUNITY PRESERVATION FUND BALANCE	
FY 2009 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2009	\$ 718,786.60
State Community Preservation Trust Fund Receipt, October 2009	\$ 250,473.00
Other FY 2009 Community Preservation Fund Components	
Interest Earned in FY 2009	\$ 54,705.00
Recapture of unspent previous years’ project appropriations	\$ 43,163.87
Unencumbered FY 2009 Fund Balance	\$ 571,694.49
Total - FY 2009 Community Preservation Fund Balance	\$ 1,638,822.96
APPROPRIATIONS	
Purpose	Recommended Amounts
Set Aside Appropriations for	
A. Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 500,000.00
Spending Appropriations	
B. Open Space Acquisition and Preservation Fund	\$ 25,000.00
C. Development Fund (Sachem Way), Acton Housing Authority	\$ 250,000.00
D. Community Housing Program Fund	\$ 50,000.00
E. Theater III – Preservation Needs Assessment	\$ 27,000.00
F. Windsor Building Restoration	\$ 70,200.00
G. 468 Main Street Windows	\$ 8,000.00
H. Town Hall Windows	\$ 50,000.00
I. Bruce Freeman Rail Trail	\$ 115,000.00
Administrative Spending Appropriation	
J. A fund for CPC direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 48,462.00
Total Recommended Appropriations from FY 2009 Community Preservation Fund Balance	\$ 1,143,662.98
Remaining FY 2009 fund balance	\$ 495,159.98

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the 2009 Community Preservation Fund Revenues at least 10% for open space, 10% for historic preservation, and 10% for community housing;

And, whereas the recommended appropriations for open space, historic preservation, and community housing each meet or exceed 10% of the 2009 Community Preservation Fund Revenues;

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

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2009 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2009 Community Preservation Fund Revenues for open space (\$96,926.00), not less than 10% of the FY 2009 Community Preservation Fund Revenues for historic preservation (\$96,926.00), and not less than 10% of the FY 2009 Community Preservation Fund Revenues (\$96,926.00) for community housing.

And further to see if the Town will vote to transfer, appropriate, authorize and direct the Board of Selectmen and the Town Manager to expend from the FY 2009 Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration, up to the following amount for the acquisition of the Caouette Land in South Acton, pursuant to Article 25, and subject to conditions listed in the Article’s Summary and to be further specified in the award letter from the Community Preservation Committee:

FY 2009 SET-ASIDE FUND BALANCE FOR THE ACQUISITION, CREATION, AND PRESERVATION OF OPEN SPACE, AND ITS REHABILITATION AND RESTORATION	\$ 1,445,000.00
APPROPRIATIONS	
Purpose	Recommended Amounts
Spending Appropriations	
K. Open Space Acquisition – Caouette Land Purchase	\$ 1,000,000.00
Total Recommended Appropriations from FY 2009 Set-Aside Fund Balance for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 1,000,000.00
Remaining FY 2009 Open Space Set-Aside Fund Balance	\$ 445,000.00

, or take any other action relative thereto.

MOTION: **Mr. Benson** moves that the Town

- (1) transfer from the Community Preservation Fund and appropriate, or set aside for later appropriation, \$1,143,662.98,
- (2) transfer from the Community Preservation Open Space Set-Aside Fund and appropriate \$1,000,000, and
- (3) that the Town Manager be authorized to expend or set aside amounts as set forth in the article and in compliance with conditions to be noted in the Community Preservation Committee's Award Letters.

Hold – Section C - Development Fund (Sachem Way), Acton Housing Authority

Motion to Amend: Mr. Sullivan moves to amend the motion under Article 24 to remove Spending Appropriation C (\$250,000 for Development Funds (Sachem Way), for the Acton Housing Authority) and to decrease the total Appropriation from the FY 2009 Community Preservation Fund Balance from \$1,143,662.98 to \$893,662.98.

**MOTION TO AMEND LOST
Declared by Moderator**

Challenged count

Teller count on Amendment Favor - 93 opposed – 167

MOTION TO AMEND LOST

Hold Section I - Bruce Freeman Rail Trail

Motion to Amend : Mr Swenson moves to amend by removing Item I, Bruce Freedom Rail Trail and reducing by 115,000.

MOTION TO AMEND LOST

ORIGINAL MOTION CARRIES

ARTICLE 26 LAND ACQUISITION – 6 PIPER ROAD

(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and accept the deed of a fee simple interest, on such terms and conditions as the Selectmen may determine, of the vacant land located at and known as 6 Piper Road in South Acton, shown as Parcel 18-1 on Acton Assessors' Map H-3A, containing 20,210 square feet of land, more or less, and being a portion of the land described in the deed recorded in the Middlesex South Registry of Deeds at Book 18551, Page 149, and further to see if the Town will (a) raise, appropriate or transfer from free cash or other available funds the sum of \$39,000, or accept gifts for this purpose; (b) combine all or a portion of the newly acquired land, as the Selectmen may determine, with Parcel 4-1 on Acton Assessors' Map H-3A, as such parcel may be reconfigured as provided in Article 2 of the October 2, 2008 Special Town Meeting, to create a lot that conforms to zoning for single family residential use (the "Reconfigured Lot"); (c) reserve a fee simple or easement interest in a portion of the newly acquired land, as the Selectmen may determine, to provide public access from Piper Road to the public conservation land in the area, including without limitation Parcel 4 on Acton Assessors' Map H-3A; (d) raise, appropriate or transfer from available funds the sum of up to \$6,000 to improve the Reconfigured Lot and repair the buildings and improvements thereon as necessary to prepare the property for sale, or accept gifts for this purpose; (e) impose a perpetual Historic Preservation Restriction on all or a portion of the land, buildings and improvements comprising the Reconfigured Lot on such terms and conditions as the Selectmen may determine; (f) transfer to the Board of Selectmen for purposes of resale and sell and convey the Reconfigured Lot on such terms and conditions and for such consideration as the Selectmen may determine; and (g) transfer up to \$45,000, but not less than \$39,000, of the net proceeds from the sale of the Reconfigured Lot to general revenues as reimbursement for the acquisition of Parcel 18-1 and any repairs and improvements to the Reconfigured Lot and the buildings and improvements thereon as contemplated herein or otherwise as required by M.G.L. c. 44, § 63, and transfer the balance of the net proceeds from the general fund to the Community Preservation Fund Open Space Set-Aside in conformance with Article 2 of the October 2, 2008 Special Town Meeting, or take any other action relative thereto.

MOTION: Mr. Gowing moves that the Town (a) authorize the acquisition, combination, repair, reservation, reconfiguration, restriction, transfer, sale and conveyance of the real property, (b) transfer from Free Cash and appropriate \$45,000 to fund said acquisition and related purposes, and (c) transfer the net proceeds from the sale of the Reconfigured Lot, all as set forth in the Article.

MOTION CARRIES UNANIMOUSLY

The Moderator introduced Lauren Rosenzweig, member of the Board of Selectmen. Mrs. Rosenzweig welcomed Janet Adachi and Pamela Harting-Barrat to the Board of Selectmen and thanked Dean Cavaretta for his candidacy in the election. Ms Rosenzweig recognized Paulina Knibbe and Peter Berry for their extraordinary service to the Town of Acton, they will be stepping down as members of the Board of Selectmen.

The moderator spoke on the devotion of Herman Kabakoff, chair of the Finance Committee, who has served on the Finance Committee in 1993 and 1994 when he left to serve on the Board of Selectmen, from 1995 to 2000. He then returned to serve on the Finance Committee in 2001 until now. That is 17 years of service to the Town. He thanked Mr. Kabakoff, and stated that the Town is extremely fortunate to have had him serve us.

ARTICLE 27 LAND ACQUISITION – BRUCE FREEMAN RAIL TRAIL
(Two-thirds vote) **RIGHT OF WAY**

To see if the Town will vote to authorize the Board of Selectmen, for purposes of establishing, constructing, operating and maintaining a multi-use rail trail/bicycle path for non-motorized transportation, open space and recreation purposes and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, to acquire by purchase, gift, eminent domain or otherwise fee, easement, leasehold, license and/or other real property interests in, on, over, across, under and along (a) all or any portion of the land, premises, easements, rights-of-way and other rights in Acton comprising the former Lowell Secondary Track railroad right-of-way acquired by the Commonwealth of Massachusetts (acting through its former Executive Office of Transportation and Construction) by deeds dated April 28 and November 29, 1982, and recorded in the Middlesex South District Registry of Deeds at Book 14609, Pages 302-317 and Book 14836, Pages 507-512, and (b) abutting and underlying properties as necessary for clearing title to said railroad right-of-way, laying out a rail trail/bicycle path in that right of way and within associated easements, and providing access to the rail trail area for construction, maintenance and repair purposes, on such terms and conditions as the Selectmen may determine, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for these purposes, or take any other action relative thereto.

MOTION: Mrs. Knibbe moves that the Town authorize the acquisition of real property as set forth in the Article.

MOTION CARRIES UNANIMOUSLY

ARTICLE 28 COMMUNITY SHUTTLE – SECOND YEAR GRANT MATCH

(Majority vote)

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, a sum of money to be expended by the Town Manager for the continuation of a town shuttle program, or take any other action relative thereto.

MOTION: Mrs. Rosenzweig moves that the Town transfer from Free Cash and appropriate \$42,820 to be expended by the Town Manager for the continuation of the town shuttle program.

MOTION CARRIES UNANIMOUSLY

ARTICLE 29 AMEND TOWN BYLAWS – STRETCH ENERGY CODE

(Majority Vote)

To see if the Town will vote to enact Chapter V of the General Bylaws of the Town entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code,” including amendments or modifications thereto, a copy of which is on file with the Town Clerk and is reproduced in the Summary below, or take any other action relative thereto.

MOTION: Mrs. Knibbe moves that the Town adopt the general bylaw amendments as set forth in the article, the text of which is set forth as Chapter V, Stretch Energy Code, on pages 53 and 54 of the Warrant, and further moves that these general bylaw amendments shall take effect on July 1, 2010, and that during the first 6 months after adoption, there shall be a concurrency period between the Building Code’s existing baseline energy conservation code requirements and the Stretch Energy Code requirements.

MOTION CARRIES

**Chapter V
STRETCH ENERGY CODE**

§ V-1 Definitions

International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

§ V-2 Purpose

The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

§ V-3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

§ V-4 Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix.

780 CMR 120 AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

§ V-5 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Acton General Bylaws, Chapter V.

The Stretch Code is enforceable by the building commissioner and by any inspector of the Town of Acton.

Motion to adjourn has lost

ARTICLE 30 AMEND TOWN BYLAWS – DISCHARGES TO MUNICIPAL (Majority vote) STORM DRAIN SYSTEM

To see if the Town will vote to enact Chapter U of the General Bylaws of the Town entitled “Discharges to the Municipal Storm Drain System,” including amendments or modifications thereto, a copy of which is on file with the Town Clerk and is reproduced in the Summary below, or take any other action relative thereto.

MOTION: Mrs. Rosenzweig moves that the Town adopt the general bylaw amendments as set forth in the Article, the text of which is set forth as Chapter U, Discharges to the Municipal Storm Drain System, on pages 55 through 62 of the Warrant.

MOTION CARRIES UNANIMOUSLY

Chapter U: Discharges to the Municipal Storm Drain System
[Adopted 2010]

U1. Purpose

- 1.1 Regulation of Illicit Connections, Illicit Discharges, Obstructions and Discharges of Pollutants to the Municipal Storm Drain System is necessary for the protection of the Town of Acton's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.
- 1.2 The objectives of this bylaw are:
- 1.2.1 To prevent pollutants from entering the Town of Acton's Municipal Separate Storm Sewer System (MS4);
 - 1.2.2 To prevent unauthorized flows from entering the MS4 and adding to total storm water runoff flow volumes;
 - 1.2.3 To prohibit Illicit Connections and Illicit Discharges to the MS4;
 - 1.2.4 To require the removal of all such Illicit Connections and Illicit Discharges;
 - 1.2.5 To comply with state and federal statutes and regulations relating to storm-water discharges; and
 - 1.2.6 To establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

U2. Definitions

The following definitions shall apply in the interpretation and enforcement of this bylaw:

Authorized Enforcement Agency shall mean the Board or any agent or employee of the Town of Acton designated by the Board to enforce this bylaw.

Board shall mean the Acton Board of Health.

Clean Water Act shall mean the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

Discharge of Pollutants shall mean the addition from any source of any pollutant or combination of pollutants into the Municipal Storm Drain System or into the waters of the United States or Commonwealth from any source.

Groundwater shall mean water beneath the surface of the ground.

Illicit Connection shall mean a surface or subsurface drain or conveyance, which allows an Illicit Discharge into the Municipal Storm Drain System, including without limitation any discharge of sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

Illicit Discharge shall mean a direct or indirect discharge to the Municipal Storm Drain System that is not composed entirely of storm-water, except as exempted in Section U9.

Impervious Surface shall mean any natural or manmade material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops and mechanically compacted soil or ground.

Municipal Separate Storm Sewer System (MS4) or Municipal Storm Drain System or Municipal Storm Sewer System are used interchangeably and shall mean a conveyance or system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, municipal street, catch basins, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, ditch, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Acton.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit shall mean a permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the Discharge of Pollutants to waters of the United States.

Non-Storm Water Discharge shall mean a discharge to the MS4 not composed entirely of storm water.

Obstruction shall mean materials introduced to the MS4 that impede the design flow conditions of the MS4. Typical examples include lawn clippings, brush, gravel and other solid materials.

Person shall mean an individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Pollutant shall mean any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non-point source, that is or may be introduced into the MS4, groundwater or surface water of the Town of Acton.

Pollutants shall include but not limited to:

- a. paints, varnishes, and solvents;
- b. oil and other automotive fluids;
- c. non-hazardous liquid and solid wastes and yard wastes;
- d. refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- e. pesticides, herbicides, and fertilizers;
- f. hazardous materials and wastes; sewage, fecal coliform and pathogens;
- g. dissolved and particulate metals which are not naturally occurring;
- h. animal wastes;
- i. rock, sand, salt, soils;
- j. construction wastes and residues; and
- k. noxious or offensive matter of any kind.

Process Wastewater shall mean water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Recharge shall mean the process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Storm water shall mean storm water runoff, snow melt runoff, and surface water runoff and drainage.

Surface Water Discharge Permit shall mean a permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the Discharge of Pollutants to Waters of the Commonwealth.

Threat of Release shall mean an observed indication of impending danger or discharge or an unconfirmed indication of loss of a non permitted material into the MS4

Toxic or Hazardous Material or Waste shall mean any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance as defined under any State or Federal laws and regulations regulating hazardous, chemical, biological or waste materials, or any amendments thereof, shall be considered toxic or hazardous material or waste.

Watercourse shall mean a natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

Waters of the Commonwealth shall mean all waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, wetlands, and groundwater.

Wastewater shall mean any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

U3. Applicability

- 3.1 This bylaw shall apply to all Illicit Connections, Illicit Discharges, Obstructions and Discharges of Pollutants to the Municipal Separate Storm Sewer (MS4.)
- 3.2 This bylaw is not intended to interfere with, abrogate, or annul any other Bylaw, rule or regulation, statute, or other provision of law. The requirements of this Bylaw should be considered minimum requirements, and where any provision of this Bylaw imposes restrictions different from those imposed by any other bylaw, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.

U4. Authority

- 4.1 This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

U5. Responsibility for Administration

- 5.1 The Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to agents of the Board or employees of the Town of Acton.

U6. Regulations

- 6.1 The Board may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

U7. Permits

- 7.1 No Person shall discharge any storm water and/or groundwater from any single family residence by means of any conduit(s), pipe(s) or hose(s) from any sump pump, crawl space pump or sub-drain (collectively a “Sump Pump”) directly or indirectly onto a public way or into the MS4 without first obtaining a permit from the Board and, in the case of a public way, written permission from the Town Engineer. The permit expires and requires re-issuance upon transfer of title of property or upon change or increase in flow of the discharge source. The permit shall become part of the public record for the property that will be maintained in the Department of Health files.
- 7.2 No Person shall discharge any storm water and/or groundwater from any multi family residence or commercial property by means of any conduit(s), pipe(s) or hose(s) from any Sump Pump as defined in § 7.1 directly or indirectly onto a public way or into the MS4 without first obtaining a permit from the Board and, in the case of a public way, written permission from the Town Engineer. Each such permit must be renewed annually. The permit shall become part of the public record for the property maintained in the Department of Health files.
- 7.3 Permit conditions shall take into account potential public health hazards from freezing on public ways.
- 7.4 The board may stipulate additional permit conditions as required in order to protect public and environmental health.
- 7.5 Fees necessary for issuance of permits or licenses under this bylaw shall be set by the Board of Selectmen at the recommendation of the Board. Fees shall be payable at the time of application.

U8. Prohibited Activities

- 8.1 Illicit Discharges. No Person shall dump, discharge, cause or allow to be discharged any Illicit Discharge, Discharge of Pollutants or Non-Storm Water Discharge into the Municipal Separate Storm Sewer System (MS4) or into a Watercourse, or into the Waters of the Commonwealth, except as exempted in Section U9.
- 8.2 Illicit Connections. No Person shall construct, use, allow, maintain or continue any Illicit Connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- 8.3 Obstruction of MS4. No Person shall cause an obstruction or otherwise interfere with the normal flow of storm water into or out of the MS4 without prior written approval from the Board.

U9. Exemptions

9.1 Discharge or flow resulting from fire fighting activities is exempt from this bylaw.

9.2 Discharges from the following activities will not be considered a source of pollutants to the MS4 and to Waters of the Commonwealth when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Clean Water Act or this bylaw:

1. Waterline flushing;
2. Flow from potable water sources;
3. Springs;
4. Natural flow from riparian habitats and wetlands;
5. Diverted stream flow;
6. Rising groundwater;
7. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
8. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), French drain systems in place and connected to the MS4 at the time of passage of this by-law, or air conditioning condensation;
9. Discharge from landscape irrigation or lawn watering;
10. Indirect discharge of pesticides, herbicides and fertilizers to an MS4 from surface runoff as a result of lawn/crop application, under the condition, however that such applications are conducted pursuant to the intended use of the product and within the recommended application concentrations as indicated by the manufacturer and/or any Federal, State, and local guidelines for those products;
11. Water from individual residential car washing;
12. Water discharge from street sweeping that occurs during the active sweeping process;
13. Application of de-icing materials as required for public safety;
14. Dye testing, provided notification is given to the Board prior to the time of the test;
15. Non-Storm Water Discharge permitted under a NPDES permit, a Surface Water Discharge Permit or a waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
16. Discharge for which advanced written approval is received from the Board as necessary to protect public health, safety, welfare or the environment.

U10. Emergency Suspension of Storm Drainage System Access

10.1 The Board may suspend MS4 access to any Person or property without prior written notice when such suspension is necessary to stop an actual or threatened Discharge of Pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Board may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

U11. Notification of Spills

- 11.1 Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in a Discharge of Pollutants to the MS4 or Waters of the Commonwealth, the Person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release, or threat of release, of oil, petroleum products or Pollutants and Hazardous Materials or Waste, the person shall, notify the municipal fire and police departments and the Board, Water Supply District of Acton and the Acton Engineering Department within two hours. The reporting person shall provide to the Board written confirmation of all telephone, facsimile, electronic in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
- 11.2 All notifications and records received by the Town shall become part of the public record for the property maintained in the Health Department files and available for public review.
- 11.3 An annual summary of reported releases into the MS4 providing summary of number and type of reported residential and commercial spills shall be reported in brief in the Annual Town report to the public in a form which conveys trends over a five year period.

U12. Enforcement

- 12.1 The Authorized Enforcement Agency shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- 12.2 Civil Relief. If a Person violates the provisions of this bylaw or any regulations, permits, notices, or orders issued thereunder, the Authorized Enforcement Agency may seek injunctive relief in a court of competent jurisdiction restraining the Person from activities which would create further violations or compelling the Person to perform abatement or remediation of the violation.
- 12.3 Orders. Once a determination of violation has been made, the Authorized Enforcement Agency may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include but is not limited to the following requirements:
 1. elimination of an Illicit Discharge, Illicit Connection, Obstruction or Discharge of Pollutants to the MS4;
 2. performance of monitoring, analyses, and reporting;
 3. that unlawful discharges, practices, or operations shall cease and desist; and/or
 4. remediation of contamination in connection therewith.

Failure by the Authorized Enforcement Agency to issue a written order shall not relieve the violator of the Person's responsibilities under this bylaw.

Copies of all orders shall be made available for public inspection at the Health Department during normal business hours, beginning the next business day after issuance. Inspection and copying shall be permitted according to the provisions of Massachusetts law. These records shall be retained to the extent required by Massachusetts law.

- 12.4 If the Board or its designated agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Acton may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
- 12.5 After completion of all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be invoiced for the costs incurred by the Town of Acton, including administrative costs. The violator or property owner may file a written protest objecting to the invoice amount or basis of costs with the Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board affirming or reducing the costs, or within thirty (30) days from a final decision of a court of competent jurisdiction, the invoice amounts shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the payment for the invoice first becomes due.
- 12.6. Criminal Penalty. Any Person who violates any provision of this bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$ 300.00 per day, excluding the cost of damages. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- 12.7 Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Acton may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and the Town of Acton General Bylaws Chapter E 45 in which case the Board or its authorized agent or employee shall be the enforcing person. The penalty for the first violation shall be \$100.00 per day. The penalty for the second violation shall be \$200.00 per day. The penalty for the 3rd and subsequent violations shall be \$300.00 per day. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- 12.8 Entry to Perform Duties under this Bylaw. To the extent permitted by State law, or if authorized by the owner or other party in control of the property, the Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary.
- 12.9 Appeals. Appeals of orders of an Agent of the Board may be made in writing to the Board within seven business days from receipt of order and reviewed at the next regularly scheduled meeting of the Board. The decisions or orders of the Board may be appealed in writing to the Board of Selectmen within seven business days of the decision and reviewed at the next regularly scheduled meeting of the Board of Selectmen. Further relief shall be to a court of competent jurisdiction.
- 12.10 Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable Federal, state or local law.

U13. Severability

13.1 The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

U14. Transitional Provisions

14.1 Persons and property owners shall have 90 days from the effective date of the bylaw to comply with its provisions unless good cause is shown for the failure to comply with the bylaw within that period.

U15. Variances

15.1 If and only if permissible under the NPDES Storm Water Discharge Permit for the Town of Acton's MS4, the Board may grant a variance from the terms of this bylaw after notice to abutters and a public hearing, if the Board finds that a variance would satisfy each of the following conditions:

1. The variance is consistent with the public health and environmental protection objectives of the Massachusetts General Laws and applicable federal, state and local regulations.
2. The variance is consistent with the purpose and intent of this bylaw.
3. The variance prevents an undue burden on the permit applicant, and
4. Equivalent protection as envisioned in Section U1 of this bylaw

ARTICLE 31 AMEND TOWN BYLAWS – NON-CRIMINAL DISPOSITION (Majority vote) FOR CHAPTER U

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

A. Insert the following line item after the line item for "Chapter P - Local Historic District Bylaw:"

"Chapter U - Discharges to the Municipal Storm Drain System; Enforcing Person – Board of Health or its authorized agent or employee; Fine \$100.00 per day for the first offense; \$200.00 per day for the second offense; \$300.00 per day for the third and each subsequent offense."

, or take any other action relative thereto.

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

MOTION CARRIES UNANIMOUSLY

ARTICLE 32 AMEND ZONING BYLAW – SPECIAL EVENT SIGNS

(Two-thirds vote)

To see if the Town will vote to amend the zoning bylaw, Section 7 – Signs and Advertising Devices, by deleting subsection 7.10 – Special Event Signs and replacing it with a new subsection 7.10 as follows:

7.10 Special Event SIGNS – One SIGN may be ERECTED to announce a church bazaar, fair, circus, festival, business or shop opening, special sale by a store or business, or similar event. Such SIGN may identify the event and the date of the event, and it may display the event's sponsor, organizer or main feature. It shall not exceed 10 square feet in DISPLAY AREA and shall be ERECTED on the same LOT where the event is to occur. Such a SIGN shall neither be ERECTED on a sidewalk, walkway or driveway, nor be ERECTED within 5 feet from the sideline of a STREET or right of way customarily used by the general public. Such SIGN shall not be illuminated and shall comply with the provisions of Sections 7.3 and 7.4, except as set forth in this section. Notwithstanding subsections 7.3.4, 7.3.6, and 7.4.1, a Special Event SIGN may be a MOVABLE SIGN, may consist of a flag or balloon, may be decorated with ribbons, flags, streamers or balloons which remain reasonably within the confines of the SIGN, and in Village Districts may be made with materials not otherwise allowed. Such a SIGN shall be removed not later than 1 day after completion of the event. Only one such SIGN shall be ERECTED per PRINCIPAL USE at any given time. The display of all such SIGNS, taken together, shall be limited to 45 days per PRINCIPAL USE for each calendar year. No Special Event Signs shall be erected without a SIGN permit issued by the office of the Zoning Enforcement Officer pursuant to section 7.6, which may be a blanket SIGN permit that covers all special event SIGNS for a PRINCIPAL USE for up to one calendar year. The SIGN permit shall state the specific dates during which the Special Event SIGN may be ERECTED and the specific location on a LOT. The SIGN owner shall maintain records throughout the calendar year sufficient to demonstrate compliance with this section including without limitation dated photographs confirming when each Special Event SIGN was ERECTED and removed.

[Note – this section currently reads:

7.10 Special Event SIGNS – *One SIGN may be ERECTED to announce a church bazaar, fair, circus, festival, business or shop opening, special sale by a store or business, or similar event. Such SIGN shall identify the event and the date of the event, and it may display the event's sponsor, organizer or main feature. It shall not exceed 10 square feet in DISPLAY AREA and shall be ERECTED on the same LOT where the event occurs. Such a SIGN shall not be ERECTED on a sidewalk, walkway or driveway, nor within 5 feet from the sideline of a STREET or right of way customarily used by the general public. Such SIGN shall comply with all provisions of Sections 7.3 and 7.4, but it shall not be illuminated, and notwithstanding Sections 7.3.4 and 7.3.6 it may be a MOVABLE SIGN and may consist of a flag or balloon, or may be decorated with ribbons, flags, streamers or balloons which remain reasonably within the confines of the SIGN. Such a SIGN shall not be ERECTED sooner than 7 days before the event and it shall be removed not later than 1 day after completion of the event. Only one such SIGN shall be ERECTED per PRINCIPAL USE at any given time. The number of times such a SIGN may be ERECTED shall not exceed four events per PRINCIPAL USE and calendar year. The display of such SIGNS shall be limited to 28 days per PRINCIPAL USE for each calendar year.]*

, or take any other action relative thereto.

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

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

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

Other Consent Calendar Articles and Motions

Article 33 Amend Zoning Bylaw – Flood Plain District

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

Article 34 Accept Sidewalk Easement – 239 Arlington Street

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

Article 35 Accept Property by Deed in Lieu of Foreclosure – Nonset Path

Move that the Town authorize the Tax Collector to accept a deed in lieu of foreclosure, on such terms and conditions as he shall determine appropriate, to Parcel 25-4 on Assessor's Map B5.

Article 36 Accept Property by Deed in Lieu of Foreclosure – Ethan Allen Drive

Move that the Town authorize the Tax Collector to accept a deed in lieu of foreclosure, on such terms and conditions as he shall determine appropriate, to Parcel 105-2 on Assessor's Map F1.

Article 37 Land Acquisition, Windsor Avenue (Citizens' Petition)

Move that the Town take no action.

[The sponsor of this Citizens' Petition, with consent of the co-petitioners, is moving to take no action on this article.]

Article 38 Amend Town Charter – Membership Terms for Council on Aging

Moves that the Town adopt the Charter amendments as set forth in the Article.

Article 39 Hear and Accept Reports

Move that the Town accept the reports of the various Town Officers and Boards as set forth in the 2009 Town Report and that the Moderator call for any other reports.

Article 40 Highway Reimbursement Program (Chapter 90)

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

Article 41 Insurance Proceeds

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

Article 42 Gifts or Grants

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

Article 43 Federal and State Reimbursement Aid

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

Article 44 Performance Bonds

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

Article 45 Sale of Foreclosed Properties

Move in the words of the Article.

Article 46 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.

MOTION: Mrs. Knibbe moves that the Town take up the fourteen articles in the Consent Calendar on pages 21 and 22 of the Warrant: Articles 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46.

Hold 33 - Amend Zoning Bylaw – Flood Plain District

Hold 37 - Land Acquisition, Windsor Avenue (Citizens’ Petition)

Remaining Consent Articles 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46

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

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ARTICLE 33 * AMEND ZONING BYLAW – FLOOD PLAIN DISTRICT
(Two-thirds vote)

To see if the Town will vote to amend the zoning bylaw as follows and to make this amendment effective on June 4, 2010:

- A. Delete the second bullet of section 2.2 – Zoning Map, and replace it with a new second bullet as follows:
 - “Flood Insurance Rate Map” (FIRM) for Middlesex County issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP), dated and effective beginning on June 4, 2010, Scale 1" = 500', consisting of the 14 map panels that are wholly or partially within the Town of Acton, designated herein as Map Number 2, and enumerated by FEMA as panels: 25017C0238E, 25017C0239E, 25017C0241E, 25017C0242E, 25017C0243E, 25017C0244E, 25017C0351E, 25017C0352E, 25017C0353E, 25017C0354E, 25017C0356E, 25017C0357E, 25017C0358E and 25017C0366E; and including the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010.

[Note: The second bullet of section 22 currently reads:

“Flood Insurance Rate Map”, dated January 6, 1988 (Scale 1" = 400' consisting of 8 sheets designated Map Number 2, Sheet 1 of 8 through 7 of 8 plus the map index and street index) and the associated data in the “Flood Insurance Study, Town of Acton, January 6, 1988”.]

B. Amend Section 4.1 – Flood Plain District as follows:

- a) Delete the introductory paragraph of section 4.1 and replace it with a new paragraph as follows:

4.1 Flood Plain District – The Flood Plain District is an overlay district whose boundaries and regulations are superimposed on all districts established by this Bylaw. The Flood Plain District includes all special flood hazard areas in Acton designated as Zones A and AE shown on Zoning Map Number 2, which are the Acton Panels of the Middlesex County Flood Insurance Rate Map (FIRM), dated June 4, 2010.

[Note: the introductory paragraph of section 4.1 currently states:

Flood Plain District – The Flood Plain District is an overlay district whose boundaries and regulations are superimposed on all districts established by this Bylaw.]

- b) Insert the following new sentence at the end of sub-section 4.1.2 (Purpose of the Flood Plain District):

“Further, the purpose of the Flood Plain District is to maintain the Town’s eligibility in the National Flood Insurance Program (NFIP) by adopting floodplain management regulations that meet the applicable standards of the NFIP regulations set forth in 44 CFR 60.3. In the event of a conflict between the NFIP regulations at 44 CFR 60.3 and the Flood Plain District regulations set forth in the Bylaw, the more stringent requirement shall control.”

[Note: Section 4.1.2 currently states:

Purpose - The purpose of the Flood Plain District is to protect persons and property against the hazards of the Base Flood, to maintain the flood storage capacity and flow pattern of the Flood Plain for the Base Flood and to provide long-term control over the extent of land subject to inundation by the Base Flood.]

- c) Delete the introductory paragraph of sub-section 4.1.3 and replace it with a new paragraph as follows:

4.1.3 Methods for Determining Flood Plain District Boundaries – The exact boundaries of the Flood Plain District shall be as shown by the 100-year Base Flood elevation(s) shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010, as determined by an actual field survey of the Base Flood elevation(s).

[Note: The introductory paragraph of sub-section 4.1.3 currently reads:

4.1.3 Methods for Determining Flood Plain District Boundaries – The exact zoning district boundaries of the Flood Plain District shall be the location on the ground, as determined by an actual field survey of the Base Flood elevation(s).]

d) Delete sub-section 4.1.3.1 and replace it with a new sub-section as follows:

4.1.3.1 The Base Flood elevations for AE-Zones shall be the regulatory elevations from Table 8 and the cross section locations from the Flood Profiles contained in the “Middlesex County, Massachusetts, Flood Insurance Study, June 4, 2010” published by the Federal Emergency Management Agency (FEMA).

[Note: Sub-section 4.1.3.1 currently reads:

4.1.3.1 The Base Flood elevations for AE-Zones shall be the regulatory elevations from Table 3 and the cross section locations from the Flood Profiles contained in the “Flood Insurance Study, Town of Acton, January 6, 1988” published by the Federal Emergency Management Agency (FEMA).]

e) In sub-section 4.1.9.1, delete the first sentence and replace it with the following new sentence:

“If a special permit is granted, the Board of Appeals shall impose such conditions and safeguards as public safety, welfare and convenience, and the NFIP regulations at 44 CFR 60.3 may require.”

[Note: The first sentence of sub-section 4.1.9.1 currently reads:

“If a special permit is granted, the Board of Appeals shall impose such conditions and safeguards as public safety, welfare and convenience may require.”]

f) Insert the following new subsection:

4.1.9.2 All structural and non-structural activities and development in the Flood Plain District, whether allowed under this Bylaw by right or by special permit must be in compliance with applicable State laws and regulations as amended from time to time, including, but not limited to M.G.L. Ch. 131, s. 40 (Wetlands Protection Act); 780 CMR 120.G (Massachusetts State Building Code applicable to Flood Resistant Construction); 310 CMR 10.00 & 13.00 (Wetlands Protection and Inland Wetlands Regulations); and 310 CMR 15.00 (Title 5, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage).

, or take any other action relative thereto.

Held from consent

Ron Beck presents a resolution

**RESOLUTION OF THE 2010
ACTON ANNUAL TOWN MEETING**

Whereas, for the first time in more than two decades, the Federal Emergency Management Agency (“FEMA”) has re-evaluated the Flood Insurance Rate Map and Flood Insurance Study covering the Town of Acton and surrounding communities in Middlesex County, Massachusetts.

Whereas, the Flood Insurance Rate Map and Flood Insurance Study identify the 100-year flood plain that is subject to inundation at a one percent annual chance.

Whereas, FEMA’s re-evaluation of the Flood Insurance Rate Map and Flood Insurance Study did not result in any area-wide updates to the Flood Insurance Rate Map and Flood Insurance Study for the area covering the Town of Acton.

Whereas, significant storm events and associated flooding conditions over the last several years call into question the accuracy of FEMA's re-evaluation of the Flood Insurance Rate Map and Flood Insurance Study covering the Town of Acton in Middlesex County, Massachusetts.

Whereas, the Flood Insurance Rate Map and Flood Insurance Study are essential components of the National Flood Insurance Program governing eligibility for both flood insurance subsidies and FEMA flood disaster mitigation funding in the event of flood-related emergencies.

Now therefore, the Acton Town Meeting, representing the citizens and residents of the Town of Acton, resolves, based on compelling reasons of public health, safety and welfare, to urge FEMA to immediately re-examine and update the Flood Insurance Rate Map and Flood Insurance Study covering the Town of Acton and surrounding communities in Middlesex County, Massachusetts so as to accurately reflect actual flood hazard areas and conditions.

Resolution has lost

MOTION: Mr. Clymer moves that the Town adopt the zoning bylaw amendments as set forth in the article, and further moves that these zoning bylaw amendments shall take effect as of June 4, 2010, to coincide with the date when FEMA's 2010 Flood Insurance Rate Map and 2010 Flood Insurance Study take effect, and that until June 4, 2010 the zoning bylaw as currently written remains in effect.

ORIGINAL MOTION CARRIES DECLARED 2/3 BY MODERATOR*

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

ARTICLE 34 * ACCEPT SIDEWALK EASEMENT – 239 ARLINGTON STREET (Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept deed of an easement interest for all purposes which streets, sidewalks and ways are now or hereafter used in the Town, on such terms and conditions as the Selectmen may determine and in a final location as the Selectmen may determine, on, across, over, and/or under the following land shown as 239 Arlington Street on a plan entitled "Easement Plan of Land in Acton, Massachusetts (Middlesex County), Owned by Michael L. Klinger and M. Carole Drago, Scale 1"=10', September 15, 2009," prepared by the Town of Acton Engineering Department, to be recorded with the Middlesex South District Registry of Deeds, or take any other action relative thereto.

MOTION: Mrs. Knibbe moves that the Town authorize the acquisition of the easement as set forth in the Article.

MOTION CARRIES DECLARED 2/3 BY MODERATOR*

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,
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(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

ARTICLE 35 * ACCEPT PROPERTY BY DEED IN LIEU OF FORECLOSEURE
(Majority vote) **NONSET PATH**

To see if the Town will authorize the Tax Collector, pursuant to General Laws Chapter 60, Section 77C, to accept title by deed in lieu of foreclosure to the parcel identified as Parcel 25-4 on Assessor's Map B5, upon such terms and conditions as he shall determine appropriate, or take any other action relative thereto.

MOTION: Mr. Berry moves that the Town authorize the Tax Collector to accept a deed in lieu of foreclosure, on such terms and conditions as he shall determine appropriate, to Parcel 25-4 on Assessor's Map B5.

MOTION CARRIES
DECLARED 2/3 BY MODERATOR*

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,
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ARTICLE 36 * ACCEPT PROPERTY BY DEED IN LIEU OF FORECLOSEURE
(Two-thirds vote) **ETHAN ALLEN DRIVE**

To see if the Town will authorize the Tax Collector, pursuant to General Laws Chapter 60, Section 77C, to accept title by deed in lieu of foreclosure to the parcel identified as Parcel 105-2 on Assessor's Map F1, upon such terms and conditions as he shall determine appropriate, or take any other action relative thereto.

MOTION: Ms. Friedrichs moves that the Town authorize the Tax Collector to accept a deed in lieu of foreclosure, on such terms and conditions as he shall determine appropriate, to Parcel 105-2 on Assessor's Map F1.

MOTION CARRIES
DECLARED 2/3 BY MODERATOR*

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,
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(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

ARTICLE 37 # * LAND ACQUISITION – WINDSOR AVENUE
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen, on such terms and conditions as the Selectmen may determine, to acquire by purchase, gift, eminent domain or otherwise and to accept a deed of a fee, easement, restriction of development rights or other interest in the land shown as Lot B on a Plan of Land for 30 Windsor Avenue, Acton, MA, prepared by R. Wilson & Associates, Inc., dated December 22, 2008, and endorsed on behalf of the Acton Planning Board as Approval Not Required under the Subdivision Control Law on February 4, 2009, and consisting of a portion of the premises shown on Assessors' Map F2B as Lot 13, and further see if the Town will raise, appropriate, transfer from available funds or accept siffs for this purpose, or take any other action relative thereto.

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

Held from consent

MOTION CARRIES UNANIMOUSLY

**ARTICLE 38 * AMEND TOWN CHARTER – MEMBERSHIP TERMS FOR
(Two-thirds vote) COUNCIL ON AGING**

To see if the Town, pursuant to Article 8-3(b) of the Acton Town Charter, will vote to amend Section 4-2 of the Town Charter by increasing the length of term for members of the Council on Aging from one year to three years, or take any other action relative thereto.

MOTION: Mr. Gowing moves that the Town adopt the Charter amendments as set forth in the Article.

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

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,
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**ARTICLE 39 * HEAR AND ACCEPT REPORTS
(Majority vote)**

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

MOTION: Ms. Friedrichs moves that the Town accept the reports of the various Town Officers and Boards as set forth in the 2009 Town Report and that the Moderator calls for any other reports.

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

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,
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(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

**ARTICLE 40 * HIGHWAY REIMBURSEMENT PROGRAM (CHAPTER 90)
(Majority vote)**

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

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

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

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,
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(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

ARTICLE 41 * INSURANCE PROCEEDS

(Majority vote)

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

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

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

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,
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(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

ARTICLE 42 * GIFTS OR GRANTS

(Majority vote)

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

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

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

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,
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ARTICLE 43 * FEDERAL AND STATE REIMBURSEMENT AID

(Majority vote)

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

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

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

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,
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(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

ARTICLE 44 * PERFORMANCE BONDS
(Majority vote)

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

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

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

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,
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(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

ARTICLE 45 * SALE OF FORECLOSED PROPERTIES
(Majority vote)

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

MOTION: Mrs. Knibbe moves in the words of the Article.

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

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

ARTICLE 46 * ELDERLY TAX RELIEF
(Majority vote) **REAUTHORIZE CHAPTER 73 OF THE ACTS OF 1986**

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

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

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

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

Ms Knibbe moves to dissolve the Annual Town Meeting at 11:38 PM.

Tellers for Town Meeting

Charlie Kadlec, Head Teller

Jeff Bergart	Karen Dudziak
Dick Calandrella	Joan Gardner
Ann Chang	Connie Huber
Belle Choate	Bob Ingram
Brewster Conant	Herman Kabakoff
Al Doscocil	Ann Kadlec
Lois Doscocil	