

ABSTRACT OF THE ANNUAL TOWN MEETING HELD
MONDAY, MAY 1, 2023, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL
AUDITORIUM AND UPPER GYMNASIUM (ALL-INDOOR SEATING)
NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING
MAY 1, 2023 - 556 MAY 2, 2022 - 383

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May 1, 2023

The Moderator, Ms. Jo-Ann Berry, called the Annual Town Meeting to order on Monday, May 1, 2023, at 7:01PM.

The Moderator thanked the Town and School staff for the set-up of this meeting.

Ms. Berry also thanked Bill Mullin for serving as deputy Moderators in the Gym.

Ms. Berry gave an overview of the process for Town Meeting.

The Moderator explained that we will have two sessions to complete the warrant or the agenda. Tonight, we will cover article 1, the consent agenda and Article 4 through Article 11. Following Article 11 the election of the trustees for the West Acton Citizen Library will follow.

Tomorrow night will start at 6:30 pm.

Ms. Berry thanked the Commission on Disabilities for some reminders for all to access this meeting.

The Moderator gave a presentation on the I Clicker, the Electronic Voting equipment that we will use at this Town Meeting.

The Moderator asked Town Meeting to vote to allow Non-Resident Town and Regional School Staff, to speak to the Articles of this Annual Town Meeting if needed.

Motion carries to allow speakers.

Ms. Berry introduced the chair of the Select Board, Dean Charter, who then introduced the members at the table. David Martin, Fran Arsenault, Himaja Nagireddy and Jim Snyder-Grant.

In addition, Town Manager – John Mangiaratti, Eva Szkaradek - Town Clerk, Leo Mercado – Deputy Town Clerk, and Christina Marshall - Town Counsel.

The Moderator introduced the Chair of the Finance Committee, Adam Nolde, Steve Noone, Christie Anderson, Christine Russell, Esha Gangolli, Mike Majors, Roland Bourdon, Jason Cole, Vladimir Han, David Wellinghoff, and Scott Sullivan.

Article 1
(Majority vote)

Choose Town Officers

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
Select Board, Chair	\$ 750.00 per year
Select Board, Member	\$ 650.00 per year

, or take any other action relative thereto.

MOTION:

Article 1 (Part A) Choose Town Officers

Mr. Charter moves that the Town fix the compensation for elected officers as shown in the Article.

MOTION CARRIES

Mr. Charter nominates William Mullin of Wilson Lane for the position of Temporary Moderator, term to expire 2024.

MOTION CARRIES

James Wood, Trustee of the Elizabeth White Fund, nominates Mike Gowing for the position of Trustee of the Elizabeth White Fund, term to expire 2026.

MOTION CARRIES

Robert Vanderhoof, Trustee of the Acton Firefighters' Relief Fund, nominates Thomas Matthews for the position of Trustee of the Acton Firefighters' Relief Fund, term to expire 2026.

MOTION CARRIES

Sheryl M. Ryder, Trustee of the Charlotte Goodnow Fund, nominates Roderick Kunz, Simon Willard Road for the position of Trustee of the Charlotte Goodnow Fund, term to expire 2026.

MOTION CARRIES

[Note: Election of the West Acton Citizens' Library Trustees will follow Article 11.]

Consent (Two-thirds vote)**MOTION:**

Mr. Charter moves that the Town take up 19 articles in the Consent Calendar of the Warrant:
Articles 2, 3 and 17 through 33 inclusive.

MOTION CARRIES**Declared 2/3 by Moderator***

*Town of Acton has accepted 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.)

Hold Article 33 for questions

MOTION CARRIES**Declared 2/3 by Moderator***

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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 2 * **Hear and Accept Reports**
(Majority vote)

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

MOTION:

Mr. Charter moves that the Town accept the reports of the various Town Officers and Boards as set forth in the 2022 Town Report and that the Moderator call for any other reports.

CONSENT MOTION CARRIES**Article 3 *** **Budget Transfer**
(Majority vote)

To see if the Town will appropriate from available funds a sum of money to defray necessary expenses above the amount appropriated at the 2022 Annual Town Meeting, or take any other action relative thereto.

MOTION:

Mr. Charter moves that the Town take no action.

CONSENT MOTION CARRIES

Article 4
(Majority vote)

Town Operating Budget

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$37,382,147 to defray the necessary expenses of the departments, offices and boards of the Town, exclusive of the Regional Schools' budgets, or take any other action relative thereto.

MOTION:

Mr. Charter moves that the Town raise and appropriate \$37,382,147 to be expended by the Town Manager to fund the fiscal year 2024 municipal budget, and

That the Town authorize the Town Manager to lease on such terms and conditions as he may determine vehicles and equipment for a period not to exceed five years, and to sell, trade or otherwise dispose of vehicles and equipment being replaced and to expend any proceeds so received.

Mr. Beals moves to amend by adding:

"The Town of Acton will undertake due diligence to ensure that all electric vehicles purchased by the Town have been ethically sourced".

MOTION TO AMEND FAILED

David Evans moves to amend by adding; town budget shall purchase either hybrid or electric vehicle when possible.

MOTION TO AMEND FAILED

ORIGINAL MOTION CARRIES UNANIMOUSLY

Article 5
(Majority vote)

Town Capital - Public Works, Public Safety and Public Celebrations

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

A.	Police Body Camera Program (PD-4)	\$ 100,000
B.	Town Hall/Memorial Library Parking Lot Reconstruction Design (DPW-11)	\$ 60,000
C.	Traffic Calming and Intersection Improvements (DPW-15)	\$ 50,000
D.	Stormwater Management – MS4 Permit and Compliance (DPW-19)	\$ 50,000
E.	Dam Management Program (DPW-21)	\$50,000
F.	Roadway Pavement Condition Evaluation (DPW-26)	\$ 40,000
G.	Celebration Event for July 4 th (TM-6)	\$ 25,000
Total		\$ 375,000

MOTION:

Mr. Charter moves that the Town transfer from Free Cash and appropriate \$375,000 for the purposes set forth in the Article, including costs incidental and related thereto.

MOTION CARRIES

Article 6
(Two-thirds vote)

Town Capital, Infrastructure, Design and Construction

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

A.	DPW Facility Improvements – 60% Design (DPW-12)	\$ 1,225,000
B.	Construction of Tight Tank for West Acton Fire Station (FAC-43)	\$ 210,000
	Total	\$ 1,435,000

MOTION:

Mr. Charter moves that the Town:

1. Appropriate \$1,435,000 to be expended by the Town Manager for the purposes set forth in the Article, including all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow \$1,435,000 pursuant to Massachusetts General Laws Chapter 44, Sections 7 and 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and
2. Transfer from Free Cash and appropriate \$303,176 for the payment of the first year of debt service and underwriting costs on such borrowing.

[Note: Item A: Borrow 1,225,000; 282,944 debt service / Item B: Borrow 210,000; 20,232 debt service]

MOTION CARRIES

Declared 2/3 by Moderator*

*Town of Acton has accepted 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.)

Request to vote by clickers

clicker vote

Yes 380 No 111

MOTION CARRIES

Declared 2/3 by Moderator*

*Town of Acton has accepted 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 7
(Majority vote)

Acton-Boxborough Regional School District Assessment

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$71,669,758 to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any other action relative thereto.

MOTION:

Amy Krishnamurthy moves that the Town raise and appropriate \$71,669,758 to fund the fiscal year 2024 assessment of the Acton-Boxborough Regional School District.

MOTION CARRIES UNANIMOUSLY

Article 8
(Majority vote)

Minuteman Regional School District Assessment

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$3,284,798 to defray the necessary expenses of the Minuteman Regional Vocational Technical School District, or take any other action relative thereto.

MOTION:

Mrs. Nourse moves that the Town raise \$2,912,974 from General Revenues, transfer \$371,824 from Free Cash and appropriate \$3,284,798 to fund the fiscal year 2024 assessment of the Minuteman Regional School District.

MOTION CARRIES

Article 9
(Majority vote)

**Community Preservation Program –
Direct Appropriations from Fund Balances**

To see if the Town will appropriate or set aside for later appropriation, and authorize and direct the Select Board and the Town Manager to expend or set aside, from the FY 2022 Community Preservation Fund balances as set forth herein, the amounts listed below 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 2022 COMMUNITY PRESERVATION FUND BALANCES	
FY 2022 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2022	\$ 1,213,347
State Community Preservation Trust Fund Receipt, 2022	\$ 467,277
Other FY 2022 Community Preservation Fund Components	
Interest Earned in FY 2022 (less abatements and exemptions)	\$ 17,212
Unencumbered FY 2022 Fund Balance	\$ 162,382
Recapture of unspent previous years' project appropriations	\$ 75,628
Total - FY 2022 Community Preservation Fund Balance	\$ 1,935,846
FY 2022 Open Space Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space and its Rehabilitation and Restoration	\$ 1,397,782
Total FY 2022 Open Space Set-Aside Fund Balance	\$ 1,397,782
FY 2022 Historic Resources Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 88,316
Total FY 2022 Historic Resource Set-Aside Fund Balance	\$ 88,316
APPROPRIATIONS FROM FY 2022 COMMUNITY PRESERVATION FUND BALANCE	
Purposes	Recommended Amounts
Set-Aside Appropriations for	
A. Acquisition, Creation and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 775,000
Spending Appropriations	
B. Camp Acton Road Regrading	\$ 15,000
C. Woodlawn Cemetery Chapel Exterior Accessibility Design	\$ 47,080
D. Jenks Conservation Land Culvert Replacement Phase 1: Engineering Site Work	\$ 87,535
E. Acton Housing Authority – 362-364 Main Street	\$ 285,400
F. Open Space Preservation Plan	\$ 45,100
G. NARA Bridge Boardwalk Reconstruction	\$ 155,300
H. Isaac Davis Monument	\$ 86,684
I. Repointing & Chimney Restoration of 1889 Memorial Library	\$ 67,355
J. 18 Windsor Ave Exterior Repairs and Paint	\$ 56,000
K. Regional Housing Services Program	\$ 40,000

L. Acton Community Housing Corporation – Community Housing Program Fund*	\$ 200,000
Administrative and Operating Expenses	
M. A fund for Community Preservation Committee (CPC) direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the CPC	\$ 67,318
Total Recommended Appropriations from FY 2022 Community Preservation Fund Balance	\$ 1,927,772
APPROPRIATION FROM OPEN SPACE SET-ASIDE FUND BALANCE	
N. Wright Hill Open Space Land Acquisition – Debt Service	\$ 72,000
O. Piper Lane Open Space Land Acquisitions – Debt Service	\$ 55,900
Total Recommended Appropriations from the Open Space Set-Aside Fund	\$ 127,900
APPROPRIATION FROM HISTORIC RESOURCES SET-ASIDE FUND BALANCE	
P. Isaac Davis Monument	\$ 88,316
Total Recommended Appropriations from the Historic Resources Set-Aside Fund	\$ 88,316
Resulting Fund Balances	
Resulting FY 2022 Community Preservation Fund Balance	\$ 8,074
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration**	\$ 1,014,882
Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 0
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, Preservation, and Support of Community Housing***	\$ 0

* Pursuant to Town Charter Section 6-5 that the appropriation to the Community Housing Program Fund shall not lapse three years and one month following the effective date of the vote on this article, and that this appropriation and all prior appropriations to the Community Housing Program Fund shall continue to be available for the purpose specified until expended for that purpose or until the CPC recommends and Town Meeting votes to rescind the appropriation of any unspent funds appropriated for this purpose,

And, whereas Massachusetts General Laws Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the FY 2022 Community Preservation Fund Revenues at least 10% for open space, 10% for historic resources, and 10% for community housing;

And, whereas the recommended appropriations for open space, historic resources, and community housing each meet or exceed 10% of the FY 2022 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 2022 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2022 Community Preservation Fund Revenues for open space (\$168,062), not less than 10% of the FY 2022 Community Preservation Fund Revenues for historic resources

(\$168,062), and not less than 10% of the FY 2022 Community Preservation Fund Revenues for community housing (\$168,062), or take any other action relative thereto.

** The resulting balance in the Open Space Set-Aside of \$1,014,882 includes the \$1,030,000 appropriation from Warrant Article 10 for the 549 Main Street Conservation Restriction. If that article fails, the resulting fund balance would be \$2,044,882.

***There is no Community Housing Set-Aside Fund Balance from FY2022 and no funds are proposed to be appropriated to the Community Housing Set-Aside Fund this Town Meeting.

MOTION:

Mr. Charter moves that the Town:

1. Transfer to and from the Community Preservation Fund and appropriate, re-appropriate, or set aside for current or later appropriation \$2,143,988 as set forth in the article and
Authorize the Town Manager 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 C, M,

REMAINING LINE ITEMS MOTION CARRIES UNANIMOUSLY

Held Item C

MOTION CARRIES

Held Item M

MOTION CARRIES

Article 10

(Two-thirds vote)

Community Preservation Program – Appropriations from Open Space Set-Aside and Related Actions – 549 Main Street (Conant Property)

To see if the Town will vote to:

- (a) authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Select Board may determine, a conservation restriction on 56.85 ± acres of land commonly known as 549 Main Street, and depicted on Assessors' Map E4 as Parcel 47, as described more particularly in a deed recorded in Book 74052, Page 584, and shown as Parcel 2A on Plan 1168 of 1995, both recorded with the Middlesex South Registry of Deeds (the "Conservation Restriction");
- (b) appropriate the purchase price and all necessary and appropriate transaction costs for said Conservation Restriction, including, without limitation, costs for due diligence, legal services, bonding (if any), and other transaction, acquisition and related costs;
- (c) transfer, appropriate and expend, pursuant to the favorable recommendation of the Community Preservation Committee from the existing Open Space Set Aside portion of the Community Preservation Fund balance the amount of one million dollars (\$1,000,000) for the acquisition of the Conservation Restriction described in paragraph (a) of this article and thirty thousand dollars (\$30,000) for long-term monitoring of the Conservation Restriction; and
- (d) authorize and direct the Select Board to impose a perpetual Conservation Restriction on the open space so acquired, in accordance with M.G.L. c. 44B, § 12(a) and M.G.L. c. 184, §§ 31-33, on such terms and conditions as the Select Board may determine (the "Conservation Land") and delegate the management of the Conservation Land to the Conservation Commission, so that the land shall be permanently protected under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; and
- (e) authorize the Select Board, the Town Manager, the Treasurer, and the Conservation Commission, as appropriate, to enter into all agreements and execute any and all instruments as may be necessary to effect this article;

or take any other action relative thereto.

MOTION:

Mr. Charter moves that the Town:

1. Authorize all actions set forth in the article, and
2. Transfer from the Open Space Set-Aside portion of the Community Preservation Fund balance and appropriate \$1,030,000 to pay costs of the acquisition and long-term monitoring of a Conservation Restriction on approximately 56.85 ± acres on land lying within the real property located at 549 Main Street, and depicted on Assessors' Map E4 as Parcel 47, consisting of Parcel 2A as shown on Middlesex South Registry of Deeds Plan 1168 of 1995 as set forth in the article, including the payment of all costs incidental and related thereto.

MOTION CARRIES UNANIMOUSLY

Article 11
(Majority vote)

**Amend General Bylaws – Board of Trustees of the West Acton
Citizens’ Library**

To see if the Town will vote to amend the General Bylaws of the Town by adding a new Chapter AF titled "Board of Trustees of the West Acton Citizens' Library" to read as follows, and that non-substantive changes in the numbering and heading of this bylaw be permitted in order that it be in compliance with the format of the General Bylaws; or take any other action relative thereto.

**GENERAL BYLAWS CHAPTER AF
BOARD OF TRUSTEES OF THE WEST ACTON CITIZENS' LIBRARY**

Section 1 – Name and Purpose

The Board established pursuant to this Bylaw shall be known as the Board of Trustees of West Acton Citizens' Library (the "Board"). The Board shall have control of the West Acton Citizens' Library Gift Fund, which shall be used, in accordance with this Bylaw, to support the goals and needs of the West Acton Citizens' Library ("Citizens' Library") to provide free access to the widest possible range of informational, educational and recreational services, materials and programs for life-long learning and enrichment to all individuals and groups in the community.

Section 2 – Trustees; General Provisions

- A. The Board of Trustees of the West Acton Citizens' Library shall be the same Board of Trustees as that established in the Article 54 of the 1962 Annual Town Meeting for the Town of Acton (the "Board" or "Trustees"). Each Board Member shall have one vote.
- B. The Board is responsible for overseeing the use of these the West Acton Citizens' Library Gift Fund, promoting the history of the library and how it was established, and for advocating and advising for the best interests of Citizens' Library.
- C. Notwithstanding anything in this Bylaw to the contrary, the Citizens' Library shall operate as a Town Department under control of the Town Manager per the Town of Acton's Charter.
- D. The Board shall be responsible for establishing goals of the Citizens' Library, which will be provided to the Town Manager for long-range planning purposes.
- E. The Board shall meet at regular intervals, at least twice annually, which meetings shall be open to the public in accordance with MGL c. 39, §§ 23A to 23C, the Open Meeting Law. The Board shall meet in executive session when permitted or required in accordance with Open Meeting Law.
- F. A majority (two) of the Board Members shall constitute a quorum.
- G. Any member of the Board may resign by providing written notice to the Town Clerk. Upon receipt of the notice, the Town Clerk will notify the Board members. A vacancy on the Board shall be filled by joint majority vote of the remaining Board Members and the Select Board in accordance with MGL c. 41, § 11. Each member of each Board has one vote.

Section 3 – Fiscal Year

The Fiscal Year for the West Acton Citizens' Library Gift Fund shall begin on July 1 and end on June 30. The Board of Trustees for the West Acton Citizens' Library Gift Fund shall report activity of the West Acton Citizens' Library Gift Fund to the Town in the Annual Town Report. The Board shall also annually make a report to the Town of its actions in the previous year for inclusion in the Annual Town Report.

Section 4 – Provisions for Use of Income and Principal

- A. The Town Treasurer shall hold and manage the Gift Fund under the Massachusetts General Laws. The Board of Trustees shall pay to or apply for the benefit of the West Acton Citizens' Library any part or all of the income as they shall in their discretion deem advisable, such income to be used to enhance, enrich and supplement the funds available for the West Acton Citizens' Library.
- B. The Trustees shall annually request from the West Acton Citizens' Library Manager recommendations for Citizens' Library purposes for which amounts from the Gift Funds can be used. After review, the Trustees will determine the library purposes for which such funds be used.
- C. The Trustees may conduct fundraising and other income generation for the Gift Fund, coordinating with staff as appropriate, and subject to Select Board accepting such funds.

Section 5 – Termination

This Gift Fund is intended to be perpetual; provided, however, should Town Meeting vote to discontinue, transfer or sell the Citizens' Library or any assets therein then, pursuant to Article 54 of the 1962 Annual Town Meeting for the Town of Acton, any proceeds are to be turned over to the Board of Trustees of the Acton Memorial Library who will establish a fund to be known as "West Acton Citizen's Library Fund" the income of which is to be used for purchasing books for the Acton Memorial Library.

MOTION:

Ms. Nagireddy moves that the Town amend the General Bylaws as set forth in the Article.

Annette Lochrie moves to amend as underlined below;

B. The Board is responsible for overseeing the use of these the West Acton Citizens' Library Gift Fund, promoting the history of the library and how it was established, and for advocating and advising for the best interests of Citizens' Library, including retaining approval authority on programming, policies, the budget, and major changes to the Library, and its contents; and agreement between the Trustees and Town Manager on staff choices for Librarian/Library Manager."

Motion for Amendment to lay on the table

MOTION CARRIES TO LAY ON TABLE

Declared 2/3 by Moderator*

*Town of Acton has accepted 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.)

James Snyder Grant moves to postpone this article indefinitely.

MOTION CARRIES

Article 1 (Part B) Choose Town Officers

Trustee of the West Acton Citizens' Library, nominates for the position of Trustee of the West Acton Citizens' Library, term to expire 2026.

A - Annette Lochrie - 123

B - Annie Channon - 162

Annie Channon elected as trustee with term to expire 2026

Trustee of the West Acton Citizens' Library, nominates for the position of Trustee of the West Acton Citizens' Library, term to expire 2025.

A - Annett Lochrie - 121

B - Monica Burke - 148

C - Niles Smith - 13

Monica Burke elected as trustee with term to expire 2025

Trustee of the West Acton Citizens' Library, nominates for the position of Trustee of the West Acton Citizens' Library, term to expire 2024.

A - Annette Lochrie - 144

B - Linda Vieira - 131

Annette Lochrie elected as trustee with term to expire 2024

MOTION TO ADJOURN: Jason Cole moves to adjourn the Town Meeting at 10:50 pm until May 2nd at 6:30 pm, at the Acton-Boxborough Regional High School Auditorium.

MOTION TO ADJOURN CARRIES

May 2, 2023

The Moderator, Ms. Jo-Ann Berry, called the Annual Town Meeting to order on Tuesday, May 2, 2023, at 6:30 pm.

The Moderator introduced the Town Manager, John Mangiaratti who gave the presentation for the annual recipient of the “Joseph A. Lalli Merit Award” endowed by the Steinberg Lalli Charitable Foundation, for outstanding work of a Town of Acton Municipal Employee. This is the nineteenth year that this award has been issued.

The Foundation gave funding fifteen years ago, to recognize Public Safety Employees with this award as well.

Mr. Mangiaratti honored the fifteenth annual recipient of the “Joseph A. Lalli Merit Award” for outstanding work of a Public Safety Employee. This year’s Public Safety Employee of the Year is presented to, Firefighter / Paramedic of the Acton Fire Department, Joshua Ramos.

Joshua Ramos start with the Town in 2021. He recently assisted in the Town of Maynard while off duty, when an elderly housing complex was on fire. He went across the street to notify residents and evacuated the building and providing further assistance to Maynard Fire and other operation when they arrived.

Congratulations to Joshua Ramos.

Firefighter Ramons thanked Chief Hart for being here and to Deputy Arnum as well as Group 3 for attending.

The Municipal Employee of the Year award for 2022 is presented to Mary Katis of the Acton Memorial Library. She has stepped up in a department that went through a lot of transition and stepped to a leadership role while an interim director was on board. She has played a big role in the success of the Library.

Mary thanked the Lalli Committee and the Town Manager for this honor. She also thanked her nominator, Library Director Maria Palacio for making it fun to come to work. She also thanked the Trustees for their support.

Article 12
(Majority vote)

**Amend General Bylaws – Municipal Opt-In –
Specialized Stretch Energy Code**

To see if the Town will vote to replace Chapter V of the Bylaws of the Town of Acton entitled “Stretch Energy Code” with the “Specialized Energy Code” pursuant to the entirety of 225 CMR 22 and 23, including Appendices RC and CC, and future editions, amendments or modifications in substantially the form below, or take any other action relative thereto.

Chapter V: SPECIALIZED ENERGY CODE

V1. Purpose

The purpose of the Specialized Energy Code at 225 CMR 22.00 and 23.00, including Appendices RC and CC, is to provide a more energy efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline Massachusetts Energy Code, applicable to the relevant sections of the building code for both new construction and existing buildings.

V2. Definitions

Effective Date – January 1, 2024.

International Energy Conservation Code (IECC) – The International Energy Conservation Code (IECC), a building energy code created by the International Code Council. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards and published in state regulations as part of 780 CMR.

Specialized Energy Code – The energy code codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including the residential and commercial appendices added to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the IECC to incorporate the energy efficiency of the Stretch Energy Code.

Stretch Energy Code – The energy code codified by the combination of 225 CMR 22 and 23 not including Appendices RC and CC.

V3. Specialized Energy Code

The Specialized Energy Code is herein incorporated by reference and shall apply to residential and commercial buildings in the Town of Acton after the Effective Date.

The Specialized Code is enforceable by the Building Commissioner, and by any inspector of the Town of Acton. Notwithstanding the foregoing, if the Town is accepted into the Department of Energy Resources Fossil Fuel-Free Demonstration Project, residential and commercial buildings in the Town shall, to the extent not otherwise exempt under any bylaws of the Town of Acton, be subject to the Specialized Energy Code modified as follows:

1. Low-rise Residential Code (225 CMR 22 Appendix RC): Sections RC102 and RC101 “Zero Energy Pathway” and “Mixed Fuel Pathway” shall not be permitted for use for new construction, and major renovations shall not install any new combustion equipment.
2. Commercial and All Other (225 CMR 23 Appendix CC): Sections CC103 and CC105 “Zero Energy Pathway” and “Mixed-Fuel Pathway” shall not be permitted for new construction, and major renovations shall not install any new combustion equipment.

MOTION:

Mr. Snyder-Grant moves that the Town amend the General Bylaws as set forth in the Article.

MOTION CARRIES

To see if the Town will vote to amend Chapter AC of the General Bylaws, “Regulating Fossil Fuel Infrastructure in Buildings” as follows, or take any other action relative thereto.

*[Note: Text deleted from the current bylaw is shown in ~~strikethrough~~; new text added to the bylaw is shown in **bold**.]*

Chapter AC. REGULATING FOSSIL FUEL INFRASTRUCTURE IN BUILDINGS

AC1. Purpose

This Bylaw is adopted by the Town of Acton to protect health and safety, and the natural environment, and to reduce air pollution and greenhouse gas emissions, which cause climate change, thereby threatening the Town and its inhabitants. **In addition, this bylaw is intended to fulfill requirements of participation in the Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project as defined in 225 CMR 24.00 (the “Demonstration Project”).**

AC2. Definitions

2.1 “Effective Date” shall mean ~~December 1, 2022, or six~~ three months following the date by which the Town is authorized by the ~~Massachusetts General Court Department of Energy Resources to participate in the Demonstration Project~~ regulate fossil fuel infrastructure, whichever is later.

2.2 “New Building” shall mean a new building as defined in the Acton Zoning Bylaw, Chapter M of the General Bylaws of the Town of Acton, associated with a building permit application filed on or after the Effective Date.

2.3 “On-Site Fossil Fuel Infrastructure” shall mean piping, for ~~fuel natural~~ gas, fuel oil, or other fuel hydrocarbons, **or other synthetic equivalents**, that is in a building, in connection with a building, or otherwise within the property lines of premises, extending from a supply tank or from the point of delivery behind a gas meter or the customer-side gas meter.

2.4 “Major Renovation” shall mean a renovation project associated with a valid building permit application filed on or after the Effective Date of this chapter that:

1. for existing structures regulated by the current edition of the International Residential Code as amended by 780 CMR 51: Massachusetts Residential Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 75% of the Gross Floor Area of the principal dwelling, as defined in Section 1.3.7 of the Acton Zoning Bylaw, prior to the project; and
2. for existing structures regulated by the current edition of the International Building Code as amended by 780 CMR 34: Massachusetts Commercial Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 50% of the building floor area prior to the project, as defined by the Massachusetts Building Code.

2.5 “Work Area” shall mean the portions of a building affected by renovations for the reconfiguration of space and/or building systems, as indicated in the drawings associated with a building permit application. Areas consisting of only repairs, refinishing, and/or incidental work are excluded from the Work Area.

AC3. Applicability

3.1 This chapter shall apply to all building permit applications for New Buildings and Major Renovations proposed to be located in whole or in part within the Town, except that this Chapter shall not apply to:

- A. Utility service piping connecting the grid to a meter, or to a gas meter itself;
- B. Piping required to:
 - i. fuel backup electrical generators, outdoor cooking appliances, or appliances for outdoor heating; or
 - ii. produce potable or domestic hot water from centralized hot water systems in buildings with a floor area of at least 10,000 square feet, provided that the Engineer of Record certifies that no commercially available electric hot water heater exists that could meet the required hot water demand for less than 150% of installation or operational costs, compared to a conventional fossil-fuel hot water system;
- C. The extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping, provided new fossil fuel piping is not installed; or
- D. Repairs of any existing portions of a fuel piping system deemed unsafe or dangerous by the Plumbing and Gas Fitting Inspector.
- E. Buildings where the primary use is as a Research Laboratory for Scientific or Medical Research, or as Hospitals or Medical Offices.**

AC4. Enforcement

4.1 As of the Effective Date, no building permit shall be issued by the Town for the construction of New Buildings or Major Renovations that include the installation of new On-Site Fossil Fuel Infrastructure that is subject to this Chapter, except as provided ~~for in Chapter V or in Section AC3 “Applicability” and Section AC5 “Waivers.”~~

4.2 The Town Manager, or their designee, shall publish and present an annual report to the Select Board quantifying the number and ~~locations~~ **location** of ~~residential~~ building permit applications for new and major renovation projects exceeding 75% of the original gross floor area **of the principal dwelling**, and the number and ~~locations~~ **location** of commercial building permit applications for new and major renovation projects exceeding 50% of the building floor area prior to the project; the number of new and major renovation projects requesting a waiver from this Chapter, the disposition of those waivers, the reasons for granting or denying those waivers, and the square footage of each project for which a waiver is granted.

4.3 The Select Board may adopt reasonable regulations to implement this Chapter.

AC5. Waivers

5.1 The Building Commissioner may grant a waiver subject to the requirements of this Chapter in the event that compliance with the provisions of this Chapter makes a project financially infeasible or impractical to implement. Compliance with this Chapter may be considered infeasible if, without limitation:

- A. as a result of factors beyond the control of the ~~applicant~~ proponent, the additional cost of the project over the long term, including any available subsidies, would make the project economically unviable; or
- B. technological or other factors would make the project unsuitable for its intended purpose.

5.2 Waivers from compliance with this Chapter may be subject to reasonable conditions. Where possible, waivers shall be issued for specific portions of a project that are financially infeasible or impractical to implement under the requirements of this Chapter, rather than entire projects.

5.3 Waiver requests shall be supported by a detailed cost comparison, including available rebates and credits. A waiver request may be made at any time and may be based upon submission of conceptual plans.

5.4 In considering a request for a waiver, the Building Commissioner may consider as a factor the requesting party's status as a non-profit or government-sponsored affordable housing entity.

5.5 The Select Board shall, prior to the Effective Date, issue and may thereafter amend, guidance regarding the granting of waivers and describing reasonable conditions that may be placed on a waiver.

AC6. Appeals

An applicant may appeal a decision of the Building Commissioner concerning the grant or denial of a waiver pursuant to Section AC5 to the Select Board, or its designee, within 30 days of the decision.

AC7. Reporting

The Select Board, or its designee, shall provide data and other information on the impacts of this Bylaw on emissions, building costs, operating costs, the number of building permits issued, and other information as required or requested by the Department of Energy Resources and the Secretary of Housing and Economic Development.

REVISED ARTICLE 13

May 1, 2023: As noted in this article's summary, the revised article language below reflects additional edits to General Bylaw Chapter AC.

Article 13 **Amend General Bylaws – Regulating Fossil Fuel Infrastructure in Buildings**
(Majority vote)

To see if the Town will vote to amend Chapter AC of the General Bylaws, "Regulating Fossil Fuel Infrastructure in Buildings" as follows, or take any other action relative thereto.

*[Note: Text deleted from the current bylaw is shown in ~~strike-through~~; new text added to the bylaw is shown in **bold**.]*

Chapter AC. REGULATING FOSSIL FUEL INFRASTRUCTURE IN BUILDINGS

AC1. Purpose

This Bylaw is adopted by the Town of Acton to protect health and safety, and the natural environment, and to reduce air pollution and greenhouse gas emissions, which cause climate change, thereby threatening the Town and its inhabitants. **In addition, this bylaw is intended to fulfill requirements of participation in the Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project as defined in 225 CMR 24.00 (the “Demonstration Project”).**

AC2. Definitions

2.1 "Effective Date" shall mean December 1, 2022, or six three months following the date by which the Town is authorized by the Massachusetts General Court **Department of Energy Resources** to participate in the Demonstration Project regulate fossil fuel infrastructure, whichever is later.

2.2 “New Building” shall mean a new building as defined in the Acton Zoning Bylaw, Chapter M of the General Bylaws of the Town of Acton, associated with a building permit application filed on or after the Effective Date.

2.3 “On-Site Fossil Fuel Infrastructure” shall mean piping, for fuel **natural** gas, fuel oil, or other fuel hydrocarbons, **or other synthetic equivalents**, that is in a building, in connection with a building, or otherwise within the property lines of premises, extending from a supply tank or from the point of delivery behind a gas meter or the customer-side gas meter.

2.4 "Major Renovation" shall mean a project associated with a valid building permit application filed on or after the Effective Date of this article that meets the definition of Level 3 Alteration as defined in 225 CMR 22 and 23. renovation project associated with a valid building permit application filed on or after the Effective Date of this chapter that:

3. for existing structures regulated by the current edition of the International Residential Code as amended by 780 CMR 51: Massachusetts Residential Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 75% of the Gross Floor Area of the principal dwelling, as defined in Section 1.3.7 of the Acton Zoning Bylaw, prior to the project; and
4. for existing structures regulated by the current edition of the International Building Code as amended by 780 CMR 34: Massachusetts Commercial Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 50% of the building floor area prior to the project, as defined by the Massachusetts Building Code.

2.5 "Work Area" shall mean the portions of a building affected by renovations for the reconfiguration of space and/or building systems, as indicated in the drawings associated with a building permit application. Areas consisting of only repairs, refinishing, and/or incidental work are excluded from the Work Area.

AC3. Applicability

3.1 This chapter shall apply to all building permit applications for New Buildings and Major Renovations proposed to be located in whole or in part within the Town, except that this Chapter shall not apply to:

- A. Utility service piping connecting the grid to a meter, or to a gas meter itself;
- B. Piping required to:
 - i. fuel backup electrical generators, outdoor cooking appliances, or appliances for outdoor heating; or
 - ii. produce potable or domestic hot water from centralized hot water systems in buildings with a floor area of at least 10,000 square feet, provided that the Engineer of Record certifies that no commercially available electric hot water heater exists that could meet the required hot water demand for less than 150% of installation or operational costs, compared to a conventional fossil-fuel hot water system;
- C. The extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping, provided new fossil fuel piping is not installed; or

- D. Repairs of any existing portions of a fuel piping system deemed unsafe or dangerous by the Plumbing and Gas Fitting Inspector.

E. Buildings where the primary use is as a Research Laboratory for Scientific or Medical Research, or as Hospitals or Medical Offices.

AC4. Enforcement

4.1 As of the Effective Date, no building permit shall be issued by the Town for the construction of New Buildings or Major Renovations that include the installation of new On-Site Fossil Fuel Infrastructure that is subject to this Chapter, except as provided for in Chapter V or in Section AC3 "Applicability" and Section AC5 "Waivers."

4.2 The Town Manager, or their designee, shall publish and present an annual report to the Select Board quantifying the number and locations location of residential building permit applications for new and major renovation projects exceeding 75% of the original gross floor area of the principal dwelling, and the number and locations location of commercial building permit applications for new and major renovation projects exceeding 50% of the building floor area prior to the project; the number of new and major renovation projects requesting a waiver from this Chapter, the disposition of those waivers, the reasons for granting or denying those waivers, and the square footage of each project for which a waiver is granted.

4.3 The Select Board may adopt reasonable regulations to implement this Chapter.

AC5. Waivers

5.1 The Building Commissioner may grant a waiver subject to the requirements of this Chapter in the event that compliance with the provisions of this Chapter makes a project financially infeasible or impractical to implement. Compliance with this Chapter may be considered infeasible if, without limitation:

A. as a result of factors beyond the control of the applicant proponent, the additional cost of the project over the long term, including any available subsidies, would make the project economically unviable; or

B. technological or other factors would make the project unsuitable for its intended purpose.

5.2 Waivers from compliance with this Chapter may be subject to reasonable conditions. Where possible, waivers shall be issued for specific portions of a project that are financially infeasible or impractical to implement under the requirements of this Chapter, rather than entire projects.

5.3 Waiver requests shall be supported by a detailed cost comparison, including available rebates and credits. A waiver request may be made at any time and may be based upon submission of conceptual plans.

5.4 In considering a request for a waiver, the Building Commissioner may consider as a factor the requesting party's status as a non-profit or government-sponsored affordable housing entity.

5.5 The Select Board shall, prior to the Effective Date, issue and may thereafter amend, guidance regarding the granting of waivers and describing reasonable conditions that may be placed on a waiver.

AC6. Appeals

An applicant may appeal a decision of the Building Commissioner concerning the grant or denial of a waiver pursuant to Section **AC5** to the Select Board, or its designee, within 30 days of the decision.

AC7. Reporting

The Select Board, or its designee, shall provide data and other information on the impacts of this Bylaw on emissions, building costs, operating costs, the number of building permits issued, and other information as required or requested by the Department of Energy Resources and the Secretary of Housing and Economic Development.

MOTION:

Mr. Snyder-Grant moves that the Town amend the General Bylaws as set forth in the revised Article handout provided to Town Meeting.

MOTION CARRIES

Article 14
(Two-thirds vote)

Real Property Disposition – 13 School Street

To see if the Town will vote to authorize the Select Board to transfer the real property shown as Parcel 49 on the Town of Acton Atlas Map H2-A and in the deed recorded at the Middlesex South Registry of Deeds in Book 20867, Page 513, which land is currently held for general municipal purposes, from the current custodian to the Select Board for the purpose of conveyance, and to authorize the Select Board to convey such land on such terms and conditions and for such consideration, which may be non-monetary consideration, as the Select Board may determine, or take any other action relative thereto.

MOTION:

Mr. Martin moves that the Town transfer the real property shown as Parcel 49 on Town of Acton Atlas Map H2-A and described in the deed recorded at the Middlesex South Registry of Deeds in Book 15888, Page 304 and Instrument of Taking recorded in Book 20867, Page 513, from its current custodian to the Select Board for the purpose of conveyance, and authorize the conveyance of that property as set forth in the Article.

Motion for non-resident to speak in regard to this article.

Motion carries for non-resident speaker.

Lauren Morton moves to Amend the motion by adding the following to the end ...provided that any site plan for new development on the contiguous parcels also includes a 25-car parking lot for the benefit of the South Acton Village and the greater Acton community. This parking lot shall be visible and accessible to seniors and others accessing South Acton Congregational Church, Exchange Hall, and other businesses in the immediate area. Use of the parking lot shall remain free.

Motion to the amendment

Clicker vote for motion

Yes 162 No 158

MOTION TO AMEND CARRIES

David Martin moves to postpone indefinite

Motion to allow non voter to speak on the postpone

Motion to speak carries

MOTION CARRIES TO POSTPONE INDEFINITELY

Article 15
(Two-thirds vote)

Amend Zoning Bylaw – Firearm Business

To see if the Town will vote to amend the Zoning Bylaw as follows and to renumber or alphabetize as necessary:

A. Insert under Section 3.5, Business Uses, the following new subsection 3.5.26 as follows:

3.5.26 Firearm Business – An indoor retail or wholesale operation involving the purchase or sale of Firearms and Ammunition. Accessory sale of Firearm Accessories including but not limited to bags, siting systems, slings and scabbards, or maintenance kits; any retail or manufacturing operation involving the repairing, altering, cleaning, polishing, engraving, bluing or performing of any mechanical operation on any Firearm. Sale of conversion devices such as an auto sear, fuel filters or solvent filters, trigger switches or similar products that when combined create an illegal weapon are not allowed.

B. In Section 3, Table of Principal Uses, insert the following new lines and footnote:

	RESIDENTIAL DISTRICTS				VILLAGE DISTRICTS					OFFICE DISTRICTS	
PRINCIPAL USES	R-2 R-4 R-8 R-8/4 R-10 R-10/8	R-A	R-AA	VR	EAV	EAV-2	NAV	SAV	WAV	OP-1	OP-2
3.5 BUSINESS USES											
3.5.26 Firearm Business	N	N	N	N	N	N	N	N	N	N	N

	BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS					SP. DIST.	
PRINCIPAL USES	KC	LB	PM	GI	LI	LI-1	SM(1)	TD	ARC	SITE PLAN
3.5 BUSINESS USES										
3.5.26 Firearm Business (12)	N	N	N	N	N	N	SPS	SPS	N	R

(12) Refer to Section 3.13 for specific standards, requirements, exemptions and special permit criteria for Firearm Businesses.

C. Insert under Section 3, Principal Use Table, Principal Use Definitions and Accessory Use Regulations, a new subsection 3.13 as follows:

3.13 Special Provisions for Firearm Businesses –

3.13.1 Purpose – To provide reasonable regulations pertaining to the location, siting, design, placement, security, safety, monitoring, and modifications of Firearms Businesses within the Town of Acton to minimize the adverse impacts of Firearms Businesses on adjacent properties, residential neighborhoods, schools and other places where children congregate, and to protect and promote the quality of the Town of Acton's neighborhoods, commercial and business districts, and the general welfare, health and safety of the citizens of Acton.

3.13.2 Compatibility with State and Federal Laws and Regulations – The provisions of this bylaw are not intended to supersede federal or state laws or regulations except to the extent that any such laws or regulations allow a community to adopt standards more stringent than the minimum standards provided in such laws and regulations.

3.13.3 Applicability – This Section 3.13 shall apply to all Firearm Businesses including related BUILDINGS.

3.13.3.1 No Firearms Business use shall commence until the operator of such Firearm Business has obtained all necessary Federal, State and other required local approvals and licenses.

3.13.3.2 The establishment and continued operation of Firearms Businesses shall be subject to continued compliance with all special permits, including any conditions thereof, the provisions of this Bylaw, any other applicable requirements of the Zoning Bylaw, and all applicable Federal, State, and local laws and regulations.

3.13.4 Special Permit for Firearm Businesses – The Select Board may grant a Special Permit for a Firearm Business in the Technology District or Small Manufacturing District. When granting such special permit, the Select Board shall vote in the affirmative the Mandatory Findings for special permits required in Section 10.3 of this Bylaw, and in addition, find that the following standards and requirements are met:

3.13.4.1 Setbacks – No Firearm Business shall be located within 500 feet of a LOT which contains the following uses: Educational, Religious, Child Care Facility, Municipal buildings open to the public, and public parks and playgrounds; no Firearm Business shall be located within 125 feet of a LOT which contains a Residential Use.

3.13.4.2 Configuration and Operations – Firearm Businesses shall be conducted entirely within a BUILDING and comply with the following standards:

- a. Hours of operation shall be limited to 8AM to 8PM. The Special Permit Granting Authority may allow extended hours for non-retail operations, such as manufacturing, administration, and/or deliveries.
- b. Firearm Businesses shall not sub-lease space from a tenant of any BUILDING or STRUCTURE and is prohibited from sub-leasing the Firearms Business use space to another Firearm Business.
- c. The Firearm Business shall procure and at all times while in operation maintain insurance issued by an insurance company licensed to do business in the Commonwealth, insuring the Firearm Business against liability for damage to property and for injury to, or death of, any person as a result of the theft, sale, lease or transfer, or offering for sale, lease or transfer of a firearm or ammunition, or any other operation of the Firearm Business. The limits of liability shall not be less than \$1,000,000 for each incident of damage to property or incident of injury to death to a person; provided however, that increased limits of liability may be required by the Special Permit Granting Authority upon a finding that the size of the operation warrants greater liability. Notice of termination of any applicable insurance must be given to the Special Permit Granting Authority at least 30 days prior to the effective date of the cancellation.
- d. Firearm Businesses shall submit a security plan to the Acton Police Department for review and approval prior to applying for special permit. The plan must include, but is not limited to, the following:
 1. Names and phone number of all management staff and keyholders,
 2. Certification that no employees have past history of felony record,
 3. A plan showing exterior ground lighting,
 4. Description of security systems and alarms,

5. 24-hour video surveillance system in parking lots, building entrances and exits and transaction or point-of-sale locations.
6. Location of dumpsters shall be locked with screening,
7. Floor plan showing layout of operation,
8. Evidence of after-hours storage of all Firearms in locked containers or by otherwise securing the Firearms with tamper-resistant mechanical locks.

- e. The Special Permit Granting Authority shall require that Firearm Business notify the Police Department of any changes to the name or phone numbers of all management staff and keyholders.
- f. The Firearms Business shall be equipped with, and the operation of such Firearm Business shall maintain in working order at all times, security system to the satisfaction of the Town.
- g. A video surveillance system shall be installed and maintained which shall monitor all parking lot areas, main building entrances and exits, storage areas, and any and all transition areas for sale of merchandise. Recordings shall be maintained for a minimum of six months. A sign no larger than 2 square feet shall be placed in a visible location on the building which notes that video surveillance is in use on the property.
- h. The exterior grounds, including the parking lot and landscape areas, shall be lit in such a manner that all areas are clearly visible at all times during business hours; all lighting shall be full cut off with a temperature of no more than 3,000K.
- i. No person under the age of eighteen (18) shall be permitted on the premises of the Firearms Business unless they are accompanied by a parent or legal guardian and notice of such limitation shall be posted outside the Business.

3.13.4.3 Signage – All signs associated with Firearm Businesses shall comply with Section 7 of the Zoning Bylaw unless further regulated herein.

- a. Temporary Signs as defined in Section 7.2.19 are prohibited.
- b. Window Signs as defined in Section 7.5.16 are prohibited.

3.13.4.4 Limitation and Termination of Special Permit— No more than two Firearm Businesses are allowed within the Town of Acton at any given time. A Special Permit for Firearm Business is not transferable upon a sale, transfer, or assignment of the Firearms Business. A special permit for a Firearm Business shall be terminated for violation M.G.L. c. 140 SS 122B, 130, 131N, or similar laws in other states. Upon expiration or cancellation of the policy of insurance as required by Section 3.13.4.3. C, and if no additional insurance is obtained, the special permit shall be terminated.

, or take any other action relative thereto.

MOTION:

Mr. Martin moves that the Town amend the Zoning Bylaw as set forth in the Article.

Motion to amend to reduce from 2 to 1 license and increase the insurance from 1 million to 5 million

Motion to amend fails

Motion to amend by deleting the first sentence of 3.13.4.4 to no limit to the number of gun dealers

Motion to amend fails

Clicker vote on original Motion

Yes 281 No 38

ORIGINAL MOTION CARRIES
Declared 2/3 by Moderator*

*Town of Acton has accepted 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 16
(Two-thirds vote)

Amend Zoning Bylaw and Map – Groundwater Protection District

To see if the Town will vote to amend the Zoning Bylaw Section 4.3 – Groundwater Protection District and map as follows and to renumber or alphabetize as necessary:

A. Replace Section 4.3.2.1 with the following:

4.3.2.1 **ZONE 1 - Well Protection Area** –The area from which GROUNDWATER will travel to a pumping municipal well within a one year time period, based on average recharge conditions and anticipated pumping, as established in the "Groundwater Protection District Map of the Town of Acton, January 1989", prepared by Goldberg, Zoning and Associates (GZA) in the "Final Report - Aquifer Protection Zones, Town of Acton, Massachusetts, January 1989". For the Conant bedrock wells D and E, the ZONE 1 delineation was prepared by Geosphere Environmental Management, Inc. for the Acton Water District in the letter report "Time of Travel Calculations Conant Bedrock Wells D and E Town of Acton Bylaw: 4.3. Groundwater Protection District Acton, MA", dated July 28, 2021.

*[Modifications from the current Bylaw are below. Added text is shown **bold**.]*

4.3.2.1 **ZONE 1 - Well Protection Area** –*The area from which GROUNDWATER will travel to a pumping municipal well within a one year time period, based on average recharge conditions and anticipated pumping, as established in the "Groundwater Protection District Map of the Town of Acton, January 1989", prepared by Goldberg, Zoning and Associates (GZA) in the "Final Report - Aquifer Protection Zones, Town of Acton, Massachusetts, January 1989". For the Conant bedrock wells D and E, the ZONE 1 delineation was prepared by Geosphere Environmental Management, Inc. for the Acton Water District in the letter report "Time of Travel Calculations Conant Bedrock Wells D and E Town of Acton Bylaw: 4.3. Groundwater Protection District Acton, MA", dated July 28, 2021.*

B. Replace section 4.3.2.2 with the following:

4.3.2.2 **ZONE 2 - The Recharge Protection Area** – The area within which GROUNDWATER will move toward a pumping municipal well at the end of a 180 day period of no surficial recharge and full design capacity pumping of the well (as more fully defined by the Massachusetts Department of Environmental Protection in 310 CMR 22.02), established in the "Groundwater Protection District Map of the Town of Acton, January 1989", as last amended and most recently adopted by Town Meeting. For the Clapp/Whitcomb and the School Street well fields, the Zone 2 delineation was prepared by Goldberg, Zoning and Associates (GZA) in the "Final Report - Aquifer Protection Zones, Town of Acton, Massachusetts, January 1989". For the Conant I and II well fields, the ZONE 2 delineation was prepared by Dufresne-Henry, Inc. for the Acton Water District in the "Report on Conant II Pumping Test", dated January 1993. For the Kennedy/Marshall well fields, the ZONE 2 delineation was prepared by Dufresne-Henry, Inc. for the Acton Water District in the "Report on Kennedy No.1 and Marshall Wellfields Zone II Delineation", dated October 1996. For the Assabet well fields, the ZONE 2 delineation was prepared by Stantec Consulting for the Acton Water District in the report "Prolonged Pumping Test Assabet Well No. 3", dated May 2008 and revised by Stantec Consulting in a letter report dated January 2009. For the Conant bedrock wells D and E, the ZONE 2 delineation was prepared by Geosphere Environmental Management, Inc. for the Acton Water District in the report "BRP WS-19 Source Final Report", dated June 28, 2021. For the Maynard Rockland Avenue bedrock wells, the ZONE 2 delineation was prepared by Dufresne-Henry, Inc. for the Town of Maynard in the report "Source Final Report Rockland Avenue Bedrock Wellfield" dated April 2000 and revised by United States Geological Survey in the report "Delineation of Water Sources for Public Supply Wells in Three Fractured-Bedrock Aquifer Systems in Massachusetts" dated 2003.

*[Modifications from the current Bylaw are below. Added text is shown **bold**.]*

4.3.2.2 **ZONE 2 - The Recharge Protection Area** – The area within which GROUNDWATER will move toward a pumping municipal well at the end of a 180 day period of no surficial recharge and full design capacity pumping of the well (as more fully defined by the Massachusetts Department of Environmental Protection in 310 CMR 22.02), established in the "Groundwater Protection District Map of the Town of Acton, January 1989", as last amended and most recently adopted by Town Meeting. For the Clapp/Whitcomb and the School Street well fields, the Zone 2 delineation was prepared by Goldberg, Zoino and Associates (GZA) in the "Final Report - Aquifer Protection Zones, Town of Acton, Massachusetts, January 1989". For the Conant I and II well fields, the ZONE 2 delineation was prepared by Dufresne-Henry, Inc. for the Acton Water District in the "Report on Conant II Pumping Test", dated January 1993. For the Kennedy/Marshall well fields, the ZONE 2 delineation was prepared by Dufresne-Henry, Inc. for the Acton Water District in the "Report on Kennedy No.1 and Marshall Wellfields Zone II Delineation", dated October 1996. For the Assabet well fields, the ZONE 2 delineation was prepared by Stantec Consulting for the Acton Water District in the report "Prolonged Pumping Test Assabet Well No. 3", dated May 2008 and revised by Stantec Consulting in a letter report dated January 2009. ~~All ZONES 2 have been approved by the Massachusetts Department of Environmental Protection (DEP) as the State approved Zone H, and all ZONES 2 described and referred to herein shall be deemed identical to the DEP approved Zones H.~~ For the Conant bedrock wells D and E, the ZONE 2 delineation was prepared by Geosphere Environmental Management, Inc. for the Acton Water District in the report "BRP WS-19 Source Final Report", dated June 28, 2021. For the Maynard Rockland Avenue bedrock wells, the ZONE 2 delineation was prepared by Dufresne-Henry, Inc. for the Town of Maynard in the report "Source Final Report Rockland Avenue Bedrock Wellfield" dated April 2000 and revised by United States Geological Survey in the report "Delineation of Water Sources for Public Supply Wells in Three Fractured-Bedrock Aquifer Systems in Massachusetts" dated 2003.

C. Replace section 4.3.3.5 with the following:

4.3.3.5 **FRACTURED BEDROCK** – is a geological formation (e.g. crystalline rock, marble, schist) where groundwater flows through cracks and fractures. Flow through fractures is typically relatively fast. FRACTURED BEDROCK is an alternative AQUIFER to STRATIFIED DRIFT AQUIFERS. FRACTURED BEDROCK typically underlies the overlying sand and gravel and glacial till deposits. Recharge to the FRACTURED BEDROCK is typically from these overlying deposits. Both the Towns of Acton and Maynard utilize FRACTURED BEDROCK AQUIFERS as a source of drinking water. Protection of them is also vital as GROUNDWATER from a FRACTURED BEDROCK AQUIFER can recharge the overlying sand and gravel deposits and other surface water bodies.

*[Modifications from the current Bylaw are below. Text shown in ~~strike through~~ is being replaced with text shown in **bold**.]*

4.3.3.5 **FRACTURED BEDROCK** – is a geological formation (e.g. crystalline rock, marble, schist) where groundwater flows through cracks and fractures. Flow through fractures is typically relatively fast. FRACTURED BEDROCK is an alternative AQUIFER to STRATIFIED DRIFT AQUIFERS. FRACTURED BEDROCK typically underlies the overlying sand and gravel and glacial till deposits. Recharge to the FRACTURED BEDROCK is typically from these overlying deposits. ~~Although Both the Towns of Acton and Maynard has not yet utilized FRACTURED BEDROCK AQUIFERS as a source of drinking water, protection of them is also vital as GROUNDWATER from a FRACTURED BEDROCK AQUIFER can recharge the overlying sand and gravel deposits and other surface water bodies.~~

D. Adopt a new Groundwater Protection District Map of the Town of Acton, Map 3, dated March 2023.
, or take any other action relative thereto.

MOTION:

Ms. Nagireddy moves that the Town amend the Zoning Bylaw and Map as set forth in the Article.

MOTION CARRIES UNANIMOUSLY

Article 17 *
(Two-thirds vote)

Amend Zoning Bylaw – Housekeeping Corrections

To see if the Town will vote to amend the Zoning Bylaw as follows and make any renumbering or administrative corrections as required for formatting purposes:

- A. In Section 3.8.1.6 – Accessory apartments subject to the following standards and requirements, correct the section alphabetization “a” through “p.”

- B. In Section 7.4.3.7 – Insert after the phrase, 50 foot-candles, “or if LED, shall not exceed a temperature rating of 3,000K.”

[Modifications from the current Bylaw are below. Added text is shown in bold]

*7.4.3.7 The DISPLAY AREA of an illuminated SIGN shall not exceed an average illuminance of 50 foot-candles, **or if LED, then shall not exceed a temperature rating of 3,000K**, measured directly on the surface of the SIGN.*

- C. In Section 3 – Table of Principal Uses, by changing the name of the use in subsection 3.6.2 from “Distribution Plant” to “Distribution Center.”

- D. In Section 3.11.3, Standards and Requirements – correct the cross-reference from Section 3.8.3 to Section 3.8.4.

[Modifications from the current Bylaw are below. Text shown in ~~strike through~~ is being replaced with text shown in bold]

3.11.3 Standards and Requirements – Except where specifically stated otherwise, the following provisions shall apply to all Ground-Mounted Neighborhood and Industrial Solar Photovoltaic Installations in all zoning districts. They shall not apply to solar energy systems as ACCESSORY USES under Section 3.8.3 3.8.4.

, or take any other action relative thereto.

MOTION:

Ms. Arsenault moves that the Town amend the Zoning Bylaw as set forth in the Article.

CONSENT MOTION CARRIES
Declared 2/3 by Moderator*

**Town of Acton has accepted 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 18 *
(Majority vote)

Amend General Bylaws – Personnel

To see if the Town will vote to amend Chapter K – Personnel of the General Bylaws by deleting sections K1.1 and K1.2 in their entirety, and to renumber, alphabetize and reformat as necessary, or take any other action relative thereto.

MOTION:

Ms. Arsenault moves that the Town amend the General Bylaws as set forth in the Article.

CONSENT MOTION CARRIES

Article 19 *
(Two-thirds vote)

Accept Land Gift – 28 Maple Street

To see if the Town will authorize the Select Board to acquire on such terms and conditions as it may determine, by purchase, gift, eminent domain or otherwise and to accept the deeds of a fee simple interest in a certain parcel of land known as 28 Maple Street, shown as Parcel 41-5 on Town Atlas Map H2-A and in the deed recorded at the Middlesex South District Registry of Deeds in Book 31305, Page 131, containing 1.9 acres, more or less for general municipal purposes, or take any other action relative thereto.

MOTION:

Mr. Charter moves that the Town authorize the Select Board on such terms and conditions as it may determine to acquire for general municipal purposes and accept fee interests in the parcel as set forth in the Article.

CONSENT MOTION CARRIES
Declared 2/3 by Moderator*

*Town of Acton has accepted 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 20 *
(Majority vote)

Amend General Bylaws – Revolving Funds

To see if the Town will vote to:

1. Amend the General Bylaws, Chapter Y – Department Revolving Funds, pursuant to Massachusetts General Laws Chapter 44, Section 53E½ as shown below and
2. Transfer the June 30, 2023 balance of the Recreation Revolving Fund established by Article 1 of the October 1979 Special Town Meeting under MGL Chapter 44, Section 53D to the Recreation Revolving Fund authorized by this Article and
3. Rescind the authorization of Article 1 of the October 1979 Special Town Meeting,

Or take any other action relative thereto.

*[Note: Column titles are provided for reference purposes and remain unchanged. Text shown in ~~strike-through~~ is being deleted. Text shown in **bold** is being added.]*

<u>A</u> Revolving Fund	<u>B</u> Entity Authorized to Spend	<u>C</u> Receipts Credited to Fund	<u>D</u> Expenses Payable from Fund	<u>E</u> Fiscal Years
Building Inspector	Building Department	Receipts from permit, administrative and archiving fees for gas, electrical and plumbing permits	Costs for contractual inspectors inspectional services , archiving services and incidental expenses	FY 2019, et seq.
Recreation	Recreation Department	Receipts from parks and recreation programs, events and concessions	Costs for parks and recreation programs, activities, wages, services, equipment, supplies and utilities	FY 2024, et seq.

MOTION:

Mr. Martin moves that the Town amend the General Bylaws, transfer the balance of the Recreation Revolving Fund and rescind the previous authorization, all as set forth in the Article.

CONSENT MOTION CARRIES

Article 21 *
(Majority vote)

Revolving Fund Budgets

To see if the Town will vote, pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E½, to set the annual spending limits for the revolving funds established in Chapter Y of the General Bylaws as noted in the FY24 Budgeted Expense column below, or take any other action relative thereto.

Fund Balance 6/30/2022	FY23 Budgeted Revenue	FY23 Budgeted Expense	Est. Fund Balance 6/30/2023	FY24 Budgeted Revenue	FY24 Budgeted Expense	Est. Fund Balance 6/30/2024
Historic District Commission						
2,753	200	200	2,753	200	200	2,753
Building Department						
527,959	395,000	395,000	527,959	484,053	484,053	527,959
Hazardous Materials Inspection						
13,155	45,593	45,593	13,155	46,311	46,311	13,155
Food Service Inspection						
14,837	44,329	44,329	14,837	45,653	45,653	14,837
Stormwater						
157,661	93,609	93,609	157,661	91,408	91,408	157,661
Sealer of Weights and Measures						
80,789	26,483	26,483	80,789	26,884	26,884	80,789
CrossTown Connect						
62,303	180,000	180,000	62,303	180,000	180,000	62,303
Fire Alarm Network						
205,965	65,115	65,115	205,965	75,115	75,115	205,965
Roadway Maintenance						
136,753	54,004	54,004	136,753	53,235	53,235	136,753
Public Shade Trees						
-	25,000	25,000	-	25,000	25,000	-
Recreation						
407,829	560,700	560,700	407,829	651,700	651,700	407,829
Total						
\$1,679,559						

MOTION:

Mr. Martin moves that all revolving funds be authorized and continued in the amounts, for the purposes, and with the limits on the total amount that may be expended as set forth in the Article.

CONSENT MOTION CARRIES

Article 22 *
(Majority vote)

Commuter Lot & Station Maintenance

To see if the Town will raise and appropriate, appropriate from available funds, and/or transfer a sum of money to be expended by the Town Manager for debt service, service fees, operation, maintenance or improvement of facilities and infrastructure at the South Acton Commuter Lot, including all costs incidental and related thereto, or take any other action relative thereto.

MOTION:

Mr. Martin moves that the Town raise \$8,356 from department receipts, transfer \$77,807 from the Commuter Lot Parking Fees fund balance and appropriate \$86,163 for the purposes set forth in the Article.

CONSENT MOTION CARRIES

Article 23 *
(Majority vote)

Septage Disposal Enterprise Budget

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

MOTION:

Ms. Nagireddy moves that the Town raise \$149,900 from department receipts, transfer \$14,159 from retained earnings and appropriate \$164,059 to operate the septage waste disposal program.

CONSENT MOTION CARRIES

Article 24 *
(Majority vote)

Transfer Station and Recycling Enterprise Budget

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

MOTION:

Mr. Charter moves that the Town raise \$650,000 from department receipts, transfer \$114,986 from retained earnings and appropriate \$764,986 for the purpose of solid waste disposal and recycling, and further that the Town authorize the Town Manager to lease on such terms and conditions as he may determine vehicles and equipment for a period not to exceed five years, and to sell, trade or otherwise dispose of vehicles and equipment being replaced and to expend any proceeds so received.

CONSENT MOTION CARRIES

Article 25 * **Sewer Enterprise Budget**
(Two-thirds vote)

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

MOTION:

Mr. Martin moves that the Town raise \$1,685,789 from department receipts, transfer \$344,264 from retained earnings, transfer \$350,000 from the Sewer Stabilization Fund and appropriate \$2,380,053 for the purpose of operating the sewer system and wastewater treatment facility upgrades.

CONSENT MOTION CARRIES
Declared 2/3 by Moderator*

*Town of Acton has accepted 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 26 * **Ambulance Enterprise Budget**
(Majority vote)

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

MOTION:

Ms. Arsenault moves that the Town raise \$1,228,000 from department receipts, raise \$327,928 from general revenues, transfer \$249,259 from retained earnings and appropriate \$1,805,187 for the purpose of operating the ambulance service.

CONSENT MOTION CARRIES

Article 27 * **Transportation Enterprise Budget**
(Majority vote)

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

MOTION:

Mr. Snyder-Grant moves that the Town raise \$230,625 from department receipts, raise \$150,000 from general revenues, transfer \$196,975 from retained earnings and appropriate \$577,600 for the purpose of operating the transportation service.

CONSENT MOTION CARRIES

Article 28 * **Authorize Easements**
(Two-thirds vote)

To see if the Town will vote to authorize the Select Board to grant, abandon or acquire by purchase, gift, eminent domain or otherwise and to grant, terminate or accept deeds of easement interests for streets, trails, drainage, sewer, utility or other public purpose, on such terms and conditions and in a final location or locations as the Select Board may determine, or take any other action relative thereto.

MOTION:

Mr. Martin moves that the Town authorize the grant, termination or acquisition of easements as set forth in the article.

CONSENT MOTION CARRIES
Declared 2/3 by Moderator*

*Town of Acton has accepted 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 29 * **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 Laws Chapter 90, and any other applicable laws, or take any other action relative thereto.

MOTION:

Mr. Charter moves that the Town authorize the Town Manager to accept Highway funds from all sources and that such funds are hereby appropriated for highway purposes.

CONSENT MOTION CARRIES

Article 30 * **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:

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

CONSENT MOTION CARRIES

Article 31 *
(Majority vote)

Federal and State Reimbursement Aid

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 Laws Chapter 40, Section 4A, the Select Board or Town Manager are authorized to enter into an agreement or agreements on behalf of the Town, on such terms and conditions as the Select Board or the Town Manager may determine, or take any other action relative thereto.

MOTION:

Ms. Arsenault moves that the Town Manager is authorized to accept Federal and State reimbursement funds from all sources and that such funds are hereby appropriated for the purposes outlined by such reimbursement.

CONSENT MOTION CARRIES

Article 32 *
(Majority vote)

Performance Bonds

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

CONSENT MOTION CARRIES

Article 33 *
(Two-thirds vote)

Sale of Foreclosed Properties

To see if the Town will vote to authorize the Select Board 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:

Ms. Arsenault moves in the words of the Article.

Held from consent

MOTION CARRIES

Declared 2/3 by Moderator*

*Town of Acton has accepted 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
(Majority vote)

Home Rule Petition – Change Minimum Voting Age to 16 for Town Elections

To see if the town will vote to authorize the Select Board to petition the Massachusetts General Court to enact legislation in substantially the form below, and further to authorize the Select Board to approve amendments to said legislation before its enactment by the General Court that are within the scope of the general objectives of this motion; or take any action relative thereto:

**AN ACT GRANTING THE TOWN OF ACTON, MA THE AUTHORITY TO PROVIDE
LEGAL VOTING RIGHTS IN MUNICIPAL ELECTIONS FOR TOWN RESIDENTS AGED
16 and 17 YEARS OLD**

SECTION 1. Notwithstanding the provisions of section 1 of chapter 51 of the General Laws or any other general or special law, rule or regulation to the contrary, any individual aged 16 or 17 years old residing in the Town of Acton, who is ineligible to vote due to age under state law, but who is otherwise eligible, may apply to have their names entered on a list of voters established by the Office of the Town Clerk for the Town of Acton. Such individuals on the list of voters may vote in any election for local offices, local ballot questions, and Town Meeting in accordance with this Act. For the purposes of this Act, "local voters" are anyone who is eligible to vote pursuant to this Act in a local election or upon a local ballot question in the Town of Acton.

SECTION 2. The Office of the Town Clerk shall establish a separate registration list for local voters who shall fill out an alternative registration form. Upon turning eighteen, each local voter shall be taken off the separate list and notified that he or she must register as a regular voter in accordance with state law, regulations, and guidelines, in order to be eligible to vote. Said board shall create and print, at the Town of Acton's expense, the special registration form needed for the purpose of registering local voters.

SECTION 3. Said Office is hereby authorized to promulgate regulations, guidelines and forms to implement the purpose of this act.

SECTION 4. If a local ballot question appears on a state election ballot, the board shall print a separate ballot for the local ballot question at the expense of the Town of Acton.

SECTION 5. The Town of Acton is hereby authorized to pass bylaws to implement the purpose of this act subject to all the provisions of the Town of Acton Charter.

SECTION 6. Nothing in this act shall be construed to confer upon local voters the right to vote for any state or federal office, or on any state or federal ballot questions.

MOTION:

Ms. Nagireddy moves that the town authorize the Select Board to petition the General Court for a Home Rule Act as set forth in the Article.

Motion to allow non voters speaker

Motion to allow carries

Clicker yes 157 no 120

MOTION CARRIES

Article 35
(Majority vote)

Home Rule Petition – Ranked Choice Voting

To see if the Town will vote to authorize and request the Select Board to petition the General Court substantially in the form below for Home Rule Legislation to elect Town offices using Ranked Choice Voting or take any other action relative thereto.

AN ACT RELATIVE TO RANKED CHOICE VOTING IN THE TOWN OF ACTON

SECTION 1. RANKED CHOICE VOTING

(a) All offices elected at the annual town election or town special election shall be elected by ranked choice voting, except for a single-seat office when the number of certified candidates is less than or equal to 2 or a multi-seat office when the number of certified candidates is less than or equal to the number of seats to be elected. Ranked choice voting elections shall be tabulated in rounds pursuant to this section.

(b) In any single-seat election, each round shall begin by counting the number of votes for each continuing candidate. Each ballot shall count as 1 vote for its highest-ranked continuing candidate. Concluded ballots shall not be counted for any continuing candidate. Each round shall end with 1 of the following 2 outcomes:

(1) If there are more than 2 continuing candidates, the last-place candidate shall be defeated or the last-place candidates shall be defeated in batch elimination, and a new round shall begin; or

(2) If there are 2 continuing candidates, the candidate with the fewest votes shall be defeated, the candidate with the most votes shall be elected, and tabulation shall be complete.

(c) In any multi-seat election, each round shall begin by counting the number of votes for each continuing candidate. Each ballot shall count, at its current transfer value, for its highest-ranked continuing candidate. Concluded ballots shall not count for any continuing candidate. In the first round only, the election threshold shall then be calculated. Each round shall end with 1 of the following 3 outcomes:

(1) If at least 1 continuing candidate has more votes than the election threshold, then all such candidates shall be elected. Each ballot counting for an elected candidate shall be assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the candidate. Each elected candidate shall be deemed to have a number of votes equal to the election threshold in all future rounds, and a new round shall begin;

(2) If no continuing candidate has more votes than the election threshold and the sum of the number of elected candidates and continuing candidates is more than the sum of the number of seats to be elected and 1, the last-place candidate shall be defeated or the last-place candidates shall be defeated in batch elimination, and a new round shall begin; or

(3) Otherwise, the continuing candidate with fewest votes shall be defeated, all other continuing candidates shall be elected, and tabulation is complete.

(d) Batch elimination shall apply to the largest possible group of continuing candidates such that the sum of the votes of candidates in the group is less than the individual number of votes of every

continuing candidate not in the group, and provided that the number of continuing candidates not in the group is at least 1 more than the remaining number of positions to elect.

(e) If 2 or more last-place candidates are tied and batch elimination does not apply, the candidate with the fewest votes in the prior round shall be defeated. If 2 or more such tied candidates were tied in the prior round, the second tie shall be decided by referring similarly to the standing of the candidates, in terms of votes, in the second-prior round. This process shall be applied successively as many times as necessary, a tie shown in any prior round shall be decided by referring to the standing of the candidates in the round immediately preceding the tie.

(f) The Select Board, in consultation with the Town Clerk, may make any changes to the ranked choice voting ballot and tabulation process necessary to ensure the integrity and smooth functioning of the election, provided that ranked choice voting shall still be used and the fewest number of changes are made to achieve such purpose.

SECTION 2. This act shall take effect upon its passage. The first election using Ranked Choice Voting shall take place no sooner than 2025.

MOTION:

Mr. Snyder-Grant moves that the Town authorize the Select Board to petition the General Court for a Home Rule Act in substantially the form set forth in the Article.

Motion to allow non resident speaker

Motion to allow carries

MOTION CARRIES

Article 36
(Majority vote)

Non-Binding Resolution – Economic Development Committee

Whereas, Acton 2020 plan includes Objective 7.2 “Promote economic development that supports other Acton 2020 planning goals,” which includes action item 7.2.1.1. “Actively promote employment-oriented development (e.g., high tech/R & D offices in targeted areas,” and Objective 7.3 “Improve existing commercial areas”

Whereas, the town has implemented some aspects of the plan related to these objectives such as hiring a full-time Director of Economic Development, securing grants and governmental funding for some development activities, and supporting small businesses with targeted activities like shop local campaigns, business seminars, and pandemic funding

Whereas, the town has committed to major initiatives that will require significant spending over the next several years, such as electrification of buildings, resources dedicated to equity and inclusion, and the preservation of open space and recreation among other priorities to maintain the health and well-being of residents

Whereas, there is currently no specific plan as to where and how to direct economic development in a way that aligns with the town’s goals

Whereas, the support of small businesses is important for a vibrant, engaged community and consistent with the desire to maintain the rural nature of the town,

Whereas, the percentage of taxes contributed by commercial and industrial properties declined from 12.60% of the total in FY14 to 9.98% of the total in FY23

Whereas, the amount of taxes paid by residential property owners is among the highest of local communities and poses challenges for many residents

Whereas, the town will soon start developing the next master plan and if there are not proactive steps toward intentional and beneficial economic development, any development that is left entirely to the actions of individual land owners will be haphazard at best, and detrimental at worst

Be it therefore resolved that the Select Board authorize, and the Town Manager directs funds to develop a specific economic development plan that will result in a more robust commercial and industrial tax base, promote local employment, and support other town priorities. Such an effort will likely rely on the engagement of a consultant or consulting firm and may include such things as enterprise zones, significant rezoning, creation of tax incentives, etc.

MOTION:

Ms. Arsenault moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION CARRIES

Article 37 #
(Majority vote)

Non-Binding Resolution – Sewer Commission Analysis

To see if the Town will conduct an objective analysis, either by establishing a working group or committee, commissioning a study, or engaging a consultant, to determine the pros and cons of creating a Sewer Commission independent of the Select Board or an advisory Sewer Committee, or take any action related thereto.

MOTION:

Ms. Nicol moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION CARRIES UNANIMOUSLY

Article 38 #
(Majority vote)

Non-Binding Resolution – Anti-Bias Training

Be it resolved that this Town Meeting requests the Select Board to find a way to ensure that all officials have anti-bias training

MOTION:

Ms. Cruz moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION CARRIES

Article 39 #
(Majority vote)

Non-Binding Resolution – Code of Conduct

Be it resolved that this Town Meeting requests the Select Board to institute a more comprehensive code of conduct for officials

MOTION:

Ms. Cruz moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION CARRIES

Article 40 #
(Majority vote)

Non-Binding Resolution – Reduce Transfer Station Sticker Prices

Be it resolved that this Town Meeting requests the Select Board to find a way to reduce the transfer sticker price for low income residents.

MOTION:

Ms. Cruz moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION CARRIES UNANIMOUSLY

Article 41 #
(Majority vote)

Non-Binding Resolution – Composting Facilities at Apartment Buildings

To reduce the amount of food waste, this Town Meeting requests the Select Board to bring to a future Town Meeting a change in the bylaw and/or to institute town policy which would require multi-family housing owners to ensure onsite access to composting facilities for renters to use.

MOTION:

Ms. Cruz moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION CARRIES

Article 42 #
(Majority vote)

Non-Binding Resolution – Slow Increase of New Single Family Homes

Be it resolved that this Town Meeting requests the Select Board to find a way and/or ways to slow the increase in the number of new single family homes

MOTION:

Ms. Friedrichs moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION FAILS

Article 43 #
(Majority vote)

Non-Binding Resolution – Reduce Size of New Single Family Homes

Be it resolved that this Town Meeting requests the Select Board to find a way and/or ways to reduce the size of new single family homes

MOTION:

Ms. Friedrichs moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION FAILS

Article 44 #
(Majority vote)

Non-Binding Resolution – Stop Odd Shaped Lots

Be it resolved that this Town Meeting requests the Select Board to find a way and/or ways to stop developers from using "extremely odd-shaped lots", so Acton have fewer new McMansions

MOTION:

Ms. Friedrichs moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION CARRIES

Article 45 #
(Majority vote)

**Non-Binding Resolution – Renters’ Access to Confidential
Health Department Inspections**

As indicated by state law, the Town of Acton Board of Health must adopt and comply with all current Massachusetts laws and regulations concerning indoor air quality and the remediation of moisture and mold in rental and condo properties. The state Minimum Standards of Fitness for Human Habitation apply to all dwelling units, including rental units, and rental building owners must maintain structural elements (including foundation, floors, walls, doors, windows, ceilings, and roofs) in good repair and free from chronic dampness (the regular and/or periodic appearance of moisture, water, mold or fungi.)

To improve compliance with these State standards, Town Meeting recommends that:
Acton shall publish an informational brochure for renters on health inspections, and requires that the brochure be issued to renters by landlords at the initiation of their lease agreement.

When a renter calls to report a complaint in their unit or in a rental property, the Health Department and the Board of Health shall inspect the premises complained of with the occupant prior to notifying the property owner. In compliance with State Sanitary code 105CMR410, the Board of Health will only contact the property owner if a violation or citation is issued or if further information is needed. The purpose of this policy is to keep renters safe from being retaliated against or harassed prior to an inspection.

MOTION:

Ms. Cruz moves that the Town adopt the non-binding resolution as set forth in the Article.

Fran Arsenault moves to amend by adding the following in the second paragraph, after *“Acton shall publish an informational brochure for renters”* regarding health inspections and compliance with State’s Minimum Standards of Fitness for Human Habitation and provide this brochure to all landlords for distribution to all renters when the lease is signed.

And in the third paragraph, after *“prior to notifying the property owner”* unless the occupant allows the Health Department prior to an inspection.

Motion to amend carries

AMENDED MOTION CARRIES

Article 46 #
(Majority vote)

Non-Binding Resolution – Kelley's Corner Improvement Initiative Update

Be it resolved that this Town Meeting requests that the Select Board ask the Kelley's Corner Steering Committee to review and update the 02/04/2016 Kelley's Corner Improvement Initiative Plan this year, and to work with the Planning Department to develop an updated draft zoning plan for Kelley's corner.

The Kelley's Corner Improvement Initiative documents, including the 2016 Plan, can be found in Town of Acton documents: <http://doc.acton-ma.gov/dsweb/View/Collection-7424>.

MOTION:

Ms. Osman moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION CARRIES

MOTION TO DISSOLVE: **Mr. Martin** moves to dissolve the Annual Town Meeting at 12:15 am.

MOTION TO DISSOLVE CARRIES