

**ABSTRACT OF THE ANNUAL TOWN MEETING HELD
MONDAY, APRIL 2, 2018, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD APRIL 3, 2018
NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING
APRIL 2, 2018 – 397 AND APRIL 3, 2018 – 335**

Article Index

* Article is on Consent Calendar

Article submitted by Citizens' Petition

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The Moderator, Mr. Peter Ashton, called the Annual Town Meeting to order on Monday, April 2, 2018, at 7:02 PM.

The Moderator informed Town Meeting that Consent Articles 13 and 15 have been removed from consent by the Selectmen as the Town has concluded agreements with the respective bargaining units.

Mr. Ashton stated that Article 27 will be moved to be taken up prior to Article 4. Ms. Jo-Ann Berry, Temporary Moderator, will moderate Article 27.

Moderator explained his actions at the December Special Town Meeting and apologized to those he may have offended. He asked that all members respect the rules and procedures of Town Meeting.

Mr. Ashton gave a brief overview of the process of Town Meeting.

The Moderator noted that Town meeting will start at 6:45 on Tuesday in order to do the award presentation for Employee of the year.

The Moderator gave a presentation on the iClicker, the new Electronic Voting equipment that we will use at this Town Meeting. The new voting process was voted at the Special Town Meeting held October 5, 2016, Article 2, adding section A7 to the Town Bylaws.

Peter noted that we have a new head teller this year, Anne Kadlec. The previous head teller, Charlie Kadlec has stepped down after many years of his service.

The Moderator presented a practice motion to test the iClicker.

Practice Motion #1:

Motion is whether the Selectmen should receive an increase in their compensation for their service to the Town.

iClicker - A Yes - 180 66% E No - 94 34%

Mr. Ashton introduced the chairman of the Board of Selectmen, Janet Adachi, who then introduced the members at the table. Katie Green – Vice Chair, Joan Gardner – Clerk, as well as Peter Berry, and Chingsung Chang members of the Board of Selectmen. In addition, Town Manager - Steve Ledoux, Nina Pickering Cook - Town Counsel, and Eva Szkaradek - Town Clerk.

The Moderator noted the Bob Evans will be retiring from Finance Committee after 20 plus years. Bob has served the Town on many committees.

The Moderator introduced the Chair of the Finance Committee Steve Noone, who then introduced the members at the table. Dave Wellinohoff, Roland Bourdon, III, Jeff Bergart, Christiana Andersen, Christine Russell, Michael F. Majors, Jason Cole – V Chair, Thomas Farley, Bob Evans, and Jon Benson.

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

Motion carries to allow speakers.

Article 1 Choose Town Officers

(Majority vote)

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

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

, or take any other action relative thereto.

MOTION:

Mr. Berry nominates Jo-Ann M. Berry for the position of Temporary Moderator, term to expire 2019.

MOTION CARRIES UNANIMOUSLY

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

MOTION CARRIES UNANIMOUSLY

Andrea S. Miller, Trustee of the Elizabeth White Fund, nominates Mary Ann Ashton, of 1 Olde Barn Way, Acton, for the position of Trustee of the Elizabeth White Fund, term to expire 2021.

MOTION CARRIES

Dean Charter, Trustee of the West Acton Citizens Library, nominates Ellen Spero of 25 Windsor Ave, Acton, for the position of Trustee of the West Acton Citizens Library, term to expire 2021.

MOTION CARRIES UNANIMOUSLY

Dean Charter, Trustee of the West Acton Citizens Library, nominates Melissa Loporto of 49 Windsor Ave, Acton, for the position of Trustee of the West Acton Citizens Library, term to expire 2020.

MOTION CARRIES UNANIMOUSLY

Robert Vanderhoof, Trustee of the Acton Firefighters' Relief Fund, nominates Robert Smith of 1102 Massachusetts Ave, Boxborough, for the position of Trustee of the Acton Firefighters' Relief Fund, term to expire 2021.

MOTION CARRIES

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: Ms. Gardner moves that the Town accept the reports of the various Town Officers and Boards as set forth in the 2017 Town Report and that the Moderator call for any other reports.

MOTION CARRIES UNANIMOUSLY

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 2017 Annual Town Meeting, or take any other action relative thereto.

MOTION: Ms. Adachi moves that the Town take no action.

MOTION CARRIES UNANIMOUSLY

As previously indicated, Article 27 has been moved to be taken up prior to Article 4. As it relates to the conduct of Town Meeting, Ms. Jo-Ann Berry will moderate this article.

Article 27 # Non-Binding Resolution - Acton citizens' First Amendment right to criticize the actions of elected and appointed officials

(Majority vote)

WHEREAS the New England Town meeting is a cherished form of self-government which allows all Acton registered voters to participate in deciding the Town's affairs;

WHEREAS true participation requires the right to freely state opinions including criticism of the decisions and action of elected and appointed officials;

WHEREAS, as reported by Town Counsel Nina Pickering-Cook, the Massachusetts Supreme Judicial Court has confirmed that criticism of a public official constituted political speech and was "at the core of the speech that the First Amendment to the United State Constitution protects;"

NOW, THEREFORE BE IT RESOLVED THAT

No town official shall prohibit lawful speech at town board meetings or Town Meeting including speech which criticizes elected or appointed officials by name or title for their decisions and/or the performance of their duties while in office.

MOTION: Mr. Nitschelm moves that the Town adopt the non-binding resolution as set forth in the Article.

IClicker - A Yes - 111 36% E No - 201 64%

MOTION FAILS

Moderator, Peter Ashton will moderate.

Article 4 Town Operating Budget

(Majority vote)

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$33,837,365 to defray the necessary expenses of the departments, offices and boards of the Town, exclusive of the Regional School budgets, or take any other action relative thereto.

MOTION: Ms. Adachi moves that the Town appropriate \$33,837,365 to be expended by the Town Manager for the purpose of funding the fiscal year 2019 municipal budget, and to meet this appropriation,

 \$33,422,413 be raised from general revenues,

 \$ 414,952 be transferred from Free Cash,

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.

MOTION CARRIES

Article 5 Acton-Boxborough Regional School District Assessment

(Majority vote)

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$59,981,959 to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any other action relative thereto.

MOTION: Ms. Krishnamurthy moves that the Town appropriate \$59,981,958 to be expended by the Superintendent of Schools to fund the fiscal year 2019 assessment of the Acton-Boxborough Regional School District, and to meet this appropriation,

 \$59,567,005 be raised from general revenues and

 \$ 414,953 be transferred from Free Cash.

MOTION CARRIES

Ms. Krishnamurthy introduced the members of the School Committee. She thanked the members of the School Committee that will be stepping down after this Town Meeting, Dennis Bruce and Deanne O'Sullivan from Acton as well as Brigid Bieber and Kathleen Neville. Ms. Krishnamurthy also introduced Mr. Peter Light, who will be the new School Superintendent starting July 1, 2018.

Article 6 Minuteman Regional School District Assessment
(Majority vote)

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$1,303,814 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 appropriate and transfer \$1,303,814 from Free Cash to fund the fiscal year 2019 assessment of the Minuteman Regional School District.

MOTION CARRIES UNANIMOUSLY

Article 7 Community Preservation Program –
(Majority vote) **Direct Appropriations from Fund Balances**

To see if the Town will appropriate or set aside for later appropriation, and authorize and direct the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2017 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 2017 COMMUNITY PRESERVATION FUND BALANCES	
FY 2017 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2017	\$ 956,455.00
State Community Preservation Trust Fund Receipt, October 2017	\$ 164,531.00
Other FY 2017 Community Preservation Fund Components	
Interest Earned in FY 2017 (less abatements and exemptions)	\$ 11,351.81
Unencumbered FY 2017 Fund Balance	\$ 56,235.59
Recapture of unspent previous years’ project appropriations	\$ 93,018.66
Total - FY 2017 Community Preservation Fund Balance	\$1,281,592.06
FY 2017 Open Space Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space and its Rehabilitation and Restoration	\$1,556,225.32
Total FY 2017 Open Space Set-Aside Fund Balance	\$1,556,225.32
FY 2017 Historic Resources Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 40,536.32
Total FY 2017 Historic Resource Set-Aside Fund Balance	\$ 40,536.32

FY 2017 Community Housing Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, Preservation, and Support of Community Housing	\$ 25,090.22
Total FY 2017 Community Housing Set-Aside Fund Balance	\$ 25,090.22
APPROPRIATIONS FROM FY 2017 COMMUNITY PRESERVATION FUND BALANCE	
Purposes	Recommended Amounts
Set-Aside Appropriations for	
A. Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; required set-aside for meeting 10% of spending from FY 2009 revenues	\$ 823.10
B. Acquisition, Creation and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 500,000.00
Spending Appropriations	
C1. Regional Housing Services Program – Two Years	\$ 24,909.78
D. Acton Housing Authority – Development/Acquisition Fund for New Affordable Housing Units	\$ 75,000.00
E. Acton Housing Authority – McCarthy Village Siding and Decking Replacements	\$ 75,000.00
F1. Habitat for Humanity – 43-45 School Street Housing Preservation	\$ 53,000.00
F2. Habitat for Humanity – 43-45 School Street Historic Preservation and Rehabilitation	\$ 38,650.00
G1. Acton Historical Society – Hosmer House Campus Landscape Architecture, Site Planning	\$ 147,186.58
H. Woodlawn Cemetery – Kennedy Building Rehabilitation	\$ 25,000.00
I. Woodlawn Cemetery – Historic Gates	\$ 31,000.00
J. Acton Memorial Library – Arthur Davis Etchings Restoration	\$ 10,500.00
K. Support of Open Space Acquisitions	\$ 30,000.00
L. Camp Acton – Accessible Campsite	\$ 10,012.00
M. T.J. O-Grady Skate Park - Completion	\$ 76,000.00
N. NARA – Performance Improvements	\$ 6,000.00
Administrative Appropriation	
O. A fund for CPC direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 56,049.30
Total Recommended Appropriations from FY 2017 Community Preservation Fund Balance	\$1,159,130.76
APPROPRIATION FROM OPEN SPACE SET-ASIDE FUND BALANCE	
P. Wright Hill Open Space Land Acquisition - Debt Service	\$ 85,420.80
Total Recommended Appropriations from the Open Space Set-Aside Fund	\$ 85,420.80

APPROPRIATION FROM HISTORIC RESOURCES SET-ASIDE FUND BALANCE	
G2. Acton Historical Society – Hosmer House Campus Landscape, Architecture, Site Planning	\$ 41,359.42
Total Recommended Appropriations from the Historic Resources Set-Aside Fund	\$ 41,359.42
APPROPRIATION FROM COMMUNITY HOUSING SET-ASIDE FUND BALANCE	
C2. Regional Housing Services Program – Two Years	\$ 25,090.22
Total Recommended Appropriations from the Community Housing Set-Aside Fund	\$ 25,090.22
Resulting Fund Balances	
Resulting FY 2017 Community Preservation Fund Balance	\$ 122,461.30
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$1,970,804.52
Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 0.00
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, Preservation, and Support of Community Housing	\$ 0.00

And, whereas Massachusetts General Laws Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the FY 2017 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 2017 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 2017 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2017 Community Preservation Fund Revenues for open space (\$112,098.60), not less than 10% of the FY 2017 Community Preservation Fund Revenues for historic resource (\$112,098.60), and not less than 10% of the FY 2017 Community Preservation Fund Revenues for community housing (\$112,098.60), or take any other action relative thereto.

MOTION: Mr. Foster 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, \$1,311,001.20, all as set forth in the article, and
- (2) 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 line items – D, F1, F2, H,

REMAINING LINE ITEMS UNDER THIS MOTION CARRIES UNANIMOUSLY

Line Item D – Acton Housing Authority

LINE ITEM CARRIES

F1 / F2 – Habitat – School St (Housing/Historic)

LINE ITEM CARRIES

H – Woodlawn – Kennedy Building

LINE ITEM CARRIES

Ms. Jo-Ann Berry will moderate Article 8.

Article 8 Capital Equipment, Infrastructure and Design Services

(Two-thirds vote)

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, improvement, study, design or implementation of vehicles, equipment, facilities, infrastructure or programs as listed below, including related incidental costs, and to provide that, in accordance with Massachusetts General Laws Chapter 44, Section 20, the premium received by the Town upon the sale of any bonds or notes hereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, or take any other action relative thereto.

A.	North Acton Fire Station Design	\$ 750,000
B.	Fire Engine Replacement (Engine 22)	\$ 735,000
C.	South and West Fire Stations HVAC Improvements	\$ 400,000
D.	Complete Streets Improvement Program	\$ 300,000
E.	Acton Center Traffic Design	\$ 97,830
Total		\$ 2,282,830

MOTION: Ms. Adachi moves that the Town appropriate \$2,367,833 to be expended by the Town Manager for the purposes set forth in the Article, including costs incidental and related thereto, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$2,282,830 under Massachusetts General Laws Chapter 44, Section 7, as amended, and transfer from Free Cash \$85,003 for the payment of interest and underwriting costs on such borrowing, and further that any premium received upon the sale of the bonds, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds may be applied to the costs of the project and to reduce the amount authorized to be borrowed for the project by like amount, and further that the Town Manager be authorized to sell, trade or dispose of vehicles and equipment being replaced and to expend any proceeds so received.

IClicker - A Yes - 169 94% E No - 11 6%

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.)

Mr. Ashton returning as moderator.

MOTION TO ADJOURN: Ms. Adachi moves to adjourn at 10:40 pm until April 3th at 6:45, at the Acton-Boxborough Regional High School Auditorium.

MOTION TO ADJOURN CARRIES

April 3, 2018

The Moderator, Mr. Ashton, called the Annual Town Meeting to order on Tuesday, April 3, 2018, at 6:45 pm.

The Moderator introduced the Town Manager, Steve Ledoux 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 fourteenth year that this award has been issued. The Foundation gave funding ten years ago, to recognize Public Safety Employees with this award as well.

On behalf of the Board of Selectmen and the Town, we would like to thank the Steinberg Lalli Charitable Foundation.

The Municipal Employee of the Year award for 2018 is presented to Karen Switzer Neff, of the Highway Department. She has worked for the Town for many years. Karen has demonstrated that she is extremely dedicated and a hard working individual and takes great pride in her job. She is an asset, not just to her department but other Town Departments. Karen started working for the Town in 1995 in the Planning and Engineering Department. She was hired to the Highway Department in 2004 and was promoted to office manager of the Highway Department in 2013. Karen has played a key role in keeping the department moving forward and running smoothly.

Karen thanked Dickie Waite and Corey York for nominating her for this award. She also thanked Roland Bartl, Town Planner, for hiring her 24 years ago.

Mr. Ledoux honored the tenth 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 Captain, EMT, Scott Morse of the Fire Department. Scott has been involved with fire service for 30 years. Scott came to the Town of Acton in 1988. In 1986 Scott became an EMT. He has continued his education by getting his certification in Fire Officer 1 and 2, Fire Instructor 1 and 2 as well as many other training courses through the Mass Firefighter Academy. As shift commander he has helped the department to launch the Advance Life Support service for the Town.

Scott thanked the Fire Department and the management of the Town for 30 wonderful years.

Ms. Adachi thanked Selectman, Chingsung Chang for his service. Mr. Chang did not run for re-election this year. He will be stepping down off the board after 3 years' service as a member of the Board of Selectmen.

Article 9 **Kelley's Corner Improvement Initiative –**
(Two-thirds vote) **Supplemental Engineering and Appraisal Services**

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 design, engineering and appraisal services related to the Kelley's Corner Improvement Initiative as listed below, including related incidental costs, or take any other action relative thereto.

A.	Supplemental Engineering Services	\$ 344,000
B.	Appraisal Services	\$ 125,000
Total		\$ 469,000

MOTION: Mr. Berry moves that the Town appropriate \$484,000 to be expended by the Town Manager for the purposes set forth in the Article, including costs incidental and related thereto, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$469,000 under Massachusetts General Laws Chapter 44, Section 7, as amended, and transfer from Free Cash \$15,000 for the payment of interest and underwriting costs on such borrowing, and further that any premium received upon the sale of the bonds, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds may be applied to the costs of the project and to reduce the amount authorized to be borrowed for the project by like amount.

MOTION TO AMEND: Charlie Kadlec moves to amend by dividing the article and to vote line items separately.
Motion to divide line items in the article fails

MOTION TO AMEND: Chris Starr moves to amend the motion by adding the following to the end of the existing motion,

“The Town shall make best efforts to minimize the negative impacts of property takings related to the Kelley's Corner infrastructure project on private land owners and small businesses. To this end, the Town shall work diligently with residents, landowners and local businesses to develop and evaluate alternatives to the project design. A reasonable amount of the project contingency funds shall be allocated to fund said cooperation between the Town and local stakeholders.”

AMENDMENT TO MOTION CARRIES

IClicker - A Yes - 186 65 % E No - 101 35%
AMENDED MOTION FAILS

Jesse Liberty Motion for reconsideration of vote
 (2/3 motion to reconsider)
 IClicker - A Yes - 165 57 % E No - 127 43%
MOTION TO RECONSIDER FAILS

Article 10 Capital Infrastructure
 (Majority vote)

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

A.	Railroad Crossings Safety Improvements	\$ 140,000
B.	Regional Bike Share Program	\$ 9,000
Total		\$ 149,000

MOTION: Ms. Adachi moves that the Town appropriate and transfer from Free Cash \$149,000 to be expended by the Town Manager for the purposes set forth in the Article, including costs incidental and related thereto.

MOTION CARRIES

Article 11 Land Acquisition or Lease – 19 & 21 Maple Street
 (Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to enter into a lease or to acquire by purchase, gift, eminent domain or otherwise and to accept a deed of fee simple interest, on such terms and conditions as the Selectmen may determine and for general municipal purposes, Parcels 42 and/or 37 as shown on the Town of Acton Atlas Map H2A and in the deeds recorded at the Middlesex South Registry of Deeds in Book 45836, Page 526 and Book 11658, Page 0673, respectively; and further to see if the Town will raise, appropriate, transfer from available funds, accept gifts and/or borrow a sum of money to be expended by the Town Manager for this purpose, or take any other action relative thereto.

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

MOTION CARRIES

Article 12 **Land Acquisition – 62 Harris Street**
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept a deed of fee simple interest, on such terms and conditions as the Selectmen may determine and for general municipal purposes, Parcel 88 as shown on the Town of Acton Atlas Map C5, and in the deed recorded at the Middlesex South Registry of Deeds in Book 16609, Page 416; and further to see if the Town will raise, appropriate, transfer from available funds, accept gifts and/or borrow a sum of money to be expended by the Town Manager for this purpose, or take any other action relative thereto.

MOTION: Ms. Green moves that the Town take no action.

MOTION CARRIES

Financial Consent (majority vote)

As previously mentioned by the Moderator, Consent Articles 13 and 15 have been removed from consent by the Selectmen as the Town has concluded agreements with the respective bargaining units.

- 13 * Fund Collective Bargaining Agreement – Police Patrol (FY19)
- 15 * Fund Collective Bargaining Agreement – Police Superior Officers (FY19)

MOTION: Ms. Adachi moves that the Town take up the eleven articles in the Consent Calendar on pages 51 through 61 of the Warrant: Articles 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25, not including Articles 13 and 15.

Article 14 * Fund Collective Bargaining Agreement – Dispatch (FY19)

Article 16 * Fund Collective Bargaining Agreement – Highway, Municipal Properties and Cemetery

Article 17 * Accept Legislation – Parking Meter Revenues and Expenses

Article 18 * Commuter Lot & Station Maintenance

Article 19 * Septage Disposal Enterprise Budget

Article 20 * Transfer Station and Recycling Enterprise Budget

Article 21 * Sewer Enterprise Budget

Article 22 * Ambulance Enterprise Budget

Article 23 * Transportation Enterprise Budget

Article 24 * Amend General Bylaws – Department Revolving Funds

Article 25 * Self-Funding Programs (Revolving Funds)

Held from consent Article 17 Parking Meter Revenues and Expenses

REMAINING ARTICLES UNDER THE CONSENT MOTION CARRIES UNANIMOUSLY

Article 17 * Accept Legislation – Parking Meter Revenues and Expenses
(Majority Vote)

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Sections 22A, 22B and 22C, as amended, or take any other action relative thereto.

MOTION: Ms. Adachi moves that the Town accept the provisions of Massachusetts General Laws Chapter 40, Sections 22A, 22B and 22C, as amended.

Held from consent

MOTION CARRIES UNANIMOUSLY

Article 13 * Fund Collective Bargaining Agreement – Police Patrol (FY19)
(Majority vote)

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

MOTION: Mr. Berry moves that the Town appropriate and transfer \$50,000 from the fiscal year 2019 Town Operating Budget to fund the cost items contained in the fiscal year 2019 Collective Bargaining Agreement between the Town and the Acton Police Patrol Officers Association.

Removed from consent

MOTION CARRIES UNANIMOUSLY

Article 14 * Fund Collective Bargaining Agreement – Dispatch (FY19)
(Majority vote)

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

MOTION: Ms. Adachi moves that the Town take no action.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 15 * Fund Collective Bargaining Agreement – Police Superior Officers (FY19)
(Majority vote)

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

MOTION: Mr. Berry moves that the Town appropriate and transfer \$20,000 from the fiscal year 2019 Town Operating Budget to fund the cost items contained in the fiscal year 2019 Collective Bargaining Agreement between the Town and the Massachusetts Coalition of Police Local 380.

Removed from consent

MOTION CARRIES UNANIMOUSLY

Article 16 * Fund Collective Bargaining Agreement – Highway, Municipal Properties and Cemetery (FY19)
(Majority vote)

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

MOTION: Ms. Adachi moves that the Town take no action.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 18 * Commuter Lot & Station Maintenance

(Majority vote)

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

MOTION: Ms. Adachi moves that the Town appropriate and transfer \$164,660 from the Commuter Lot Parking Fees fund balance for the purposes set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 19 * Septage Disposal Enterprise Budget

(Majority vote)

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

MOTION: Ms. Adachi moves that the Town appropriate \$187,157 to operate the septage waste disposal program, that to meet this appropriation, \$117,157 be raised from department receipts and \$70,000 be transferred from retained earnings, 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.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 20 * Transfer Station and Recycling Enterprise Budget

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, and 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: Ms. Adachi moves that the Town appropriate \$619,387 for the purpose of solid waste disposal and recycling, that to meet this appropriation, \$519,387 be raised from department receipts and \$100,000 be transferred from retained earnings, 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.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 21 * Sewer Enterprise Budget

(Majority vote)

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

MOTION: Ms. Adachi moves that the Town appropriate \$2,237,647 for the purpose of operating the sewer system, that to meet this appropriation, \$1,800,000 be raised from department receipts and \$437,647 be transferred from retained earnings.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 22 * Ambulance Enterprise Budget

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, and 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. Adachi moves that the Town appropriate \$1,220,949 for the purpose of operating the ambulance service, that to meet this appropriation, \$852,870 be raised from department receipts, \$125,000 be transferred from retained earnings and \$243,079 be raised from general revenues.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 23 * Transportation Enterprise Budget

(Majority vote)

To see if the Town will raise and appropriate, transfer or appropriate from available funds 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: Ms. Adachi moves that the Town appropriate \$587,137 for the purpose of operating the transportation service, that to meet this appropriation, \$210,000 be raised from department receipts, \$235,575 be raised from general revenues and \$119,562 be transferred from commuter lot parking fees fund balance and \$22,000 be transferred from retained earnings.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 24 * Amend General Bylaws – Department Revolving Funds

(Majority vote)

To see if the Town will vote to amend the General Bylaws, Chapter Y – Department Revolving Funds, pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E½, Revolving Funds, as amended by appending the following row to the table in Section 5, “Authorized Revolving Funds,” or take any other action relative thereto.

Roadway Maintenance	Public Works Department	Receipts from permit fees	Costs to maintain public ways and incidental expenses	FY 2019, et seq.
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MOTION: Ms. Adachi moves that the Town adopt the General Bylaws amendment as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 25 * Self-Funding Programs (Revolving Funds)

(Majority vote)

To see if the Town will vote to limit on the total amount that may be expended from the revolving funds for the Historic District Commission, Building Department, Health Department, Transportation Service, Fire Department and Public Works Department as noted in the FY19 Authorized Expense column in the table below, or take any other action relative thereto.

Fund Balance 6/30/2017	FY18 Budgeted Revenue	FY18 Budgeted Expense	Fund Balance 6/30/2018	FY19 Estimated Revenue	FY19 Authorized Expense
Historic District Commission					
\$ 1,710	\$ 200	\$ 200	\$ 1,710	\$ 200	\$ 200
Building Department					
63,869	307,315	307,315	63,869	257,483	257,483
Sealer of Weights and Measures					
69,839	31,826	31,826	69,839	30,557	30,557
Hazardous Materials Inspection					
15,756	40,727	40,727	15,756	29,162	29,162
Food Service Inspection					
12,268	44,882	44,882	12,268	46,870	46,870
Stormwater					
52,093	19,550	19,550	52,093	19,550	19,550
CrossTown Connect					
15,576	180,000	180,000	15,576	180,000	180,000
Fire Alarm Network					
112,338	64,715	64,715	112,338	116,415	116,415
Roadway Maintenance					
-	-	-	-	47,000	47,000
Total				\$ 727,237	\$ 727,237

MOTION: Ms. Adachi 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 UNANIMOUSLY

Article 26 Non-Binding Resolution – Great Road Water Supply
(Majority vote)

Resolved that Town Meeting supports the Board of Selectmen’s execution of an agreement with the Town of Concord that commits Concord to supplying public water to existing and future customers along its water main in Great Road (Route 2A) in Acton, such agreement to be substantially in the form presented prior to Town Meeting.

Or take any other action relative thereto.

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

IClicker - A Yes - 63 25 % E No - 187 75%

MOTION FAILS

Article 28 # Non-Binding Resolution – Investigate the Cost of buying the KMart parcels
(Majority vote) **(Currently Owned by Stop & Shop/Ahold)**

Action Requested

Be it resolved that Town Meeting requests the Board of Selectmen (BoS) to take the following action: Prior to the BoS bringing any vote for the re-zoning of Kelley’s Corner to Town Meeting, the BoS shall estimate the cost for the Town to purchase the KMart parcels (Parcel Numbers: F3-I16, F2-129-I, F3-139) examining all purchase options including those referred to as eminent domain, taking, or conventional land purchase, or any other purchase method. Or take any other action relative thereto.

Reporting Requirements and Reasoning

Town Meeting requests that the BoS prepare and release a report with the information. The information should include the cost to purchase the KMart parcels using the purchase methods referenced above. These estimates shall include legal fees, staff time, and the cost of borrowing the money. The report shall include an estimate of the rent that KMart is currently paying. The work to prepare this report should include contacting KMart to determine whether KMart is officially interested in continuing their Acton operation beyond the end of its Stop & Shop lease. The goal of the analysis is to help the Town Meeting members decide whether they want to purchase the subject properties before rezoning. The goal is to understand the cost of the Town purchasing the properties so that it can be in control of what happens to the parcel, as an alternative to the result of what a private owner/developer would do with the parcels. The cost of purchase analysis shall be completed and released by 45 days before the Town Meeting vote to rezone the property, so that Town Meeting is aware of a potentially valuable option. The reason that the analysis must be done in such a timely fashion is that the value of the property could be greatly impacted by zoning that is in place when such a purchase is made. The reason that

controlling what happens to the parcels matters is that the parcels are critical to the Acton 2020 goals to create a town center in Kelley's Corner, which in large part includes the subject parcels. In sum, this action is needed because the potential benefits to our community that might result from town purchase should not be disregarded so early in the process. Let us not close off our options.

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

IClicker - A Yes - 143 82 % E No - 32 18 %

MOTION CARRIES

Ms. Berry will moderate Article 29.

Article 29 Transfer Real Property – 3-33 Knox Trail
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to transfer the real property shown as Parcel 21-2 on the Town of Acton Atlas Map J3 and in the deed recorded at the Middlesex South Registry of Deeds in Book 1223, Page 0117, contingent upon completion of the tax taking process, from the tax title custodian to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey such land on such terms and conditions and for such consideration, which may be non-monetary consideration, as the Selectmen may determine, or take any other action relative thereto.

MOTION: Ms. Adachi moves that the Town authorize the transfer of the real property shown as Parcel 21-2 on Town of Acton Atlas Map J3, contingent upon completion of the tax title process, from the tax title custodian to the Board of Selectmen for the purpose of conveyance, and authorize the conveyance of that property as set forth in the Article.

Kyle Coulter - motion to lay on the table

IClicker - A Yes - 14 10 % E No - 125 90 %

Motion to lay on table failed

IClicker - A Yes - 134 97 % E No - 4 3 %

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 30 Transfer Real Property – 4 Cherry Ridge Road

(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to transfer the real property shown as Parcel 36 on the Town of Acton Atlas Map F1 and in the deed recorded at the Middlesex South Registry of Deeds in Book 17912, Page 323, which land is currently held for general municipal purposes, from the tax title custodian to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey such land on such terms and conditions and for such consideration, which may be non-monetary consideration, as the Selectmen may determine, or take any other action relative thereto.

MOTION: Ms. Green moves that the Town authorize the transfer of the real property shown as Parcel 36 on Town of Acton Atlas Map F1, from its current custodian to the Board of Selectmen for the purpose of conveyance, and authorize the conveyance of that property as set forth in the Article.

IClicker - A Yes - 135 99 % E No - 2 1 %

**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.)

Mr. Ashton returns to Moderate Article 31.

Article 31 Amend General Bylaws – Remove Hearing Requirement for Enforcement

(Majority vote)

To see if the Town will vote to amend Section E25 of Chapter E of the General Bylaws of the Town to read as follows:

E25 Owners or keepers of animals in violation of the foregoing section shall be subject to fines or other remedies permitted by Chapter 140 of the General Laws as determined by the Board of Selectmen.

[Note: Changes to this Section are reflected below by strikethrough for deletions and underline for additions:

E25 *Owners or keepers of animals in violation of the foregoing section shall, ~~after a hearing,~~ be subject to fines or other remedies permitted by Chapter 140 of the General Laws as determined by the Board of Selectmen.]*

Or take any other action relative thereto.

MOTION: Ms. Gardner moves that the Town adopt the General Bylaws amendment as set forth in the Article.

MOTION CARRIES

Article 32 Amend General Bylaws – Appointment of Tree Warden

(Majority vote)

To see if the Town will vote to amend Chapter B (Town Agencies & Officers) of the General Bylaws of the Town by adding the following Section B24:

B24 Appointment of the Tree Warden

The Town Manager shall appoint a Tree Warden to carry out the duties as described in Massachusetts General Laws Chapter 87 and shall have general supervision over the Tree Warden.

Or take any other action relative thereto.

MOTION: Mr. Chang moves that the Town adopt the General Bylaws amendment as set forth in the Article.

MOTION CARRIES

General Consent (two-thirds vote)

MOTION: Ms. Adachi moves that the Town take up the eight articles in the Consent Calendar on pages 69 through 76 of the Warrant: Articles 33, 34, 35, 36, 37, 38, 39 and 40.

Article 33 * Amend General Bylaws – Public Way Permits

Article 34 * Land Acquisition – Sidewalks

Article 35 * Highway Reimbursement Program (Chapter 90)

Article 36 * Insurance Proceeds

Article 37 * Gifts or Grants

Article 38 * Federal and State Reimbursement Aid

Article 39 * Performance Bonds

Article 40 * Sale of Foreclosed Properties

Held from consent Article 33 * Amend General Bylaws – Public Way Permits

REMAINING ARTICLES UNDER THE 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 33 * Amend General Bylaws – Public Way Permits
(Majority vote)

To see if the Town will vote to amend Section E39 of Chapter E of the General Bylaws of the Town to read as follows:

E39. Public Way Obstruction/Destruction

No person shall break or dig up the surface for any purpose whatever; set or place any fence, post, tree, or edgestone, or alter or change the position or direction of any fence, post, tree or edgestone; swing any door or gate; or change the grade or width in, upon, or over any public way without the written license of the Board of Selectmen or its designee, which shall prescribe the limitations or restrictions of such activity.

[Note: Changes to this Section are reflected below by strikethrough for deletions and underline for additions:

E39. Public Way Obstruction/Destruction

No person shall break or dig up the surface for any purpose whatever; set or place any fence, post, tree, or edgestone, or alter or change the position or direction of any fence, post, tree or edgestone; swing any door or gate; or change the grade or width in, upon, or over any public way without the written license of the Board of Selectmen or its designee, which shall prescribe the limitations or restrictions of such activity.]

or take any other action relative thereto.

MOTION: Ms. Adachi moves that the Town adopt the General Bylaws amendment as set forth in the Article.

Held from consent

MOTION FAILS

Article 34 * Land Acquisition – Sidewalks
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept deeds of easement interests or fee simple interests, on such terms and conditions as the Selectmen may determine and for a sidewalk along the frontage on the following public ways for all purposes which streets, sidewalks and ways are now or hereafter used in the Town, on such terms and conditions as the Selectmen may determine and in a final location or locations as the Selectmen may determine, on, across, over, and/or under the following land:

A. Parker Street Sidewalk

Land n/f of Arkady and Irina Khasin of 220 High Street (Parcels 134-2 as shown on the Town of Acton Atlas Map I-3)

B. Willow Street Sidewalk

Land n/f of Adam and Barrie Duchesneau of 33 Summer Street (Parcels 73-1 as shown on the Town of Acton Atlas Map F-2B)

C. Taylor Road Sidewalk

Land n/f of Paula J O’Sullivan, Trustee of Thistle Realty Trust of 2010, of 74 Taylor Road (Parcel 129 as shown on the Town of Acton Atlas Map F-3)

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

MOTION: Ms. Adachi moves that the Town authorize the acquisition of real property and 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 35 * 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: Ms. Adachi 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 36 * 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. Adachi 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 37 * Gifts or Grants

(Majority vote)

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

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

CONSENT MOTION CARRIES

Article 38 * Federal and State Reimbursement Aid

(Majority vote)

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

MOTION: Ms. Adachi 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 39 * **Performance Bonds**
(Majority vote)

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

MOTION: Ms. Adachi 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 40 * **Sale of Foreclosed Properties**
(Two-thirds vote)

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

MOTION: Ms. Adachi moves in the words of 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.)

MOTION TO DISSOLVE: **Ms. Adachi** moves to dissolve the Annual Town Meeting at 10:47pm.

MOTION TO DISSOLVE CARRIES