

**ABSTRACT OF THE SPECIAL TOWN MEETING HELD
TUESDAY, DECEMBER 10, 2019, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING
DECEMBER 10, 2019 - 921**

Article Index

Article 1	Acton-Boxborough Regional School District – School Design & Construction	1
Article 2	North Acton Fire Station Design & Construction	2
Article 3	Sewer District Expansion – West Acton	3

December 10, 2019

The Moderator, Ms. Jo-Ann Berry, called the Special Town Meeting to order on Tuesday, December 10, 2019 at 7:00 pm

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

Motion carries to allow speakers.

JoAnn Berry nominates Mr William Mullin for the position of Assistant Moderator

Motion carries

Practice Motion #1: Will we break both the warm and cold temperature records this winter for our town.

IClicker - A Yes - 357 63% E No – 210 37 %

Article 1 Acton-Boxborough Regional School District – School Design & Construction

(Two-thirds vote)

To see if the Town will approve the \$116,028,519.00 borrowing authorized by the Acton-Boxborough Regional School District, for the purpose of paying costs for the design and construction of a new CT Douglas/Paul Gates Elementary School and Carol Huebner Early Childhood Program into a single facility on the Gates School Site located at 75 Spruce St, Acton including the payment of all costs incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the District’s School Building Committee. The MSBA’s grant program is a

non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) forty nine point seven percent (49.7%) of eligible, approved Project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that the approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Twn to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2-1/2, so-called); and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA; or take any action relative thereto.

MOTION: Mr. Petersen moves that the Town hereby approves the \$116,028,519.00 borrowing authorized by the Acton-Boxborough Regional School District, for the purpose of paying costs for the design and construction of a new CT Douglas/Paul Gates Elementary School and Carol Huebner Early Childhood Program into a single facility on the Gates School Site located at 75 Spruce St, Acton, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the District's School Building Committee; that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) forty nine point seven percent (49.7%) of eligible, approved Project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that the approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2-1/2, so-called); and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

IClicker - A Yes - 695 82 % E No - 152 18 %

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 2 North Acton Fire Station Design & Construction

(Two-thirds vote)

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow money by the issuance of bonds or notes under the provisions of Massachusetts General Laws c. 44, a sum of money to be expended by the Town Manager for the purpose of designing, constructing, equipping and furnishing a new fire station to be located at 66-68 Harris Street, including all costs incidental and related thereto; to determine whether the approval of any borrowing for this purpose shall be contingent upon passage of a Proposition 2½ debt exclusion referendum under Massachusetts General Laws c. 59, § 21C(k); to determine whether any premium received by the Town upon the sale of any bonds or notes approved by the vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

MOTION: Mr. Charter moves that the Town appropriate \$9,194,548 to be expended by the Town Manager to design, construct, equip and furnish a new fire station to be located at 66-68 Harris Street, including all costs incidental and related thereto, and further, that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the appropriated amount pursuant to M.G.L. c. 44, § 7(1), or any other enabling authority; provided, however, that this approval shall be contingent upon passage of a Proposition 2½ debt exclusion referendum under Massachusetts General Laws c. 59, § 21C(k); and provided further that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

IClicker - A Yes - 695 87 % E No - 108 13 %

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 3 Sewer District Expansion – West Acton

(Two-thirds vote)

To see if the Town will raise and appropriate, appropriate from available funds, or borrow a sum of money to be expended by the Town Manager for the purpose of financing the planning, design, and construction of, and expansions and modifications to, sewers and the wastewater treatment plant, or any portion thereof, and related infrastructure for the expansion of the Middle Fort Pond Brook Sewer District into West Acton including, without limitation, the acquisition by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Selectmen may determine, real property interests in land as may be necessary or appropriate, and all other costs and any related expenses thereof as defined in Massachusetts General Laws c. 29C, § 1; and to determine whether any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by the vote in accordance with Massachusetts General Laws c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

MOTION: Mr. Martin moves:

a. that the Town appropriate \$1,900,000 for the purpose of financing the planning, design, and construction of, and expansions and modifications to, sewers and the wastewater treatment plant, or any portion thereof, and related infrastructure for the expansion of the Middle Fort Pond Brook Sewer District into a portion of West Acton as shown on the plan entitled “West Acton Sewer Project – Project Area Map – Phase 1” dated December 2019 (the “Phase I Plan”) including, without limitation, the acquisition by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Selectmen may determine, real property interests in land as may be necessary or appropriate for the expansion shown on the Phase I Plan, and all other costs and any related expenses thereof as defined in Massachusetts General Laws c. 29C, §1;

b. that to meet such appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$1,900,000 and issue bonds or notes therefor under Massachusetts General Laws c. 44 and/or c.29C or any other enabling authority; that the Treasurer is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust (the “Trust”) established pursuant to Massachusetts General Laws c. 29C and, in connection therewith, to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Town Manager is authorized to enter into agreement(s) with the Department of Environmental Protection, to expend all funds available for the project and to take any other actions necessary to carry out the project; and that any premium received upon the sale of any bonds or notes approved by this vote, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds or notes may be applied to the payment of costs of the project approved by the vote in accordance with Massachusetts

General Laws c. 44, §20, thereby reducing the amount authorized to be borrowed for the project by a like amount; and

c. that the Town shall levy sewer assessments on the owners of the land benefitting from the sewer project to pay the debt service costs on the borrowing authorized by this vote in accordance with General Bylaw Section D10, except that up to \$800,000 of the amount appropriated for the sewer project and the related debt service costs on the portion of the borrowing authorized by this vote to meet that portion of the appropriation shall be allocable to the taxpayers at large in accordance with General Bylaws Section D10.1.

MOTION FAILS

IClicker - A Yes - 162 25 % E No - 491 75 %

MOTION TO DISSOLVE Motion made to dissolve the Special Town Meeting at 10:09 pm.

MOTION TO DISSOLVE CARRIES