

ABSTRACT OF THE SPECIAL TOWN MEETING HELD

Thursday, October 2, 2008, 7:00 P.M.

Acton-Boxborough Regional High School

Upper Gymnasium (Field House)

Number of Registered voters attending Special Town Meeting -- 1702

The Moderator, Don MacKenzie called the Town Meeting to order at 7:11 PM on October 2, 2008.

Mr. MacKenzie thanked the School and Town Hall staff for their efforts, with special thanks to Eva Taylor, Town Clerk.

He then introduced Mary de Alderete, Assistant Town Clerk, as Clerk for Town Meeting.

The Moderator then acknowledged Ed Ellis, former Town Clerk for the town as the Assistant Moderator for this Special Town Meeting who will act as Moderator in the Auditorium.

Mr. MacKenzie noted the survey that was being circulated by the League of Women Voter on suggestion for Town Meeting improvements. He thanked the league for there efforts to improve Town Meeting.

Mr. MacKenzie then introduced Mr. Bill Ryan, Superintendent of Schools.

Mr. Ryan thanked the citizens for their support of the Acton Schools and then introduced three new principals: Lynne Newman, Gates School, Ed Kaufman, Merriam Elementary, Dr. Alixe Callen, Acton-Boxborough Regional High School

The Moderator then explained the process on how the articles will be taken up.

MOTION: Mr. Callendrella moves for secret ballot vote for Article 1 and any amendments.

The Moderator explained the process of a secret ballot vote and the estimated time for a secret ballot vote.

2/3 vote required **MOTION LOST**

ARTICLE 1 TRANSFER OF FUNDS TO REDUCE THE TAX RATE
(Majority vote) **(Submitted by Citizens' Petition)**

To see if the Town will transfer \$2,414,809 from the Recycling and Transfer Station Enterprise Fund for the purpose of reducing the tax rate for the fiscal year beginning July 1, 2008, or take any other action relative thereto.

PETITION

This Article has been placed on the Warrant for the Special Town Meeting pursuant to a Citizens' Petition reading as follows:

- “Whereas: the average Acton tax bill is scheduled to increase by more than 4% in Fiscal Year 2009 that began 1 July 2008; and
- Whereas: the town has accumulated several million dollars in the Recycling and Transfer Station Enterprise Fund (formerly called the NESWC Enterprise Fund) for a potential liability which no longer exists; and
- Whereas: the available balance in this Fund for the Fiscal Year 2009 is approximately \$4,000,000; and
- Whereas: transferring \$2,414,809 from this Fund would make a tax increase unnecessary;

Therefore, this petition requests that the Acton Board of Selectmen schedule a Special Town Meeting pursuant to M.G.L.Ch. 39 s 10 to see if the voters will approve a transfer of funds to reduce the tax rate for Fiscal Year 2009 per the following Article.”

Mr. Seward moves that the Town transfer from the Town's Recycling and Transfer Station Enterprise Fund (formerly known as the North East Solid Waste Committee Enterprise Fund) to the Town's General Fund and appropriate \$2,414,809 for the purpose of funding a portion of the Town's fiscal year 2009 budget and reducing the Town's tax rate for fiscal year beginning July 1, 2008.

MOTION: Ms Elizabeth Muff, 6 Windemere Drive, moves to cut off debate.

MOTION CARRIES (moderator declared 2/3 vote)

ORIGINAL MOTION LOST

| | | |
|-------------------------|-----------------|----------------|
| TOTAL VOTE: 1587 | YES: 640 | NO: 947 |
|-------------------------|-----------------|----------------|

MOTION: Mr. Rick Fallon, 27 Faulkner Hill Road, moves to reconsider the vote under Article 1.

MOTION LOST

ARTICLE 2
(2/3 vote
Required)

**COMMUNITY PRESERVATION FUND – APPROPRIATIONS
FROM EXISTING OPEN SPACE SET-ASIDE (PIPER LANE
PARCELS) AND RELATED ACTIONS**

To see if the Town will vote to:

(a) authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Selectmen may determine, two parcels of land with the buildings and improvements thereon depicted on Assessors' Map H3A as parcels 4 and 4-1, consisting respectively of approximately 5.51 acres of forested open space abutting the Great Hill Conservation Area and approximately 17,325 square feet of land with a 3-bedroom residential structure built *circa* 1840;

(b) 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 a sum not to exceed \$730,000 toward the purchase and restriction thereof consistent with this article;

(c) raise, appropriate, transfer from available funds or accept gifts of such additional funds as are necessary to accomplish the purposes of this article;

(d) authorize the Board of Selectmen to reconfigure the area and lot lines of parcels 4 and 4-1 and to take all other necessary actions so as to render reconfigured parcel 4-1 conforming to zoning or otherwise lawful for continued single family residential use (the "House Lot");

(e) authorize the Board of Selectmen to impose a perpetual Historic Preservation Restriction and/or a perpetual Conservation Restriction on all or a portion of the land, buildings and improvements comprising the House Lot on such terms and conditions as the Selectmen may determine;

(f) authorize the Board of Selectmen to impose a perpetual Conservation Restriction on such terms and conditions as the Selectmen may determine on the entire remainder of parcels 4 and 4-1 (if any) not made part of the House Lot so as to protect and preserve said land as part of the Great Hill conservation area in perpetuity, with said restriction to be enforceable (in addition to the Town) by the commonwealth or by a nonprofit, charitable corporation or foundation as determined by the Selectmen (the "Conservation Land");

(g) transfer the restricted House Lot from the Board of Selectmen to Board of Selectmen for the purposes of sale and sell and convey the restricted House Lot on such terms and conditions and for such consideration as the Selectmen may determine which consideration shall be no less than the appraised value of the restricted House Lot;

(h) transfer the net proceeds of such sale of the restricted House Lot from the general fund to the Community Preservation Fund Open Space Set-Aside; and

(i) authorize the Board of Selectmen to delegate the management of the Conservation Land to the Conservation Commission subject to the perpetual Conservation Restriction as aforesaid;

or take any other action relative thereto.

Mr. Ken Sghia-Hughes moves that the Town authorize the transfer, acceptance, raising, appropriation, and expenditure of the funds and the acquisition, reconfiguration, restriction, transfer, delegation and conveyance of the real property as set forth in the Article.

MOTION CARRIES (MODERATOR DECLARED 2/3 VOTE)

Mr Ryder moves to dissolve the Special Town Meeting.

Motion carries.

Special Town Meeting dissolved 9:47PM