

9/12/05

**John Murray**

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**From:** Mercurio, Brenda [BMercurio@palmerdodge.com]  
**Sent:** Monday, September 12, 2005 2:29 PM  
**To:** John Murray  
**Cc:** DuBois, Patricia  
**Subject:** Service Agreement

Attached please find the following:

1. Selectmen's Vote - this vote should be taken by the selectmen tonight and signed by the clerk of the board. It authorizes you to sign the Service Agreement and related certificate. Please send us two originals.
2. Officer's Certificate- this is a revised form of the certificate that was enclosed in your package. It should be signed by you and the Town Clerk. Please make two originals.
3. Service Agreement - I have revised the signature line to read Temporary Town Manager. Please send us two originals.

Also, please send us a certified original of the final minutes of the July 18, 2005 meeting. (I believe these minutes should be accepted by the board at tonight's meeting, if they have not already done so.)

Please send the package to Patty's attention, as I will be out the rest of the week at a conference. She will take care of getting these materials with our opinion to Wheelabrator. Thanks, and please call if you have any questions.

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9/12/2005

CERTIFICATE OF VOTE

I, the Clerk of the Board of Selectmen of the Town of Acton, Massachusetts, certify that at a meeting of the board held September 12, 2005, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was passed, all of which appears upon the official record of the board in my custody:

VOTED:           that pursuant to Section 4-3(b) of the Town Charter, during the temporary absence of the Town Manager, the Assistant Town Manager, John Murray, III, is hereby appointed Temporary Town Manager for the purposes of executing the Service Agreement between the Town and Wheelabrator North Andover Inc. dated as of September 1, 2005 and the certificate related to the delivery of such agreement.

I further certify that the vote was adopted at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time of the meeting was filed with the Town Clerk and a copy thereof posted in the office of the Town Clerk or on the principal official bulletin board of the town at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the vote were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L. c.39, s.23B as amended. I further certify that the vote has not been amended, supplemented or revoked and remains in effect on this date.

Dated: September 12, 2005

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Clerk of the Board of Selectmen