

Town of Acton

Annual Town Meeting Warrant



Monday, April 3, 2006

**The Annual Town Meeting will convene at 7:00 P.M. in the
Acton-Boxborough Regional High School Auditorium
36 Charter Road**

Notice of Election and Meeting

Annual Town Election Tuesday, March 28, 2006 7:00 A.M. – 8:00 P.M.

- Precinct 1** – Nagog Woods Club House – 100 Nonset Path
Precinct 2 – Conant School – 80 Taylor Road
Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
Precinct 6 – Conant School – 80 Taylor Road

For assistance in determining your election voting location, please use the State Elections Division web site www.WhereDoIVoteMA.com or contact the Town Clerk's office by e-mail at clerk@acton-ma.gov or telephone at (978) 264-9615.

Annual Town Meeting Monday, April 3, 2006 7:00 P.M.

Acton-Boxborough Regional High School Auditorium

Note: Copies of the detailed Municipal Operating Budget are available at Town Hall, Police Station, Memorial Library and West Acton Citizens' Library. Copies will also be available at Town Meeting.

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* Article is on Consent Calendar

Article submitted by Citizen Petition

Board of Selectmen's Message

This Town Meeting Warrant is your invitation to participate in the legislative portion of Acton's town government. Acton citizens have a cherished tradition of governing themselves by means of an open Town Meeting. We encourage all Acton residents to attend. All registered voters are urged to participate in the debate and vote on the Articles presented. Other residents, even if they are not registered voters, are invited to attend and observe, or to view the proceedings on cable television Channel 8.

Town Meeting Dates, Times and Location

Annual Town Meeting will begin on Monday April 3, 2006 and is expected to continue on additional consecutive nights. All sessions will begin at 7:00 p.m. in the Acton-Boxborough Regional High School Auditorium. Come early to get checked in by the Town Clerk's staff and to obtain additional information.

Regular attendees at Annual Town Meeting will note that many of the Articles in this Warrant relate to matters which are routinely addressed every year, such as the established Enterprise Budgets and the Schools' and Municipal Operating Budgets, while other Articles relate to issues and matters that are new or unique this year. Although some Articles, such as Zoning or Bylaw amendment proposals, do not involve appropriation of funds, much of the Annual Town Meeting's attention is focused on fiscal matters.

Town Meeting Warrant and Procedures

The Town Meeting Warrant is the agenda for the meeting. It is drawn up by the Selectmen from various proposals made by the Selectmen, the School Committees, other Boards, staff and citizens. The Selectmen determine the order that the Articles are printed to appear in the Warrant. The Articles will be considered in the order in which they appear, unless the Moderator, or the meeting itself, changes that order. Each Article is intended to give fair notice of the topic to be discussed and voted upon, thus any motion made at Town Meeting under one of these Articles must be found by the Moderator to be within the scope of the printed Article. At the Town Meeting, the **Motion** made under each Article will describe the specific action that is proposed to be taken. The wording of the motion, and any amendments that might be offered to the main motion, may differ from the exact wording of the Article, but as indicated above must be within the scope of the Article. Accordingly, it is suggested that each attendee listen closely to the reading of the **motion**, and any amendments made before voting.

Your attention is invited to the Warrant section on Parliamentary Procedure and a Basic Guide to Town Meeting Process written by the Town Moderator.

The best debate is conducted by those who have informed themselves concerning the issues. Informed debate is delayed when speakers rise only to ask basic questions that could be individually addressed. To assist speakers to inform themselves in advance, and to avoid delays during the meeting engendered by persons seeking basic information, the Board of Selectmen strongly encourages and solicits questions in advance concerning any of the proposed Articles. Information in regard to the Articles is available from any of the people listed after each Article summary, or a general inquiry may be made to the Town Manager's office (978-264-9612) for an appropriate referral. Copies of the Municipal Operating Budget will be made available in advance of the meeting at the Memorial Library, West Acton Library, Acton Public Safety Facility, and Acton Town Hall. Copies will also be available at Town Meeting. Furthermore, personnel designated by staff or the Moderator will be available in the auditorium during the Meeting to answer informational questions which may not be of interest to the entire assemblage on a one on one basis.

New Articles This Year

This year Town Meeting will consider several new initiatives on the warrant. Two items dealing with tax relief for seniors are included that would provide additional relief to seniors who have difficulty paying

their property taxes. The initial step toward the expansion of the sewer district will be taken through two articles including the acceptance of the water resources management plan and a home rule petition to allow us to transfer funds from the NESWC enterprise fund to the general fund to allow in the future an appropriation for design of the expansion of the district. Two articles are on the warrant that would provide the opportunity to develop additional affordable housing, one through the Acton Community Housing Corporation and the other through Habitat for Humanity. In addition, a proposal to make slight modifications to the Hazardous Materials By-Law is also included on the warrant.

Budgets

Again this year members of the Board of Selectmen, the School Committees and the Finance Committee met on a regular basis through the ALG process to coordinate the annual budgets and to develop both expenditure and revenue projections for the coming years. This has been a difficult year to develop reliable projections of revenues because local aid from the state has been in a great state of flux. A number of different proposals to change the Chapter 70 education aid formula have been proposed including an innovative proposal from Acton's local leadership. We have worked closely with our legislators in an attempt to increase the amount of local aid and the initial budget from the governor would appear to indicate that such lobbying has paid off. The governor's budget includes an increase of 27 percent in state aid, including a 48 percent increase in chapter 70 (education) aid to the Regional School District. If the projections contained in the governor's budget do become reality, it would restore the cuts we experienced over the last four years, and would mean that we could meet all of our budgetary expenses without use of any reserves.

As the warrant goes to press, however, there is considerable uncertainty about whether Acton will realize these significant increases. The governor's budget only increases chapter 70 aid by 5 percent in total across the state, and there is concern among members of the ALG that local aid, particularly Chapter 70 aid, may not ultimately increase at the rate currently contained in the governor's proposed budget. Therefore, the town leadership is taking a "wait and see" attitude over the next month to obtain the best and latest estimates of what we think state revenue will be as we go to town meeting. In the next few weeks we should receive more insight on what the state may do when the house budget proposal is released. In the past we have always used that in conjunction with the governor's budget proposal to guide us to a workable budget at Town Meeting. So, as they say on television, "stay tuned for more information" as the budget picture develops over the coming weeks. Presentations will be made during Town Meeting that will provide updated information, and a coordinated budgetary plan.

Thank You to Our Volunteers

In addition to trying to balance our budgetary needs against limited resources, another necessity for the healthy function of our local government and community is the flow of active, interested citizens willing to volunteer their time, talents, and energy to participate as members of the Town's many volunteer regulatory and advisory Boards, Commissions and Committees. Volunteers are the very foundation of our government, and as the needs of the Town expand so does the need for volunteers. No special knowledge is necessary to volunteer, only an interest to serve the community and advance the public good, combined with a willingness to learn. The rewards may be intangible, but are very real. We encourage you to volunteer by filling out the Citizen Resource Sheet which is included in this Warrant, tearing it out and mailing it to Town Hall, depositing it in the marked box in the lobby outside the auditorium at Town Meeting, or handing it to any Selectman at this meeting. Please consider helping your Town by volunteering some time – we believe you will find it very rewarding.

Peter K. Ashton, Chair
Walter M. Foster, Vice Chair
F. Dore' Hunter, Clerk
Lauren Rosenzweig
Andrew Magee

Town Manager's Message

Finance Committee's Message



**TOWN OF ACTON
ANNUAL TOWN MEETING WARRANT**

Commonwealth of Massachusetts, ss.

To either of the Constables of the Town of Acton, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of said Town of Acton, qualified to vote at Town Meetings for the transaction of town affairs, to meet in their respective precincts to wit:

- Precinct 1 – Nagog Woods Club House – 100 Nonset Path
- Precinct 2 – Conant School – 80 Taylor Road
- Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
- Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
- Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
- Precinct 6 – Conant School – 80 Taylor Road

On **Tuesday, March 28, 2006 between 7:00 A.M. and 8:00 P.M.**, by posting a copy of this warrant by you attested, at each of the places as directed by vote of the Town, fourteen days at least before the twenty-eighth day of March 2006,

To bring their votes on one ballot for the following officers:

Moderator for one year, one Selectmen for three years, two members of the School Committee for three years, one Trustee of the Memorial Library for three years, two members of the Housing Authority for five years.

In addition, the Acton Water District will elect one Commissioner for three years and one Moderator for three years.

You are also to notify legal voters aforesaid to meet at the Acton-Boxborough Regional High School Auditorium in said Acton on **Monday, April 3 2006, at 7:00 P.M.**, then and there to act on the following articles:

Legend

One or more of the following symbols may follow an Article number:

<u>Symbol</u>	<u>Description</u>
*	This article is on the Consent Calendar
#	This article submitted by Citizen Petition

Consent Calendar

In an effort to streamline Town Meeting, the Board of Selectmen has decided to continue the concept of a Consent Calendar. The use of this Calendar speeds the passage of articles which the Selectmen feel should generate no controversy and can be properly voted without debate. The purpose of the Consent Calendar is to allow motions under these articles to be acted upon as one unit and to be passed without debate.

The Consent Calendar will be taken up as the first order of business. Please do your homework. If you have any questions about the consent articles, motions or procedure, please feel free to contact the official listed in the summary of the article or to contact the Town Manager's Office, by e-mail at manager@acton-ma.gov or by telephone at (978) 264-9612, before Town Meeting.

At the call of the Consent Calendar, the Moderator will call out the numbers of the Articles, one by one. If **two or more** voters object to any particular Article being included in the Consent Calendar, they should say the word "**Hold**" in a loud voice when the number is called. The Article will then be removed from the Consent Calendar and restored to its original place in the Warrant, to be debated and voted in the usual manner. After the calling of the individual items in the Consent Calendar, the Moderator will ask that all remaining articles be passed **as a unit** by the voters.

Please carefully review the list of articles and motions proposed for each Consent item that follows. Complete summaries are included with each article printed in this warrant.

Consent Calendar Articles and Motions

Article * Council on Aging Van Enterprise Budget¹

Move that the Town appropriate \$85,293 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, \$41,210 be raised from department receipts, \$44,040 be transferred from the Audubon Hill Gift Account and \$43 be transferred from retained earnings.

Article * Nursing Enterprise Budget¹

Move that the Town appropriate \$642,110 for the purpose of operating the Town of Acton Public Health Nursing Service, and to raise such amount, \$463,160 be raised from department receipts and \$178,950 be transferred from retained earnings.

Article * Septage Disposal Enterprise Budget¹

Move that the Town appropriate \$141,272 for the purpose of septage disposal, and to raise such amount, \$127,028 be raised from department receipts and \$14,244 be transferred from retained earnings.

Article * Sewer Enterprise Budget¹

Move that the Town appropriate \$1,555,410 for the purpose of operating the sewer system, and to raise such amount, \$1,555,410 be raised from department receipts.

Article * NESWC Enterprise Budget¹

Move that the Town appropriate \$562,249 for the purpose of solid waste disposal, and to raise such amount, \$562,249 be raised from department receipts.

Article * Section 53E^{1/2} Self-Funding Programs

Move that the revolving funds for the Local School System, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Department, and Fire Department be continued for FY07 in the amounts and for the purposes set forth in the expense column of this Article.

Article * Chapter 90 Highway Reimbursement Program

Move that the Town Manager is authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.

Article * Insurance Proceeds

Move that the Town Manager is authorized to accept insurance proceeds from all sources and such funds are hereby appropriated.

Article * Federal and State Reimbursement Aid

Move that the Town Manager is authorized to accept federal and state reimbursement funds from all sources and such funds are hereby appropriated for the purposes outlined by such reimbursement.

Article * Sale of Foreclosed Properties

Move in the words of the Article.

Article * Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986

Move that the Town continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions.

Article * Town Board Support – Acton-Boxborough Cultural Council

Move that the Town raise and appropriate \$2,000 for the ongoing expenses of the Acton-Boxborough Cultural Council.

Article * Amend Town Bylaws – Use and Sale of Tobacco and Smoking Products

Move to adopt the general bylaw amendments as set forth in the Article

Article * Amend Zoning Bylaw – Housekeeping

Move to adopt the zoning bylaw amendments as set forth in the Article.

Article * Street Acceptance – Jackson Drive

Move that the Town accept as a public way the street listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

Article * Sidewalk Easement – Martin and Maple Streets

Move to accept the sidewalk easements as set forth in the Article.

Article * Performance Bonds

Move to appropriate the proceeds of any performance bonds, for the purposes stated in said bonds, available as a result of any non-performance or other covered conditions.

Donald MacKenzie
Town Moderator

¹ Per Massachusetts Department of Revenue guidelines, the Town can only budget revenues for FY07 in an amount equal to the FY06 receipts. Because FY06 receipts will not be known until the end of this fiscal year (June 30, 2006), DOR may require the Town to hold a Special Town Meeting to record the actual FY06 receipts.

ARTICLE H * SECTION 53E½ SELF-FUNDING PROGRAMS

(Majority vote)

To see if the Town will vote, pursuant to Massachusetts General Law, Chapter 44, Section 53E½ to continue revolving funds for the Local School System, to be expended by the Superintendent of Schools; and for the Historic District Commission, Building Department, Sealer of Weights and Measures, Health Inspectional Services, Ambulance Fees and Fire Department Fire Alarm Network, to be expended by the Town Manager, as noted below:

Fund	FY07 Estimated Revenue	FY07 Authorized Expenditure
School Department		
Douglas at Dawn/Dusk	\$140,000	\$140,000
Merriam Mornings/Afternoons/Summer	\$200,000	\$200,000
Gates Amazing Programs	\$36,500	\$36,500
Historic District Commission	\$600	\$600
Building Department	\$179,856	\$179,856
Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees		
Sealer of Weights and Measures	\$10,734	\$10,734
Health Department		
Food Service Inspections	\$27,919	\$27,919
Hazardous Materials Inspections	\$51,944	\$51,944
Fire Department		
Fire Alarm Network	\$50,646	\$50,646
Ambulance Fees ♦	\$300,000	\$320,000

, or take any other action relative thereto.

SUMMARY

This article allows the Schools and Town to fully fund the extended day/summer programs of the Local Schools, Historic District Commission activities, Building Department inspectional programs, Sealer of Weights and Measures services, specified ongoing Health inspectional programs, Ambulance Fees and the Town-wide Fire Alarm Network from their respective receipts and fund balance. This article removes the cost of these services from the tax base. Fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of operating each program. If income exceeds costs, the excess is retained for use of the specific program in any subsequent period.

♦ An example of removing cost from the tax base is to purchase emergency apparatus for Fire Department use from the Ambulance Fees Revolving Fund. This Fund was established to isolate medical response revenues and utilize them for the replacement of emergency medical response vehicles. For example, receipts from FY05 and FY06 were combined to fund the purchase of one new ambulance and one shift commander’s vehicle that are used as first-response vehicles to medical emergencies, and an ambulance information system to improve efficiency in fire department to hospital communications.

[The board must decide whether these should be separate articles or folded into the operating budget as a single article.]

ARTICLE U CAPITAL IMPROVEMENTS – PERSONNEL
(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 to fund the positions as listed below:

A. Treasurer / Collector	\$ 88,400
B. Financial Analyst	\$ 75,400
C. Web Site Content Administrator	\$ 38,500
D. Government Channel / IT Systems Technician	\$ 38,500
E. Council on Aging Program Coordinator	\$ 18,500
F. Two Highway Equipment Operators	<u>\$110,000</u>
Total	\$369,300

, or take any other action relative thereto.

SUMMARIES

A. Treasurer / Collector

Currently, the Assistant Town Manager, in addition to the many responsibilities that that job entails, also performs the duties of Treasurer/Collector. The Town Manager’s office, in concert with the Town Finance Director, has collaboratively decided that the Town would be better served with a singularly dedicated position of Treasurer/Collector. The Treasurer function will consolidate in the Finance Department all Town banking relationships, balance reporting, cash flow transfers and maximization for the Town of excess cash investments and minimization of bank charges. The Collector function will also consolidate all responsibilities and duties related to property tax collection, and will work to accelerate payments owed to the Town in areas such as excise tax, personal property tax, annual license fee billings undertaken and administered by several Town departments, ambulance billings, and the Town’s monthly utility billing in the Middle Fort Pond Sewer District. The Treasurer/Collector will work with all Town departments to pursue outstanding monies due the Town.

Direct inquiries to: Stephen G. Barrett, CPA, Finance Director
Finance@acton-ma.gov / (978) 264-9617

B. Financial Analyst

This is a new position in the Finance Department to assist the other decentralized Town Departments with issues/questions on our master finance system re: accounting, payroll, purchase orders, and budgets. The objective of this position is to insure that data is being correctly entered and properly categorized by all non-finance departments so that Finance can effectively and accurately integrate, blend and handle all our various finance data sources (currently numbering five (5) different systems) into an effective departmental management information system; all Town finance information would be accurately tracked, analyzed and reported throughout the year for the Manager’s office, the Board of Selectmen, Town Meeting, and better meet our statutory obligations to the State, as necessary and appropriate. This will allow Finance management and the Town Manager’s office to focus on the substantive matters of proactive planning and analysis for the Town.

Direct inquiries to: Stephen G. Barrett, CPA, Finance Director
Finance@acton-ma.gov / (978) 264-9617

ARTICLE V CAPITAL IMPROVEMENTS – EQUIPMENT

(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 replacement or improvement of facilities and equipment as listed below:

A.	Global Positioning System (GPS) Equipment	\$42,000
B.	Elm Street Field Lights and Poles Replacement	\$70,000
C.	One-Ton Dump Truck with Plow	<u>\$20,000</u>
Total		\$132,000

, or take any other action relative thereto.

SUMMARIES

A. Global Positioning System (GPS) Equipment

The GPS equipment is the first basic tool needed to begin the process of transforming our mapping and land records system from an antiquated set of hand-drawn maps to a computerized geographic information system (GIS). This equipment utilizes satellites combined with a fixed land base station to accurately locate parcels, roads, etc. for inclusion into a GIS mapping system.

Direct inquiries to: Bruce Stamski, Director of Public Works / Town Engineer
Engineering@acton-ma.gov / (978) 264-9628

B. Elm Street Field Lights and Poles Replacement

Replace the field lights and poles at the Elm Street softball field. The project would involve the removal of eight light poles and their replacement with four 65-foot poles and new lights. The current lights are more than 30 years old, the poles show signs of rot, and have exceeded their useful life. This project has high priority as the poles could become a public safety hazard to persons or property. We have collaborated with the Acton Adult Softball League for fundraising efforts. Pop Warner Football has also expressed strong interest in fundraising.

Direct inquiries to: Tom Tidman, Natural Resources Director
NR@acton-ma.gov / (978) 264-9631

C. One-Ton Dump Truck with Plow

This article requests one-half (½) of the funds necessary to replace a 1995 maintenance truck, with a one-ton dump truck. The new vehicle will be used extensively to haul mowing equipment to maintain our municipal recreation facilities including NARA Park, as well as to maintain the cemeteries and conservation lands. In addition, this vehicle will be used by the Highway Department each winter for snow plowing Acton’s roads. The other half of the funds necessary to purchase this truck will come from Cemetery Trust Funds.

Direct inquiries to: Tom Tidman, Natural Resources Director
NR@acton-ma.gov / (978) 264-9631

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
		Deferred

ARTICLE P
(Majority vote)

COMMUNITY PRESERVATION PROGRAM
DIRECT APPROPRIATIONS FROM FUND BALANCE

To see if the Town will vote to appropriate or to set aside for later appropriation, and to authorize the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2005 Community Preservation Fund balance as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation:

FY 2005 COMMUNITY PRESERVATION FUND BALANCE	
Community Preservation Fund Surcharge Collected in FY 2005	\$ 573,504.00
State Community Preservation Trust Fund Receipt, October 2005	\$ 568,164.00
Interest Earned FY 2005	\$ 29,417.00
Unencumbered funds from FY 2004 Fund Balance	\$ 65,591.00
Total - FY 2005 Community Preservation Fund Balance	\$1,236,676.00
APPROPRIATIONS	
Purpose	Recommended Amounts
Set Aside Appropriation – Open Space	\$ 400,000.00
A. Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration	
Spending Appropriations	
B. Land Acquisition and Development – 28 Willow Street & 214 Central Street	\$ 160,000.00
C. Construction of a Recreational Area at McCarthy Village	\$ 22,000.00
D. Rental Housing Planning and Feasibility Study	\$ 25,000.00
E. Create New Basketball Courts at Douglas School, Elm Street	\$ 20,000.00
F. Construction of Leary Field Woodland Path	\$ 25,000.00
G. Creation of a New Gates School Playground	\$ 16,000.00
H. Site Preparation and Construction - Habitat for Humanity Home	\$ 35,000.00
I. Jones Tavern Roof and Gutters Replacement	\$ 41,000.00
J. Historic Stone Chamber Restoration	\$ 20,000.00
K. Bruce Freeman Rail Trail Design	\$ 175,000.00
L. Fitzgerald Piano Preservation	\$ 18,000.00
M. Create School Street Twin Ball Fields	\$ 69,000.00
N. Town Hall Slate Roof Replacement	\$ 65,470.00
O. Create an Arboretum Universal Access Trail	\$ 24,000.00
Administrative Spending Appropriation	
P. A fund reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 57,083.40
Total Recommended Appropriations	\$1,172,553.40
Remaining FY 2005 fund balance	\$ 64,122.60

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the recommended appropriations for open space, historic preservation, and community housing each exceed 10% of the Community Preservation Fund balance.

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 2005 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% (\$123,667.60) for open space, not less than 10% (\$123,667.60) for historic preservation, and not less than 10% (\$123,667.60) for community housing.

, or take any other action relative thereto.

SUMMARY

This article would make appropriations from the Town's Community Preservation Fund. In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B (M.G.L. Ch. 44B). This established Acton's Community Preservation Fund through a 1.5% annual surcharge on real estate property tax bills with certain exemptions, and made the Town eligible to receive annually additional monies from the Massachusetts Community Preservation Trust Fund, which are added to the Town's Community Preservation Fund. Under the law, the Community Preservation Fund may be used to acquire, create and preserve open space; to acquire, preserve, rehabilitate, and restore historic resources; to create, preserve and support community housing; to acquire, create and preserve land for recreational use; and for certain related expenses in support of the foregoing. Community housing is defined as housing for low- and moderate-income individuals and families. This is the third year of appropriations from Acton's Community Preservation Fund.

Local adoption of the Community Preservation Act established the Acton Community Preservation Committee as a statutory committee under the Act (Chapter S of the Bylaws of the Town of Acton). The Community Preservation Committee's duties under the law are to study the needs, possibilities, resources, and preferences of the Town regarding community preservation; to engage in an open and public process of deliberation and consult with other Town Boards and Committees; and to make recommendations to Town Meeting for appropriations from the Community Preservation Fund.

In September 2005, the Community Preservation Committee published its 2006 Community Preservation Plan with guidelines for the submission of projects seeking funding. By November 14, 2005, it had received sixteen applications for funding of proposed items and projects. The Committee reviewed all proposals, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under M.G.L. Ch. 44B. This article represents the Committee's recommendation for appropriations from the Community Preservation Fund balance. All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. All projects that were proposed to the Community Preservation Committee have been recommended for funding, though some of the recommended projects have not been recommended at the funding level that their proponents had requested. The recommended appropriations leave a remaining fund balance of \$64,122.60 that is available for future Town Meeting appropriations under the Community Preservation Act.

Under M.G.L. Ch. 44B, Town Meeting may delete or reduce any of the recommended appropriations, but may not add new items or increase the recommended appropriations. However, M.G.L. Ch. 44B requires that the Community Preservation Committee recommends in each fiscal year the spending of not less than 10% of the annual revenues in the Community Preservation Fund for each of the following: open space (not including land for active recreation purposes); historic preservation; and community housing. The Committee may also recommend the taking by the Town of interest in real property, the set-aside of funds for later spending, and appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses.

A. Open Space Set-Aside

K. Bruce Freeman Rail Trail

The Bruce Freeman Rail Trail will be a multi-use recreational path on the former Penn Central Railroad right-of-way in Acton, now owned by the Massachusetts Executive Office of Transportation. The Bruce Freeman Rail Trail is planned to extend 22 miles, from Sudbury to Lowell. In Acton, the trail will run 4.6 miles from the Concord line in East Acton to the Carlisle line in North Acton. The Town has previously conducted a feasibility study for the Acton portion, and appropriated \$75,000 of CPA funding for this project last year. This recommended appropriation is the second phase of funding for the acquisition of land and design by the Town of the Bruce Freeman Rail Trail. The total cost for design and construction of the Acton segment of the Bruce Freeman Rail Trail is presently estimated at \$4.4 million, about 85% of which will be funded by the Federal and State governments. Alternate designs for the Route 2A crossings may increase the cost.

Recommendations: **Board of Selectmen** **Finance Committee**
Deferred

L. Fitzgerald Piano Preservation

This recommended appropriation funds the restoration by the Town of an antique “baby grand” piano that was presented to the Town in 1926 as a gift from the Honorable John Francis Fitzgerald, former Congressman and Mayor of Boston and father of Rose Fitzgerald Kennedy. The gift was made in memory of Mayor Fitzgerald’s wife’s parents, who resided in Acton, and was presented on the occasion of the opening of the Acton High School. The piano has been in storage since 2000, and has fallen into disrepair and obscurity. The Acton Historical Commission declared the piano a valuable cultural and historical resource of the Town. The restored piano will be on display in the Acton Memorial Library, where it will be used for occasional performances. As such it will be a permanent fixture in an historic building in one of Acton’s Historic Districts.

Recommendations: **Board of Selectmen** **Finance Committee**
Deferred

M. School Street Twin Ball Fields

This recommended appropriation will help fund the creation by the Town of a new multi-use recreation space consisting of a softball/little league diamond and a full sized baseball diamond. There also remains sufficient space for the creation in the future of a multi-use soccer, lacrosse, and football field. The fields will be located on State-owned land next to the existing soccer field on School Street near the intersection with Route 2. The Commonwealth, through the Department of Correction, issued a license to the Town of Acton in 2003, permitting the Town to use the parcel for non-motorized town recreation and park purposes, including associated vehicle parking, for a term of ten years, with an option to renew for another 10-year term. The total cost of the Ball Field Project is estimated at \$104,000.

Recommendations: **Board of Selectmen** **Finance Committee**
Deferred

ARTICLE Z ACTON FIREFIGHTERS' RELIEF FUND
(Majority vote) **[TOWN COUNSEL VERSION]**

To see if the Town will vote to authorize and direct the Trustees of the "Acton Fireman's Relief Fund" created by Article 21 of the Annual Town Meeting of March 11, 1935, and the Trustees of the "West Acton Fireman's Relief Fund" created by Article 18 of the Annual Town Meeting of March 1, 1920, with the advice and consent of the Board of Selectmen and utilizing the services of Town Counsel, to petition a Massachusetts court of competent jurisdiction to reform, reorganize and consolidate the Trusts as follows:

1. To transfer the funds held in trust by the Town in Account No. T-02 (the Acton Fireman's Relief Fund) and in Account No. T-32 (the West Acton Fireman's Relief Fund) into a single trust fund account to be held by the Town and known as the New Acton Firefighters' Relief Fund.
2. To establish the New Acton Firefighters' Relief Fund (the "Fund") as a trust fund on the following terms and such other terms as the Court determines are necessary and proper to effectuate the reformation, reorganization and consolidation of the existing trusts into a single trust:
 - a. The Fund shall be administered by three trustees chosen by the Town Meeting, one for one year, one for two years, one for three years, and thereafter one annually for the term of three years.
 - b. Each Trustee shall be a registered voter of the Town or an active or former member of the Acton Fire Department.
 - c. The Town treasurer shall hold said fund and shall invest the same in accordance with instructions from said Trustees. He shall also pay out of said Fund such moneys as said Trustees shall order and none other. Such Fund shall be secured by the bond of said treasurer.
 - d. Said Fund and any accumulations thereon shall be kept invested in such banks, government securities, municipal bonds, mutual funds and securities as the Trustees shall, in the prudent exercise of their fiduciary duties, determine.
 - e. Said Trustees shall have the authority to make awards out of said Fund to any person who may be injured, or to the spouse, children, or estate of any person who may be killed, while engaged in fighting fires or otherwise in the performance of his or her official duties for the Acton Fire Department.
 - f. Said Trustees are authorized to receive additional funds from any source and when so received shall be deposited with the Fund and administered in the same manner as the Fund.
 - g. Said Trustees shall make a report in writing annually to the Town and such report shall be published in the town report.
3. Pending final court approval of the foregoing, the Trustees of the "Acton Fireman's Relief Fund" and the Trustees of the "West Acton Fireman's Relief Fund" shall continue to administer their respective trust funds. Upon final court approval, the Trustees of said funds shall authorize and direct the Town treasurer to transfer all funds held in Account No. T-02 and Account No. T-32 to the Fund.
4. Upon final court approval of the foregoing, the Trustees of the "Acton Fireman's Relief Fund" shall serve as the Trustees of the Fund pending the initial selection by Town Meeting of the Trustees of the Fund and no longer.

Or take any other action relative thereto.

ARTICLE DD AMEND TOWN BYLAW – HAZARDOUS MATERIALS CONTROL
(Majority vote)

[THERE IS DISCUSSION BETWEEN THE WATER DISTRICT, COUNSEL, THE BOARD OF HEALTH AND A COMMITTEE AS TO WHETHER THIS ARTICLE SHOULD INCLUDE REFERENCES TO DRINKING WATER TREATMENT SLUDGE. MEETING TO BE HELD MONDAY FEB 27.]

To see if the Town will vote to amend the general Bylaws of the Town by deleting Chapter I in its entirety and substituting therefor the bylaw as set forth below: *[Note that text in bold print indicates changes from the original version of the Bylaw.]*

CHAPTER I

HAZARDOUS MATERIALS
CONTROL BYLAW

1. AUTHORITY, PURPOSE AND DEFINITIONS

1.1 Authority

This Bylaw is adopted by the Town under its Home Rule Authority, its Police Powers to protect the public health safety and welfare and its authorization under Massachusetts General Laws, (MGL) Chapter (c) 40, section 21, MGL CHAPTER 111, section 31, and MGL, Chapter 148, sections 9 and 13.

1.2 Purpose

The purpose of this Bylaw is to protect, preserve, and maintain the Town's existing and potential groundwater supply, groundwater recharge areas, surface waters, air quality and natural environment and to assure public health and safety through the proper management of hazardous materials and waste.

1.3 Definitions

The following terms shall be the following meanings in this Bylaw:

- 1.3.1 "Abnormal Loss of Material or Waste" means a loss of greater than .05% of the material stored over a period of one calendar month, unless such limit is undetectable in which case the Board of Health shall set the limit.
- 1.3.2 "Biodegradable" means a product or material which decomposes at a significant rate into non-toxic materials by natural biological processes.
- 1.3.3 "CMR" means the Code of Massachusetts Regulations.
- 1.3.4 "Container" means any portable device in which hazardous materials or wastes **or special wastes** are stored, transported, treated, disposed of or otherwise handled.
- 1.3.5 "DEP" means the Department of Environmental Protection and/or its successors.

- 1.3.6 "Discharge" means the disposal, deposit, injection, dumping, spilling, leaking, escape, incineration or placing of any hazardous material or waste or **special waste**, into or on the land, water or air. Discharge includes, without limitation, leakage of such hazardous materials or wastes from containers, tanks or storage systems, or disposal of such materials or wastes into any sewage disposal systems, dry well, catch basin or landfill.
- 1.3.7 "Fire Chief" means the Fire Chief of the Town of Acton and shall include any designee of the Fire Chief.
- 1.3.8 "Hazardous Material or Waste" means any substance, including petroleum or derivatives thereof, or combination of substances which because of their quantity, concentration, physical, chemical, infectious, flammable, combustible, radioactive, genetic or toxic characteristics, may cause or significantly contribute to a present or potential risk to human health, safety, or welfare, to the groundwater resources, **air quality**, or to the natural environment. Any substance regulated under applicable Acton Board of Health regulations and under any State or Federal laws and regulations regulating hazardous, chemical, biological or waste materials, or any amendments thereof, shall be considered hazardous material or waste.
- 1.3.9 "Owners or Operators" means each and every person who alone or severally with others has legal title to any property on which is located any hazardous material or waste **or special waste** subject to this bylaw; or a tenant, licensee or person in possession, who has care, charge or control of any such property, in any capacity including without limitation agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or agent, trustee or a person appointed by a court of competent jurisdiction; or a mortgagee in possession of such property. Each and every such person is bound to comply with the provisions of this bylaw as if he were an owner.
- 1.3.10 A "Hazardous Material Generator" means any commercial enterprise, government agency, owner or operator who produces, prepares, imports or compounds hazardous material or waste **or special waste** by combining previously non-hazardous materials to create hazardous materials.
- 1.3.11 A "Hazardous Material User" means any commercial enterprise, government agency, owner or operator who utilizes hazardous materials or waste **or special waste**, for any purposes other than those specifically exempt from the requirements of this bylaw under section 2.2.
- 1.3.12 **"Special Waste" means any solid waste that is determined not to be a hazardous waste pursuant to 310 CMR 30.000 and that exists in such quantity or in such chemical or physical state, or any combination thereof, so that particular management controls are required to prevent an adverse impact from the collection, transport, transfer, storage, processing, treatment or disposal of the solid waste. Without limitation, special waste includes waste that will require special management to ensure protection of public health, safety, or the environment based upon the physical, biological, or chemical properties of the waste. Special wastes include but are not limited to: asbestos waste, infectious wastes, except as specified in 310 CMR 19.061(6)(c)4, sludges including wastewater treatment sludges, drinking water treatment sludges and industrial process wastewater treatment sludges. (Ref: 310 CMR 19.006 and 19.061(2) and (3).)**
- 1.3.13 "Storage" means the holding of any hazardous materials or wastes **or special wastes** for more than 24 hours.

1.3.14 "Storage System" means one or more tanks(s), and all connecting pipes, valves or other devices appurtenant thereto.

1.3.15 "Tanks" means any stationary device used to store or to contain an accumulation of hazardous materials or wastes.

1.3.16 "Underground Storage System" means a system in which any or part of any of the tanks, connecting pipes, valves or other devices are buried below the surface of the ground unless otherwise specified by the Board of Health.

2. PROHIBITIONS, DISCHARGE REPORTING AND REMEDIAL ACTIONS

2.1 Prohibitions

2.1.1 There shall be no discharge of hazardous materials or wastes, **or special wastes** within the Town of Acton through land, water, or air transmission without a permit for such action by an authorized agent of a federal or state agency or without a hearing from the Board of Health unless otherwise excepted or exempted under this bylaw.

2.1.2 There shall be no discharge of hazardous materials or wastes, **or special wastes** within the aquifer protection Zones 1,2,3, as delineated in the Section 4.3 of the Acton Zoning Bylaw, as printed on May 1, 1990 and subsequent amendments thereof, either through land, water or air transmission unless otherwise excepted or exempted under this bylaw.

2.1 Prohibitions Continued

2.1.3 There shall be no new installations of underground storage tanks for hazardous materials or waste, **or special waste** within the aquifer protection Zones 1 & 2 as delineated in the Section 4.3 of the Acton Zoning Bylaw, as printed on May 1, 1990 and subsequent amendments thereof; or within the flood plain, defined by the Federal Emergency Management Agency "Flood Insurance Study, Town of Acton" January 6, 1988, as amended; or within 500 feet of a surface water body, wetland or private well. Replacement of underground storage tanks for flammable materials that pre-exist this bylaw shall be allowed only after the Fire Chief or his designee determines that aboveground storage of the flammable and/or combustible material would create a fire and/or explosion hazard.

2.1.4 No area within which hazardous materials or waste, **or special waste** are used, stored or generated may contain a floor drain that leads to a storm drain or a septic system. Floor drains in such areas shall drain into containment vessels for removal by a DEP approved hazardous waste carrier. All other drains shall be permanently sealed off.

2.1.5 No residues or waste waters resulting from hazardous material or waste **or special waste** spill clean up procedures shall be disposed of into drains or other facilities leading to storm drains or septic systems or into the Acton Transfer Station. All such residues and waste waters shall be contained for removal by a DEP approved hauler.

2.2 Exceptions

Applications of fertilizers, herbicides and pesticides used in accordance with applicable local, state and federal regulations shall be exempt from Section 2 of this bylaw, applications of deicing chemicals in conformance with the Massachusetts Snow and Ice Control Program, applications of swimming pool chemicals, and applications of water treatment chemicals by the Acton Water District. Storage of such chemicals, however, shall not be exempt from the appropriate storage requirements of Section 3 of this

bylaw. This bylaw shall not apply to discharge of ordinary sanitary wastewater into a septic system installed in accordance with applicable State and local regulations or to ordinary uses of household or garden products used in accordance with applicable labeling instructions from state and federal law. Nothing in this bylaw prohibits the Board of Health from limiting or prohibiting the use of any such product by appropriate regulations.

2.3 Reporting of Discharges

Owners or operators shall immediately report any discharge or abnormal loss of hazardous materials or waste **or special waste** and shall provide a reasonable estimate of the nature and quantity of the discharged hazardous materials or wastes **or special wastes** and supply pertinent Material Safety Data Sheet's to the Fire Chief, the Health Director, Civil Defense and Local Emergency Planning Committee and the appropriate office in the D.E.P. These reporting requirements are in addition to all State and Federal reporting requirements.

2.4 Remedial Actions Following Discharges

2.4.1 Any discharge of hazardous material or waste **or special waste** shall be immediately contained and reported. Clean up activities of significant discharges shall be taken under the direction of the Fire Chief, Health Director and/or other applicable agency. Clean-up and proper disposal of any discharged or abnormally lost hazardous material or waste **or special waste** shall be the responsibility of the owner or operator, hazardous material generator, or user including cost of the cleanup and disposal.

2.4.2 Following the immediate assessment according to section 2.3 and containment of any hazardous material or waste **or special waste** discharge a detailed report on the spill, remedial procedure plan and a schedule for all ongoing clean up actions to be undertaken shall promptly be submitted to the Fire Chief and the Board of Health. Action shall not be taken unless the Fire Chief and Board of Health deem that the remedial procedure will not contribute to a fire, explosion and/or environmental hazard. A detailed report on the spill and a remedial plan shall be submitted to the Fire Chief.

2.4.3 Collection and disposal of contaminated material shall be conducted by a handler that is licensed by the DEP.

3. Permits and Accounting for Hazardous Materials and Waste **and Special Waste**

3.1 Permits For Hazardous Materials and Waste **and Special Waste**

Any hazardous materials or waste **or special waste** generator or user of hazardous materials or waste **or special waste** which exceeds the thresholds in s. 3.1.1., including residential tanks as specified in s. 5.3.4, must obtain a permit from the Board of Health to store, use or generate hazardous materials or wastes **or special wastes**. The permit shall be granted for one year, and may be renewed by the Health Director, unless there has been a substantial change in the quantity, type or method of storage, generation or use, or the Health Director concludes for any reason that reissuance of the permit should be reviewed by the Board. This permit shall be in addition to any license required in accordance with M.G.L. Ch. 148, s. 13 and/or any permit required in accordance with 527 CMR 14.00 or any other Fire Prevention Regulation.

3.1.1 A permit must be obtained for hazardous materials and wastes **and special wastes** when use, generation or storage are above the following thresholds:

- 1) Small scale or large scale generator as defined in the Massachusetts Hazardous Waste Management Act, MGL Ch 21C, and the Federal Resource Conservation and Recovery Act 42 U.S.C., Section 6901 et seq or as defined in any subsequent amendments or new regulations; or generation in excess of 100 kg/mo of hazardous waste or materials **or special wastes**, whichever is the smallest quantity.
- 2) Any storage or use within a twenty-four hour period exceeding 25 gallons liquid volume or 25 pounds dry weight of any hazardous material or waste **or special waste** except for retail sale.
- 3) Storage, use or generation of any quantity of any chemical on The List of Extremely Hazardous Materials, as published in the Federal Register Volume 52, Number 77, April 22, 1987, and any additional chemicals added subsequently.
- 4) Storage of any hazardous materials or waste or special waste overnight in delivery trucks or tank trailers.
- 5) Storage of more than 50 gallons or 50 pounds dry weight of any prepackaged hazardous materials for retail sale.

3.2 Information Required For A Hazardous Materials and Waste **and Special Waste** Permit Application

The following information shall be supplied with the application for a permit:

- 3.2.1 A list of the size, type, age and location of each container or tank. Evidence of the date of purchase and installation shall be included for existing storage systems, along with a plot plan showing the location of all containers, tanks, drains and piping on the property. In complex applications the Health Department and/or the Board of Health, may require a plot plan certified by a Professional Land Surveyor. Any changes in the information contained in the initial application, including any change in the use of the storage system, shall be reported immediately.
- 3.2.2 A list of daily amounts stored, used or generated and estimate of yearly throughput of all hazardous materials and waste **and special waste** to be used, stored or generated on the site, and copies of pertinent Material Safety Data Sheets.
- 3.2.3 Documentation stating that all information previously filed with the Board of Health is correct, or indicating a change in the status of the existing permit shall be submitted annually. A new permit shall be obtained within thirty days from the Board of Health whenever:
 - a. there is any change in the type or method of generation, use or storage, or significant change in the quantity or composition of hazardous materials or wastes **or special wastes** previously permitted.
 - b. the method of storage, generation or use fails to comply with information previously submitted to the Board of Health.
- 3.2.4 The Board of Health may require additional information if it is necessary to adequately evaluate the application.

3.3 Exceptions to Permit Requirement.

Permits shall not be required under this bylaw for the following:

- a) Septic Systems

- b) Gasoline and diesel fuel stored in tanks mounted on a vehicle and used solely to fuel the same vehicle.
- c) Hydraulic oil reservoir tanks on heavy vehicular equipment.
- d) Use of domestic biodegradable cleaners for residential and business maintenance.
- e) Residential oil tanks in place and in use prior to passage of this bylaw. New residential oil tanks require permits as noted in section 5.3.4 of this bylaw, provided that a permit has also been obtained from the Fire Chief.

3.4 Hazardous Materials and Waste **and Special Waste** Permit Conditions

The Board of Health may impose conditions on any storage permit as necessary to serve the purposes of this bylaw or to protect the public health and environment.

3.5 Requirements for Approval of Hazardous Material and Waste **and Special Waste** Permits

3.5.1 Hazardous materials and waste **and special waste** permits with the exception of residential home heating oil tanks, shall be granted by the Board of Health only if the following criteria are fulfilled:

- a. The proposed storage, use or generation system shall provide adequate discharge prevention safeguards which are appropriate to the materials and wastes to be stored, used or generated and to the location of the storage, use or generation.
- b. The proposed storage, use or generation system shall comply with all local, state and federal regulations.
- c. The proposed storage, use or generation system shall not cause a threat to the public health and safety or to the environment.
- d. The applicant has established a satisfactory hazardous materials and waste **and special waste** discharge contingency plan.
- e. All hazardous materials or wastes **or special wastes** to be stored above ground shall be stored in product tight containers on an impervious, chemical resistant surface, under cover and sheltered from the weather unless otherwise specified by the Board. The storage area shall be enclosed with a permanent dike of impervious construction providing a volume of at least 100% of the maximum volume of the largest single container or tank plus 10% of the total storage capacity. All outdoor storage areas shall be surrounded by a 5 foot fence, at a minimum, and shall be kept locked at all times when unattended.
- f. Hazardous **or special** Waste shall be held on the premises for removal by a licensed carrier in accordance with the Massachusetts Hazardous Waste Management Act, MGL Chapter 21C.
- g. Owners or Operators shall park delivery trucks or tank trailers only in designated overnight parking areas approved by the Board of Health and Fire Department. These parking areas must allow for detection and containment of discharge from the parked vehicles that are acceptable to the Board of Health and Fire Department.

3.6 Inventory and Monitoring of Above Ground Storage Systems

All hazardous materials **or special wastes** stored above ground, with the exception of residential home heating oil tanks, shall be monitored weekly unless more frequent monitoring is specified in the

permit. Monitoring shall consist of a thorough visual inspection of the container(s) and tank(s) and stock(s) of materials as well as the dike area for deterioration, leakage or unaccounted for loss of materials.

3.7 Record Retention

Throughout the permit period, owners, users, generators, or operators shall keep copies of all Hazardous Waste Transport Manifests on-site, as required under the Resource Conservation and Recovery Act 42 U.S.C., Section 6901 et seq. and the Massachusetts Hazardous Waste Management Act MGL Chapter 21C, 315 CMR, Section 2.04. If a hazardous waste generator is exempt from the manifest requirements sufficient proof of a proper disposal method shall be maintained

4. Underground Storage of Flammable or Combustible Products and Hazardous Materials or Wastes or Special Wastes

4.1 Underground Storage Requirements

- 4.1.1 Owners or operators storing flammable or combustible materials in underground storage systems shall obtain a permit from the Fire Chief in addition to the Hazardous Material Permit from the Board of Health required under Section 3. Owners and operators storing hazardous materials or wastes **or special wastes** underground which are not flammable or combustible need only obtain a permit from the Board of Health under section 3.
- 4.1.2 Any discharge or abnormal loss of material from underground storage systems shall be reported to the Fire Chief, the Health Director and the appropriate office in the D.E.P. immediately upon detection.
- 4.1.3 Response procedures to any discharge or abnormal loss of material from underground storage system shall follow the requirements of 527 CMR Section 9.20 or 310 CMR s. 30.697, whichever is applicable. In the case of any hazardous material for which response procedures are not specified under state law, response procedures shall be those required for hazardous wastes under 310 CMR s. 30.697, unless otherwise specified by the Board of Health.
- 4.1.4 Prior to any change in the material stored in an underground tank, such change of material shall be approved by the Health Department and (in the case of flammable or combustible materials) by the Fire Chief. Confirmation by the tank manufacturer that such a change in material would be compatible with the tank type shall also be submitted, in writing, to the Board/Fire Chief.

4.2 Underground Tank Construction

- 4.2.1 All underground storage tanks shall be designed to minimize the risk of corrosion and leakage, and shall conform to all construction and installation requirements under applicable state and federal law. All new underground storage systems for hazardous materials or waste **or special waste** shall meet the standards for new underground hazardous waste tanks set forth in 310 CMR s. 30.693 and 30.694, unless otherwise specified by the Board of Health. Hazardous wastes or waste products that are flammable or combustible shall meet 527 CMR 9.
- 4.2.2 All non-conforming tanks (except as provided in 5.3.3) shall be brought into conformance by January 1, 1999, or a tank age of 20 years, whichever comes first.
- 4.2.3 Installation procedures for all underground storage tanks shall conform to all requirements under applicable state law. Installation procedures for any underground tanks for any hazardous

materials not covered by state regulations shall comply with the requirements in 310 CMR s. 30,693 for installation of tanks for underground storage of hazardous wastes, unless otherwise specified by the Board of Health.

4.2.4 The Board of Health may require the placement of monitoring wells around any underground storage tank located within any aquifer zone as delineated in Section 4.3.2 of the Groundwater Protection District section of the Acton Zoning Bylaw as printed on May 1, 1990.

5. Testing, Monitoring, and Removal Requirements for All Underground Storage Tanks

5.1 Underground Tank Testing

5.1.1 All underground tanks which do not conform to the requirements for new tank installations in section 4.2.1 shall be tested for tightness at the expense of the owner. Testing schedules, except as provided in 5.3.3, shall follow the requirements of 527 CMR Section 9.13 in the case of flammable or combustible materials. Tanks for other hazardous materials or waste **or special waste** shall be tested annually or more frequently if required by the Board of Health.

5.1.2 Test results for tanks storing flammable or combustible materials shall be submitted to the Fire Chief and the Health Department. Test results for tanks storing hazardous materials or wastes **or special wastes** which are not flammable or combustible shall be submitted to the Health Department.

5.1.3 Prior to its transfer all underground storage tanks located on a property shall be tested for tightness at the expense of the owner. The results of such testing shall be submitted to the Fire Chief and to the Board of Health, and kept on file.

5.1.4 The Fire Chief or the Health Director may request to be present for any tank testing procedures.

5.2 Inventory and Monitoring of Underground Storage Tanks

5.2.1 Inventory and monitoring of underground tanks for storage of flammable and combustible materials shall conform to the requirements of 527 CMR s. 9.11 and 9.12. Inventory and monitoring of underground tanks for storage of other hazardous materials not covered by 527 CMR s. 9.11 and 9.12 shall conform to the requirements in 310 CMR s. 30.692, unless otherwise specified by the Board of Health.

5.3 Underground Tank Removal

5.3.1 Removal procedures for tanks for storage of flammable or combustible materials shall follow the requirements of 527 CMR 9.22 and 9.23 as well as 502 CMR 3.00.

5.3.2 Removal procedures for tanks for the storage of hazardous materials or waste **or special waste** which are not flammable or combustible shall conform to the procedure in 310 CMR s. 30.699 for removal of hazardous waste tanks unless otherwise specified by the Board of Health.

5.3.3 All residential underground storage tanks shall be removed at a tank age of 20 years, unless the structure of the tank is sound. Proof of soundness must consist of results of a tightness test which follows the requirements of 527 CMR Section 9.13 and must be provided annually to the Board and the Fire Chief beginning the twentieth (20th) year of the tank's life.

5.3.4 No underground residential home heating oil tanks shall be repaired and placed back in service. Any such tank which is in need of repair shall be removed and replaced by an above ground storage system. All replacements of residential home heating oil tanks shall require a permit under Section 3 of this bylaw, and are not excepted by paragraph 3.3 (e).

5.3.5 No underground storage system which has leaked shall be relined, repaired or continued in use. Tanks which have leaked or need repair shall be removed.

5.4 Information required with Application for Underground Storage Permit

Applications for permits from either the Board of Health or the Fire Chief must include appropriate drawings showing the location of all tanks in relation to the aquifer protection zones delineated in section 4.3.2 of the Groundwater Protection District section of the Acton Zoning Bylaw as printed on May 1, 1990. The location of all tanks shall conform to all applicable legal requirements, including but not limited to the Groundwater Protection Bylaw and the Aquifer protection regulations and other regulations of the Board of Health.

6. Administration and Enforcement

6.1 Compliance with Hazardous Materials Permit Requirements

6.1.1 Owners or occupants of new premises shall obtain a hazardous materials permit from the Board of Health, licenses from the local licensing authority and permits from the Fire Chief prior to occupying the premises.

6.1.2 Existing Premises - Owners or occupants of existing premises shall obtain a hazardous materials permit by January 1, 1992, or upon any change in use or occupancy of the site, whichever comes first.

6.2 Cessation of A Permit

6.2.1 The holder of a hazardous materials and waste **and special waste** permit shall notify the Board of Health immediately, in writing, whenever the activities authorized under the permit cease on a permanent basis.

6.2.2 When an underground storage tank for the storage of flammable or combustible materials is taken out of service for more than six months, the fire chief shall require that the tank be removed in accordance with 527 CMR, Section 9.22 and 9.23. Any underground storage tank for the storage of other hazardous materials or wastes **or special wastes** shall be removed in accordance with the procedures in 527 CMR s. 9.22 and 9.23 unless otherwise ordered by the Board of Health.

6.3 Promulgation of Rules and Regulations

The Board of Health may from time to time pass regulations specifying categories of materials which are hazardous materials or wastes under the definition in s. 1.3.8 of this bylaw. The Board may adopt or amend rules and regulations consistent with the provisions of this bylaw. A copy of such rules shall be filed with the Town Clerk.

6.4 Fees

Fees necessary for the issuance and renewal of permits or licenses under this bylaw shall be set by the Board of Selectmen. Fees shall be due on the date of annual registration and collected by the permit or

license granting authority. Failure to pay shall constitute a violation and shall subject the violator to the penalties of Section 6.7 of this bylaw.

6.5 Variance

A variance from time the terms of this bylaw may be granted by the permit granting authority after notice to abutters and a public hearing, if it is found that a variance would satisfy each of the following conditions:

- 1) consistency with the public health and environmental protection objectives of the Massachusetts General Laws and applicable federal, state and local regulations.
- 2) consistency with the purpose and intent of this bylaw.
- 3) prevention of an undue burden on the permit applicant, and
- 4) equivalent protection as envisioned in section 1.2.

6.6 Enforcement Access

The authority granting the permit of its designee may, upon reasonable notice to the occupant of the premises enter any premises for the purpose of investigating, sampling, or inspecting any record, condition, equipment, practice, or property relating to activities subject to this bylaw. The permit granting authority may enter any premises for the purpose of enforcing this bylaw.

6.7 Penalty

Any person who violates any provision of this bylaw shall be punishable by a fine of not more than \$300.00, as allowed under MGL Chapter 40, Section 21. Each day during which a violation continues shall constitute a separate offense, and each condition of this bylaw violated shall constitute a separate offense. This penalty may be imposed by the Town of Acton Board of Selectman, or a designated officer having police powers pursuant to MGL. Chapter 40, Section 21D.

7.1 Severability

Each provision of this bylaw shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

SUMMARY

The 2005 Special Town Meeting considered a warrant article that intended to strengthen the standards for fill allowed at the landfill. Prior to and at the Special Town Meeting it was determined that insufficient information existed to take an appropriate action. The Article was passed over and sent to the Board of Health for further review. The Board of Health formed a subcommittee, Environmental Fill Standards, which has studied the issue thoroughly and submitted a comprehensive report. The report examined the potential impacts of different materials being used for fill throughout the Town and made several recommendations. This Article is in response to a recommendation that Special Wastes be included within the Hazardous Materials Control Bylaw thereby giving the Board of Health the authorization to control and limit the use of Special Wastes as fill.

Direct inquiries to: Doug Halley, Health Director
health@acton-ma.gov / (978) 264-9634

Selectman assigned: Peter K. Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u> Deferred
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ARTICLE EE AMEND ZONING BYLAW – SPECIAL WASTE

(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, section 4.3 – Groundwater Protection District, as follows [*Notes in italic print are not part of the Article but are intended for explanation only.*]:

A. Insert a new definition subsection 4.3.3.12 as follows:

4.3.3.12 SPECIAL WASTE – “Special Waste” means any solid waste that is determined not to be a hazardous waste pursuant to 310 CMR 30.000 and that exists in such quantity or in such chemical or physical state, or any combination thereof, so that particular management controls are required to prevent an adverse impact from the collection, transport, transfer, storage, processing, treatment or disposal of the solid waste. Without limitation, special waste includes waste that will require special management to ensure protection of public health, safety, or the environment based upon the physical, biological, or chemical properties of the waste. Special wastes include but are not limited to: asbestos waste, infectious wastes, except as specified in 310 CMR 19.061(6)(c)4, sludges including wastewater treatment sludges, drinking water treatment sludges and industrial process wastewater treatment sludges. (Ref: 310 CMR 19.006 and 19.061(2) and (3).)

And, renumber current subsections sections 4.3.3.12 through 4.3.3.15 to become subsections 4.3.3.13 through 4.3.3.16 respectively.

B. Delete subsection 4.3.6.1 and replace it with a new subsection 4.3.6.1 as follows:

4.3.6.1 FILL – FILL material shall not contain HAZARDOUS MATERIAL OR WASTE, SPECIAL WASTE, or SOLID WASTE. This Section shall also apply in ZONE 4.

[Note: Subsection 4.3.6.1 currently reads:

“FILL – FILL material shall not contain either HAZARDOUS MATERIAL OR WASTE, or SOLID WASTE. This Section shall also apply in ZONE 4.”]

, or take any other action relative thereto.

SUMMARY

This article follows a recommendation of the Town’s Environmental Standards for Fill Advisory Committee in its Draft Report dated December 12, 2005. See companion articles in this warrant with proposed changes to the Acton Hazardous Material Control Bylaw.

Direct inquiries to: Roland Bartl, AICP, Town Planner
planning@acton-ma.gov / (978) 264-9636

Selectman assigned: Peter K. Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u>
		Deferred	Recommended

ARTICLE HH * AMEND ZONING BYLAW – HOUSEKEEPING
(Two-thirds vote) **[SECTION 2 UNDER FUTHER REVIEW RE LAUREL HILLS]**

To see if the Town will vote to amend the Zoning Bylaw as follows [*Notes in italic print are not part of the Article but are intended for explanation only.*]:

A. In section 3.8.3.6 relative to Amateur Radio Towers, amend subsection i) by replacing the first cross-reference “(section 3.8.3.6.a)” with a corrected cross-reference to read “(section 3.8.3.6 – first paragraph)”.

B. In section 4.2, Open Space Development:

1. Replace the first paragraph of subsection 4.2.3.1 with the following new paragraph:

“Minimum Tract Size – Open Space Developments shall be located upon a TRACT OF LAND which has an area within the Town of Acton of at least 6 acres in the R-2 District, or 8 acres in the R-4, R-8, R-8/4, R-10, and R-10/8 Districts.”

[Note: The first sentence of subsection 4.2.3.1 currently reads:

“Minimum Tract Size – Open Space Developments shall be located upon a TRACT OF LAND which has an area of at least 6 acres in the R-2 District, or 8 acres in the R-4, R-8, R-8/4, R-10 and R-10/8 Districts.”]

2. In subsection 4.2.3.4, delete the first sentence and replace it with the following new sentence:

“Dimensional Requirements for the Common Land - Not less than 30% in the R-2 District, 40% in the R-4 and R-8/4 Districts, and 50% in the R-8, R-10, and R-10/8 Districts of the total area of the TRACT OF LAND within Acton to be developed as an Open Space Development shall be dedicated as Common Land within Acton.”

[Note: The first sentence of subsection 4.2.3.4 currently reads:

“Dimensional Requirements for the Common Land - Not less than 30% in the R-2 District, 40% in the R-4 and R-8/4 Districts, and 50% in the R-8, R-10 and R-10/8 Districts of the total area of the TRACT OF LAND to be developed as an Open Space Development shall be dedicated as Common Land.”]

C. In section 9, Planned Conservation Residential Community:

1. Add at the end of the first sentence of subsection 9.6.2.1 the following phrase:

“within the Town of Acton”

[Note: The first sentence of subsection 9.6.2.1 currently reads:

“PCRC Site Area – The TRACT OF LAND for a PCRC must contain a minimum of 8 acres.”]

2. In subsection 9.6.3.1, delete the first sentence and replace it with the following new sentence:

“In a PCRC, at least sixty percent (60%) of the TRACT OF LAND within Acton shall be set aside as Common Land within Acton for the use of the PCRC residents or the general public.”

[Note: The first sentence of subsection 9.6.3.1 currently reads:

“In a PCRC, at least sixty percent (60%) of the land shall be set aside as Common Land for the use of the PCRC residents or the general public.”]

D. In section 9B, Senior Residence:

1. In subsection 9B.5.1, add after the words “8 acres” the following phrase:

“within the Town of Acton”

[Note: Subsection 9B.5.1 currently reads:

9B.5.1 MINIMUM TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.]

2. In subsection 9B.9.1, delete the first sentence and replace it with the following new sentence:

“In a SENIOR Residence development, at least fifty percent (50%) of the TRACT OF LAND in Acton shall be set aside as Common Land in Acton for the use of the SENIOR residents or the general public.”

[Note: The first sentence of subsection 9B.9.1 currently reads:

“In a SENIOR Residence development, at least fifty percent (50%) of the land shall be set aside as Common Land for the use of the SENIOR residents or the general public.”]

, or take any other action relative thereto.

SUMMARY

Part A corrects a numbering error that was overlooked when Town Meeting adopted the section on Amateur Radio towers last year. Parts B, C, and D clarify the current intent of the Zoning Bylaw that minimum tract of land and common land requirements for Open Space Developments, Planned Conservation Residential Communities, and Senior Residences must be met within the boundaries of the Town of Acton. Recent experience with a preliminary project before the Planning Board suggested that this clarification would be prudent and helpful.

Direct inquiries to: Roland Bartl, AICP, Town Planner
planning@acton-ma.gov / (978) 264-9636

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u>
		Deferred	Recommended

ARTICLE OO TRANSFER REAL PROPERTY – 70-72 RIVER STREET

(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to transfer the real property located at 70 - 72 River Street, Acton, shown as parcel 46 on Map H-3A of the 2005 edition of the Town Atlas, which land is currently held for general municipal purposes or for other specific municipal purposes for which it has heretofore been devoted, 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.

SUMMARY

[STEVE: this summary came from a Mr. Schumacher, someone involved in the project. Please see the text and his questions. Also, there is a need to determine the actual street address on this parcel, which in 2006 is known as 82 River Street. I have a deed if that helps, but we were thinking of putting in some more info on the address.]

This article simply transfers control of the town-owned parcel of land at 74 River Street to the Selectmen so that they can convey it to a third party. The Selectmen’s stated intent is to offer this land for development of a single or two-family affordable home by a non-profit developer (as proposed by the local Habitat for Humanity committee). Cooperative development of such affordable housing limits the number of new units built, negating forced 40b development where three market rate units are built along with each affordable home. The Planning Department and Open Space Committee have stated they see no other valuable use of the 0.6 acre property which sits in the South Acton Smart Growth district (and Acton Community Housing Corp. supports the proposal).

[Questions/Issues:

- **Is it worth stating that the proposal came from Habitat for Humanity? I thought that not doing so might raise questions.**
- **Worth noting the support of ACHC?**
- **The choice of subject-verb in the second sentence (“stated intent is”) is really for the Selectmen to make as strong, clear, or committed as they wish.**
- **Is “negating” too strong a word in the third sentence and is the point of this statement clear; I am afraid it lost some clarity/impact when edited for brevity.]**

Direct inquiries to: Bruce M. Stamski, P.E., Town Engineer / Director of Public Works
bstamski@acton-ma.gov / (978) 264-9628

Selectman assigned: Andrew Magee: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
		Deferred

ARTICLE PP **AMEND ZONING BYLAW – PRODUCTIVE REUSE OF**
(Two-thirds vote) **UNDERUTILIZED INDUSTRIAL PROPERTY**

To see if the Town will vote to amend the Zoning Bylaw as follows:

A. Amend section 10.4 by inserting a new subsection 10.4.3.12 as follows:

10.4.3.12 Special Provisions Applicable to the SM District – On LOTS in the Small Manufacturing (SM) District the Board of Selectmen, when granting a new or amended Site Plan Special Permit, may increase the Maximum FLOOR AREA RATIO and the Maximum Height above the limits set forth for BUILDINGS and STRUCTURES in the Table of Standard Dimensional Regulations, subject to the following conditions and limitations:

10.4.3.12.1 To be eligible under this section 10.4.3.12, a LOT shall have on it IMPERVIOUS COVER as defined in section 4.3 – GROUNDWATER Protection District of this Bylaw, which by its size or coverage may or may not be conforming to the limitations of this Bylaw, but shall have been installed or constructed legally in accordance with the zoning bylaw standards in effect at the time of installation or construction.

10.4.3.12.2 To be eligible under this section 10.4.3.12 and to retain ongoing eligibility, the amount and percentage on the LOT of OPEN SPACE, and of UNDISTURBED OPEN SPACE as defined in section 4.3 – GROUNDWATER Protection District of this Bylaw, shall not be reduced below the amount and percentage existing on the LOT on or before January 1, 2006; and the amount and percentage on the LOT of IMPERVIOUS COVER as defined in section 4.3 – GROUNDWATER Protection District of this Bylaw shall not be increased above the amount and percentage existing on the LOT on or before January 1, 2006.

10.4.3.12.3 Eligibility under this section 10.4.3.12 shall be limited to the following USES on the LOT, provided they are otherwise allowed in the SM District, and subject to the applicable regulations of the Groundwater Protection District Zone that overlays the LOT: Municipal; Child Care Facility; Industrial USES; and Business USES except Office, Health Care Facility, Hospital, Medical Center, and Commercial Recreation.

10.4.3.12.4 Any Maximum Height increases under this section shall not result in a height of BUILDINGS and STRUCTURES greater than 45 feet, plus 12 feet for appurtenant roof STRUCTURES that in aggregate may not occupy more than 20% of the roof plan area.

10.4.3.12.5 Any NET FLOOR AREA increases under this section shall not increase the Maximum FLOOR AREA RATIO above 0.50.

10.4.3.12.6 There shall remain adequate space for vehicular parking on the site that meets the applicable requirements of section 6 of this Bylaw for the USE or USES on the LOT.

B. Amend section 3, Table of Principal USES, by renumbering the footnotes (1) through (11) to become footnotes (2) through (12) respectively, and inserting in the header of the “SM” column, the following new footnote (1):

(1) See also section 10.4.3.12 - Special Provisions Applicable in the SM District, for special USE restrictions in oversized BUILDINGS.

C. Amend section 5, Table of Standard Dimensional Regulations, by inserting in line “SM”, columns “Maximum Floor Area Ratio” and “Maximum Height in feet”, the following new footnote (18):

(18) The maximum FLOOR AREA RATIO and height may be increased further subject to procedures and conditions set forth in section 10.4.3.12.

, or take any other action relative thereto.

SUMMARY

This article would allow the more productive use or reuse of vacated or underutilized industrial properties in the Small Manufacturing (SM) District. The SM District is located in North Acton primarily along the west side of Main Street between Ledge Rock Way and the Carlisle and Westford town lines. The need for this zoning amendment became apparent to the Economic Development Committee when reviewing the former Somerville Lumber store at 976 Main Street, but it may apply to other industrial properties in the SM District.

The 976 Main Street site has been developed for a large retail lumber yard in the late 1980's with extensive paved outdoor lumber storage areas and approximately 330 vehicular parking spaces. Somerville Lumber closed its doors a few years later and the facility sat vacant for several years. The current owner, Methods Machine Tools, is a custom adapter of industrial machinery and uses only the interior of the building. The outdoor lumber storage area lies fallow most of the time. The few employees at the site use only about ten or so parking spaces. Methods Machine Tools is in need of expanding the building to install an indoor crane to improve operational efficiency for loading, unloading, or moving of machinery. It could expand the building onto the existing pavement with zero environmental or other impacts were it not for the fact that the building already exceeds current floor area limits for the SM District.

This zoning amendment would provide a remedy so that developed sites and facilities once built for more customers and employees, may be more effectively reutilized by less intensive uses, which need much less vehicular parking but often larger buildings. Building additions are typically associated with higher assessed property values and increased tax revenues.

Specifically, this article would allow, as part of a site plan special permit, the increase of building floor area and height above the otherwise applicable limits in the SM District - maximum floor area ratio 0.20; maximum height 36 feet – subject to very specific conditions and limitations, including:

- The site must have existing improvements on it. It cannot be a vacant “greenfield”.
- The increase must serve a use that is otherwise allowed on the property, but cannot be for potentially high traffic generators such as office, educational, religious uses, health care, or commercial recreation.
- The increase cannot result in any net increase of currently existing total impervious coverage.
- The increase cannot result in a net loss of open space.
- The height cannot exceed 45 feet plus an appropriate allowance for accessory roof structures.
- The Floor Area Ratio cannot exceed 0.50.
- Adequate vehicular parking must be maintained to serve the use.

Direct inquiries to: Roland Bartl, AICP, Town Planner
planning@acton-ma.gov / (978) 264-9636

Selectman assigned: Lauren Rosenzweig: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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And you are directed to serve this Warrant by posting attested copies thereof fourteen days at least before the time of said meeting, in not less than six public places in Town, to be designated by the Board of Selectmen.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at or before the time of said meeting.

Given under our hands at Acton this day of March, 2006.

Peter K. Ashton, Chairman
Walter M. Foster Vice-Chairman
F. Doré Hunter, Clerk
Lauren Rosenzweig
Andrew Magee

Board of Selectmen

A true copy, Attest:



Constable of Acton

Glossary of Terms Commonly Used in Municipal Finance

Abatement: A complete or partial cancellation of a tax bill imposed by a governmental unit; applicable to tax levies and special assessments.

Appropriation: An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and the time when it can be expended. Any amount that is appropriated may be encumbered.

A warrant article appropriation is carried forward from year to year until spent for the designated purpose or transferred by town meeting vote to another account.

Assessed Valuation: The value placed upon a particular property by the local Board of Assessors for the purpose of apportioning the town's tax levy among individual property owners equitably and in accordance with the legal requirement that property be assessed at "full and fair cash value", certified periodically by the Commonwealth's Commissioner of Revenue (no less frequently than once every three years.)

Audit: Work done by accountants in examining financial reports, reviewing compliance with applicable laws and regulations, reviewing effectiveness in achieving program results. A basic audit examines only the financial reports and legal compliance. An outside Certified Public Accountant (CPA) audit is directed primarily toward the expression of an opinion as to the fairness of the financial statements and submission of a management letter. An auditor must be independent of the executive branch of government. A state auditor, private CPA or public accountant, or elected auditor meets this test.

Balance Sheet: A statement that discloses the assets, liabilities, reserves and equities of a fund or government unit at a specified date.

Budget: A plan of financial operation embodying an estimate of proposed expenditures for a given period and the proposed means of financing them. A budget may be preliminary (the financial plan presented to the town meeting) or final (the plan approved by that body).

Capital Budget: A plan of proposed capital outlays and the means of financing them for the current fiscal period. It is usually a part of the current budget.

Capital Exclusion: A vote to exclude from the levy limit the cost of a capital project. This exclusion only affects the levy limit for the year in which the project was undertaken.

Cemetery Land Fund: A fund established to which revenues are earmarked for the acquisition of land development costs on designated cemetery land purchases.

Cherry Sheet: An annual statement received from the Massachusetts Department of Revenue detailing estimated receipts for the next fiscal year for the various state aid accounts and estimated state and county government charges payable by the Town in setting the tax rate. The actual receipts and charges may vary from the estimates.

Classification: The division of the real estate tax and personal property voted by the Selectmen. The Selectmen may choose one rate for residences, another rate for business, and another rate for open space.

Debt Exclusion: A vote to exclude from the levy limit the costs of debt service for capital projects. This exclusion remains in effect for the life of the debt only.

Debt Service: Payment of interest and principal related to debt.

Encumbrance: Obligations such as purchase orders, contracts, salary commitments which are chargeable to an appropriation and for which a part of the appropriation is reserved.

Enterprise Fund: A fiscal entity with a self-balancing set of accounts that is utilized to account for a governmental service when it is the intent to recover the total costs of service, including depreciation, primarily through user charges and may be supplemented by taxes.

Equalized Valuation: The value of all property as determined by the Commissioner of Revenue biennially, to place all property in the state upon an equal footing, regardless of date of assessment.

Excess And Deficiency: Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts. The calculation is based on a year-end balance sheet which is submitted to the Department of Revenue by the district's auditor, accountant, or comptroller as of June 30. The regional school committee must apply certified amounts exceeding five percent of the district's prior year operating and capital costs to reduce the assessment on member cities and towns.

Expenditure: The spending of money by the town and schools for the programs or projects within the approved budget.

FTE: A full-time equivalent employee based on a 40-hour work week. May be one or more employees, but the total weekly hours equal 40.

Fiscal Year ("FY"): A 12-month period, beginning July 1 and ending June 30, to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations. The numbers of the fiscal year is that of the calendar year in which it ends; for example, FY04 or FY 2004 is the fiscal year which ends June 30, 2004.

Free Cash: Certified each July 1 by the State, this is the portion of Undesignated Fund Balance available for appropriation. It is not cash but rather is approximately the total of cash and receivables less current liabilities and earmarked reserves, reduced also by reserves for uncollected taxes.

Fund: An accounting entity with a self-balancing set of accounts that is segregated for the purpose of carrying on identified activities or attaining certain objectives in accordance with specific regulations, restrictions or limitations.

General Fund: The fund into which the general (non-earmarked) revenues of the town are deposited and from which money is appropriated to pay expenses.

General Obligation Bonds: Bonds issued by the Town that are backed by the full faith and credit of its taxing authority.

Joint Labor Management Negotiation Process: A negotiation process available to Police and Fire Unions, which utilizes Commonwealth of Massachusetts' mediators and arbitrators. If an arbitration decision is issued, it is binding upon the Executive Branch (The Board of Selectmen and Management Staff). Further, the Executive Branch must fully support such an arbitration decision before Town Meeting, even if they believe such a decision is not in the best interest of the Town.

Overlay: The amount raised from the property tax levy in excess of appropriations and other charges. It is used to cover abatements and exemptions granted locally or on appeal, and cannot exceed an amount deemed reasonable by the Commissioner of Revenue.

Override: A vote to increase the amount of property tax revenue that may be raised over the levy limit.

Personnel Services: The cost of salaries, wages and related employment benefits.

Purchased Services: The cost of services that are provided by a vendor.

Property Tax Bill: The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed per thousand dollars of assessed valuation, for example:

House Value:	\$ 300,000	
Tax rate:	\$ 10	which means \$10 per thousand
Levy:	\$ 10	multiplied by \$300,000 and divided by \$1,000
Result:	\$ 3,000	

Raise: A phrase used to identify a funding source for an expenditure which refers to money generated by the tax levy or other local receipt.

Reserve Fund: A fund appropriated each year that may be used only by vote of the Finance Committee for “extraordinary or unforeseen expenditures.”

Revolving Fund: Those funds that may be used for special uses. For example, Recreation fees may be paid into a revolving fund, and expenditures can be made without appropriation with the approval of the Town Manager. Revolving funds are established by state law or town bylaw. Some revolving funds must be annually reauthorized by Town Meeting.

Tax Levy: Total amount of dollars assessed in property taxes imposed by the Town each fiscal year.

Unreserved Fund Balance or Surplus Revenue Account: The amount by which cash, accounts receivable and other assets exceed liabilities and restricted reserves. It is akin to the stockholders equity account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion of the assets listed as “accounts receivable” may be taxes receivable and uncollected. (See Free Cash)

Warrant: A list of matters to be acted on by Town Meeting.

Town Meeting Parliamentary Procedure

Town Meeting is an old and honored tradition in New England. After more than 200 years we can say it still works – it does its job – and hopefully it’s more than a little enjoyable for you, the voters. It’s also the only form of government where the leaders must face the citizenry directly to answer all reasonable queries – and perhaps even some not so reasonable! However, to work well it must have rules of order – and it does. Town Meetings operate under what is generally called “parliamentary procedure” – in our case, as spelled out in Town Meeting Time. Unfortunately, this wonderful little book is widely read only by Moderators, Town Clerks, Town Counsels and a few others with unusual tastes. In addition to such formal procedures Town Meetings also are subject to relatively arbitrary rules of order set forth by the Moderator and precedent. The following information puts forth the most widely used of these “rules of the road” as an effort to help you enjoy and participate in our Town Meetings.

Moderator’s Rules

These are quite arbitrary, but hopefully are consistently applied:

1. Any registered voter may speak to any article, but all must speak politely and respectfully to other voters and members of town boards. Civility is not an option.
2. Since many voters may wish to speak, brevity of comment is appreciated. In addition, speakers are encouraged to add new points to the debate as opposed to repeating what others have already stated.
3. Voters may speak to an issue more than once, but generally “first time” speakers will be recognized before “repeaters”.
4. Remember to listen closely to the motion as stated. The motion puts the warrant article “in play” and it is the motion that is voted on, not the article as written in the warrant. However, there should be a strong similarity between motion and article.
5. Most motions must be “seconded”. Seconding motions is an easy way for newcomers to participate in the meeting. One does not even need to stand or be directly recognized. Generally calling out “second” at the right time will suffice.
6. Voting is most often done by voice. As the Moderator’s hearing fails, “standing” counts may be taken. The last resort, due to time constraints, is to take a counted vote by teller.
7. Although not encouraged, the Moderator’s judgment can be questioned as to the accuracy of the vote as announced. If seven (7) people request a “recount” of a voice or standing votes, it shall be done.
8. The Moderator will generally accept the motion to “move the previous question”, or more easily understood, “to cut off debate.” Many people think this motion is somewhat unfair, but it has been my experience that, more often than not, it is passed unanimously or by overwhelming numbers. In the past, the moderator has been accused of knowing who plans to make such a motion – generally such accusations are accurate!
9. After a motion has been made and seconded, the mover of the motion speaks first, followed by the appropriate Town Boards (generally the Selectmen and the Finance Committee) who state their opinions. The motion is then available for general discussion – pro, con, or questions.

10. Other than when seconding a motion or requesting a point of order, speakers must be recognized by the Moderator before they launch into their point or question. For the most part this “rule of the road” is rigorously enforced.

More Formal Parliamentary Procedure

There are many types of motions that may come before a meeting. The table below is far from all-inclusive, but indicates the most commonly used motions.

Motion	Second Required	Debatable	Amendable	Vote Required	May Reconsider	May Interrupt
Dissolve	Yes	No	No	Majority	No	No
Fix the Time to Adjourn	Yes	Yes	Yes	Majority	Yes	No
Lay on the Table	Yes	No	No	Two-thirds	Yes	No
Previous Question	Yes	No	No	Two-thirds	No	No
Limit Debate	Yes	No	No	Two-thirds	Yes	No
Postpone to a Time Certain	Yes	Yes	Yes	Majority	Yes	No
Amend	Yes	Yes	Yes ¹	Majority	Yes	No
Postpone Indefinitely	Yes	Yes	No	Majority	Yes	No
Point of Order	No	No	No	None	No	Yes
Main Motion	Yes	Yes	Yes	Varies	Yes	No
Reconsider²	Yes	Yes	No	Two-thirds	No	No

1 In Acton, we generally do not accept amendments to amendments – too confusing.

2 Controlled by Town bylaw – 2/3 Vote same night; 3/4 Vote, plus posting ensuing nights.

Some of the motions listed above may not be totally understandable in table form only. The following elaboration may help.

The motion to *dissolve* ends the Town meeting and is appropriate only when all business is completed.

Fix the time to adjourn is a motion often made by the Selectmen and indicates when a given Town Meeting session will end and when the next session will begin.

Lay on the table is a motion used to end debate temporarily or permanently on a given motion. A motion laid on the table may remain there forever, or may be retrieved by the appropriate “take from the table” vote.

The previous question cuts off debate immediately and causes a vote on the article or amendment under discussion.

Limit debate is a motion generally used to put a specific time limit on a motion or time limits on individual speakers.

Postpone to a time certain is a motion generally used to rearrange the order of the articles (or a single article) in the warrant.

Amend – Many types of motions can be amended or altered to bring them to an even higher state of perfection. Of course, since amendments are a little like “beauty being in the eye of the beholder,” they sometimes fail to pass. In any event, after the amendment is disposed of by a vote, the primary motion, either so amended or not, comes back to the assemblage for further discussion and vote.

Postpone Indefinitely serves the same basic purpose as laying a motion on the table except that it is debatable and requires only a majority vote. If the postpone motion carries, the motion to which it applies is dead – in parliamentary terms, at least.

Point of Order – Anyone at any time may rise to a point of order and interrupt the speaker, simply stating, “Point of order, Mr. Moderator.” The Moderator will immediately stop discussion, listen to the point of order and rule on its validity. Points of order may relate to many issues, for example, the right of a speaker to the floor, proper procedures, indecorous conduct or rarely, but within the realm of possibility, some error that the moderator is committing.

Main Motions are made when no other business is pending and are the devices used to bring the warrant articles to the Town Meeting floor for discussion.

Reconsideration may be used to bring an article (or motion) which has already been disposed of back for a second time. If reconsideration is passed, it nullifies the previous vote and the article is re-discussed and re-voted. Many people feel that reconsideration is unfair, but it is a valid procedure and is occasionally used. In Acton, a Town Bylaw controls the vote quantum rather than Town Meeting Time. Anyone who wishes to reconsider a motion, particularly on a different night from the original vote, would be well advised to consult the Town Clerk on proper procedures.

Parliamentary procedure is not really complex, but the rules, like the rules of golf, do not always make sense. However, they should be consistently applied. If they are, then the Town Meeting can conduct its business in both an orderly and a fair fashion.

I hope this small treatise is helpful to you and adds to your understanding and enjoyment of a most precious night – TOWN MEETING.

Don MacKenzie
Town Moderator



Internet References

Town of Acton
472 Main Street
Acton, MA 01720
E-mail it@acton-ma.gov

Information Technology

Official Town of Acton Web Site

www.acton-ma.gov

The Town maintains electronic mail (“E-mail”) distribution groups for all Boards, Committees and Commissions, as well as Departments. These groups are commonly referred to as “shells.”

E-mails sent to shells are automatically forwarded to all members of the committee who have provided their e-mail address to the Town.

Using e-mail does *not* satisfy Open Meeting Law requirements (Massachusetts General Laws, Chapter 39, Section 23B). Please direct questions regarding this law to the Town Clerk.

To use a shell, send your e-mail to the address listed in the right-hand column of this table. When replying to an e-mail sent to a shell, it is recommended that you use the "Reply to All" function of your e-mail program so that all members are copied on your reply.

Acton Community Housing Corporation	achc@acton-ma.gov
Acton Leadership Group	alg@acton-ma.gov
Acton-Boxborough Cultural Council	abcc@acton-ma.gov
Appeals, Board of	boa@acton-ma.gov
Assessor Department	assessor@acton-ma.gov
Assessors, Board of	bas@acton-ma.gov
Building Department	building@acton-ma.gov
Cable Advisory Committee	cac@acton-ma.gov
Cemetery Department	cemetery@acton-ma.gov
Citizens' Library Department, West Acton	wacl@acton-ma.gov
Clerk Department, Town	clerk@acton-ma.gov
Collector Department	collector@acton-ma.gov
Commission on Disability	cod@acton-ma.gov
Community Preservation Committee	cpc@acton-ma.gov
Conservation Commission	conscom@acton-ma.gov
Council on Aging	coa@acton-ma.gov
Council on Aging Department (Senior Center)	seniorcenter@acton-ma.gov
East Acton Village Planning Committee	eav@acton-ma.gov
Economic Development Committee	edc@acton-ma.gov
Economic Development Industrial Corporation	edic@acton-ma.gov
Emergency Management Agency, Acton	ema@acton-ma.gov
Engineering Department	engineering@acton-ma.gov
Fair Housing Committee	fhc@acton-ma.gov
Finance Committee	fincom@acton-ma.gov
Finance Department	finance@acton-ma.gov
Fire Department	fire@acton-ma.gov
Hanscom Field Advisory Committee	hfac@acton-ma.gov
Health Department	health@acton-ma.gov
Health, Board of	boh@acton-ma.gov
Highway Department	highway@acton-ma.gov
Historic District Commission	hdc@acton-ma.gov
Historical Commission	hc@acton-ma.gov
Human Resources Department	hr@acton-ma.gov
Information Technology Department	it@acton-ma.gov
Joint Technology Advisory Committee	jtac@acton-ma.gov
Land Stewardship Committee	lsc@acton-ma.gov
Life After NESWC Committee	lan@acton-ma.gov
Manager Department, Town	manager@acton-ma.gov
Memorial Library Department	library@acton-ma.gov
Memorial Library Trustees	mlt@acton-ma.gov
Metropolitan Advisory Planning Council	mapc@acton-ma.gov
Municipal Properties Department	mp@acton-ma.gov
Natural Resources Department	nr@acton-ma.gov
Nursing Department	nursing@acton-ma.gov
Open Space and Recreation Committee	osrc@acton-ma.gov
Outdoor Lighting Education Committee	olec@acton-ma.gov
Parking Clerk	parkingclerk@acton-ma.gov
Personnel Board	peb@acton-ma.gov
Planning Board	pb@acton-ma.gov
Planning Department	planning@acton-ma.gov
Police Department	police@acton-ma.gov
Public Ceremonies Committee	pcc@acton-ma.gov
Public Safety Facilities Building Committee	psfbc@acton-ma.gov
Recreation Commission	reccom@acton-ma.gov
Recreation Department	recreation@acton-ma.gov
School Committee, Acton-Boxborough Regional	abrsc@acton-ma.gov
School Committee, Acton Public	apsc@acton-ma.gov
Selectmen, Board of	bos@acton-ma.gov

Senior Taxation Aid Committee
South Acton Revitalization Committee
Town Report Committee
Transportation Advisory Committee
Treasurer's Advisory Committee
Volunteer Coordinating Committee
Wastewater Advisory Committee

stac@acton-ma.gov
sarc@acton-ma.gov
trc@acton-ma.gov
tac@acton-ma.gov
trac@acton-ma.gov
vcc@acton-ma.gov
wac@acton-ma.gov



Volunteer Application

Town of Acton
472 Main Street
Acton, MA 01720
E-mail vcc@acton-ma.gov
Telephone: (978) 264-9612
Fax: (978) 264-9630

Volunteer Coordinating Committee

Residents interested in serving on a Town Board, Committee or Commission are asked to complete this form and forward it to the Office of the Town Manager at Town Hall.

(Please print or type)

Date _____

Name Title (Mr., Mrs., Dr., etc.) / First / Last / Suffix (Sr., Jr., III, etc.)

Address Number / Street

Contact E-mail Address / Telephone Number(s) (Home, Business, Cell, etc.)

Please refer to the other side of this sheet and indicate below, in order of preference, the Board, Committee or Commission that is of interest to you: _____

Have you previously been a member of a Board, Committee or Commission (either in Acton or elsewhere)? If so, please list the Board name and your approximate dates of service: _____

Do you have any time restrictions? _____ Are you a United States Citizen? _____

How long have you lived in Acton? _____ In Massachusetts? _____

Present occupation and employer (Optional: Attach résumé) _____

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? _____

Education or special training: _____

Please list below any additional information or comments that may help in the matching of your interests with the most appropriate Board/Committee, such as civic experience, special interest/hobbies, etc.:

TOWN OF ACTON VOLUNTEER BOARDS, COMMITTEES AND COMMISSIONS

- | | |
|-------------------------------------|--|
| Acton Community Housing Corporation | Historic District Commission |
| Acton-Boxborough Cultural Council | Historical Commission |
| Aging, Council on | Joint Technology Advisory Committee |
| Appeals, Board of | Metropolitan Advisory Planning Council |
| Assessors, Board of | Minuteman Home Care |
| Cable Advisory Committee | Minuteman Vocational School Representative |
| Cemetery Commission | Personnel Board |
| Community Preservation Committee | Planning Board |
| Conservation Commission | Public Ceremonies Committee |
| Disability, Commission on | Recreation Commission |
| Fair Housing Committee | South Acton Revitalization Committee |
| Finance Committee | Town Report Committee |
| Hanscom Field Advisory Committee | Transportation Advisory Committee |
| Health, Board of | Volunteer Coordinating Committee |

Thank you. If you have questions or would like more information, please contact a member of the Volunteer Coordinating Committee. Current membership may be obtained through the Town Manager's office at Town Hall, (978) 264-9612.

The space below is for use by the Volunteer Coordinating Committee and the appointing body to record the status of your application.

VCC Interview	Appointing Body
Applicant Called _____	Selectmen / Manager / Moderator
Schedule Date & Time _____	Interview Date _____
Recommendation _____	Appointed Date _____
	Term _____
Board, Committee or Commission	
_____	Member / Alternate / Associate
_____	Member / Alternate / Associate
_____	Member / Alternate / Associate
_____	Member / Alternate / Associate
	Notification of Appointment
Recommendation Sent _____	Received by VCC _____
	Committee Notified _____
<input type="checkbox"/> No openings at this time	Applicant Notified _____

VCC 4/5/05

Proposed Town Meeting Booklet

As I mentioned a year ago at Town Meeting, I plan to put together a series of thoughts or vignettes on town meeting during the latter part of the Twentieth and the first few years of the Twenty-First Centuries. No such work presently exists – But I’ll need your help.

I’d very much appreciate your writing a few thoughts on town meeting – the “good” or the “less than good” about the process, a fond (particularly humorous) memory, a good or otherwise decision made, or anything in general you’d like to have included and be attributed to you in the booklet.

Please mail your submission to me at 12 Wilson Lane, Acton. I’d like to receive 100 or more different ideas for inclusion. Thank you.

Don MacKenzie
Town Moderator

Thoughts or Comments on Town Meeting

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(Please continue on reverse side)

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