

Town of Acton

Annual Town Meeting Warrant



Monday, April 9, 2007

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

Important Notice

As required by Town Bylaw, the Annual Town Meeting will officially begin April 2. However, in recognition of religious observances, the Board of Selectmen and the Moderator have agreed to a plan to call the Annual Town Meeting to order at 7:00 PM on April 2 in the Faulkner Room of Town Hall and immediately move to adjourn the meeting to Monday, April 9 at 7:00 PM in the Acton-Boxborough Regional High School Auditorium. At that time, the business of Town Meeting will proceed.

Notice of Election and Meeting

**Annual Town Election
Tuesday, March 27, 2007
7:00 AM – 8:00 PM**

- 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 9, 2007
7:00 PM
Acton-Boxborough Regional High School Auditorium
36 Charter Road**

Note: Copies of the detailed Municipal Operating Budget are available at Town Hall, Public Safety Facility, 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

As required by Town Bylaw, the 2007 Annual Town Meeting will officially begin on April 2. However, in recognition of religious observances, the Board of Selectmen and the Moderator have agreed to a plan to call the Annual Town Meeting to order at 7:00 PM on April 2 in the Faulkner Room of Town Hall and immediately move to adjourn the meeting to Monday, April 9, at 7:00 PM in the Acton-Boxborough Regional High School Auditorium. At that time, the business of Town Meeting will proceed. Town Meeting is then expected to continue on additional consecutive nights. All adjourned 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 Citizens' Library, Public Safety Facility, and 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. For nearly fifteen years the Selectmen have attempted to restore capital, equipment and vehicle replacement funding that was typically part of the annual Municipal appropriations, until budget cuts necessitated the removal of most of these funds from the Municipal Budget. Over the years we have made small strides in this direction but for the last four years we have had little opportunity to continue these efforts. At the urging of the Finance Committee, and with the opportunity provided by significantly improved State Aid in FY07, the Town and Schools have redoubled our efforts to place more emphasis on this reinvestment in FY08 “capital” that has been necessarily neglected under the budget constraints of the last several years. In this Warrant you will see evidence of the Selectmen’s effort to return to a program of capital replacement on an annual basis. Two articles relate to major capital and infrastructure initiatives such as the Selectmen’s sidewalk expansion program, traffic signal installation, a Master Plan update, Council on Aging and Fire Department space needs studies and other equipment and programs. Two articles relate to sewer expansion studies to determine if and where expansion of the Middle Fort Pond Brook Sewer District should take place. Several articles deal with the purchase of property or property rights. Also, two articles relate to cellular tower siting. One is offered by the Planning Board, the other is offered by Citizens’ Petition.

Budgets

Again this year members of the Board of Selectmen, the School Committees and the Finance Committee met on a regular basis through the Acton Leadership Group (ALG) to coordinate the annual budgets and to develop both expenditure and revenue projections for the coming years. The ALG process has worked successfully for several years to bring a coordinated set of budget proposals to Town Meeting. The ALG is composed of the Chairs and Vice-Chairs of the Board of Selectmen and Finance Committee, the Chairs of the Local and Regional School Committees and staff from both town government and the schools.

As mentioned above, the significant increase in FY07 State Aid that came to the Town has given us the opportunity to not only reinvest in capital programs but it has also afforded Town leadership the opportunity to consider the use of some financial reserves to offset a portion of the anticipated FY08 tax increase. As this Warrant goes to press, we are considering the Governor’s initial FY08 State Budget proposal (House 1) and evaluating the effect of potential further increases in State Aid for FY08 that might make the local picture even better.

In addition, as suggested last year, the outlook for FY08 is so much more promising than two years ago, when we were anticipating the need for an Operating Override to balance the budgets in FY08, that the Selectmen were able to announce last fall that there would be no need for an Override for FY08.

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.

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

Acton Leadership Group Budget and Revenue Forecast

FY09, FY10 budget increases assumed at 5.5% per year.

	2007 (Est)	2008 Plan	2009 Forecast	2010 Forecast
Revenues:				
Tax Levy:				
Base	\$ 52,256	\$ 54,361	\$ 55,772	\$ 58,430
2 1/2%	\$ 1,306	\$ 761	\$ 1,394	\$ 1,461
2 1/2% basis adj. (A)			\$ 613	
New Growth	\$ 799	\$ 650	\$ 650	\$ 650
Debt Excl.	\$ 3,369	\$ 3,332	\$ 3,101	\$ 3,101
Overlay	\$ (500)	\$ (500)	\$ (500)	\$ (500)
Total Tax Levy (excl. current yr. override)	\$ 57,230	\$ 58,604	\$ 61,031	\$ 63,141
Cherry Sheet	\$ 4,979	\$ 5,484	\$ 5,900	\$ 6,345
SBAB - Twin School	\$ 1,086	\$ 1,086	\$ 1,086	\$ 1,086
Excise Taxes	\$ 2,805	\$ 3,100	\$ 3,255	\$ 3,418
Fees	\$ 1,300	\$ 1,365	\$ 1,433	\$ 1,505
Int. Income	\$ 350	\$ 368	\$ 250	\$ 250
Pension/Pothole/Other	\$ -	\$ -	\$ -	\$ -
Regional Revenue	\$ 3,868	\$ 4,493	\$ 4,943	\$ 5,323
Regional E&D Acton's share	\$ 337	\$ 408	\$ 200	\$ 200
HS Interest/Bond Prem.	\$ -	\$ -	\$ -	\$ -
Free Cash (5)	\$ 137	\$ 1,600		
Operating Override	\$ -			
Capital Override				
Revenues before Overrides	\$ 72,092	\$ 76,508	\$ 78,098	\$ 81,268
Revenues including Overrides	\$ 72,092	\$ 76,508	\$ 78,098	\$ 81,268
Revenue incl override excluding debt/SBAB	\$ 67,637	\$ 72,090	\$ 73,911	\$ 77,081
Debt Exclusion:				
Debt on APS	\$ 505	\$ 517	\$ 526	\$ 526
Debt on JHS/SHS	\$ 1,798	\$ 1,778	\$ 1,612	\$ 1,612
Municipal Debt Incurred	\$ 537	\$ 520	\$ 454	\$ 454
Debt on Police station	\$ 529	\$ 517	\$ 509	\$ 509
Total Debt Exclusions	\$ 3,369	\$ 3,332	\$ 3,101	\$ 3,101
Budgets Excluding Debt:				
Municipal Budget	\$ 20,417	\$ 22,495	\$ 23,702	\$ 25,005
APS Budget	\$ 22,047	\$ 23,168	\$ 24,491	\$ 25,838
ABRSD Budget - Acton Share	\$ 23,593	\$ 25,640	\$ 27,007	\$ 28,492
MM Assumption	\$ 750	\$ 787	\$ 803	\$ 828
Subtotal schools	\$ 46,390	\$ 49,595	\$ 52,301	\$ 55,158
TOTAL	\$ 66,807	\$ 72,090	\$ 76,003	\$ 80,163
NET POSITION (B)	\$ 830	\$ 0	\$ (2,092)	\$ (3,081)

Notes:

(A) The 2 1/2 % basis adjustment shows an increase to fully catch up to the 2 1/2% tax basis from the lower basis used in FY08. This is a forecast revenue only.

(B) FY09 and FY10 deficits may be resolved via combination of budget cuts, use of available reserves or operating override.

Town Manager's Message

The Big Picture

Bricks-and-mortar projects such as the Memorial Library and the Public Safety Facility are tangible examples of the successes of Acton's Municipal Government. Less obvious, though, is the day-to-day excellence of our staff. This excellence is apparent to me because I work with these folks every day. For those who have only occasional (or no) contact with Town staff, here is my view of the "big picture":

- Our Elections run smoothly. We have no "hanging chads" or uncounted precincts.
- We managed the construction and financing of a municipal sewer system that is totally user-funded. Officials in most any other community in the state would say that could not be done.
- We implemented the Community Preservation Act, from voter approval to tax billing, in less than 2 months. Again, officials in most any other community in the state would say that could not be done.
- Due, in major part, to our staff, Acton's buildings are safe and our restaurants are clean and sanitary.
- Acton does not face some of the lawsuits and crisis situations that exist in other communities because we constantly review and consider our approach to land use planning.
- There are few communities in the state where citizens can access as much information about their property as can be found in our Engineering Department.
- Unlike many communities, our staff has the skills to manage major construction projects for the community such as Acton's Town Hall expansion, the Memorial Library Renovation/Expansion and the recently completed Public Safety Facility – saving taxpayers tens of thousands of dollars on each project.
- The Acton Arboretum and NARA Park, two "jewels" of which our residents can be proud, exist and flourish, in significant part, due to the stewardship of our staff.
- Our cemeteries proudly compare with fine public parks in other communities.
- Only three communities in the state can boast their own Visiting Nurse Association (VNA). Acton's VNA competes with the best of the public or private sector.
- Circulation statistics in our libraries increase by double digit percentages annually. The architectural accomplishment of Memorial Library is complimented by the charm and unassuming atmosphere of the West Acton Citizens' Library, which is reminiscent of a day gone by.
- There is not an officer on our Police force that any Acton resident should hesitate to have defending or protecting them. I would be comforted and relieved to have any of them by my side, in any situation.
- The skill, sensitivity and courtesy that our Firefighter/EMT's bring to any emergency is nothing short of extraordinary.
- Over time, my family has had occasion to need the services of both our Police and Fire personnel. I can personally attest to their skill and professionalism.
- Man-for-man, no Highway Department in the state produces more projects and services than ours (saving Acton taxpayers untold millions of dollars) and the snow removal skills of this team are unparalleled.
- Our senior citizens enjoy excellent programs and services, provided by a sensitive and caring staff, supported by an outstanding network of volunteers.

All of this for a daily cost of less than \$2.13 per resident for municipal operations! Acton devotes a lower percentage of the town's total annual revenues to municipal operations than do 341 other cities and towns in Massachusetts. Acton allocates only 30.6% of all revenues to municipal government services, including debt and insurance on five elementary school buildings. This ranks in the bottom 2.66% of the 351 communities in the Commonwealth. Only 9 communities spend less per capita than Acton – these include such communities as Wales, Holland, and New Ashford. Acton is 38% below the statewide average.

Although we are proud of our accomplishments, especially given the limited funding, we fear it is only a matter of time before we experience a major failure in one or more of our service areas. This is not a new message. It is the message I have been delivering for more than a decade. In my FY07 Budget message I highlighted the failures of New Orleans in the Katrina disaster and focused on the potentials for failure in Acton. That message is still appropriate today.

We have taken several small steps in recent years to try to address this serious shortfall in Municipal funding and, with substantial improvements in State Aid for education, we have made further modest advances this year, but we still have far to go.

Unrealized Goals

Under-funding municipal services carries the risk that a tragic incident may occur with catastrophic results ... results that might have been avoided with sufficient manpower or capital funding. Our dedicated staff can recommend programs and services such as the following that would avoid catastrophic events, but all need funding:

1. We need new voting machines to keep up with mandated technology and avoid the kind of deficiencies that we read about in elections elsewhere.
2. We need a relocated Fire Station in North Acton to reduce the excessive run-time we now experience for both fire and emergency medical calls to that section of town.
3. We need a major investment in our long-overdue sidewalk network expansion program. Insufficient funding has delayed this critical infrastructure for far too long.
4. Our Senior Center is rapidly running out of space to provide much needed programs and services to one of the most vulnerable segments of our community.
5. Bridges and culverts need repair.
6. Intersections need signalization.
7. Buildings need renovation.
8. Recreation facilities need functional, as well as safety, improvements.
9. Technology needs updating and our citizens need better access to that technology.
10. Vehicles and equipment need repair and replacement.
11. Staffing needs to be increased in order to provide the programs and levels of service our citizens expect and deserve.

All of these “unrealized goals” are addressed by the recommendations contained within the Municipal Budget and Warrant Articles in this Warrant.

For a decade the Municipal Budget has been systematically reduced to make fiscal “room” for burgeoning school enrollment. That “room” was been made by reducing our investment in capital and infrastructure, while maintaining personnel and direct services. For the last several years the Finance Committee has urged the Selectmen to reinvest in capital and infrastructure. With the increase in State Aid this year, the Selectmen have made a concerted effort to address the long-overdue capital needs of the Town. The Municipal Budget that will be presented under Article 20 of this Warrant contains over \$700,000 of capital. Moreover, various Municipal Warrant Articles seek additional funding of nearly \$1,100,000 of large capital, infrastructure, studies and planning projects. This total investment of nearly \$2,000,000 will relieve a portion of the backlog of capital investment and other such programs that has built up over recent years. The Selectmen are hopeful that they will be able to incorporate much of this funding into future Municipal Budgets to cover the approximate \$1,500,000 needed annually to repair and replace capital equipment and infrastructure.

Summary

Acton’s Municipal Government continues to provide outstanding services at extraordinarily low cost. The stress, however, that is placed on our staff – both personally and professionally – as a direct result of insufficient funding, cannot be measured. This stress frequently places our personnel at risk of professional, as well as personal, failure. Failure, in either case, might well jeopardize municipal programs or, more importantly, the health, safety and wellbeing of our residents and visitors.

Respectfully submitted,

Don P. Johnson
Town Manager

Finance Committee's Message

Acton's Bylaws require that the Finance Committee "consider any and all municipal questions for the purpose of making reports and recommendations". We are appointed by the Moderator and our primary role is to provide you with an independent source of information and analysis regarding matters that come before Town Meeting. As you read through the warrant, you will see that many of our recommendations are "deferred". This is because we continue to work after the deadline for printed material in order to base our advice on the latest information.

There is some good news this year and the message from the Finance Committee does not always have to be filled with doom and gloom. In FY08, we have increases in state aid, we are not asking for an operating override, we have one time sources of funds and we don't have to "tax to the max". As shown in the Acton Leadership Group (ALG) plan, we are proposing a smaller property tax increase than allowed under proposition 2½ for FY 08, a rarely occurring event. However, budgets continue to increase at a rate greater than property tax increases and even with the increases in state aid, taxing at less than the 2½ % increase is not expected to reoccur.

Revenue Estimates

Each year, the ALG estimates revenues for the upcoming years as a basis for determining the level of costs that can be supported and an agreement is made with regard to how to split the revenue between the municipal and school budgets. The Finance Committee and the other boards debate revenue estimates in an effort to determine as clearly as possible what services must be funded by the property tax payer. The revenue picture has improved due to increased state aid for education and a number of one-time results. The one-time benefits increased free cash¹ and regional schools excess and deficiency funds² (E&D) and may make available in the future some of the money in the NESWC fund.

We received more state aid than originally expected in FY07 as a result of a push to reform the basis by which state aid for education is calculated. We expect the change in state aid for education to be phased in over a five year period thereby continuing into FY 08 and three more years after that. At the time of this writing, the governor's budget has just been announced. The news is positive and state aid may again exceed expectations. The budgets we have debated thus far do not anticipate the same level of increase as in FY07 (ultimately over 30%) in future years, yet we are still projecting increases. By Town Meeting we may have different information. Nonetheless, the availability of other sources of revenue means property taxes do not have to support as much of the operating budgets as was more recently the case. In FY 07 property taxes supported 79% of the budget, in FY 08 it is proposed to be 77%. There is still some uncertainty, though, with regard to a number of assumptions in the revenue estimates in the ALG plan including the impact the economy will have on state aid, changes the new governor will look to implement, and the stability of the state aid calculations for schools. Our process is always complicated by the fact that state aid is determined after we go to Town Meeting. Nor do we know for certain whether some other revenue estimates, such as excise taxes and fees, will be accurate. Nonetheless, our methods for gathering information by which to make the revenue estimates is consistently performed each year and has been fairly reliable.

While the Finance Committee debated the use of free cash as a revenue source, this year's ALG plan includes a use of free cash with the stipulation that it be used to fund capital costs. The Finance Committee has long advocated increasing the level of capital spending in the operating budgets and this year we have been able to see some progress in this area, albeit driven by one-time sources of revenue. The municipal budget includes approximately \$1.5 million of capital costs that may not have otherwise been achievable. There currently is \$2.2 million of certified free cash available for use in FY 08, and by using \$1.6 million in FY 08 there will be approximately \$0.6 million remaining before the impact of other changes. In addition, regional schools E&D are a revenue component. While the E&D fund balance may

regenerate in an amount up to approximately \$1 million during FY08, there is no guarantee of that and it is not expected to continue to be such a significant revenue source after that. While the timing on availability is not known at this writing, some of the NESWC Enterprise Funds set aside in the Enterprise Fund will become available for use. Because this money is also a one-time source, capital spending is an appropriate use for these funds.

It was principally the result of these one-time revenue items that the Finance Committee took up and continued the debate about whether to set property taxes for FY 08 using something less than the state-allowed 2 ½% increase. The Committee ultimately passed a resolution that the following elements be applied to the FY 08 ALG Plan:

- No operating or debt exclusion overrides
- A moratorium on the standard 2 ½% property tax increase under Prop 2 ½.
- Capital should be paid from either: 1) "one-time" sources of funds, such as free cash, E&D and NESWC funds, or; 2) financed within Proposition 2 ½ limits.

After considerable debate by both the Board of Selectmen and the School Committee and further discussions at ALG, it was agreed that the amount of tax increase would be 1.4%, or approximately half of the allowed increase under Proposition 2 ½. This means you, the taxpayer, get a break on your taxes for FY08. An average single family home taxpayer may save approximately \$80 in property taxes over what you would have paid if we taxed at the full allowable 2 ½% increase. This is great news! However, the good news is not expected to continue as one-time sources of funds will not be able to sustain this in future years and the current ALG plan assumes that the full tax basis is restored in FY09.

Budgets

While the ALG reaches consensus on revenue amounts and apportionment, the Town and School Department determine separately how to spend the money. The Finance Committee actively participates in this process through a variety of meeting venues, including two separate all day sessions, one for each the Town and Schools. Committee members review budget documents and submit questions. At the hearings, Finance Committee members have the opportunity to hear from staff directly, and in many cases these annual meetings serve as updates for the Finance Committee in regard to ongoing areas of concern.

An example of the Finance Committee's ongoing oversight has been the issue of capital spending. As local governments throughout the state emerge from several years of severe financial constraints, there is a compelling need to catch up, particularly by adding staff positions that may have been cut or deferred and by adding capital back into the equation. The Finance Committee's commitment to returning to capital spending was shared by the Board of Selectmen, and, in fact, town personnel changes in this year's budget are selective and small. Similarly, we have explored with the town ways to reduce overtime spending and we expect that effort will continue.

However, as previously stated, budgets are increasing at a rate greater than property taxes. That has been our trend for many years, so this is nothing new. Salaries and benefits comprise over 70% of the total budgets. We recognize that the strong school and town staff make significant contributions to our lives. Paying for these services will have to be balanced with revenue constraints, and in particular, property tax increases. This has created challenges that we have overcome in the past and hope to work hard to overcome in the future.

Capital Planning

The Finance Committee has long been advocating including more capital spending within the operating budgets. During the past year, there has been considerable collaborative work among the three major boards to update, improve and coordinate the capital planning process and consider funding sources. There is a separate section of this Warrant that discusses the work of the capital planning working group. The Finance Committee is encouraged by the progress made by the working group, however recognizes that continuing effort is needed to ensure that a robust process continues and citizens are continuously provided adequate information from which to make informed decisions. Difficult decisions will be made next year for FY09 about the level of capital funding needed and whether some form of an override for capital will be recommended. Capital overrides may take the form of either a debt exclusion to the extent debt is used or a capital override. These overrides are not permanent as they either cease when the debt is paid or are for a one-year period to pay for capital items that are not funded by debt. And although they are based on planning re-established this year, recommendations will reflect the fiscal realities for FY 09.

The Future

This message shares some good financial news, yet it is important to stress that we have not solved all of our financial problems. While the FY08 plan strives to establish a balanced level of funding sources, the ongoing estimated budget increases present a challenging picture. They will require some difficult decisions about costs or overrides in the future. We will still need to look at new ways to manage some of the more challenging costs, such as salaries and benefits, including health care. We also need to continue to look to ways to improve other sources of revenue. The Finance Committee walks a fine line between pushing on the tough issues and creating collaboration and cooperation amongst the other boards. The Finance Committee greatly appreciates the time and effort the other boards, school and town staff devoted this year to our concerns and the collaboration and cooperation achieved this year. It is with hard work and collaborative spirit that we will achieve the best outcome and continue to move our community ahead.

¹Remaining, unrestricted funds from operations of the previous fiscal year including unexpended free cash from the previous year, actual receipts in excess of revenue estimates, and unspent amounts in budget line-items as certified by the Director of Accounts

²Also 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.

Respectfully submitted by Patricia C. Easterly, Chairman, Acton Finance Committee

Capital Planning

Capital Planning

As you read through this Warrant and listen to the budget discussions at Town Meeting, you will see and hear examples of a renewed focus on capital spending by both the town and schools. After a decade highlighted by large and highly visible building projects, we have looked inward to find opportunities to invest in our infrastructure. In some cases, funds have been allocated to support planning to chart the next decade. Similarly, citizens groups have been appointed to focus on proposed expenditures such as the North Acton Fire Station, sewer expansion, and a sidewalk building plan. With the permanent financing in place for the school's "central campus" revitalization, the School Committee has identified important projects that will extend the longevity of the older schools, ensuring healthy and safe environments for all students.

By now, you have received two updates from the capital planning working group, one at last year's Annual Town Meeting, and the other at this past Fall's State of the Town meeting. We are pleased to have had the opportunity to propose funding in capital, principally from one-time sources, in the FY08 budgets, which is significantly greater than what we have been able to fund in recent past fiscal years. This proposal comes after input from citizens, and the Board of Selectmen, School Committees and Finance Committee about financing sources. Given the positive impacts from one-time sources of revenue, it was determined that one-time sources would be used first, as is presented this year.

However, the work of the capital planning group is ongoing. Through input from citizens received at this year's State of the Town meeting, some working groups that will, among other responsibilities, make recommendations for the type and timing of work to be done. The responsibilities for maintaining the detail of the capital plan, including making financial analysis where appropriate rests with the town and school staff and reviewed by their respective boards. The capital planning group will continue to ensure that a combined process continues, plans are regularly updated, and will make recommendations about possible funding sources.

As you will see in the detail that follows, there is a lengthy list of projects for the town and schools that are prioritized by year. The list has changed from the one distributed to you at State of the Town, and we anticipate continual review will refresh and revise the list in response to actual needs. In other words, the capital planning group is not working in a vacuum. It's members are engaged in ongoing dialog with citizens, staff, and the respective boards and recommendations will reflect our understanding of present and future needs.

Difficult decisions will be made next year for FY09 about the level of capital funding needed and whether some form of an override mechanism for capital will be recommended. Capital overrides may take the form of either a debt exclusion to the extent debt is used or a capital override. These overrides are not permanent as they either extend for the life of the debt or are for a one-year period to pay for capital items that are not funded by long-term debt. And although they are based on planning re-established this year, recommendations will reflect the fiscal realities for FY 09.

To illustrate the differential impacts that each mechanism has on property taxes, consider the following hypothetical example. Consider a current expenditure of \$2 million for needed capital items. The two funding mechanisms discussed above are a debt exclusion override and a capital exclusion override. Further assume the project will be bonded over 10 years. Depending on the mechanism used to finance the project, the impact in the first year on our property taxes can be quite different, as shown below:

Impact of a \$2 Million Project on Property Taxes of an \$500,000 Single Family Home

Funding Mechanism:

- | | |
|-----------------------|------------------------|
| 1. Operating override | \$250.00 ¹ |
| 2. Debt exclusion | \$ 37.50 ² |
| 3. Capital exclusion | \$250.00 (1 year only) |

The major difference between option 1 and option 3 is that in future years there is no tax impact under option 3, whereas under option 1, the \$250 is built into the levy going forward. This of course may be desirable if one expects to have additional capital projects to fund in the future. Alternatively, the debt exclusion (option 2) has a lower annual impact on property taxes, but would continue for the period of the bonding, in this case 10 years. If other projects were bonded in the future, these amounts would be added to the debt exclusion amount and would increase the property tax impact.

In considering the tradeoffs of each mechanism we are mindful that not all capital projects may be deemed bondable (i.e., suitable for debt exclusion).

This is the first time in recent memory a report on Capital Spending has been included in the Warrant. As you read it, we encourage you to consider this effort in the context of the messages from the Board of Selectmen, and the Finance Committee. The ALG plan provides the overall objectives agreed to by the elected and appointed boards. The town and school budgets, which include both operating and capital expenditures, detail the working plans to accomplish these goals in FY08. The Capital Plan will flesh out the longer term vision to preserve the excellence of our services and education by providing the planning and tools to help staff maintain the quality of government our taxpayers deserve.

Discussion of School Capital Program

We are often asked about the level of capital expenditures in the schools' appropriated budget. On the surface, the simple answer is the total of all "capital" line items in both the proposed Acton Public Schools (APS) and Acton Boxboro Regional Schools (AB) FY'08 budgets, which is \$265,000. However, when we look at other line items which are also used for "capital expenses" for projects and maintenance of buildings/equipment, we would add another \$297,000 (\$85,000 in APS, \$212,000 in AB). We also need to add the bus leasing amount of \$306,000 (\$153,000 in AB and \$153,000 in APS) and truck lease cost of \$9,000 which is split equally between APS and AB. This would bring our total to \$877,000 for both budgets. In addition, we have often used budget transfers to undertake prospective projects (e.g., paving) and emergency projects (e.g., broken heating pipes at the Merriam Administration Building). For example, in FY'05 we spent \$250,000, and in FY'06 we spent \$169,000 for these types of projects.

The schools have been the beneficiary of ongoing taxpayer commitment through the overrides which allowed us to complete \$94 million in building projects. However, there continue to be significant needs to address in those buildings which were not part of these projects. These needs are nearly all related to building systems (roofs, boilers, univents) which are at or approaching the end of useful, efficient lives. Roofs that were replaced in the 1980's now need replacement. Boilers which have been maintained now ought to be replaced with new, more efficient models. The total of approximately \$4 million exceeds the budget capacity, so ought to be part of a capital plan. You will see this detail in the list that follows.

¹ Assumes an average single family home valued at \$500,000. An increase in \$2 million to the levy would increase the tax rate by $\$0.0005 (2,000,000/4,000,000,000) * 500,000 = \250 .

² Assumes a 5% interest rate and first year debt service of \$300,000. This would increase the tax rate by $\$0.075$ per thousand $(300,000/4,000,000,000) = .000075 * 500,000 = \37.50 .

Location	Item	Cost	District
	Phase 1	\$1,111,600	
Conant	Boiler	\$178,250	APS
Douglas	Roof	\$486,450	APS
Gates	UV	\$299,900	APS
Gates	Gym Floor	\$100,000	APS
APS/AB	Truck Dump	\$47,000	APS/ABRSD
	Phase 2	\$1,390,350	
Douglas	Boiler	\$189,750	APS
Conant	UV	\$299,900	APS
Gates	Boiler	\$178,250	APS
Merriam Admin	Roof	\$448,500	APS/ABRSD
Merriam Admin	UV	\$179,950	APS/ABRSD
APS/AB	Truck Utility	\$41,000	APS/ABRSD
APS/AB	Mower	\$53,000	APS/ABRSD
	Phase 3	\$1,449,200	
Gates	Roof	\$601,450	APS
Conant	Roof	\$626,750	APS
Conant	Masonry	\$45,000	APS
Merriam Admin	Window	\$90,000	APS/ABRSD
Douglas	Window	\$86,000	APS

**3 Phase Capital Plan
Total**

\$3,951,150

Does not include Douglas
Modulars: \$400,000

Discussion of Municipal Capital Program

Each Municipal budget is constructed as a careful balance of personnel costs versus the necessary maintenance and replacement of capital and infrastructure and the tools and equipment required to make our staff productive and efficient. Through every budget process we struggle to direct our limited resources to the most pressing issues.

Over the last 15 years the percentage share of the total Town revenues devoted to municipal operations has been reduced to accommodate the increases in student population at both the Local and Regional School Districts. In order to accommodate the increases necessary to fund the school budgets, the municipal side reduced capital and preventative maintenance expenditures. At the time of reducing these expenditures, all four major boards (the Board of Selectmen, The Finance Committee, The Acton Public School Committee, and the Acton-Boxborough Regional School Committee) recognized that the short-term benefit of funding the needs of the burgeoning school population was being made against the long-term costs of not maintaining vehicles, equipment and buildings. At that time a commitment was made to reestablish the municipal capital preventative maintenance and capital replacement programs in the future. With improved revenues this year, the Board of Selectmen has made a concerted effort to reestablish a significant Capital component in our overall budget.

Each year the Town Manager prepares and recommends a Five Year Capital Plan to the Board of Selectmen. The Chart below summarizes the FY08 Plan that the Board has had under consideration this year. As one can see, this plan identifies a multi-million dollar program of possible major construction projects over the next five years, as well as an average of approximately \$1,500,000 annually in new and replacement capital, minor construction/maintenance projects, studies and new initiatives (identified as "Other" near the bottom of the chart).

For the past four years we have been unable to replace more than a small fraction of the old municipal equipment and vehicles that have needed replacement. In addition, several major capital projects and programs, most of which are one-time expenditures, are in need of funding. These include design and construction of a new North Acton Fire Station, renovation of the South and West Acton Fire Stations and reuse of the Center Fire Station, IT improvements, a Geographic Information System (GIS), expansion of the sewer system, and our ongoing sidewalk construction program, to name a few. The Warrant for this year's Annual Town Meeting requests approval of approximately \$1,100,000 to fund a significant number of these items through Warrant Articles. Also, the Municipal Budget contains over \$700,000 worth of Capital Expenditures for such things as ongoing road, bridge and culvert maintenance, vehicle and equipment maintenance, building maintenance projects, police cruiser rotation, and other similar expenditures.

Five Year Capital Plan

(1) These amounts represent preliminary estimates and are subject to change.
 (2) These amounts are to supplement dollars dedicated to Capital Items in the FY '07 Town Budget

Major Construction Projects

	<u>2008</u>	<u>2009</u>	<u>Fiscal Year 2010</u>	<u>2011</u>	<u>2012</u>	<u>Total</u>	
Fire Facilities	\$ 448,000.00	\$ 2,000,000.00	\$ 360,000.00	\$ 2,500,000.00	\$ 150,000.00	\$ 5,458,000.00	An additional \$2.5 million is scheduled for 2013 bringing the Total project cost to \$7,958,000
Senior Center Expansion/Relocation		\$ 95,000.00				\$ 95,000.00	The \$95,000 represents feasibility and preliminary design costs. Construction costs are unknown at this time and are expected in 2013.
NARA Improvements	\$ -	\$ 350,000.00	\$ 60,000.00	\$ 70,000.00		\$ 480,000.00	
Infrastructure Improvements	\$ 690,000.00	\$ 205,000.00	\$ 158,000.00	\$ 754,000.00	\$ -	\$ 1,807,000.00	
Sewers		\$ 1,000,000.00		\$ 9,000,000.00		\$ 10,000,000.00	
Sidewalks	\$ 200,000.00	\$ 200,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 1,150,000.00	
Sub-Total Major Construction Projects	\$ 1,338,000.00	\$ 3,850,000.00	\$ 828,000.00	\$ 12,574,000.00	\$ 400,000.00	\$ 18,990,000.00	

Other

The total amount of the "Other" category is expected to be funded by an additional amount in the Town Operating Budget

	<u>2008</u>	<u>2009</u>	<u>Fiscal Year 2010</u>	<u>2011</u>	<u>2012</u>	<u>Total</u>	
Minor Construction Projects	\$ 538,000.00	\$ 200,000.00	\$ 505,000.00	\$ 200,000.00	\$ 42,000.00	\$ 1,485,000.00	An additional \$350,000 each year is planned for both 2013 and 2014 to complete a 5-year Public Safety Communication upgrade program.
Studies & New Initiatives	\$ 180,000.00	\$ 131,000.00	\$ 631,000.00	\$ 763,000.00	\$ 373,000.00	\$ 2,078,000.00	
Vehicles and Equipment	\$ 762,000.00	\$ 1,216,000.00	\$ 860,000.00	\$ 1,760,000.00	\$ 565,000.00	\$ 5,163,000.00	
Sub-Total Other	\$ 1,480,000.00	\$ 1,547,000.00	\$ 1,996,000.00	\$ 2,723,000.00	\$ 980,000.00	\$ 8,726,000.00	

	<u>2008</u>	<u>2009</u>	<u>Fiscal Year 2010</u>	<u>2011</u>	<u>2012</u>	<u>Total</u>
Grand Total	\$ 2,818,000.00	\$ 5,397,000.00	\$ 2,824,000.00	\$ 15,297,000.00	\$ 1,380,000.00	\$ 27,716,000.00

As one can see, the Selectmen have been able to commit nearly \$2,000,000 of the FY08 Budget to investment/reinvestment in capital and infrastructure. This is still not enough to cover the needs of the Town but the Board has made significant strides in isolating the necessary resources to reinvest in our critical capital and infrastructure. We hope you will agree and vote favorably on the various municipal funding requests contained in this Warrant.

Annual Town Meeting Warrant



*Town of Acton
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 27, 2007 between 7:00 AM and 8:00 PM**, 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-seventh day of March 2007,

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

Moderator for one year, two Selectmen for three years, two School Committee members for three years, one School Committee member for two years to fill an unexpired term, one Trustee of the Memorial Library for three years, one Housing Authority member for five years.

In addition, the Acton Water District will elect one Commissioner 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 9, 2007 at 7:00 PM**, 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 3 * Council on Aging Van Enterprise Budget

Move that the Town appropriate \$87,953 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, \$40,710 be raised from department receipts, \$37,243 be raised from taxation and \$10,000 be transferred from retained earnings.

Article 4 * Nursing Enterprise Budget

Move that the Town appropriate \$739,416 for the purpose of operating the Town of Acton Public Health Nursing Service, and to raise such amount, \$739,416 be raised from department receipts.

Article 5 * Septage Disposal Enterprise Budget

Move that the Town appropriate \$145,533 for the purpose of septage disposal, and to raise such amount, \$145,533 be raised from department receipts.

Article 6 * Sewer Enterprise Budget

Move that the Town appropriate \$1,583,399 for the purpose of operating the sewer system, and to raise such amount, \$1,583,399 be raised from department receipts.

Article 7 * Trash Disposal and Recycling Enterprise Budget

Move that the Town appropriate \$586,844 for the purpose of solid waste disposal, and to raise such amount, \$586,844 be raised from department receipts.

Article 8 * Self-Funding Programs (Revolving Funds)

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 FY08 in the amounts and for the purposes set forth in the expense column of this Article.

Article 9 * Chapter 90 Highway Reimbursement Program

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

Article 10 * Insurance Proceeds

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

Article 11 * Gifts or Grants

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

Article 12 * Federal and State Reimbursement Aid

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

Article 13 * Performance Bonds

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

Article 14 * Sale of Foreclosed Properties

Move in the words of the Article.

Article 15 * 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 16 * Establish Police Cruiser Revolving Fund

Move that the revolving fund for the Police Department be established as set forth in the Article.

Article 17 * Accept Chapter 79 of the Acts of 2006

Move that the Town accept Chapter 79 of the Acts of 2006 for all types of adjudicatory hearings conducted by any municipal board, committee or commission of the Town.

Article 19 * 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 34 * Amend Town Bylaws – Community Preservation Committee

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

Article 40 * Accept Access Easement – Quarry Road

Move that the Town authorize the acquisition of the easements as set forth in the Article.

Article 41 * Accept Access Easement – Quarry Road

Move that the Town authorize the acquisition of the easements as set forth in the Article.

Article 42 * Accept Streets – Squirrel Hill Road and Marian Road

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 43 * Accept Sidewalk Easement – Willow Street

Move that the Town authorize the acquisition of the easements as set forth in the Article.

Article 44 * Accept Drainage Easement – Harris Street

Move that the Town authorize the acquisition of the easements as set forth in the Article.

Article 45 * Accept Drainage Easement – Main Street

Move that the Town authorize the acquisition of the easements as set forth in the Article.

Donald MacKenzie
Town Moderator

Articles

ARTICLE 1 CHOOSE TOWN OFFICERS (Majority vote)

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

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

, or take any other action relative thereto.

SUMMARY

This article provides for the election of Trustees of the Elizabeth White Fund, Trustees of the West Acton Fireman's Relief Fund, Trustees of the Goodnow Fund and Trustees of the Citizens' Library Association of West Acton and establishes the salaries of the Town's elected officials.

Selectman assigned: Walter M. Foster: bos@acton-ma.gov

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

ARTICLE 2 HEAR AND ACCEPT REPORTS (Majority vote)

To see if the Town will accept reports and hear and act upon the report of any committee chosen at any previous Town Meeting that has not already reported, or take any other action relative thereto.

SUMMARY

This article provides for the acceptance of the Annual Town Report, any other reports Town Boards and Committees may need to offer, and to offer for acceptance, any reports of committees chosen at previous Town Meetings.

Selectman assigned: Walter M. Foster: bos@acton-ma.gov

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

ARTICLE 3 * COUNCIL ON AGING VAN ENTERPRISE BUDGET
 (Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds a sum of money to operate the Senior Van Service, in accordance with Massachusetts General Law, Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests funding to operate the van service for use by senior citizens and disabled citizens of the Community. This 40-hour per week van service is funded by the Federal, State and Local Governments. 50% of the service is paid by Federal funds, 25% of the service is paid by the Commonwealth, and the final 25% is absorbed by the Town. Fare rates are determined by the Lowell Regional Transit Authority. Revenues will be used to reduce the Town’s share of total costs. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/06	Budgeted Revenue FY07	Budgeted Expense FY07	Est. Fund Balance 6/30/07	Budgeted Revenue FY08	Budgeted Expense FY08	Est. Fund Balance 6/30/08
\$6,348	\$85,250	\$85,293	\$6,305	\$87,953	\$87,953	\$6,305

Direct inquiries to: Jean Fleming, Director, Council on Aging
 SeniorCenter@acton-ma.gov / (978) 264-9643
 Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

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

ARTICLE 5 * SEPTAGE DISPOSAL ENTERPRISE BUDGET
(Majority vote)

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

SUMMARY

This article requests that the receipts from septage haulers, licensing of septage haulers, licensing of septic system inspectors, licensing of septic installers, and disposal works construction permit fees be used for the purpose of allowing septage collected within Acton to be taken to a water pollution abatement facility and to maintain the Town’s septage waste disposal program. These fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of septage waste disposal. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/06	Budgeted Revenue FY07	Budgeted Expense FY07	Est. Fund Balance 6/30/07	Budgeted Revenue FY08	Budgeted Expense FY08	Est. Fund Balance 6/30/08
\$71,056	\$127,028	\$141,272	\$56,812	\$145,533	\$145,533	\$56,812

Direct inquiries to: Doug Halley, Health Director
health@acton-ma.gov / (978) 264-9634
Selectman assigned: Andrew D. Magee: bos@acton-ma.gov

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

ARTICLE 6 * SEWER ENTERPRISE BUDGET
(Majority vote)

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

SUMMARY

This article requests funding for operation of the municipal sewer system. Sewer charges, private sewer treatment plant fees, connection fees, sewer inspector fees, betterments, State and Federal aid for Sewers, and any other income derived from the operation of the municipal sewer system will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of sewerage disposal for the system. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise fund or to reduce user fees.

Fund Balance 6/30/06	Budgeted Revenue FY07	Budgeted Expense FY07	Est. Fund Balance 6/30/07	Budgeted Revenue FY08	Budgeted Expense FY08	Est. Fund Balance 6/30/08
\$0	\$1,555,410	\$1,555,410	\$0	\$1,583,399	\$1,583,399	\$0

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612

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

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

ARTICLE 8 * SELF-FUNDING PROGRAMS (REVOLVING FUNDS)

(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	FY08 Estimated Revenue	FY08 Authorized Expenditure
School Department		
Douglas at Dawn/Dusk	\$176,750	\$176,750
Gates Amazing Programs	\$36,500	\$36,500
Merriam Mornings/Afternoons/Summer	\$204,800	\$204,800
Historic District Commission	\$600	\$600
Building Department	\$166,559	\$166,559
Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees		
Sealer of Weights and Measures	\$10,955	\$10,955
Health Department ♦		
Food Service Inspections	\$30,115	\$42,615
Hazardous Materials Inspections	\$53,300	\$65,800
Fire Department		
Fire Alarm Network	\$52,294	\$52,294
Ambulance Fees	\$300,000	\$50,000

, 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 a health department inspectional service vehicle. The existing vehicle is no longer dependable requiring more frequent servicing to replace or repair major parts. The existing vehicle has negligible trade-in value. Funding of the vehicle will come equally from the Food Service Inspections Revolving Account and the Hazardous Materials Inspections Revolving Account.

(For Budget Detail, excluding School Programs, please see Municipal Budget Supplement)

	FY 2006 Actual Revenue	FY 2006 Actual Expense	Fund Balance 6/30/2006	FY 2007 Budgeted Revenue	FY 2007 Budgeted Expense	FY 2007 Est. Fund Balance	Actual Revenue 2/22/2007	Actual Expense 2/22/2007
School Department¹								
Douglas at Dawn/Dusk	\$226,600	\$163,413	\$179,802	\$140,000	\$140,000	\$179,802	\$116,634	\$105,873
Merriam Mornings/Afternoons/Summer	\$168,017	\$133,554	\$125,240	\$200,000	\$200,000	\$125,240	\$99,834	\$87,324
Gates Amazing Mornings/Afternoons	\$4,575	\$3,063	\$10,837	\$36,500	\$36,500	\$10,837	\$0	\$1,194
Historic District Commission²	\$245	\$38	\$822	\$600	\$600	\$822	\$125	\$0
Building Department²	\$126,163	\$92,442	\$94,229	\$179,856	\$179,856	\$94,229	\$63,463	\$70,880
Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees								
Sealer of Weights and Measures²	\$19,963	\$10,532	\$14,713	\$10,734	\$10,734	\$14,713	\$1,875	\$10,095
Health Department²								
Hazardous Materials Inspection	\$48,183	\$40,767	\$23,284	\$51,944	\$51,944	\$23,284	\$16,711	\$24,838
Food Service Inspections	\$38,268	\$22,391	\$43,578	\$27,919	\$27,919	\$43,578	\$33,150	\$12,739
Fire Department²								
Fire Alarm Network	\$43,610	\$43,394	\$57,904	\$50,646	\$50,646	\$57,904	\$6,939	\$35,852
Ambulance Fees	\$340,795	\$74,720	\$504,845	\$300,000	\$300,000	\$504,845	\$219,603	\$1,842

All Monetary Figures Rounded to the Nearest Dollar

Direct inquiries to: ¹ Bill Ryan, Superintendent of Schools: bryan@mail.ab.mec.edu / (978) 264-4700
² John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Peter K. Ashton: bos@acton-ma.gov

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

ARTICLE 9 * HIGHWAY REIMBURSEMENT PROGRAM (CHAPTER 90)
(Majority vote)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, a sum of money for highway improvements under the authority of Massachusetts General Law, Chapter 90, and any other applicable laws, or take any other action relative thereto.

SUMMARY

Each year, the State provides communities with reimbursement for certain highway projects. The State Legislature annually establishes the level of highway improvement funds available to cities and towns under the so-called “Chapter 90” Program. This process is not completed until after Acton’s Annual Town Meeting; therefore, we are unable to specify a dollar amount at Town Meeting. State law requires that these State Highway Reimbursement Funds be appropriated by Town Meeting. The purpose of this article is to make that appropriation and allow the town to fully utilize whatever level of appropriation the State may make available during the upcoming fiscal year. If Town Meeting were to not adopt this article, it is conceivable that monies allocated to Acton may be redistributed to State projects or other cities and towns.

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Walter M. Foster: bos@acton-ma.gov

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

ARTICLE 10 * INSURANCE PROCEEDS
(Majority vote)

To see if the Town will vote to appropriate the proceeds of any insurance policy reimbursements of costs incurred as a result of any covered loss, including without limitation any liability insurance, property insurance, casualty insurance, workers' compensation insurance, health insurance, disability insurance, automobile insurance, police and fire injury and medical costs, and any other insurance of any name and nature whatsoever, or take any other action relative thereto.

SUMMARY

According to Massachusetts General Law, reimbursements received from insurance carriers in excess of \$20,000 require appropriation. This article would authorize the Town Manager to expend such reimbursements.

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

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

ARTICLE 13 * PERFORMANCE BONDS

(Majority vote)

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

SUMMARY

The Department of Revenue has issued an opinion that the Town cannot expend performance bonds without appropriation. This article would authorize the Town Manager to expend funds secured from performance bonds provided by or on behalf of contractors and others to secure the performance of obligations by such persons to the Town.

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred
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ARTICLE 14 * SALE OF FORECLOSED PROPERTIES

(Majority vote)

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

SUMMARY

This article grants authority to the Board of Selectmen to sell and convey properties that the Town has obtained via tax foreclosure.

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred
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ARTICLE 15 * ELDERLY TAX RELIEF
(Majority vote) **REAUTHORIZE CHAPTER 73 OF THE ACTS OF 1986**

To see if the Town will vote to 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, or take any other action relative thereto.

SUMMARY

This is a reauthorization of an ongoing program of tax relief for certain qualifying individuals that was first adopted by Town Meeting in 1999. Section 4 of Chapter 73 of the Acts of 1986 authorized Towns that annually accept the provisions of this law to grant additional real estate tax exemptions for qualifying individuals. These additional exemptions are available to the elderly, disabled or veterans who qualify for property tax exemptions under Clauses 17, 17C, 17C½, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B and 41C of Section 5, Chapter 59 of the Massachusetts General Laws. This article will continue to provide additional tax relief to qualified individuals by increasing the exemptions to the maximum allowable under the law.

Direct inquiries to: Brian McMullen, Assistant Assessor
assessor@acton-ma.gov / (978) 264-9622
Selectman assigned: Peter K. Ashton: bos@acton-ma.gov

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

ARTICLE 16 * ESTABLISH POLICE CRUISER REVOLVING FUND
(Majority vote)

To see if the Town will vote, pursuant to Massachusetts General Law, Chapter 44, Section 53E½ to establish a revolving fund for the replacement of police cruisers.

SUMMARY

This will allow the Town to partially fund police cruiser replacement from the receipts of police cruiser detail fees. Fees would be deposited in a separate account and would be expended to pay part or all of the anticipated costs. If income exceeds costs, the excess is retained for use of the specific program in any subsequent period. This article would remove detail cruiser replacement from the tax base.

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

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

ARTICLE 19 * TOWN BOARD SUPPORT
(Majority vote) **ACTON-BOXBOROUGH CULTURAL COUNCIL**

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$2,000, or any other sum, to be expended by the Town Manager for the ongoing expenses of the Acton-Boxborough Cultural Council for programs in Acton, or take any other action relative thereto.

SUMMARY

The Acton-Boxborough Cultural Council (ABCC) seeks a sum of money to produce cultural activities and programming in Acton. These funds will help to foster collaborations among local artists and cultural organizations and to address the cultural needs of the Town. This will augment the funds received by the ABCC from the State through the Massachusetts Cultural Council.

Direct inquiries to: Don P. Johnson, Town Manager
manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Walter M. Foster: bos@acton-ma.gov

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

ARTICLE 20 TOWN OPERATING BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the departments, offices and boards of the Town, exclusive of the school budgets, or take any other action relative thereto.

SUMMARY

This article requests funds for the fiscal year 2008 (July 1, 2007-June 30, 2008) Municipal Operating Budget. The Municipal Budget also includes certain school costs. These are primarily the costs of debt service requirements; property, liability and contents insurance on school buildings; pension costs and Workers' Compensation Insurance for school employees, other than teachers and Regional school employees. The standard motion for the Municipal Budget appropriation under this article typically includes the transfer of monies such as Cemetery Trust Funds and Wetland Filing Fees. Budget detail provided in the Municipal Budget Supplement is available at the Memorial Library, West Acton Citizens' Library, Public Safety Facility, Town Hall and at the Polling Places on March 27, 2007. Copies will also be available at Town Meeting.

Direct inquiries to: Don P. Johnson, Town Manager
manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Walter M. Foster: bos@acton-ma.gov

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

ARTICLE 21 CAPITAL IMPROVEMENTS

(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.	Sidewalks	\$ 199,000
B.	Morrison Farm Facility Improvements	\$ 50,000
C.	Self-Contained Breathing Apparatus	\$ 31,000
D.	Hayward Road and Main Street Traffic Signal Design	\$ 130,000
E.	Senior Center Feasibility Study for Building and Parking Expansion	\$ 25,000
F.	Replace Front-End Loader	\$ 136,500
G.	Master Plan	\$ 180,000
H.	Replace Truck 108	\$36,000
I.	Replace Mechanics' Truck	\$ 40,000
Total		\$ 827,500

, or take any other action relative thereto.

SUMMARIES

A. Sidewalks

The requests for new sidewalks are growing faster than the Town’s ability to fund and construct them. The 5 year sidewalk capital plan lists 49,500 feet of sidewalks waiting for construction. Their estimated cost exceeds 2 million dollars. Approval of this article will fund a more aggressive sidewalk construction program than has been possible in the past.

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

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

B. Morrison Farm Facility Improvements

This article requests an appropriation to fund an architectural/engineering design study, a ‘Building Program’ for the existing farm house and barn located at 116 Concord Road. In order to allow public access to the house and barn, improvements to the two structures will be necessary.

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

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

I. Replace Mechanic’s Truck

This article requests funding to replace a 1994 Ford pickup truck with a new, similar truck equipped to undertake all of the daily tasks performed by the mechanics. The present vehicle is used daily for parts runs, responds to service calls from the police and fire departments as well as the highway department needs. It is also used occasionally for towing vehicles that are stuck in mud or snow. The present vehicle has approximately 130,000 miles on the odometer. The vehicle has severe rust through problems and is now burning oil. Brake and transmission work will be needed in the future. The replacement vehicle will be equipped with a heavy duty utility style body capable of transporting the necessary tools and equipment utilized by the mechanics such as jacks, starting aid generator and chains for towing purposes.

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

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

Selectman assigned: Walter M. Foster: bos@acton-ma.gov

ARTICLE 22 CAPITAL IMPROVEMENTS

(Two-thirds vote)

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

A.	North Acton Fire Station Design	\$ 448,000
B.	Geographic Information System	\$ 300,000
Total		\$ 748,000

SUMMARIES

A. North Acton Fire Station Design

This article requests funding to cover the first year bonding costs for management studies, architectural and engineering services, feasibility studies, preliminary design, construction documents, and related services for the design of a new Fire/EMS Station located in the northerly portion of Acton. Studies performed in 1980 and 2000 recommended the construction of a new Fire/EMS Station in the northerly half of Acton to provide a more equitable emergency response times to all areas of Acton. This warrant article provides funds for the necessary studies and preliminary designs for such a facility. A study committee made up of interested citizens and appropriate town staff has recently begun meeting on this proposal. The results of the committee’s deliberations will be brought back to a subsequent Town Meeting to request funds for actual construction of the new facility.

Direct inquiries to: Dean A. Charter, Municipal Properties Director
dcharter@acton-ma.gov / (978) 264-9629

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

B. Geographic Information System

This request is to implement and maintain a geographic information system (GIS). GIS technology, particularly Web-based applications, are improving the way municipalities do business across the Commonwealth. Web-based mapping capabilities make geographic data accessible to municipal employees and residents alike, improving the efficiency of government and increasing the level of service. Such applications are designed to be easy-to-use yet deliver specific useful information and capabilities.

When geographic data layers (parcel, utilities, etc.) are integrated with other municipal data, the result is that querying a parcel through the GIS web application, for example, can retrieve not only property attributes data, but can also link to and present permitting data, archival maps and drawings - as-builts, utility connections, aerial and street-level photographs, etc.

The result is that Town staff and residents have the benefit of quick access to important and frequently referenced data. In addition, specific services can be provided to property owners, contractors, and developers and others through the Web-mapping application, such as identification of abutters, comparison of residential values and recent sales, access to permitting data, initiation of citizen work requests, etc. The always-on, self-service capabilities of Web-mapping applications help to reduce foot traffic in Town Hall and requests for information directed to Town staff.

GIS technology delivered through a web application (or on the desktop) also increases the efficiency of Town staff. Easy-to-use parcel viewing capabilities put useful information at the fingertips of municipal employees. In addition, advanced Web-application functionality can be provided to authorized town employees, such as allowing assessors and planners to automatically generate mailing lists for abutters to a selected parcel, planners to mark up and annotate maps to illustrate planning scenarios, police and fire departments to map and analyze incident data, E911 dispatchers to see the affected property and its surroundings, recreation and public works departments to visualize and manage assets such as parks, cemeteries, public buildings, trees, etc.

The cost to implement GIS includes software, consulting services, training materials and a staff member to maintain the system and coordinate data exchange amongst departments and the public.

Direct inquiries to: Mark Hald, Information Technology Director
mhald@acton-ma.gov / (978) 264-9606

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

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

ARTICLE 27 ACTON PUBLIC SCHOOLS BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Acton Public School System, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2008 (July 1, 2007 through June 30, 2008) for the Town of Acton Local Schools' Operating Budget.

Direct inquiries to: Bill Ryan, Superintendent of Schools
bryan@mail.ab.mec.edu / (978) 264-4700
Selectman assigned: Peter K. Ashton: bos@acton-ma.gov

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

ARTICLE 28 CAPITAL IMPROVEMENTS – MODULAR CLASSROOMS
(Two-thirds vote)

To see if the Town will vote to appropriate a sum of money, to be expended at the direction of the School Committee, for the purpose of acquiring and installing modular classrooms at the Douglas Elementary School, and to pay other costs incidental and related thereto; to determine whether such appropriation shall be raised by taxation, by transfer of available funds, by borrowing or otherwise, or take any other action relative thereto.

SUMMARY

This article requests funds to purchase modular classrooms for the Douglas Elementary School.

Direct inquiries to: Bill Ryan, Superintendent of Schools
bryan@mail.ab.mec.edu / (978) 264-4700
Selectman assigned: Peter K. Ashton: bos@acton-ma.gov

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

ARTICLE 29 CAPITAL IMPROVEMENTS – ACTON PUBLIC SCHOOLS

(Two-thirds vote)

To see if the Town will vote to appropriate a sum of money, to be expended at the direction of the School Committee, for the purpose of making extraordinary repairs to the Conant, Douglas, and Gates Schools, including the purchase of equipment, architects’ and engineers’ fees and other costs incidental thereto; to determine whether such appropriation shall be raised by taxation, by transfer from available funds, by borrowing or otherwise, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2008 (July 1, 2007 through June 30, 2008) for the Town of Acton Local Schools’ to complete the following capital projects: replacement of the Douglas School roof, a new boiler for the Conant School, and replacing the univents at the Gates School. In addition the article covers the purchase of a dump truck and the replacement of computers for instructional purposes.

Direct inquiries to: Bill Ryan, Superintendent of Schools
bryan@mail.ab.mec.edu / (978) 264-4700

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

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

ARTICLE 30 ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT ASSESSMENT

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2008 (July 1, 2007 through June 30, 2008) for the Acton-Boxborough Regional School District Assessment. This assessment, voted by the Acton-Boxborough Regional District School Committee, is governed by the terms of the Acton-Boxborough Regional School District Agreement.

Direct inquiries to: Bill Ryan, Superintendent of Schools
bryan@mail.ab.mec.edu / (978) 264-4700

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

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

ARTICLE 31 MINUTEMAN REGIONAL SCHOOL DISTRICT ASSESSMENT
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Minuteman Regional Vocational Technical School District, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2008 (July 1, 2007 through June 30, 2008) for the Minuteman Regional Vocational Technical School District Assessment. This assessment, voted by the Minuteman School Committee, is governed by the terms of the Minuteman School District Agreement.

Direct inquiries to: William Callahan, Superintendent
wcallahan@minuteman.org / (781) 861-6500

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

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

ARTICLE 32 COMMUNITY PRESERVATION PROGRAM
(Majority vote) **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 2006 Community Preservation Fund balance as set forth herein, the following amounts for community preservation purposes, with such expenditures to be subject to conditions to be specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation:

FY 2006 COMMUNITY PRESERVATION FUND BALANCE	
FY 2006 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2006	\$ 656,254.18
State Community Preservation Trust Fund Receipt, October 2006	\$ 652,082.00
Other FY 2006 Community Preservation Fund Components	
Interest Earned FY 2006	\$ 58,502.20
Recapture of unspent previous years' project appropriations (02/07)	\$ 71,984.64
Unencumbered FY 2005 Fund Balance	\$ 86,122.12
Total - FY 2006 Community Preservation Fund Balance	\$1,524,945.14
APPROPRIATIONS	
Purpose	Recommended Amounts
Set Aside Appropriations for	
A. Acquisition, creation, and preservation of open space, and its rehabilitation and restoration	\$ 350,000.00
B. Acquisition, preservation, rehabilitation and restoration of historic resources	\$ 55,334.00
C. Acquisition, preservation, rehabilitation and restoration of historic resources; compensates for under-spending in 2004	\$ 4,130.00

Spending Appropriations	
D. Capital Fund, Acton Housing Authority	\$ 64,000.00
E. Support Services, Acton Housing Authority	\$ 35,000.00
F. Community Housing Program Fund	\$ 170,000.00
G. Athletic Field Lighting	\$ 175,000.00
H. Bruce Freeman Rail Trail Design	\$ 202,000.00
I. East Acton Village Green	\$ 70,000.00
J. Communitywide Archaeological Reconnaissance Survey	\$ 35,000.00
K. Granite Street Marker Restoration	\$ 5,500.00
L. Groener Land Purchase at 191 Nagog Hill Road	\$ 100,000.00
Administrative Spending Appropriation	
M. A fund reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 65,416.00
Total Recommended Appropriations	\$1,331,380.00
Remaining FY 2006 fund balance	\$ 193,565.14

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 meet or exceed 10% of the 2006 Community Preservation Fund revenues.

And, whereas Town Meeting may vote to delete or reduce any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2006 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2006 Community Preservation Fund revenues for open space (\$130,833.62), not less than 10% of the FY 2006 Community Preservation Fund revenues for historic preservation (\$130,833.62), not less than 10% of the FY 2006 Community Preservation Fund revenues (\$130,833.62) for community housing, and to set aside for future spending on historic preservation not less than \$4,130.00, which had been recaptured as unspent 2004 Community Preservation appropriations and closed to the Community Preservation Fund.

, 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 (the Act). 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 Act, the Community Preservation Fund may be used to acquire, create and preserve open space; to acquire, preserve, rehabilitate, and restore historic resources; to acquire, create, preserve and support community housing; to acquire, create and preserve land for recreational use; to rehabilitate and restore open space, land for recreational use and community housing that is acquired or created with CPA funds; 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 fourth 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 August 2006, the Community Preservation Committee published its 2007 Community Preservation Plan with guidelines for the submission of projects seeking funding. The Committee received fourteen 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 the Act. Four proposals were withdrawn or not funded during the review period for various reasons. This article represents the Committee’s recommendation for appropriations from the available Community Preservation Fund balance, which includes nearly \$72,000 in left-over funds recaptured from completed Community Preservation projects approved in previous years. All recommended amounts are “up-to” spending limits. Savings, if any, will be available for future appropriations. All proposed projects that remained after the withdrawals are recommended for funding, whereby some of the projects are recommended at higher funding levels than the proponents had originally requested. As in previous years the recommended appropriations include a set-aside for open space. This year, the recommended appropriations also include two separate set-asides for historic resources. One is to meet this year’s required 10% minimum funding level as required in the Act; the other is to meet the 10% threshold for 2004 after two historic resources projects funded in that year were completed under budget. The recommended appropriations leave a remaining fund balance of \$193,565.14 that is available for future Town Meeting appropriations in all eligible funding categories under the Act.

The Act states that Town Meeting may delete or reduce any of the recommended appropriations, but may not add new items or increase the recommended appropriations. The Act also 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 resources; and community housing. The Committee may also recommend the taking by the Town of interest in real property (not recommended this year), the borrowing of funds for Community Preservation (not recommended this year), 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

This item sets aside a fund from which Town Meeting may appropriate spending in future years for the purpose of acquisition, creation, and preservation of open space. Together with the previous years’ open space set-aside appropriations, the recommended amount will bring the balance in the open space set-aside to \$1,250,000.

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

F. Community Housing Program Fund

This requested appropriation will be for the acquisition, creation, preservation, and support of community housing in the Town of Acton. It will replenish the Community Housing Program fund which received previous Community Preservation Fund appropriations in 2004 and 2005. The Program Fund can be used for acquisition, rehabilitation, and conversion of existing housing stock; new development; refinancing or repurchase of existing affordability restrictions about to expire; purchase of new affordable housing deed restrictions; accessibility modifications of affordable units for persons with disabilities; and financial assistance to low- and moderate-income buyers. This set-aside fund will be retained as a special CPA fund earmarked for appropriate affordable housing activities recommended by the Acton Community Housing Corporation (ACHC) or any other entity approved by the Board of Selectmen. Under ACHC’s enabling statute, expenditure of such funds by ACHC requires the approval of the Board of Selectmen. The ACHC would keep the Community Preservation Committee and the Board of Selectmen informed about the use of this Fund with periodic reports and would seek guidance as appropriate.

The ACHC represented to the Community Preservation Committee, that a particular focus in the coming year will be a condominium Buy-Down Program. After having studied various options and models, the ACHC has chosen to implement a purchase price buy-down program. It will pay the seller of a unit a certain amount to lower the price to affordable levels for households with incomes between 60% and 80% of the Area Median Income. In exchange, a deed restriction will be placed on the unit that will keep it affordable in perpetuity and count towards Acton’s Subsidized Housing Unit Inventory under M.G.L. Ch. 40B.

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

G. Athletic Field Lighting at the Acton-Boxborough Regional High School

This recommended appropriation to the Acton Boxborough Regional School District will help fund the installation of sports lighting for the varsity baseball field, practice football/soccer field and five tennis courts at the High School. The work will include the installation of light poles with concrete foundations, electrical panel and control box, wiring, light fixtures, and protective netting. The investment of the Town’s Community Preservation Funds in this project acquires for the Town open space for recreation through expanded use hours of the fields, with details for the terms and hours of use during the hours of field lighting determined in an enforceable inter-municipal agreement between the Town of Acton and the Acton-Boxborough Regional School District. The project will also be funded with at least \$110,000 from private sources, and Acton Boxborough Community Education will contribute \$15,000.

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

H. 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 appropriated \$250,000 of Community Preservation funding for this project in the prior two years. This recommended appropriation is the third phase of funding for the acquisition of land, the design, and all related costs to the Town for the Bruce Freeman Rail Trail project. The initial survey and design work has begun, which will help identify solutions to some of the more difficult issues along the trail such as right of way encroachments and road crossings. This will also better define the project cost, which is currently estimated at \$4.4 million. Additional design funding and all construction funding will come from Federal and State transportation funding sources.

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

I. East Acton Village Green

The Town owns approximately 1 acre of land at the corner of Great Road and Concord Road in East Acton Village with shore line on Ice House Pond. It straddles the former Framingham-Lowell railroad right-of-way, which is programmed to become the Bruce Freeman Rail Trail. Old photographs document that the site was once the location of the East Acton depot and a formal green. This project would transform this parcel from its present condition into a new Village Green. The proposal includes new landscaping elements, park benches, walkways, and a small historical kiosk and plaza at the site of the foundation of the former depot. Accommodations are made in the design for the future Bruce Freeman Rail Trail. The East Acton Village Planning Committee initiated the East Acton Village Green project in 2003. The Massachusetts Downtown Assistance Grant program funded the design. Landscape Architects of The Cecil Group prepared the plan under the direction of the East Acton Village Planning Committee. The plan proposes to use durable materials for the architectural elements for long lasting and maintenance free enjoyment of this small open space in the East Acton Village. \$35,000 of this appropriation is for historic preservation purposes and \$35,000 is allocated for recreation purposes. This appropriation will also be funded by an additional \$30,000 anticipated to come from private donations.

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

J. Communitywide Archaeological Reconnaissance Survey

This recommended appropriation will fund a community-wide archaeological reconnaissance survey to identify the patterns of prehistoric and Colonial occupation and activities in Acton, and to determine known and probable locations of archaeological resources associated with those patterns. Under the project, the Town would engage professional expertise in this field of science to undertake the survey. The project goal is to identify areas in Acton that most likely have archaeological sensitivities so that the Town can achieve more effective protection of significant archaeological resources. Deliverables will be an archaeological sensitivity map for prehistoric and historic sensitive areas with a guide for nonprofessionals to use the map; a survey report in accordance with the Secretary of the Interior standards; and management recommendations for the protection of identified resources and sensitive areas.

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

K. Granite Street Marker Restoration

There are a number of traditional granite street direction signs at intersections in Acton. Over the years some have broken, and almost all are now illegible. The restoration would use appropriate techniques to re-engrave the lettering and a permanent dye for coloring the letters. This process was used successfully to rehabilitate the granite sign slab at the East Acton Village Green. The appropriation is expected to cover the restoration cost for five markers and includes the preparation of the proper historic inventory forms and documentations.

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

L. Groener Land Purchase

This recommended appropriation will buy approximately 12.1 acres of pristine open space at the rear of 191 Nagog Hill Road. The land consists of about 8 acres of upland forest and 4 acres of forested wetlands. The parcel lies within several areas delineated for habitat and biodiversity protection. It abuts the Town’s Nagog Hill Conservation Land and will become part of it to be used for passive recreation from the existing trail system.

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

M. Administrative and Operating Expenses

The requested appropriation is 5% of the FY 2005 revenues in the community preservation fund as provided in the Act (local surcharge and State trust fund receipt). It reimburses the Town for administrative and legal support services for the Community Preservation Committee and Program.

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

Direct inquiries to: Roland Bartl, AICP, Town Planner
 planning@acton-ma.gov / (978) 264-9636
Selectman assigned: Walter M. Foster: bos@acton-ma.gov

ARTICLE 33 **INTER-MUNICIPAL AGREEMENT –**
(Majority Vote) **CENTRAL CAMPUS ATHLETIC FIELDS**

To see if the Town will authorize the Board of Selectmen and the Town Manager to enter into an Inter-Municipal Agreement pursuant to M.G.L. c. 40, § 4A, between the Town of Acton and the Acton-Boxborough Regional School District relative to use of certain fields and tennis courts at the Regional High School where new light poles and fixtures are to be installed with assistance from the Community Preservation Act Fund, which agreement shall be substantially in the form of the proposed Agreement as set forth below, shall specify the Town’s maximum financial liability as \$175,000 from the Community Preservation Act Fund appropriated under Article 32 of the Warrant for this Town Meeting, and shall contain such further terms, conditions and modifications as the Board of Selectmen determine to be appropriate, or take any other action relative thereto.

AGREEMENT – DRAFT, 3/4/07

This Inter-Municipal Agreement (the “Agreement”) is entered into pursuant to M.G.L. c. 40, § 4A, on the last day of execution below, by, between and among the **TOWN OF ACTON**, a municipal corporation, having its principal office at Town Hall, 472 Main Street, Acton MA 01720 (the “Town”) and the **ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT**, a regional school district created under M.G.L. c. 71, §§ 15, *et seq.*, having its principal office at 16 Charter Road, Acton MA 01720 (the “District”).

This Agreement is with respect to the financing and use of new athletic field lighting to be installed on land that is owned by the District and is located on the District’s Central Campus, adjacent to the Acton-Boxborough Regional High School. The new athletic field lighting will be used to illuminate the varsity baseball field, the adjacent tennis courts and the so-called practice football field. Because these facilities are not currently lighted, their use is limited to daytime only and the District is seldom able to offer them to the Town for recreational and community use. The Town has a critical need for additional community recreational resources to serve its youth and adult populations. By lighting these facilities, the District and the Town will greatly expanded the resources available to provide these recreational opportunities to the community.

The new athletic field lighting will consist of galvanized poles attached to concrete bases, which will hold approximately 80 light fixtures. These fixtures will be used to illuminate the varsity baseball field and adjacent tennis courts and so-called practice football field. Protective netting will be hung between two poles to protect tennis players from batted baseballs that now fall into those courts unimpeded.

The District proposes to create new and expanded multi-use, recreation space at the varsity baseball field, including without limitation the following elements (the “Field Lighting Project”):

1. Excavate existing land and then install up to eight concrete foundations
2. Install onto the concrete foundations, four (4) - 80 foot high, two (2) - 70 foot high and two (2) -50 foot high galvanized poles and affix lighting fixtures
3. Install a transformer and requisite underground wiring to provide electricity to the fixtures
4. Attach protective netting to two of the poles to help protect tennis players from being hit by foul balls
5. Significantly expand the amount and range of users and hours of usage.

The District proposes to finance the ATHLETIC FIELD LIGHTING Project with funding from three sources: Privately Raised Funds (approximately 37%); District Funds (approximately 6%); and Town Community Preservation Act Funds (“CPA Funds”) (approximately 58%). Under G.L. c. 44B, § 5, CPA Funds can be used for “the acquisition, creation and preservation of open space,” where “open space is defined under G.L. c. 44B, § 2, to include, “land for recreational use,” and “recreational use” is defined

under G.L. c. 44B, § 2, to include “noncommercial youth and adult sports, and the use of land as a park, playground or athletic field.” This agreement will ensure a policy and procedure by which the District will provide shared access to the new ATHLETIC FIELD LIGHTING.

NOW THEREFORE, for adequate consideration the receipt and sufficiency of which are hereby acknowledged, the Town and the District agree as follows:

1. CONSTRUCTION OF THE ATHLETIC FIELD LIGHTING PROJECT

Subject to the terms and conditions of this Agreement, on or before July 31, 2007, the District shall perform all work necessary and appropriate for the design, bidding, permitting, construction, landscaping and other related activities for the completion of the ATHLETIC FIELD LIGHTING Project (the “Work”). The “Work” is defined as lighting of the existing baseball diamond, tennis courts and adjacent soccer/football practice field. Once the Work is completed on the ATHLETIC FIELD LIGHTING Project, ATHLETIC FIELD LIGHTING, for purposes of this Agreement, shall be referred to herein as the “New ATHLETIC FIELD LIGHTING.”

2. FUNDING OF THE ATHLETIC FIELD LIGHTING PROJECT

The estimated cost of the Work is \$285,000 (the “Estimated Project Cost”). The District agrees to accept private funds, totaling not less than one-third of the Estimated Project Cost, and expend these funds toward the Work. Upon (a) commitment to pay and/or payment to and acceptance by the District of Private Funds, inclusive of any in-kind contributions, totaling not less than one-third of the Estimated Project Cost, (b) completion of the design, bidding, and (if required) permitting of the ATHLETIC FIELD LIGHTING Project, and (c) issuance by the District of the contracts for the construction of the ATHLETIC FIELD LIGHTING Project, the Town shall pay to the District, CPA Funds not to exceed \$175,000 towards the cost of permitting, design and construction of the Work. The District shall accept and expend said CPA Funds solely for the purpose of performing the Work on the ATHLETIC FIELD LIGHTING Project

The District shall complete the Work using the Private Funds, the CPA Funds, and additional District Funds raised and appropriated and/or borrowed by the District for that purpose. The District shall pay, or Private Funds shall be raised to cover, all costs over and above the CPA Funds necessary to complete the Work, including without limitation, any cost overruns relating to the ATHLETIC FIELD LIGHTING Project.

3. USE OF ATHLETIC FIELD LIGHTING

In return for its contribution of CPA Funds to the ATHLETIC FIELD LIGHTING Project, this Agreement provides throughout its Term, and subject to the terms hereof, for guaranteed access for the Town and Town-approved community groups to use the New ATHLETIC FIELD LIGHTING, free of charge (except for ministerial charges as provided herein), for sports practices, sports events and other recreational activities such as Town sports leagues (baseball, tennis, football, soccer, lacrosse, field hockey, ultimate frisbee, etc.), adult sports leagues, instructional sports clinics, summer sports camps, tournaments, other recreational activities and events, and the like. This Agreement also permits the District to expand its use of the New ATHLETIC FIELD LIGHTING for sports practices and events and other recreational extracurricular activities.

To minimize potential conflicts over the use of the New ATHLETIC FIELD LIGHTING and to maximize the efficient and appropriate allocation of time slots (including prime afternoon, evening and weekend time slots), the Town and the District agree that both initially and throughout the remaining Term of this Agreement, the Rules of Priority, attached as Exhibit 1, shall be used to allocate shared use of the New

ATHLETIC FIELD LIGHTING between the Town and the District. The Rules of Priority may be altered or amended from time to time by agreement of the School Superintendent and the Town Manager or their respective designees.

Throughout the Term of this Agreement, the Field Reservation Rules and Regulations, attached as Exhibit 2, shall govern the use of the New ATHLETIC FIELD LIGHTING. Groups from outside of the Town and the District may be allowed to use the New ATHLETIC FIELD LIGHTING, on a space available basis. The Field Reservation Rules and Regulations may be altered or amended from time to time by agreement of the School Superintendent and the Town Manager or their respective designees.

The Town and the District agree that, upon completion of construction of the ATHLETIC FIELD LIGHTING Project in accordance with this Agreement, and during the Term of this Agreement, the New ATHLETIC FIELD LIGHTING as provided herein will remain accessible and used in conjunction with the lighted playing fields and recreation facilities. Any further construction or reconstruction of the bleachers and surrounding structures or spaces may be conducted to enhance the use and accessibility to ATHLETIC FIELD LIGHTING.

As evidence of these undertakings, the parties shall execute and either party may record the Memorandum of Inter-Municipal Agreement attached as Exhibit 3.

4. TERM

The term of this Agreement shall be for the useful life of the lighting or twenty-five years, whichever is sooner.

Upon payment by the Town of the CPA Funds hereunder, this Agreement shall guarantee the Town's irrevocable right to use the New ATHLETIC FIELD LIGHTING in accordance with this Agreement during its Term subject to interruptions in such use as provided herein.

5. MAINTENANCE OF ATHLETIC FIELD LIGHTING

During the Term of this Agreement and subject to appropriation of funds for such purpose, the District shall perform all actions necessary to operate, maintain, patrol, inspect, and repair New ATHLETIC FIELD LIGHTING, reasonable wear and tear excepted. Without limitation but subject to appropriations, the District shall perform all necessary maintenance activities and other actions to permit the safe and efficient use of the field for the purposes of this Agreement. It is understood that such repair, maintenance and replacement of the field surfaces and other improvements may interrupt or disrupt, during the period of time while such activities occur, the use of the New ATHLETIC FIELD LIGHTING.

6. MAXIMUM FINANCIAL LIABILITY

The maximum financial liability of the Town and the District under this Agreement shall be as specified in the respective votes of the Acton Town Meeting and the District School Committee to authorize this Agreement. To satisfy their respective obligations under this Agreement, the Town and the District, when duly authorized to do so in accordance with the provisions of applicable law, may raise money by any lawful means.

7. FINANCIAL SAFEGUARDS

The Town and the District agree that the following financial safeguards shall apply to this Agreement and shall be sufficient for all purposes.

Until the completion of construction of the ATHLETIC FIELD LIGHTING Project, acceptance of the Work by the District, and payment of all contractors and subcontractors with respect thereto:

- The District shall maintain accurate and comprehensive records of services performed, costs incurred, and reimbursements and contributions made and received in connection with this Agreement; shall require that all bills and payrolls submitted for work done under this Agreement shall be plainly marked to indicate that the work was done under authority hereof; shall provide an annual financial report with respect thereto to the Town if required by law; and shall cause such records to be audited as part of the regular audits of the District's such records; and
- The Town shall maintain accurate and comprehensive records of all CPA Funds appropriated and expended pursuant to this Agreement; and shall cause such records to be audited as part of the regular audits of the Town's records.

Thereafter, during the Term of this Agreement, the Town and the District shall maintain accurate financial records of any revenues and expenses associated with this Agreement; and shall cause these records to be audited as part of the regular audits of their respective financial accounts.

The amount of CPA Funds and other contribution received by the District and/or any reimbursement made by the District under this Agreement shall be accounted for on its books pursuant to General Laws Chapter 40, Section 4A, and /or Chapter 44, Section 53A, as applicable.

All records kept by the Town in regard to the expenditure of CPA funds related to this project, and all records kept by the District in regard to the expenditure of said funds, shall be available for inspection upon request.

8. INSURANCE.

During the Term of this Agreement, the District will list ATHLETIC FIELD LIGHTING on the District's schedule of insured properties for its property and liability policies. The District shall cause the Town to be named as an additional insured on the District's liability insurance arising out of its interest in the ATHLETIC FIELD LIGHTING property under this Agreement. During the Term of this Agreement, the Town will list ATHLETIC FIELD LIGHTING on the Town's schedule of insured properties for its property and liability policies. The Town shall cause the District to be named as an additional insured on the Town's liability insurance with respect to ATHLETIC FIELD LIGHTING.

9. CERTAIN OPERATIONAL MATTERS.

Any necessary permits or licenses needed to use the New ATHLETIC FIELD LIGHTING by any person or entity shall be obtained by the persons or entities intending to use the field and copies shall be provided to the Town and the District. The Town and any person or entity using New ATHLETIC FIELD LIGHTING shall not make any alterations to such field. To the extent any large scale or unusual use (as reasonably determined by either the Town or the District) of the New ATHLETIC FIELD LIGHTING is contemplated by any person or entity, the District and/or the Town shall have the right to require a police presence and/or that custodial or other similar services be provided and in each case paid for by such users with respect to such use. Payment of the cost of the police detail and custodial services shall not be considered a fee for the use of the field but rather shall be a cost incidental to the individual's event.

10. SOVEREIGN IMMUNITY.

It is expressly understood and agreed, and all users of the New ATHLETIC FIELD LIGHTING shall be advised, that the use of such field by any persons or entities other than District activities are undertaken by and pursuant to the Town's authority to promote and allow recreational use of public facilities and further that each of the District and the Town have sovereign immunity and statutory immunity as provided under Massachusetts law with respect to any use of the New ATHLETIC FIELD LIGHTING and ancillary District property such as access ways, the parking areas and the like.

11. MISCELLANEOUS.

(a) **Amendment/Waiver.** This Agreement cannot be amended, modified or revised unless done in writing and signed by an authorized agent of the District and an authorized agent of the Town. No provision may be waived except in a writing signed by both parties.

(b) **Bind and Benefit.** The terms and conditions contained in this Agreement will run with the ATHLETIC FIELD LIGHTING Property and bind and inure to the benefit of the parties, their respective heirs, executors, administrators, successors and assigns.

(c) **Entire Agreement.** This Agreement and the exhibits attached hereto, all being a part hereof, constitute the entire agreement of the parties hereto and will supersede all prior offers, negotiations and agreements with respect to the subject matter of this Agreement.

(d) **Governing Law.** This Agreement will be governed by the laws of the Commonwealth of Massachusetts.

(e) **No Transfers.** Neither the Regional School District nor the Town may transfer or assign this Agreement or its rights hereunder.

IN WITNESS WHEREOF, the parties have executed this Inter-Municipal Agreement as of the day and year first above written.

TOWN OF ACTON, MASSACHUSETTS,

By its Board of Selectmen,

Walter M. Foster, Chairman

Peter K. Ashton

F. Dore' Hunter

Andrew Magee

Lauren Rosenzweig

ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

On this ___ day of _____, 2007, before me, the undersigned Notary Public, personally appeared each of the foregoing named members of the Board of Selectmen of the Town of Acton, each of whom proved to me through satisfactory evidence of identification, namely my personal knowledge of each, to be the person whose name is signed on the preceding document, and acknowledged to me that each signed it voluntarily for its stated purpose as the foregoing named member of the Board of Selectmen of the Town of Acton, a municipal corporation.

_____ (official signature and seal of notary)

My commission expires _____

Acton Town Manager

Don P. Johnson

ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

On this ___ day of _____, 2007 before me, the undersigned Notary Public, personally appeared Don P. Johnson, Town Manager of the Town of Acton, proved to me through satisfactory evidence of identification, namely my personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as the foregoing Town Manager of the Town of Acton, a municipal corporation.

_____ (official signature and seal of notary)

My commission expires _____

ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT

By its Regional District School Committee,

Michael Coppolino, Chairperson

Brigid Bieber

Jonathan Chinitz

Terry Lindgren

Sharon Smith McManus

Rebecca Neville

John Ryder

Bruce Sabot

ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

On this ___ day of _____, 2007, before me, the undersigned Notary Public, personally appeared each of the foregoing named members of the Acton-Boxborough Regional School District Committee, each of whom proved to me through satisfactory evidence of identification, namely my personal knowledge of each, to be the person whose name is signed on the preceding document, and acknowledged to me that each signed it voluntarily for its stated purpose as the foregoing named member of the Acton-Boxborough Regional School District Committee.

_____ (official signature and seal of notary)

My commission expires _____

Acton-Boxborough Regional School District Superintendent

William Ryan

ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

On this ___ day of _____, 2007, before me, the undersigned Notary Public, personally appeared William Ryan, Superintendent of the Acton-Boxborough Regional School District, proved to me through satisfactory evidence of identification, namely my personal knowledge to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as the foregoing Superintendent of the Acton-Boxborough Regional School District, a regional school district.

_____ (official signature and seal of notary)

My commission expires _____

LIST OF EXHIBITS

Exhibit 1 – ATHLETIC FIELD LIGHTING - Rules of Priority

Exhibit 2 – ATHLETIC FIELD LIGHTING - Reservations: Rules and Regulations

Exhibit 3 – Memorandum of Inter-Municipal Agreement

EXHIBIT 1

ATHLETIC FIELD LIGHTING RULES OF PRIORITY

Unless altered or amended by agreement of the Acton Boxborough Regional School Committee (School Committee) and the Board of Selectmen (Selectmen) or their respective designees, the following Rules of Priority shall be used to allocate shared use of ATHLETIC FIELD LIGHTING between the Town and the District throughout the term of this Agreement:

- In allocating time slots between and among the District and the Town, the Town and the District shall be guided by the principle that ATHLETIC FIELD LIGHTING shall be a shared recreational resource designed to promote and sustain a vibrant and diverse array of intra-scholastic, inter-scholastic, Town and community sporting and recreational events to promote the health and well-being of the Town's and the District's students, youth, adults, and families. Accordingly, the Selectmen and the School Committee (or their respective designees) shall agree upon a balanced allocation schedule between the District and the Town that takes into account seasonal sports' needs, increased summer flexibility and hours when school is out and days are longer, and other considerations appropriate to reaching an annual equitable balance between the District and the Town.
- Each December for spring sports and each May for fall sports, the Town and the District (through their respective designees) will distribute a single field request form to youth and adult sports associations. A joint scheduling meeting for the Town and District-controlled facilities (including the New ATHLETIC FIELD LIGHTING) shall be held between the Town and the District (or their respective designees) in January for spring and June for fall sports. At that time any conflicts in the use of the New ATHLETIC FIELD LIGHTING will be resolved by consensus.
- FALL, SPRING AND SUMMER USE:
 - The District shall have use of the facilities during the daytime, until 6:00 PM or the conclusion of a game in progress
 - The Town shall have use of the facilities from 6:00 PM until 10:30 PM
- District-sponsored activities as well as Town-sponsored activities, including but not exclusively youth and adult sports leagues, will have free access to the New ATHLETIC FIELD LIGHTING.
- Groups from outside of Acton and the District would be able to use the New ATHLETIC FIELD LIGHTING, on a space available basis, pursuant to the Field Reservation Rules and Regulations, and sample Field Request Form.
- For any of the time specifically reserved for the use of the Town/District, the Town/District reserves its right to waive all or a portion of its time in any year without waiving future years' rights to the same time.

EXHIBIT 2

ATHLETIC FIELD LIGHTING RESERVATIONS: RULES AND REGULATIONS

The Acton-Boxborough Regional School District and the Town of Acton are proud of our capability to offer our community a shared recreational resource in ATHLETIC FIELD LIGHTING. This resource is designed to promote and sustain a vibrant and diverse array of intra-scholastic, inter-scholastic, Town and community sporting and recreational events to promote the health and well being of the Town's and the District's students, youth, adults, and families. We welcome community use of ATHLETIC FIELD LIGHTING through the procedure laid out below.

Field Reservations

Reservations for ATHLETIC FIELD LIGHTING will be made by the District or Town (according to whichever entity has priority use of the time requested as noted in Exhibit 1) on the following priority classification:

- Class 1 – District activities or Town activities
- Class 2 – Youth and adult sports leagues
- Class 3 – Acton-Boxborough residents and businesses
- Class 4 – Non-Acton-Boxborough non-profit organizations

Reservation Procedures

Twice a year there will be a scheduling meeting with representatives of Class 1-3 users interested in obtaining season permits. This meeting will be held in conjunction with the Acton Recreation Department. Class 2-3 users will be notified as to the time and place of this meeting. At that meeting, all scheduling concerns for the upcoming season will be addressed and the schedule of field use formalized.

Revocation of Field Permits

The Acton-Boxborough Regional School District and the Town of Acton reserve the right to revoke a field reservation permit under the following conditions:

1. Use of alcohol at field site or parking lots.
2. Use of other controlled substances at field site or parking lots.
3. Excessive litter.
4. Cars parked on the field or other grass areas.
5. Use of foul or abusive language.
6. Other misuses as determined by the Town or District.

Additional field requests made by any individual/team whose permit has been revoked will be denied for the balance of the season. Teams/individuals will be held responsible for any field damage caused by misuse.

EXHIBIT 3

**Memorandum of Inter-Municipal Agreement
MEMORANDUM OF AGREEMENT**

This Memorandum of Inter-Municipal Agreement is entered into on this ____ day of _____, 2007, by and between the ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT, a regional school district created under M.G.L. c. 71, §§ 15, et seq., having its principal office at 16 Charter Road, Acton MA 01720 (the "District") and the TOWN OF ACTON, a municipal corporation, having its principal office at Town Hall, 472 Main Street, Acton MA 01720 (the "Town").

1. The District and the Town have entered into a certain Inter-Municipal Agreement ("Agreement") on the ____ day of _____, 2007, with respect to the use of a portion of the Acton-Boxborough Regional School District Central Campus which is owned by the District by Deed(s) dated _____, recorded in the Middlesex South Registry of Deeds at Book(s) _____, Page(s) _____, as set forth in the Agreement.
2. The maximum term of the Agreement is twenty-five (25) years.
3. The facilities subject to the Town's right to use under the Agreement are the varsity baseball field, the adjacent tennis courts and the so-called practice football field that are lighted by the New ATHLETIC FIELD LIGHTING.
4. This Memorandum of Agreement is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Agreement, all of which are hereby ratified and affirmed. In the event of a conflict between the provisions of this Memorandum of Agreement and the provisions of the Agreement itself, the provisions of the Agreement shall control.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement of the day and year first above written.

Acton-Boxborough Regional School District

William Ryan, Superintendent

ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

On this ____ day of _____, 2007, before me, the undersigned Notary Public, personally appeared William Ryan, Superintendent of the Acton-Boxborough Regional School District proved to me through satisfactory evidence of identification, namely my personal knowledge to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as the foregoing Superintendent of the Acton-Boxborough Regional School District, a regional school district.

(official signature and seal of notary)

My commission expires _____

Don P. Johnson, Town Manager

ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

On this ___ day of _____, 2007, before me, the undersigned Notary Public, personally appeared Don P. Johnson, Town Manager of the Town of Acton, proved to me through satisfactory evidence of identification, namely my personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as the foregoing Town Manager of the Town of Acton, a municipal corporation.

_____(official signature and seal of notary)

My commission expires _____

SUMMARY

Under the Community Preservation Act, CPA Funds can be used for “the acquisition, creation and preservation of open space,” where “open space is defined under to include, “land for recreational use,” and “recreational use” is defined to include “noncommercial youth and adult sports, and the use of land as a park, playground or athletic field.” The Inter-Municipal Agreement between the District and the Town allocates the use of the fields and courts and renders the lighting project under Article 32 eligible for CPA funding. Under the Inter-Municipal Agreement, the Town and the community – which currently enjoy no opportunity to use the fields and courts after dark - will be allocated significant amounts of time for such recreational use. In turn, the Town’s acquisition of this enforceable right to use the lighted fields and courts will have a positive effect on the Town’s other recreational resources by freeing up other fields throughout the Town. The Town will therefore enjoy a substantial return on its CPA investment through the acquisition, creation and preservation of land for recreational use, making the project eligible for CPA funding.

Direct inquiries to: Don P. Johnson, Town Manager
manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Walter M. Foster: bos@acton-ma.gov

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

ARTICLE 34 * AMEND TOWN BYLAWS –
(Majority vote) **COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to amend Chapter S of the general Bylaws of the Town (the Community Preservation Committee Bylaw) as follows:

1. To strike the text of Section 3.2 in its entirety and replace it with the following:

3.2 The Committee shall make recommendations in proper form to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created with funds received in accordance with the Community Preservation Act, MGL Chapter 44B, Sections 1 to 17, as amended. With respect to community housing, the Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

Or take any other action relative thereto.

SUMMARY

The proposed amendment conforms Section 3.2 of the Bylaw to Section 5(b)(2) of the Community Preservation Act, which has been amended since the Town first adopted its Community Preservation Bylaw.

Direct inquiries to: Don P. Johnson, Town Manager
manager@acton-ma.gov / (978) 264-9612

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

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

ARTICLE 35 AMEND ZONING BYLAW – FLEXIBLE PARKING LOT DESIGN
(Two-thirds vote)

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

- A. In Section 6.7, which sets forth standard parking lot design requirements, insert a new Section 6.7.9 as follows:
- 6.7.9 Flexible Parking Lot Design Requirements – A Special Permit or Site Plan Special Permit Granting Authority having jurisdiction, or the Building Commissioner in cases where no special permit or site plan special permit is required, may as an alternative to strict conformance with the requirements of Sections 6.7.1, 6.7.2, 6.7.5 thru 6.7.8, and 10.4.3.6 of this Bylaw, including their subsections, and subject to the following requirements, conditions, and findings, approve a Flexible Parking Plan as follows:
- 6.7.9.1 The special permit or site plan special permit application shall contain a Parking Proof Plan, prepared and stamped by a Registered Professional Engineer, drawn to sufficient detail to demonstrate compliance with all applicable local, State, and Federal laws and regulations, including this Bylaw without the benefit of this Section 6.7.9. The Parking Proof Plan shall show the number of proposed parking spaces and identify the total area of impervious paved surface, parking lot landscaping, and OPEN SPACE on the LOT.
- 6.7.9.2 The special permit or site plan special permit application shall contain a Flexible Parking Plan, prepared and stamped by a Registered Professional Engineer, showing the same number of parking spaces as on the Parking Proof Plan and a parking lot layout that differs in whole or in part from the requirements of Sections 6.7.1, 6.7.2, 6.7.5 thru 6.7.8, and 10.4.3.6. The Flexible Parking Plan shall include sufficient detail, including drainage system details, to demonstrate compliance with all other applicable local, State, and Federal laws and regulations, and it shall identify the total area of impervious paved surface, parking lot landscaping, and OPEN SPACE on the LOT. The Flexible Parking Plan shall be submitted with a list of waivers from the stated sections of this Bylaw and supporting materials detailing why the Flexible Parking Plan is more advantageous for the site; better protects the neighbors including abutting residential properties; is more conservative in its use of natural resources; and/or overall would be in the better interest of the Town of Acton as compared to the Parking Proof Plan.
- 6.7.9.3 In cases where a special permit or site plan special permit is not required, the Parking Proof Plan and Flexible Parking Plan shall be submitted to the Building Commissioner.
- 6.7.9.4 The Flexible Parking Plan shall comply with the following minimum standards:
- a) Except for ACCESS driveways, common driveways, or walkways, all parking spaces and paved surfaces shall be set back a minimum of ten feet from any LOT line.
 - b) The landscaping of the parking lots shall as a minimum comply with Section 6.9.4.7 including subsections a) through e).
- 6.7.9.5 The Special Permit or Site Plan Special Permit Granting Authority, or the Building Commissioner where no special permit or site plan special permit is required, may at their sole discretion approve the Flexible Parking Plan if the Board or the Building Commissioner as applicable finds and determines that the Parking Proof Plan conforms to the provisions of this Bylaw; and that the Flexible Parking Plan conforms to Section 6.7 except as waived under this subsection 6.7.9, is more advantageous for the site, is more conservative in its use of natural resources, and overall would be in the better interest of the Town of Acton as compared to the Parking Proof Plan.

B. In Section 10.4, Site Plan Special Permit, insert under Section 10.4.3.6 the following subsection 3):

3) See also Section 6.7.9 for Flexible Parking Plans and potential waivers from this Section 10.4.3.6.

, or take any other action relative thereto.

SUMMARY

The zoning bylaw determines in a detailed manner the layout, design, and landscaping of parking lots in Acton. This zoning bylaw amendment would provide for an optional flexible design approach in most zoning districts. The number of parking spaces that can fit in a given area would be determined by way of a proof plan that is in compliance with the detailed standard design requirements. The same number of parking spaces may then be arranged in a different layout and pattern, subject to minimum performance standards for setbacks and landscaping that currently apply in some of Acton’s village districts. The result of flexible parking design can be the more conservative use of land and natural resources, more contiguous open space, less impervious pavement coverage, less storm water runoff, and more flexibility to design a parking lot that is context sensitive and potentially more responsive to the needs of the abutters, the neighborhood, and the Town.

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

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

Recommendations:	<u>Board of Selectmen</u> Deferred	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 36 AMEND ZONING BYLAW –
(Two-thirds vote) **REPLACEMENTS OF HOMES ON UNDERSIZED LOTS**

To see if the Town will vote to amend the Zoning Bylaw, section 8.3 – Nonconforming Structures, by inserting a new section 8.3.6 as follows:

8.3.6 Replacement of Single- and Two-Family Dwellings – A STRUCTURE in single family residential USE on a nonconforming LOT, that cannot otherwise be built on under the requirements of Section 8.1, may be razed and rebuilt for single family residential USE, or rebuilt for single family residential USE after damage from fire or natural disaster except flood, regardless of the degree of damage; and a STRUCTURE in two-family residential USE on a nonconforming LOT, that cannot otherwise be built on under the requirements of Section 8.1, may be razed and rebuilt for two-family residential USE, or rebuilt for two-family residential USE after damage from fire or natural disaster except flood, regardless of the degree of damage; in both cases subject to the following conditions and limitations:

8.3.6.1 The replacement STRUCTURE shall not exceed the FLOOR AREA RATIO on the LOT of the STRUCTURE that existed on the LOT before it was razed or damaged.

8.3.6.2 The replacement STRUCTURE shall meet all minimum yard and maximum height requirements of this Bylaw.

8.3.6.3 In the absence of architectural and plot plans for the existing structure to be razed, the FLOOR AREA RATIO shall be determined by using the information on record at the Town of Acton Assessor’s office.

8.3.6.4 Additions to the replacement STRUCTURE may be made after two years following the date of initial occupancy of the replacement STRUCTURE, if otherwise permissible and subject to any permits and special permits that may be required.

, or take any other action relative thereto.

SUMMARY

The zoning bylaw currently allows the restoration of structures after fire, flood, or similar disaster on lots that are nonconforming due to insufficient frontage or area, either by right if the damage amounts to 50% or less of the structure's value, or by special permit if damage exceeds 50% of the value. The zoning bylaw does not currently allow the intentional demolition and rebuilding of structures on such nonconforming lots. This article would change this for single and two-family homes on such lots.

It would allow their tear-down and replacement in kind. Since 2000, the Board of Appeals heard six variance petitions to allow such replacements. The cases varied. Five variances were granted. The statutory criteria for variances – hardship due to soil conditions, shape, or topography – do not strictly apply to replacements after demolitions. Insufficient frontage or area by themselves cannot be considered hardship. This article would remove the zoning bylaw's barrier against demolition and replacement of single- and two-family residences on nonconforming lots, some of which may fall into disrepair after years of estate ownership and abandonment, become an eyesore in the neighborhood, pose a safety hazard, and may be cheaper to replace than to renovate. As proposed in the article, a replacement residence would be allowed by right if it complies with applicable setback and height requirements of the zoning bylaw and, as a barrier against speculative tear-downs, if it initially is not larger than the residence it replaces. Additions can be made later on by a home owner, just like additions can be made to existing homes on non-conforming lots. Looking only at smaller single family homes (less than 1,500 square feet in living area) as the more likely candidates for potential speculative replacements, and evaluating their lots only for area, the Planning Department found 237 such small homes on undersized lots. This represents approximately 4% of Acton's single family housing stock.

This article would also allow by right the replacement in kind of single and two-family homes after fire or natural disaster except flood, regardless of the degree of damage that occurred.

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

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

Recommendations:	<u>Board of Selectmen</u> Deferred	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 38 **AMEND ZONING BYLAW –**
(Two-thirds vote) **WIRELESS COMMUNICATIONS FACILITIES AMENDMENTS**

To see if the Town will vote to amend the Zoning Bylaw, section 3.10 – Wireless Communication Facilities, as follows:

A. In section 3.10.6, add the following sentences to the end of sub-section 3.10.6.1:

“For purposes of determining the height of a Wireless Communication Facility, the height shall be the higher of the two vertical distances measured as follows:

- a. The elevation of the top of the pole structure above the mean ground elevation directly at the base of the pole; or
- b. The elevation of the top of the pole structure above the mean ground elevation within 500 feet of the base of the pole.

B. In section 3.10.6, insert new sub-sections 3.10.6.2 and 3.10.6.3 as follows:

3.10.6.2 Wireless Communication Facilities shall be single monopoles with internally mounted antennae, also known as stealth monopoles. On a case by case basis, generally when aesthetic considerations are less important, the Planning Board may allow monopoles with external flush mounted antennae, or external standard antenna arrays that extend laterally from the pole.

3.10.6.3 Wireless Communication Facilities shall be located, designed, and constructed to include a monopole that is, or that is engineered to be, structurally extendable to be the maximum height allowed under section 3.10.6.1 above capable of accommodating the maximum number of technically feasible co-locator antennae in the portion of the pole above the tree line, as well as an equipment shelter or other enclosed space physically able to, or capable of being enlarged to, fully accommodate the maximum number of wireless service transmitters and other equipment necessary for the maximum number of technically feasible co-locators at the site.

And, renumber existing sub-sections 3.10.6.2 through 3.10.6.9 to become sub-sections 3.10.6.4 through 3.10.6.11 respectively.

C. In section 3.10.6.5 (renumbered to 3.10.6.7 in B. above), insert a new sub-section e) as follows:

e) The Planning Board may require long-term easements, leases, licenses, or other enforceable legal instruments that fully support a Wireless Communications Facility at its maximum potential technical capacity, including sufficient space for facility base equipment to accommodate the maximum number of technically feasible co-locators at the site, adequate access and utility easements to the facility from a public STREET, and the right for the maximum number of technically feasible telecommunication service provider co-locators to co-locate on the facility and to upgrade the utilities and equipment as needed for maintaining and improving service and capacity.

D. In section 3.10.6.7 (renumbered to 3.10.6.9 in B. above), delete the word “vegetation” and replace it with “foliage”.

[Note: The relevant sentence in section 3.10.6.7 currently states: The application shall also include maps showing areas where the proposed top of the Wireless Communication Facility will be visible when there is vegetation and when there is not.]

E. In section 3.10.6.9 (renumbered to 3.10.6.11 in B. above), delete sub-section a), and renumber current sub-sections b) through j) to become sub-sections a) through i) respectively.

[Note: Section 3.10.6.9 sets forth mandatory findings that the Planning Board as the Special Permit Granting Authority for Wireless Communication Facilities must make in the affirmative when granting special permits. In the current sub-section a) the required finding is that the facility “is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, s.11”.]

, or take any other action relative thereto.

SUMMARY

This article would make several amendments to the existing regulations in the zoning bylaw for wireless communication facilities, which includes cell towers. The amendments reflect lessons learned since the adoption of special permit standards for cell towers in the late 1990s. The original adoption of these standards came in response to the Federal Telecommunications Act of 1996, which, in summary, requires that Towns allow seamless mobile communications in a competitive market place. Towns may regulate cell towers to minimize their aesthetic effects, but cannot prohibit them or thwart the Federal law’s intent for achieving seamless mobile communication.

Part A of this article further defines how the height of a wireless communication facility is measured. Part B states a preference for “stealth monopoles” without externally mounted equipment, while retaining the discretion for the Planning Board, as the special permit granting authority, to allow external mounting in some cases, such as in remote locations or for small equipment installed for Town agency use. Stealth monopoles have proven to be the least noticeable type of tower.

The zoning bylaw limits the height of cell towers to 175 feet. Part B also contains an amendment that specifies that every tower must be sited and built to eventually support the maximum allowed height of 175 feet. This ensures that approved towers can be used to their maximum capacity allowed under the bylaw. The specified height usually allows all regional and national mobile phone operators to co-locate on a tower with effective signal transmission above the tree line. Every mobile phone service provider occupies a certain amount of vertical space on a tower. Sufficient tower height enlarges signal coverage areas and allows for co-location of service providers as tenants on the same tower. The trade-off is between fewer taller towers as currently allowed in the zoning bylaw, or a greater number of shorter single occupancy towers.

Part C aims to secure maximum utility of an approved tower location by requiring that all rights and easements are in place for all operators to locate on the tower, giving them access, and allowing unlimited technical and capacity upgrades. Part D clarifies the intent of the bylaw to require a visual survey for visibility conditions in both winter and summer months.

Part E would delete one of ten findings that the Planning Board must make to grant a special permit. The subject finding, that the facility is “*is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, s.11*” is too subjective and without measurable criteria to be a helpful decision making tool. The general special permit findings of section 10.3.5 still apply, which include a finding that the proposed use will not be detrimental or injurious to the neighborhood in which it is to take place.

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	Deferred	Recommended

ARTICLE 39 # CELLULAR TOWERS IN RESIDENTIAL AND SCHOOL AREAS
(Two-thirds vote)

WHEREAS: Wireless Communication Facilities for telephone communication (hereinafter Cell Towers) are necessary for the use of modern telephones including cell-phones; and Cell towers are taller than most residential homes; and Cell towers are maintained in a large cleared parcel of land which makes their presence visible for a considerable distance; and Cell towers are unsightly as objects near residential homes; and Cell Towers have equipment near their base which makes objectionable loud noises; and Cell Towers in a Residentially zoned area contribute to a reduction in value of homes in the vicinity of a Cell Tower, and Cell Towers should not be placed near Public Schools; and

WHEREAS: Present the zoning Bylaw of the Town of Acton (hereinafter Acton) permit construction of Cell Towers near Public Schools and in areas zoned Residential:

IT IS HEREBY RESOLVED: to amend the zoning Bylaw of Acton to prohibit construction of Cell Towers in areas near Public Schools and in areas zoned Residential.

IN FURTHERANCE OF THIS RESOLUTION: that construction of Cell Towers is to be prohibited in areas near Public Schools and in areas zoned Residential in Acton, the following changes to the Zoning Bylaw of Acton are hereby enacted:

1. Article 37, Section 3.4.10 of the Table of Principal Uses”, change the entry for “Wireless Communication Facility” under the column “Residential Districts” to “N” at all entries.

1.1. Add to Article 37 Section 3.10 “Special Requirements for Wireless Communication Facilities” the following new section:

“3.10.4.7 Any Wireless Communication Facility must be located more than 1,000 feet from any Public School building or playground or real estate held by either a School District or the Town of Acton for the construction of a public school building or playground.”

1.2. The Acton Board of Selectmen is hereby requested to form a committee to study the present Zoning Bylaw Article 37 “Wireless Communication Facilities” and to propose improvements thereto.

SUMMARY

This article was submitted by Citizens’ Petition.

Direct inquiries to: Will Tuffin / (978) 263-7201

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

Recommendations:	<u>Board of Selectmen</u> Deferred	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Not Recommended
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ARTICLE 40 * ACCEPT ACCESS EASEMENT – QUARRY ROAD

(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain or otherwise and to accept the deed of a non-exclusive Access and Utility Easement, on such terms and conditions as the Selectmen may determine, over, across, under and along Parcel 17 on Acton Assessors’ Map C-5, from property currently owned by the Town to other property now owned or hereafter acquired by the Town, the scope of which shall include the right to construct, operate, install, maintain, pass and re-pass over, across, under and along Parcel 17 by all means and for all purposes for which public ways are used in the Town of Acton, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

This Article provides for the acceptance by the Town of an access and utility easement connecting an existing parcel of town-owned property located off of Quarry Road (Parcel 3 on Acton Assessors’ Map C-5) to the vacant, land-locked parcel of land located off of Quarry Road (Parcel 25 on Acton Assessors’ Map C-5) that is the subject of Article 26.

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> Recommended	<u>Finance Committee</u> Deferred
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ARTICLE 41 * ACCEPT ACCESS EASEMENT – QUARRY ROAD

(Majority vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain or otherwise and to accept the deed of a Water Rights, Access and Utility Easement, on such terms and conditions as the Selectmen may determine, over, across, under and along (a) Parcel 11 on Acton Assessors’ Map C-5, (b) a relocated easement area over Parcel 24 on Acton Assessors’ Map C-5, (c) Parcel 17 on Acton Assessors’ Map C-5, and/or (d) an easement area over Parcel 26 on Assessors’ Map C-5 referenced in a certain Private Way and Maintenance Agreement recorded in the Middlesex South Registry of Deeds at Book 47181, Page 290, for the purpose of withdrawing water from Quarry Pond on Parcel 11 and for access, utilities and water distribution purposes relating thereto, extending from Quarry Pond to the public way known as Quarry Road, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

This Article provides for the acceptance by the Town of an easement for water rights, access and utilities allowing the Town to withdraw water from Quarry Pond and convey it to NARA Park to replenish and irrigate the surface water, wetland areas and other park areas located there in dry conditions.

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> Recommended	<u>Finance Committee</u> Deferred
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ARTICLE 42 * ACCEPT STREETS – SQUIRREL HILL ROAD & MARIAN ROAD
(Two-thirds vote)

To see if the Town will accept as public ways the following streets, or any portion thereof, as laid out by the Board of Selectmen according to plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easement in said streets by eminent domain or otherwise, including easements for drainage, utility, sidewalk or other purposes as shown on said plans or described in the Order of Layouts;

In the COLONIAL ACRES IV SUBDIVISION

SQUIRREL HILL ROAD - from the previous limit of acceptance at the easterly end of Squirrel Hill Road a distance of 1,544 feet, more or less, in a generally easterly direction to the westerly end of Notre Dame Road and Arlington Street, this being the entire road.

MARIAN ROAD - from the previous limit of acceptance at the westerly end of Marian Road a distance of 277 feet, more or less, in a generally westerly direction to the southerly sideline of Squirrel Hill Road, this being the entire road.

, or take any other action relative thereto.

SUMMARY

This article is to accept streets as town ways that have been built to Planning Board standards. In order to create a new street, a developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer’s contractor then constructs the street according to this plan and the rules and regulations of the Planning Board. The Engineering Department inspects the street during construction to insure compliance with these standards. Upon completion of the street, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the street as a town way. Prior to town meeting, the Selectmen hold a public hearing and adopt an "Order of Layout" containing a legal description of the street. Following town meeting, the Selectmen obtain title to the street by deed or eminent domain. Such streets are built and donated to the Town at no cost; however, the Town will assume future maintenance costs as with any town way. The subdivision process is contained in Massachusetts General Law, Chapter 41, and the layout of town ways is in Chapter 82. Squirrel Hill Road and Marian Road have followed this process, and are now ready for acceptance.

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

Selectman assigned: Walter M. Foster: bos@acton-ma.gov

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

ARTICLE 43 * ACCEPT SIDEWALK EASEMENT – WILLOW STREET
(Majority vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept the deed of an easement interest for all purposes which streets, sidewalks and ways are now or hereafter be used in the Town, on such terms and conditions as the Selectmen may determine, on the following land shown as number 63 Willow Street on a plan entitled “Easement Plan of Land in Acton, Massachusetts (Middlesex County), For: Dunn, Scale 1”=60’, September 5, 2006”, prepared by Stamski & McNary, Inc., to be recorded with the Middlesex South District Registry of Deeds,

or take any other action relative thereto.

SUMMARY

The donation of this easement encompasses the sidewalk that was recently built at the intersection of Willow Street and Summer Street during the 2006 construction season. The sidewalk was proposed as part of the 68 Willow Street subdivision that was approved by the Planning Board. The sidewalk was constructed with the consent of the abutting property owner.

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

Selectman assigned: Walter M. Foster: bos@acton-ma.gov

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

ARTICLE 44 * ACCEPT DRAINAGE EASEMENT – HARRIS STREET
(Majority vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift and to accept the grant of an easement interest for drainage and drainage-related purposes from GPT-Acton, LLC (or a successor entity), on such terms and conditions as the Selectmen may determine, on Parcel 54 on Town Atlas Map C-5 (said lot is numbered 25-33 Harris Street and is shown on a plan entitled, “Plan of Land in Acton, Massachusetts (Middlesex County) For: Norfolk Ram Group, Scale 1”=50””, dated November 29, 2006, prepared by Stamski and McNary, Inc. that is on file with the Acton Engineering Department and is to be recorded with the Middlesex South District Registry of Deeds); and to abandon and terminate the Town’s right, title and interest in an existing drainage easement, on such terms and conditions as the Selectmen may determine, as shown on a plan entitled “Town of Acton, Mass., Plan of Drainage Easement – Harris Street, Scale 1”=20””, dated February 1971, prepared by the Town of Acton Engineering Department and recorded at the Middlesex South District Registry of Deeds as Plan 453 of 1972 in Book 12197, Page 410;

or take any other action relative thereto.

SUMMARY

An affirmative vote on this article will abandon an existing drainage easement on the westerly side of Harris Street on Parcel 54 on Town Atlas Map C-5 (25-33 Harris Street) and create a new drainage easement closer to the southerly property line. The existing drainage system and easement needs to be relocated in order to facilitate a new septic system for the apartment buildings located at 411-421 Great Road. All legal and construction costs will be the responsibility of GPT-Acton, LLC. Plans of the proposed work are available for viewing at the Acton Engineering Department.

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

Selectman assigned: Walter M. Foster: bos@acton-ma.gov

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

ARTICLE 45 * ACCEPT DRAINAGE EASEMENT – MAIN STREET
(Majority vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept the deed of an easement interest for drainage-related purposes, on such terms and conditions as the Selectmen may determine, on the following land:

689 Main Street - “Drainage Easement A” on the parcel of land shown as Lot 13 on a plan entitled “Plan of Land in Acton, Massachusetts (Middlesex County) Being a Subdivision of Lot 12 as Shown on L.C. Plan 10385E, Scale: 1" = 40', Date: March 12, 1998" prepared by Stamski & McNary, Inc., 80 Harris Street, Acton, Mass. 01720, which plan is filed as Land Court Plan Number 10385F in the Land Registration Office in Boston, and reserved by Grantor in a deed of Lot 13 dated May 10, 2000 and registered with the Middlesex South District Registry of Deeds as Document Number 1139099 on Certificate of Title Number 218201 in Book 1221, Page 51;

705 Main Street - “Drainage Easement B” on the parcel of land shown as Lot 17, on a plan entitled “Plan of Land in Acton, Massachusetts (Middlesex County) Being a Subdivision of Lot 12 as Shown on L.C. Plan 10385E, Scale: 1" = 40', Date: March 12, 1998" prepared by Stamski & McNary, Inc., 80 Harris Street, Acton, Mass. 01720, which plan is filed as Land Court Plan Number 10385F in the Land Registration Office in Boston, and reserved by Grantor in a deed of Lot 17 dated November 30, 1999 and registered with said Deeds as Document Number 1125340 on Certificate of Title 216925 in Book 1214, Page 175,

or take any other action relative thereto.

SUMMARY

An affirmative vote on this article will accept a drainage easement on the southerly side of Main Street on the two lots numbered as 689 Main Street (Lot 13) & 705 Main Street (Lot 17). The easement plans are available for viewing at the Acton Engineering Department.

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

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

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

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 thirteenth day of March, 2007.

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

Board of Selectmen

A true copy, Attest:

Constable of Acton

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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

Official Town of Acton Web Site	www.acton-ma.gov
Document Management System (“DocuShare”)	doc.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	wac1@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
Design Review Guidelines Committee	drgc@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
Environmental Standards for Fill Committee	esfc@acton-ma.gov
Finance Committee	fincom@acton-ma.gov
Finance Department	finance@acton-ma.gov
Fire Department	fire@acton-ma.gov
Fire-EMT Advisory Task Group	featg@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
Land Stewardship Committee	lsc@acton-ma.gov
Manager Department, Town	manager@acton-ma.gov
Memorial Library Department	library@acton-ma.gov
Memorial Library Trustees	mlt@acton-ma.gov
Morrison Farm Re-use Committee	mc@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 Committee	osc@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
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
Sculpture Park Advisory Committee	spac@acton-ma.gov
Selectmen, Board of	bos@acton-ma.gov
Senior Taxation Aid Committee	stac@acton-ma.gov
South Acton Commuter Rail Task Force	sacrtf@acton-ma.gov
South Acton Revitalization Committee	sarc@acton-ma.gov
Town Report Committee	trc@acton-ma.gov
Transportation Advisory Committee	tac@acton-ma.gov
Treasurer's Advisory Committee	trac@acton-ma.gov
Veterans Service Officer	vso@acton-ma.gov
Volunteer Coordinating Committee	vcc@acton-ma.gov
Wastewater Advisory Communications Task Force	wactf@acton-ma.gov
Water Resources Advisory Committee	wrac@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 | Metropolitan Advisory Planning Council |
| Appeals, Board of | Minuteman Home Care |
| Assessors, Board of | Minuteman Vocational School Representative |
| Cable Advisory Committee | Personnel Board |
| Cemetery Commission | Planning Board |
| Community Preservation Committee | Public Ceremonies Committee |
| Conservation Commission | Recreation Commission |
| Disability, Commission on | South Acton Revitalization Committee |
| Fair Housing Committee | Town Report Committee |
| Finance Committee | Transportation Advisory Committee |
| Hanscom Field Advisory Committee | Volunteer Coordinating Committee |
| Health, Board of | |

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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