Town of Acton

Annual Town Meeting Warrant

Monday, April 5, 2010

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

Notice of Election and Meeting

Annual Town Election
Tuesday, March 30, 2010
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's web site **www.WhereDoIVoteMA.com** or contact the Town Clerk's office by e-mail at **clerk@acton-ma.gov** or by telephone at **(978) 264-9615**.

Annual Town Meeting
Monday, April 5, 2010
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.

Table of Contents

Article Index 3
Board of Selectmen's Message 4
Town Manager's Message 6
Budget Overview 8
Finance Committee's Message 12
Consent Calendar 20
Annual Town Meeting Warrant 23
Articles 24
Glossary of Terms Commonly Used in Municipal Finance 77
Town Meeting Parliamentary Procedure 80
Internet References 83
Common Cause Award 85
Volunteer Application 87
Proposed Town Meeting Booklet 89
Acton's 275th Anniversary 91

Article Index

* Article is on Consent Calendar # Article submitted by Citizen Petition

Article		Title	Page
1		Choose Town Officers	24
2		Budget Transfer	24
3	*	Council on Aging Van Enterprise Budget	25
4	*	Nursing Enterprise Budget	25
5	*	Septage Disposal Enterprise Budget	26
6	*	Sewer Enterprise Budget	26
7	*	Ambulance Enterprise Fund	27
8	*	Recycling and Transfer Station Enterprise Budget	27
9	*	Self-Funding Programs (Revolving Funds)	28
10	*	Town Board Support – Acton-Boxborough Cultural Council	30
11		Town Operating Budget	30
12		Fund Collective Bargaining Agreement – Police Superior Officers, FY07-FY09	31
13		Fund Collective Bargaining Agreement – Police Superior Officers, FY10-FY12	31
14		Fund Collective Bargaining Agreement – Police Patrol Officers	32
15		Fund Collective Bargaining Agreement – Fire	32
16		Fund Collective Bargaining Agreement – Highway and Municipal Properties	33
17		Acton Public Schools Budget	34
18		Acton-Boxborough Regional School District Assessment	34
19		Minuteman Regional School District Assessment	35
20		Minuteman Regional School District – Capital Feasibility Study	35
21		Capital Equipment and Improvements	36
22		'COPS in Schools' Program	39
23		Capital Improvement – Bridge Work	39
24		Community Preservation Program	40
25		Land Acquisition and Disposition – Simeone-Caouette Property	47
26		Land Acquisition – 6 Piper Road	49
27		Land Acquisition – Bruce Freeman Rail Trail Right of Way	51
28		Community Shuttle – Second Year Grant Match	52
29		Amend Town Bylaws – Stretch Energy Code	53
30		Amend Town Bylaws – Discharges to Municipal Storm Drain System	55
31		Amend Town Bylaws – Non-Criminal Disposition for Chapter U	63
32		Amend Zoning Bylaw – Special Event Signs	64
33	*	Amend Zoning Bylaw – Flood Plain District	65
34	*	Accept Sidewalk Easement – 239 Arlington Street	68
35	*	Accept Property by Deed in Lieu of Foreclosure – Nonset Path	69
36	*	Accept Property by Deed in Lieu of Foreclosure – Ethan Allen Drive	70
37	#*	Land Acquisition – Windsor Avenue	71
38	*	Amend Town Charter – Membership Terms for Council on Aging	71
39	*	Hear and Accept Reports	72
40	*	Highway Reimbursement Program (Chapter 90)	72
41	*	Insurance Proceeds	73
42	*	Gifts or Grants	73
43	*	Federal and State Reimbursement Aid	74
44	*	Performance Bonds	74
45	*	Sale of Foreclosed Properties	75
46	*	Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986	75

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 Comcast cable channel 8 and Verizon cable channel 45.

Town Meeting Dates, Times and Location

The Annual Town Meeting will begin on April 5 at 7:00 PM in the Acton-Boxborough Regional High School Auditorium. Town Meeting is then expected to continue on additional consecutive nights. All adjourned sessions will begin at 7:00 PM 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 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 at (978) 264-9612 or manager@acton-ma.gov 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.

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.

Paulina S. Knibbe, Chair
Peter J. Berry, Vice-Chair
Lauren S. Rosenzweig, Clerk
Terra Friedrichs
Mike Gowing

Board of Selectmen

"If you are going through hell, keep going."
- Winston Churchill

As work commenced on the FY11 budget, it became abundantly clear that recovery from the recession that has plagued both the United States and the world has shown little improvement in recent months. It has become more problematic in Massachusetts, where State tax revenue has continued to decline, forcing the Governor and the Legislature to cut more services as well as Local Aid. Based on the Local Aid projections made in preparation for this budget, we will have seen over a $700,000 cut in Local Aid since Town Meeting 2008, a 9.78% reduction.

In late 2009, the Commonwealth's revenues continued to sputter. In anticipation, similar to last year, we have instituted a hiring and spending freeze, lifting the freeze for essential items only. The Town was also fortunate to avoid a Special Town Meeting this fall due to the Local Aid cuts that caused the Town budget to be out of balance. This dilemma was remedied by the use of Federal Stimulus monies to lower the assessment of the Acton – Boxborough Regional Schools.

Despite all these trials and tribulations, there are still things that the Town can feel proud about. Despite the Recession and Local Aid cuts, the Town managed to have its bond rating upgraded to AAA by Standard and Poor's. This rating is the highest rating available and was achieved primarily because of how the Town has been able to manage itself during the economic downturn, and still be able to preserve its reserve position.

However, based on the bleak economic outlook, some basic policy direction was needed. To that end, the Acton Leadership Group convened to discuss revenue forecasts for FY11. For those not familiar with the Acton budgeting process, the Acton Leadership Group (ALG) consists of representatives from the Board of Selectmen, School Committees, Finance Committee, and the administration of both the Town and Schools. The primary function of this group is to reach consensus on revenues and to make recommendations to their respective boards as to a split of revenues between the Town and Schools.

In November, the ALG met and agreed to the following revenue assumptions:

- All Local Aid reduced by 10%
- Excise tax estimates level funded
- Investment income level funded
- Utilization of $1,900,000 in Reserves

The ALG also recommended that the Town and Schools develop a budget that was 3% higher than the FY10 appropriation. However, it was also recognized that a 3% budget, using $1.9 million in reserves would not be realistically achieved. Therefore, both the Town and the Schools were asked to develop a list of cuts from the 3% budget that, in essence, would create a budget with a 0% increase from FY10.

Odyssey of the FY11 Budget

Work on the FY11 Budget commenced in August, as Town departments were asked to submit their requests for the upcoming Fiscal Year. Operating budget requests totaled $27,353,605, with an additional $8,637,926 in capital requests. In September, the Town Manager convened the "On the Hill" sessions, a three-day team review of budget requests.

Based on that review, a Level Service budget was developed. Level Service is defined as maintaining the current level of service provided by the Town and Schools with no new initiatives, programs or personnel. The Level Service budget was $28,173,064, including **$758,782** of capital projects, a 4.57% increase over FY10.

Given the ALG's direction, work commenced on the **3% budget**. In essence, $150,500 of recommended capital was eliminated to meet the 3% goal of **$28,022,564.** This budget included **$608,282 of Capital.**

The 3% Budget is the level service budget with a cut in capital. It should be noted that the 3% Budget also includes funding to make the Community Outreach Worker a full-time position. It has been our experience that, in the nearly one-year since filling the position, demand for services provided far exceeds the 19 hours currently budgeted and that the position has made a huge difference in the lives of many Acton residents. In addition, funds were budgeted to support the efforts of the Green Advisory Committee, the second year of the local match for the Community Shuttle, as well as anticipated General Fund subsidies to the Nursing Enterprise and Council on Aging Van Enterprise funds.

0% Budget

As discussed above, the directive to utilize $1,900,000 in reserves to balance the FY11 required expenditure reductions from the 3% Budget. This meant that the 3% must be reduced by $825,529 to a budget of **$27,197,035.**

Extensive review of all departmental budgets was undertaken by the Town Manager and key upper management to accomplish this task. Items were reviewed in regard to long-term impact on the organization and in attempt to protect public safety as well as human service aspects of the Town.

In addition, the proposed FY11 Personal Services budgets provide no funding for cost of living increases for employees.

As was outlined earlier, one of the major revenue assumptions for FY11 is a 10% reduction in Local Aid. In the Governor's submitted budget for FY11, Local Aid is level-funded. The leadership of the House and Senate has indicated that Local Aid will be cut in the range of 3 – 5%. We also expect a House and Senate Resolution in regard to Local Aid before the onset of Town Meeting.

Since it appears that that Local Aid will be cut in the range of 3 – 5%, the Acton leadership group has changed its Local Aid assumption from November. It is now forecasting a 5% cut in Local Aid. Based on the new assumption, the Town's ALG allocation was increased by $269,000 and the total Municipal budget for operations and capital budget approved by the Board of Selectmen on March 8, 2010 is **$27,438,035, a 1.8% increase over the FY10 appropriation.**

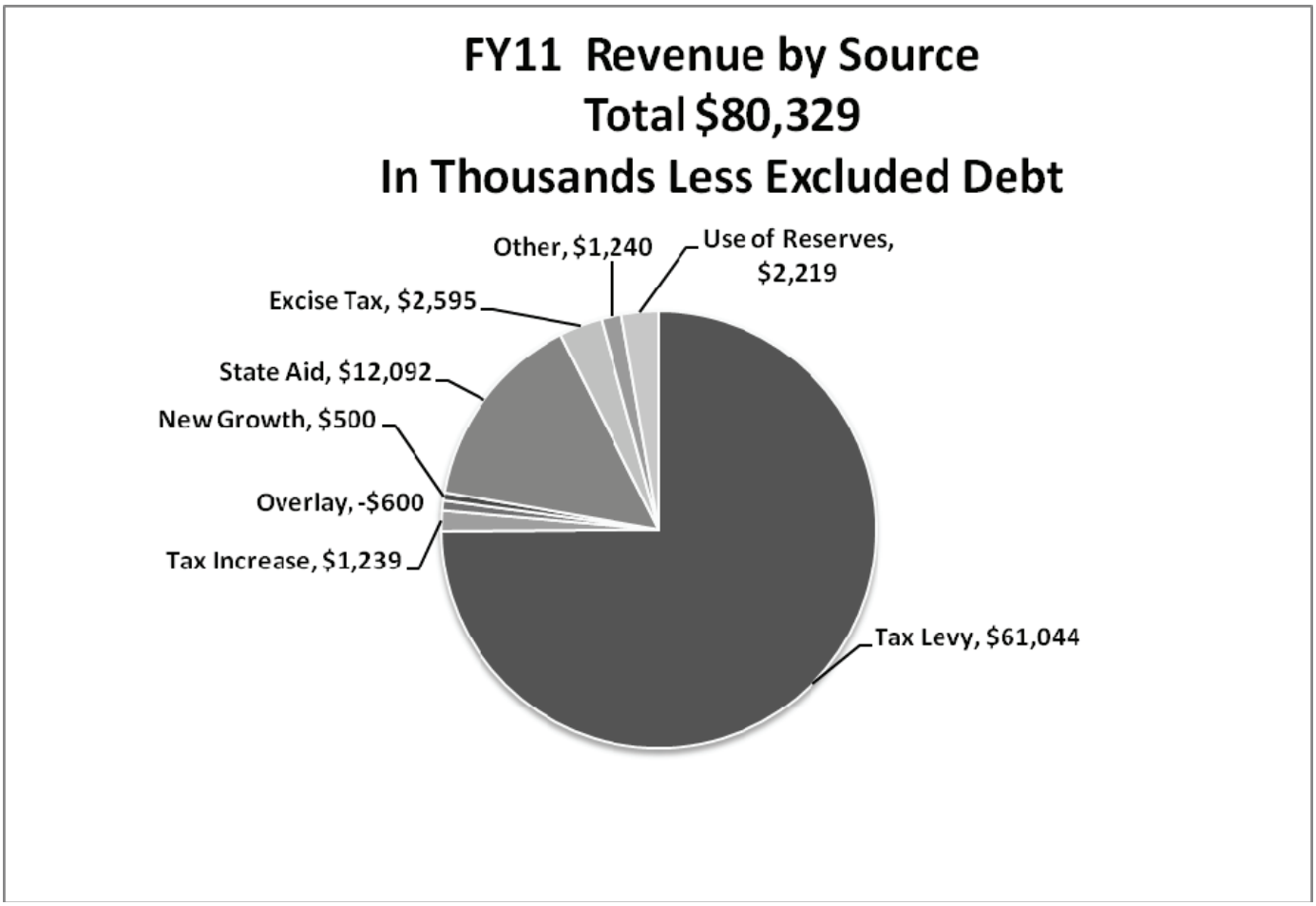
Since I started out with a Churchill quote, I will end with one as well: "Difficulties mastered are opportunities won."

Respectfully submitted,

Steven L. Ledoux
Town Manager

The numbers contained in these next few pages for FY11 (fiscal year beginning July 1, 2010) are derived from the Acton Leadership Group plan, which does not include debt service for excluded debt nor Enterprise Funds and Revolving Funds. Because this document only pertains to Acton's revenues and expenses, the Acton-Boxborough Regional School District Budget line is shown as 79.2 percent of the budgeted amount, which reflects Acton's share of the total regional school district budget.

What Are Our Sources of Revenue?



Nearly three-quarters of our revenue comes from local property taxes, which is comprised of three components:

1. **Property Tax Levy** – the existing assessed property taxed at the current rate per thousand
2. **New Growth** – additional assessed value from new homes, additions to homes, and changes in parcels
3. **Tax Increase** – typically 2½ percent increase on the property tax levy

State aid, our second largest segment of revenue accounting for 15 percent of the total, consists of education aid and municipal aid. For Acton, education aid (provided through Chapter 70) is the more significant piece, providing Acton Public Schools with $5.2 million and the Acton-Boxborough Regional system with $5.7 million. For FY11, unrestricted municipal aid is expected to total approximately $1.2 million.

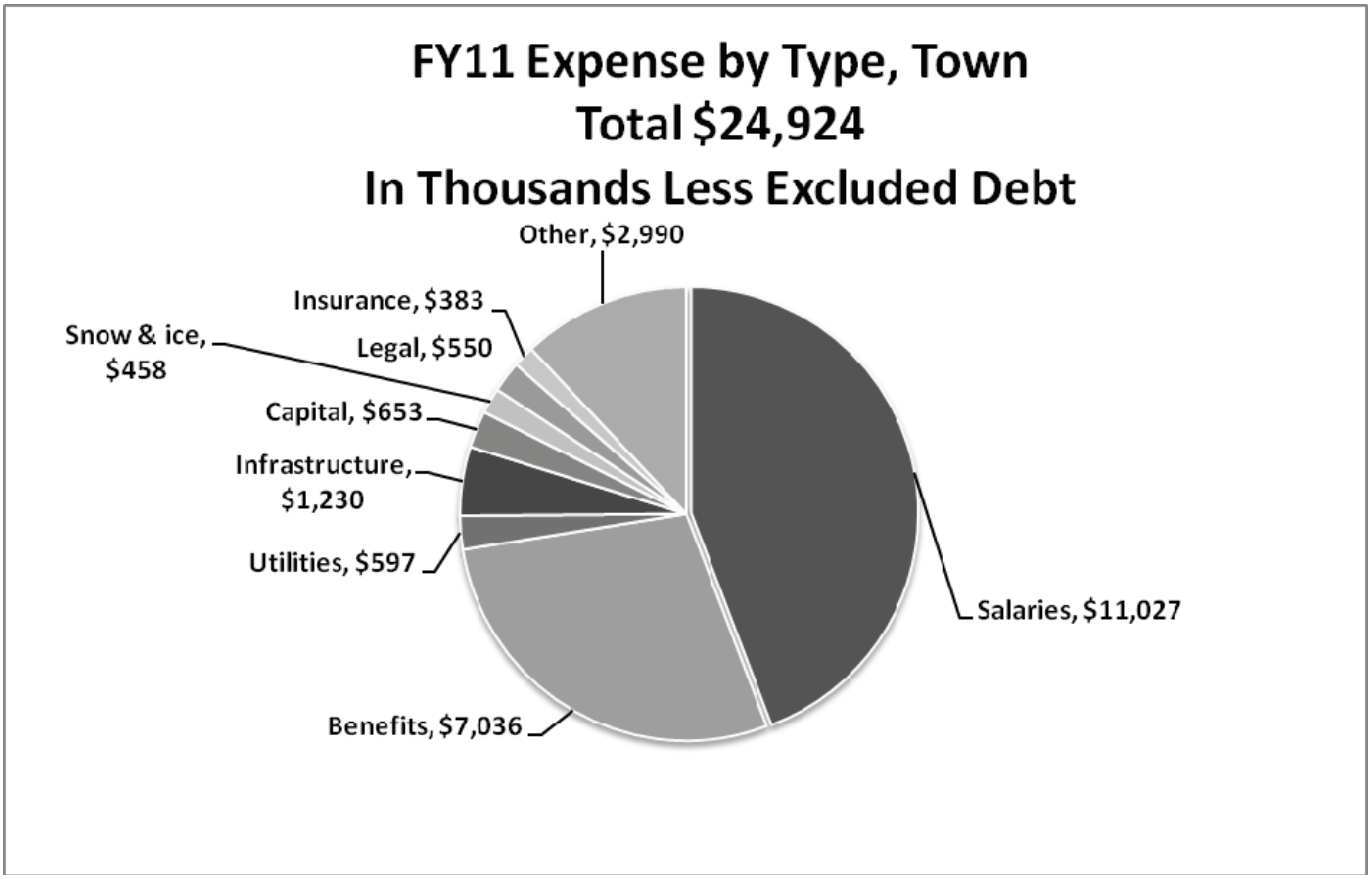
Other categories of revenue include excise taxes, which are assessed on motor vehicles and trailers, and account for 3 percent of our total revenue. Fees and interest account for 2 percent of revenue. Acton collects fees for various permits, vital records, and licensing. Interest varies year-to-year depending on the interest rate and the amounts deposited.

In this year's budget, reserves account for 3 percent of the total revenues. Because the property tax portion of our revenues increases at 2½ percent and many significant parts of our expense such as salaries, health care, and utilities increase at rates greater than that, there is a need from time to time to use reserves. These reserves come about from controlling our spending so as to come in under the budgeted expense or by achieving revenue in excess of the budget. In short we save money when we can and use it when it is needed to avoid increasing taxes above the allowable 2½ percent.

Which Town and School Entities Spend Our Money?

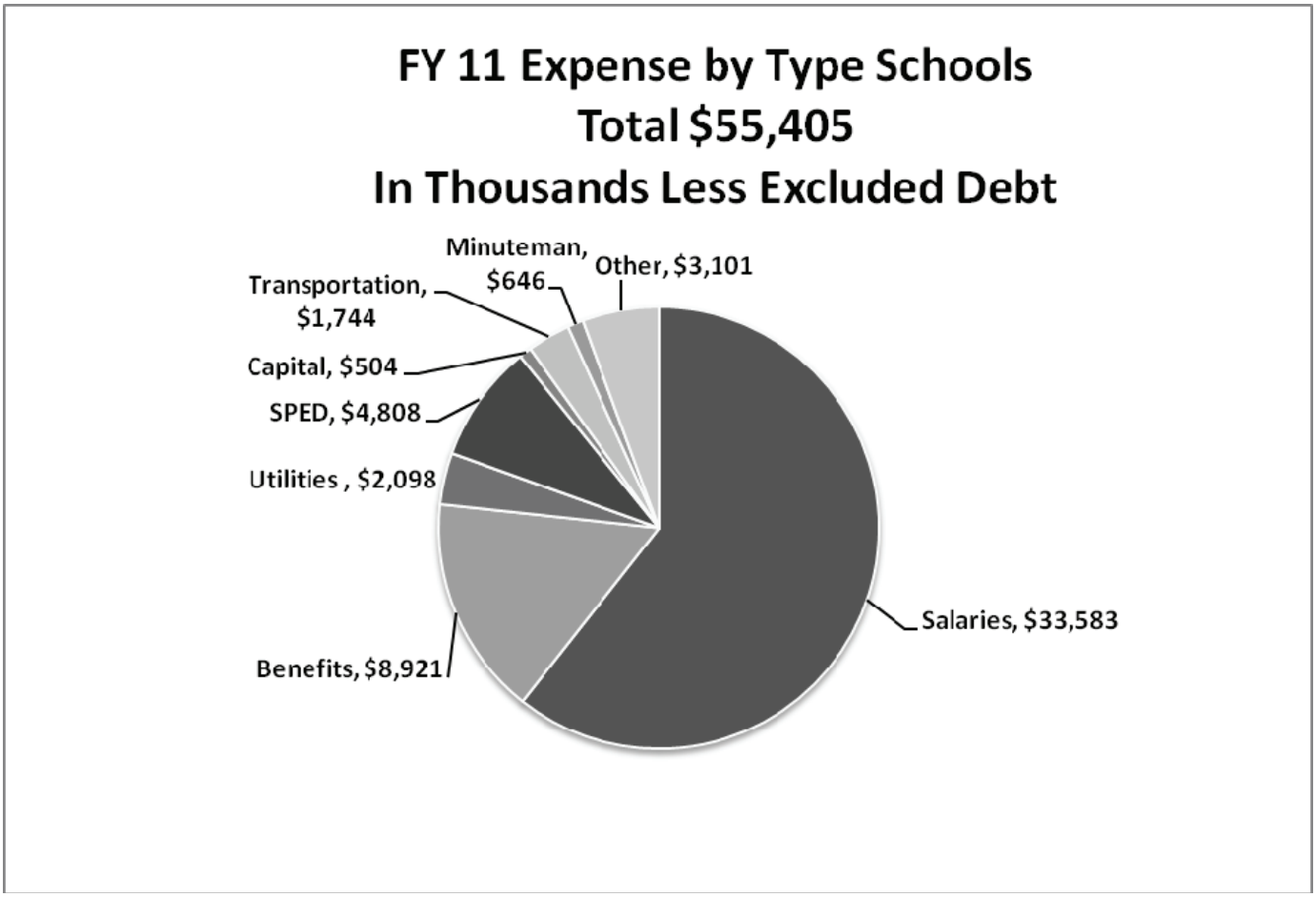
The town's revenues support four budgets within our town. Over two-thirds (69 percent) of our expenditures support education priorities: the Acton Public Schools budget (32 percent of expenditures), Acton-Boxborough Regional Schools assessment (36 percent of expenditures), and Minuteman Regional School District assessment (1 percent of total expenditures). The municipal government (which funds police, fire, highway, library, health, planning and other general government services) accounts for the remaining 31 percent of the total expenditures.

What Does the Town Spend Our Money For?



Almost 72 percent of the Town spending goes to salaries and benefits, the cost for the people who provide services to the residents. Infrastructure cost accounts for 5 percent of the spending. This category includes the maintenance and improvement of roads, sidewalks, buildings, grounds, and information technology. The only other category greater than 2 percent of the total is capital, which accounts for almost 3 percent.

What Do the Schools Spend our Money For?



Again, by far the largest category is the cost of people. Salaries and benefits account for 73 percent of the total. The next largest category is special education which accounts for almost 6 percent, followed by utilities at 3 percent and transportation at 2 percent.

Finance Committee's Message

The overall condition of Acton's finances is sound. Despite the national recession and the reductions in local aid from the state, the FY11 Budget presented herein:

- Preserves key services to the residents
- Increases property taxes less than the 2½ percent allowable
- Maintains a strong reserve position

This budgetary plan results from careful monitoring of the state financial situation and timely action by town and school management to reduce spending in anticipation of cuts.

In May 2009, the Finance Committee issued a recommendation for implementation of the FY10 budget. In this "Interim Point of View," referred to as the "97% Solution," we made the observation that the condition of the economy was such that we should anticipate a reduction in state aid in FY10. We urged the operating entities to implement programs so as to operate at a level of 97-percent of the approved FY10 budget. Both the Selectmen and the School Committees implemented this "97% Solution."

Faced with unexpected decreases in state and local revenues during FY09, the management of the Town and Schools underspent the appropriated budgets in FY09 by $749,000 and $814,000, respectively. They have continued to carefully monitor spending thus far in FY10, allowing us to compensate for FY10 state aid which is approximately $455,000 less than what we expected when Annual Town Meeting approved budgets last April. Additionally, the Regional School Committee agreed to revise its assessment downward. All of these measures together allowed the Town of Acton to continue to weather the stormy fiscal climate of the last several years.

As discussed above, this proactive and pre-emptive planning in response to monitoring the economic environment, coupled with Acton voter commitment to support town services and the schools, contributed to Acton's receipt of a AAA bond rating from Standard and Poor's, the best-possible for a municipality. This highest rating, awarded to only 21 municipalities in Massachusetts, allows us to pay a low interest rate when issuing bonds.

Finally, this budget reflects a high degree of cooperation and collaboration between the Board of Selectmen, the School Committees, and the Finance Committee.

In early December 2009, the Finance Committee issued a "Point of View" (POV) with respect to FY11 budget planning. We observed that, due to the economy, the state budget would be strained in FY11. We anticipated that there would be pressure on state aid. The Finance Committee recommended the following guidelines for preparing the FY11 budget:

1. No operating override
2. Focus on cost reduction
3. Capital plans should focus on maintaining critical assets
4. Operating entities should target a zero percent increase over FY10 budgets
5. Use no more than $2 million of reserves
6. Expect Chapter 70 funding to be 10 percent lower than FY10 levels
7. Maintain the current revenue split (approximately 30 percent to municipal budget and 70 percent to the schools)

Initial budgets were developed which strived for a zero percent increase over FY10 budgets and attempted to maintain as many services as possible. Most categories of expenses in all budgets were level-funded. Additionally, in order to reach the zero percent based budgets, the town made reductions totaling $825,529 and the schools made reductions totaling $2.3 million. Despite the best efforts of our elected boards and our managers, the zero percent budgets envisioned spending cuts that would impact the quality of the services that our residents have come to expect.

Now comes the good part. As stated above, budgets were constructed based upon a 10 percent cut in state aid to the schools (known as Chapter 70 aid). As of this writing, the information coming from the state is that this cut may be as low as 3 percent. The Finance Committee suggested adjusting the revenue assumption, anticipating a 5 percent reduction, to be conservative. In early February, the Finance Committee published guidance for how to distribute any additional state revenue that might be greater than what we were currently projecting. This guidance became known as the "Waterfall" proposal. Based upon this proposal, the schools would receive the first $300,000 to fund debt service, the next $700,000 would be split 30 percent to the town and 70 percent to the schools to restore service reductions, the next $500,000 would be used to lower the tax rate, the next $400,000 would go to reserves and the rest would be split as above (30 percent/70 percent). The amount available resulting from the 5 percent reduction in Chapter 70 aid instead of the anticipated 10 percent reduction is $1,289,000. In accordance with the "Waterfall," that equates to a tax decrease of approximately $280,000. Both the Selectmen and the School Committees agreed to this allocation of these additional revenues. The budgets contained in this warrant reflect this additional revenue. We will have to closely monitor the budget deliberations going forward. The Waterfall gives us a guide as to how to handle increases in revenue. If the final budget results in more than a 10 percent cut in Chapter 70 aid, we will be ready to adjust quickly accordingly.

This volatility and uncertainty has made the usually-difficult task of developing a reliable multi-year forecast for the town's taxpayers even more elusive this year. Working throughout the year with the members of the Board of Selectmen and the School Committees, through the Acton Leadership Group process, we have made our best effort to develop a forecast that can provide some guidance to Town Meeting members, while recognizing that it is very difficult to predict what will happen in the next few months, let alone nearly two and a half years out into the future.

While each year we label the numbers as "highly volatile and subject to change," this year we believe that the volatility and uncertainty surrounding these numbers exceeds past experience. Below, we lay out our assumptions, and then show the impact that changes in these assumptions might have on our projections.

FY 2011

Revenue projections have been even more difficult to refine. As stated previously, the cuts required by the zero percent budgets would reduce the quality of services. This spurred an effort to look for all possible revenue sources. The Cost Savings Initiative identified excess overlay funds from prior to 2003 as a potential source. Despite concerns about the impact of the economy on our citizens, the managers report that tax collections are on target and abatements are consistent with the levels in other years. At a meeting in early March, the Board of Assessors declared $1.275 million from this earlier time period as "overlay surplus," and this will flow to Free Cash at the end of the current fiscal year. This amount is shown in the expected Free Cash balance for FY11 on the multi-year plan shown below. The remaining overlay account is more than adequate to cushion the town against the inability of some citizens to meet their obligations.

In February 2010, the Finance Committee requested an updated status report on all unspent Warrant Articles from past years. Due to an exhaustive effort to identify all available funds, the Town Manager identified nearly $1 million of unspent warrant articles from prior Town Meeting Votes. As noted in other parts of your warrant, this year's Town Meeting will be asked to vote on two items whose costs could be offset by several of these old warrant articles (see Article 22, COPS in Schools and Article 23, Capital Improvement: Bridge Work). The remaining $463,000 of old warrant articles will be closed to Free Cash, where a future Town Meeting will be able to make decisions about how to spend these funds. Again, the Free Cash balance shown for FY11 on the multi-year plan includes these funds from many of the old warrant articles.

Revenue, excluding debt for FY11, is budgeted to be $80.329 million, which is an increase of $1.762 million from FY10. The major components of this change are an increase of $1.239 million in property taxes, $500,000 from new growth, a decline of $366,000 in all categories of state aid, no change in excise taxes and an increase in reserve use of $267,000.

Expenses for FY11 are budgeted at $80.329 million, on what is known as the ALG basis which does not include excluded debt, or debt that has been borrowed outside the limits of Proposition 2½, but does include Acton's prorated share of the Regional School budget and Acton's assessment for the Minuteman Regional School. This total represents an increase of $1.515 million or 1.9 percent over the FY10 budget. The main drivers include an increase in salaries of $515,000 (or 1.2 percent); all non-union employees in both schools and town budgets will receive a zero percent increase in FY11. The town and schools are currently negotiating with all bargaining units, except for the superior officers of the police union, and the budget assumption for all of these contracts is zero percent cost-of-living adjustment but contractual steps per existing contracts. Other drivers of the increases in budgets include an increase of $262,000 in health insurance, a decrease of $45,000 in special education tuition and transportation, and a $1.075 million decrease in all other expenditures. Based on the above revenue and expense estimates, the average single family tax bill is expected to increase by $177 or 2.0 percent.

Last spring, the Finance Committee was concerned that we needed more broad-based input from the public into the budgeting process. We sent out a request for citizen thoughts, input and direction and asked them to submit ideas for ways in which the town and the schools could save money by changing the way we do business, investigating new revenues, or eliminating services that were no longer wanted. In response, we received more than 100 suggestions, which we grouped together into several main categories. These ideas were vetted by our managers, and then by a subcommittee of the Finance Committee over the next several months. We released a report on our preliminary findings in November 2009, which contained 68 discrete suggestions. Eleven of these, related to collective bargaining, were delivered to the Board of Selectmen and the School Committees in December 2009. A joint subcommittee, comprised of membership from the School Committees, Board of Selectmen and the Finance Committees continues to work on the remaining suggestions, and several of the "easy to implement" suggestions have been adopted by the managers and budget-making boards in the budgets that you will review this Town Meeting. We will look forward to reporting to you in the near future about the status of the remaining suggestions.

The town has healthy reserve balances, which can be used to smooth out some of the volatility which can be expected to occur with some of the other revenue sources. We cannot know with certainty in these times the precise changes that will occur with the proposed budgets, but assert that any difference between revenues and expenses will be met through some combination of additional (and unplanned) revenues, implementation of some cost-saving initiatives, continued sound spending management, prudent use of reserves, and possibly reductions in service levels.

FY 2012 and FY 2013

Revenue Assumptions

For fiscal years FY12 and FY13, the Finance Committee assumed no change in the traditional revenue sources. Specifically, we expect that the property tax levy will increase by the allowable 2½ percent, that the Commonwealth will continue to fund education through Chapter 70 as currently prescribed, and that other Cherry Sheet funds will continue to flow to the town and school districts. We assume no increase in the total amount of state aid over FY11, although the amounts in various categories may change.

In accordance with the Point of View and the reserve policy adopted by the Finance Committee in 2010, it is expected that the budgets will call on reserve funds to support spending. In these out-year projections, the use of reserves is projected to be $1.7 million in FY12 and $1.3 million in FY13. At the end of the plan total reserves are projected to be $5.7 million, assuming that Free Cash is replenished each year by $250,000 (from turnbacks or unexpected revenues) and the Regional School District's Excess & Deficiency account is replenished by $150,000 each year. By comparison, our reserve levels at the end of FY09 were certified at $7.5 million.

Spending Guidelines

Inherent in these projections is the understanding that both the town and school districts will continue to provide the highest possible level of services as efficiently as feasible. While recognizing the constraints imposed by statutory requirements and contractual obligations, the Finance Committee expects that expense reductions, with commensurate cost savings, are essential to sustaining service levels.

Spending assumptions for FY12 and FY13 are for a 2 percent increase each year. In order for that to be achieved without significant reductions in service levels, a substantial change in compensation model will need to be incorporated in the collective bargaining agreements which are currently being negotiated.

Other Considerations

The Finance Committee encourages the continuation of matching expenses with funds other than those generated by the property tax levy including enterprise funds, revolving accounts, and gift funds. This practice will continue to put downward pressure on the reliance of the budgets on this regressive tax.

Finally, it is expected that proposals for new local programs or initiatives be self-funding or offset by corresponding reductions in other expense areas. No attempt has been made to predict significant shifts in service delivery triggered by changes in federal or state policies. Similarly, the Finance Committee has not calculated in these projections any large capital expenditures or major changes in service levels such as the closing of a facility.

Timing

Projections for FY12 cover the period of time from July 1, 2011 through June 30, 2012. Some economists suggest that during this time frame, stabilization and some recovery in the overall economy are possible, though the nature and extent of any such recovery is difficult to predict. Some economists predict that there will be real growth by FY13. It is important for residents to understand that state and local economic activity lags the national activity typically by 12 to 24 months. The Finance Committee acknowledges these factors, but did not incorporate them specifically in our forecast.

Reliability

These projections raise as many questions as they answer. Because they attempt to analyze the impact of outside factors over which we do not have control, these types of forecasts are volatile and do not guarantee either financial condition or delivery of services. Residents and taxpayers should understand that the elected boards and staff will exercise a level of scrutiny and discipline in managing their budgets that may result in occasional changes in the delivery of program goals in order to meet their core missions.

Multi-Year Plan

Below, we present the multi-year plan which has been developed through the Acton Leadership Group process. These results are sensitive to varying the assumptions. For example, a 10 percent reduction in state aid would result in a deficit of $943,000; level-funding of state aid, according to the Governor's budget, would result in an additional $1 million of revenue. Each additional 1 percent of expense growth would produce a deficit of $800,000. Conversely, cost reduction initiatives could reduce the cost growth and allow us to replenish reserves.

The Multi-Year Plan is not the subject of a vote at Town Meeting. However, the FY11 budgets for the Town and the Acton Public Schools, as well as the assessments for the Acton-Boxborough Regional School District and the Minuteman Regional Vocational School, are to be considered by Town Meeting. The following pages show key budget information for these entities, as well as relate the detailed information to the Multi-Year Plan and the Warrant Articles. This information is presented to allow the Town Meeting members to be better informed and understand the detail behind the budgets that will be voted at Town Meeting.

Any projections beyond FY11 require the use of reserves, along with increases in revenues and expense reductions, to balance annual budgets. The ***unprecedented volatility*** *of all of these components, as well as the economy generally, will require adjustments on an ongoing basis as information becomes available to minimize the use of these reserves, thereby conserving the capacity to deliver services going forward. Projections represent the extension of current agreements among the leadership of the town and should be considered illustrative and subject to change.*

Acton Leadership Group - 03/12/2010					
	5% Cut in FY '11 House 2 State Aid;		2% Budget Increase in FY12 FY 13		
Multi-Year Model					
Revenues:	**FY09**	**FY10**	**FY11**	**FY12**	**FY13**
Tax Levy:		Town Meeting			
Base	$ 56,521	$ 58,969	$ 61,044	$ 62,783	$ 64,852
2 1/2%	$ 1,413	$ 1,474	$ 1,239	$ 1,570	$ 1,621
New Growth	$ 1,035	$ 600	$ 500	$ 500	$ 500
Debt Excl.	$ 3,102	$ 3,064	$ 3,098	$ 3,071	$ 3,020
Overlay	$ (846)	$ (850)	$ (600)	$ (600)	$ (600)
Total Tax Levy (excl. current yr. override)	$ 61,226	$ 63,258	$ 65,281	$ 67,323	$ 69,394
Cherry Sheet	$ 6,851	$ 6,641	$ 6,320	$ 6,320	$ 6,320
SBAB - Twin School	$ 1,086	$ 1,009	$ 1,009	$ 1,009	$ 1,009
Excise Taxes	$ 2,520	$ 2,730	$ 2,595	$ 2,595	$ 2,595
Fees	$ 833	$ 1,080	$ 940	$ 940	$ 940
Int. Income	$ 278	$ 400	$ 300	$ 300	$ 300
Regional Revenue	$ 5,787	$ 5,817	$ 5,772	$ 5,772	$ 5,772
Regional E&D Acton's share	$ 511	$ 355	$ 555	$ 331	$ 331
Free Cash	$ 450	$ 1,142	$ 856	$ 526	$ 49
NESWC for capital	$ 750	$ 455	$ 808	$ 900	$ 900
Revenues before Overrides	$ 80,292	$ 82,887	$ 84,436	$ 86,016	$ 87,610
Revenue incl override excluding debt/SBAB	**$ 76,103**	**$ 78,814**	**$ 80,329**	**$ 81,936**	**$ 83,581**
Debt Exclusion:					
Debt on APS	$ 527	$ 607	$ 619	$ 611	$ 615
Debt on JHS/SHS	$ 1,612	$ 1,516	$ 1,593	$ 1,593	$ 1,593
Municipal Debt Incurred	$ 454	$ 412	$ 394	$ 384	$ 339
Debt on Police station	$ 509	$ 501	$ 492	$ 483	$ 473
Total Debt Exclusions	$ 3,102	$ 3,036	$ 3,098	$ 3,071	$ 3,020
Budgets Excluding Debt:					
Municipal Operating Budget	$ 23,614	24,276	24,545	25,036	25,537
Transfer to Muni for APS Debt	$ 128		309	309	309
Transfer to Muni for COPS	$ 68		70	70	70
Total Municipal Allocation	**$ 23,810**		**24,924**	**25,415**	**25,916**
Municipal Share Percentage	30.70%	30.80%	30.56%	30.56%	30.55%
APS Allocation	$ 25,170	25,754	26,289	26,815	27,351
Transfer from APS to Muni for Debt	$ 128		309	309	309
Transfer from APS to Muni for COPS	$ 68		70	70	70
APS Operating Budget	$ 24,974		25,910	26,436	26,972
ABRSD Budget - Acton Share *	$ 27,374	28,073	28,849	29,426	30,014
MM Assumption	$ 771	$ 711	$ 646	$ 659	$ 672
Subtotal schools	**$ 53,119**	**$ 54,538**	**$ 55,405**	**$ 56,521**	**$ 57,659**
Minuteman Capital Feasibility Study				$ 1	6
TOTAL	**$ 76,929**	**$ 78,814**	**$ 80,329**	**$ 81,937**	**$ 83,580**
% increase	6.5%	2.5%	1.9%	2.0%	2.0%
NET POSITION	**$ (826)**	**$ (0)**	**$ (0)**	**$ (0)**	**$ 0**
Total Use of Reserves	**$ 1,711**	**$ 1,952**	**$ 2,219**	**$ 1,757**	**$ 1,280**
Reserves:					
Free Cash	$ 2,455	$ 2,334	$ 3,466	$ 3,190	$ 3,391
NESWC	$ 4,469	$ 4,014	$ 3,206	$ 2,306	$ 1,406
E&D	$ 971	$ 1,183	$ 1,256	$ 1,075	$ 894
TOTAL REMAINING RESERVES	**$ 7,895**	**$ 7,531**	**$ 7,928**	**$ 6,571**	**$ 5,691**
Tax Impact:					
Existing Valuation ('000s)	$ 3,751,255	$ 3,741,421	$ 3,741,421	$ 3,770,602	$3,799,219
New Growth value ('000s)			$ 29,181	$ 28,617	$ 27,967
Total Valuation ('000s)	$ 3,751,255	$ 3,741,421	$ 3,770,602	$ 3,799,219	$3,827,186
Tax Rate	$ 16.53	$ 17.13	$ 17.47	$ 17.88	$ 18.29
SF Value	$ 507,466	$ 512,103	$ 512,103	$ 512,103	$ 512,103
SF Tax Bill	$ 8,388	$ 8,775	$ 8,948	$ 9,155	$ 9,366
% Change	4.19%	4.60%	1.97%	2.32%	2.29%
$ Change	$ 337	$ 386	$ 173	$ 208	$ 210

The FY '09 Turnbacks are $749K from the Municipal Budget; $400K APS budget; and $525K from the Regional Budget (Acton Share = $414)

The AB Regional Budget was decreased by $494K ($390 Acton Dollars) on 10/1/09 to balance FY '10 Revenues.

Town of Acton Municipal Budget						
Articles 3, 4, 7, 11, 21		**$27,438,035**				
		FY09 Actual	**FY10 Budget**		**FY11 Budget**	
				% Chg		*% Chg*
Salaries		$10,539,317	$10,683,469	1.4%	$10,756,281	0.7%
Health Insurance		$2,482,059	$3,184,213	28.3%	$3,274,982	2.9%
Middlesex Retire		$2,321,501	$2,497,208	7.6%	$3,027,429	21.2%
Fringes Other		$746,527	$791,637	6.0%	$733,181	-7.4%
Legal		$726,290	$435,264	-40.1%	$550,264	26.4%
Gas & Diesel		$231,680	$197,000	-15.0%	$243,396	23.6%
Snow & Ice ex salaries		$658,004	$458,171	-30.4%	$458,171	0.0%
Property Liability Insurance		$381,737	$432,500	13.3%	$382,500	-11.6%
Infrastructure Maintenance		$1,262,807	$1,513,847	19.9%	$1,230,216	-18.7%
Inside Debt		$350,534	$555,238	58.4%	$756,589	36.3%
Utilities		$598,421	$621,242	3.8%	$596,724	-3.9%
All other		$1,668,584	$2,212,236	32.6%	$1,889,920	-14.6%
Subtotal		$21,967,460	$23,582,025	7.3%	$23,899,653	1.3%
Excluded Debt		$2,575,848	$2,556,398	-0.8%	$2,514,100	-1.7%
Subtotal		$24,543,308	$26,138,423	6.5%	$26,413,753	1.1%
Capital			$270,000		$653,282	142.0%
COA Subsidy		$56,607	$50,000	-11.7%	$50,000	0.0%
Nursing Subsidy					$50,000	
Ambulance Subsidy			$271,000		$271,000	0.0%
Total		$24,599,915	$26,729,423	8.7%	$27,438,035	2.7%
Amount Per Multi Year Plan			$26,833,141		$27,438,035	
	Transfers to APS				-$379,000	
	Less Excluded debt		-$2,557,000		-$2,514,100	
	Adjusted Plan amount		$24,276,141		**$24,544,935**	1.1%
Breakdown by Article						
Article 11	Town Operating Budget		$26,057,141		$26,413,753	
Article 21 (General Fund only)	Capital Improvements		$270,000		$653,282	
Article 3	Council On Aging		$50,000		$50,000	
Article 4	Nursing				$50,000	
Article 7	Ambulance Subsidy		$271,000		$271,000	
	Recycling and Transfer		$185,000			
		$24,599,915	**$26,833,141**		**$27,438,035**	

Acton Public Schools	$25,910,449				
		Summarized Budget			
	FY09 Actual	FY10		FY11	
			% Chg		% Chg
Salaries Teaching	$11,196,553	$11,589,980	3.5%	$12,053,190	4.0%
Salaries Other	$4,873,708	$4,905,882	0.7%	$5,061,430	3.2%
Health Insurance*	$3,541,226	$3,792,778	7.1%	$3,628,313	-4.3%
Fringes Other	$20,151	$17,000	-15.6%	$17,000	0.0%
Capital & One time Items	$351,713	$273,560	-22.2%	$262,688	-4.0%
SPED Tuition	$1,902,878	$2,304,524	21.1%	$2,192,407	-4.9%
SPED Trans	$380,565	$526,497	38.3%	$446,033	-15.3%
Transportation	$332,130	$338,716	2.0%	$338,716	0.0%
Utilities	$874,152	$1,019,664	16.6%	$970,645	-4.8%
All other	$1,047,972	$985,181	-6.0%	$940,027	-4.6%
Total	**$24,521,048**	**$25,753,782**	5.0%	**$25,910,449**	0.6%
**FY09 Health insurance of $549,814 was charged to ARRA SFSF Grant due to underfunding of FY09 Chapter 70 school aid.*					
Amount Per Multi Year Plan					
Transfers from Municipal	$196,000	$379,000		$379,000	
Adjusted Plan Amount	**$24,717,048**	**26,132,782**	5.7%	**$26,289,449**	0.6%
Breakdown by Article					
Acton Public Schools Budget				**$25,910,449**	

Acton Boxborough Regional School District	$24,115,163				
		Summarized Budget			
	FY09 Actual	FY10		FY11	
			% Chg		% Chg
Salaries Teaching	$14,678,049	$15,377,039	4.8%	$15,863,388	3.2%
Salaries Other	$5,450,139	$5,408,783	-0.8%	$5,443,539	0.6%
Health Insurance*	$4,765,636	$5,244,227	10.0%	$5,639,686	7.5%
Fringes Other	$1,088,978	$1,056,573	-3.0%	$1,019,559	-3.5%
Capital & One time Items	$392,797	$355,993	-9.4%	$305,113	-14.3%
SPED Tuition	$2,603,273	$2,994,794	15.0%	$3,301,333	10.2%
SPED Trans	$709,698	$728,036	2.6%	$583,635	-19.8%
Transportation	$573,350	$587,584	2.5%	$626,628	6.6%
Utilities	$1,434,987	$1,492,403	4.0%	$1,422,403	-4.7%
All other	$2,306,547	$2,222,191	-3.7%	$2,130,833	-4.1%
Sub Total	$34,003,454	$35,467,623	4.3%	$36,336,117	2.4%
Debt	$1,893,737	$1,885,212	-0.5%	$1,892,293	0.4%
Total	$35,897,191	$37,352,835	4.1%	$38,228,410	2.3%
**FY09 Health insurance of $720,673 was charged to ARRA SFSF Grant due to underfunding of FY09 Chapter 70 school aid.*					
Acton Share ex debt	$26,692,711	$28,035,732	5.0%	28,810,755	2.8%
	78.5%	79.0%		79.3%	
Acton Share ex debt	**$26,692,711**	**$28,035,732**		**28,810,755**	2.8%
Teacher Pay Deferral		$37,587		$37,768	
Amount Per Multi Year Plan	**$26,692,711**	**$28,073,319**		**$28,848,523**	2.8%
Breakdown by Article					
	Acton Share ex debt			$28,810,755	
	Regional Debt			$1,593,878	
	Teacher Pay Deferral			$37,768	
	Regional Revenue			-$5,772,074	
	Transfer from Premium on Loan			-$554	
	Transfer for Excess and Deficiency			-$554,610	
Acton Boxborough Regional School Assessment				**$24,115,163**	

Consent Calendar

In an effort to streamline Town Meeting, the Board of Selectmen and Town Moderator use 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. Its purpose 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 when the when the first article "on Consent" is reached (for example, if Article 3 is the first Consent article in the Warrant, there will be a motion after Article 2 to take up the items on the Consent Calendar). At this time, the Moderator will call out the article numbers 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, to be debated and voted in the usual manner.

Please note: In previous years, an article held from Consent was taken up at its original position in the Warrant. This year, it will be taken up immediately following the vote on the Consent motion. Also in prior years, every article on Consent was read under a single motion. This year, there will be **two** Consent motions – one for budgetary articles and one for all other articles on Consent. It is possible that these two motions will occur on different nights of Town Meeting.

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 article that follows. Complete summaries are included with each article printed in this Warrant. 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.

Budgetary Consent Calendar Articles and Motions

Article 3 Council on Aging Van Enterprise Budget
Move that the Town appropriate $105,618 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, $40,000 be raised from department receipts, $15,618 be transferred from retained earnings and $50,000 be raised from taxation.

Article 4 Nursing Enterprise Budget
Move that the Town appropriate $747,822 for the purpose of operating the Town of Acton Public Health Nursing Service, and to raise such amount, $600,000 be raised from department receipts, $97,822 be transferred from retained earnings and $50,000 be raised from taxation.

Article 5 Septage Disposal Enterprise Budget
Move that the Town appropriate $120,754 for the purpose of septage disposal, and to raise such amount, $120,754 be raised from department receipts.

Article 6 Sewer Enterprise Budget
Move that the Town appropriate $1,668,511 for the purpose of operating the sewer system, and to raise such amount, $1,668,511 be raised from department receipts.

Article 7 Ambulance Enterprise Fund
Move that the Town appropriate $717,885 for the purpose of operating the ambulance service, and to raise such amount, $446,885 be raised from department receipts and $271,000 be raised from taxation.

Article 8 Recycling and Transfer Station Enterprise Budget
Move that the Town appropriate $580,352 for the purpose of solid waste disposal and recycling, and to raise such amount, $580,352 be raised from department receipts.

Article 9 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 in the amounts and for the purposes set forth in the expense column of this Article.

Article 10 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.

Other Consent Calendar Articles and Motions

Article 33 Amend Zoning Bylaw – Flood Plain District
Move that the Town adopt the zoning bylaw amendments as set forth in the Article.

Article 34 Accept Sidewalk Easement – 239 Arlington Street
Move that the Town authorize the acquisition of the easements as set forth in the Article.

Article 35 Accept Property by Deed in Lieu of Foreclosure – Nonset Path
Move that the Town authorize the Tax Collector to accept a deed in lieu of foreclosure, on such terms and conditions as he shall determine appropriate, to Parcel 25-4 on Assessor's Map B5.

Article 36 Accept Property by Deed in Lieu of Foreclosure – Ethan Allen Drive
Move that the Town authorize the Tax Collector to accept a deed in lieu of foreclosure, on such terms and conditions as he shall determine appropriate, to Parcel 105-2 on Assessor's Map F1.

Article 37 Land Acquisition, Windsor Avenue (Citizens' Petition)
Move that the Town take no action.
[The sponsor of this Citizens' Petition, with consent of the co-petitioners, is moving to take no action on this article.]

Article 38 Amend Town Charter – Membership Terms for Council on Aging
Moves that the Town adopt the Charter amendments as set forth in the Article.

Article 39 Hear and Accept Reports
Move that the Town accept the reports of the various Town Officers and Boards as set forth in the 2009 Town Report and that the Moderator call for any other reports.

Article 40 Highway Reimbursement Program (Chapter 90)
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 41 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 42 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 43 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 44 Performance Bonds
Move that the Town 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 45 Sale of Foreclosed Properties
Move in the words of the Article.

Article 46 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.

Donald MacKenzie
Town Moderator

I served with General Washington in the Legislature of Virginia before the Revolution and, during it, with Dr. Franklin in Congress. I never heard either of them speak ten minutes at a time, nor to any but the main point which was to decide the question. They laid their shoulders to the great points, knowing that the little ones would follow of themselves.

– Thomas Jefferson

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 30, 2010 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 thirtieth day of March 2010,

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

One Moderator for a one-year term,
Two Selectmen for three-year terms,
Two School Committee members for three-year terms,
One Trustee of the Memorial Library for a three-year term,
One Trustee of the Memorial Library for a one-year term,
One Housing Authority member for a five-year term.

In addition, the Acton Water District will elect the following officers:

One Commissioner for a three-year term.

You are also to notify legal voters aforesaid to meet at the Acton-Boxborough Regional High School Auditorium in said Acton on **Monday, April 5, 2010 at 7:00 PM**, then and there to act on the following articles:

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

Symbol	Description
*	This article is on the Consent Calendar
#	This article submitted by Citizen Petition

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 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: Terra Friedrichs: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 2 BUDGET TRANSFER
(Majority vote)

To see if the Town will vote to appropriate from available funds a sum of money to defray necessary expenses above the amount appropriated at the 2009 Annual Town Meeting, or take any other action relative thereto.

SUMMARY

This article is routinely placed on the Warrant to allow Town Meeting to transfer funds and supplement monies, if necessary, to cover expenses in the current fiscal year.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Peter J. Berry: bos@acton-ma.gov / (978) 264-9611

Recommendations:	**Board of Selectmen**	**Finance Committee**
	Deferred	**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 6/30/09	Budgeted Revenue FY10	Budgeted Expense FY10	Est. Fund Balance 6/30/10	Budgeted Revenue FY11	Budgeted Expense FY11	Est. Fund Balance 6/30/11
$ 38,155	**$ 103,525**	**$ 103,525**	**$ 38,155**	**$ 105,618**	**$ 105,618**	**$ 22,537**

Direct inquiries to: Jean Fleming, Council on Aging Director
seniorcenter@acton-ma.gov / (978) 264-9643
Selectman assigned: Mike Gowing: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 4 * NURSING ENTERPRISE BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds a sum of money to provide Public Health and Visiting Nurse Services, in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests an appropriation for the Nursing Service Enterprise Fund. An Enterprise Fund permits the Nursing Service to offset its costs with fees for service. These fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of running the Nursing Service. 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 6/30/09	Budgeted Revenue FY10	Budgeted Expense FY10	Est. Fund Balance 6/30/10	Budgeted Revenue FY11	Budgeted Expense FY11	Est. Fund Balance 6/30/11
$ 155,114	**$ 741,406**	**$ 796,406**	**$ 100,114**	**$ 600,000**	**$ 747,822**	**$ 2,292**

Direct inquiries to: Doug Halley, Health Director: health@acton-ma.gov / (978) 264-9634
Selectman assigned: Mike Gowing: bos@acton-ma.gov / (978) 264-9611

Recommendations: **Board of Selectmen Deferred** **Finance Committee 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 6/30/09	Budgeted Revenue FY10	Budgeted Expense FY10	Est. Fund Balance 6/30/10	Budgeted Revenue FY11	Budgeted Expense FY11	Est. Fund Balance 6/30/11
$ 69,027	**$ 138,455**	**$ 135,526**	**$ 71,956**	**$ 120,754**	**$ 120,754**	**$ 71,956**

Direct inquiries to: Doug Halley, Health Director: health@acton-ma.gov / (978) 264-9634
Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov / (978) 264-9611

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

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 6/30/09	Budgeted Revenue FY10	Budgeted Expense FY10	Est. Fund Balance 6/30/10	Budgeted Revenue FY11	Budgeted Expense FY11	Est. Fund Balance 6/30/11
$ 295,819	**$ 1,638,389**	**$ 1,638,389**	**$ 295,819**	**$ 1,668,511**	**$ 1,668,511**	**$ 295,819**

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 7 * **AMBULANCE ENTERPRISE FUND**
(Majority vote)

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

SUMMARY

This article requests an appropriation to operate the Town's Ambulance service. The enterprise fund includes the salaries and benefits of four net Firefighter/EMTs. Charges for ambulance service and any other income derived from the operation of the Ambulance service will be deposited in this fund and used for expenditures of the enterprise fund or to reduce user fees.

Fund Balance 6/30/09	Transfers In FY10	Budgeted Revenue FY10	Budgeted Expense FY10	Est. Fund Balance 6/30/10	Budgeted Revenue FY11	Budgeted Expense FY11	Est. Fund Balance 6/30/11
$ 0	**$ 1,030,785**	**$ 771,000**	**$ 1,208,681**	**$ 593,104**	**$ 717,885**	**$ 717,885**	**$ 593,104**

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Paulina S. Knibbe: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 8 * **RECYCLING AND TRANSFER STATION ENTERPRISE BUDGET**
(Majority vote) **(Previously known as the NESWC Enterprise Budget)**

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money for the purpose of solid waste disposal and recycling 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 the Town's solid waste disposal and recycling operations. The citizens of Acton who use the Transfer Station fund 100% of the costs of the operations from fees. The fees are deposited in a separate account and expended to pay the expenses of solid waste disposal. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for future expenditures of the enterprise fund or to reduce user fees. Fund status is noted below (for Budget Detail see Municipal Supplement).

Fund Balance 6/30/09	Budgeted Revenue FY10	Budgeted Expense FY10	Transfers Out FY10	Est. Fund Balance 6/30/10
$ 4,277,218	**$ 785,267**	**$ 785,267**	**$ 270,000**	**$ 4,007,218**

Budgeted Revenue FY11	Budgeted Expense FY11	Transfers Out FY11	Est. Fund Balance 6/30/11
$ 580,352	**$ 580,352**	**$ 808,000**	**$ 3,199,218**

Chapter 376 of the Acts of 2006
AN ACT AUTHORIZING TRANSFERS FROM THE NORTH EAST SOLID WASTE COMMITTEE ENTERPRISE FUND BALANCE IN THE TOWN OF ACTON.

SECTION 1. Notwithstanding section 53F½ of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Acton may from time to time transfer from the town's North East Solid Waste Committee Enterprise Fund to the town's General Fund all or a portion of the remaining North East Solid Waste Committee Enterprise Fund balance, by majority vote of the town meeting, and may appropriate these funds for other municipal purposes.

SECTION 2. This act shall take effect upon its passage.

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

Selectman assigned: Peter J. Berry: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 9 * 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 and Fire Department Fire Alarm Network, to be expended by the Town Manager, as noted below:

Fund	FY11 Estimated Revenue	FY11 Authorized Expenditure
School Department		
Douglas at Dawn/Dusk	**$ 291,500**	**$ 291,500**
Merriam Mornings/Afternoons/Summer	**$ 200,000**	**$ 200,000**
Historic District Commission	**$ 600**	**$ 600**
Building Department	**$ 170,040**	**$ 170,040**
Sealer of Weights and Measures	**$ 13,126**	**$ 13,126**
Health Department		
Food Service Inspections	**$ 36,351**	**$ 36,351**
Hazardous Materials Inspections	**$ 44,511**	**$ 44,511**
Fire Department		
Fire Alarm Network	**$ 56,298**	**$ 56,298**

, 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 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.

Per the School Department, the Gates Amazing Programs revolving fund will be discontinued in fiscal year 2010.

		FY 2009 Actual Revenue	FY 2009 Actual Expense	Fund Balance 6/30/2009	FY 2010 Budgeted Revenue	FY 2010 Budgeted Expense	Actual Revenue Feb. 2010	Actual Expense Feb. 2010
School Department[1]								
	Douglas at Dawn/Dusk	**$293,546**	**$282,006**	**$304,693**	**$221,000**	**$221,000**	**$103,388**	**$174,312**
	Merriam Mornings/Afternoons/Summer	**$178,623**	**$164,060**	**$222,977**	**$211,500**	**$211,500**	**$86,378**	**$115,650**
	Gates Amazing Mornings/Afternoons	**$405**	**$333**	**$1,574**	**$36,500**	**$36,500**	**$0**	**$3,754**
Historic District Commission[2]		**$100**	**$354**	**$784**	**$600**	**$600**	**$130**	**$44**
Building Department[2]		**$96,453**	**$160,424**	**$87,687**	**$211,040**	**$211,040**	**$71,628**	**$65,777**
	Includes fees for Electrical, Plumbing & Gas Permits / Microfilming / Sign Licenses / Periodic Inspections							
Sealer of Weights and Measures[2]		**$10,630**	**$11,449**	**$18,215**	**$11,621**	**$11,621**	**$5,790**	**$8,275**
Health Department[2]								
	Hazardous Materials Inspection	**$56,642**	**$44,732**	**$40,170**	**$34,008**	**$34,008**	**$17,884**	**$26,349**
	Food Sevice Inspections	**$38,370**	**$26,226**	**$79,485**	**$32,565**	**$32,565**	**$39,115**	**$17,801**
Fire Department[2]								
	Fire Alarm Network	**$59,425**	**$43,890**	**$31,253**	**$56,298**	**$56,298**	**$22,212**	**$32,828**
All Monetary Figures Rounded to the Nearest Dollar								

Direct inquiries to: [1] Dr. Stephen Mills, Superintendent: smills@mail.ab.mec.edu / (978) 264-4700
[2] John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Peter J. Berry: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 10 * **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: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Terra Friedrichs: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 11 **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 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.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Paulina S. Knibbe: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 12 **FUND COLLECTIVE BARGAINING AGREEMENT**
(Majority vote) **POLICE SUPERIOR OFFICERS, FY07-FY09**

To see if the Town will vote to raise and appropriate, transfer and/or appropriate from free cash or other available funds a sum of money necessary to fund the cost items contained in the Collective Bargaining Agreement between the Town and the Acton Superior Officers' Union MCOP Local 380 for FY07-FY09 as filed with the Town Clerk, or take any other action relative thereto.

SUMMARY

This article asks Town Meeting to fund cost items contained in the collective bargaining agreement with the police superior officers' union for FY07-FY09, under the provisions of Massachusetts General Law, Chapter 150E, Section 7. When a tentative agreement is reached with a union, the Town brings a funding request for the financial elements of the agreement to the first available Town Meeting for approval. If the funding is approved, the Town is obligated to fund the contract. If the funding request is rejected by Town Meeting, the parties must return to the bargaining table for further negotiations. The Town estimates that $43,500 is necessary to fund the incremental cost items contained therein for the term of the agreement.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Peter J. Berry: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 13 **FUND COLLECTIVE BARGAINING AGREEMENT**
(Majority vote) **POLICE SUPERIOR OFFICERS, FY10-FY12**

To see if the Town will vote to raise and appropriate, transfer and/or appropriate from free cash or other available funds a sum of money necessary to fund the cost items contained in the Collective Bargaining Agreement between the Town and the Acton Superior Officers' Union MCOP Local 380 for FY10-FY12 as filed with the Town Clerk, or take any other action relative thereto.

SUMMARY

This article asks Town Meeting to fund cost items contained in the first year of a collective bargaining agreement with the police superior officers' union for FY10-FY12, under the provisions of Massachusetts General Law, Chapter 150E, Section 7. When a tentative agreement is reached with a union, the Town will bring a funding request for the financial elements of the agreement to the first available Town Meeting for approval. If the funding is approved, the Town is obligated to fund the remaining years of the contract. If the funding request is rejected by Town Meeting, the parties must return to the bargaining table for further negotiations. The Town estimates that $29,000 is necessary to fund the incremental cost items contained therein for the first year of the agreement.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Peter J. Berry: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 14 **FUND COLLECTIVE BARGAINING AGREEMENT**
(Majority vote) **POLICE PATROL OFFICERS**

To see if the Town will vote to raise and appropriate, transfer and/or appropriate from available funds a sum of money necessary to fund the cost items contained in Collective Bargaining Agreement(s) between the Town and its police patrol officers union as filed with the Town Clerk, or take any other action relative thereto.

SUMMARY

This article would ask Town Meeting to fund cost items contained in the first year of a collective bargaining agreement with Town police patrol officers union, under the provisions of Massachusetts General Law, Chapter 150E, Section 7. When a tentative agreement is reached with a union, the Town will bring a funding request for the financial elements of the agreement to the first available Town Meeting for approval. If the funding is approved, the Town is obligated to fund the remaining years of the contract. If the funding request is rejected by Town Meeting, the parties must return to the bargaining table for further negotiations.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Peter J. Berry: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 15 **FUND COLLECTIVE BARGAINING AGREEMENT**
(Majority vote) **FIRE**

To see if the Town will vote to raise and appropriate, transfer and/or appropriate from available funds a sum of money necessary to fund the cost items contained in Collective Bargaining Agreement(s) between the Town and its fire department personnel union as filed with the Town Clerk, or take any other action relative thereto.

SUMMARY

This article would ask Town Meeting to fund cost items contained in the first year of a collective bargaining agreement with Town fire department personnel union, under the provisions of Massachusetts General Law, Chapter 150E, Section 7. When a tentative agreement is reached with a union, the Town will bring a funding request for the financial elements of the agreement to the first available Town Meeting for approval. If the funding is approved, the Town is obligated to fund the remaining years of the contract. If the funding request is rejected by Town Meeting, the parties must return to the bargaining table for further negotiations.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Peter J. Berry: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 16 **FUND COLLECTIVE BARGAINING AGREEMENT**
(Majority vote) **HIGHWAY AND MUNICIPAL PROPERTIES**

To see if the Town will vote to raise and appropriate, transfer and/or appropriate from available funds a sum of money necessary to fund the cost items contained in Collective Bargaining Agreement(s) between the Town and its highway and municipal properties personnel union(s) as filed with the Town Clerk, or take any other action relative thereto.

SUMMARY

This article would ask Town Meeting to fund cost items contained in the first year of a collective bargaining agreement with Town highway and municipal properties personnel union(s), under the provisions of Massachusetts General Law, Chapter 150E, Section 7. When a tentative agreement is reached with a union, the Town will bring a funding request for the financial elements of the agreement to the first available Town Meeting for approval. If the funding is approved, the Town is obligated to fund the remaining years of the contract. If the funding request is rejected by Town Meeting, the parties must return to the bargaining table for further negotiations.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Peter J. Berry: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 17 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 the Acton Public Schools' operating budget.

Direct inquiries to: Dr. Stephen Mills, Superintendent: smills@mail.ab.mec.edu / (978) 264-4700

Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 18 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 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: Dr. Stephen Mills, Superintendent: smills@mail.ab.mec.edu / (978) 264-4700

Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 19 MINUTEMAN REGIONAL SCHOOL DISTRICT ASSESSMENT
(Majority vote)

To see if the Town will raise and appropriate, and/or transfer and 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 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: Dr. Ed Bouquillon, Superintendent: ebouquillon@minuteman.org / (781) 861-6500

Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 20 MINUTEMAN REGIONAL SCHOOL DISTRICT
(Majority vote) **CAPITAL FEASIBILITY STUDY**

To see if the Town will approve the sum of $725,000 of borrowing authorized by the Minuteman Regional Vocational Technical School District, for the purpose of paying costs of a feasibility study to consider options for making improvements to the District's high school building located at 758 Marrett Road, Lexington, Massachusetts, which options shall include, but not be limited to renovating, reconstructing, expanding, remodeling and adding to the District's high school, or any combination of the foregoing, said sum to be expended at the direction of the School Building Committee. The Massachusetts School Building Authority's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs of the Project that the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District, and that the total amount of the borrowing authorized by this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA, or take any other action relative thereto.

SUMMARY

Pursuant to Massachusetts General Laws, Chapter 71 §16(d), the Minuteman Regional Vocational Technical School District has notified the sixteen member towns of its intention to borrow for planning for needed capital improvements to the school building.

The Feasibility Study is a collaboration between the Minuteman Regional Vocational Technical School District and the Massachusetts School Building Authority (MSBA) to find the most fiscally responsible and educationally appropriate solution to the facility's condition as outlined in the Statement of Interest (SOI) previously submitted by the Minuteman District to MSBA. The invitation from MSBA to collaborate on a Feasibility Study is not approval of a future project, but is strictly an invitation to the Minuteman District to work with the MSBA to explore solutions to the capital problems that have been identified and outlined in the SOI. Local communities must follow the MSBA's statute and regulations, which require MSBA collaboration and approval at each step of the process.

- The Minuteman School Committee has authorized the amount of debt for the Feasibility Study, but in order to proceed with the Study, and the Minuteman District needs the approval of its sixteen (16) member towns, according to the terms of the District Agreement. If all towns do not approve the article,

Minuteman will need to reapply for MSBA funds, will "lose its place in line," and the time line will be extended for any anticipated project.

- Cost of the Feasibility Study: $725,000, before 40% reimbursement from Massachusetts School Building Authority [MSBA] funds

- Acton's estimated share after 40% MSBA reimbursement is $23,788, payable over a five-year period, beginning in FY2012

- Before the Feasibility Study can begin, the MSBA requires that:
    1. The District must execute an Initial Compliance Certificate;
    2. The MSBA must approve the composition of the District's School Building Committee;
    3. The District must execute a Feasibility Study Agreement with the MSBA, detailing the scope, schedule, milestones and cost sharing parameters of the Feasibility Study;
    4. The MSBA must approve an Owner's Project Manager, which approval will include a review by the MSBA's Owner's Project Manager Review Panel; and
    5. The District must select a Feasibility Study Designer through MSBA's Designer Selection Panel.

Direct inquiries to: Dr. Ed Bouquillon, Superintendent: ebouquillon@minuteman.org / (781) 861-6500

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

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

ARTICLE 21 CAPITAL EQUIPMENT AND IMPROVEMENTS
(Majority vote)

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

A.	Fire Fighting Personal Protective Equipment	$ 40,000
B.	Police Portable Radios	$ 15,000
C.	Fire Apparatus Mobile Data Computers	$ 36,000
D.	Replace Highway Dump Truck	$ 181,282
E.	Replace Municipal Properties F-350 Platform Dump Truck	$ 58,000
F.	Replace Cemetery Backhoe	$ 100,000
G.	Public Works Building Fire Suppression Sprinkler System	$ 130,000
H.	Replace Fire Department Command Vehicle	$ 50,000
I.	Replace Health Department Inspectional Vehicle	$ 25,000
J.	Replace Transfer Station Trailer	$ 84,500
	Total	**$ 719,782**

SUMMARIES

A. Fire Fighting Personal Protective Equipment
This request is to purchase replacement personal protective equipment consisting of helmets, turnout coats, pants and boots. Personal protective equipment is recommended to be replaced every five years due to degradation of the component materials. This amount, based on a vendor quotation, represents the replacement of one-half of the department's personal protective equipment.

Direct inquiries to: Robert Craig, Fire Chief: fire@acton-ma.gov / (978) 264-9645

B. Police Portable Radios
This request is to replace obsolete, portable radios issued to officers with digital-capable portable radios. Officers' current radios are no longer manufactured and parts are becoming more difficult to locate. Police officers depend upon these radios when not near a police vehicle.

Direct inquiries to: Frank Widmayer, Police Chief: police@acton-ma.gov / (978) 264-9638

C. Fire Apparatus Mobile Data Computers
This request is to purchase mobile data computers to be installed in all fire apparatus. This technology will provide a secure and efficient method to transmit and receive dispatch and response information for fires, rescue and emergency medical incidents, plans, maps, safety and hazardous material information. These mobile computers will be similar to those units that are utilized in police cruisers.

Direct inquiries to: Robert Craig, Fire Chief: fire@acton-ma.gov / (978) 264-9645

D. Highway Dump Truck
This request is to replace a 1987 Mack dump truck which has reached the end of its dependable lifespan. It is used for snow and ice removal and will be equipped with a combination body and scraper blade plow frame.

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

E. Municipal Properties F-350 Platform Dump Truck
This request is to replace a 2000 Ford F-350 four wheel drive platform dump truck used on a daily basis by both the Building Maintenance and Grounds crews of the Municipal Properties Department for hauling trash, supplies, and materials. It is also part of the snow plowing fleet during the winter months. This vehicle has extensive rot of frame, doors, floorboards, and suspension.

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

F. Cemetery Backhoe
This request is to replace a 1989 John Deere 310C backhoe used for many operations performed by the Natural Resources Department. The present machine is used for all work associated with cemetery activities, site work and snow removal operations. This machine suffers from reduced hydraulic power and frequent breakdowns.

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

G. Public Works Building Fire Suppression Sprinkler System
This request is to design and install a fire suppression sprinkler system for the Public Works facility on Forest Road. If this building were constructed today, a sprinkler system would be required under the building code. This building houses the entire road maintenance fleet. A fire could potentially destroy the fleet, costing several million dollars to replace.

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

H. Fire Department Command Vehicle
This request is to purchase a replacement vehicle assigned for use by the on-duty Shift Commander. This vehicle will be equipped with the required radios, lights and sirens for emergency response to fires and medical emergencies. The vehicle also carries personal protective equipment for the Shift Commander as well as emergency medical equipment, various pieces of safety equipment and command data and equipment.

The budget figure is based on a quotation from a collective bid contract for municipal vehicles.

Direct inquiries to: Robert Craig, Fire Chief: fire@acton-ma.gov / (978) 264-9645

I. Health Department Inspectional Vehicle
This vehicle will replace a 1996 vehicle that had to be removed from service because repairs to keep it road worthy were no longer financially viable. The vehicle will used by health for health inspections of Food and Hazardous Material Facilities. It will also be used for storage of public health emergency response materials. When not in use by the Health Department it will be made available to other departments. The cost of the vehicle will be spent equally from the Food Service and Hazardous Materials revolving accounts.

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

J. Transfer Station Trailer
This request is to replace a 1996 trailer that is used for hauling trash to the North Andover trash facility. There is considerable deterioration on the underbody and the live floor has extensive wear. The trailer has reached the end of it useful life.

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

Selectman assigned: Mike Gowing: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 22 'COPS IN SCHOOLS' PROGRAM
(Majority Vote)

To see if the Town will vote to appropriate from free cash or other available funds $56,000 for the COPS in Schools Program, or take any other action relative thereto.

SUMMARY

This Article appropriates a sum for the COPS in School Program, a federal grant program designed to help law enforcement agencies hire new, additional school resource officers (SROs) to engage in community policing in and around primary and secondary schools. The program provides an incentive for law enforcement agencies to build collaborative partnerships with the school community and to use community policing efforts to combat school violence.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Paulina S. Knibbe: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 23 CAPITAL IMPROVEMENT – BRIDGE WORK
(Majority Vote)

To see if the Town will vote to appropriate from free cash or other available funds $209,681.19 for general bridge maintenance and improvements, or take any other action relative thereto.

SUMMARY

This Article appropriates a sum toward general bridge maintenance and improvements.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Paulina S. Knibbe: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 24 COMMUNITY PRESERVATION PROGRAM
(Majority vote)

To see if the Town will vote to appropriate or set aside for later appropriation, and to authorize and direct the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2009 Community Preservation Fund balance as set forth herein, up to the following amounts for community preservation purposes, with such expenditures to be subject to conditions listed in the Article's Summary and to be further specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation:

FY 2009 COMMUNITY PRESERVATION FUND BALANCE	
FY 2009 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2009	$ 718,786.60
State Community Preservation Trust Fund Receipt, October 2009	$ 250,473.00
Other FY 2009 Community Preservation Fund Components	
Interest Earned in FY 2009	$ 54,705.00
Recapture of unspent previous years' project appropriations	$ 43,163.87
Unencumbered FY 2009 Fund Balance	$ 571,694.49
Total - FY 2009 Community Preservation Fund Balance	**$ 1,638,822.96**
APPROPRIATIONS	
Purpose	**Recommended Amounts**
Set Aside Appropriations for	
A. Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	$ 500,000.00
Spending Appropriations	
B. Open Space Acquisition and Preservation Fund	$ 25,000.00
C. Development Fund (Sachem Way), Acton Housing Authority	$ 250,000.00
D. Community Housing Program Fund	$ 50,000.00
E. Theater III – Preservation Needs Assessment	$ 27,000.00
F. Windsor Building Restoration	$ 70,200.00
G. 468 Main Street Windows	$ 8,000.00
H. Town Hall Windows	$ 50,000.00
I. Bruce Freeman Rail Trail	$ 115,000.00
Administrative Spending Appropriation	
J. A fund for CPC direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	$ 48,462.00
Total Recommended Appropriations from FY 2009 Community Preservation Fund Balance	**$ 1,143,662.98**
Remaining FY 2009 fund balance	$ 495,159.98

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the 2009 Community Preservation Fund Revenues 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 2009 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 2009 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2009 Community Preservation Fund Revenues for open space ($96,926.00), not less than 10% of the FY 2009 Community Preservation Fund Revenues for historic preservation ($96,926.00), and not less than 10% of the FY 2009 Community Preservation Fund Revenues ($96,926.00) for community housing.

And further to see if the Town will vote to transfer, appropriate, authorize and direct the Board of Selectmen and the Town Manager to expend from the FY 2009 Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration, up to the following amount for the acquisition of the Caouette Land in South Acton, pursuant to Article 25, and subject to conditions listed in the Article's Summary and to be further specified in the award letter from the Community Preservation Committee:

FY 2009 SET-ASIDE FUND BALANCE FOR THE ACQUISITION, CREATION, AND PRESERVATION OF OPEN SPACE, AND ITS REHABILITATION AND RESTORATION	**$ 1,445,000.00**
APPROPRIATIONS	
Purpose	**Recommended Amounts**
Spending Appropriations	
K. Open Space Acquisition – Caouette Land Purchase	$ 1,000,000.00
Total Recommended Appropriations from FY 2009 Set-Aside Fund Balance for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	**$ 1,000,000.00**
Remaining FY 2009 Open Space Set-Aside Fund Balance	$ 445,000.00

, or take any other action relative thereto.

SUMMARY

This article would make appropriations from the Town's Community Preservation Fund and from the Town's Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration. All items listed are recommended by the Community Preservation Committee.

In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B (CPA). 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 CPA, 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 were acquired or created with Community Preservation 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 seventh year of appropriations from Acton's Community Preservation Fund.

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

In September 2009, the Community Preservation Committee published its 2010 Community Preservation Plan with guidelines for the submission of projects seeking funding. The Committee received eleven applications for funding of proposed projects and programs. The Committee reviewed all proposals, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under the Act. One proposal was not recommended for funding.

This article represents the Committee's recommendation for appropriations from the Town's Community Preservation Fund balance for nine projects and programs (items A. through I.) and the appropriation for administrative and operating expenses (item J.). The recommended appropriations leave a remaining Community Preservation Fund balance of $495,159.98 that will be available for future Town Meeting appropriations in all eligible funding categories under the Act. As in previous years the recommended appropriations include a set-aside for open space.

This article also provides for an appropriation from the Town's Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration to purchase open space land off Stow and Martin Streets in South Acton (item K.). The Committee's recommendation on this item is deferred pending receipt of further information about the acquisition terms and results of due diligence research. The appropriation leaves a remaining Fund balance of $445,000.00 in the Open Space Set-Aside Fund. Together, with the new $500,000 open space set-aside recommended in this article (item A.), the new Open Space Set-Aside fund balance will total $945,000.

All amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. Some of the projects are recommended at different funding levels than the proponents had originally requested.

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 and that Town Meeting appropriates 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 eminent domain 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 an 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 adds $500,000 to the existing set-aside fund from which Town Meeting may appropriate spending in the future for the purpose of acquisition, creation, and preservation of open space. With this appropriation the balance in the open space set-aside fund will be $1,945,000.

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

B. Open Space Acquisition and Preservation Fund

Most open space acquisition prospects require certain initial expenditures to preserve the opportunities before the actual recommendation for a purchase can be brought to Town Meeting. This includes determining the value of the property; evaluating the merits of the transaction; and negotiating and preparing transaction documents. When opportunities to acquire and preserve open spaces arise the Town must be able to react nimbly. The purpose of the proposed $25,000 Open Space Acquisition and Preservation Fund is to advance such opportunities during the intervals between Town Meetings. The Board of Selectmen, the Community Preservation Committee and the Open Space Committee have prepared a policy that further defines the purposes and uses of this fund should Town Meeting approve this appropriation. The appropriation is recommended subject to the signatures to said policy by the three above named entities.

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

C. Development Fund (Sachem Way), Acton Housing Authority

The Acton Housing Authority proposes to construct 12 affordable rental units for families below 80% of the area's median income on 2.5 acres of its property on Sachem Way. This $250,000 recommended appropriation is designated for the project to be carried out on this site. It will leverage significantly larger funds from the Massachusetts Housing Partnership and the Department of Housing and Community Development to complete the project at an estimated cost of $4,117,000. In 2009, Town Meeting had appropriated $152,000 of CPA funding for pre-development planning and design work for this project. Since then the Housing Authority has proceeded with hiring a development consultant and an architect. The Housing Authority has continuously incorporated the neighborhood in its pre-development planning efforts through multiple meetings, questionnaires, and progress updates, and has pledged to continue this practice throughout all development and construction phases. The funds in this appropriation shall be held as a pledge and not be released to the Housing Authority until it has obtained pledges or assurances for sufficient funding to complete the project from the State or other funding sources.

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

D. Community Housing Program Fund

The Acton Community Housing Corporation (ACHC) has requested $50,000 to replenish the existing Community Housing Program Fund that was first established in 2004 for "the acquisition, creation, preservation, and support of community housing in the Town of Acton" consistent with the Community Housing purposes of the CPA. The Program Fund is used to finance a diversity of affordable housing initiatives and opportunities as they arise, for Acton residents and their adult children, for employees who work for and in the Town, as well as for new residents from outside of Acton. This fund is retained by the ACHC for affordable housing activities that are allowable under the CPA and recommended by the ACHC or any other entity subject to approval by the Board of Selectmen.

With this request, the ACHC proposes to largely continue current programs but also explore and initiate new programs. Current programs include:

- A Condo Buy-Down Program, which is applied to existing housing units. The sellers receive a payment at the time of closing to lower (buy-down) the selling price to a pre-determined affordable level so the unit can be sold to income eligible households. In exchange, a deed restriction is placed on the property that keeps the unit affordable into perpetuity and the unit is added to the Town's Subsidized Housing Inventory.

- A Down Payment and Closing Cost Assistance Program helping first time homebuyers to purchase deed restricted affordable housing units in Acton.

- In partnership with the Acton Housing Authority the ACHC helps buy existing condo units for the Housing Authority's low income rental program, using a combination of CPA, Acton Housing Authority, and housing gift funds.

- Facilitating the resale of existing deed restricted affordable units and funding of minor capital upgrades for such units as part of a resale.

Funds may also be used for sponsorship of first time homebuyer courses, housing needs studies, foreclosure prevention, and credit counseling programs. The ACHC has access to privately funded affordable housing gifts that can be leveraged or supplemented with CPA appropriations to the Community Housing Program Fund.

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

E. Theater III – Preservation Needs Assessment

The Acton Community Center, Inc. (Theater III) has requested $27,000 for a comprehensive professional assessment of the structural integrity of the historic building it owns at 250 Central Street, and for a multi-phase master plan to preserve and restore it. This prominent building in the West Acton Local Historic District is the former Universalist Church built in 1868. The proposed work will include a complete documentation of the present condition of the building and a detailed plan for sequencing the restoration work in a logical and cost effective manner. Theater III has pledged an additional $3,000 for this project. In 2008, the Town appropriated $46,000 to assist with the restoration of most of the windows in the building. This work has been completed. As required under that appropriation the Town now holds a Historic Preservation Restriction on the property.

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

F. Windsor Building Restoration

The Town owns the Windsor Building located at 18 Windsor Avenue in the West Acton Local Historic District. The Town built it in 1903 as the West Acton Fire Station. It is presently vacant and in need of restoration work. The recommended appropriation of $70,200 will preserve the building and restore its historic appearance until a new permanent use for it has been determined. The work will be limited to exterior restoration and preservation. It includes installing reproduction fire engine doors on the front of the building, restoring of windows, installing historically appropriate wooden storm windows, replacing the aging roof, performing necessary exterior carpentry repairs, and applying a new coat of paint.

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

G. 468 Main Street Windows Restoration/Replacement

The Town owns the building at 468 Main Street, located next to Town Hall in the Acton Center Local Historic District. The building presently houses the Municipal Properties Department office. The recommended $8,000 appropriation will replace the non-historical, obsolete, and malfunctioning windows on the second floor with new historically appropriate windows.

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

H. Town Hall Windows Restoration

Town Hall is located at 472 Main Street in the Acton Center Local Historic District. It was built in 1864. The windows in the original 1864 portion of the building have never been restored or replaced, only painted. Many panes have the original wavy glass. The windows are still sound, but operate poorly or malfunction due to age, multiple paint layers, and problems with the weights and/or ropes. Aluminum storm windows were added around 1970. They are in poor condition, not functioning, and historically inappropriate. This $50,000 recommended appropriation would focus on the first floor of the 1864 portion of the building and fund the complete restoration of all windows and the replacement of the aluminum storm windows with historically appropriate, operable, wooden storm windows. To the extent that the appropriation exceeds the amount needed to complete the first floor windows, the money will be used to begin the same work on the second floor.

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

I. Bruce Freeman Rail Trail Design Funding

The Bruce Freeman Rail Trail (BFRT) is a 25-mile long multi-use transportation and recreation path project extending from Lowell to Framingham. Phase 1 from Lowell to Route 225 in Westford was completed in 2009. Phase 2A extends from Route 225 on the former Penn Central Railroad right-of-way (now owned by MassDOT) to East Acton, Phases 2B and 2C will run through Concord, and subsequent phases will eventually extend to Framingham. In Acton, the trail will run +/-4.6 miles from the Carlisle town line in North Acton to the Concord line in East Acton. Town Meeting has funded the BFRT with three prior appropriations from the Community Preservation Fund that totaled $452,000.

Acton has to date expended $267,252 for the completed 25% engineering design and for grant applications, leaving $184,748 for further design work. Acton's estimated cost to complete the final 100% design of the trail is $713,500 based on most recent MassDOT scoping and pricing worksheets. As part of a $500,000 State enhancement grant received in 2009 for the BFRT, Acton would receive approximately $464,000 towards the final design cost. For Acton the anticipated shortfall is then approximately $64,752. This recommended $115,000 appropriation for the BFRT will cover the shortfall and provide additional funds for a range of acquisition costs including title examinations, appraisals, surveys, and legal support.

MassDOT is on record as stating that it will provide the right-of-way for rail trail purposes by way of a deed, license, or easement to the Town. Currently, the estimated construction cost for the Acton portion stands at $9-10 million. MassDOT is expected to pay for the construction of the BFRT with Federal Transportation dollars.

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

J. Administrative and Operating Expenses

The recommended appropriation, $48,462.00, is 5% of the FY 2009 revenues in the Community Preservation Fund as provided in the Act (local surcharge and State trust fund receipts). The funding is to help the Town with administrative and legal expenses incurred in connection with the support of the Community Preservation Committee and Program, and to pay for the Community Preservation Committee's direct expenses such as the annual membership in the Massachusetts Community Preservation Coalition.

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

K. Open Space Acquisition – Caouette Land

Under M.G.L. Ch. 61A, a land owner pays reduced real estate taxes while using the land for agricultural purposes. In exchange, the Town obtains the right of first refusal on the land when the owner decides to sell the land. In the fall of 2009, the Town received a notice under Chapter 61A regarding the proposed sale of 15.2 acres of agricultural land at 2 Stow Street and 90 Martin Street in South Acton. The Town exercised its right of first refusal on the agricultural land subject to Town Meeting appropriation to fund the open space acquisition. The house and approximately 0.5 acre of non-Chapter 61A land at 90 Martin Street will not be a part of the transaction.

A vote in favor of this item will authorize the acquisition of the property with up to $1,000,000 from the Open Space Set-Aside Fund; the re-conveyance to the seller or retention by the seller of sufficient land that the 90 Martin Street property will constitute a legal lot with a house on it; the placement of a perpetual Conservation Restriction on the land to be acquired; and the lease of the land to be acquired for continued agricultural use.

Following this appropriation the remaining Open Space Set-Aside Fund balance will be $445,000, plus $500,000 with appropriation A of this article.

This item is pending a recommendation from the Community Preservation Committee. The Committee is awaiting further information about the acquisition terms and the results of due diligence research.

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

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

Selectman assigned: Mike Gowing: bos@acton-ma.gov / (978) 264-9611

ARTICLE 25 **LAND ACQUISITION AND DISPOSITION –**
(Two-thirds vote) **SIMEONE-CAOUETTE PROPERTY**

To see if the Town will vote to:

(a) to authorize and direct the Board of Selectmen and the Town Manager to acquire by purchase, gift, eminent domain, exercise of first refusal option under Massachusetts General Laws Chapter 61A or otherwise, on such terms and conditions as the Selectmen may determine, fee, easement and/or other real property interests in, on, over, across, under and along all or any portion of the land with the buildings and improvements thereon depicted as Parcel 95 on Assessors' Map H-2 ("Parcel 95") and Parcel 62 on Assessors' Maps H-2A and H-3B (the "Caouette Land"), the majority of which property is currently classified as agricultural land under Massachusetts General Laws Chapter 61A;

(b) to authorize the Board of Selectmen and the Town Manager to convey to the owner of the home located on Parcel 95, on such terms and conditions as the Selectmen may determine, fee, easement or other real property interests in, on, over, across, under and along up to approximately 3.7 acres of the portions of the Premises that are classified under Massachusetts General Laws Chapter 61A to create a single-family residential lot that complies with zoning;

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

(d) to authorize and direct the Board of Selectmen and the Town Manager to impose a perpetual Conservation Restriction, on such terms and conditions as the Selectmen may determine, on all or any portion of the Caouette Land so as to protect and preserve said land in perpetuity, with said restriction to be enforceable by the Commonwealth or by a nonprofit, charitable corporation or foundation as determined by the Selectmen (the "Conservation Land");

(e) to authorize the Board of Selectmen and the Town Manager to delegate the management of the Conservation Land to the Conservation Commission, subject to the perpetual Conservation Restriction as aforesaid; and

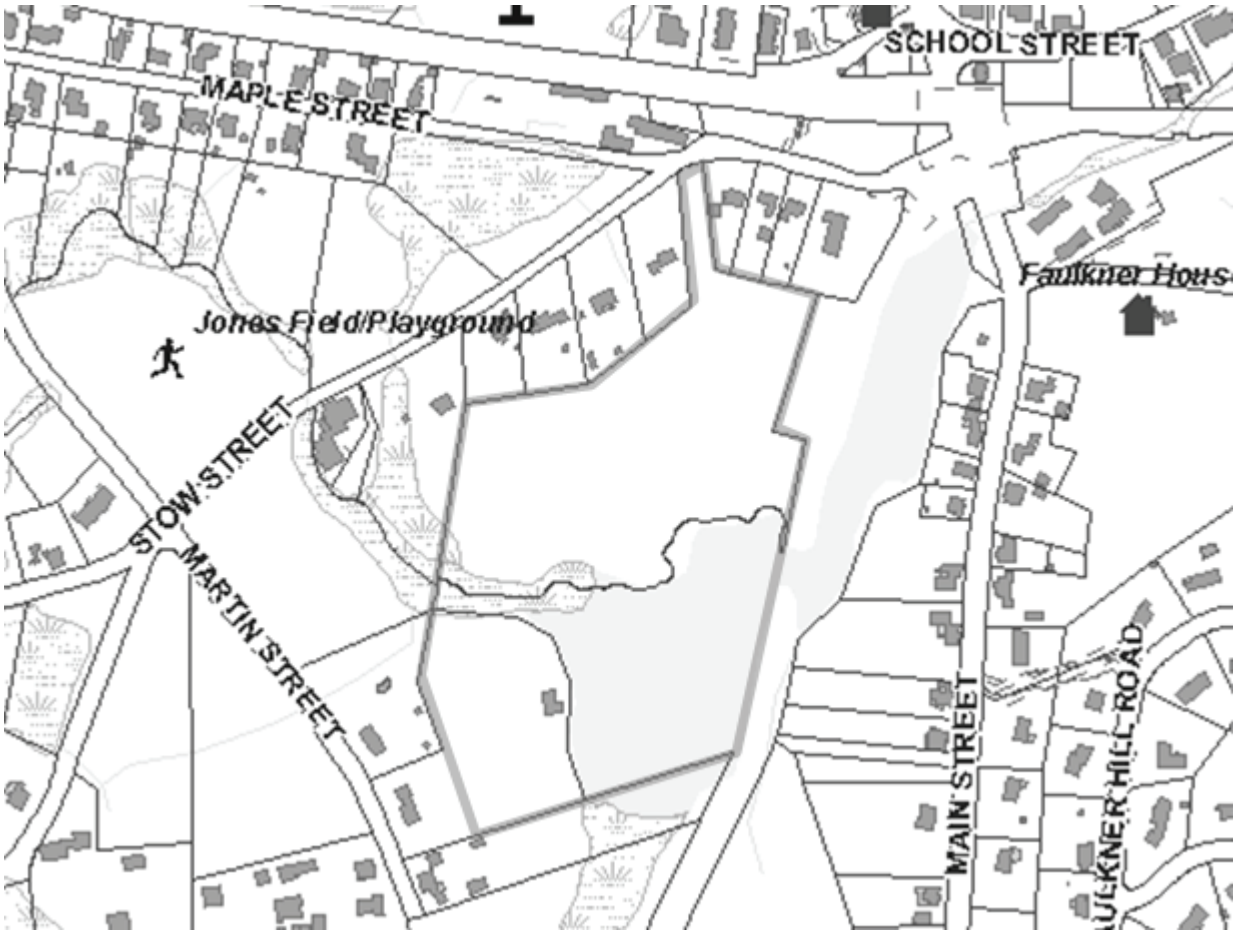
(f) to authorize the Board of Selectmen and the Town Manager to lease, on such terms and conditions as the Selectmen may determine, all or any portion of the Caouette Land for agricultural use;

, or take any other action relative thereto.

SUMMARY

This Article authorizes the acquisition and preservation in perpetuity for conservation purposes of the principal portion of the Caouette Land classified under chapter 61A as agricultural land (less up to approximately 3.7 acres of the premises as is necessary to establish a single-family residential lot that complies with zoning for the home located on Parcel 95). The funding for this proposed acquisition is the subject of the proposed appropriation of CPA Open Space Funds under Article 24. This Article is dependent upon the CPA funding proposed in that Article.

(Continued on next page)



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

Selectman assigned: Mike Gowing: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 26 LAND ACQUISITION – 6 PIPER ROAD
(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and accept the deed of a fee simple interest, on such terms and conditions as the Selectmen may determine, of the vacant land located at and known as 6 Piper Road in South Acton, shown as Parcel 18-1 on Acton Assessors' Map H-3A, containing 20,210 square feet of land, more or less, and being a portion of the land described in the deed recorded in the Middlesex South Registry of Deeds at Book 18551, Page 149, and further to see if the Town will (a) raise, appropriate or transfer from free cash or other available funds the sum of $39,000, or accept gifts for this purpose; (b) combine all or a portion of the newly acquired land, as the Selectmen may determine, with Parcel 4-1 on Acton Assessors' Map H-3A, as such parcel may be reconfigured as provided in Article 2 of the October 2, 2008 Special Town Meeting, to create a lot that conforms to zoning for single family residential use (the "Reconfigured Lot"); (c) reserve a fee simple or easement interest in a portion of the newly acquired land, as the Selectmen may determine, to provide public access from Piper Road to the public conservation land in the area, including without limitation Parcel 4 on Acton Assessors' Map H-3A; (d) raise, appropriate or transfer from available funds the sum of up to $6,000 to improve the Reconfigured Lot and repair the buildings and improvements thereon as necessary to prepare the property for sale, or accept gifts for this purpose; (e) impose a perpetual Historic Preservation Restriction on all or a portion of the land, buildings and improvements comprising the Reconfigured Lot on such terms and conditions as the Selectmen may determine; (f) transfer to the Board of Selectmen for purposes of resale and sell and convey the Reconfigured Lot on such terms and conditions and for such consideration as the Selectmen may determine; and (g) transfer up to $45,000, but not less than $39,000, of the net proceeds from the sale of the Reconfigured Lot to general revenues as reimbursement for the acquisition of Parcel 18-1 and any repairs and improvements to the Reconfigured Lot and the buildings and improvements thereon as contemplated herein or otherwise as required by M.G.L. c. 44, § 63, and transfer the balance of the net proceeds from the general fund to the Community Preservation Fund Open Space Set-Aside in conformance with Article 2 of the October 2, 2008 Special Town Meeting, or take any other action relative thereto.

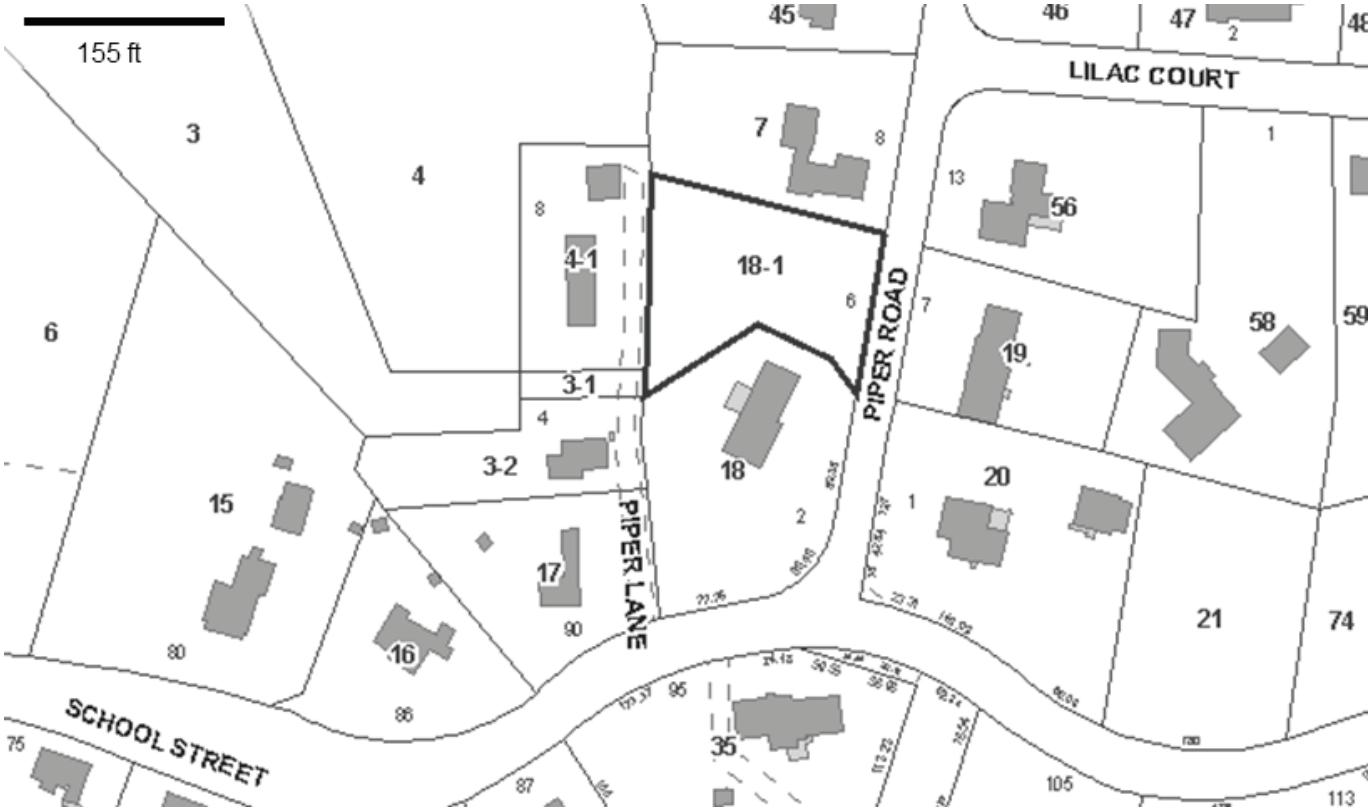
SUMMARY

This article is intended to complete the process begun under Article 2 of the October 2, 2008 Special Town Meeting to acquire the former Gaebel property at 8 Piper Lane in Acton, restrict the main portion of the property as open space and conservation land, and restrict and resell the existing historic house on the property as authorized by the original article. This acquisition will enable the Town to improve access to the conservation land, create conforming frontage for the reconfigured house lot, and thereby improve the resale price of the reconfigured house lot. The Town expects to fully recoup to general revenues, or otherwise as required by M.G.L. c. 44, § 63, the costs authorized by this article upon resale of the reconfigured house lot, and to transfer the balance of the net sale proceeds to the Community Preservation Fund Open Space Set-Aside consistent with the intent of the original article.

The 6 Piper Road parcel has approximately 20,210 square feet of land and about 121 feet of frontage on Piper Road. If purchased, all or a portion of the property will be combined with additional land from the Town's 8 Piper Lane property to form a new legal, conforming and saleable lot with the existing house on it having at least 40,000 square feet in area and at least 100 feet of frontage, in conformance with the intent of the October 2, 2008 Special Town Meeting vote. In turn, the Town will reserve an access strip or access easement for public access to the public conservation land in the area.

This acquisition is necessary to resolve complex zoning obstacles in connection with the reconfiguration and resale of the property at 8 Piper Lane, which consists of two record parcels that have long been held in single ownership. Although the property has a house on it, it has no legal frontage. The Acton zoning bylaw requires that a buildable lot must have a certain minimum frontage. The property with the house on

it existed without frontage before Acton adopted zoning in 1953. Therefore, the property with the house on it and consisting of two record parcels as it has existed since before 1953 (a) has preexisting nonconforming status as to zoning; (b) can continue to exist legally as long as no boundaries change; (c) must be considered a single lot for zoning purposes; and (d) cannot be reduced in area unless the house is removed. Furthermore, access to the property is over a narrow, poorly maintained private way, Piper Lane, which does not qualify as a street for purposes of zoning. The recorded easement for the private way is very narrow, and the private way appears to be located partially outside the area of the recorded easement. The private way cannot be modified, laid out or improved in conformance with the Town's subdivision rules and regulations to make it a street for purposes of creating minimum frontage for a separate house lot from the property at 8 Piper Lane without creating zoning setback violations on the subject property and causing the need for takings from other properties along Piper Lane. As a result of these factors, the acquisition of the 6 Piper Road parcel is necessary to make it possible to complete the intent of the original article, namely, to reconfigure the property at 8 Piper Lane to create a legal saleable house lot separate in ownership from the open space conservation land portion of the property.



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

Selectman assigned: Mike Gowing: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 27 **LAND ACQUISITION – BRUCE FREEMAN RAIL TRAIL**
(Two-thirds vote) **RIGHT OF WAY**

To see if the Town will vote to authorize the Board of Selectmen, for purposes of establishing, constructing, operating and maintaining a multi-use rail trail/bicycle path for non-motorized transportation, open space and recreation purposes and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, to acquire by purchase, gift, eminent domain or otherwise fee, easement, leasehold, license and/or other real property interests in, on, over, across, under and along (a) all or any portion of the land, premises, easements, rights-of-way and other rights in Acton comprising the former Lowell Secondary Track railroad right-of-way acquired by the Commonwealth of Massachusetts (acting through its former Executive Office of Transportation and Construction) by deeds dated April 28 and November 29, 1982, and recorded in the Middlesex South District Registry of Deeds at Book 14609, Pages 302-317 and Book 14836, Pages 507-512, and (b) abutting and underlying properties as necessary for clearing title to said railroad right-of-way, laying out a rail trail/bicycle path in that right of way and within associated easements, and providing access to the rail trail area for construction, maintenance and repair purposes, on such terms and conditions as the Selectmen may determine, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for these purposes, or take any other action relative thereto.

SUMMARY

This article authorizes the Board of Selectmen to acquire necessary and appropriate real property interests to establish the Bruce Freeman Rail Trail (BFRT) in Acton, including the full length and width of the former Lowell Secondary Track railroad right-of-way in Acton from the Acton/Concord town line to the Acton/Carlisle/Westford town line corner, comprising approximately 4.64 miles. The BFRT is a multi-use path for non-motorized transportation from Lowell to Framingham. Phase 1 from Lowell to Route 225 in Westford has been constructed. Phase 2A, which runs through the remainder of Westford, and then through Carlisle and Acton to East Acton, is currently in design. The other phases to the south are in various stages of planning or design.

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

Selectman assigned: Paulina S. Knibbe: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 28 COMMUNITY SHUTTLE – SECOND YEAR GRANT MATCH
(Majority vote)

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, a sum of money to be expended by the Town Manager for the continuation of a town shuttle program, or take any other action relative thereto.

SUMMARY

The Town's Transportation Advisory Committee has developed a program to a) relieve congestion at South Acton Station and increase usage of the commuter rail by instituting a park and ride shuttle system, and b) expand the hours that van service is available to Acton residents, and open the expanded service to all residents and employees, not just the population of older adults and people with disabilities who are eligible for the present Road Runner and Council on Aging mid-day van service. In other words, train riders and the general public will experience a new service, while older adults and persons with disabilities will enjoy expanded hours.

The requested funding is the Town's share of a federal Suburban Mobility transportation startup grant (the Grant). Program costs for the second year are expected to total $163,358. The Grant pays for 70% of the program less fare box revenues estimated at $20,625, thus 70% of $142,733, or $99,913. This article's funding represents the remaining 30%, or $42,820.

During the first year, the Grant funds 80% of the cost of the program less fare box revenues.

During the second year, the Grant funds 70% of the cost of the program less fare box revenues.

During the third year, the Grant funds 60% of the cost of the program less fare box revenues.

In subsequent years, the program will require funding independent of the Grant.

Direct inquiries to: Transportation Advisory Committee: tac@acton-ma.gov / (978) 635-1819

Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 29 AMEND TOWN BYLAWS – STRETCH ENERGY CODE
(Majority Vote)

To see if the Town will vote to enact Chapter V of the General Bylaws of the Town entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code," including amendments or modifications thereto, a copy of which is on file with the Town Clerk and is reproduced in the Summary below, or take any other action relative thereto.

SUMMARY

Municipalities are authorized to adopt the Stretch Energy Code as an alternative to certain provisions of the base building code. The Stretch Energy Code requires 20%-35% greater building energy efficiency than base energy efficiency requirements. New residential construction, as well as additions and substantial renovations, would be covered, but historic buildings are exempt from stretch code requirements. Most new commercial construction would be covered, but new commercial buildings under 5,000 square feet and specialty buildings under 40,000 square feet with unique energy requirements, such as supermarkets, laboratories and warehouses, are exempt from stretch code requirements.

The text of the proposed bylaw, in the form recommended by the Massachusetts Department of Energy Resources is as follows:

Chapter V
STRETCH ENERGY CODE

§ V-1 Definitions

International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

§ V-2 Purpose

The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

§ V-3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

§ V-4 Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix.

780 CMR 120 AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

§ V-5 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Acton General Bylaws, Chapter V.

The Stretch Code is enforceable by the building commissioner and by any inspector of the Town of Acton.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Paulina S. Knibbe: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 30 **AMEND TOWN BYLAWS – DISCHARGES TO MUNICIPAL**
(Majority vote) **STORM DRAIN SYSTEM**

To see if the Town will vote to enact Chapter U of the General Bylaws of the Town entitled "Discharges to the Municipal Storm Drain System," including amendments or modifications thereto, a copy of which is on file with the Town Clerk and is reproduced in the Summary below, or take any other action relative thereto.

SUMMARY

The proposed Bylaw Chapter U, Discharges to the Municipal Storm Drain System, is necessary for the protection of the Town of Acton's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Chapter U provides the Town the legal authority for permitting, inspection, and monitoring of discharges to the Municipal Separate Storm Sewer System (MS4) and allows the Town to ensure compliance with state and federal statutes and regulations relating to storm-water discharges.

The text of the proposed bylaw is as follows:

Chapter U: Discharges to the Municipal Storm Drain System
[Adopted _____]

U1. Purpose

1.1 Regulation of Illicit Connections, Illicit Discharges, Obstructions and Discharges of Pollutants to the Municipal Storm Drain System is necessary for the protection of the Town of Acton's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

1.2 The objectives of this bylaw are:

- 1.2.1 To prevent pollutants from entering the Town of Acton's Municipal Separate Storm Sewer System (MS4);
- 1.2.2 To prevent unauthorized flows from entering the MS4 and adding to total storm water runoff flow volumes;
- 1.2.3 To prohibit Illicit Connections and Illicit Discharges to the MS4;
- 1.2.4 To require the removal of all such Illicit Connections and Illicit Discharges;
- 1.2.5 To comply with state and federal statutes and regulations relating to storm-water discharges; and
- 1.2.6 To establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

U2. Definitions

The following definitions shall apply in the interpretation and enforcement of this bylaw:

Authorized Enforcement Agency shall mean the Board or any agent or employee of the Town of Acton designated by the Board to enforce this bylaw.

Board shall mean the Acton Board of Health.

Clean Water Act shall mean the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

Discharge of Pollutants shall mean the addition from any source of any pollutant or combination of pollutants into the Municipal Storm Drain System or into the waters of the United States or Commonwealth from any source.

Groundwater shall mean water beneath the surface of the ground.

Illicit Connection shall mean a surface or subsurface drain or conveyance, which allows an Illicit Discharge into the Municipal Storm Drain System, including without limitation any discharge of sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

Illicit Discharge shall mean a direct or indirect discharge to the Municipal Storm Drain System that is not composed entirely of storm-water, except as exempted in Section U9.

Impervious Surface shall mean any natural or manmade material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops and mechanically compacted soil or ground.

Municipal Separate Storm Sewer System (MS4) or **Municipal Storm Drain System or Municipal Storm Sewer System** are used interchangeably and shall mean a conveyance or system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, municipal street, catch basins, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, ditch, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Acton.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit shall mean a permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the Discharge of Pollutants to waters of the United States.

Non-Storm Water Discharge shall mean a discharge to the MS4 not composed entirely of storm water.

Obstruction shall mean materials introduced to the MS4 that impede the design flow conditions of the MS4. Typical examples include lawn clippings, brush, gravel and other solid materials.

Person shall mean an individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Pollutant shall mean any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non-point source, that is or may be introduced into the MS4, groundwater or surface water of the Town of Acton.

Pollutants shall include but not limited to:

a. paints, varnishes, and solvents;
b. oil and other automotive fluids;
c. non-hazardous liquid and solid wastes and yard wastes;
d. refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;

e. pesticides, herbicides, and fertilizers;
f. hazardous materials and wastes; sewage, fecal coliform and pathogens;
g. dissolved and particulate metals which are not naturally occurring;
h. animal wastes;
i. rock, sand, salt, soils;
j. construction wastes and residues; and
k. noxious or offensive matter of any kind.

Process Wastewater shall mean water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Recharge shall mean the process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Storm water shall mean storm water runoff, snow melt runoff, and surface water runoff and drainage.

Surface Water Discharge Permit shall mean a permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the Discharge of Pollutants to Waters of the Commonwealth.

Threat of Release shall mean an observed indication of impending danger or discharge or an unconfirmed indication of loss of a non permitted material into the MS4

Toxic or Hazardous Material or Waste shall mean any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance as defined under any State or Federal laws and regulations regulating hazardous, chemical, biological or waste materials, or any amendments thereof, shall be considered toxic or hazardous material or waste.

Watercourse shall mean a natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

Waters of the Commonwealth shall mean all waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, wetlands, and groundwater.

Wastewater shall mean any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

U3. Applicability

3.1 This bylaw shall apply to all Illicit Connections, Illicit Discharges, Obstructions and Discharges of Pollutants to the Municipal Separate Storm Sewer (MS4.)

3.2 This bylaw is not intended to interfere with, abrogate, or annul any other Bylaw, rule or regulation, statute, or other provision of law. The requirements of this Bylaw should be considered minimum requirements, and where any provision of this Bylaw imposes restrictions different from those imposed by any other bylaw, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.

U4. Authority

4.1 This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

U5. Responsibility for Administration

5.1 The Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to agents of the Board or employees of the Town of Acton.

U6. Regulations

6.1 The Board may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

U7. Permits

7.1 No Person shall discharge any storm water and/or groundwater from any single family residence by means of any conduit(s), pipe(s) or hose(s) from any sump pump, crawl space pump or sub-drain (collectively a "Sump Pump") directly or indirectly onto a public way or into the MS4 without first obtaining a permit from the Board and, in the case of a public way, written permission from the Town Engineer. The permit expires and requires re-issuance upon transfer of title of property or upon change or increase in flow of the discharge source. The permit shall become part of the public record for the property that will be maintained in the Department of Health files.

7.2 No Person shall discharge any storm water and/or groundwater from any multi family residence or commercial property by means of any conduit(s), pipe(s) or hose(s) from any Sump Pump as defined in § 7.1 directly or indirectly onto a public way or into the MS4 without first obtaining a permit from the Board and, in the case of a public way, written permission from the Town Engineer. Each such permit must be renewed annually. The permit shall become part of the public record for the property maintained in the Department of Health files.

7.3 Permit conditions shall take into account potential public health hazards from freezing on public ways.

7.4 The board may stipulate additional permit conditions as required in order to protect public and environmental health.

7.5 Fees necessary for issuance of permits or licenses under this bylaw shall be set by the Board of Selectmen at the recommendation of the Board. Fees shall be payable at the time of application.

U8. Prohibited Activities

8.1 Illicit Discharges. No Person shall dump, discharge, cause or allow to be discharged any Illicit Discharge, Discharge of Pollutants or Non-Storm Water Discharge into the Municipal Separate Storm Sewer System (MS4) or into a Watercourse, or into the Waters of the Commonwealth, except as exempted in Section U9.

8.2 Illicit Connections. No Person shall construct, use, allow, maintain or continue any Illicit Connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

8.3 Obstruction of MS4. No Person shall cause an obstruction or otherwise interfere with the normal flow of storm water into or out of the MS4 without prior written approval from the Board.

U9. Exemptions

9.1 Discharge or flow resulting from fire fighting activities is exempt from this bylaw.

9.2 Discharges from the following activities will not be considered a source of pollutants to the MS4 and to Waters of the Commonwealth when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Clean Water Act or this bylaw:

1. Waterline flushing;
2. Flow from potable water sources;
3. Springs;
4. Natural flow from riparian habitats and wetlands;
5. Diverted stream flow;
6. Rising groundwater;
7. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
8. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), French drain systems in place and connected to the MS4 at the time of passage of this by-law, or air conditioning condensation;
9. Discharge from landscape irrigation or lawn watering;
10. Indirect discharge of pesticides, herbicides and fertilizers to an MS4 from surface runoff as a result of lawn/crop application, under the condition, however that such applications are conducted pursuant to the intended use of the product and within the recommended application concentrations as indicated by the manufacturer and/or any Federal, State, and local guidelines for those products;
11. Water from individual residential car washing;
12. Water discharge from street sweeping that occurs during the active sweeping process;
13. Application of de-icing materials as required for public safety;
14. Dye testing, provided notification is given to the Board prior to the time of the test;
15. Non-Storm Water Discharge permitted under a NPDES permit, a Surface Water Discharge Permit or a waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
16. Discharge for which advanced written approval is received from the Board as necessary to protect public health, safety, welfare or the environment.

U10. Emergency Suspension of Storm Drainage System Access

10.1 The Board may suspend MS4 access to any Person or property without prior written notice when such suspension is necessary to stop an actual or threatened Discharge of Pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Board may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

U11. Notification of Spills

11.1 Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in a Discharge of Pollutants to the MS4 or Waters of the Commonwealth, the Person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release, or threat of release, of oil, petroleum products or Pollutants and Hazardous Materials or Waste, the person shall, notify the municipal fire and police departments and the Board, Water Supply District of Acton and the Acton Engineering Department within two hours. The reporting person shall provide to the Board written confirmation of all telephone, facsimile, electronic in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

11.2 All notifications and records received by the Town shall become part of the public record for the property maintained in the Health Department files and available for public review.

11.3 An annual summary of reported releases into the MS4 providing summary of number and type of reported residential and commercial spills shall be reported in brief in the Annual Town report to the public in a form which conveys trends over a five year period.

U12. Enforcement

12.1 The Authorized Enforcement Agency shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

12.2 Civil Relief. If a Person violates the provisions of this bylaw or any regulations, permits, notices, or orders issued thereunder, the Authorized Enforcement Agency may seek injunctive relief in a court of competent jurisdiction restraining the Person from activities which would create further violations or compelling the Person to perform abatement or remediation of the violation.

12.3 Orders. Once a determination of violation has been made, the Authorized Enforcement Agency may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include but is not limited to the following requirements:

1. elimination of an Illicit Discharge, Illicit Connection, Obstruction or Discharge of Pollutants to the MS4;
2. performance of monitoring, analyses, and reporting;
3. that unlawful discharges, practices, or operations shall cease and desist; and/or

4. remediation of contamination in connection therewith.

Failure by the Authorized Enforcement Agency to issue a written order shall not relieve the violator of the Person's responsibilities under this bylaw.

Copies of all orders shall be made available for public inspection at the Health Department during normal business hours, beginning the next business day after issuance. Inspection and copying shall be permitted according to the provisions of Massachusetts law. These records shall be retained to the extent required by Massachusetts law.

12.4 If the Board or its designated agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Acton may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

12.5 After completion of all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be invoiced for the costs incurred by the Town of Acton, including administrative costs. The violator or property owner may file a written protest objecting to the invoice amount or basis of costs with the Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board affirming or reducing the costs, or within thirty (30) days from a final decision of a court of competent jurisdiction, the invoice amounts shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the payment for the invoice first becomes due.

12.6. Criminal Penalty. Any Person who violates any provision of this bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not more than $ 300.00 per day, excluding the cost of damages. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

12.7 Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Acton may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and the Town of Acton General Bylaws Chapter E 45 in which case the Board or its authorized agent or employee shall be the enforcing person. The penalty for the first violation shall be $100.00 per day. The penalty for the second violation shall be $200.00 per day. The penalty for the 3rd and subsequent violations shall be $300.00 per day. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

12.8 Entry to Perform Duties under this Bylaw. To the extent permitted by State law, or if authorized by the owner or other party in control of the property, the Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary.

12.9 Appeals. Appeals of orders of an Agent of the Board may be made in writing to the Board within seven business days from receipt of order and reviewed at the next regularly scheduled meeting of the Board. The decisions or orders of the Board may be appealed in writing to the Board of Selectmen within seven business days of the decision and reviewed at the next

regularly scheduled meeting of the Board of Selectmen. Further relief shall be to a court of competent jurisdiction.

12.10 Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable Federal, state or local law.

U13. Severability

13.1 The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

U14. Transitional Provisions

14.1 Persons and property owners shall have 90 days from the effective date of the bylaw to comply with its provisions unless good cause is shown for the failure to comply with the bylaw within that period.

U15. Variances

15.1 If and only if permissible under the NPDES Storm Water Discharge Permit for the Town of Acton's MS4, the Board may grant a variance from the terms of this bylaw after notice to abutters and a public hearing, if the Board finds that a variance would satisfy each of the following conditions:

1. The variance is consistent with the public health and environmental protection objectives of the Massachusetts General Laws and applicable federal, state and local regulations.
2. The variance is consistent with the purpose and intent of this bylaw.
3. The variance prevents an undue burden on the permit applicant, and
4. Equivalent protection as envisioned in Section U1 of this bylaw

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

Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 31 **AMEND TOWN BYLAWS – NON-CRIMINAL DISPOSITION**
(Majority vote) **FOR CHAPTER U**

To see if the Town will vote to amend Chapter E, Section E45 (Non-Criminal Disposition) of the General Bylaws of the Town as follows:

A. Insert the following line item after the line item for "Chapter P - Local Historic District Bylaw:"

   "Chapter U - Discharges to the Municipal Storm Drain System; Enforcing Person – Board of Health or its authorized agent or employee; Fine $100.00 per day for the first offense; $200.00 per day for the second offense; $300.00 per day for the third and each subsequent offense."

, or take any other action relative thereto.

SUMMARY

The proposed amendment to Chapter E45: Non-Criminal Disposition will provide the necessary legal authority for the issuance of a specific non-criminal penalty for violation of the provisions of the proposed Chapter U Discharges to the Municipal Storm Drain System.

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

Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 32 AMEND ZONING BYLAW – SPECIAL EVENT SIGNS
(Two-thirds vote)

To see if the Town will vote to amend the zoning bylaw, Section 7 – Signs and Advertising Devices, by deleting subsection 7.10 – Special Event Signs and replacing it with a new subsection 7.10 as follows:

7.10 Special Event SIGNS – One SIGN may be ERECTED to announce a church bazaar, fair, circus, festival, business or shop opening, special sale by a store or business, or similar event. Such SIGN may identify the event and the date of the event, and it may display the event's sponsor, organizer or main feature. It shall not exceed 10 square feet in DISPLAY AREA and shall be ERECTED on the same LOT where the event is to occur. Such a SIGN shall neither be ERECTED on a sidewalk, walkway or driveway, nor be ERECTED within 5 feet from the sideline of a STREET or right of way customarily used by the general public. Such SIGN shall not be illuminated and shall comply with the provisions of Sections 7.3 and 7.4, except as set forth in this section. Notwithstanding subsections 7.3.4, 7.3.6, and 7.4.1, a Special Event SIGN may be a MOVABLE SIGN, may consist of a flag or balloon, may be decorated with ribbons, flags, streamers or balloons which remain reasonably within the confines of the SIGN, and in Village Districts may be made with materials not otherwise allowed. Such a SIGN shall be removed not later than 1 day after completion of the event. Only one such SIGN shall be ERECTED per PRINCIPAL USE at any given time. The display of all such SIGNS, taken together, shall be limited to 45 days per PRINCIPAL USE for each calendar year. No Special Event Signs shall be erected without a SIGN permit issued by the office of the Zoning Enforcement Officer pursuant to section 7.6, which may be a blanket SIGN permit that covers all special event SIGNS for a PRINCIPAL USE for up to one calendar year. The SIGN permit shall state the specific dates during which the Special Event SIGN may be ERECTED and the specific location on a LOT. The SIGN owner shall maintain records throughout the calendar year sufficient to demonstrate compliance with this section including without limitation dated photographs confirming when each Special Event SIGN was ERECTED and removed.

[Note – this section currently reads:
***7.10 Special Event SIGNS** – One SIGN may be ERECTED to announce a church bazaar, fair, circus, festival, business or shop opening, special sale by a store or business, or similar event. Such SIGN shall identify the event and the date of the event, and it may display the event's sponsor, organizer or main feature. It shall not exceed 10 square feet in DISPLAY AREA and shall be ERECTED on the same LOT where the event occurs. Such a SIGN shall not be ERECTED on a sidewalk, walkway or driveway, nor within 5 feet from the sideline of a STREET or right of way customarily used by the general public. Such SIGN shall comply with all provisions of Sections 7.3 and 7.4, but it shall not be illuminated, and notwithstanding Sections 7.3.4 and 7.3.6 it may be a MOVABLE SIGN and may consist of a flag or balloon, or may be decorated with ribbons, flags, streamers or balloons which remain reasonably within the confines of the SIGN. Such a SIGN shall not be ERECTED sooner than 7 days before the event and it shall be removed not later than 1 day after completion of the event. Only one such SIGN shall be ERECTED per PRINCIPAL USE at any given time. The number of times such a SIGN may be ERECTED shall not exceed four events per PRINCIPAL USE and calendar year. The display of such SIGNS shall be limited to 28 days per PRINCIPAL USE for each calendar year.]*

, or take any other action relative thereto.

SUMMARY

Special event signs, or temporary signs, are important marketing tools, especially for small businesses. The Acton zoning bylaw currently allows special event signs, but, the rules and limitations may be too stringent and impractical to be useful. There is a significant discrepancy between the zoning requirements for special event signs and the reality; in other words a great number of businesses violate the rules, for instance, with too many signs, too large signs, too frequent signs, or by not obtaining required sign permits. The Town does not have the resources for systematic enforcement of the rules for special event signs. This article would introduce more generous rules. The expectation is that businesses will acknowledge the Town's business friendly gesture and then seek to comply with the rules rather than ignore them. The article would make the following changes for special event signs:

- Remove requirement that the sign must identify the event and the date of the event;
- Allow all types of sign materials and surfaces in village districts including plastic and sheet metal;
- Remove the limit on only four display periods per calendar year;
- Change the overall display time from 28 days to 45 days per calendar year;
- Emphasize that a sign permit from the Zoning Enforcement Officer is required that specifies the sign's location and dates of display;
- Provide for blanket special event sign permits for a whole calendar year.

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

Selectman assigned: Terra Friedrichs: bos@acton-ma.gov / (978) 264-9611

Recommendations:	**Board of Selectmen**	**Finance Committee**	**Planning Board**
	Recommended	**No Recommendation**	**Recommended**

ARTICLE 33 * **AMEND ZONING BYLAW – FLOOD PLAIN DISTRICT**
(Two-thirds vote)

To see if the Town will vote to amend the zoning bylaw as follows and to make this amendment effective on June 4, 2010:

A. Delete the second bullet of section 2.2 – Zoning Map, and replace it with a new second bullet as follows:

- "Flood Insurance Rate Map" (FIRM) for Middlesex County issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP), dated and effective beginning on June 4, 2010, Scale l" = 500', consisting of the 14 map panels that are wholly or partially within the Town of Acton, designated herein as Map Number 2, and enumerated by FEMA as panels: 25017C0238E, 25017C0239E, 25017C0241E, 25017C0242E, 25017C0243E, 25017C0244E, 25017C0351E, 25017C0352E, 25017C0353E, 25017C0354E, 25017C0356E, 25017C0357E, 25017C0358E and 25017C0366E; and including the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010.

  [Note: The second bullet of section 22 currently reads:
  "Flood Insurance Rate Map", dated January 6, 1988 (Scale l" = 400' consisting of 8 sheets designated Map Number 2, Sheet 1 of 8 through 7 of 8 plus the map index and street index) and the associated data in the "Flood Insurance Study, Town of Acton, January 6, 1988".]

B. Amend Section 4.1 – Flood Plain District as follows:

a) Delete the introductory paragraph of section 4.1 and replace it with a new paragraph as follows:

4.1 **Flood Plain District** – The Flood Plain District is an overlay district whose boundaries and regulations are superimposed on all districts established by this Bylaw. The Flood Plain District includes all special flood hazard areas in Acton designated as Zones A and AE shown on Zoning Map Number 2, which are the Acton Panels of the Middlesex County Flood Insurance Rate Map (FIRM), dated June 4, 2010.

[Note: the introductory paragraph of section 4.1 currently states:

Flood Plain District – The Flood Plain District is an overlay district whose boundaries and regulations are superimposed on all districts established by this Bylaw.]

b) Insert the following new sentence at the end of sub-section 4.1.2 (Purpose of the Flood Plain District):

"Further, the purpose of the Flood Plain District is to maintain the Town's eligibility in the National Flood Insurance Program (NFIP) by adopting floodplain management regulations that meet the applicable standards of the NFIP regulations set forth in 44 CFR 60.3. In the event of a conflict between the NFIP regulations at 44 CFR 60.3 and the Flood Plain District regulations set forth in the Bylaw, the more stringent requirement shall control."

[Note: Section 4.1.2 currently states:
Purpose - The purpose of the Flood Plain District is to protect persons and property against the hazards of the Base Flood, to maintain the flood storage capacity and flow pattern of the Flood Plain for the Base Flood and to provide long-term control over the extent of land subject to inundation by the Base Flood.]

c) Delete the introductory paragraph of sub-section 4.1.3 and replace it with a new paragraph as follows:

4.1.3 Methods for Determining Flood Plain District Boundaries – The exact boundaries of the Flood Plain District shall be as shown by the 100-year Base Flood elevation(s) shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010, as determined by an actual field survey of the Base Flood elevation(s).

[Note: The introductory paragraph of sub-section 4.1.3 currently reads:

4.1.3 Methods for Determining Flood Plain District Boundaries – The exact zoning district boundaries of the Flood Plain District shall be the location on the ground, as determined by an actual field survey of the Base Flood elevation(s).]

d) Delete sub-section 4.1.3.1 and replace it with a new sub-section as follows:

4.1.3.1 The Base Flood elevations for AE-Zones shall be the regulatory elevations from Table 8 and the cross section locations from the Flood Profiles contained in the "Middlesex County, Massachusetts, Flood Insurance Study, June 4, 2010" published by the Federal Emergency Management Agency (FEMA).

[Note: Sub-section 4.1.3.1 currently reads:

4.1.3.1 The Base Flood elevations for AE-Zones shall be the regulatory elevations from Table 3 and the cross section locations from the Flood Profiles contained in the "Flood Insurance Study, Town of Acton, January 6, 1988" published by the Federal Emergency Management Agency (FEMA).]

e) In sub-section 4.1.9.1, delete the first sentence and replace it with the following new sentence:

"If a special permit is granted, the Board of Appeals shall impose such conditions and safeguards as public safety, welfare and convenience, and the NFIP regulations at 44 CFR 60.3 may require."

*[*Note*: The first sentence of sub-section 4.1.9.1 currently reads:*

"If a special permit is granted, the Board of Appeals shall impose such conditions and safeguards as public safety, welfare and convenience may require.]

f) Insert the following new subsection:

4.1.9.2 All structural and non-structural activities and development in the Flood Plain District, whether allowed under this Bylaw by right or by special permit must be in compliance with applicable State laws and regulations as amended from time to time, including, but not limited to M.G.L. Ch. 131, s. 40 (Wetlands Protection Act); 780 CMR 120.G (Massachusetts State Building Code applicable to Flood Resistant Construction); 310 CMR 10.00 & 13.00 (Wetlands Protection and Inland Wetlands Regulations); and 310 CMR 15.00 (Title 5, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage).

, or take any other action relative thereto.

SUMMARY

The Federal Emergency Management Agency (FEMA) has completed a re-evaluation and update of Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS). The FIRM identifies special flood hazard areas, i.e. areas subject to inundation at a one percent annual chance (100-year flood plain). The new FIRM and FIS will become effective on June 4, 2010 and will be for the entire Middlesex County, rather than just for Acton. The FIRM includes 14 panels that show portions of the Town of Acton.

This article amends the zoning bylaw to update references to and descriptions of the new FIRM and FIS, and to provide better reference to applicable State and Federal laws and regulations. The updates are only administrative in nature. The new FIRM and FIS do not physically change the 100-year flood plain in Acton. A review of the Acton portion of the FIRM indicates that, as before, the FIRM only identifies special flood hazard areas in Acton designated as Zones A and AE. Nevertheless, the updates are necessary in order to maintain Acton's eligibility in the National Flood Insurance Program (NFIP). Loss of NFIP eligibility would mean the loss of flood insurance subsidies to homes and properties and could bar the Town access to FEMA flood disaster mitigation funding.

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

Selectman assigned: Lauren S. Rosenzweig: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 34 * ACCEPT SIDEWALK EASEMENT – 239 ARLINGTON STREET
(Two-thirds 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 deed of an easement interest for all purposes which streets, sidewalks and ways are now or hereafter used in the Town, on such terms and conditions as the Selectmen may determine and in a final location as the Selectmen may determine, on, across, over, and/or under the following land shown as 239 Arlington Street on a plan entitled "Easement Plan of Land in Acton, Massachusetts (Middlesex County), Owned by Michael L. Klinger and M. Carole Drago, Scale 1"=10', September 15, 2009," prepared by the Town of Acton Engineering Department, 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 section of sidewalk along Spruce Street that was built on private property. The easement is needed due to the fact that Spruce Street is not wide enough at this location for a sidewalk given the location of the road pavement, the public shade tree and the abutting property. The sidewalk was constructed with the consent of the abutting property owner and the easement is being voted on retroactively.

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

Selectman assigned: Paulina S. Knibbe: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 35 * **ACCEPT PROPERTY BY DEED IN LIEU OF FORECLOSEURE**
(Majority vote) **NONSET PATH**

To see if the Town will authorize the Tax Collector, pursuant to General Laws Chapter 60, Section 77C, to accept title by deed in lieu of foreclosure to the parcel identified as Parcel 25-4 on Assessor's Map B5, upon such terms and conditions as he shall determine appropriate, or take any other action relative thereto.

SUMMARY

The town's tax collector, acting pursuant to a Town Meeting vote, may accept a deed to property in lieu of foreclosing on the property for back taxes. Upon acceptance and recording of the deed, any real estate taxes and other municipal charges and liens shall be treated as having been paid, and shall be accounted for by the town in the same manner as if a tax title foreclosure had been completed. In a case where the property owner is cooperative and there are no other liens or encumbrances other than the town's liens, this option is generally faster and less expensive than pursuing a tax foreclosure proceeding through the Land Court. The parcel in question is located on Nonset Path consisting of 6.29 acres of land, more or less.

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

Selectman assigned: Peter J. Berry: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 36 * **ACCEPT PROPERTY BY DEED IN LIEU OF FORECLOSEURE**
(Two-thirds vote) **ETHAN ALLEN DRIVE**

To see if the Town will authorize the Tax Collector, pursuant to General Laws Chapter 60, Section 77C, to accept title by deed in lieu of foreclosure to the parcel identified as Parcel 105-2 on Assessor's Map F1, upon such terms and conditions as he shall determine appropriate, or take any other action relative thereto.

SUMMARY

The town's tax collector, acting pursuant to a Town Meeting vote, may accept a deed to property in lieu of foreclosing on the property for back taxes. Upon acceptance and recording of the deed, any real estate taxes and other municipal charges and liens shall be treated as having been paid, and shall be accounted for by the town in the same manner as if a tax title foreclosure had been completed. In a case where the property owner is cooperative and there are no other liens or encumbrances other than the town's liens, this option is generally faster and less expensive than pursuing a tax foreclosure proceeding through the Land Court. The parcel in question is located off Ethan Allen Drive consisting of 7,841 square feet.

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

Selectman assigned: Terra Friedrichs: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 37 # * LAND ACQUISITION – WINDSOR AVENUE
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen, on such terms and conditions as the Selectmen may determine, to acquire by purchase, gift, eminent domain or otherwise and to accept a deed of a fee, easement, restriction of development rights or other interest in the land shown as Lot B on a Plan of Land for 30 Windsor Avenue, Acton, MA, prepared by R. Wilson & Associates, Inc., dated December 22, 2008, and endorsed on behalf of the Acton Planning Board as Approval Not Required under the Subdivision Control Law on February 4, 2009, and consisting of a portion of the premises shown on Assessors' Map F2B as Lot 13, and further 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

The original cause for this Citizens' Petition has since been resolved amongst the neighbors. Accordingly, the sponsor of the Petition, with consent of the co-petitioners, is moving to take no action on this article.

Direct inquiries to: Wayne Friedrichs: wf@cortroninc.com / (978) 263-1557

Selectman assigned: Paulina S. Knibbe: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 38 * AMEND TOWN CHARTER – MEMBERSHIP TERMS FOR COUNCIL ON AGING
(Two-thirds vote)

To see if the Town, pursuant to Article 8-3(b) of the Acton Town Charter, will vote to amend Section 4-2 of the Town Charter by increasing the length of term for members of the Council on Aging from one year to three years, or take any other action relative thereto.

SUMMARY

This Article is the first step in amending the Town Charter to redefine the membership terms for the Council on Aging. The current appointment term for the Council on Aging board is one year. By changing the term length to three years and staggering the appointments, the nine-member board will have members with varying degrees of board experience. This change will allow the more experienced members to assist new members, as well as provide better continuity of the board's activities. This change also makes the COA membership terms consistent with membership terms of other town boards, committees, and commissions. Should Town Meeting approve this Article it will be submitted to the voters at the next regular town election.

Direct inquiries to: Jean Fleming, Council on Aging Director
seniorcenter@acton-ma.gov / (978) 264-9643
Selectman assigned: Mike Gowing: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 39 * 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: Terra Friedrichs: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 40 * 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: Peter J. Berry: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 41 * 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: Peter J. Berry: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 42 * GIFTS OR GRANTS
(Majority vote)

To see if the Town will vote to appropriate the proceeds of any gifts or grants accepted pursuant to Massachusetts General Law, Chapter 44, Section 53A, and any interest thereon, and that, consistent with the requirements of Massachusetts General Law, Chapter 40, Section 4A, the Board of Selectmen or Town Manager are authorized to enter into an agreement or agreements on behalf of the Town, on such terms and conditions as the Board of Selectmen or the Town Manager may determine, for the stated purposes of the gifts or grants, or take any other action relative thereto.

SUMMARY

Section 53A authorizes Town officers and departments to accept "grants or gifts of funds from the Federal Government and from a charitable foundation, a private corporation, or an individual, or from the commonwealth, a county or municipality or an agency thereof" and to expend said funds for the purposes of such grant or gift with the approval of the Board of Selectmen or otherwise as specified in the statute. The Department of Revenue has taken the position that such funds may require appropriation in certain circumstances. This Article provides that appropriation so that those funds may be expended for their stated purposes.

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

Selectman assigned: Mike Gowing: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 43 * FEDERAL AND STATE REIMBURSEMENT AID
(Majority vote)

To see if the Town will vote to appropriate any Federal Government and State Government reimbursement for costs incurred as a result of any declared emergencies or other occurrence, and that, consistent with the requirements of Massachusetts General Law, Chapter 40, Section 4A, the Board of Selectmen or Town Manager are authorized to enter into an agreement or agreements on behalf of the Town, on such terms and conditions as the Board of Selectmen or the Town Manager may determine, or take any other action relative thereto.

SUMMARY

The Federal Emergency Management Agency (FEMA) and Massachusetts Emergency Management Agency (MEMA) each provide planning and mitigation monies to cities and towns, and each reimburses for certain costs during declared emergencies. In addition, monies may be distributed for Homeland Defense, other Federal programs and other State programs. This article would authorize the Town to expend all such monies.

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

Selectman assigned: Terra Friedrichs: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 44 * 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: Peter J. Berry: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 45 * 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: Paulina S. Knibbe: bos@acton-ma.gov / (978) 264-9611

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

ARTICLE 46 * 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: Mike Gowing: bos@acton-ma.gov / (978) 264-9611

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

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 sixteenth day of March, 2010.

Paulina S. Knibbe, Chair
Peter J. Berry, Vice-Chair
Lauren S. Rosenzweig, Clerk
Terra Friedrichs
Mike Gowing

Board of Selectmen

A true copy, Attest:

Constable of Acton

Glossary of Terms Commonly Used in Municipal Finance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fiscal Year ("FY"): A 12-month period, beginning July 1 and ending June 30, to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations. The numbers of the fiscal year is that of the calendar year in which its ends; for example, FY09 or FY 2009 is the fiscal year which begins July 1, 2008 and ends June 30, 2009.

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.

Stabilization Fund: A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose (MGL Ch. 40 §5B). Stabilization funds may be established for different purposes, and interest generated by such funds is added to and becomes part of the stabilization fund. A two-thirds vote of town meeting is required to establish, amend the purpose of, or appropriate money into or out of the stabilization fund.

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 Recon-sider	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
Reconsider [2]	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 *s*erves 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 right – TOWN MEETING.

Don MacKenzie
Town Moderator

Internet References

Official Town of Acton Web Site	http://www.acton-ma.gov
Document Management System ("Docushare")	http://doc.acton-ma.gov
Geographic Information System ("GIS")	http://www.acton-ma.gov/gis

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

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

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

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

Acton Community Housing Corporation	achc@acton-ma.gov
Acton Leadership Group	alg@acton-ma.gov
Acton-Boxborough Cultural Council	abcc@acton-ma.gov
Appeals, Board of	boa@acton-ma.gov
Assessor Department	assessor@acton-ma.gov
Assessors, Board of	bas@acton-ma.gov
Building Department	building@acton-ma.gov
Cable Advisory Committee	cac@acton-ma.gov
Cemetery Department	cemetery@acton-ma.gov
Citizens' Library Department, West Acton	wacl@acton-ma.gov
Clerk Department, Town	clerk@acton-ma.gov
Collector Department	collector@acton-ma.gov
Commission on Disability	cod@acton-ma.gov
Community Preservation Committee	cpc@acton-ma.gov
Conservation Commission	conscom@acton-ma.gov
Council on Aging	coa@acton-ma.gov
Council on Aging Department (Senior Center)	seniorcenter@acton-ma.gov
Design Review Board	drb@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
Finance Committee	fincom@acton-ma.gov
Finance Department	finance@acton-ma.gov
Fire Department	fire@acton-ma.gov
Green Advisory Board	gab@acton-ma.gov

Health, Board of	boh@acton-ma.gov
Health Department	health@acton-ma.gov
Health Insurance Trustees	hit@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
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
Outreach Steering Committee	outreach@acton-ma.gov
Parking Clerk	parkingclerk@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
Selectmen, Board of	bos@acton-ma.gov
Senior Taxation Aid Committee	stac@acton-ma.gov
Sewer Action Committee	sac@acton-ma.gov
Sidewalk Committee	sidewalks@acton-ma.gov
South Acton Train Station Advisory Committee	satsac@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
Wastewater Advisory Neighborhood Taskforce	want@acton-ma.gov
Water Resources Advisory Committee	wrac@acton-ma.gov

FOR IMMEDIATE RELEASE
March 10, 2010

CONTACT:
Pamela Wilmot
Executive Director
Office: (617) 426-9600
Mobile: (617) 962-0034

Common Cause Massachusetts to Present e-Government Award to 181 Municipalities, Releases Municipal Transparency Report

BOSTON – Common Cause Massachusetts released the findings of its annual survey of municipal websites today and will present its 2010 e-Government Award to 180 cities and towns next Tuesday, March 16th at 11am in hearing room A-1 at the State House. The survey and ceremony coincide with the national initiative known as "Sunshine Week" in which media outlets and others address issues of governmental transparency.

Municipalities who post their governing body's minutes and an agenda, their budget, their bylaws, and, if applicable, their town meeting warrant and results will receive the 2010 e-Government Award and are listed below.

Those who additionally post a year's archive of minutes and agendas, their calendar, their zoning bylaws, their school committee's minutes and agenda, and the minutes and agenda for another board or committee will receive the award with distinction and are bolded.

Acton, *Agawam,* ***Amesbury,*** *Amherst,* ***Andover, Arlington,*** *Ashburnham, Ashby,* ***Ashland,*** *Attleboro, Avon, Ayer,* ***Barnstable,*** *Becket,* ***Bedford, Bellingham, Belmont****, Billerica,* ***Bolton, Boston****,* ***Bourne, Boxborough, Boylston, Braintree, Brewster,*** *Brockton,* ***Brookline, Burlington, Cambridge,*** *Carlisle,* ***Charlton, Chatham, Chelmsford, Chelsea, Chicopee,*** *Chilmark,* ***Cohasset, Concord, Dartmouth, Dedham,*** *Dennis, Douglas,* ***Dover,*** *Dracut, Dudley, Dunstable,* ***Duxbury, East Longmeadow, Eastham, Easton,*** *Edgartown, Egremont, Essex,* ***Everett, Falmouth,*** *Fitchburg,* ***Foxborough, Framingham,*** *Franklin,* ***Freetown, Gardner,*** *Georgetown,* ***Gill,*** *Gloucester, Grafton, Great Barrington, Groton, Halifax,* ***Hamilton,*** *Harvard,* ***Harwich,*** *Haverhill,* ***Hingham,*** *Holden, Holliston, Holyoke,* ***Hopkinton,*** *Hubbardston, Hudson, Ipswich,* ***Kingston, Lakeville,*** *Lancaster, Lenox, Leominster, Lexington,* ***Littleton,*** *Longmeadow,* ***Lowell,*** *Lunenburg, Malden, Mansfield,* ***Marblehead,*** *Marlborough,* ***Marshfield, Maynard,*** *Medfield, Medway, Melrose,* ***Methuen, Millbury,*** *Milton, Montague, Monterey,* ***Nantucket, Needham, New Bedford,*** *Newburyport,* ***Newton,*** *North Adams,* ***North Andover,*** *North Brookfield,* ***North Reading,*** *Northampton, Northbridge,* ***Northborough****, Northfield,* ***Oak Bluffs,*** *Orange, Orleans, Otis, Paxton, Peabody, Pembroke,* ***Pepperell****, Plympton, Princeton,* ***Reading,*** *Rockland, Rockport,* ***Salem, Salisbury,*** *Sandwich, Saugus, Scituate, Seekonk, Sharon, Sheffield, Shrewsbury,* ***Somerville****,* ***South Hadley, Southampton,*** *Southborough, Southwick, Spencer,* ***Springfield, Sterling, Stow, Sudbury,*** *Sunderland,* ***Sutton,*** *Taunton,* ***Topsfield, Truro,*** *Upton, Uxbridge,* ***Walpole,*** *Waltham,* ***Wareham, Warwick,*** *Watertown, Wayland,* ***Wellesley, Wellfleet,*** *Wenham,* ***West Boylston,*** *West Springfield,* ***Westborough, Westford,*** *Westminster,* ***Weston, Westwood, Weymouth****, Wilbraham, Williamstown,* ***Wilmington,*** *Winchester, Woburn,* ***Worcester, Wrentham,*** *Yarmouth.*

"We are pleased to be able to honor over half of Massachusetts cities and towns this year," said Common Cause Massachusetts' Executive Director Pam Wilmot. "Many communities rose to the challenge and significantly improved their websites over the past year. By making it easier to obtain important information online, citizens will be empowered to actively participate in their local governments."

Common Cause Massachusetts launched this project in 2006. At that time, only 24 communities met the campaign's minimum standards and posted essential governance records. This year, 91 will receive the basic award, and 90 will receive the award with distinction, making 181 communities in total, seven-and-a-half times more than the original 24.

In addition to the awards presented, Common Cause released a full survey of the Internet presence of all 351 cities and towns. 25 communities, many of them small towns, had no website at all. 23 municipalities have websites but none of the documents posted. 20 communities came very close to earning an award and only had one document missing.

"The Internet is an inexpensive channel to get information to residents. Posting these key records takes only minutes and costs almost nothing," said Wilmot. "Communities that make this information available on the web are providing an important service to their citizens and we are ecstatic that we are able to acknowledge them."

For more information, go to www.commoncause.org/egov10

ABOUT COMMON CAUSE

Common Cause Massachusetts is a nonpartisan, nonprofit, government watchdog, dedicated to citizen participation in an open, honest, and accountable government. An independent, member-supported organization, Common Cause has more than 200,000 members nationwide and 10,000 in Massachusetts.

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Massachusetts COMMON CAUSE *Holding Power Accountable*

MASSACHUSETTS CAMPAIGN FOR OPEN GOVERNMENT

Year Ending: March 2010 Data

Town or City	Superstar	Gov. Body's Agenda	Gov. Body's Minutes	Budget Info	General Bylaws	Town Meeting Warrant	Town Meeting Results
Acton	¤	yes	yes	yes	yes	yes	yes

- ¤ indicates a superstar with
  - an archive of governing board minutes and agendas
  - zoning bylaws
  - town or city charter
  - community calendar
  - school committee agenda and minutes, and
  - agendas and minutes of one other town committee

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? _____ Are you a Documented Resident Alien of Acton? _____

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 Boxborough Cultural Council	MAGIC/MAPC
Acton Community Housing Corporation	MBTA Advisory Board
Board of Appeals	Metropolitan Area Planning Committee
Board of Assessors	Minuteman Home Services
Board of Health	Minuteman Regional Technical High School
Board of Registrar of Voters	No Place for Hate
Cable Advisory Committee	Nursing Services Professional Advisory Committee
Cemetery Commission	Open Space and Recreation Advisory Committee
Commission on Disabilities	Planning Board
Community Preservation Committee	Public Ceremonies Committee
Comprehensive Community Plan Outreach Committee	Recreation Commission
Conservation Commission	Senior/Disabled Taxation Aid Committee
Council on Aging	Sewer Action Advisory Committee
Design Review Board	Sidewalk Committee
Economic Development Committee	South Acton Train Station Advisory Committee
Finance Committee	Transportation Advisory Committee
Fire & EMT Needs Task Force	Treasurer's Investment Advisory Committee
Green Advisory Board	Volunteer Coordinating Committee
Historical Commission	Wastewater Advisory Neighborhood Task Force
Historic District Commission	Water Resources Advisory Committee
Land Stewardship Advisory Committee	
Lowell Regional Transit	

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

Applicant Called _____

Schedule Date & Time _____

Recommendation _____

Board, Committee or Commission

_____

_____

_____

_____

Recommendation Sent _____

☐ No openings at this time

Appointing Body

Selectmen / Manager / Moderator

Interview Date _____

Appointed Date _____

Term _____

Member / Alternate / Associate

Member / Alternate / Associate

Member / Alternate / Associate

Member / Alternate / Associate

Notification of Appointment

Received by VCC _____

Committee Notified _____

Applicant Notified _____

Proposed Town Meeting Booklet

As I have previously mentioned at Town Meetings, I plan to put together a series of thoughts or vignettes on Town Meeting during the latter part of the Twentieth and the first years of the Twenty-First Centuries. No such work presently exists, and I'll need your help.

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

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

Don MacKenzie
Town Moderator

Thoughts or Comments on Town Meeting

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(Please continue on reverse side)

Thoughts or Comments on Town Meeting (continued)

Celebrating Acton's 275th Anniversary & Independence Day

Saturday, July 3
(Rain Date Sunday, July 4)

NARA Park

Festivities Begin at 6:30 PM

Fireworks 9:30 PM

Check with the Town Web Site and the Recreation Department for Other Special Events as the Details become Finalized

www.acton-ma.gov

Town of Acton
472 Main Street
Acton, MA 01720

BULK RATE
U.S. POSTAGE PAID
PERMIT #67
ACTON, MA 01720

POSTAL PATRON
ACTON, MA 01720