

Town of Acton

Annual Town Meeting Warrant



Monday, April 1, 2013

**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 26, 2013 7:00 AM – 8:00 PM

Precincts 1, 2 and 6 – Conant School – 80 Taylor Road

Precincts 3, 4 and 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road

Please note that Precinct 1 voting, formerly held at the Nagog Woods Clubhouse, will now take place at the Conant School.

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) 929-6620**.

Annual Town Meeting Monday, April 1, 2013 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. Copies will also be available at Town Meeting.

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Free Transportation to Town Meeting

Don't miss Town Meeting because you can't get a ride!



The Town of Acton is offering **free** door-to-door van rides to the Annual Town Meeting on April 1, 2 and 3. Meetings start at 7 PM and generally conclude by 10:30 PM.

The MinuteVan will bring in a driver to cover from 6:15 PM to 10:30 PM for each of the three nights (4/1, 4/2, 4/3). The Dial-A-Ride dispatch service will be open until 12:30 PM on the day of each meeting and again beginning at 6:15 PM for anyone that wants to book a ride to/from Town Meeting that night. They will be able to book a reservation with the MinuteVan dispatcher at (978) 844-6809 or www.minutevan.net. The service will run even if there are no reservations, as we will take walk-ons from Town Meeting that want a trip home. There will be no charge to passengers for any of these Town Meeting trips. When the van is not in use from 6:15 PM to 10:30 PM, it will be parked at the Acton-Boxborough High School where Town Meeting is being held. The van's engine will not idle, but the driver will be at a table outside the auditorium ready to respond to a requested trip.

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MinuteVan Dial-A-Ride is a unique transportation service offered by the Town of Acton. It is available to all citizens (some age requirements) Monday through Friday, except holidays, for rides around town and to nearby locations. Hours of operation are 8 AM – 11 AM and 2:15 PM - 7:15 PM. Trips within Acton cost \$2/trip, \$1/trip for seniors and disabled. Out-of-town trips (within 3.5 mile radius of Acton Town Hall) are \$4/trip, \$1.50/trip for seniors/disabled. Locations served include: West Concord Center, Emerson Hospital, Maynard Center, Skating Rink and Food Pantry in Boxborough, and more. Policies may be reviewed on-line at www.minutevan.net.

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 our government cable television channels, Comcast channel 99 and Verizon cable channel 41.

Town Meeting Dates, Times and Location

The Annual Town Meeting will begin on April 1 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 Town Meeting, the motion made under each article will describe the specific proposed action. 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 Town Meeting Parliamentary Procedure, serving as 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 regarding the Articles may be obtained 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) 929-6611 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 reviewing the list of opportunities available on our web site at www.acton-ma.gov/volunteer. The application is available online as well as an appendix in this Warrant. Handwritten applications may be submitted to the Town Manager's office at Town Hall or handed to any Selectman at this meeting. Please consider helping your Town by volunteering some time – we believe you will find it very rewarding.

Pamela Harting-Barrat, Chair
Janet K. Adachi, Vice-Chair
Mike Gowing, Clerk
John Sonner
David Clough

Board of Selectmen

Town Manager's Message

“The experienced mountain climber is not intimidated by a mountain – he is inspired by it. The persistent winner is not discouraged by a problem – he is challenged by it. Mountains are created to be conquered; adversities are designed to be defeated; problems are sent to be solved. It is better to master one mountain than a thousand foothills.”

- William Arthur Ward

Dear Town Residents:

As we prepare for FY14 and beyond, there are many mountains to be climbed and conquered: the Federal Fiscal Cliff; dips in State Revenue; Other Post-Employment Benefits (OPEB); pressure to provide more services; pressure to curb spending; crime; human needs; health care; alternative forms of transportation. It is abundantly clear that there will be no cure-all coming from the Federal and State governments. We must find ways to provide quality services on our own. These are our mountains, our adversities, our problems. They are ours to conquer.

The proposed FY14 budget attempts to provide level service, while addressing such things as inadequate staffing in the Police Department; implementation of some elements of the 2020 plan; continued support of the Acton Nursing Service as well as transportation services; a contribution to OPEB; a strategy to apply an OPEB factor to new positions; a reduction in the General Fund subsidy to the Ambulance Enterprise Fund.

This budget is predicated on the consensus derived by the Acton Leadership Group (ALG) from projected revenues for FY14 and the split allocation between Town and Schools. For those not familiar with the Acton budgeting process, the ALG consists of representatives from the Board of Selectmen, School Committee, Finance Committee and Town and School administration. The primary function of this group is to reach consensus on revenues, use of reserves, budget growth and to make recommendations to their respective boards as to a split of revenues between the Town and Schools.

FY14 BUDGET PROCESS

Work commenced on the FY14 budget in September 2012 when departmental submittals were turned in. A two-day budget retreat, commonly known as “On the Hill” was held on October 17th and 18th. Operational budget requests of \$28,093,519 as well as capital requests of \$10,734,663 were reviewed. Part of the “On the Hill” process is to have peer review of capital requests. On the last day of the process, all capital requests are rated by secret ballot into A, B, and C categories, with A being the highest priority. “A” capital priorities (including labor) totaled \$3,214,464.

Upon conclusion of “The Hill”, the Town Manager convened a budget team consisting of: The Finance Director, Assistant Finance Director, Town Accountant, HR Director, IT Director and jack-of-all-trades Health Director Doug Halley, to discuss, review and brainstorm the issues surrounding the budget. The group devoted one full day per week from late October to early December. The result is the Town Manager’s recommended budget for FY14.

The recommended operational budget for the next Fiscal Year is **\$ 28,472,335**, a **2.9%** increase over FY13. The total request, when adding in the recommended capital, subsidies and the Town share of an annual OPEB contribution, is **\$ 30,172,180**, a **2.9%** increase over FY13.

WHAT THE FY14 BUDGET BUYS

• Level Service Budget	\$ 28,089,739
• 4 Additional Police Officers	254,000
• OPEB for Officers	40,640
• Lead Dispatcher	56,213
• OPEB for Dispatcher	8,995
• Additional Clerical Hours, Town Clerk	15,722
• OPEB for Clerical	<u>7,026</u>
Subtotal	\$ 28,472,335

GENERAL FUND CAPITAL

<u>Item</u>	<u>Department</u>	<u>Cost</u>
Kelley's Corner Development Plan	Planning	\$ 277,000
Fire Station 1 Generator	Municipal Properties	99,000
Fire Station 2 Generator	Municipal Properties	99,000
Boom Mower Attachment	Municipal Properties	61,000
Acton Center Traffic Study	Engineering	45,000
Replace 2000 Half-Ton Pickup	Highway	37,000
Replace 2002 Half-Ton Pickup	Highway	37,000
Replace 2004 Half-Ton Pickup	Municipal Properties	37,000
Purchase Land Survey Equipment	Engineering	35,000
Acquire Land, 81 Wood Lane	BOS/Town Manager	<u>33,000</u>
	Subtotal	\$ 760,000

OTHER GENERAL FUND SUPPORT

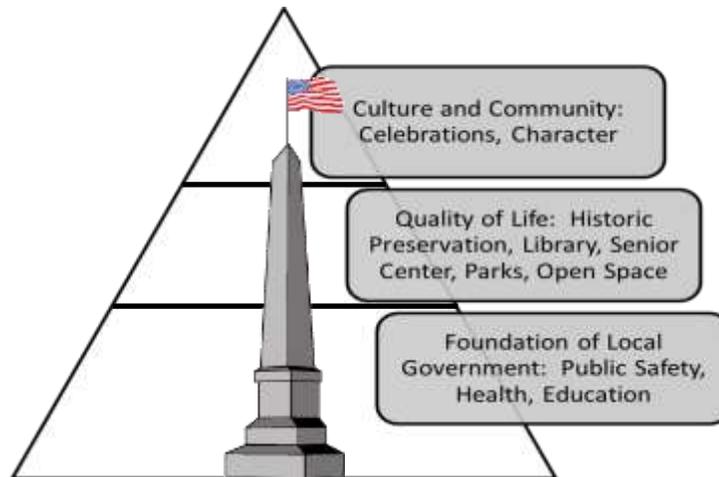
<u>Fund/Initiative</u>	<u>Amount</u>
Transportation Article	\$ 120,845
Nursing Enterprise Fund	135,000
Ambulance Enterprise Fund	200,000
COA Van Enterprise Fund	50,000
Cultural Council	2,000
OPEB	<u>432,000</u>
Subtotal	\$ 939,845

CAPITAL FROM OTHER FUNDING SOURCES

<u>Item</u>	<u>Department</u>	<u>Cost</u>	<u>Source</u>
Parking Meter System	Engineering	\$ 100,000	Commuter Parking Lot Fees
Security, Network, Communications	Information Tech.	100,000	Commuter Parking Lot Fees
Police Cruisers	Police	70,500	Commuter Parking Lot Fees
Automatic Electronic Defibrillators	Police	18,000	Commuter Parking Lot Fees
Advanced Life Support Study	Fire	25,000	Ambulance Enterprise Fund
Treatment Plant Repairs	Sewer/Health	27,250	Sewer Enterprise Fund
Tractor, Loader, Blade Attachments	Sewer/Health	<u>36,000</u>	Sewer Enterprise Fund
	Subtotal	\$ 376,750	

Acton, like all Massachusetts communities, has been struggling to maintain the integrity of its services due to the constraints of Proposition 2½ and minimal increases in Local Aid over time. This budget attempts to address some long-standing problems such as the inadequacy of staffing at the Police Department, replacing some important capital equipment and designing a solution to the aesthetic and traffic nightmare that is Kelley’s Corner.

The budget is designed with the hierarchy of Municipal needs in mind:



The purpose of developing the pyramid is to show the core foundation of Town services, which is the base of the structure. All other layers add to the quality of life and character of the community.

As stated at the outset, our challenges are many, but we must not let them defeat us. We must keep in mind what Abraham Lincoln once said: *“The legitimate object of government, is to do for a community of people whatever they need to have done, but cannot do at all, or cannot, so well do for themselves, in their separate and individual capacities.”*

I would like to personally thank all the Town Department Heads who worked hard to keep their operational requests reasonable in the spirit of cooperativeness. Coupled with the Board of Selectmen and Finance Committee, there is no mountain we cannot ascend.

Respectfully Submitted,

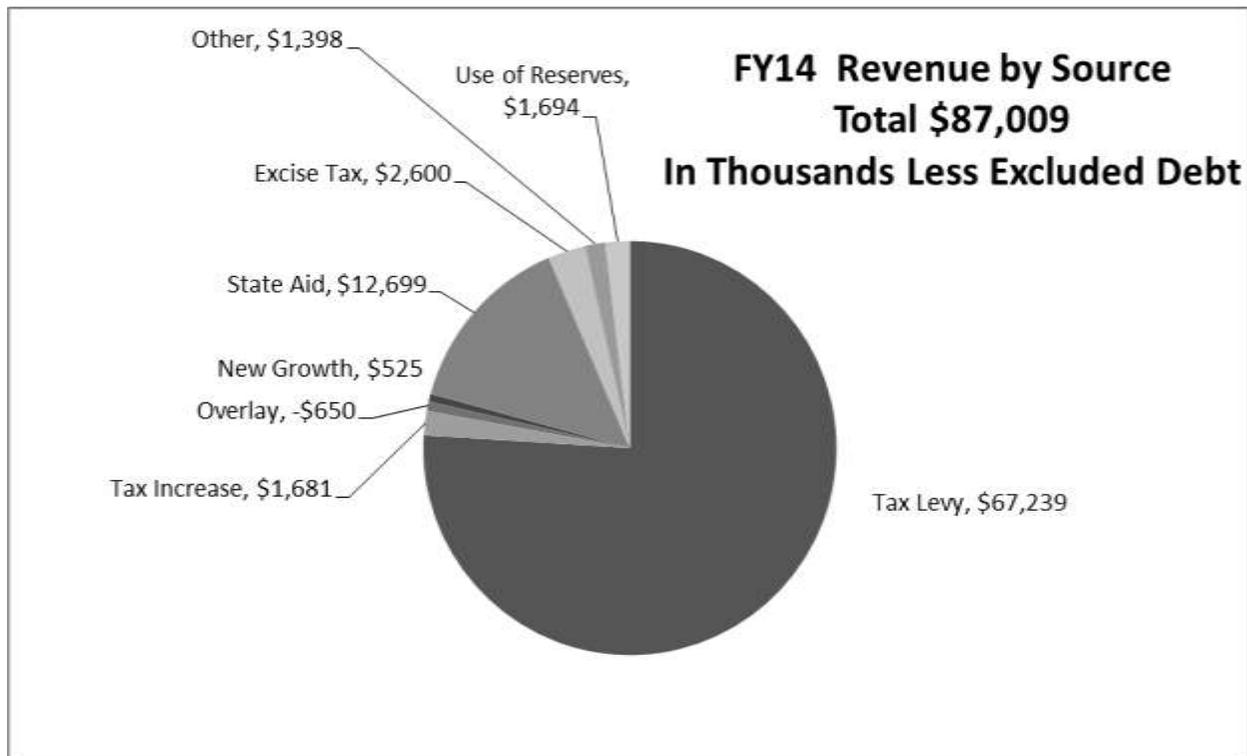
Steven L Ledoux
Town Manager

Budget Overview

Fiscal Year 14 Budget Background

The numbers contained in these next few pages for FY14 (the fiscal year beginning July 1, 2013) 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 81.6 percent of the budgeted amount, which reflects Acton's share of the total regional school district budget.

What Are Our Sources of Revenue?



More than 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 allowed on the property tax levy

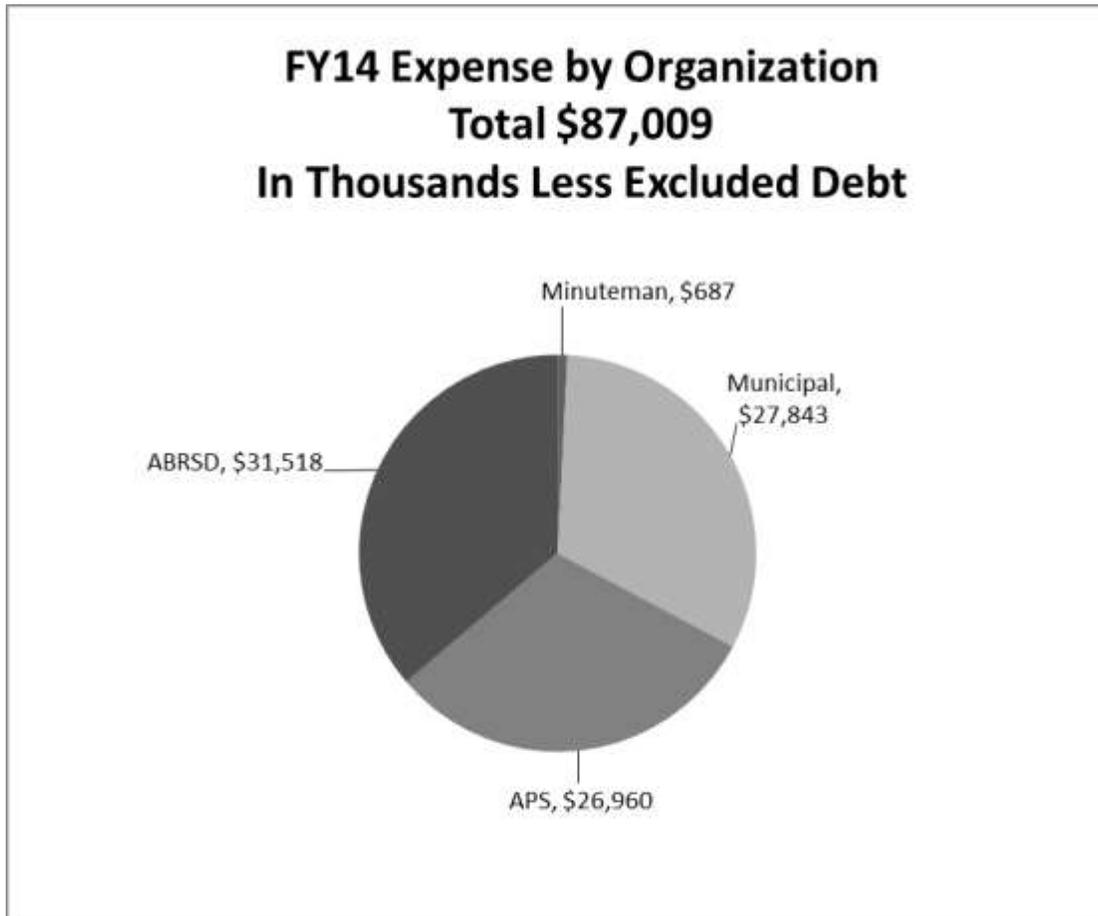
State aid, our second largest segment of revenue accounting for nearly 15 percent of the total, consists of education aid and municipal aid. For Acton, education aid (provided through Chapter 70) is the more significant piece, providing Acton Public Schools with slightly more than \$5.6 million and the Acton-Boxborough Regional system with approximately \$6.0 million. For FY14, unrestricted municipal aid is expected to total \$1.1 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.

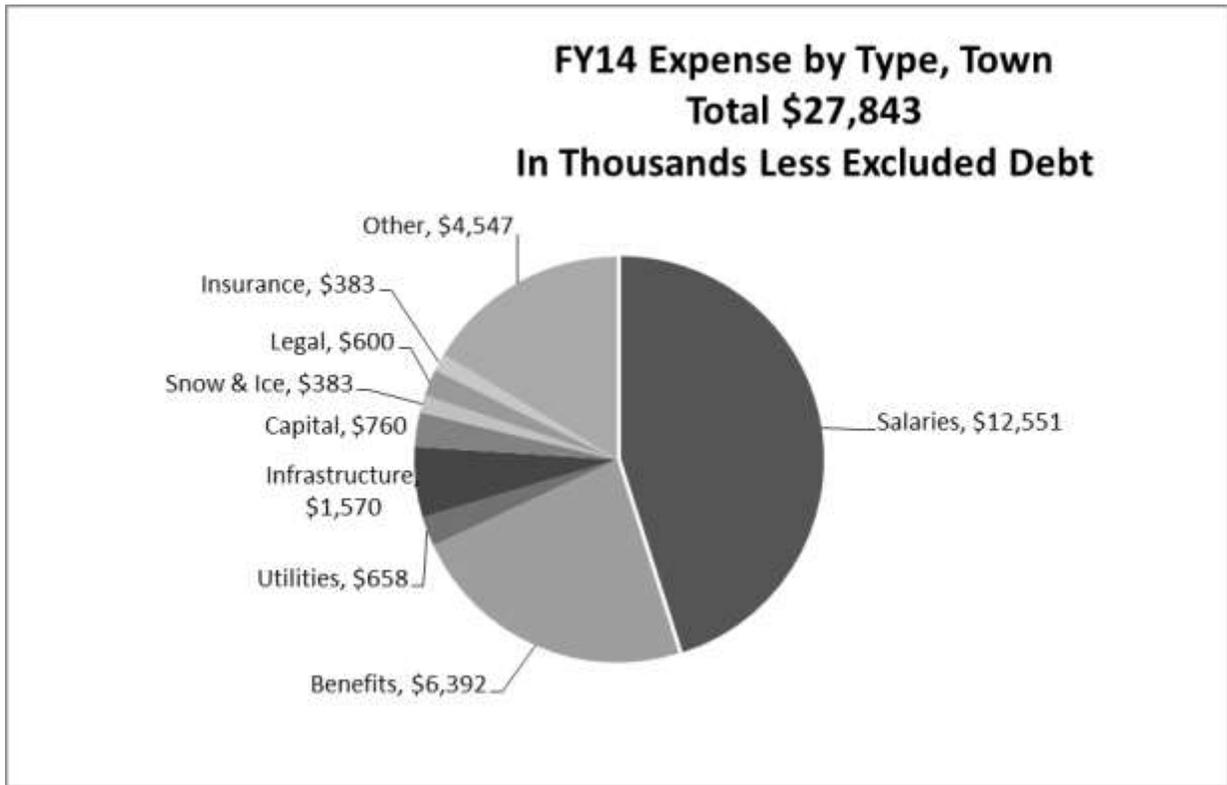
In this year's budget, reserves account for 2 percent of the total revenues. One of the ways in which our town has been able to effectively weather the downturn in the economy including reductions in state aid and local receipts has been through prudent use of reserves to fill in some of the gaps between service costs and lower revenues.

Which Town and School Entities Spend Our Money?



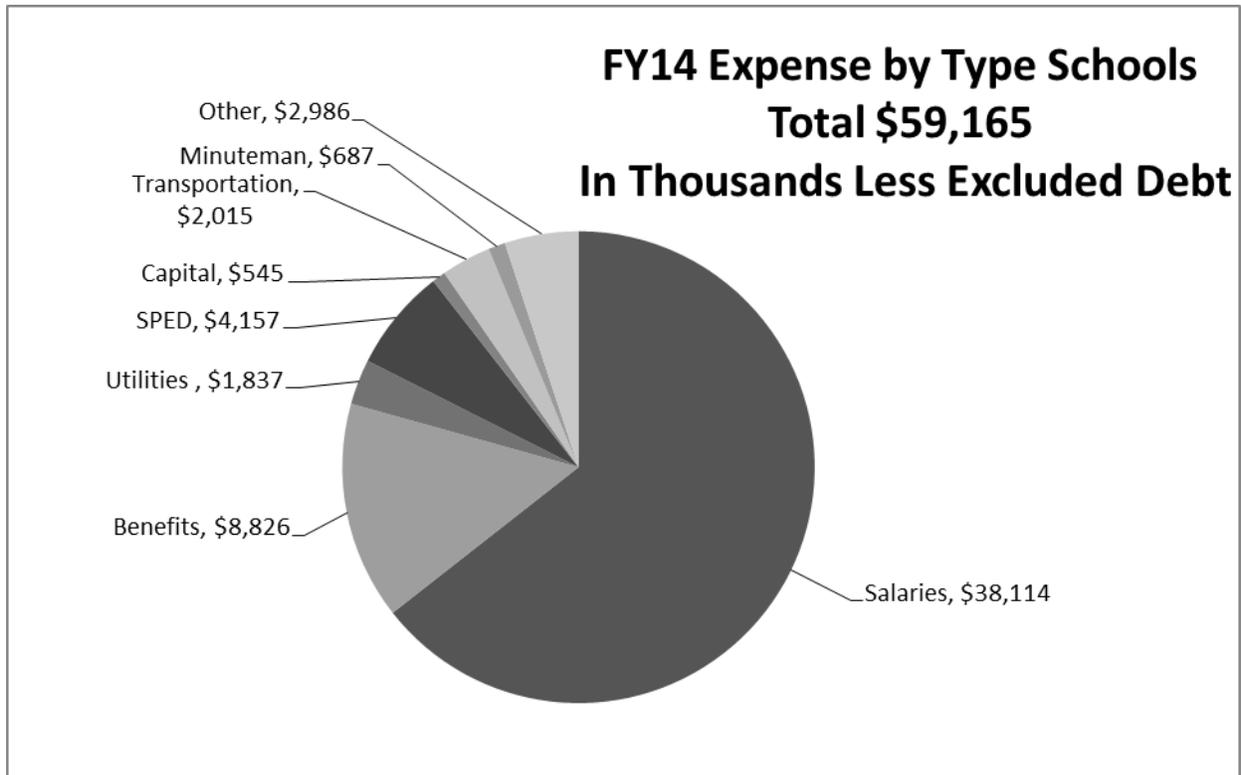
The town's revenues support four budgets within our town. Over two-thirds of our expenditures support education priorities: the Acton Public Schools budget (31 percent of expenditures), Acton-Boxborough Regional Schools assessment (36 percent of expenditures), and Minuteman Regional School District assessment (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 32 percent of the total expenditures.

What Does the Municipal Government Spend Our Money For?



Approximately 68 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 6 percent of the spending. This category includes the maintenance and improvement of roads, sidewalks, buildings, grounds, and information technology. Capital items account for 3 percent of the budget in FY14.

What Do the Schools Spend our Money For?



As with the Town, the largest category is the cost of people to provide services to our students. Salaries and benefits account for more than 79 percent of the total. The next largest category is special education which accounts for almost 7 percent, followed by student transportation at 3 percent, and utility costs at 3 percent in the combined school budgets.

Finance Committee's Message

The finances of the Town of Acton are sound. Our town is well-managed and is in a strong position compared to many other communities in Massachusetts and elsewhere. Over the course of the last several years our national economy experienced a deep recession which resulted in a great deal of strain on government finances at all levels. Through it all Acton has been able to preserve key services to its residents, to avoid painful cutbacks, and to continue to invest in its infrastructure.

The fundamental soundness of our Town's fiscal health was demonstrated on July 27, 2012 when the Town's AAA bond rating was "re-affirmed" by Standard & Poor's. The following is taken from their report:

"The stable outlook reflects Standard & Poor's view that management will continue to be proactive and make the necessary adjustments to produce balanced operations as it has historically demonstrated despite budgetary challenges related to slower revenue growth and higher fixed costs. The town currently maintains a reserve position that we consider strong, which, in our view, should provide near-term flexibility to help it manage through the current economic environment. The town's location also provides a level of economic stability that will provide property tax revenue stability. As such, we do not expect to change the rating within the two-year parameter of the outlook"

FY2013

During November of 2011 the Finance Committee provided guidance for the preparation of the FY2013 budget. The upcoming year was expected to share in the ongoing negative impacts of the national recession which would exercise downward pressure on revenues and would require that the town continue the program of restricted spending which had characterized FY2012. Unlike that prior year, however, FY2013 was not expected to benefit from an exceptionally mild winter, nor would it feel the beneficial effects of reduced health insurance costs. The budget therefore anticipated an increase in expenses over FY2012 of 3.3% or \$2.7M. In both our town and schools budgets, the single largest expense item is for salaries and benefits of our employees. Increases in expense due to wage and benefit increases, as well as the effect of "steps and lanes" whereby employees are promoted or recognized for adding to their academic credentials, result in a regular increase in employee related expenses for the town. Through the end of the second quarter, the FY2013 budgeted income and expense levels are tracking as expected, slightly below the halfway mark. Our revenues are nearly on pace with budget, with actual revenues at slightly over \$39 Million, which is 48.5% of Budget. Receipts from excise taxes are beginning to show improvement this year as more people are expected to buy new cars in the recovering economy. In summary we expect FY2013 to come in as budgeted.

FY2014

In October 2012 the Finance Committee circulated budget guidance in the form of a "Point of View" (POV) with respect to the upcoming budget process for Fiscal Year 2014. The Point of View document recognized that the general economic climate would be slowly improving, and that income growth, employment, and mortgage defaults would all reflect positive trends. As of this writing, the rate of unemployment in Massachusetts has fallen to 6.7% through January from last year's rate of 6.9%. While there is much ground to cover before we can be comfortable, the positive trends have continued to show steady progress towards a recovery. On the state level there is some concern about flat growth in 2014, but most observers seem to feel that the upwards trends are well established. This has proven to be true as the governor's proposed budget for FY 2014 contains a local aid provision in the amount of \$5.57 billion which is \$250 million greater than last year, a 4.7 % increase. The proposed budget is not without some controversial revenue provisions, so while it remains to be seen if the legislature will approve the budget more or less intact, it is nonetheless a good indication that things are looking up in Massachusetts.

Other sources of revenue for the Town are expected to show a continuation of the somewhat anemic upwards performance we have seen since the recession began to abate. Property tax revenues will be steady and largely free of delinquencies, but we are concerned that overall home values have leveled off over the last five years, while the average single-family tax bill has been increasing. As has also been expected for FY2013, excise tax revenues may show some increases as families begin replacing automobiles – the average car in Acton is over ten years old. The trend in fee income is positive, and a slow resumption of residential construction to previous levels will have a positive effect. The overall effect of these changes is that available Town revenues (excluding debt exclusion) are expected to be \$85.3 million, an increase of \$2.5 million over FY2013. The bulk of that increase will come from the tax levy which will increase 3.4% or \$2.3 million to \$68.8 million. State aid is expected to total \$12.7 million, an increase over the prior year of less than 1% or \$27,000.

The Finance Committee has recommended a use of reserves limited to \$1.7 million, and that amount is reflected in the FY2014 budget. This is an increase over the prior year of 10.8% or \$165,000. At year end, our reserve account will stand at approximately \$8 million with only a modest assumption of replenishment of the reserves.

Expenses (exclusive of excluded debt) for FY14 are budgeted at \$87 million, which is an increase of 3.2% or \$2.7 million over the prior year. Just as in 2013, we do not expect any major changes to occur in expense programming for 2014. The approach for the upcoming year continues to be conservative. As usual, the principal driver of expenses is labor costs. During the last year most of our collective bargaining units have been in negotiation or arbitration, and increases in salaries and some benefits will become apparent during the FY 2014 budget year. Salary increases reflect outright wage increases plus the effect of so called “steps and lanes” whereby employees are promoted or are recognized for improving or adding to their academic credentials. Headcount increases were held to a minimum during FY2013. The municipal budget includes the addition of four police officers in FY 2014, and additions in schools FTE have been offset by reductions in FTE count in other areas.

During FY2013 Acton continued to work on several major issues which have an impact on our budgets. First of these is the re-evaluation of the Acton Public Health Nursing Service (APHNS). Over the last several years the Nursing Service (the “Service”) has felt the impact of increasing competition from a number of other providers both in and out of the private sector. Initial evaluations of the fiscal situation for the Nursing Service indicated that this enterprise was not sustainable. After a thorough analysis by town staff and outside consultants, it was concluded that there was a good chance that the service could be stabilized, albeit with continuing operating shortfalls in the foreseeable future. The Finance Committee has recommended that the Town operate the service based on firm three year business plans which are designed to see a steady decrease in the need for subsidies. The town’s redoubled efforts to control the Service have seen encouraging results. The FY2014 plan assumes that the Service will require an operating subsidy of \$135,000 from the town. With improved marketing and expense management, the town hopes to eliminate the subsidy by FY2016. Considering the high degree of volatility in the health care sector generally, the Finance Committee recommends that the town continue to be vigilant to opportunities to expand revenues while at the same time looking for larger solutions such as merger or acquisition.

Similarly the town has been engaged in a series of programs designed to provide transportation services through short-haul vans for on call services (Dial-a-Ride) and train station shuttle (Rail Shuttle) together called MinuteVan. As originally conceived these programs were intended to be part of a three year program of operations which, if fully successful would be able to stand without substantial financial support. The operation was to receive operating subsidies in each of the three years. Unfortunately, the subsidies were prematurely terminated and the burden has fallen on Acton. In FY2014 the town’s contribution is expected to amount to over \$215,000. Fortunately, Acton has been able to partner with a consortium of towns and businesses and to qualify for a Community Innovation Challenge Grant in the

amount of \$184,000 which will help to consolidate services and to guide the development of economies of scale across a much larger geographical area than just Acton. This is a very hopeful development, and the subsidies are expected to be reduced by \$100,000 in FY2015 and stabilize in FY2016 at approximately \$100,000. These developments are very positive for Acton and should allow for a more responsive, efficient, and reliable transportation system at sustainable cost levels.

FY2013 was the first year in which Acton dealt with OPEB (Other Post-Employment Benefits). OPEB is an unfunded liability which arises from the promises we make to our current employees to provide them with health benefits after they leave the system or retire. As various authorities became aware that these unfunded liabilities were accumulating rapidly state-wide, the Government Accounting Standards Board (GASB), which regulates proper accounting procedures for municipalities, issued a requirement that municipalities must report on the accumulation of these liabilities.

At the last Town Meeting we reported that the unfunded liability as calculated by our actuarial consultants was approximately \$100 million. However the plan design changes that were negotiated in FY 2013 with our various bargaining units were estimated to reduce the liability to approximately \$87 million. Town meeting and the Regional School Committees approved article setting up trusts and appropriated \$500,000 to those trusts. Acton retained consultants specializing in this area. It is expected that GASB will eventually require that towns make defined payments against these liabilities. Numerous towns and cities across the Commonwealth are struggling with this issue. An OPEB Working Group with representation from The Board of Selectmen, School Committee, Town and School Staff, Health Insurance Trust, and Finance Committee was established to determine funding amounts and approaches for the future. Also the State established an OPEB Commission which made recommendations to change eligibility standards. Legislation has been filed and if it is enacted the eligibility changes could further reduce the liability by an estimated \$27 million. However it is important to point out that these are estimates prepared by the actuary based on the last full study in 2010. Another study is underway and could produce somewhat different results. The OPEB Working Group recommended increasing the funding to \$800,000 for FY14.

Our current budgets address the OPEB issue with several strategies. Each of the budgets contains health insurance for retirees, which represents the “pay-as-you-go” strategy. The municipal budget contains an additional \$56,000 for the OPEB liability for new hires, and then also makes a \$432,000 contribution to the OPEB trust fund for municipal and Acton Public School employees in Article 33. The Acton-Boxborough Regional School Assessment contains a contribution for Acton’s share of the regional OPEB liability of \$306,000. It is expected that over the next several years as we integrate OPEB payments into our regular budgeting, we can do so with minimal harm.

FY2015 and FY2016

During 2012 the Finance Committee worked with staff in both the Town and Schools, as well as the Board of Selectmen and the School Committee to collaborate in working through the best method for estimating revenue and expense in future years and how to take full advantage of the Long Range Financial Planning model developed by the Finance Committee during 2011. During 2012 and 2013 to date, the Long Range Financial Planning Working Group and the Acton Leadership Group have worked to develop a mutually satisfactory table of assumptions to be used for estimating expense levels based on prior experience, current knowledge of major trends in expenses, and known events which will occur in future years. This has been a successful collaboration, and we expect to be able to use the newly devised models for the budget years after FY2014, especially for the out years FY2017 and FY2018 when we hope to extend our current three year horizon out to five years.

Even with the most careful long range planning, budgeting for local government is notoriously difficult. This is largely true because funding sources tend to be inconsistent depending on the local and regional economy and on the dynamics of budgeting for the state itself. There is a high degree of variability which can occur in this area, and for this reason we emphasize that forecasting in the latter years is not by any means an exact science.

Generally speaking, we are expecting that the national economy will slowly but steadily improve over the next several years, resulting in a gradual restoration of the Commonwealth's revenue streams from taxes on income, sales taxes, and on capital gains. This may be somewhat offset by a predicted flattening of the state economy in calendar 2014. Depending on how the federal government handles the current disagreements over deficit spending and revenues on the federal level, the softening effects may extend into calendar 2015 as well. It is typical for local economic activity to lag behind improvements in the national and regional economy. Some economists believe that the lag time is between 12 and 24 months. A healthy situation for revenue and expense at the state level means that we can budget more confidently for those portions of our annual budget plan which are dependent on state revenues of one kind or another. With this in mind we are assuming that Chapter 70 funds for education as well as other state support during fiscal years 2014 and 2015 will stabilize and increase somewhat during the period. Nonetheless it will be some time before we once again reach the level of state aid we experienced in the years prior to the recession, particularly given the decline in school enrollment, which may affect the level of Chapter 70 aid that we receive.

Our financial performance during FY 2015 and FY 2016 will be driven largely by labor costs. We cannot expect that revenues will spring back to the levels relative to expenses which we enjoyed before the recession began to impact the Commonwealth's overall resources. It is therefore prudent for us to continue to keep a lid on expenditures until it is very clear that we are out of jeopardy. At the same time, we must recognize that on the expense side numerous items needing attention have been backlogged during this period and will require vigorous attention as soon as funding is available. This backlog will exercise continuing upward pressure on expenses for the next several years. In addition, we have put in place a number of collective bargaining agreements containing increases in salary compensation as well as other costs such as pension fund payments, health insurance, and OPEB. Gross labor costs now grow at a rate greater than our maximum allowable property tax increase (two and a half percent). It is therefore not appropriate for us to be overly generous in our collective bargaining posture, and it is equally important for us to avoid all but the most critical increases in staff headcount. One time expenditures for non-routine projects not covered by CPA funds or bonding should be subjected to the greatest scrutiny.

In the past we've been able to make up the difference through a combination of state funds and the use of reserves. While we have been fortunate in some circumstances and have accumulated reserves amounting to approximately 10% of gross expenses, it would be unwise to assume that we can continue to be lucky in one time revenues and once in a while health plan reductions. In any event, our forecasted operating losses for FY2015 and FY2016 (assuming current assumptions) will be \$2.2Million and \$2.7Million respectively, and they are sufficient to reduce our reserves from 10% to 5% by the end of FY2016. Bond Rating agencies expect to see 5% of expenses in reserve so it is clear that we need to lay out a course of action in the very near future to deal with the projected deficits through increased revenues or reduced spending, or some other cost-saving strategies.

Outlook

The Town's budget for FY2014 is a reasonable extension of our current conservative budget year, and we are fortunate to have been able to protect our reserve funds during a devastating recession. The state economy has been expected to outperform the national norms, although we are concerned about recent talk among economists that the state economy may flatten out during the next budget year. While state revenues seem to be improving, we have only to look to our news reports to see that on the federal level the battle continues to be fought over deficit spending, taxation, and debt. Depending on how these issues are resolved we may find that the effects of the Recession will continue to be felt at the state level, and consequently on the levels of state aid Acton can expect to receive. For the time being, we continue to rely on the availability of reserve funds to make up for structural deficits. We cannot expect to count on reserves to fund our routine operations indefinitely. As a result, sustainability is a key concern of the Finance Committee and has inspired us to think very carefully about the need to preserve our freedom of movement in the short term. Hence we have emphasized the need to contain spending, especially for those one-time items which are not eligible for CPA funding or are unsuitable for bonding. We have also dealt forthrightly with the unfunded liability for OPEB by moving to set up trust funds for OPEB and to pay into these accounts on an on-going basis. It is perfectly true that the town of Acton is on a sound financial basis, but the price of that stability will be our constant vigilance against unnecessary expenditures in what may be a protracted environment of soft revenues growth.

Town of Acton Multi-Year Financial Model

Prepared for Annual Town Meeting by Board of Selectmen, School Committee and Finance Committee

	3/12/2013			
Town of Acton Revenues	FY13	FY14	FY15	FY16
	Recap			
A. Revenues (GROSS)				
Tax Levy (excluding debt exclusion)	\$66,527	\$68,795	\$71,056	\$73,374
State Aid	\$12,672	\$12,699	\$13,016	\$13,342
Local Receipts	\$3,599	\$3,821	\$3,895	\$3,970
Debt Exclusion	\$3,051	\$2,962	\$2,936	\$2,907
SBAB Reimbursement	\$1,009	\$1,009	\$1,009	\$1,009
Total Revenues (including debt)	\$86,859	\$89,285	\$91,912	\$94,602
B. Debt Exclusion Debt Service				
APS School Debt Exclusion	\$615	\$614	\$616	\$617
Public Safety Facility Debt Exclusion	\$473	\$462	\$451	\$434
Municipal Debt Exclusion	\$343	\$244	\$230	\$222
JHS/SHS Debt Exclusion	\$1,620	\$1,642	\$1,639	\$1,633
SBAB Reimbursement-Parker/Damon	\$1,009	\$1,009	\$1,009	\$1,009
Total Debt Exclusion/SBAB	\$4,060	\$3,971	\$3,945	\$3,916
C. Available Town Revenues (NET) (A - B)	\$82,799	\$85,314	\$87,967	\$90,686
Town of Acton Expenditures				
Total Acton Municipal Allocation	\$26,878	\$27,843	\$28,704	\$29,602
Percentage change year-to-year	5.33%	2.91%	3.09%	3.13%
Total Acton Public Schools Allocation	\$26,562	\$26,960	\$27,793	\$28,663
Percentage change year-to-year	1.72%	1.50%	3.09%	3.13%
Acton Portion of Annual ABRSD Budget	\$29,871	\$31,212	\$32,521	\$33,890
Acton Portion of Contribution to ABRSD OPEB Trust Fund	\$190	\$306	\$416	\$530
Total Acton Contribution To ABRSD Budget	\$30,061	\$31,518	\$32,937	\$34,420
Percentage change year-to-year	2.92%	4.85%	4.50%	4.50%
Total Minuteman Allocation	\$826	\$687	\$708	\$730
Annual Minuteman Allocation	\$802			
Acton Share of Trade Hall Remediation Project	\$24			
Percentage change year-to-year	6.33%	-16.85%	3.09%	3.13%
D. Town of Acton Expenditures (NET)	\$84,328	\$87,009	\$90,143	\$93,416
E. Subtotal Town of Acton Projected Balance	(\$1,529)	(\$1,694)	(\$2,176)	(\$2,730)
F. Appropriation of Reserves (TOTAL)	\$1,529	\$1,694	\$2,176	\$2,730
G. Total Town of Acton Projected Balance	(\$0)	\$0	\$0	\$0
Annual Contributions Towards Long Term OPEB Liability				
Acton Annual Contribution to OPEB Trust Fund	\$310	\$432	\$684	\$870
Acton Portion of Contribution to ABRSD OPEB Trust Fund	\$190	\$306	\$416	\$530
Total	\$500	\$738	\$1,100	\$1,400
Town of Acton - Tax Impact	FY13	FY14	FY15	FY16
Existing Valuation ('000s)	\$3,679,117	\$3,715,908	\$3,780,827	\$3,846,049
New Growth value ('000s)	\$0	\$27,501	\$27,142	\$26,784
Total Valuation ('000s)	\$3,679,117	\$3,743,409	\$3,807,969	\$3,872,833
Tax Rate	\$19.10	\$19.34	\$19.60	\$19.86
SF Value	\$505,237	\$510,289	\$515,392	\$520,546
SF Tax Bill	\$9,650	\$9,870	\$10,102	\$10,340
% Change	3.89%	2.34%	2.35%	2.35%
\$ Change	\$360.79	\$225.31	\$232.25	\$237.72
Highly volatile numbers - Subject to Change				

Acton Public Schools		\$26,960,725			
Article 24		Summarized Budget			
	FY12 Actual	FY13	% Chg	FY14	% Chg
Salaries Teaching	\$12,068,692	\$12,797,558	6.0%	\$12,612,183	-1.4%
Salaries Other	\$5,266,369	\$5,682,224	7.9%	\$5,989,278	5.4%
Health Insurance	\$3,468,899	\$3,027,606	-12.7%	\$3,366,501	11.2%
Fringes Other	\$20,701	\$13,000	-37.2%	\$13,000	0.0%
Capital & One time Items	\$372,267	\$285,797	-23.2%	\$285,797	0.0%
SPED Tuition	\$2,195,656	\$1,782,682	-18.8%	\$1,764,054	-1.0%
SPED Trans	\$510,715	\$468,959	-8.2%	\$462,712	-1.3%
Transportation	\$382,334	\$347,436	-9.1%	\$375,521	8.1%
Utilities	\$669,394	\$811,421	21.2%	\$787,421	-3.0%
All other	\$1,297,757	\$1,345,420	3.7%	\$1,304,258	-3.1%
Total	\$26,252,784	\$26,562,103	1.2%	\$26,960,725	1.5%
Amount Per Multi Year Plan	\$26,252,784	\$26,562,103	1.2%	\$26,960,725	1.5%
Breakdown by Article				Acton Public Schools Budget	
				\$26,960,725	

Acton-Boxborough Regional School District		\$26,459,873			
Article 25		Summarized Budget			
	FY12 Actual	FY13	% Chg	FY14	% Chg
Salaries Teaching	\$16,072,976	\$16,848,363	4.8%	\$17,386,570	3.2%
Salaries Other	\$6,037,397	\$6,436,386	6.6%	\$6,522,519	1.3%
Health Insurance	\$4,972,318	\$4,464,834	-10.2%	\$5,395,366	20.8%
Fringes Other	\$1,162,722	\$1,147,894	-1.3%	\$1,278,914	11.4%
Capital & One time Items	\$512,354	\$317,107	-38.1%	\$317,107	0.0%
SPED Tuition	\$2,545,966	\$3,123,826	22.7%	\$2,932,628	-6.1%
SPED Trans	\$777,779	\$865,301	11.3%	\$870,759	0.6%
Transportation	\$637,164	\$559,055	-12.3%	\$571,460	2.2%
Utilities	\$1,294,652	\$1,461,038	12.9%	\$1,285,538	-12.0%
All other	\$2,257,164	\$1,849,828	-18.0%	\$1,901,173	2.8%
Sub Total	\$36,270,492	\$37,073,632	2.2%	\$38,462,035	3.7%
Debt	\$1,887,984	\$2,041,172	8.1%	\$2,020,295	-1.0%
Total	\$38,158,476	\$39,114,804	2.5%	\$40,482,330	3.5%
Acton Share ex debt	\$28,947,479	\$29,870,833	3.2%	\$31,212,144	4.5%
	79.81%	80.67%		81.61%	
Acton Share ex debt		\$29,870,833		\$31,212,144	4.5%
Amount Per Multi Year Plan		\$29,870,833		\$31,212,144	4.5%
Breakdown by Article					
	Acton Share ex debt			\$31,212,144	
	Regional Debt			\$1,642,799	
	Regional OPEB Contribution (Acton share)			\$306,854	
	Chapter 70 Base aid			-\$5,917,986	
	Choice/Charter School Assessment			\$429,025	
	Charter School Aid			-\$64,444	
	Regional School Transportation			-\$519,552	
	Transfer from Premium on Loan			-\$570	
	Transfer for Excess and Deficiency			-\$628,397	
Acton-Boxborough Regional School Assessment				\$26,459,873	

Town of Acton Municipal Budget

**Articles 3, 6, 8, 10, 12, 14, 15, 16,
17, 33**

\$30,172,180

	FY12 Actual	FY13	% Chg	FY14	% Chg
Salaries	\$11,558,271	\$11,936,768	3.3%	\$12,551,446	5.1%
Health Insurance	\$2,452,227	\$2,698,234	10.0%	\$2,747,820	1.8%
Middlesex Retire	\$2,635,283	\$3,041,187	15.4%	\$3,009,872	-1.0%
Fringes Other	\$812,666	\$655,411	-19.4%	\$634,267	-3.2%
Legal	\$468,468	\$720,000	53.7%	\$600,000	-16.7%
Gas & Diesel	\$252,133	\$392,113	55.5%	\$392,114	0.0%
Snow & Ice ex salaries	\$356,336	\$521,710	46.4%	\$521,710	0.0%
Property Liability Insurance	\$299,419	\$413,065	38.0%	\$382,500	-7.4%
Infrastructure Maintenance	\$1,307,362	\$1,466,827	12.2%	\$1,569,824	7.0%
Inside Debt	\$408,494	\$483,984	18.5%	\$814,875	68.4%
Utilities	\$519,893	\$627,996	20.8%	\$657,891	4.8%
All other	\$2,527,473	\$2,252,529	-10.9%	\$2,261,141	0.4%
Subtotal	\$23,598,025	\$25,209,824	6.8%	\$26,143,460	3.7%
Excluded Debt	\$2,480,800	\$2,439,401	-1.7%	\$2,328,875	-4.5%
Subtotal	\$26,078,825	\$27,649,225	6.0%	\$28,472,335	3.0%
AB Cultural Council		\$2,000		\$2,000	0.0%
Transportation		\$206,000		\$120,845	-41.3%
Collective Bargaining Agreements - 1st yr		\$458,775		\$0	-100.0%
Capital		\$170,000		\$760,000	347.1%
COA Subsidy		\$50,000		\$50,000	0.0%
Nursing Subsidy		\$200,000		\$135,000	-32.5%
Ambulance Subsidy		\$271,000		\$200,000	-26.2%
OPEB Appropriation		\$310,000		\$432,000	39.4%
Total		\$29,317,000		\$30,172,180	2.9%
Amount Per Multi Year Plan		\$29,317,000		\$30,172,180	2.9%
Less Excluded debt		-\$2,439,401		-\$2,328,875	
Adjusted Plan amount		\$26,877,599		\$27,843,305	
Breakdown by Article					
Article 14 Town Operating Budget		\$27,649,225		\$28,472,335	3.0%
Article 3 Council On Aging		\$50,000		\$50,000	
Article 6 Ambulance Subsidy		\$271,000		\$200,000	
Article 8 Nursing		\$200,000		\$135,000	
Article 10 Transportation		\$206,000		\$120,845	
Article 12 AB Cultural Council		\$2,000		\$2,000	
Articles 15, 16, 17 Capital Improvements, Studies, Wood Lane		\$170,000		\$760,000	
Collective Bargaining Agreements - 1st yr		\$458,775		\$0	
Article 33 OPEB Appropriation		\$310,000		\$432,000	
		\$29,317,000		\$30,172,180	

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 Consent 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 units and to be passed without debate.

Each Consent Calendar will be taken up 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 that Consent Calendar). At this time, the Moderator will call out the article numbers one-by-one.

Articles on Consent are distinguished from other articles by the asterisk (*) notation following each article number in the index above, as well as in the title of each article.

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, **immediately following** the vote on the Consent motion.

There will be **two** Consent motions throughout Town Meeting – 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 each Consent Calendar, the Moderator will ask that all remaining articles be passed **as a unit** by the voters.

Please carefully review the articles and motions. Summaries are also included with each article printed in this Warrant. Motions for consent articles are included under the text of each article. Motions will be available as a separate handout at Town Meeting.

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) 929-6611, before Town Meeting.

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

Annual Town Meeting Warrant



*Town of Acton
Commonwealth of Massachusetts, ss.*

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

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

Precincts 1, 2 and 6 – Conant School – 80 Taylor Road

Precincts 3, 4 and 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road

On **Tuesday, March 26, 2013 between 7:00 AM and 8:00 PM**, by posting a copy of this Warrant by you attested, at each of the places as directed by vote of the Town, fourteen days at least before the twenty-sixth day of March 2013,

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.

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 1, 2013 at 7:00 PM**, then and there to act on the following articles:

Articles

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

*	This article is on the Consent Calendar
#	This article was submitted by Citizens' Petition

One or more of the following recommendations may appear at the end of an Article's summary:

Recommended	This board voted to <u>recommend</u> passage by Town Meeting.
Not Recommended	This board voted to <u>not recommend</u> passage by Town Meeting.
Deferred	A recommendation will be made by this board when the Article is considered at Town Meeting.
No Recommendation	This board voted to make no specific recommendation to Town Meeting.

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 Firefighter’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: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 2 HEAR AND ACCEPT REPORTS

(Majority vote)

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

SUMMARY

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

Selectman assigned: Mike Gowing: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 3 * COUNCIL ON AGING VAN ENTERPRISE BUDGET

(Majority vote)

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

MOTION

Move that the Town appropriate \$100,340 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, \$39,109 be raised from department receipts, \$50,000 be raised from general revenues and \$11,231 be transferred from retained earnings.

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. Base 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 6/30/12	Budgeted Revenue FY13	Budgeted Expense FY13	Est. Fund Balance 6/30/13	Budgeted Revenue FY14	Budgeted Expense FY14	Est. Fund Balance 6/30/14
\$ 39,313	\$ 95,586	\$ 95,586	\$ 39,313	\$ 100,340	\$ 100,340	\$ 28,082

Direct inquiries to: Sharon Mercurio, Council on Aging Director
seniorcenter@acton-ma.gov / (978) 929-6652

Selectman assigned: Mike Gowing: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 4 * 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 53 F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION

Move that the Town appropriate \$148,193 for the purpose of septage disposal, and to raise such amount, \$133,193 be raised from department receipts and \$15,000 be transferred from retained earnings.

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 6/30/12	Budgeted Revenue FY13	Budgeted Expense FY13	Est. Fund Balance 6/30/13	Budgeted Revenue FY14	Budgeted Expense FY14	Est. Fund Balance 6/30/14
\$ 114,985	\$ 151,870	\$ 151,870	\$ 114,985	\$ 148,193	\$ 148,193	\$ 99,985

Direct inquiries to: Doug Halley, Health Director: health@acton-ma.gov / (978) 929-6632

Selectman assigned: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 5 * 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 53 F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION

Move that the Town appropriate \$1,758,950 for the purpose of operating the sewer system, and to raise such amount, \$1,758,950 be raised from department receipts.

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. Fund status is noted below (for budget detail see Municipal Supplement).

Fund Balance 6/30/12	Budgeted Revenue FY13	Budgeted Expense FY13	Est. Fund Balance 6/30/13	Budgeted Revenue FY14	Budgeted Expense FY14	Est. Fund Balance 6/30/14
\$ 331,048	\$ 1,716,101	\$ 1,716,101	\$ 331,048	\$ 1,758,950	\$ 1,758,950	\$ 331,048

Direct inquiries to: Stephen Barrett, CPA, Finance Director: finance@acton-ma.gov / (978) 929-6624

Selectman assigned: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 6 * AMBULANCE 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 health care, in accordance with Massachusetts General Law, Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION

Move that the Town appropriate \$756,512 for the purpose of operating the ambulance service, and to raise such amount, \$556,512 be raised from department receipts and \$200,000 be raised from general revenues.

SUMMARY

This article requests an appropriation to operate the Town’s ambulance service. The enterprise fund includes the salaries and benefits for eight Firefighter/EMTs allocated to this fund. 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 status is noted below (for budget detail see Municipal Supplement).

Fund Balance 6/30/12	Budgeted Revenue FY13	Budgeted Expense FY13	Est. Fund Balance 6/30/13	Budgeted Revenue FY14	Budgeted Expense FY14	Est. Fund Balance 6/30/14
\$ 1,018,918	\$ 766,906	\$ 766,906	\$ 1,018,918	\$ 756,512	\$ 756,512	\$ 1,018,918

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: John Sonner: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 8 * 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 53 F¹/₂, Enterprise Fund Law, or take any other action relative thereto.

MOTION

Move that the Town appropriate \$643,501 for the purpose of operating the public health nursing service, and to raise such amount, \$508,501 be raised from department receipts and \$135,000 be raised from general revenues.

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. Fund status is noted below (for budget detail see Municipal Supplement).

Fund Balance 6/30/12	Budgeted Revenue FY13	Budgeted Expense FY13	Est. Fund Balance 6/30/13	Budgeted Revenue FY14	Budgeted Expense FY14	Est. Fund Balance 6/30/14
\$ 155,266	\$ 714,076	\$ 714,076	\$ 155,266	\$ 643,501	\$ 643,501	\$ 155,266

Direct inquiries to: Doug Halley, Health Director: health@acton-ma.gov / (978) 929-6632

Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 9 * SELF-FUNDING PROGRAMS (REVOLVING FUNDS)
(Majority vote)

To see if the Town will vote, pursuant to Massachusetts General Law, Chapter 44, Section 53 E½ to establish or 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	FY14 Estimated Revenue	FY14 Authorized Expenditure
School Department		
Douglas at Dawn/Dusk	\$ 291,500	\$ 291,500
Merriam Mornings/Afternoons/Summer	\$ 225,000	\$ 225,000
Historic District Commission	\$ 1	\$ 1
Building Department	\$ 195,568	\$ 195,568
Sealer of Weights and Measures	\$ 13,012	\$ 13,012
Health Department		
Food Service Inspections	\$ 87,586	\$ 87,586
Hazardous Materials Inspections	\$ 47,661	\$ 47,661
Stormwater Inspections	\$ 41,715	\$ 41,715
Fire Department		
Fire Alarm Network	\$ 64,015	\$ 64,015

, or take any other action relative thereto.

MOTION

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.

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.

	FY 2012 Actual Revenue	FY 2012 Actual Expense	Fund Balance 6/30/2012	FY 2013 Budgeted Revenue	FY 2013 Budgeted Expense	Actual Revenue YTD	Actual Expense YTD
School Department							
Douglas at Dawn/Dusk	\$ 219,520	\$ 238,868	\$ 248,898	\$ 291,500	\$ 291,500	\$ 132,696	\$ 136,386
Merriam Mornings/Afternoons/Summer	\$ 130,539	\$ 165,862	\$ 128,484	\$ 225,000	\$ 225,000	\$ 105,334	\$ 98,442
Historic District Commission	\$ 100	\$ -	\$ 720	\$ 1	\$ 1	\$ 130	\$ -
Building Department	\$ 140,794	\$ 88,423	\$ 126,496	\$ 196,137	\$ 196,137	\$ 111,200	\$ 81,169
Includes fees for Electrical, Plumbing & Gas Permits/Microfilming/Periodic Inspections							
Sealer of Weights and Measures	\$ 23,904	\$ 12,413	\$ 39,272	\$ 13,182	\$ 13,182	\$ 2,490	\$ 8,377
Health Department							
Hazardous Materials Inspection	\$ 51,237	\$ 43,471	\$ 33,921	\$ 45,686	\$ 45,686	\$ 10,549	\$ 28,879
Food Service Inspections	\$ 39,096	\$ 38,027	\$ 80,892	\$ 41,472	\$ 41,472	\$ 36,345	\$ 27,995
Stormwater	\$ 26,610	\$ 18,143	\$ 13,747	\$ 41,087	\$ 41,087	\$ 26,620	\$ 14,982
Fire Department							
Fire Alarm Network	\$ 44,400	\$ 55,074	\$ 30,810	\$ 64,015	\$ 64,015	\$ 2,703	\$ 32,995
All Monetary Figures Rounded to the Nearest Dollar							
Actuals as of 2/22/13							

Direct inquiries to:

School Funds: Dr. Stephen Mills, Superintendent: smills@abschools.org / (978) 264-4700

Town Funds: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: David Clough: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 10 * TRANSPORTATION PROGRAM

(Majority vote)

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

MOTION

Move that the Town appropriate \$215,345 to be expended by the Town Manager for the implementation or continuation of the town shuttle, Dial-A-Ride or other transportation-related programs, including State and Federal grant fund matching and other costs incidental and related thereto, and to raise such amount, \$120,845 be raised from general revenues and \$94,500 be transferred from commuter lot parking fees fund balance.

SUMMARY

This will be the fourth year of the public transportation service originally funded through a three-year mobility grant. The MinuteVan transportation services originally consisted of the Dial-A-Ride and Rail Shuttle, and expanded services in October 2012 to include the Road Runner service. Each of these programs have been growing since their inception and continue to meet the needs of commuters, local travelers and persons with disabilities. Matching funds for portions of the programs are received from the Lowell Regional Transportation Association and the Massachusetts Department of Transportation. Our State Senator and Representatives successfully implemented amendments to Massachusetts General Law Chapter 40 Section 22C permitting the proceeds from parking lot fees to fund public transportation.

Direct inquiries to: Doug Halley, Health Director: health@acton-ma.gov / (978) 929-6632

Selectman assigned: Mike Gowing: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred
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ARTICLE 11 * AMEND PREVIOUS AUTHORIZATION

(Majority vote)

To see if the Town will vote to amend and extend through fiscal year 2014 the capital equipment authorization under Article 21 of the 2010 Annual Town Meeting such that funds previously raised and appropriated, transferred and/or appropriated from available funds for Fire Apparatus Mobile Data Computers may be utilized to purchase radio communication equipment and services, including related incidental costs, or take any other action relative thereto.

MOTION

Move to amend and extend the capital equipment authorization under Article 21 of the 2010 Annual Town Meeting as set forth in the article.

SUMMARY

This article will amend the previous authorization’s purpose to include public safety radio communications, and extend that authorization through fiscal year 2014.

Direct inquiries to: Mark Hald, Information Technology Director

it@acton-ma.gov / (978) 929-6612

Selectman assigned: John Sonner: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred
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ARTICLE 12 * 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 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.

MOTION

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

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: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 13 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 2012 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) 929-6611
Selectman assigned: David Clough: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 14 TOWN OPERATING BUDGET

(Majority vote)

To see if the Town will raise and appropriate, and/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 local 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 may include the transfer of other monies such as Cemetery Trust Funds and Wetland Filing Fees.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 15
(Majority vote)

**COMMUTER PARKING LOT INFRASTRUCTURE AND
PUBLIC SAFETY**

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 facilities, vehicles and equipment as listed below, including related incidental costs, or take any other action relative thereto.

A.	Parking Meter System	\$ 100,000
B.	Security, Network and Communications Systems	\$ 100,000
C.	Police Cruisers	\$ 70,500
D.	Automatic Electronic Defibrillators	\$ 18,000
Total		\$ 288,500

SUMMARY

Our State Senator and Representatives successfully implemented amendments to Massachusetts General Law Chapter 40 Section 22C which now permit the proceeds from parking lot fees to fund uses that support or utilize the parking lot. The MBTA’s reconstruction of the South Acton Train Station provides an opportunity to address infrastructure and safety issues that are the Town’s responsibility. This article will provide for a centralized parking meter system which will replace individual parking space meters; a security and communications system to assist in the monitoring and protection of people, property and vehicles within the parking lot; automatic electronic defibrillators to assist in emergencies and; police cruisers.

For further information on the items listed in the Article, please direct inquiries to:

A. Parking Meter System

Corey York, Public Works Director:
engineering@acton-ma.gov / (978) 929-6630

B. Security, Network and Communications Systems

Mark Hald, Information Technology Director:
it@acton-ma.gov / (978) 929-6612

C. Police Cruisers

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

D. Automatic Electronic Defibrillators

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

Selectman assigned: Mike Gowing: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 16 CAPITAL EQUIPMENT, VEHICLES AND INFRASTRUCTURE

(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 facilities, vehicles and equipment as listed below, including related incidental costs, or take any other action relative thereto.

A.	Fire Station 1 (Acton Center) Generator Replacement	\$ 99,000
B.	Fire Station 2 (South Acton) Generator Replacement	99,000
C.	Boom Mower Attachment Replacement	61,000
D.	2000 Half-Ton Pickup Truck Replacement	37,000
E.	2002 Half-Ton Pickup Truck Replacement	37,000
F.	2004 Half-Ton Pickup Truck Replacement	37,000
G.	Land Survey Equipment	35,000
Total		\$ 405,000

SUMMARIES

A. Fire Station 1 (Acton Center) Standby Generator

The article will provide funds to furnish and install a new 50 kilowatt (KW) standby generator at the Acton Center Fire Station. This will replace the existing 15 KW generator that is original to the building (1952). The existing generator is unreliable and considerably undersized for the present needs of the building. Reliable standby power is important for continuity of operations in power failures and other emergencies.

Direct inquiries to: Dean A. Charter, Municipal Properties Director
mp@acton-ma.gov / (978) 929-7744

B. Fire Station 2 (South Acton) Standby Generator

The article will provide funds to furnish and install a new 50 KW standby generator at the South Acton Fire Station. This will replace the existing 15 KW generator that is original to the building (1964). The existing generator is unreliable and considerably undersized for the present needs of the building. Reliable standby power is important for continuity of operations in power failures and other emergencies.

Direct inquiries to: Dean A. Charter, Municipal Properties Director
mp@acton-ma.gov / (978) 929-7744

C. Replace 2002 Boom Mower Attachment

The article will provide funds to replace the existing tractor mounted roadside boom mower attachment that is used for clearing heavy weeds and brush along roadsides, sidewalks, and at intersections. The tractor to which the unit is attached will be retained and reused. This is a critical piece of equipment that is essential to maintain safe roadways. The existing unit has been subject to heavy use, has metal fatigue, and frequently breaks down.

Direct inquiries to: Dean A. Charter, Municipal Properties Director
mp@acton-ma.gov / (978) 929-7744

D. Replace 2000 Half-Ton Pickup Truck

This replaces a 2000 Chevy pickup truck with a newer model. The condition of the existing vehicle has deteriorated significantly. This four-wheel drive truck is depended upon by the crew on a daily basis and for DPW emergency responses during all weather conditions. The new vehicle will comply with the energy efficient vehicle standards adopted by the Board of Selectmen as part of Acton’s Green Communities certification.

Direct inquiries to: Corey York, Public Works Director
engineering@acton-ma.gov / (978) 929-6630

E. Replace 2002 Half-Ton Pickup Truck

This replaces a 2002 Chevy pickup truck with a newer model. The condition of the existing vehicle has deteriorated significantly. This four-wheel drive truck is depended upon by the crew on a daily basis and for DPW emergency responses during all weather conditions. The new vehicle will comply with the energy efficient vehicle standards adopted by the Board of Selectmen as part of Acton’s Green Communities certification.

Direct inquiries to: Corey York, Public Works Director
engineering@acton-ma.gov / (978) 929-6630

F. Replace 2004 Half-Ton Pickup Truck

The article will provide funds to replace an existing half-ton, four-wheel drive pick-up truck used by the Municipal Properties Department for inspections, equipment and supply hauling, and general grounds and building operations. The new vehicle will comply with the energy efficient vehicle standards adopted by the Board of Selectmen as part of Acton’s Green Communities certification.

Direct inquiries to: Dean A. Charter, Municipal Properties Director
mp@acton-ma.gov / (978) 929-7744

G. Land Survey Equipment

This replaces the existing land survey equipment with a newer model. The Engineering Department relies on this equipment for the collection of survey data related to Town projects that are completed in-house by the DPW, as well as for other Town Departments such as Natural Resources, Municipal Properties and Recreation.

Direct inquiries to: Corey York, Public Works Director
engineering@acton-ma.gov / (978) 929-6630

Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 17 STUDIES AND INITIATIVES

(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 implementation of the programs listed below, including related incidental costs, or take any other action relative thereto.

A.	Kelley’s Corner Improvement Initiative	\$ 277,000
B.	Acton Center Traffic Study	45,000
Total		\$ 322,000

SUMMARIES

A. Kelley’s Corner Improvement Initiative

This funding request is to begin implementation of a key priority action-item in the Acton 2020 Comprehensive Community Plan: “Transform Kelley’s Corner into a mixed-use town center.”

The Acton 2020 Plan identifies three specific tools to bring about transformation at Kelley’s Corner: zoning amendments, specific design guidelines, and public infrastructure improvements.

The requested funding will allow the Town to contract with a highly-qualified interdisciplinary planning, engineering and design team to:

- Conduct and prepare an existing conditions analysis which will include a baseline engineering plan and market and real estate analysis.
- Facilitate a robust public process to create an actionable vision and concept plan for Kelley’s Corner based on knowledge of the facts, constraints and opportunities that are evident from the existing conditions analysis work. Extensive outreach will encourage stakeholder participation – Kelley’s Corner property owners, business owners and residents, neighbors including the Schools, and all Acton residents.
- Develop recommended zoning standards and design guidelines which support the realization of the preferred concept plan.
- Prepare an engineering plan for public infrastructure improvements that will offer immediate benefits to Actonians and set the stage for further private development consistent with the new zoning standards and design guidelines and founded on comprehensive knowledge of the assessed realities.

Results - A vote in favor of this article will provide the Town with:

- a) community driven design guidelines and zoning bylaws that create a viable framework for new and redevelopment
- b) preliminary engineering plans that identify and prioritize infrastructure improvements. It is expected that the completion of work funded under this article will position the Town to leverage significant private, State and Federal investments in Kelley’s Corner.

Background - The Town voted to adopt the Goals and Objectives of the Acton 2020 Comprehensive Community Plan at the 2012 Annual Town Meeting. Following the adoption of the Plan, the Board of Selectmen created the Acton 2020 Implementation Committee to facilitate the process of implementing recommendations in the Acton 2020 Plan. Consistent with the Plan priorities, the Acton 2020 Implementation Committee has focused on ways to begin the transformation of Kelley’s Corner. This funding request is the result of this effort to date.

Further information on the Kelley’s Corner initiative is available at: www.acton2020.info

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov/ (978) 929-6631

B. Acton Center Traffic Study

This article will fund a traffic study to analyze and propose roadway improvements on Main Street at the intersections of Concord Road, Newtown Road, Woodbury Lane and Nagog Hill Road. The traffic study will include the collection and analysis of the existing conditions, projections for future traffic growth and public input. The consultant will then formulate a final report incorporating all this information to recommend improvements that will increase safety and enhance the overall movement of vehicles and pedestrians within Acton Center.

Direct inquiries to: Corey York, Public Works Director
engineering@acton-ma.gov / (978) 929-6630

Selectman assigned: John Sonner: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred
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ARTICLE 18 LAND ACQUISITION – 81 WOOD LANE
(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 a deed of fee simple interest, on such terms and conditions as the Selectmen may determine and for conservation and park purposes, Parcel A, measuring +/-44,689 square feet, as shown on a plan entitled “Plan of Land in Acton, Mass.,” scale 1”=30’, dated August 22, 2011, prepared for Cedric F. Harring, Jr. by Goldsmith, Prest & Ringwall, LLC, and recorded at the Middlesex South Registry of Deeds as Plan No. 619 of 2011; and further to see if the Town will raise, appropriate, and/or transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

When the former owner of 81 Wood Lane decided to sell this oversized lot abutting the arboretum, he approached the Acton Conservation Trust (ACT) and the Friends of the Acton Arboretum (FAA) in 2011 for advice, and to see if the Town would have any interest in acquiring the back land. ACT partnered with FAA to have a property survey done and to file the necessary paperwork to divide the existing lot into two parcels. A purchase and sales agreement was signed in 2011, and the newly divided lot was purchased by ACT in 2012. This approximately 1 acre lot, abutted by the arboretum on three sides, is now being offered to the Town of Acton for conservation purposes. The proposed Town purchase price reflects the initial purchase price paid by ACT along with the cost survey and associated costs.

Direct inquiries to: Tom Tidman, Natural Resources Director: nr@acton-ma.gov / (978) 929-6631
Selectman assigned: David Clough: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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ARTICLE 23 **FUND COLLECTIVE BARGAINING AGREEMENT –**
(Majority vote) **POLICE PATROL OFFICERS (FY13-FY15)**

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 requests funding for collective bargaining agreement cost items 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) 929-6611
Selectman assigned: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 24 **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@abschools.org / (978) 264-4700
Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 25 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@abschools.org / (978) 264-4700

Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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ARTICLE 26 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: John Sonner: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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ARTICLE 27 # CITIZENS' PETITION – AMEND ZONING BYLAW
(Two-thirds vote) **DRIVE-UP WINDOW**

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

A. In Section 3.5.5, delete the phrase “except that drive-up service shall not be allowed”, so that Section 3.5.5 is changed to read in its entirety:

“3.5.5 Restaurant – Establishment where food and beverages are sold within a BUILDING to customers for consumption 1) at a table or counter, or 2) in an adjacent outdoor space that does not obstruct a public way, sidewalk, walkway, vehicular parking, or a driveway, or 3) off the premises as carry-out orders, or 4) any combination of the above. In the OP-2 and the TD District, the minimum square footage for an individual restaurant shall be 5,000 square feet measured in NET FLOOR AREA.”

[Note: Section 3.5.5 now reads:

3.5.5 Restaurant – Establishment where food and beverages are sold within a BUILDING to customers for consumption 1) at a table or counter, or 2) in an adjacent outdoor space that does not obstruct a public way, sidewalk, walkway, vehicular parking, or a driveway, or 3) off the premises as carry-out orders, except that drive-up service shall not be allowed, or 4) any combination of the above. In the OP-2 and the TD District, the minimum square footage for an individual restaurant shall be 5,000 square feet measured in NET FLOOR AREA.]

B. Amend Section 3.8.2.2 by inserting the phrase “, restaurant, or retail store” after the word “bank” and before the period, so that Section 3.8.2.2 is changed to read in its entirety:

“3.8.2.2 Drive-up facilities in a bank, restaurant, or retail store.”

[Note: Sections 3.8.2 and 3.8.2.2 now read:

*3.8.2 ACCESSORY USES permitted in the Office, Business, and Industrial Districts.
3.8.2.2 Drive-up facilities in a bank.]*

C. Amend Section 7.7.4 by inserting the phrase “, or a restaurant drive-up window, or a retail store drive-up window” after the phrase “bank drive-up-window” and before the period, so that Section 7.7.4 is changed to read in its entirety:

“7.7.4 WALL SIGNS – A WALL SIGN may be ERECTED on a BUILDING, or on an arcade STRUCTURE attached to the ground floor of a BUILDING, or on a permanent canopy STRUCTURE associated with a motor vehicle service station, or a bank drive-up window, or a restaurant drive-up window, or a retail store drive-up window.”

[Note: Section 7.7.4 now reads:

7.7.4 WALL SIGNS – A WALL SIGN may be ERECTED on a BUILDING, or on an arcade STRUCTURE attached to the ground floor of a BUILDING, or on a permanent canopy STRUCTURE associated with a motor vehicle service station or a bank drive-up window.]

D. Amend Section 10.4.5.3 by inserting the phrase “and drive-up-windows” after the phrase “driveway openings and before the phrase “are convenient and safe”, so that Section 10.4.5.3 is changed to read in its entirety:

“10.4.5.3 Provides for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings and drive-up-windows are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site.”

[Note: Section 10.4.5.3 now reads:

10.4.5.3 Provides for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site.]

, or take any other action relative thereto.

SUMMARY

This article would change the existing Acton Zoning Bylaw to allow drive-up-windows in restaurants and retail stores just as they are currently allowed for banks.

- Part A amends Section 3.5.5 to permit drive-up service at a restaurant.
- Part B amends Section 3.8.2 to allow drive-up window service for a restaurant or a retail store in addition to the presently permitted service by a bank.
- Part C amends Section 7.7.4 placement of a sign for a restaurant or retail store as is presently allowed for a bank.
- Part D amends Section 10.4.5.3 to explicitly give control over drive-up-windows in districts requiring a SPS to the Selectmen.

Acton currently permits drive-up windows for banks at Sections 3.8.2.2, Section 7.7.4, and Section 10.3.6.5 of the Acton Zoning Bylaws. This amendment adds restaurants and retail stores to the permission to use drive-up windows.

The public finds drive-up windows convenient for banking. Also, the public will find drive-up windows convenient for restaurants and retail stores. Picking up some food at a restaurant to take home and eat is a common practice throughout the United States, and citizens of Acton will find such service convenient. Picking up orders at a drive-up window at a retail store such as a pharmacy is also a common practice throughout the United States, and citizens of Acton will also find such service convenient.

The character of Acton will not be affected by these zoning Bylaw changes as the Board of Selectmen control the placement and appearance of the proposed drive-up windows, just as they now control the placement and appearance of bank drive-up windows.

Particularly, Acton Zoning Bylaw Sections 10.3.6 and Section 10.3.6.5 are applicable to restaurants, and they state:

10.3.6 Special Permit Conditions – The Special Permit Granting Authority may impose such conditions, safeguards and limitations as it deems appropriate to protect the neighborhood or the Town including, but not limited to: ...

“10.3.6.5 Regulation of number, design and location of ACCESS drives, drive-up windows and other traffic features;

Further, Acton Zoning Bylaw Section 10.4 applies to banks and retail stores, and in view of the amendment to Section 10.4.5.3 the Selectmen will have control of the placement and appearance of drive-up-windows of banks and retail stores.

That is, the Town, through the Board of Selectmen, may control all drive-up windows and thereby protect the interests of Town character.

Direct inquiries to: Herman Kabakoff: hkabakoff@cortroninc.com / (978) 263-5598

Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u>
	Not Recommended	Deferred	Not Recommended

ARTICLE 28 AMEND ZONING BYLAW – INDUSTRIAL USES

(Two-thirds vote)

To see if the Town will vote to amend Section 3 of the Zoning Bylaw as set forth below:

A. In Section 3.6 - Industrial Uses, delete subsections 3.6.1 (Warehouse), 3.6.2 (Distribution Plant) and 3.6.3 (Manufacturing) and replace them with new subsections 3.6.1, 3.6.2, and 3.6.3 as follows:

3.6.1 Warehouse – A BUILDING used primarily for the enclosed storage of goods, and materials for any length of time; including receiving, repackaging, and/or reshipping; and including office, administrative, and support facilities related to the foregoing, but not a Distribution Center as defined in Section 3.6.2; a personal self-storage facility or mini-warehouse.

[Note – Section 3.6.1 currently reads: Warehouse – A BUILDING for the enclosed storage of goods and materials, including office, administrative, and support facilities related to the foregoing, but not a distribution plant; a personal self-storage facility or mini-warehouse.]

3.6.2 Distribution Center – An establishment with a BUILDING NET FLOOR AREA larger than 50,000 square feet used primarily for the receiving, short-term enclosed storage, repackaging, and/or reshipping or distribution of goods and materials to retail stores and other market outlets, or directly to the consumer via telephone or internet remote sales; including office, administrative, and support facilities related to the foregoing.

[Note – Section 3.6.2 currently reads: Distribution Plant - Establishment for the temporary storage of merchandise, products, or equipment and its wholesale, distribution or re-distribution to the market, usually in smaller lots, or its sale directly to the consumer via remote sales, such as sales conducted via telephone or Internet; and support services for the foregoing, such as office and laboratory.]

3.6.3 Manufacturing –

- An establishment engaged in the creation, fabrication or assembly of products;
- The physical, mechanical or chemical transformation, processing, blending or assembly of materials, substances or components into products;
- The development and manufacturing of renewable energy or alternative energy (RE/AE) equipment and systems;
- The research or testing of new and emerging technologies and technological devices; or
- Similar USES and activities; but, excluding Scientific USE as defined in Section 3.6.4.

The foregoing may include related support facilities and operations including but not limited to office, administration, laboratory, warehouse, and wholesale distribution of the manufactured products. All operations shall confine harmful, noxious or unpermitted smoke, fumes, dust, noise, pollution, contamination and other emissions and nuisances within the premises. No manufacturing, research or testing shall be conducted outside of a BUILDING, except where a special permit for such outdoor manufacturing, research or testing has been issued by the Board of Selectmen. In the KC District, the maximum NET FLOOR AREA of an establishment that is classified as a Manufacturing USE shall not exceed 10,000 square feet.

[Note – Section 3.6.3 currently reads: Manufacturing – A manufacturing facility, such as a printing or publishing plant; manufacturing of building systems and components; fabrication and assembly of electronic components, precision instruments, or other high technology products; manufacturing of metal products or office supplies; software or hardware development or manufacturing; research or testing of new and emerging technologies and technological devices; establishments engaged in services related to the environment; development and manufacturing of renewable energy or alternative energy (RE/AE) equipment and systems; or similar USES and activities; including office, administrative, laboratory, and support facilities related to the foregoing; but excluding scientific USE as defined in Section 3.6.4. All operations shall confine disturbing smoke, fumes, dust, noise, and other emissions within the premises. No research or testing shall be conducted outside of a BUILDING. In the KC District, the maximum NET FLOOR AREA of an establishment that is classified as a Manufacturing USE shall not exceed 10,000 square feet.]

B. In Section 3.8.2 (Accessory Uses permitted in the Office, Business and Industrial Districts), delete subsection 3.8.2.6 and replace it a new subsection 3.8.2.6 as follows:

3.8.2.6 In the Industrial Districts only, outdoor storage of materials, goods, and equipment provided that all outdoor storage areas are surrounded by landscaping or architectural screening that reduces, to the extent feasible and reasonable, their visual impact when viewed from adjacent and nearby STREETS and dwellings in existence as of January 1, 2013.

[Note – Section 3.8.2.6 currently reads: In the Industrial Districts only, outdoor storage of materials, goods, and equipment provided that all outdoor storage areas are completely screened from view from adjacent and nearby STREETS and properties.]

, or take any other action relative thereto.

SUMMARY

In part A, this article redefines three industrial uses.

Warehouse: Storage costs money. Industries strive for reduction or elimination of inventory. Today's industrial processes and logistics have for the most part done away with the need for longer term storage. Warehouses have transformed into distribution facilities with very short product holding times. Products are brought in, repackaged into different batch sizes to meet shipping needs, and sent out as quickly as possible. The proposed revised definition acknowledges this reality, but still leaves room for the more traditional warehouse used for longer-term storage.

Distribution Center: Small distribution facilities appear to the outsider much like traditional warehouses or manufacturers with relatively few employees and only intermittent truck traffic, often only small box trucks and vans, UPS, or FedEx. Large Distribution Centers can generate significant large truck traffic. Acton is a very unlikely place for large distribution centers. They prefer to locate at or very near transportation nodes and interchanges, preferably with multi-modal transportation access (highway, rail, air, river, or sea). Nevertheless, Acton's Zoning Bylaw carries a use definition for Distribution Plant, and the Table of Principal Uses allows it by special permit in certain districts (OP-2, PM, TD). This article amends the definition of Distribution Plant to Distribution Center and to more closely track the generic and technical definitions for such a facility as an operation that is distinct from a Warehouse. Also, to further distinguish, it introduces a 50,000 square foot minimum threshold for a facility to be defined as a Distribution Center distinct from a Warehouse. Below that size the facility is, for zoning purposes, simply a Warehouse regardless of specific storage, warehousing, receiving or shipping processes, durations or frequencies. The threshold is helpful in making sure that small distributors are not unduly classified as Distribution Centers and as a result prohibited from most industrial districts, or subjected to special permit procedures and requirements in the few districts where Distribution Centers may be allowed.

Manufacturing: The current definition of manufacturing is too limiting. It provides a short list of manufacturing examples; most are derived from industries that once existed or may still exist in Acton. The definition as currently structured leaves little room for other types of manufacturing, such as a coffee roaster and blender, an industrial scale bakery, a specialty machine shops, a maker of gadgets and devices that are not shrouded in the glamour of high-tech or emerging technologies, or a designer and manufacturer of clothing and accessories. The proposed new definition begins with a much more generic and inclusive definition of Manufacturing so that the phrase "or similar USES and activities" has a broader meaning and can be applied to a wider range of manufacturing activities. Also, it introduces the option for manufacturing processes to take place outdoors subject to a special permit from the Board of Selectmen. The Zoning Bylaw has a long list of prohibited uses; many would be considered industrial or manufacturing uses. This list remains in place unchanged and continues to safeguard against noxious, dangerous, and undesirable land uses.

The Zoning Bylaw allows outdoor storage in industrial districts as an accessory use. Part B of this article revises the pertinent provision for outdoor storage to amend the screening requirements for such use to a level that is reasonable and achievable.

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Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 29 * AMEND TOWN BYLAWS – CHAPTER S
(Majority vote) **COMMUNITY PRESERVATION COMMITTEE**

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

1. Delete Section 3.2, which prescribes the appropriate recommendations for use of funds the Committee shall make for open space, historic resources and community housing, and replace it with the following new Section 3.2:

The Committee shall make recommendations in proper form to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, and community housing that is acquired or created with funds received in accordance with the Community Preservation Act, MGL Chapter 44B, Sections 1 to 17, as amended; provided, however, that funds expended pursuant to this chapter shall not be used for maintenance. With respect to community housing, the Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

[Section 3.2 currently reads:

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

2. Delete Section 3.4, which prescribes the percentage of annual revenues in Community Preservation Funds that shall be set aside for later spending and replace it with the following new Section 3.4:

In each fiscal year, the Committee shall recommend spending, or setting aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of open space, historic resources, and community housing. The Committee may also recommend an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee’s administrative and operating expenses. The Committee shall report each year to the Town Meeting on its actual expenditures and anticipated expenditures for administration and operating costs.

[Section 3.4 currently reads:

“In each fiscal year, the Committee shall recommend spending, or setting aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of open space (not including land for active recreation purposes), historic resources, and community housing. The Committee may also recommend an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee’s administrative and operating expenses. The Committee shall report each year to the Town Meeting on its actual expenditures and anticipated expenditures for administration and operating costs.”]

Or take any other action relative thereto.

MOTION

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

SUMMARY

The proposed amendments make Chapter S consistent with the legislative changes made to Massachusetts General Law, Chapter 44B, Community Preservation Act (CPA) signed by Governor Patrick on July 8, 2012. The first proposed amendment, Section 3.2, modifies the allowable uses of CPA funds to permit the rehabilitation of existing recreational land not created or acquired with CPA funds. It also clarifies that CPA funds shall not be used for maintenance. The second proposed amendment, Section 3.4, removes the prohibition of using the annual 10% open space set-aside fund on passive and active recreation projects.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

Selectman assigned: David Clough: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 30 COMMUNITY PRESERVATION PROGRAM – MORRISON FARM

(Two-thirds vote)

To see if the Town will (i) appropriate \$2,505,000, or some other greater or lesser amount, to pay costs of carrying-out the Morrison Farm Implementation Plan, so-called, including the payment of all costs incidental and related thereto; (ii) authorize the Treasurer with the approval of the Board of Selectmen, to borrow said amount for a repayment term of not less than 15 years under and pursuant to Chapter 44B of the General Laws, or pursuant to any other enabling authority; (iii) authorize the Town Manager to take any other action necessary to carry out this project, and (iv) take any other action relative thereto.

SUMMARY

The Morrison Farm Committee, on behalf of the Board of Selectmen, prepared a concept plan for Morrison Farm to create an historic, nature, open space and recreation park on approximately 50 acres of land and pond area owned by the Town of Acton stretching from East Acton Village to the Robbins Homestead site on Concord Road, including Ice House Pond, all of the farmland along Ice House Pond, and stretching further upstream along Nashoba Brook.

The concept plan presents a multi-element, multi-year implementation program that seeks a total of \$2,764,000 in Community Preservation funding support. It calls for approximately 15 acres of forested land to be protected under the care of the Conservation Commission, a large open meadow, the continuation of community garden plots and the Pam Resor Orchard; formal preservation of the Robbins Homestead site and Alarm Stone, the preservation of the Ice House Foundation, and the creation of a new building envisioned as the Morrison Nature and History Center; boardwalks and trails and a connecting bridge, a picnic area, playground and the East Acton Village Green, and a playing field for informal pick-up games. Attention would be given to universal designs to accommodate people with various accessibility needs. The existing house will remain. The barn would be demolished, with funds for the demolition coming from non-CPA sources.

With this article the Community Preservation Committee recommends that the Town authorizes the borrowing for most of the project cost. This recommendation is conditioned as follows: (1) that the Town repurposes approximately 15 acres of forested backland of the subject property from “general municipal” to “conservation” and place that acreage under the care and protection of the Town of Acton Conservation Commission, (2) that the Robbins Homestead site and Alarm Stone shall not be disturbed without the written consent of the Historical Commission, and (3) that no Community Preservation funds shall be used for the demolition of the existing barn.

This project is eligible for funding in three CPA categories: open space, historic preservation, and recreation. The Committee has assigned this recommended appropriation to the CPA categories in the following proportions: open space – 5%; historic – 5%; and the rest remains unassigned. In a separate article, the Committee will recommend a direct appropriation from available funds to begin project planning and design and make other project preparations.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: David Clough: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 31 **COMMUNITY PRESERVATION PROGRAM –**
(Two-thirds vote) **OPEN SPACE ACQUISITION**

To see if the Town will vote to:

- (a) authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Selectmen may determine, and to accept a deed of fee simple interest in a portion of the real property depicted on Assessors' Map D-3 as Parcel 10, consisting of approximately 20.68 ± acres of open space for conservation purposes under M.G.L. c. 44B, the Community Preservation Act;
- (b) appropriate the purchase price and all necessary and appropriate transaction costs for said purchase including, without limitation, costs for due diligence, legal services, bonding, conservation restriction and its monitoring and enforcement, and other transaction, acquisition and related costs;
- (c) transfer, appropriate and expend, pursuant to the favorable recommendation of the Community Preservation Committee from the existing Open Space Set Aside portion of the Community Preservation Fund balance a sum of money consistent with this article;
- (d) authorize the Treasurer, with the approval of the Selectmen, and pursuant to the favorable recommendation of the Community Preservation Committee, to borrow for a repayment term of not less than 15 years a sum of money as authorized under the Community Preservation Program pursuant to M.G.L. c. 44B, § 11, and to transfer, appropriate and expend said amount consistent with this article;
- (e) raise, appropriate, transfer from available funds or accept gifts and grants of such additional funds as are necessary to accomplish the purposes of this article;
- (f) authorize the Selectmen and the Conservation Commission to submit on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, or the United States, under the Self-Help Act (M.G.L. Chapter 132A § 11) and/or any other state or federal programs including those in aid of conservation land acquisition, and to transfer, appropriate and expend any said amount so received consistent with this article;
- (g) authorize and direct the Board of Selectmen to impose a perpetual Conservation Restriction on the open space so acquired, in accordance with M.G.L. c. 44B, § 12(a) and M.G.L. c. 184, §§ 31-33, on such terms and conditions as the Selectmen may determine (the "Conservation Land");
- (h) authorize and direct the Board of Selectmen in accordance with M.G.L. c. 44B, § 12(b), to delegate the management of the Conservation Land to the Conservation Commission subject to the perpetual Conservation Restriction as aforesaid; and
- (i) to authorize the Selectmen, the Town Manager, the Treasurer, and the Conservation Commission, as appropriate, to enter into all agreements and execute any and all instruments as may be necessary to effect this article;

or take any other action relative thereto.

SUMMARY

With this article the Community Preservation Committee recommends that the Town acquires 20.68 ± acres of open space located at the corner of Arlington Street and Newtown Road for conservation purposes and authorizes the borrowing for the cost of this acquisition. The subject land is of extreme strategic value to the town as open space as it connects two major, existing conservation properties and would provide an open space corridor stretching virtually across the entire town. This land would support residential development if not acquired, and is listed as the second most important parcel for acquisition and protection on the Town’s Open Space priority list. The property is home to various wildlife species and represents a rare opportunity to protect a major open space parcel in Town. Acquisition of this property also potentially enables the Town to protect an additional 10 (or so) acres that are contiguous to this property. This recommendation is conditioned on the Town imposing a perpetual Conservation Restriction on the land and placing it under the care and protection of the Town of Acton Conservation Commission.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: David Clough: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 32
(Majority vote)

**COMMUNITY PRESERVATION PROGRAM –
DIRECT APPROPRIATIONS FROM FUND BALANCE**

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 2012 Community Preservation Fund balances as set forth herein, the amounts listed below 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 2012 COMMUNITY PRESERVATION FUND BALANCES	
FY 2012 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2012	\$ 783,627.72
State Community Preservation Trust Fund Receipt, October 2012	\$ 208,957.00
Other FY 2012 Community Preservation Fund Components	
Interest Earned in FY 2012	\$ 23,687.55
Unencumbered FY 2012 Fund Balance	\$ 194,797.00
Recapture of unspent previous years’ project appropriations	\$ 4,279.17
Total - FY 2012 Community Preservation Fund Balance	\$ 1,215,348.44
FY 2012 Open Space Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space and its Rehabilitation and Restoration	\$ 2,077,537.12
Recaptures to the Set-Aside Fund Balance for the Acquisition, Creation, and Preservation of Open Space and its Rehabilitation and Restoration, of proceeds from the sale of property (Gaebel house at Piper Road) and of unspent project appropriations related to the Gaebel land purchase	\$ 221,034.75
Total FY 2012 Open Space Set-Aside Fund Balance	\$ 2,298,571.87
FY 2012 Historic Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 528.00
Total FY 2012 Historic Set-Aside Fund Balance	\$ 528.00
APPROPRIATIONS FROM COMMUNITY PRESERVATION FUND BALANCE	
Purposes	Recommended Amounts
Set Aside Appropriations for	
A. Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 300,000.00
B1. Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; required make-up for under-spending in 2004 after recapture	\$ 500.00
B2. Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; required make-up for under-spending in 2013	\$ 35,246.00
Spending Appropriations	
C. Acton Arboretum – Wildflower Boardwalk	\$ 24,000.00

D. Acton Housing Authority – Sachem Way Siding Replacements	\$ 280,000.00
E. Historic Streetscapes Restoration Program – Shade Tree Plantings	\$ 10,000.00
F. West Acton Baptist Church – Belfry Restoration	\$ 18,563.00
G. West Acton Baptist Church – Master Plan	\$ 22,500.00
H. NARA – Picnic Pavilion	\$ 100,000.00
I. NARA – Concession & Comfort Station Design	\$ 25,000.00
J. Elm Street – Playground and Tennis Courts	\$ 75,000.00
K. Morrison Farm Park Improvements [#]	\$ 259,000.00
Administrative Spending Appropriation	
L. 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	\$ 49,629.00
Total Recommended Appropriations from FY 2012 Community Preservation Fund Balance and Current Historic Set-Aside Fund	
	\$ 1,199,438.00
Resulting Fund Balances	
Remaining FY 2012 Community Preservation Fund Balance	\$ 15,910.44
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration ^{##}	\$ 2,598,571.87
Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 36,274.00

[#] Line item K shall not be appropriated if related Article 30, which would authorize borrowing for the Morrison Farm Park project, fails.

^{##} The line items related to the Open Space Set-Aside balances in the above table may change as a result of the vote taken on Article 31.

, or take any other action relative thereto;

And, whereas Massachusetts General Laws, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the 2012 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 2012 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 2012 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2012 Community Preservation Fund Revenues for open space (\$99,258.48), not less than 10% of the FY 2012 Community Preservation Fund Revenues for historic preservation (\$99,258.48), and not less than 10% of the FY 2012 Community Preservation Fund Revenues for community housing (\$99,258.48), or take any other action relative thereto.

SUMMARY

This article would make appropriations from the Town's Community Preservation Fund balance. 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, preserve, rehabilitate and restore land for recreational use; to rehabilitate and restore open space 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 ninth 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 2012, the Community Preservation Committee published its 2013 Community Preservation Plan with guidelines for the submission of projects seeking funding. The Committee received sixteen applications for funding of proposed projects and programs. The Committee reviewed all applications, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under the Act. This article represents the Committee's overall recommendation for appropriations which includes recommended funding for ten of the proposed projects and programs from the available Community Preservation Fund balance. The recommended funding levels may differ from the amounts requested by the projects' proponents and some of the proposed projects have undergone significant transformations from how they were proposed originally. One of the projects, the Morrison Farm Park Improvements (line item K), is recommended for additional funding through borrowing in Article 30 of this warrant. The recommended line item K appropriation for the Morrison Farm Park Improvements in this article is contingent upon the approval of Article 30.

All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. As in previous years the recommended appropriations include a set-aside for open space. The recommended appropriations leave a remaining Community Preservation Fund balance of \$15,910.44 that is available for future Town Meeting appropriations in all eligible funding categories under the Act.

The CPA 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% (\$99,258.48) of the annual revenues in the Community Preservation Fund for each of the following: open space; 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 (see separate articles in this warrant), 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 (\$49,629.00 recommended).

A total of \$4,279.17 has been recaptured from unspent prior years' Community Preservation project appropriations and closed to the Community Preservation Fund. From 2004: Historic District Signs - \$500.00. From 2010: Windsor Building restoration - \$100.00, Theater III restoration - \$3,347.17, 468 Main St. windows - \$200.00; Town Hall windows - \$132.00. In addition, proceeds from the sale of the Gaebel house and left-over funds from the 2008 Gaebel land purchase appropriation, together \$221,034.75, have been recaptured to the Open Space Set-Aside Fund.

A. Open Space Set-Aside

The current Open Space Set-Aside Fund balance is \$2,298,571.87. This balance includes the proceeds from the sale of Gaebel house returned to the set-aside fund pursuant to Article 2 of the October 2008 Special Town Meeting appropriation to purchase the Gaebel land, and left-over funds from said land purchase appropriation, totaling \$221,034.75. This item adds \$300,000.00 to the existing open space set-aside fund, from which Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending for the purpose of acquisition, creation, and preservation of open space, or its rehabilitation or restoration.

B. Historic Preservation Set-Aside(s)

The recapture of \$500.00 in unspent CPA funds previously appropriated in 2004 for the Historic District Signs would put the Town \$500.00 below the 10% statutory minimum threshold for either spending or setting aside for later spending CPA funds for historic preservation, rehabilitation and restoration purposes in that year. To make up this shortfall, the Committee recommends a \$500.00 appropriation to the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources.

This year the total recommended appropriation for historic preservation, rehabilitation, and restoration projects is less than the statutory 10% minimum. To make up for this shortfall, the Committee recommends that Town Meeting also set-aside \$35,246.00 to the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources.

Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending from this set-aside fund for the purpose of acquisition, preservation, rehabilitation and restoration of historic resources.

C. Acton Arboretum – Wildflower Boardwalk

The existing 145 foot boardwalk is part of the wildflower loop trail in the Acton Arboretum. Built in 1994, it needs to be replaced due to substantial rot of the supporting structure. The recommended \$24,000 appropriation will help fund the construction of a new boardwalk. Pledged and anticipated additional contributions to this effort include a \$5,000 donation from the Friends of the Acton Arboretum, other anticipated cash and in-kind donations, volunteer efforts, and help from the Natural Resources Department. A professional builder will oversee the work. The boardwalk will meet today's universal access standards and is expected to last 20-30 years. The project is subject to approval by the Conservation Commission.

D. Acton Housing Authority – Sachem Way Siding Replacements

All the Acton Housing Authority's existing older buildings at Sachem Way need new roofs. In addition the plywood siding and insulation on the 12 unit family buildings must be replaced due to warping and detachment of the siding material. In this weathered condition, the particulars of the existing assembly

(the plywood siding serves double-duty as sheathing on top of exterior rigid insulation panels, and provides for structural rigidity of the buildings in the apparent absence of diagonal bracing) has allowed water penetration sufficient to compromise the batt insulation between the studs. If left unchecked, the condition will eventually compromise the integrity of the buildings.

The Acton Housing Authority expects to receive State funding for the re-roofing, expected to cost about \$150,000.00. The re-siding component of the project, including new batt insulation, new sheathing, new rigid exterior insulation, and new durable fiber cement siding, is expected to cost \$354,031.00. The recommended \$280,000.00 appropriation will help pay for the re-siding. The Acton Community Housing Corporation has pledged to fund the difference. The Housing Authority intends to bid the roofing and siding projects together to increase efficiency and reduce overall cost.

E. Historic Streetscapes Restoration Program – Shade Tree Plantings

This recommended \$10,000 appropriation continues funding for the restoration of the historic streetscapes in the Acton Center, South Acton, and West Acton Historic Districts through the replanting of public shade trees. The program began with a 2009 CPA appropriation, also \$10,000, which yielded 24 trees. This program renewal will fund approximately the same number of additional new trees at an average of eight trees per year. All work will be performed on publicly owned lands and streets, or on adjacent properties as allowed by Massachusetts General Law Chapter 87.

F. West Acton Baptist Church – Belfry Restoration

The West Acton Baptist Church, located at the corner of Massachusetts Avenue and Central Street and in the West Acton Historic District, was built in 1854. The belfry's golden dome replaced the original steeple in 1934. The bell itself was cast in Boston in 1854 by a former apprentice of Paul Revere.

The wood of the belfry's interior structure is so damaged and rotted by water exposure and penetration that it must be restored as soon as possible. The floor supporting the bell is soft, appears to have dropped, and its underside shows water damage. The bell cannot be rung safely until the restoration work is done. Further neglect would not only jeopardize the entire belfry, but also risk damage to other parts of the building. The recommended \$18,563 appropriation helps restore the interior of the church belfry. The total estimated cost of the work is \$20,625. The congregation will pay for the difference. Funding of this project is subject to a certificate of appropriateness or non-applicability by the Historic District Commission and contingent upon receipt of a fully executed perpetual historic preservation restriction that is acceptable to the Town.

G. West Acton Baptist Church – Master Plan

While the previous recommended appropriation (F) addresses an emergency restoration need in the belfry of the West Acton Baptist Church, the entire building requires attention. This recommended \$22,500 historic preservation appropriation will help fund a restoration and rehabilitation master plan for the building to evaluate the facility's condition, help identify critical needs and set restoration work priorities that integrate with the future anticipated use or uses of the facility. The total estimated cost of the work is \$25,000. The congregation will pay for the difference. A similar study was funded through CPA some years earlier for the nearby Theater III building. That study was crucial in defining the actual needs of the building and scoping out the restoration and rehabilitation work that ensued, which was also supported partially with Acton Community Preservation Funds. The Theater III work is now completed. The Committee anticipates a similarly successful historic preservation project in the case of the West Acton Baptist Church. As with item F above, funding of this project is contingent upon receipt of a fully executed perpetual historic preservation restriction that is acceptable to the Town. In addition, the final scope of work shall be reviewed by the Community Preservation Committee before any fund payments are made to ensure full compliance with CPA eligibility criteria.

H. NARA – Picnic Pavilion

The recommended \$100,000.00 appropriation for the NARA Park Pavilion augments the April 2008 appropriation of \$250,000.00 from the Community Preservation Fund for this project. The pavilion will be sited on a lawn area between the playground and the amphitheatre, overlooking NARA's pond and beach.

The project, originally designed as a modular timber frame structure, was advertised in September 2008. Partially due to applicable State laws and regulations it failed to attract any bidders. Shortly afterward, a court decision in the Seideman vs. City of Newton case made the pavilion project ineligible for CPA funding. Since then, while waiting for legislative changes to cure the problems that Seideman v. Newton created, the Town engaged an architect to revise project design for a custom built pavilion that can attract qualified construction bidders while providing for compliance with State laws and regulations. The new custom design has a higher price. The CPA was finally changed in July 2012, making the pavilion project once again eligible for CPA funding.

The Town has requested \$230,000 in supplemental funding. This \$100,000 award anticipates the Town finding other funding sources or further revising the design to bring costs in line with available funds.

I. NARA – Concession & Comfort Station Design

NARA Park is now home to the Joseph Lalli Miracle Field, the first handicap accessible ball field specially designed for children with disabilities in New England. As NARA Park continues to grow, so does the demand to supply the amenities park users require. The recommended \$25,000 appropriation will fund the engineering and architectural design for a multi-use building with septic system near the miracle field that includes restroom facilities, storage space, and room for a concession stand. The total estimated cost for this design project is \$30,000. The difference is made up with pledged donated services.

J. Elm Street – Playground and Tennis Courts

The renewal of the Elm Street playground, located at 19 Elm Street behind the tennis courts and next to Jefferson Farms condominium, was another victim of the Seideman v. Newton court decision (see H above). Awarded \$75,000 of Community Preservation Funds in 2008, the project could not proceed as a legally eligible CPA project until a remedial amendment to the CPA statute could be passed, which finally occurred in July 2012. The recommended \$75,000 appropriation is for a toddler playground (~\$50,000) and for new tennis court surfaces (~\$25,000).

The plan for the playground calls for safety engineered wood fiber surfacing, fencing, a cement pad added under the existing 24' x 24' picnic shelter, a cement sidewalk, and the professional installation of toddler playground equipment. The Acton Children's School has donated used toddler playground equipment valued at approximately \$25,000; in addition there will be a new set of four swings.

The two adjoining tennis courts will be resurfaced with new line paintings. The courts were last resurfaced 10 years ago. The Acton Recreation Department advises that doing this relatively inexpensive surface restoration now will prevent further deterioration and avoid a much more expensive full depth reconstruction later.

K. Morrison Farm Park Improvements

The Morrison Farm Committee, on behalf of the Board of Selectmen, prepared a concept plan for Morrison Farm to create an historic, nature, open space and recreation park on approximately 50 acres of land and pond area owned by the Town of Acton stretching from East Acton Village to the Robbins Homestead site on Concord Road, including Ice House Pond, all of the farmland along Ice House Pond, and stretching further upstream along Nashoba Brook.

The concept plan presents a multi-element, multi-year implementation program that seeks a total of \$2,764,000 in Community Preservation funding support. It calls for approximately 15 acres of forested land to be protected under the care of the Conservation Commission, a large open meadow, the continuation of community garden plots and the Pam Resor Orchard; formal preservation of the Robbins Homestead site and Alarm Stone, the preservation of the Ice House Foundation, and the creation of a new building envisioned as the Morrison Nature and History Center; boardwalks and trails and a connecting bridge, a picnic area, playground and the East Acton Village Green, and a playing field for informal pick-up games. Attention would be given to universal designs to accommodate people with various accessibility needs. The existing house will remain. The barn would be demolished, with funds for the demolition coming from non-CPA sources.

Most of the project cost will be bonded subject to approval by Town Meeting of separate Article 30 in this warrant. With this article, the Committee recommends the appropriation of \$259,000 from the currently available Community Preservation Fund balance of the aforesaid total amount to fund upfront “soft costs, such as an archeological survey, planning, engineering, architectural design, and the cost of issuing the bond. This project is eligible for funding in three CPA categories: open space, historic preservation, and recreation. The Committee has assigned this recommended appropriation to the CPA categories in the following proportions: open space - 5% (\$12,950.00); historic - 5% (\$12,950.00); and the rest remains unassigned.

L. Administrative and Operating Expenses

The recommended appropriation in the amount of \$49,629 is 5% of the FY 2012 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.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: David Clough: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 33 **OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND**
(Majority vote) **APPROPRIATION**

To see if the Town will raise and appropriate, or appropriate from available funds, and transfer a sum of money to the Other Post-Employment Benefits Liability Trust Fund established in accordance with Massachusetts General Law, Chapter 32B, Section 20, for the purpose of funding Other Post-Employment Benefits Liabilities, or take any other action relative thereto.

SUMMARY

This article requests an appropriation to the Town’s Other Post-Employment Benefits Liabilities Trust Fund established and maintained in accordance with Massachusetts General Laws Chapter 32B, Section 20.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: David Clough: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 34 **OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND**
(Majority vote) **DESIGNATION OF CUSTODIAN**

To see if the Town will vote to designate the Health Care Security Trust Board of Trustees established in section 4 of chapter 29D as the custodian of the Town’s Other Post-Employment Benefits Liability Trust Fund provided that the Board of Trustees accepts the designation, or take any other action relative thereto.

SUMMARY

Under Article 20 at the 2012 Annual Town Meeting, the Town voted to accept the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws relative to establishing an Other Post-Employment Benefits Liability Trust Fund to help the Town address the fiscal challenges associated with unfunded liabilities for pension and Other Post-Employment Benefits (or “OPEB”) liabilities. Currently under that article, the custodian of the fund is the Town Treasurer. If designated by the Town Meeting, the custodian of the fund can be the Health Care Security Trust board of trustees established in section 4 of chapter 29D, provided that the board of trustees accepts the designation. The Health Care Security Trust board of trustees is charged with the administration of the State Retiree Benefits Trust Fund along with various other funds throughout the state. This article asks that the Town Meeting designate the Health Care Security Trust board of trustees as the fund custodian subject to and in the manner prescribed in Chapter 32B, Section 20.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: David Clough: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 35 **AMEND ZONING AND GENERAL BYLAWS –**
(Two-thirds vote) **DONATION COLLECTION BINS**

To see if the Town will vote to amend the Zoning Bylaw and the General Bylaw as set forth below:

A. In the Zoning Bylaw, Section 3.8 – Accessory Use Regulations, insert a new subsection 3.8.5 as follows:

3.8.5 Donation Collection Bins – Donation Collection Bins (in this section hereinafter referred to as Bin or Bins) are outdoor receptacles or containers designed or intended for the donation and the temporary storage of books, clothing or other goods and materials. Bins may be placed on non-residential LOTS within any Business, Industrial or Office District, or in other Districts on LOTS owned or occupied by a Municipal, Educational, or Religious USE, subject to the following requirements:

Donation Collection Bins are also subject to permits and certain disclosure and conformance requirements as set forth in Chapter E of the General Bylaws of the Town of Acton.
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- 3.8.5.1 Only one Bin shall be allowed on a LOT measuring 1 acre or less in area. For LOTS over 1 acre in area, up to three Donation Collection Bins may be allowed on a LOT.
- 3.8.5.2 Bins shall meet all minimum front, side, and rear yard setback requirements for BUILDINGS and STRUCTURES of the Zoning District in which they are located.
- 3.8.5.3 Bins shall not be placed on lawns and other landscaped areas.
- 3.8.5.4 Bins shall not be placed or located so as to block or obstruct the following: pedestrian or BUILDING access or egress; the minimum number of vehicle parking and handicap parking spaces required under this Bylaw and under the Massachusetts Architectural Access Board (AAB) regulations; ACCESS driveways; interior driveways; maneuvering aisles; loading areas; public or private utilities, services, or drainage systems; fire lanes, alarms, hydrants, or other fire protection equipment; and emergency accesses or egresses.
- 3.8.5.5 Bins shall be operated and maintained so that all sidewalks and walkways continuously meet minimum Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (AAB) standards.
- 3.8.5.6 Bins shall be fully enclosed and locked, and have not more than one receiving door with a theft prevention device.
- 3.8.5.7 Bins shall not exceed 200 cubic feet in size.
- 3.8.5.8 Bins shall have one sign, not exceeding 4 square feet in display area, attached to the exterior of the Bin displaying the Bin owner’s or operator’s name and contact information, collection times, and other required information. No other advertising shall be allowed on the sign.
- 3.8.5.9 Bins shall be regularly emptied of their content so that they do not overflow and do not result in donated goods and materials being strewn about the surrounding area.
- 3.8.5.10 Bins and their surroundings shall be maintained in a state of good repair, in a neat and clean condition, and free of trash, debris, refuse or like materials.

B. In the General Bylaw, Chapter E – General Public Regulations, insert the following new Section E58 as follows:

E58. Donation Collection Bins

The purpose of this bylaw is to regulate Donation Collection Bins in the Town of Acton to protect the public from being misled by Bins that do not disclose for-profit status; prevent clutter around Bins; regulate appropriate Bin signage and identification requirements; establish Bin permits for the orderly administration of this bylaw; and help defray the cost of its administration and enforcement.

Donation Collection Bins are also subject to zoning standards as set forth in Section 3 of the Acton Zoning Bylaw (Chapter M of the General Bylaws of the Town of Acton).

E58.1 Definitions

In this section E58 the following terms shall have the following meanings:

E58.1.1 Donation Collection Bin, or Bin, shall mean any outdoor receptacle or container designed or intended for the donation and the temporary storage of books, clothing, or other goods and materials.

E58.1.2 Property Owner shall mean the owner of land in Acton where a Bin is located or proposed to be located.

E58.1.3 Bin Operator shall mean any person or entity that owns, operates, or controls a Donation Collection Bin located on land in Acton.

E58.2 Annual Bin Permit Required

It shall be unlawful for any person or entity to place or allow to be placed a Donation Collection Bin within the Town of Acton without a Bin Permit from the Zoning Enforcement Officer (ZEO). Each Bin shall require a separate Bin Permit.

E58.2.1 Both the Property Owner and the Bin Operator, through their respective duly authorized representatives shall sign any application for a Bin Permit. For a Bin that complies with this Bylaw, the ZEO may issue a Bin Permit in the name of the Property Owner and the Bin Operator for the specific Bin and the specific property where the Bin is located or is to be located. The Bin Permit shall not be transferable.

E58.2.2 The Property Owner and the Bin Operator shall complete a written application for a Bin Permit on a form provided by the ZEO.

E58.2.3 The application for a Bin Permit shall state the name of the proposed Bin Operator and whether the Bin Operator is a public charity or nonprofit charitable organization registered in good standing with the Non-Profit Organizations/Public Charities Division of the Massachusetts Attorney General's Office. Any person or entity not so registered shall be considered a for-profit person or entity for purposes of this Bylaw.

E58.2.4 Where the proposed Bin Operator is a public charity or nonprofit charitable organization, the application for the Bin Permit shall include a copy of the Bin Operator's latest registration with the Non-Profit Organizations/Public Charities Division of the Massachusetts Attorney General's Office.

E58.2.5 Where the proposed Bin Operator is a for-profit person or entity, the application for the Bin Permit shall include either (a) a copy of the Bin Operator's latest registration as a commercial co-venturer with the Massachusetts Attorney General's office and a statement representing the percentage of profits that the Bin Operator will donate to charity, or (b) a copy of the Bin Operator's Charter, Articles of Organization, Agreement of Association, Instrument of Trust, Business Certificate, License to Operate, or the equivalent, issued by or filed with the Massachusetts Secretary of State or other governmental entity and a statement representing the percentage of profits if any that the Bin Operator will donate to charity.

E58.2.6 Each Bin Permit shall be valid for the calendar year in which it is issued. Each new calendar year shall require a new Bin Permit.

E58.2.7 The application fee for each Bin Permit shall be \$150.00 for each Donation Collection Bin.

E58.2.8 Evidence of a valid Bin Permit (to be provided by the ZEO) shall be affixed to each Bin beside the receiving door.

E58.2.9 The ZEO shall maintain a current list of all Bin Permits for Donation Collection Bins.

E58.3 Required Identification Sign

Notwithstanding any other bylaws and rules on signs in the Town of Acton, every Donation Collection Bin shall have one sign attached to its exterior surface not to exceed 4 square feet in size. Such sign shall be clearly visible to the donating public and shall clearly identify and state:

- The name, address, telephone number, and website of the Bin Operator;
- The regular collection times;
- The Bin Operator's status as a registered public charity or nonprofit charitable organization, or its status as a for-profit person or entity under this Bylaw;
- In the case of a for-profit company, the percentage, if any, of proceeds that the Bin Operator donates to charity; and
- A declaration whether the Bin Operator is registered with the Massachusetts Attorney General's Office as a public charity, a nonprofit charitable organization, or a commercial co-venturer, its registration number, and the telephone number and website address for the Attorney General's Non-Profit Organizations/Public Charities Division.

No further advertising shall be permitted on the donation collection bin.

E58.4 Prohibitions, Standards, and Requirements

Each Property Owner and Bin Operator shall comply with the following provisions with respect to each Bin for which it is the property owner or Bin operator, respectively:

E58.4.1 Each Bin shall conform to all requirements of this Bylaw.

E58.4.7 Each Bin shall be fully enclosed and locked, and have one receiving door with a theft prevention device.

E58.4.8 Each Bin shall not exceed 200 cubic feet in size.

E58.4.9 Each Bin must be regularly emptied and its contents removed from the property so that they do not overflow, resulting in used clothing or other donated goods or materials being strewn about the surrounding area.

E58.4.10 Each Bin must be maintained in a state of good repair and in a neat and clean condition, and free of trash, debris, refuse or like material.

E58.5 Applicability, Effective Date, and Grace Period

The provisions of this Bylaw shall take effect pursuant to M.G.L. c. 40, § 32, and shall apply to both existing Donation Collection Bins and proposed or future Donation Collection Bins located within the Town of Acton. Property Owners and Bin Operators with Bins in existence in Acton prior to the effective date of this Bylaw shall have the following grace periods to come into compliance:

E58.5.1 Within sixty (60) days after the effective date of this Bylaw, the Property Owner and Bin Operator shall file an application with the ZEO for a Bin Permit as required by Section E58.2 of

this Bylaw for each existing Donation Collection Bin located in Acton for which it is the property owner or Bin operator, respectively. The application shall demonstrate how the existing Bin complies with this Bylaw or show the proposed changes that shall be completed to achieve compliance.

E58.5.2 Within ninety (90) days after the effective date of this Bylaw, the Property Owner shall fully comply with this Bylaw as to each Bin on its property.

E58.5.3 Non-compliance of any existing Bin with this Bylaw during the grace periods shall not be deemed a violation of this Bylaw.

E58.6 Responsible Entity, Violations, Enforcement, and Penalties

E58.6.1 The Property Owner shall be responsible for ensuring that each Donation Collection Bin on its property in Acton complies with this Bylaw. The Bin Operator shall be responsible for ensuring that each Donation Collection Bin which it owns, operates, or controls and which is located on land in Acton complies with this Bylaw.

E58.6.2 Any violation of this Bylaw shall be punishable by a fine of \$300.00 for each offense. Each day that a violation of this Bylaw continues shall constitute a separate offense.

E58.6.3 Any violation of this Bylaw that persists for thirty (30) days or longer shall result in the revocation of any and all Bin Permits issued to the Property Owner and Bin Operator for Donation Collection Bins on the subject property, and an order issued by the Zoning Enforcement Officer for removal of all Bins on the property.

E58.6.4 Failure by the Property Owner or the Bin Operator to comply with an order of removal issued by the ZEO may result in removal and disposal of the Bins by the Town. The Town shall be entitled to recover from the Property Owner and the Bin Operator, jointly and severally, all costs of removal and disposal of all Bins from the property.

E58.6.5 Where a Bin Permit under this Bylaw has been revoked, no other Bin Permit for a Donation Collection Bin shall be issued for the same property for a period of two years.

And in Section E45 (Non-Criminal Disposition), insert the following subsection:

Chapter E - Section E58, Collection Donation Bin Bylaw; enforcing person: Zoning Enforcement Officer. – Fine: \$300.00 for each offense. Each day that a violation continues shall constitute a separate offense.

, or take any other action relative thereto.

SUMMARY

A fair number of donation collection bins are located in Acton. Under the Zoning Bylaw, all such bins are currently illegal anywhere in Acton. Some bins are operated by charitable not-for-profit organizations. Others belong to for-profit companies who may or may not donate a portion of the proceeds to charity. The difference is seldom apparent. As a result, residents of Acton may erroneously believe they are making donations to a non-profit charity, and may incorrectly claim tax deductions for their donations, when they are actually giving books, clothes, or other goods and materials, for free to a for-profit company.

Part A of this article establishes zoning bylaw standards for donation collection bins pertaining to their placement, setbacks, size, signage, and maintenance. Adoption of this article will enact these standards in the Zoning Bylaw going forward. Because no bins are currently legal, existing bins will also have to be brought into compliance with the standards, except for reasonable exemptions pursuant to M.G.L. Ch.40A, §3, the “Dover Amendment.” Rejection of this article will direct staff to enforce the current

zoning bylaw and cause the removal of all donation collection bins not otherwise exempt from zoning pursuant to the Dover Amendment.

Part B of this article establishes within the Town’s general bylaws an administrative permit requirement for each donation bin. Permits must be renewed annually. It requires the disclosure on the bin of the bin operator’s identity and its charitable not-for-profit, or non-charitable for profit status. For-profit operators will have to disclose the percentage of profits that goes to charity, if such a charitable claim is made, and post a declaration that the operator is registered with the Attorney General as a commercial co-venturer with the telephone number for the Attorney General’s Non-Profit Organizations/Public Charities Division. Existing bins will have a grace period to come into compliance with this bylaw.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
 Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Deferred	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 36 * AMEND TOWN CHARTER – ASSOCIATE MEMBERS OF
 (Two-thirds vote) **BOARDS AND COMMISSIONS**

To see if the Town will vote, pursuant to Section 8-3(b) of the Town’s Charter, to amend Section 4-2 of the Charter (“Appointment Powers, Selectmen”) by adding and populating a column for associate members, deleting existing rows for and references to associate and alternate members, and amending the paragraph following the table so that the table and the paragraph, as so amended, read as follows, or take any other action relative thereto:

SECTION 4 - 2 Appointment Powers, Selectmen

	NUMBER OF MEMBERS	LENGTH OF TERM (YEARS)	NUMBER OF ASSOCIATE MEMBERS
Acton/Boxborough Cultural Council	7 (Acton)	3	-
Acton Community Housing Corporation	5-7	3	2
Board of Appeals	3	3	3
Board of Assessors	3	3	1 or more
Board of Health	5	3	2
Cemetery Commissioners	3	3	1
Commission on Disabilities	5	3	2
Conservation Commission	7	3	2
Council on Aging	9	3	2
Election Officers	as required	1	-
Historical Commission	5	3	2
Historic District Commission	6	3	4
Metropolitan Area Planning Council Rep.	1	3	-
Personnel Board	5	3	2
Planning Board	7	5	2
Recreation Commission	5	3	2
Registrars of Voters	3	3	-

(See also Section 5 - 1)

Each associate member shall be appointed for a term of years equal to the term of a full member, except that each Planning Board associate shall be appointed for a 1-year term. The chairperson of any town board or commission with associate members may designate any such associate member to sit on the board or commission for any particular matter(s) in the case of an absence, inability to act, or conflict of interest on the part of any regular member thereof, or in the event of a vacancy on the board or commission, until said vacancy is filled.

MOTION

Move that the Town adopt the Charter amendments as set forth in the Article.

SUMMARY

This article, if approved both by the Town Meeting and by ballot at the next Town election, would amend the Town Charter so as to expand the powers of the Board of Selectmen to appoint associate members to boards and committees that currently do not have them, and clarify the circumstances in which such associates may be authorized to act for a member who is absent or disqualified, or in the event of a vacancy. The amendments would also make the existing Charter provisions consistent in the use of the term “associate members” for all such positions and discontinues the use of the term “alternates.” The amendment is intended to make it easier for boards and committees to deliberate and vote with a full complement of personnel and to provide additional opportunities for Town residents to participate in Town government.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred
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**ARTICLE 37 * AMEND TOWN CHARTER – ASSOCIATE MEMBERS OF
(Two-thirds vote) FINANCE COMMITTEE**

To see if the Town will vote, pursuant to Section 8-3(b) of the Town’s Charter, to amend Section 3-2 of the Charter by inserting after the table and immediately before the last sentence, the following paragraph, or take any other action relative thereto:

“The Moderator may appoint up to two associate members of the Finance Committee, each for a term of one year, as the Town Moderator deems appropriate to the efficient and orderly performance of the duties and responsibilities thereof. The chairperson of the Finance Committee may designate any such associate member to sit for any particular matter(s) in the case of an absence, inability to act, or conflict of interest on the part of any regular member thereof, or in the event of a vacancy on the committee, until said vacancy is filled.”

MOTION

Move that the Town adopt the Charter amendments as set forth in the Article.

SUMMARY

This article, if approved both by the Town Meeting and by ballot at the next Town election, would amend the Town Charter so as to expand the powers of the Moderator to appoint associate members to the Finance Committee, and specify the situations in which the chairperson of the Finance Committee could designate associate members to participate and vote in lieu of regular members. The amendment is intended to make it easier for the Finance Committee to deliberate and vote with a full complement of

personnel and to provide additional opportunities for Town residents to participate on, and become familiar with, the work of the Finance Committee. This article is a companion to the proposed amendment to Section 4-2 of the Charter which proposes to expand the powers of the Selectmen to appoint associate members to other boards and committees.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 38 * **HOME RULE PETITION – ASSOCIATE MEMBERS OF THE BOARD**
(Majority vote) **AND FREQUENCY OF AUDIT OF ACTON COMMUNITY HOUSING CORPORATION**

To see if the Town will authorize the Board of Selectmen to petition the General Court for an amendment to Chapter 143 of the Acts of 1996, in a form acceptable to the Selectmen and Town Counsel, to (1) allow the appointment of associate members to the Board of the Acton Community Housing Corporation, and to authorize the chairperson of the board of directors to designate any such associate member to sit for any particular matter(s) in the case of an absence, inability to act, or conflict of interest on the part of any regular member of said board of directors, or in the event of a vacancy on the board, until said vacancy is filled; and (2) delete the final sentence of Section 4 and to replace it with the following sentence: “At least once every three years, the board of directors shall cause an independent audit to be made of the books and records of said board, which audit shall be filed with the board of selectmen of said town.”; or take any other action relative thereto.

MOTION

Move that the Town authorize the Board of Selectmen to petition the General Court for a Home Rule Act in substantially the form set forth in the Article.

SUMMARY

This article would authorize the Board of Selectmen to seek an amendment to the special act of the Legislature that created the Acton Community Housing Corporation (ACHC) so as to permit the appointment of associate members of the Board of Directors. This amendment is intended as a companion to similar Charter amendments proposed in this Warrant, which would allow the Selectmen to appoint such alternates to the ACHC’s Board. In addition, this article would require an independent audit of ACHC to be made once every three years (rather than the current requirement of annually) which is consistent with the requirement in Town Charter section 6-4 and which would save ACHC’s scarce financial resources for affordable housing purposes.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 39 * AMEND TOWN BYLAWS – ANIMAL CONTROL

(Majority vote)

To see if the Town will vote to amend Sections E22 through E25 and portions of E45 of Chapter E of the General Bylaws of the Town to read as follows (with the remainder of existing E45 of Chapter E covered by the ellipses before and after the subparagraph concerning Chapter E - Sections E22, E23, E24, E25 to remain unchanged):

E22. through E25. Animal Control Bylaw

E22 No person shall own or keep a dog, six months or older, within the Town unless a license for such dog is obtained from the Town Clerk. No person shall maintain a kennel within the Town unless a license for such kennel is obtained from the Town Clerk. No kennel may obtain a license from the Town Clerk until such kennel has passed an inspection by the Animal Control Officer. The license period is the time frame between January 1st and the following December 31st, inclusive. The fee for each such license will be determined by the Board of Selectmen in a public meeting.

E23 Any person who is the owner or keeper of a dog or a kennel in the Town of Acton and who fails to license said dog or kennel within the time required by Chapter 140, Sections 137 and 137A of the General Laws shall be subject to a penalty of fifty dollars (\$50.00) to be collected as provided by law.

E24 No person owning or keeping any animal in the Town of Acton shall permit the animal to go at large to the injury or nuisance of others. In addition, a dog should not go outside the boundaries of the property of its owner or keeper unless under the complete and effective control of said owner or keeper by means of a leash or otherwise.

E25 Owners or keepers of animals in violation of the foregoing section shall, after a hearing, be subject to fines or other remedies permitted by Chapter 140 of the General Laws as determined by the Board of Selectmen.

E45. Non-Criminal Disposition

Any bylaw of the Town of Acton or regulation of any town officer, board or department, the violation of which is subject to a specific penalty, may, in the discretion of the town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the General Laws. Enforcing person as used in this bylaw shall mean any regular police officer with respect to any offense; the Building Commissioner, Zoning Enforcement Officer, Health Director, Fire Chief, or Deputy Chief, Conservation Administrator, DPW Director, Highway Superintendent, Engineering Administrator, Animal Control Officer and any such other official as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. If more than one (1) official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

Without intending to limit the generality of the foregoing, it is the intention of this bylaw that the following bylaws, rules and regulations are to be included within the scope of this bylaw and that the specific penalties as listed here shall apply in such cases.

...

Chapter E - Sections E22, E23, E24, E25 - Animal Control Bylaw; enforcing person - Animal Control Officer - Fine \$25.00, except \$50.00 for violation of Section E23.

...

or take any other action relative thereto.

[Note: Changes to these Sections are reflected below by strikethrough for deletions and underline for additions:

E22. through E25. ~~Dog Licenses~~/Animal Control Bylaw

E22 No person shall own or keep a dog, six months or older, within the Town unless a license for such dog is obtained from the Town Clerk. No person shall maintain a kennel within the Town unless a license for such kennel is obtained from the Town Clerk. No kennel may obtain a license from the Town Clerk until such kennel has passed an inspection by the Animal Control Officer. The license period is the time frame between January 1st and the following December 31st, inclusive. The fee for each such ~~a~~ license will be determined by the Board of Selectmen in a public meeting.

E23 Any person who is the owner or keeper of a dog or a kennel in the Town of Acton and who fails to license said dog or kennel within the time required by Chapter 140, Section 137 and 137A of the General Laws shall be subject to a penalty of ~~twenty-five~~fifty dollars (~~\$50~~25.00) to be collected as provided by law.

E24 No person owning or keeping any animal in the Town of Acton shall permit the animal to go at large to the injury or nuisance of others. ~~In addition, a dog should not go outside the boundaries of the property of its owner or keeper unless under the complete and effective control of said owner or keeper by means of a leash or otherwise.~~

E25 Owners or keepers of animals in violation of the foregoing section shall, after a hearing, be subject to fines or other remedies permitted by Chapter 140 of the General Laws, ~~which shall beas~~ determined by the Board of Selectmen. "

E45. Non-Criminal Disposition

Any bylaw of the Town of Acton or regulation of any town officer, board or department, the violation of which is subject to a specific penalty, may, in the discretion of the town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the General Laws. Enforcing person as used in this bylaw shall mean any regular police officer with respect to any offense; the Building Commissioner, Zoning Enforcement Officer, Health Director, Fire Chief, or Deputy Chief, Conservation Administrator, DPW Director, Highway Superintendent, Engineering Administrator, Animal Control Officer and any such other official as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. If more than one (1) official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

Without intending to limit the generality of the foregoing, it is the intention of this bylaw that the following bylaws, rules and regulations are to be included within the scope of this bylaw and that the specific penalties as listed here shall apply in such cases.

...
Chapter E - Sections E22, 23, 24, 25 - ~~Dog Licenses~~ Animal Control Bylaw; enforcing person -
~~Dog Animal Control Officer - Fine \$25.~~ except \$50.00 for violation of Section
E23.00.

...
J

MOTION

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

SUMMARY

This article conforms the Town Bylaw to recently amended State law concerning animal control, Senate Bill No. 02192, in effect as of October 31, 2012. This article amends the current Bylaw concerning dog licenses and animal control by including the requirement to obtain a kennel license (which previously existed under state law, but not the Bylaw), increasing the fine for failing to license a dog or kennel to the state-required minimum of \$50.00 and including reference to the other remedies available to the Board of Selectmen under State law beyond fines. This article also amends the current Bylaw concerning Non-Criminal Dispositions by specifically including the Animal Control Officer as an “enforcing person” under Sections E22 through E25 of the General Bylaws.

Residents should note that State law, as amended by Senate Bill No. 02192, includes many other requirements concerning animal control that are not included in this Town Bylaw. Residents are subject to those requirements nonetheless.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: John Sonner: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 40 * ACCEPT LEGISLATION – WAIVER OF DOG LICENSING FEES
(Majority vote) **FOR THE ELDERLY**

To see if the Town will vote to accept Section 139(c) of Chapter 140 of the Massachusetts General Laws relative to waiving annual dog license fees for any person age 70 or older, or take any other action relative thereto.

MOTION

Move that the Town accept General Laws Chapter 140, Section 139(c) as set forth in the Article.

SUMMARY

Section 139(c) of Chapter 140 of the General Laws states that a town may waive dog licensing fees for persons age 70 or older, with the acceptance of the provision by that town. If accepted, then any person age 70 or older seeking to license a dog in Acton would not be required to pay the annual licensing fee, currently set by the Board of Selectmen at \$20 for unaltered dogs and \$15 for spayed or neutered dogs. The Town plans to implement this change at the start of the next licensing year – January 1, 2014. An affirmative vote on this Motion would not affect licensing fees for 2013 calendar year.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: John Sonner: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 41 * AMEND ZONING BYLAW – COMMUNITY SERVICE ORGANIZATIONS

(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Section 3, as follows:

- In the Table of Principal Uses insert a new line 3.4.12 as follows:

		RESIDENTIAL DISTRICTS				VILLAGE DISTRICTS					OFFICE DISTRICTS	
PRINCIPAL USES	R-2	R-A	R-AA	VR	EAV	EAV-2	NAV	SAV	WAV	OP-1	OP-2	
	R-4											
	R-8											
	R-8/4											
	R-10											
	R-10/8											
3.4 GOVERNMENTAL INSTITUTIONAL & PUBLIC SERVICE USES												
3.4.12	Community Service Organization	N	N	N	N	Y	Y	Y	Y	Y	Y	Y

		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS				SP. DIST.	
PRINCIPAL USES	KC	LB	PM	GI	LI	LI-1	SM(1)	TD	ARC	SITE PLAN
3.4 GOVERNMENTAL INSTITUTIONAL & PUBLIC SERVICE USES										
3.4.12	Community Service Organization	Y	Y	Y	Y	Y	Y	Y	N	R

- In section 3.4 (Governmental, Institutional and Public Service Uses), insert a new land use definition as follows:

3.4.12 Community Service Organization – An organization, other than religious or educational, incorporated as a 501(c)(3) non-profit corporation under the Federal tax code and dedicated to assist individuals or families in need by providing or distributing free goods, services or other assistance to cover basic needs, such as but not limited to a food pantry, a provider of free clothing, furniture, appliances and home goods, or a provider of financial assistance for home heating fuel.

, or take any other action relative thereto.

MOTION

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

SUMMARY

This article will create the regulatory space in the zoning bylaw for non-profit community service organizations, unrelated to religious or educational institutions, to locate in the Town of Acton to provide residents and families in need with assistance in basic needs for a safe, healthy and dignified existence: food, clothing, shelter and heat. Specifically, this article will allow the Acton Food Pantry, a long standing

Acton-based organization, to locate their planned new facility at a site in the Small Manufacturing District in North Acton that is affordable to them.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 42 * AMEND ZONING BYLAW – HEATING FUELS
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Section 3.7 (Prohibited Uses), by deleting the words in the sixth line in the right column of the table, and replacing them with the words “Commercial storage of heating oils; commercial storage of natural gas in LNG tanks, gas holders or pressure vessels; except that the storage of liquefied petroleum (LP) gas shall be allowed for retail purposes as follows: (a) up to 20 pound capacity cylinders in quantities that are customary for retail businesses, and (b) in a tank with up to 1,000-gallon capacity for customer refills not exceeding one tank per retail location”.

[Note – Section 3.7, Table, right column, sixth line currently reads: “Heating fuel sales, service and storage”.]

, or take any other action relative thereto.

MOTION

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

SUMMARY

The zoning bylaw currently prohibits the sales, service and storage of all types of heating fuels despite the many homes and other buildings that depend on such a business. Although this prohibition makes no distinction between types of heating fuels, it is assumed that it was enacted many years ago out of concerns related to groundwater contamination, and therefore specifically aimed at heating oil. One or two heating oil distributors remain in Acton as legally grandfathered uses, having existed here before the prohibition was enacted. Many Acton homes and buildings use oil for heating. In addition, many homes and buildings in Acton use natural gas for heating, and some may use propane and/or fire wood. This article narrows the town-wide prohibition on the sale, service and storage of heating fuel to the “commercial storage of heating oil and the large-scale commercial storage of heating fuel gases”. As a result, the zoning bylaw will allow in the respective business and industrial zoning districts the storage and sale of firewood and other solid fuels and of liquefied petroleum (LP) gas in limited customary retail quantities as available in Acton; and it will allow the sales, but not storage, of heating oil and related services as commercial enterprises to provide Acton’s home and property owners with local heating services.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 43 * AMEND ZONING BYLAW – ESTABLISH TEMPORARY MORATORIUM
(Two-thirds vote) **ON MEDICAL MARIJUANA USES**

To see if the Town will vote to amend the Zoning Bylaw by inserting a new Section 3.11 as follows:

3.11 Temporary Moratorium on Medical Marijuana Uses

- 3.11.1 Background – On November 6, 2012 Massachusetts voters approved Ballot Question 3, also known as the Massachusetts Medical Marijuana Initiative or “Law for the Humanitarian Medical Use of Marijuana” (hereinafter the “Medical Marijuana Law”). The Medical Marijuana Law took effect on January 1, 2013. Under the Medical Marijuana Law a “Medical Marijuana Treatment Center shall mean a not-for-profit entity, as defined by Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.” The Medical Marijuana Law enables the Massachusetts Department of Public Health (DPH) to register up to 35 such centers within the first year of enactment, with a minimum of one and a maximum of five located within each county. DPH must issue regulations for the implementation of the Medical Marijuana Law by May 1, 2013.
- 3.11.2 Purpose and Justification – The purpose of the temporary moratorium is to give the Town of Acton sufficient time after the promulgation of DPH regulations to evaluate the potential land use impacts of Medical Marijuana Treatment Centers as such term is defined under the Medical Marijuana Law, and, if necessary and appropriate, to prepare and adopt zoning standards for Medical Marijuana Treatment Centers.
- 3.11.3 Temporary Moratorium Provision – For the duration of this Temporary Moratorium a Medical Marijuana Treatment Center as defined in the Medical Marijuana Law shall be prohibited as a PRINCIPAL and ACCESSORY USE in all zoning districts, and no use variance shall be granted to allow a Medical Marijuana Treatment Center.
- 3.11.4 Temporary Moratorium Expiration - Unless extended, continued or modified by a subsequent action of Town Meeting, the provisions of this Temporary Moratorium shall expire upon either of the first to occur of: (a) the adoption by Town Meeting of an amendment to this Bylaw that explicitly rescinds or replaces this moratorium, and the approval of any such amendment by the Massachusetts Attorney General, or (b) July 1, 2014.

, or take any other action relative thereto.

MOTION

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

SUMMARY

This article is a moratorium that temporarily prohibits Medical Marijuana Treatment Centers. On November 6, 2012 Massachusetts voters approved Ballot Question 3, also known as the Massachusetts Medical Marijuana Initiative or “Law for the Humanitarian Medical Use of Marijuana”. The law took effect on January 1, 2013. It defines what a Medical Marijuana Treatment Center is, how many can be established State-wide and per county, and requires that the Massachusetts Department of Public Health (DPH) issue regulations for the implementation of the law by May 1, 2013. In the absence of DPH

regulations it is impossible to evaluate the potential implications of a Medical Marijuana Treatment Center within Acton.

The moratorium has the effect of prohibiting a Medical Marijuana Treatment Center for a limited time period ending no later than July 1, 2014, unless further extended by Town Meeting vote. During this time:

- The issuance of final DPH regulations is anticipated.
- The Town can evaluate the land use impacts of one or more Medical Marijuana Treatment Centers in light of then applicable DPH regulation.
- The Town can evaluate whether specific zoning regulations and standards for Medical Marijuana Treatment Centers are necessary or appropriate.
- If found to be necessary and appropriate, the Town can develop, consider and adopt zoning regulations and standards for Medical Marijuana Treatment Centers.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 44 * AMEND ZONING BYLAW – OUTDOOR SALES
(Two-thirds vote)

To see if the Town will vote to amend Section 3 of the Zoning Bylaw as set forth below:

A. In Section 3.7 – Prohibited USES, delete the last sentence of the first paragraph and replace it with the following new sentence:

“In addition, the following USES are prohibited in all zoning districts, unless otherwise specifically permitted in this Bylaw.”

[Note – the first paragraph of Section 3.7 currently reads:

3.7 Prohibited USES – All USES that pose a present or potential hazard to human health, safety, welfare, or the environment through the emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare are expressly prohibited in all zoning districts. In addition, the following USES are expressly prohibited in all zoning districts.]

B. In Section 3.8 – ACCESSORY USE Regulations, insert a new subsection 3.8.3 as follows:

3.8.3 ACCESSORY USES permitted in the Business and Village Districts.

3.8.3.1 The on-premises outdoor display and sale of merchandise by Retail PRINCIPAL USES on private property, subject to the following requirements:

- a) The outdoor display and sale of merchandise shall be conducted only by a PRINCIPAL Retail USE located on the same LOT, and shall only include merchandise that is regularly offered for sale inside that business establishment. The outdoor display of seasonal merchandise that is not typically offered for sale indoors, such as but not limited to winter tools, flowers, and beach or pool accessories shall be allowed.
- b) The outdoor display and sale shall be confined to an area that is directly contiguous to the BUILDING space that the PRINCIPAL Retail USE occupies.
- c) Each outdoor display and sale area shall meet the minimum side, and rear yard setback requirements for BUILDINGS and STRUCTURES of the zoning district in which it is located.

- d) Outdoor display and sale areas shall not be placed on lawns and other landscaped areas.
- e) Outdoor display and sale areas shall not be placed or located so as to block or obstruct the following: pedestrian or building access or egress; the minimum number of vehicle parking and handicap parking spaces required under this Bylaw and under the Massachusetts Architectural Access Board (AAB); ACCESS driveways; interior driveways; maneuvering aisles; loading areas; public or private utilities, services, or drainage systems; fire lanes, alarms, hydrants, or other fire protection equipment; or emergency access or egress.
- f) Outdoor display and sale areas shall be operated and maintained so that all sidewalks and walkways continuously meet minimum Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (AAB) standards.

, and

Renumber the current Section 3.8.3, including all its subsections 3.8.3.1 through 3.8.3.7 to become Section 3.8.4 and subsections 3.8.4.1 through 3.8.4.7.

- C. Insert in Section 3.8.3 – ACCESSORY USES Permitted in the Business and Village Districts (as inserted in Part B above) a new subsection 3.8.3.2 as follows:

3.8.3.2 The Zoning Enforcement Officer may issue up to two permits per calendar year for each private property where Retail is a PRINCIPAL USE allowing temporary outdoor sale events, such as a bazaar, festival, fair or similar event, that includes the outdoor display and sale of merchandise, subject to the following requirements:

- a) The property owner shall submit a permit application to the Zoning Enforcement Officer sixty (60) days prior to the start of the event.
- b) Prior to issuance of the permit, the property owner shall have obtained all other applicable permits and licenses for the event that may be required under other local, State or Federal law.
- c) Prior to issuance of the permit, the property owner shall have obtained written notice from the Acton Police Department to proceed with the event.
- d) Only the retailers that are permanent tenants on the property may participate in the outdoor sales event. The owner shall not allow off-site or traveling retailers or vendors to participate.
- e) Each outdoor display and sale area shall meet the minimum side, and rear yard setback requirements for BUILDINGS and STRUCTURES of the zoning district in which it is located.
- f) Outdoor display and sale areas shall not be placed or located so as to block or obstruct the following: pedestrian or building access or egress; the minimum number of handicap parking spaces under the Massachusetts Architectural Access Board (AAB); ACCESS driveways; fire lanes, alarms, hydrants, or other fire protection equipment; and emergency access or egress.
- g) Outdoor display and sale areas shall be operated and maintained so that all sidewalks and walkways continuously meet minimum Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (AAB) standards.
- h) The event shall last a maximum of three days.
- i) The event's hours of operation shall be limited to 7 AM to 8 PM on Monday through Friday and to 9 AM to 8 PM on Saturday and Sunday, unless otherwise specified by the Zoning Enforcement Officer.
- j) Signs displayed during the event shall not be subject to the zoning regulations for signs set forth in section 7 of this bylaw.

- k) All signs, trash and debris shall be removed from the event site immediately upon the termination of the activity.
- l) The Zoning Enforcement Officer when issuing the zoning permit shall require documents and information sufficient to determine compliance with this section.

D. Insert in Section 3.8.3 – ACCESSORY USES Permitted in the Business and Village Districts (as inserted in Part B above) a new subsection 3.8.3.3 as follows:

3.8.3.3 On-premises outdoor self-service conveniences such as rental movie kiosks, vending machines, propane tank dispensers or similar convenience on private property where Retail is a PRINCIPAL USE, subject to the following requirements:

- a) Outdoor self service conveniences shall be confined to an area immediately contiguous to the BUILDING space that the PRINCIPAL Retail USE occupies.
- b) Outdoor self service conveniences shall not be placed on lawns and other landscaped areas.
- c) Outdoor self service conveniences shall meet the minimum front, side, and rear yard setback requirements for BUILDINGS and STRUCTURES of the zoning district in which it is located.
- d) Outdoor self service conveniences shall not be placed or located so as to interfere with the following: pedestrian or building access or egress; the minimum number of vehicle parking and handicap parking spaces required under this Bylaw and under the Massachusetts Architectural Access Board (AAB); ACCESS driveways; interior driveways; maneuvering aisles; loading areas; public or private utilities, services, or drainage systems; fire lanes, alarms, hydrants, or other fire protection equipment; or emergency access or egress.
- e) The outdoor self service conveniences shall be maintained so that all sidewalks and walkways continuously meet minimum Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (AAB) standards.

E. Insert in Section 3.8.4– ACCESSORY USES Permitted in any Zoning Districts (as renumbered in Part B above) a new subsection 3.8.4.8 as follows:

3.8.4.8 In Village, Office, Business and Industrial Districts only, the Zoning Enforcement Officer may issue a permit for the recurring outdoor seasonal sales of New England farm products (farmers' market) on private property, subject to the following requirements:

- a) Such permit shall be limited to one calendar year per LOT.
- b) The owner of the property upon which the event will be held shall submit a permit application to the Zoning Enforcement Officer sixty (60) days prior to the start of the first farmers' market of the calendar year.
- c) Prior to issuance of the permit, the property owner shall have obtained all other applicable permits and licenses for the farmers' market that may be required under other local, State or Federal law.
- d) Prior to issuance of the permit, the property owner shall have obtained written notice from the Acton Police Department to proceed with the farmers' market.
- e) The farmers' market shall not recur more than one day per week.
- f) The event's hours of operation shall be limited to 7 AM to 8 PM on Monday through Friday and to 9 AM to 8 PM on Saturday and Sunday, unless otherwise specified by the Zoning Enforcement Officer.

- g) When applying for the permit, the property owner must specify the proposed hours, and the dates and/or regularity of the farmers' market.
- h) Each outdoor display and sale area shall meet the minimum side, and rear yard setback requirements for BUILDINGS and STRUCTURES of the zoning district in which it is located.
- i) Outdoor display and sale areas shall not be placed or located so as to block or obstruct the following: the minimum required number of handicap parking spaces and their associated interior driveways and maneuvering aisles as required under this Bylaw for PRINCIPAL USES on the property, and under the Massachusetts Architectural Access Board (AAB); Parking spaces for PRINCIPAL USES on the property remaining open during the event; ACCESS driveways; loading areas; fire lanes, alarms, hydrants, or other fire protection equipment; and emergency access or egress.
- j) Outdoor display and sale areas shall be operated and maintained so that all sidewalks and walkways continuously meet minimum Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (AAB) standards.
- k) At all times adequate ingress and egress and sufficient parking shall be maintained as determined by the Zoning Enforcement Officer.
- l) Products sold at the farmers' markets must be produced or made on farms in the New England region, with the exception of seasonal Christmas tree sales.
- m) Signs displayed during the hours of operation of the farmer's market shall not be subject to the zoning regulations for signs set forth in section 7 of this bylaw.
- n) All signs, trash and debris shall be removed from the event site immediately upon the termination of the activity.
- o) The Zoning Enforcement Officer when issuing the zoning permit for a farmers' market shall require documents and information sufficient to determine compliance with this section.

F. Insert in Section 3.8.4 – ACCESSORY USES Permitted in any Zoning District (as renumbered in Part B above) a new subsection 3.8.4.9 as follows:

3.8.4.9 Temporary yard or garage sales limited to a total of not more than 3 days for each calendar year on a LOT with Residential USE on it.

, or take any other action relative thereto.

MOTION

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

SUMMARY

The Acton Zoning Bylaw does not currently allow the open air display of merchandise except, with some contradiction (see next paragraph), in very limited settings; and outdoor sales of any kind, including yard sales, are not allowed at all. Yet, outdoor merchandise displays and sales, including yard sales, do occur in Acton, often on weekends. Outdoor sales can be enjoyable to the customers and businesses' clients, and help stores retain existing and attract new customers. This article eases restrictions and prohibitions on the outdoor display and sale of merchandise.

Part A clears up a contradiction in the zoning bylaw pertaining to the few outdoor merchandise displays that seem currently allowed. The first paragraph of Section 3.7 is followed by a list of thirty-four prohibited land uses or land use groups including "open air establishment for storage, distribution, or sale of materials, merchandise, products or equipment". This article amends Section 3.7 to acknowledge that a few other existing sections of the Zoning Bylaw allow the open air merchandise displays for garden

centers, florists, and commercial greenhouses (Section 3.5.1) and for automobile dealerships (Section 3.5.22), and the outdoor storage of materials, goods, and equipment as an accessory use in industrial zoning districts (Section 3.8.2.6).

Part B allows all retail stores in the Business and Village Districts to continuously display and sell outdoors merchandise that is regularly sold inside, as well as other seasonal items, subject to certain regulations on the locations of the display and sales areas.

Part C allows temporary sales events such as bazaars, festivals, fairs or similar events, on retail properties in the Business and Village Districts during which retailers may display and sell merchandise outdoors. Regulations would apply on the location, frequency, duration, and hours of operation of such events. Pre-approval would be required through an administrative permit procedure.

Part D allows outdoor Self Service Conveniences such as vending machines, propane tank dispensers, ATM's or movie kiosks on retail properties in the Business and Village Districts, subject to regulations about placement and location.

Part E allows on any private lot in the Village, Office, Business and Industrial Districts the outdoor seasonal display and sales of New England farm products. Regulations would apply on the location, frequency, duration and hours of operation of outdoor sale events. Pre-approval would be required through an administrative permit procedure.

Part F legalizes garage or yard sales on private residential lots for three days per calendar year.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 45 * AMEND ZONING BYLAW – COMMERCIAL INSTRUCTION
(Two-thirds vote) **IN PRIVATE COMMUNITY FACILITIES**

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

- A. In Section 3 of the Zoning Bylaw containing definitions of principal land uses, delete the principal definition 3.2.3 Recreation in its entirety and replace it with the following new definition:

3.2.3 Recreation – A pool, tennis or other recreation facility owned and operated by a neighborhood association or a condominium for the use by the members of the association or condominium and their guests. The facility may also be used for commercial instruction, education and training in skills of all kinds for the members of the association or condominium or the public at large.

[Note: definition 3.2.3 currently reads: 3.2.3 Recreation – A pool or recreation center owned and operated by a neighborhood association, the use of which is limited to members of the association and their guests.]

- B. In Zoning Bylaw Section 9 - Planned Conservation Residential Community, delete subsection 9.6.1 in its entirety and replace it with the following:

9.6.1 Permitted USES – Permitted USES in a PCRC shall be any use permitted in the underlying Zoning District as well as ACCESSORY USES typically associated with residential USES. Permitted USES in a PCRC shall also include community facilities owned and operated by the owner of the PCRC or the residents within the PCRC, such as building and grounds maintenance facilities, waste water disposal facilities, recreational facilities, or club houses. Community facilities shall be for the use by the residents within the PCRC and their guests. They may also be used for commercial instruction, education and training in skills of all kinds for the residents within the PCRC and the public at large.

[Note: Subsection 9.6.1 currently states: 9.6.1 Permitted USES – Permitted USES in a PCRC shall be any USE permitted in the underlying Zoning District, as well as ACCESSORY USES typically associated with residential USES, owned and operated by the owner of the PCRC or the residents within the PCRC, such as building and grounds maintenance facilities, wastewater disposal facilities, recreation facilities, or club houses.]

- C. In Zoning Bylaw Section 9B - Senior Residence developments, delete subsection 9B.4.6 in its entirety and replace it with the following:

9B.4.6 Support services to meet SENIORS' needs, such as skilled nursing service, medical and other health service, food service, recreation and leisure facilities, or a community center; including the use of recreation, leisure, and community center facilities for commercial instruction, education and training in skills of all kinds for SENIORS and the public at large.

[Note: Subsection 9B.4.6 currently reads: Support services to meet SENIORS' needs, such as skilled nursing service, medical and other health service, recreation and leisure facilities, a community center, or food service.]

, or take any other action relative thereto.

MOTION

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

SUMMARY

This Article will permit community and condominium owned recreation and community facilities to be used for commercial instruction, education and training in skills of all kinds. This amendment allows the broader, less exclusive, use of private community resources in Acton. Income from these activities may help defer the costs of maintaining such facilities.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 46 * AMEND ZONING BYLAW – SOLAR POWER INSTALLATIONS

(Two-thirds vote)

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

A. Delete the words “solar systems;” from subsection 3.8.1.1 under Section 3.8.1 (Accessory Uses permitted in the Residential Districts and dwellings in Non-residential Districts),

and

Insert under Section 3.8.4 (Accessory Uses permitted in any Zoning District as renumbered in a previous article of this warrant) the following new subsections 3.8.4.10 and 3.8.4.11:

3.8.4.10 Solar photovoltaic and thermal energy systems and devices that primarily benefit and support the PRINCIPAL USE(S) on the same LOT, including but not limited to roof -, wall -, ground -, and pole-mounted installations, and canopy installations above parking lots or driveways.

3.8.4.11 Solar photovoltaic and thermal energy systems and devices that, without limitation, may benefit all energy users provided such systems are roof mounted or wall mounted installations, or canopy installations above parking lot or driveways.

[Note: Subsection 3.8.1.1 currently reads:3.8.1.1 Private garages or carports; solar systems; greenhouses; tool sheds; barns; swimming pools or tennis courts provided that such recreational facilities are used only by the residents and their guests.]

B. In Section 3, Table of Principal Uses, insert the following new lines and footnote:

		RESIDENTIAL DISTRICTS				VILLAGE DISTRICTS					OFFICE DISTRICTS	
PRINCIPAL USES		R-2 R-4 R-8 R-8/4 R-10 R-10/8	R-A	R-AA	VR	EAV	EAV-2	NAV	SAV	WAV	OP-1	OP-2
3.2 INDUSTRIAL USES												
3.6.5	Ground-Mounted Neighborhood Solar Photovoltaic Installation (12)	Y	Y	Y	N	N	N	N	N	N	Y	Y
3.6.6	Ground-Mounted Industrial Solar Photovoltaic Installation (12)	SPP	SPP	SPP	N	N	N	N	N	N	Y	Y

		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS				SP. DIST.		
PRINCIPAL USES		KC	LB	PM	GI	LI	LI-1	SM(1)	TD	ARC	SITE PLAN
3.2 INDUSTRIAL USES											
3.6.5	Ground-Mounted Neighborhood Solar Photovoltaic Installation (12)	N	Y	Y	Y	Y	Y	Y	Y	Y	NR
3.6.6	Ground-Mounted Industrial Solar Photovoltaic Installation (12)	N	SPP	SPP	Y	Y	Y	Y	Y	Y	NR

(12) Refer to Section 3.11 for specific standards, requirements, exemptions and special permit criteria for Ground-Mounted Solar Photovoltaic Installations.

C. In Section 3.6 (Industrial Use Definitions), insert the following new subsections:

- 3.6.5 Ground-Mounted Neighborhood Solar Photovoltaic Installation - A solar photovoltaic installation with a layout that is not more than one (1) acre in size and that is primarily designed to benefit the energy needs of USES in the immediately surrounding area or neighborhood. Layout shall mean the total area of the vertical projection on the ground of all panels in the installation’s most horizontal tilt position and shall include all spaces between the panels. Ground-Mounted shall mean that installations are structurally mounted to the ground in any manner, including but not limited to ground anchored pole, rack, or rail installations, or non-ground penetrating ballasted installations; not roof-mounted installations or canopy installations above parking lots or driveways.
- 3.6.6 Ground-Mounted Industrial Solar Photovoltaic Installation - A solar photovoltaic installation with a layout that is of any size and that is primarily designed to benefit all energy users regardless of location or vicinity to the installation. The words ‘layout’ and ‘ground-mounted’ shall have the same meaning as in Section 3.6.5 above.

D. Insert a new Section 3.11 as follows:

3.11 Special Requirements for Ground-Mounted Solar Photovoltaic Installations

- 3.11.1 Purposes – To provide reasonable regulations pertaining to public health, safety and welfare for Ground-Mounted Solar Photovoltaic Installations in accordance with Massachusetts General Law Chapter 40A, Section 3.
- 3.11.2 Applicability – This Section 3.11 shall apply to all Ground-Mounted Neighborhood and Industrial Solar Photovoltaic Installations, including related BUILDINGS, STRUCTURES, and equipment, and to physical modifications of such installations that materially alter their type, configuration, or size. For regulations on solar energy systems as ACCESSORY USES, see Section 3.8.3 of this bylaw.
- 3.11.3 Standard and Requirements – Except where specifically stated otherwise, the following provisions shall apply to all Ground-Mounted Neighborhood and Industrial Solar Photovoltaic Installations in all zoning districts. They shall not apply to solar energy systems as ACCESSORY USES under Section 3.8.3.

- 3.11.3.1 Setbacks – The layout of an installation and all related STRUCTURES, BUILDINGS and equipment shall comply with the front, side and rear yard requirements of the zoning district in which they are located, except for power feed and distribution lines and equipment where underground installation is not possible.
- 3.11.3.2 Landscaping, Screening, and Panel Orientation and Tilt – Landscaping or architectural screening shall be provided to reduce the visual impact of installations and specifically to protect nearby receptors from danger, harm, or nuisance that may result from reflective solar glare of photovoltaic panels. Where necessary, panels shall be oriented or tilted in a manner to prevent such glare upon receptors.
- 3.11.3.3 Lighting – Night Lighting is prohibited except for security lighting controlled by motion detectors or infrared sensors with an on-time of no more than ten (10) minutes per activation.
- 3.11.3.4 Utility Connections - All utility connections, conduits, cables, power lines transformers and inverters shall be placed underground, except (a) where otherwise required by the Massachusetts State Building Code or the utility provider; (b) in adverse ground conditions such as ledge or excess water; or (c) for connection to existing above ground utility lines. Wiring within the installation’s layout shall follow industry standards.
- 3.11.3.5 SIGNS – SIGNS shall comply with the requirements of Section 7 of this Bylaw. However, in Residential Districts not more than one (1) sign up to six (6) square feet in display area may be installed with the names, current telephone numbers, websites and trademarks of the installer, manufacturer, owner, and operator of the installation. In addition, pedestrian scale educational displays are permitted, which may include the names and contact information of the display sponsors, and directions and contacts for additional information.
- 3.11.3.6 Water Management and Conservation – To the largest extent possible, the ground shall remain pervious to rain water. Where necessary, adequate provision shall be made for groundwater recharge and to prevent site run-off and erosion.
- 3.11.3.7 Protection of Forest Land – Not more than 1 acre of land shall be deforested for any one Ground-Mounted Industrial Solar Photovoltaic Installation, and no such installation shall be placed on such land that was deforested within the prior 5 years.
- 3.11.3.8 Exemptions from Zoning Requirements – Ground-Mounted Solar Photovoltaic Installations shall be exempt from requirements of this Bylaw pertaining to LOT area, FLOOR AREA RATIO, Impervious Cover, OPEN SPACE, and vehicular parking.
- 3.11.3.9 Solar Access - The owners and operators of Ground-Mounted Solar Photovoltaic Installations are advised to acquire solar access easements from abutters where access to sunlight could be impacted from an allowed use on an abutting parcel.
- 3.11.4 Special Permit for Certain Ground-Mounted Industrial Solar Photovoltaic Installations where required in the Table of Principal USES – The Planning Board may grant Special Permits for Ground-Mounted Industrial Solar Photovoltaic Installations in certain zoning districts as indicated in the Table of Principal USES. When granting such special permit, the Planning Board shall vote in the affirmative the Mandatory Findings for special permits required in Section 10.3 of this Bylaw, and, in addition, find that:
 - 3.11.4.1 In the case of a Residential District location, the visual impact of the installation on its immediate abutters and on the nearby neighborhood has been effectively neutralized through appropriate designs, landscaping, or structural screening; or
 - 3.11.4.2 In the case of a Business District location, the specific site of the installation does not detract from or interrupt the vitality of the business district, or impede its further business development; and that the visual impact of the installation has been sufficiently mitigated through appropriate designs, landscaping, or structural screening.

3.11.5 Special Permit for Certain Other Ground-Mounted Solar Photovoltaic Installations – The Planning Board may grant Special Permits for Ground-Mounted Solar Photovoltaic Installations that do not meet the standards set forth in Section 3.11.3 above, or any of its subsections. When granting such special permit, the Planning Board shall vote in the affirmative the Mandatory Findings for special permits required in Section 10.3 of this Bylaw, and, in addition, find that:

3.11.5.1 The benefit of installing solar photovoltaic power at the installation site as proposed by the application substantially outweighs the public health, safety, and welfare concerns that Section 3.11.3 requirements are intended to protect; or

3.11.5.2 That the particular design, mitigation measures, offsets, agreements, or other provisions for the proposed installation address such concerns in an alternative and satisfactory manner.

, or take any other action relative thereto.

MOTION

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

SUMMARY

A close review of the current Zoning Bylaw reveals that it allows only very small scale solar energy systems (other than municipal or public utility installations) as an accessory to residential uses.

Part A of this article will allow accessory solar energy systems in any zoning district as accessory to any principal use with the only limitation that systems not designed to primarily serve the principal use on the same lot cannot be ground- or pole-mounted.

Parts B and C introduce as principal uses two categories of ground-mounted solar photovoltaic installations: (1) Neighborhood installations with a layout up to one acre designed to serve immediately surrounding areas and neighborhoods, to be allowed in all zoning districts except Village Residential, Kelley’s Corner, and Village Districts; (2) industrial installations of any size with unlimited service reach to be allowed by right in the Office Park, Industrial, and ARC zoning districts, and by special permit in Residential Districts (except Village Residential), and Business Districts (except Kelley’s Corner).

Part D establishes standards and special permit requirements for neighborhood and industrial solar photovoltaic installations. The standards address among other things setbacks, screening, glare mitigation, night lighting, utility line connections, and signage. The standards and special permit criteria also provide a framework for balancing the encouragement of this green energy technology with the protection of natural resources such as groundwater and forest land and the preservation of vitality and expansion capacity of Acton’s business districts.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 47 * LAND AND EASEMENT ACQUISITION – MOUNT HOPE CEMETERY

(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 (i) a deed of fee simple interest, on such terms and conditions as the Selectmen may determine and for conservation and historic preservation purposes and access by the Cemetery Commission to the shed, Parcel X, measuring +/-13,991 square feet, and (ii) a deed of a 20-foot by 60-foot easement interest including and around the shed adjacent to Parcel X for purposes of access and maintenance by the Cemetery Commission, all as shown on a plan entitled “P.C.R.C. lot layout for Central Street in Acton, Mass.”, scale 1”=50’, dated February 23, 2012, last revised November 26, 2012, prepared for Mt. Laurel Realty by R. Wilson & Associates, Inc. (available for viewing at the Acton Planning Department); and further to see if the Town will raise, appropriate, transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

MOTION

Move in the words of the Article.

SUMMARY

Parcel X lies adjacent to the Mount Hope Cemetery. The Acton Cemetery Commission considers it the GAR (Grand Army of the Republic) lot and has used it for cemetery purposes for more than a century. There are GAR monuments on the land, however, it is unclear if they mark grave sites. However, the record of ownership of Parcel X is unclear. Local documents exist that strongly suggest ownership by the Town of Acton for cemetery purpose, but the record is not without all doubt. There are no Registry of Deed records that would confirm Town ownership; indeed Registry records show the area of Parcel X as part of the abutting land.

Conveyance of Parcel X to the Town is a condition of the Planning Board’s Planned Conservation Residential Community (PCRC) special permit on the adjacent +/-12-acre land parcel. This conveyance has been agreed to by the Planning Board and the developer as an amicable way to resolve a potentially costly land dispute, subject, of course, to Town Meeting acceptance of Parcel X. The parcel will be conveyed as Common Land as the term is defined for PCRC’s in the Acton Zoning Bylaw. Therefore, it cannot be used in the future for general cemetery purposes except where specifically designated to access and maintain the existing cemetery maintenance shed. Otherwise, the land will be restricted to conservation and historic preservation purposes, which is generally consistent with its current use. The shed itself sits partially on Parcel X and partially on the adjacent land that the Town does not own nor could possibly claim to own. Therefore, this article also authorized the acceptance of an agreed upon easement that includes and surrounds the shed for continued access by the Cemetery Commission to use and maintain the shed.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: Mike Gowing: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 48 * ACCEPT TRAIL EASEMENT – CENTRAL 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 a deed of an easement interest for purposes of establishing and maintaining a trail for public pedestrian use, on such terms and conditions and in such final locations as the Selectmen may determine, on land at 176 Central Street, shown on the Acton Town Atlas as parcel F-2B/106. The easement shall provide a pedestrian trail connection between Central Street and land owned by the Town of Acton at the rear of 108 Willow Street (Acton Town Atlas parcel G-1/320) following largely the alignment of the “Existing Cart Path” shown on a plan entitled “P.C.R.C. Lot Layout for Central Street in Acton, Mass.”, scale 1”=50’, dated February 23, 2012, last revised November 26, 2012, prepared for Mt. Laurel Realty by R. Wilson & Associates, Inc. (available for viewing at the Acton Planning Department); and further to see if the Town will raise, appropriate, transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

MOTION

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

SUMMARY

The easement formalizes public access on an existing trail on land westerly abutting the Mount Hope Cemetery for legal passage on foot from Central Street to land owned by the Town of Acton for cemetery purposes and generally regarded as part of the greater Heath Hen Meadow conservation land area. Although no legal public access exists at this time, the trail has been used by neighbors in the area, and it is shown on the Heath Hen Meadow Conservation Land map on the Town of Acton website depicted on land westerly of the Mount Hope Cemetery (<http://www.actontrails.org/MapHeathHenMeadow.htm>). The provision of the public trail easement is a condition of the Planning Board’s Planned Conservation Residential Community (PCRC) Special Permit issued on January 15, 2013 for two single family homes on the +/-12-acre parcel. Under the special permit, approximately 10 acres of this parcel will be preserved as common land and placed under a conservation restriction.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 49 * ACCEPT TRAIL EASEMENT – SKYLINE DRIVE

(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 a deed of an easement interest for purposes of establishing and maintaining a trail for public pedestrian use, on such terms and conditions as the Selectmen may determine, on land at 354 Great Road, shown on the Acton Town Atlas as parcel D-4/4, formerly shown as D-4/2. The easement is shown as “Proposed Trail Easement” on sheet 3 (with detail on sheet 2) of a plan consisting of three sheets entitled “Plan of Land in the Town of Acton, Massachusetts”, scale 1”=100’, dated April 19, 2012, prepared for Pulte Homes of New England, LLC, by Control Point Associates, Inc., and recorded at the Middlesex South Registry of Deeds as Plan No. 437 of 2012; and further to see if the Town will raise, appropriate, transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

MOTION

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

SUMMARY

The easement provides a pedestrian connection from Skyline Drive over land owned by Pulte Homes of New England, LLC to the Town of Acton conservation land at Nagog Hill. This augments the pedestrian trail between Hazelnut Street and the Nagog Hill conservation land, for which the Town has previously accepted the easement (2008 Annual Town Meeting, Article 43). Skyline Drive is a proposed street at the Residences at Quail Ridge, a Senior Residence development now under construction, approved by the Planning Board in 2008 and amended in 2011. The provision of this easement is a condition of the Planning Board’s 2011 amended special permit.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 50 * ACCEPT SIDEWALK EASEMENTS

(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 deeds of easement interests for sidewalks along the frontage on the following public ways 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 or locations as the Selectmen may determine, on, across, over, and/or under the following land:

(a) Main Street (from Great Road to Ledge Rock Way):

1. Land n/f of Somerset Hills Limited Partnership of 677-687 Main Street (Town Atlas Map D-5 Parcel 19),
2. Land n/f of Alan Lee Kollien and Carla M Kollien of 689 Main Street (Town Atlas Map D-5 Parcel 19-1),
3. Land n/f of Gina M Ghioldi-Varley and Patrick J. Varley of 693 Main Street (Town Atlas Map D-5 Parcel 19-2),
4. Land n/f of Anthony J. Geraneo of 697 Main Street (Town Atlas Map D-5 Parcel 19-3),
5. Land n/f of Steven J Augst and Samantha J Augst of 701 Main Street (Town Atlas Map D-5 Parcel 19-4),
6. Land n/f of Cheekiong Ng and Sokchin Chong of 705 Main Street (Town Atlas Map D-5 Parcel 19-5),
7. Land n/f of Laurence E Ullmann and Helen S Ullmann and of 713 Main Street (Town Atlas Map D-5 Parcels 16 & 16-1),
8. Land n/f of Robert R Johnson and Ilona W Johnson of 715 Main Street (Town Atlas Map D-5 Parcel 15-1),
9. Land n/f of Janet L Irons of 717 Main Street (Town Atlas Map D-5 Parcel 15),
10. Land n/f of James F Reilley and Denise J Reilley of 725 Main Street (Town Atlas Map D-5 Parcel 14),
11. Land n/f of Louis H Perry, Jr. and Marcy J Perry of 729 Main Street (Town Atlas Map D-5 Parcel 14-1),
12. Land n/f of Patrick D Murphy, Trustee of the Patrick D Murphy Revocable Trust of 733 Main Street (Town Atlas Map D-5 Parcel 14-2),
13. Land n/f of Casey McHargue and Anna McHargue of 741 Main Street (Town Atlas Map D-5 Parcel 10),
14. Land n/f of Martin Burke and Christina Burke of 743 Main Street (Town Atlas Map D-5 Parcel 5),
15. Land n/f of William N Hall of 749 Main Street (Town Atlas Map D-5 Parcels 41 & 42),

16. Land n/f of Michael J Gowing and Brenda Gowing of 93 Harris Street (Town Atlas Map C-5 Parcel 111),
17. Land n/f of Myohee Hong of 763 Main Street (Town Atlas Map C-5 Parcel 100-2),
18. Land n/f of Matthew C Jucius and Annabella M Jucius of 767 Main Street (Town Atlas Map C-5 Parcel 100-1),
19. Land n/f of J Stephen Byers, Trustee of 773 Main Street Realty Trust of 773 Main Street (Town Atlas Map C-5 Parcel 100),
20. Land n/f of J Stephen Byers, Trustee of 781 Main Street Realty Trust of 781 Main Street (Town Atlas Map C-5 Parcel 101),
21. Land n/f of Philip A Harris of 791 Main Street (Town Atlas Map C-5 Parcel 93),

(b) Taylor Road (from Main Street to the Conant School):

1. Land n/f of Julia R. Costello, a/k/a Guilia R. Costello and Daniel J. Costello, Sr., Co-Trustees of the Julia R. Costello, a/k/a Guilia R Costello Revocable Trust of 26 Taylor Road (Town Atlas Map F-3 Parcel 68),
2. Land n/f of Nicholas P Miller and Andrea S Miller, Trustees of the Taylor Road Realty Trust of 30 Taylor Road (Town Atlas Map F-3 Parcel 73),
3. Land n/f of Mary M Donald of 42 & 52 Taylor Road (Town Atlas Map F-3 Parcels 76, 78 & 84),
4. Land n/f of Steven B Hargreaves and Margaret B Hargreaves of 62 Taylor Road (Town Atlas Map F-3 Parcel 92),

(c) Minot Ave (from Taylor Road to the Conant School crosswalk):

1. Land n/f of Prasad S Jonnalagadda and Radha D Jonnalagadda of 43 Minot Ave (Town Atlas Map F-3 Parcel 92-1),
2. Land n/f of Stuart B Strong, Jr. and Laura H Strong of 41 Minot Ave (Town Atlas Map F-3 Parcel 111),

(d) Willow Street (from Central Street to Kingman Road):

1. Land n/f of Ned Gallant 244 Central Street (Town Atlas Map F-2B Parcel 26),
2. Land n/f of Deborah Sandock of Unit A, 240-242 Central Street (Town Atlas Map F-2B Parcel 33),
3. Land n/f of Raymond D Gallant and Cathryn H Gallant of Unit B, 240-242 Central Street (Town Atlas Map F-2B Parcel 33),
4. Land n/f of Salvatore Panetta, Jr. and Jean V Panetta of 236 Central Street and 5-11 Willow Street (Town Atlas Map F-2B Parcels 37 & 41),
5. Land n/f of Garrison E Crowell of 13 Willow Street (Town Atlas Map F-2B Parcel 49),

6. Land n/f of Philip Scarbro and Allison G Hammer of 21 Willow Street (Town Atlas Map F-2B Parcel 48),
7. Land n/f of Sara Louise Howland of 35 Willow Street (Town Atlas Map F-2B Parcel 48-1),
8. Land n/f of Janet H McGrath of 45 Willow Street (Town Atlas Map F-2B Parcel 74),
9. Land n/f of James L Richey, Jr. of 51 Willow Street (Town Atlas Map F-2B Parcel 80),
10. Land n/f of Roselyn M Romberg and Douglas S Hardy of 33 Summer Street (Town Atlas Map F-2B Parcel 73-1),

(e) Stow Street (from Maple Street to Martin Street):

1. Land n/f of L&G Realty, LLC of 28 Maple Street (Town Atlas Map H-2A Parcel 41-5),
2. Land n/f of Angelo Lombardo and Mark A Lombardo, Trustees of the A and M Realty Trust of 17 Stow Street (Town Atlas Map H-2A Parcel 41),

(f) Parker Street (from High Street to Drummer Road):

1. Land n/f of Arkady Khasin and Irina Khasin of 220 High Street (Town Atlas Map I-3 Parcel 134-2),
2. Land n/f of Ian Hirst as Trustee of the Hirst Nominee Trust of 14 Assabet Crossing (Town Atlas Map I-3 Parcel 134-3),
3. Land n/f of Paul M Gaboury and Michele A Gaboury of 12 Assabet Crossing (Town Atlas Map I-3 Parcel 134-4),
4. Land n/f of Jeremy A Greene and Maria N Greene of 10 Assabet Crossing (Town Atlas Map I-3 Parcel 134-7),
5. Land n/f of Anand Krishnamurthy and Ruth J Lievano of 8 Assabet Crossing (Town Atlas Map I-3 Parcel 134-9),
6. Land n/f of Michael C Perry and Elizabeth H Perry of 6 Assabet Crossing (Town Atlas Map I-3 Parcel 134-10),
7. Land n/f of David S Greer and Alice Webb Greer of 4 Assabet Crossing (Town Atlas Map I-3 Parcel 134-11),
8. Land n/f of Liyakath A Mohamed-Ibrahim and Fathahana Noori a/k/a Fathahana Noori Akbarbasha of 2 Assabet Crossing (Town Atlas Map I-3 Parcel 134-14),
9. Land n/f of Susan M Haverstock of 1 Assabet Crossing (Town Atlas Map I-3 Parcel 134-8),
10. Land n/f of Stow Street Realty, Inc. of 170 Parker Street (Town Atlas Map I-3 Parcel 134-5),
11. Land n/f of Karen Ann Lozier of 164 Parker Street (Town Atlas Map I-3 Parcel 134-6),

12. Land n/f of Edward H Howard and Thomas Chappell of 4 Independence Road (Town Atlas Map I-3 Parcel 120),
13. Land n/f of Brian K Hazzard of 150 Parker Street (Town Atlas Map I-3 Parcel 116),
14. Land n/f of Margaret E. Gleason and James B McGill, Jr. of 148 Parker Street (Town Atlas Map I-3 Parcel 109),
15. Land n/f of Maia A Kennedy and Joseph A Kennedy, Jr. of 144 Parker Street (Town Atlas Map I-3 Parcel 103),
16. Land n/f of Parker Village Condominium of 1-6 Drummer Road and 130-132 Parker Street (Town Atlas Map I-3 Parcels 76, 65, 55 and 48),
17. Land n/f of Drummer Farms Condominium (Town Atlas Map I-3 Parcels 38 and 38-1),
18. Land n/f of Rose Stone Village Condominium of 128 Parker Street (Town Atlas Map I-3 Parcel 37),
19. Land n/f of Parker's Crossing Condominium of 118-126 Parker Street (Town Atlas Map I-3 Parcels 9, 10 and 25),

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.

MOTION

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

SUMMARY

These easements would provide the Town sufficient width along the Town roads for the sidewalks. These easements are needed due to the fact that there is insufficient room within the limits of the public way for the sidewalks given the location of the road pavement and the abutting properties.

Direct inquiries to Corey York, Public Works Director: engineering@acton-ma.gov / (978) 929-6630
 Selectman assigned: John Sonner: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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ARTICLE 51 * 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.

MOTION

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

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: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: John Sonner: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 52 * 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.

MOTION

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.

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: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 53 * 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.

MOTION

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.

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: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 54 * 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.

MOTION

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.

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: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 55 * 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.

MOTION

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.

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: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 56 * SALE OF FORECLOSED PROPERTIES

(Two-thirds 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.

MOTION

Move in the words of the Article.

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: Stephen G. Barrett, CPA, Finance Director
 treasurer@acton-ma.gov / (978) 929-6623

Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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**ARTICLE 57 * 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.

MOTION

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.

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) 929-6621
Selectman assigned: Mike Gowing: bos@acton-ma.gov / (978) 929-6611

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

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

Given under our hands at Acton this twelfth day of March, 2013.

Pamela Harting-Barrat, Chair
Janet K. Adachi, Vice-Chair
Mike Gowing, Clerk
John Sonner
David Clough

Board of Selectmen

A true copy, Attest:



Constable of Acton

Glossary of Terms Commonly Used in Municipal Finance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fiscal Year ("FY"): A 12-month period, beginning July 1 and ending June 30, to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations. The numbers of the fiscal year is that of the calendar year in which it ends; for example, 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 required at all times.
2. Since many voters may wish to speak, brevity of comment is appreciated. In addition, speakers are encouraged to add new points to the debate as opposed to repeating what others have already stated.
3. Voters may speak to an issue more than once, but generally “first time” speakers will be recognized before “repeaters”.
4. Remember to listen closely to the motion as stated. The motion puts the warrant article “in play” and it is the motion that is voted on, not the article as written in the warrant. However, there should be a strong similarity between motion and article.
5. Most motions must be “seconded”. Seconding motions is an easy way for newcomers to participate in the meeting. One does not even need to stand or be directly recognized. Generally calling out “second” at the right time will suffice.
6. Voting is most often done by voice. As the Moderator’s hearing fails, “standing” counts may be taken. The last resort, due to time constraints, is to take a counted vote by teller.
7. Although not encouraged, the Moderator’s judgment can be questioned as to the accuracy of the vote as announced. If seven (7) people request a “recount” of a voice or standing votes, it shall be done.
8. The Moderator will generally accept the motion to “move the previous question”, or more easily understood, “to cut off debate.” Many people think this motion is somewhat unfair, but it has been my experience that, more often than not, it is passed unanimously or by overwhelming numbers. In the past, the Moderator has been accused of knowing who plans to make such a motion – generally such accusations are accurate!
9. After a motion has been made and seconded, the mover of the motion speaks first, followed by the appropriate Town Boards (generally the Selectmen and the Finance Committee) who state their opinions. The motion is then available for general discussion – pro, con, or questions.
10. Other than when seconding a motion or requesting a point of order, speakers must be recognized by the Moderator before they launch into their point or question. For the most part this “rule of the road” is rigorously enforced.

More Formal Parliamentary Procedure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Don MacKenzie
Town Moderator

Internet & Telephone 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 distribution groups for all Boards, Committees and Commissions, as well as Departments. These groups are commonly referred to as “e-mail 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 center 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.

Town offices converted to a voice-over-IP telephone system in 2010. Below are the new telephone numbers associated with each department and committee. Old numbers will continue to work for a period of time.

<u>Department, Board or Committee</u>	<u>E-mail address</u>	<u>Telephone</u>
Acton 2020 Implementation Committee	acton2020@acton-ma.gov	(978) 929-6631
Acton Community Housing Corporation	achc@acton-ma.gov	(978) 929-6611
Acton Leadership Group	alg@acton-ma.gov	(978) 929-6611
Acton-Boxborough Cultural Council	abcc@acton-ma.gov	(978) 929-6611
Appeals, Board of	boa@acton-ma.gov	(978) 929-6631
Assessor Department	assessor@acton-ma.gov	(978) 929-6621
Assessors, Board of	bas@acton-ma.gov	(978) 929-6621
Building Department	building@acton-ma.gov	(978) 929-6633
Cable Advisory Committee	cac@acton-ma.gov	(978) 929-6612
Cemetery Department	cemetery@acton-ma.gov	(978) 929-6642
Citizens' Library Department, West Acton	wac1@acton-ma.gov	(978) 929-6654
Clerk Department, Town	clerk@acton-ma.gov	(978) 929-6620
Collector Department	collector@acton-ma.gov	(978) 929-6622
Commission on Disability	cod@acton-ma.gov	(978) 929-6633
Community Preservation Committee	cpc@acton-ma.gov	(978) 929-6631
Conservation Commission	conscom@acton-ma.gov	(978) 929-6634
Council on Aging	coa@acton-ma.gov	(978) 929-6652
Council on Aging Department (Senior Center)	seniorcenter@acton-ma.gov	(978) 929-6652
Design Review Board	drb@acton-ma.gov	(978) 929-6631
Economic Development Committee	edc@acton-ma.gov	(978) 929-6631
Emergency Management Agency	ema@acton-ma.gov	(978) 929-7730
Engineering Department	engineering@acton-ma.gov	(978) 929-6630
Finance Committee	fincom@acton-ma.gov	(978) 929-6611
Finance Department	finance@acton-ma.gov	(978) 929-6624
Fire Department	fire@acton-ma.gov	(978) 929-7722
Green Advisory Board	gab@acton-ma.gov	(978) 929-7744

Health, Board of	boh@acton-ma.gov	(978)	929-6632
Health Department	health@acton-ma.gov	(978)	929-6632
Health Insurance Trustees	hit@acton-ma.gov	(978)	929-6611
Highway Department	highway@acton-ma.gov	(978)	929-7740
Historic District Commission	hdc@acton-ma.gov	(978)	929-6631
Historical Commission	hc@acton-ma.gov	(978)	929-6631
Human Resources Department	hr@acton-ma.gov	(978)	929-6613
Information Technology Department	it@acton-ma.gov	(978)	929-6612
Land Stewardship Committee	lsc@acton-ma.gov	(978)	929-6634
Manager Department, Town	manager@acton-ma.gov	(978)	929-6611
Memorial Library Department	library@acton-ma.gov	(978)	929-6655
Memorial Library Trustees	mlt@acton-ma.gov	(978)	929-6655
Morrison Farm Committee	mc@acton-ma.gov	(978)	929-6634
Municipal Properties Department	mp@acton-ma.gov	(978)	929-7744
Natural Resources Department	nr@acton-ma.gov	(978)	929-6634
Nursing Department	nursing@acton-ma.gov	(978)	929-6650
Open Space Committee	osc@acton-ma.gov	(978)	929-6634
Parking Clerk	parkingclerk@acton-ma.gov	(978)	929-6611
Planning Board	pb@acton-ma.gov	(978)	929-6631
Planning Department	planning@acton-ma.gov	(978)	929-6631
Police Department	police@acton-ma.gov	(978)	929-7711
Public Ceremonies Committee	pcc@acton-ma.gov	(978)	929-6611
Recreation Commission	reccom@acton-ma.gov	(978)	929-6640
Recreation Department	recreation@acton-ma.gov	(978)	929-6640
School Committee, A-B Regional	ab_school_committee@abschools.org	(978)	264-4700
School Committee, Acton Public	aps_school_committee@abschools.org	(978)	264-4700
School Committee, Minuteman		(781)	861-6500
Selectmen, Board of	bos@acton-ma.gov	(978)	929-6611
Senior Taxation Aid Committee	stac@acton-ma.gov	(978)	929-6621
Sidewalk Committee	sidewalks@acton-ma.gov	(978)	929-6630
South Acton Train Station Advisory	satsac@acton-ma.gov	(978)	929-6630
Town Report Committee	trc@acton-ma.gov	(978)	929-6611
Transportation Advisory Committee	tac@acton-ma.gov	(978)	929-6630
Treasurer's Advisory Committee	trac@acton-ma.gov	(978)	929-6611
Veterans Service Officer	vso@acton-ma.gov	(978)	929-6614
Volunteer Coordinating Committee	vcc@acton-ma.gov	(978)	929-6611
Water Resources Advisory Committee	wrac@acton-ma.gov	(978)	929-6632

Emergency Notification Systems

The Town of Acton is committed to delivering timely and important information to its residents. Several emergency notification systems are operational within the Town of Acton providing varying degrees of information for those who need it.

Examples of Emergency Notifications include:

- Shelter Locations
- Missing Persons
- Utility Outages
- Bomb Threats
- Road Closures
- Other emergency incidents where rapid and accurate notification is essential for life safety
- Evacuation Notices
- Floods
- Fires
- Drinking Water Contamination
- Hazardous Materials Incidents



Blackboard Connect (Previously Connect-CTY)

The Blackboard Connect system is a high-speed telephone communication service for emergency notifications. The system allows authorized Town officials to disseminate voice messages to every telephone number stored in the notification database in a matter of minutes. Additionally the system allows us to target specific geographic areas of the Town such as individual neighborhoods or a defined radius around an incident.

While we receive telephone record updates from Verizon to populate our contact database, no one should automatically assume his or her phone number or e-mail address is included. Just as citizens may choose to opt *out* of these notifications, citizens in these categories are particularly invited to *add* their information to the database:

- Use a cellular phone as their primary phone
- Have unlisted phone numbers
- Have changed their phone number or address within the last year
- Have recently moved, but kept the same listed or unlisted phone number
- Wish to receive text and/or email messages in addition to telephone calls
- Receive their phone service over the internet (e.g. Verizon FIOS, Comcast XFINITY, Vonage)

In recent years, many people have converted their telephone service to Internet-based voice-over-IP systems such as Vonage, Comcast XFINITY, and Verizon FIOS. While traditional land-lines are powered from the phone company's central office, these newer technologies rely on power supplied at the premise. These services typically connect through a device in the home that is equipped with a backup battery that will last about four to eight hours. That means corded phones using this service will work without your home's electric power for a limited amount of time. For this reason, it is strongly recommended that you register your cellular phone number in addition to your primary home number. During extended power outages, the Town has opened public "charging stations" where residents can charge their cellular phones and other electronic devices at Town facilities that are backed up by generator power.

We encourage residents to update their own information including adding cell phone numbers and e-mail addresses by visiting the Town's website at <http://www.acton-ma.gov/cty>. Here, you can register,

review, and update your contact information. Residents without access to the Internet may accomplish this by calling the **Information Technology Department** at (978) 929-6612 or by visiting Town Hall.



Town Web Site

The Town's official website is continually updated with emergency information as soon as it is made available. We encourage residents to utilize the "Notify Me" feature to receive e-mail alerts when emergency information is added or updated on our site. You can do this by visiting the website at <http://www.acton-ma.gov> and clicking on the 'Notify Me by E-mail' link.



Mobile Message Boards

The Town maintains three trailer mounted, solar powered LED message boards. They are routinely used to alert motorists to road closures and construction work, to announce Town meetings and events, direct traffic during elections and special events and, most importantly, display pertinent instructions and information during emergency situations. While the mobile message boards can be dynamically deployed, during a Town-wide emergency such as weather related event these boards will primarily be staged at the following locations:

- Acton Public Safety Facility – 371 Main Street
- The intersection of Great Road and Main Street (Routes 2A and 27)
- The School Campus entrance, Massachusetts Avenue (Route 111) at Charter Road



Acton TV Government Cable Channel

The Town of Acton Government Cable Channel will be continually updated with the latest emergency instructions and notifications. The Government Channel can be found on the following channels depending on your cable system provider:

Comcast: Channel 99

| **Verizon FIOS:** Channel 41

Volunteer Application

VOLUNTEER COORDINATING COMMITTEE

Town Hall
472 Main Street
Acton, MA 01720

E-mail: vcc@acton-ma.gov
Telephone: (978) 929-6611
Fax: (978) 929-6350

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 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.:

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, manager@acton-ma.gov / (978) 929-6611.

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

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

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)

Online Bill Payments

*Pay Real Estate or Personal Property Tax Bills, Motor Vehicle Excise bills, or
Sewer Operation and Maintenance Bills Online*

www.acton-ma.gov/payonline

The Town of Acton is very pleased to offer an easy and secure way to view, print, and pay real estate and personal property tax bills, motor vehicle excise bills and sewer operation and maintenance bills online. We support electronic presentment (viewing) and billing, because it is more convenient for our residents, and better for the environment. Online presentment and payment eliminates the need to print and receive paper bills (except for motor vehicle excise bills, which the State requires be mailed).

The Town, in partnership with Invoice Cloud, a web-based, electronic invoice presentment and processing company, offers online payment of the above bills via either EFT/ACH electronic checks (i.e., electronic fund transfers from your bank checking or savings accounts), or, Visa or Master Card credit/debit cards. The Town feels that this service presents the best value for online presentment and payments for our residents. Invoice Cloud uses the highest standards in Internet security, and provides ease of use, and convenience to all our residents, for, in some instances, less than the cost of a postage stamp.

- Access, view and pay your tax bills or sewer operation and maintenance bills online
- Available 24x7 from anywhere you have access to the Internet
- Paying your bill online is faster and, in some instances, cheaper than writing and mailing a check
- You may choose to eliminate paper invoices to reduce clutter and help the environment (except motor vehicle excise bills, which the State requires be mailed)
- You have the option to pay immediately, schedule a payment, or sign up for Auto-Pay
- You can pay with electronic check, or Visa or Master Card credit/debit cards

Please note: this new service begins with, and goes forward from, the FY 2012 Real Estate and/or Personal Property tax bills, Sewer Operation and Maintenance bills, and any subsequent calendar year 2011 Motor Vehicle Excise bills. Any prior billing and/or payment activity that pre-dates July 1, 2011, is not available online, and must involve the Town of Acton Collector's Office at (978) 929-6622.

For more details on payment options, fees and frequently asked questions, please see the Town web site at:

www.acton-ma.gov/payonline

Notes

Notes



**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**