



**TOWN OF ACTON  
ANNUAL TOWN MEETING WARRANT**

*Commonwealth of Massachusetts*

*Middlesex, ss.*

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

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

**Precinct 1 – Nagog Woods Club House – 100 Nonset Path**

**Precinct 2 – Conant School – 80 Taylor Road**

**Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – Charter Road**

**Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – Charter Road**

**Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – Charter Road**

**Precinct 6 – Conant School – 80 Taylor Road**

On Tuesday, March 30, 2004 between 7:00 A.M. and 8:00 P.M., by posting a copy of this warrant by you attested, at each of the places as directed by vote of the Town, fourteen days at least before the thirtieth day of March 2004,

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

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

In addition, the Acton Water District will elect a Commissioner for three years.

You are also to notify legal voters aforesaid to meet at the Acton-Boxborough Regional High School Auditorium in said Acton on Monday, April 5, 2004, at **7:00 P.M.**, then and there to act on the following articles:

2/6/2004  
7:34 PM

## Consent Calendar

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

### **The Consent Calendar will be taken up as the first order of business.**

Please do your homework. If you have any questions about the consent articles, motions or procedure, please feel free to call the official listed in the summary of the article or to call the Town Manager's Office, (978) 264-9612, before Town Meeting.

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

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

### **Consent Calendar Articles and Motions**

#### **Article \* Council on Aging Van Enterprise Budget**

Move that the Town appropriate \$74,411 for the purpose of operating the Town of Acton Senior and Disabled Citizen Van service, and to raise such amount, \$49,411 be transferred from the Council on Aging Enterprise Fund and \$25,000 be raised and appropriated..

#### **Article \* Nursing Enterprise Budget**

Move that the Town appropriate \$608,490 for the purpose of operating the Public Health Nursing Service, and to raise such amount, \$608,490 be transferred from the Nursing Enterprise Fund.

#### **Article \* Septage Disposal Enterprise Budget**

Move that the Town appropriate \$209,399 for the purpose of septage disposal, and to raise such amount, \$209,399 be transferred from the Septage Disposal Enterprise Fund.

#### **Article \* Sewer Enterprise Budget**

Move that the Town appropriate \$1,534,115 for the purpose of operating the sewer system, and to raise such amount, \$1,534,115 be transferred from the Sewer Enterprise Fund.

#### **Article \* Section 53E½ Self-Funding Programs**

Move that the revolving funds for the Local School System, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Department, and Fire Department be continued for FY04 in the amounts and for the purposes set forth in the expense column of this Article.

#### **Article \* Insurance**

2/6/2004  
7:34 PM

**Article \* Transfer of Funds, Cemetery Land Fund**

**Article \* Chapter 90 Highway Reimbursement Program**

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

**Article \* Federal and State Reimbursement Aid**

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

**Article \* Sale of Foreclosed Properties**

Move in the words of the Article.

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

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

**Article \* Land Gift – 190 Arlington Street**

Move to accept land as set forth in the Article

**Article \* Land Gift – North Acton Woods Subdivision**

Move to accept land as set forth in the Article

Donald MacKenzie  
Town Moderator

**All revolving and enterprise: See note from DOR**

[ INCOMPLETE ]

**Articles**

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

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

**ARTICLE AA**  
(Majority vote)

**CHOOSE TOWN OFFICERS**

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

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

, or take any other action relative thereto.

**SUMMARY**

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

Selectman assigned: – E-mail: [bos@town.acton.ma.us](mailto:bos@town.acton.ma.us)

**Board of Selectmen:**

**Finance Committee:**

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**ARTICLE AB**  
(Majority vote)

**HEAR AND ACCEPT REPORTS**

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: E-mail: [bos@town.acton.ma.us](mailto:bos@town.acton.ma.us)

**Board of Selectmen:**

**Finance Committee:**

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**ARTICLE AC\***  
(Majority vote)

**COUNCIL ON AGING VAN ENTERPRISE BUDGET**

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$74,411 , or any other sum, to operate the Senior Van Service, in accordance with Massachusetts General Laws, Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

**SUMMARY**

This article requests an appropriation to fund van service for use by senior citizens and disabled citizens of the Community. This article requests that \$74,411, inclusive of fares from the users of the van's service, be used for maintaining the service. This 40-hour per week van service is funded by the Federal, State and Local Governments. 50% of the service is paid by Federal funds, 25% of the service is paid by the Commonwealth, and the final 25% is absorbed by the Town. Fare rates are determined by the Lowell Regional Transit Authority. Revenues will be used to reduce the Town's share of total costs. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
<b>\$8,634</b>	<b>\$63,566</b>	<b>\$72,200</b>	<b>\$0</b>	<b>\$74,411</b>	<b>\$74M411</b>	<b>\$0</b>

Direct inquiries to: Jean Fleming, Director, Council on Aging – (978) 264-9643  
Selectman assigned: – E-mail: bos@town.acton.ma.us

**Board of Selectmen:**  
**Finance Committee:**

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**ARTICLE AD\***  
(Majority vote)

**NURSING ENTERPRISE BUDGET**

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$608,490, or any other sum, to provide Public Health and Visiting Nurse Services, in accordance with Massachusetts General Laws, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

**SUMMARY**

This article requests an appropriation for the Nursing Service Enterprise Fund. An Enterprise Fund permits the Nursing Service to offset its costs with fees for service. These fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of running the Nursing Service. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
<b>\$362,042</b>	<b>\$583,704</b>	<b>\$583,704</b>	<b>\$362,042</b>	<b>\$608,500</b>	<b>\$608,490</b>	<b>\$362,052</b>

Direct inquiries to: Doug Halley, Director of Public Health – (978) 264-9634

Selectman assigned: – E-mail: [bos@town.acton.ma.us](mailto:bos@town.acton.ma.us)

**Board of Selectmen:**

**Finance Committee:**

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**ARTICLE AE\***  
(Majority vote)

**SEPTAGE DISPOSAL ENTERPRISE BUDGET**

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$209,399, or any other sum, for the purpose of septage disposal, in accordance with Massachusetts General Laws, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

**SUMMARY**

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

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
<b>\$78,495</b>	<b>\$222,414</b>	<b>\$222,414</b>	<b>\$78,495</b>	<b>\$209,399</b>	<b>\$209,399</b>	<b>\$78,495</b>

Direct inquiries to: Doug Halley, Director of Public Health – (978) 264-9634  
Selectman assigned: – E-mail: bos@town.acton.ma.us

**Board of Selectmen:**  
**Finance Committee:**

**ARTICLE AF \***  
(Majority vote)

**SEWER ENTERPRISE BUDGET**

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$1,534,115 or any other sum, for the purpose of operating and maintaining a sewer collection and treatment facility, in accordance with Massachusetts General Laws, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

**SUMMARY**

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

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
<b>\$585,516</b>	<b>\$1,404,437</b>	<b>\$1,454,750</b>	<b>\$535,203</b>	<b>\$1,534,115</b>	<b>\$1,534,115</b>	<b>\$535,203</b>

Direct inquiries to: John Murray, Assistant Town Manager – (978) 264-9612  
Selectman assigned: – E-mail: [bos@town.acton.ma.us](mailto:bos@town.acton.ma.us)

**Board of Selectmen:**  
**Finance Committee:**

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**ARTICLE AG\***  
(Majority vote)

**SECTION 53E½ SELF-FUNDING PROGRAMS**

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

Fund	FY05 Estimated Revenue	FY05 Authorized Expenditure
<b>School Department</b>	<b>\$100,000</b>	<b>\$100,000</b>
Douglas at Dawn/Dusk	\$30,000	\$300,000
Merriam Mornings/Afternoons/Summer Gates Amazing Programs	\$30,000	\$30,000
 <b>Historic District Commission</b>	 \$600	 \$600
 <b>Building Department</b>	 \$166,100	 \$166,069
Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees		
 <b>Sealer of Weights and Measures</b>	 \$11,000	
 <b>Health Department</b>		
Food Service Inspections	\$20,100	\$20,089
Hazardous Materials Inspections	\$84,100	\$84,088
 <b>Fire Department</b>		
Fire Alarm Network	\$486,600	48,525
Ambulance Fees	\$402,000	\$402,000

, or take any other action relative thereto.

**SUMMARY**

This article allows the Schools and Town to fully fund the extended day/summer programs of the Local Schools, Historic District Commission activities, Building Department inspectional programs, Sealer of Weights and Measures services, specified ongoing Health inspectional programs, Ambulance Fees and the Town-wide Fire Alarm Network from their respective receipts and fund balance. This article removes the cost of these services from the tax base. Fees are deposited in a separate account and may be expended to pay all or part 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.

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

	FY 2002 Actual Revenue	FY 2002 Actual Expense	Fund Balance 6/30/2002	FY 2003 Budgeted Revenue	FY 2003 Budgeted Expense	FY 2003 Est. Fund Balance	Actual Revenue 2/21/2003	Actual Expense 2/21/2003
<b>School Department<sup>1</sup></b>								
Douglas at Dawn/Dusk	\$85,765	\$57,548	\$50,623	\$85,000	\$85,000	\$50,623	\$62,419	\$38,364
Merriam Mornings/Afternoons/Summer	\$0	\$0	\$0	\$30,000	\$30,000	\$0	\$3,810	\$3,810
Gates Amazing Mornings/Afternoons	\$0	\$2,454	\$8,460	\$30,000	\$30,000	\$8,460	\$3,447	\$1,867
<b>Historic District Commission<sup>2</sup></b>	\$140	\$58	\$564	\$600	\$600	\$564	\$20	\$12
<b>Building Department<sup>2</sup></b>	\$119,202	\$79,160	\$99,319	\$135,000	\$137,630	\$96,689	\$56,749	\$121,418
Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees								
<b>Sealer of Weights and Measures<sup>2</sup></b>	\$12,066	\$6,806	\$7,987	\$10,000	\$10,012	\$7,975	\$707	\$6,276
<b>Health Department<sup>2</sup></b>								
Food Service Inspections	\$22,274	\$21,171	\$21,467	\$21,976	\$22,602	\$20,841	\$19,625	\$12,892
Hazardous Materials Inspection	\$26,407	\$60,911	\$13,187	\$62,337	\$62,337	\$13,187	\$4,550	\$13,494
<b>Fire Department<sup>2</sup></b>								
Fire Alarm Network	\$51,586	\$32,504	\$67,623	\$45,045	\$45,045	\$67,623	\$2,400	\$22,079

All Monetary Figures Rounded to the Nearest Dollar

<sup>1</sup> Direct inquiries to: William Ryan, Superintendent of Schools – (978) 264-4700

<sup>2</sup> Direct inquiries to: John Murray, Assistant Town Manager – (978) 264-9612

Selectman assigned: – E-mail: bos@town.acton.ma.us

**Board of Selectmen:**

**Finance Committee:**

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**ARTICLE AH\***  
(Majority vote)

**CHAPTER 90 HIGHWAY REIMBURSEMENT PROGRAM**

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

**SUMMARY**

Each year, the State provides communities with 100% reimbursement for certain highway projects. The State Legislature annually establishes the level of highway improvement funds available to cities and towns under this "Chapter 90" Program. This process is not completed until after Acton's Annual Town Meeting; therefore, we are unable to specify a dollar amount at Town Meeting. State law requires that these State Highway Reimbursement Funds be appropriated by Town Meeting. The purpose of this article is to make that appropriation and allow the town to fully utilize whatever level of appropriation the State may make available during the upcoming fiscal year. If Town Meeting were to not adopt this article, it is conceivable that monies allocated to Acton may be redistributed to State projects or other cities and towns.

Direct inquiries to: John Murray, Assistant Town Manager – (978) 264-9612  
Selectman assigned: – E-mail: [bos@town.acton.ma.us](mailto:bos@town.acton.ma.us)

**Board of Selectmen:**  
**Finance Committee:**

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**ARTICLE AI**  
(Majority Vote)

**INSURANCE PROCEEDS**

To see if the Town will vote to appropriate any proceeds generated by any insurance policy for reimbursement of costs incurred as a result of any covered loss during Fiscal Year 2003 and 2004, or take any other action relative thereto.

**SUMMARY**

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

Direct inquiries to:  
Selectman assigned:

**Selectmen:**  
**Finance Committee:**

**ARTICLE AJ\***  
(Majority vote)

**FEDERAL AND STATE REIMBURSEMENT AID**

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 during Fiscal Year 2004, or take any other action relative thereto.

**SUMMARY**

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

Direct inquiries to: John Murray, Assistant Town Manager – (978) 264-9612  
Selectman assigned: – E-mail: bos@town.acton.ma.us

**Board of Selectmen:**  
**Finance Committee:**

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**ARTICLE AK\***  
(Majority vote)

**SALE OF FORECLOSED PROPERTIES**

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

**SUMMARY**

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

Direct inquiries to: John Murray, Assistant Town Manager – (978) 264-9612

Selectman assigned: – E-mail: [bos@town.acton.ma.us](mailto:bos@town.acton.ma.us)

**Board of Selectmen:**

**Finance Committee:**

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**ARTICLE AL \***  
(Majority Vote)

**TRANSFER OF FUNDS CEMETERY LAND FUND**

To see if the Town will raise and appropriate or transfer from the Cemetery Land Fund the sum of \$100,000, or any other sum to be expended by the Town Manager for the development and landscaping of section 9, Mount Hope Cemetery and for general improvements in the cemeteries, or take any other action relative thereto.

**SUMMARY**

This article will provide funds to develop a new section of approximately 1,500 grave spaces at Mount Hope Cemetery. It will also allow for some general improvements in the cemeteries such as replacing damaged trees and shrubs and repairing roadways.

Direct inquiries to:

Selectman assigned: Email [bos@acton.ma.gov](mailto:bos@acton.ma.gov)

**Selectmen**  
**Finance Committee**

**ARTICLE AM\***  
(Majority vote)

**ELDERLY TAX RELIEF  
REAUTHORIZE CHAPTER 73 OF THE ACTS OF 1986**

To see if the Town will vote to continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions, or take any other action relative thereto.

**SUMMARY**

This is a reauthorization of an ongoing program of tax relief for certain qualifying individuals that was 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 – (978) 264-9622  
Selectman assigned:– E-mail: bos@town.acton.ma.us

**Board of Selectmen:**  
**Finance Committee:**

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