

ARTICLE BY

BY-LAW ON SNOW REMOVAL FROM SIDEWALKS

Before the Town Meeting you asked whether the Town could adopt a by-law requiring business owners to remove snow from the sidewalk in front of their stores or businesses. G.L.c. 40, §21 (3) gives town authority to adopt a by-law “providing for the removal of snow and ice from sidewalks within the limits of the public ways therein to such extent as they deem expedient.”

The final phrase of this statute gives the Town very broad discretion as to what is necessary. I have no doubt that the Town can designate, either by name or zoning district, the streets that must be cleared. I have a little more difficulty, in terms of practicality and fairness, with requiring business owners, but not residential owners on the same street, to clear their sidewalks. A sidewalk that is cleared in front of 4 out of 8 lots tends to defeat the primary purpose of such a by-law, which is to allow pedestrians to use the sidewalk safely. Nevertheless, such a requirement at least allows easier access to each store (and most businesses, which depend on customer traffic therefore do clean their sidewalks), and I doubt it would be found to be beyond the Town’s legal authority.

The by-law can be made subject to fines in accordance with §21, and be made subject to the non-criminal procedure in §21D. If fines are to be imposed, the by-law should clearly provide how soon the sidewalks must be cleared after a storm. This is both a matter of fairness and practicality in enforcement, because typically town employees are busy with street cleaning in the immediate aftermath of a storm.

Very truly yours,

Acheson H. Callaghan

Direct inquiries to:
Selectman assigned:

Selectmen:
Finance Committee:

ARTICLE BZ

QUARRY ROAD LAND

(Holding Article – Yin Peet)

Direct inquiries to:
Selectman assigned:

Selectmen:
Finance Committee:

ARTICLE CA
COMPANY

KENNEDY AND

Holding Article – Kennedy zoning Change

Direct inquiries to:
Selectman assigned:

Selectmen:
Finance Committee:

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ARTICLE CB*
(Majority vote)

TOWN BOARD SUPPORT – SPECIAL PROJECTS

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

SUMMARY

The Acton-Boxborough Cultural Council (ABCC) seeks \$XXX 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. This request/amount is not included in the Town Manager's Budget.

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

Board of Selectmen:
Finance Committee:

HOLD

Not to the Board, this is not funded in the Manager's budget recommendations

ARTICLE CC
(Majority Vote)

PLOWING OF PRIVATE WAYS

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$XXXXXX, or any other sum, to be expended by the Town Manager for the costs associated with the plowing of private ways open to public use as designated by the Board of Selectmen, or take any other action relative thereto.

SUMMARY

In 1986 at a regular town election, the voters of the Town accepted the provisions of MGL Chapter 40 Section 6C, allowing Town Meeting to appropriate money for the removal of snow and ice from such private ways within the Town limits, and open to public use, as may be designated by the Board of Selectmen. If the funds requested in this article are approved, this will be the ninth consecutive year that the Annual Town Meeting has appropriated funds for this purpose. For the 2004-2005 winter season, the Board of Selectmen voted to plow 14 private ways with a total length of 4.44 miles. If this Article is voted affirmatively, the Selectmen will review and revise, if necessary, the criteria established last year, receive petitions from private way residents by mid-September and vote a final plowing list by mid-October 2004. The amount of plowing will be limited to the funds available.

Direct inquiries to: David F. Abbt, Engineering Administrator, 978-264-9628
Selectman assigned:

Board of Selectmen:
Finance Committee:

HOLD

Not to the Board, this is not funded in the Manager's budget recommendations

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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 fourth day of March 2004.

Walter M. Foster, Chairman
Peter K. Ashton
F. Doré Hunter
William H. Shupert, III
Robert A. Johnson
Board of Selectmen

A true copy, Attest:

Constable of Acton

Glossary

Terms Commonly Used in Municipal Finance

Abatement: A complete or partial cancellation of a levy 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. Any part of the general appropriation not spent or encumbered by June 30 automatically reverts to surplus.

A specific or particular 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 an added annual appropriation 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 long-term 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, using a standard of "full and fair value."

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

FTE: A full-time equivalent employee based on a 40-hour work week. May be more than 1 employee, 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 number of the fiscal year is that of the calendar year in which it ends; for example, FY04 is the fiscal year which ends June 30, 2004.

Free Cash: Now referred to as "undesignated fund balance." Certified each July 1 by the State, this is the portion of 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 which are segregated for the purpose of carrying on specific 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.

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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 Levy: 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	

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

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

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

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

Warrant: A list of items to be voted upon at Town Meeting.

Parliamentary Procedure

Acton Town Meeting Procedures

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

Moderator’s Rules

These are quite arbitrary, but hopefully are consistently applied:

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

9. After a motion has been made and seconded, the mover of the motion speaks first, followed by the appropriate Town Boards (generally the Selectmen and the Finance Committee) who state their opinions. The motion is then available for general discussion – pro, con, or questions.

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

More Formal Parliamentary Procedure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Don MacKenzie
Town Moderator

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Information Technology

Internet References

Town of Acton
472 Main Street
Acton, MA 01720

Telephone (978) 264-9606
E-mail it@town.acton.ma.us

Official Town of Acton Web Site

www.town.acton.ma.us

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

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

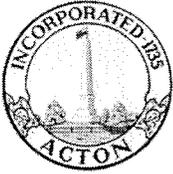
Using e-mail does *not* satisfy Open Meeting Law requirements (Massachusetts General Laws, Chapter 39, Section 23B). Direct questions regarding this law to the Town Clerk.

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

Acton Community Housing Corporation	achc@town.acton.ma.us
Acton Leadership Group	alg@town.acton.ma.us
Acton-Boxborough Cultural Council	abcc@town.acton.ma.us
Appeals, Board of	boa@town.acton.ma.us
Assessor Department	assessor@town.acton.ma.us
Assessors, Board of	bas@town.acton.ma.us
Building Department	building@town.acton.ma.us
Cable Advisory Committee	cac@town.acton.ma.us
Cemetery Department	cemetery@town.acton.ma.us
Citizens' Library Department	wacl@town.acton.ma.us
Clerk Department, Town	clerk@town.acton.ma.us
Collector Department	collector@town.acton.ma.us
Commission on Disability	cod@town.acton.ma.us
Community Preservation Committee	cpc@town.acton.ma.us
Conservation Commission	conscom@town.acton.ma.us
Council on Aging	coa@town.acton.ma.us
Council on Aging Department	seniorcenter@town.acton.ma.us
East Acton Village Planning Committee	eav@town.acton.ma.us
Economic Development Committee	edc@town.acton.ma.us
Emergency Management Agency	ema@town.acton.ma.us
Engineering Department	engineering@town.acton.ma.us
Fair Housing Committee	fhc@town.acton.ma.us
Finance Committee	fincom@town.acton.ma.us
Finance Department	finance@town.acton.ma.us
Fire Department	fire@town.acton.ma.us
Hanscom Field Advisory Committee	hfac@town.acton.ma.us

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Health Department	health@town.acton.ma.us
Health, Board of	boh@town.acton.ma.us
Highway Department	highway@town.acton.ma.us
Historic District Bylaw Study Committee	hdbsc@town.acton.ma.us
Historic District Commission	hdc@town.acton.ma.us
Historical Commission	hc@town.acton.ma.us
Human Resources Department	hr@town.acton.ma.us
Information Technology Department	it@town.acton.ma.us
Joint Technology Advisory Committee	jtac@town.acton.ma.us
Land Stewardship Committee	lsc@town.acton.ma.us
Manager Department, Town	manager@town.acton.ma.us
Memorial Library Department	library@town.acton.ma.us
Metropolitan Advisory Planning Council	mapc@town.acton.ma.us
Municipal Properties Department	mp@town.acton.ma.us
Natural Resources Department	nr@town.acton.ma.us
Nursing Department	nursing@town.acton.ma.us
Open Space and Recreation Committee	osrc@town.acton.ma.us
Parking Clerk	parkingclerk@town.acton.ma.us
Personnel Board	peb@town.acton.ma.us
Planning Board	pb@town.acton.ma.us
Planning Department	planning@town.acton.ma.us
Police Department	police@town.acton.ma.us
Public Ceremonies Committee	pcc@town.acton.ma.us
Public Safety Facilities Building Committee	psfbc@town.acton.ma.us
Recreation Commission	reccom@town.acton.ma.us
Recreation Department	recreation@town.acton.ma.us
School Committee, Acton-Boxborough Regional	abrsc@town.acton.ma.us
School Committee, Acton Public	apsc@town.acton.ma.us
Selectmen, Board of	bos@town.acton.ma.us
South Acton Revitalization Committee	sarc@town.acton.ma.us
Town Report Committee	trc@town.acton.ma.us
Transportation Advisory Committee	tac@town.acton.ma.us
Volunteer Coordinating Committee	vcc@town.acton.ma.us
Wastewater Advisory Committee	wac@town.acton.ma.us



Volunteer Coordinating Committee

Volunteer Application

Town of Acton
472 Main Street
Acton, MA 01720

Telephone (978) 264-9612
Fax (978) 264-9630
E-mail vcc@town.acton.ma.us

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

(Please print or type)

Title Mr. Mrs. Ms. Dr.	E-mail Address	Date
Last Name	First Name	Middle Initial
Street Address	Home Phone	Business Phone

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

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

Do you have any time restrictions? _____

Are you a U.S. Citizen? _____ How long have you lived in Acton? _____ In Massachusetts? _____

Present occupation and employer (Optional: Attach résumé) _____

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

Education or special training: _____

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

Town of Acton Volunteer Boards, Committees and Commissions

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

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

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

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