

TOWN OF ACTON
SPECIAL TOWN MEETING WARRANT



FOR OCTOBER 18, 2004

**The Special Town Meeting will convene at 7:00 P.M. in the
Acton-Boxborough Regional High School Auditorium
96 Hayward Road**

**SPECIAL TOWN MEETING
MONDAY, OCTOBER 18, 2004
7:00 P.M.**

Acton-Boxborough Regional High School Auditorium

Table of Contents

Article Index	1
Warrant.....	2
Articles	3
Yin Peet Quarry Road Project – Introduction to Articles	4
Glossary of Terms Commonly Used in Municipal Finance	23
Parliamentary Procedure	26
Internet References.....	29
Volunteer Application.....	31

Article Index

<u>Article</u>	<u>Title</u>	<u>Page</u>
1	Reallocation of Community Preservation Funds	3
2	Amend Zoning Bylaw – Rezone Portions of Parcels C5-3 and B5-34 to R-10/8	7
3	Amend Zoning Bylaw – Rezone Portions of Parcel C5-11 to ARC	7
4	Transfer Custody of Land for the Purpose of Conveyance – Areas A & B	8
5	Transfer Custody of Land for the Purpose of Conveyance – Area C	9
6	Land Acquisition – Area 1	9
7	Land Acquisition – Area 2	10
8	Land Acquisition – Area 3	11
9	Home Rule Petition – Land Conveyance and Acquisition	11
10	Land Conveyance, Acquisition and Use Agreement	12

Legend

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

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



**TOWN OF ACTON
SPECIAL TOWN MEETING WARRANT**

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 at the Acton-Boxborough Regional High School Auditorium in said Acton on **Monday, October 18, 2004, at 7:00 P.M.**, then and there to act on the following articles:

Articles

ARTICLE 1 REALLOCATION OF COMMUNITY PRESERVATION FUNDS

(Majority vote)

To see if the Town will vote to reallocate \$25,000 from the 2004 Annual Town Meeting Community Preservation Fund appropriations from item J. of Warrant Article 18, 214 Central and 28 Willow Street Feasibility Study, to the Community Housing Fund, or take any other action relative thereto.

SUMMARY

This article reallocates Community Preservation Funds from one community housing purpose, the 214 Central and 28 Willow Street Feasibility Study, to another community housing purpose, the Community Housing Fund. The 2004 Annual Town Meeting had appropriated \$25,000 to the Community Housing Fund (item K. of Article 18). This appropriation brings the total Community Housing Fund appropriation to date to \$50,000.

The Community Housing Fund would be established as a special fund of the Town of Acton under the control of the Board of Selectmen. The Community Housing Fund would be used by the Acton Community Housing Corporation (ACHC), or any other entity that the Board of Selectmen may determine, in support of community housing for purposes allowed under the Community Preservation Act, including but not limited to acquisitions, rehabilitations, and conversions of existing housing stock, new development, refinancing or repurchase of existing affordability restrictions about to expire, purchase of new affordable housing deed restrictions, accessibility modifications of affordable units for persons with disabilities, and assistance to low- and moderate-income buyers with mortgage costs, down payments or closing costs.

Since the Annual Town Meeting appropriation, the Acton Community Housing Corporation (ACHC) obtained a State grant of \$25,000 to conduct the 214 Central and 28 Willow Street Feasibility Study.

Direct inquiries to: Roland Bartl, Town Planner – (978) 264-9636

Selectman assigned: Robert A. Johnson – E-mail: bos@acton-ma.gov

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

Articles 2 - 10 are a set of inter-related articles to authorize the exchange of certain Town-owned property for certain privately-owned property on Quarry Road, and the re-zoning of the exchanged land to permit Agriculture/Recreation/Conservation uses on the newly-acquired Town property and Residence 10/8 uses on the privatized property. The transfer would be subject to an Agreement that the Owners of the private property, in conjunction with a duly qualified and established 501(c)(3) educational corporation, would develop an educational sculpture park, studio and related residence on the private property pursuant to G.L. c. 40A, § 3, and Section 3.4.2 of the Acton Zoning Bylaw.

In the exchange, the Town would acquire 5.2464 acres ± of land abutting other land of the Town (Area 1), a 51' wide - 0.7184 acre ± - access strip to provide lawful frontage to that land (Area 3), and water rights and a related easement to waters of Quarry Pond (Area 2) which could be used to feed the wetlands and water resources on the Town's North Acton Recreation Area property across Quarry Road. The proposed site plan that identifies these areas precedes Article 2 of this Warrant.

In return, the Town would convey to the private owners 1.9866 acres ± for frontage, access, and storm-water detention purposes (Area A), 0.6490 acres ± for septic system purposes (Area B), and an easement in 0.5856 acres ± for access purposes. The private owners would also retain an access and display easement in the access strip conveyed to the Town (Area 3).

The exchange is subject to the enactment of special legislation in addition to Town Meeting votes.

The specific articles are as follows:

Article 2 (Two-thirds vote)

This Article would re-zone the three areas to be conveyed by the Town (in fee or easement) (Areas A, B and C) from Agriculture/Recreation/Conservation ("ARC") to Residence 10/8 ("R-10/8").

Article 3 (Two-thirds vote)

This Article would re-zone the two areas to be conveyed to the Town in fee (Areas 1 and 3) from Residence 10/8 ("R-10/8") to Agriculture/Recreation/Conservation ("ARC").

Article 4 (Two-thirds vote)

This Article would transfer the two areas to be conveyed in fee by the Town (Areas A and B) to the Board of Selectmen for the purpose of conveyance, and would authorize the Board of Selectmen to convey such land on such terms and conditions and for such consideration, which may be non-monetary consideration, as the Selectmen may determine.

Article 5 (Two-thirds vote)

This Article would transfer the third area to be conveyed by the Town (Area C) to the Board of Selectmen for the purpose of conveyance of an access/egress easement and would authorize the Board of Selectmen to convey such easement on such terms and conditions and for such consideration, which may be non-monetary consideration, as the Selectmen may determine.

Article 6 (Two-thirds vote)

This Article would authorize the Board of Selectmen to acquire the fee in Area 1 on such terms and conditions as the Selectmen may determine.

Article 7 (Two-thirds vote)

This Article would authorize the Board of Selectmen to acquire an easement interest and water rights in Area 2 on such terms and conditions as the Selectmen may determine.

Article 8 (Two-thirds vote)

This Article would authorize the Board of Selectmen to acquire the fee in Area 3 on such terms and conditions as the Selectmen may determine.

Article 9 (Majority vote)

This Article would authorize the Board of Selectmen to petition the General Court to adopt special legislation authorizing the land exchange and/or change in use as necessary.

Article 10 (Majority vote)

This Article would adopt a resolution ratifying the Agreement entered into between the Board of Selectmen and Yin and Creighton Peet, dated as of July 12, 2004, on file with the Town Clerk, by which the foregoing matters were initiated.

ARTICLE 2 **AMEND ZONING BYLAW**
(Two-thirds vote) **REZONE PORTIONS OF PARCELS C5-3 AND B5-34 TO R-10/8**

To see if the Town will vote to amend the Zoning Map, and the Zoning Bylaw references in accordance therewith, so as to change the district designation from Agriculture/Recreation/Conservation (“ARC”) to Residence 10/8 (“R-10/8”) of the following land in the Town of Acton shown on a plan of land entitled “Proposed Site Plan, Yin Peet Studio & Residence, Quarry Road, Acton, MA,” Drawing No. A-1, dated 12-28-2003, prepared by Norman C. Wang, Architect, on file with the Acton Town Clerk (the “Plan”):

1. “Area A” shown on the Plan, being a portion of Parcel 3 on the Town Atlas Map C-5 last amended January 2004,
2. “Area B” shown on the Plan, being a portion of Parcel 3 on the Town Atlas Map C-5 last amended January 2004, and
3. “Area C” shown on the Plan, being a portion of Parcel 34 on the Town Atlas Map B-5 last amended January 2004,

or take any other action relative thereto.

SUMMARY

This Article would re-zone the three areas to be conveyed by the Town (in fee or easement) (Areas A, B and C) from Agriculture/Recreation/Conservation (“ARC”) to Residence 10/8 (“R-10/8”).

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

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

ARTICLE 3 **AMEND ZONING BYLAW**
(Two-thirds vote) **REZONE PORTIONS OF PARCEL C5-11 TO ARC**

To see if the Town will vote to amend the Zoning Map, and the Zoning Bylaw references in accordance therewith, so as to change the district designation from Residence 10/8 (“R-10/8”) to Agriculture/Recreation/Conservation (“ARC”) of the following land in the Town of Acton shown on a plan of land entitled “Proposed Site Plan, Yin Peet Studio & Residence, Quarry Road, Acton, MA,” Drawing No. A-1, dated 12-28-2003, prepared by Norman C. Wang, Architect, on file with the Acton Town Clerk (the “Plan”):

1. “Area 1” shown on the Plan, being a portion of Parcel 11 on the Town Atlas Map C-5 last amended January 2004; and,
2. “Area 3” shown on the Plan, being a portion of Parcel 11 on the Town Atlas Map C-5 last amended January 2004,

or take any other action relative thereto.

SUMMARY

This Article would re-zone the two areas to be conveyed to the Town in fee (Areas 1 and 3) from Residence 10/8 ("R-10/8") to Agriculture/Recreation/Conservation ("ARC").

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

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

ARTICLE 4 TRANSFER CUSTODY OF LAND FOR THE PURPOSE OF CONVEYANCE
(Two-thirds vote) **"AREAS A & B"**

To see if the Town will vote to transfer the following land in the Town of Acton shown on a plan of land entitled "Proposed Site Plan, Yin Peet Studio & Residence, Quarry Road, Acton, MA," Drawing No. A-1, dated 12-28-2003, prepared by Norman C. Wang, Architect, and on file with the Acton Town Clerk (the "Plan"), which land is currently held for general municipal purposes or for other specific municipal purposes for which it has heretofore been devoted, from the Board of Selectmen to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey such land on such terms and conditions and for such consideration, which may be non-monetary consideration, as the Selectmen may determine:

1. "Area A" shown on the Plan, being a portion of Parcel 3 on the Town Atlas Map C-5 last amended January 2004, and
2. "Area B" shown on the Plan, being a portion of Parcel 3 on the Town Atlas Map C-5 last amended January 2004,

or take any other action relative thereto.

SUMMARY

This Article would transfer the two areas to be conveyed in fee by the Town (Areas A and B) to the Board of Selectmen for the purpose of conveyance, and would authorize the Board of Selectmen to convey such land on such terms and conditions and for such consideration, which may be non-monetary consideration, as the Selectmen may determine.

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

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

ARTICLE 5 TRANSFER CUSTODY OF LAND FOR THE PURPOSE OF CONVEYANCE
(Two-thirds vote) **“AREA C”**

To see if the Town will vote to transfer the following land in the Town of Acton shown on a plan of land entitled “Proposed Site Plan, Yin Peet Studio & Residence, Quarry Road, Acton, MA,” Drawing No. A-1, dated 12-28-2003, prepared by Norman C. Wang, Architect, and on file with the Acton Town Clerk (the “Plan”), which land is currently held for general municipal purposes or for other specific municipal purposes for which it has heretofore been devoted, from the Board of Selectmen to the Board of Selectmen for the purpose of conveyance of an access/egress easement therein and to authorize the Board of Selectmen to convey an access/egress easement therein, on such terms and conditions and for such consideration, which may be non-monetary consideration, as the Selectmen may determine:

“Area C” shown on the Plan, being a portion of Parcel 34 on the Town Atlas Map B-5 last amended January 2004,

or take any other action relative thereto.

SUMMARY

This Article would transfer the third area to be conveyed by the Town (Area C) to the Board of Selectmen for the purpose of conveyance of an access/egress easement and would authorize the Board of Selectmen to convey such easement on such terms and conditions and for such consideration, which may be non-monetary consideration, as the Selectmen may determine.

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

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

ARTICLE 6 LAND ACQUISITION – “AREA 1”
(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain or otherwise and to accept the deed of a fee simple interest, on such terms and conditions as the Selectmen may determine, in the following land in the Town of Acton shown on a plan of land entitled “Proposed Site Plan, Yin Peet Studio & Residence, Quarry Road, Acton, MA,” Drawing No. A-1, dated 12-28-2003, prepared by Norman C. Wang, Architect, on file with the Acton Town Clerk (the “Plan”):

“Area 1” shown on the Plan, being a portion of Parcel 11 on the Town Atlas Map C-5 last amended January 2004,

and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

This Article would authorize the Board of Selectmen to acquire the fee in Area 1 on such terms and conditions as the Selectmen may determine.

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

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

ARTICLE 7 LAND ACQUISITION – “AREA 2”

(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain or otherwise and to accept the deed of an easement interest and water rights, on such terms and conditions as the Selectmen may determine, in the following land and water in the Town of Acton shown on a plan of land entitled “Proposed Site Plan, Yin Peet Studio & Residence, Quarry Road, Acton, MA,” Drawing No. A-1, dated 12-28-2003, prepared by Norman C. Wang, Architect, on file with the Acton Town Clerk (the “Plan”):

“Area 2” shown on the Plan, being a portion of Parcel 11 on the Town Atlas Map C-5 last amended January 2004,

and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

This Article would authorize the Board of Selectmen to acquire an easement interest and water rights in Area 2 on such terms and conditions as the Selectmen may determine.

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

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

ARTICLE 8 LAND ACQUISITION – “AREA 3”

(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain or otherwise and to accept the deed of a fee simple interest, subject to a non-exclusive easement reserved by the grantor for access and art display on such terms and conditions as the Selectmen may determine, the following land in the Town of Acton shown on a plan of land entitled “Proposed Site Plan, Yin Peet Studio & Residence, Quarry Road, Acton, MA,” Drawing No. A-1, dated 12-28-2003, prepared by Norman C. Wang, Architect, on file with the Acton Town Clerk (the “Plan”):

- “Area 3” shown on the Plan, being a portion of Parcel 11 on the Town Atlas Map C-5 last amended January 2004,

and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

This Article would authorize the Board of Selectmen to acquire the fee in Area 3 on such terms and conditions as the Selectmen may determine.

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

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

ARTICLE 9 HOME RULE PETITION – LAND CONVEYANCE AND ACQUISITION

(Majority vote)

To see if the Town will authorize the Board of Selectmen to petition the General Court to adopt special legislation authorizing the Town to convey and acquire the land and interests in real estate and water rights described under Articles 2 through 10 notwithstanding the requirements of General Laws Chapter 30B and any other general or special law to the contrary, and if and to the extent necessary, to authorize a change in use of said real estate pursuant to Article 97 of the Amendments to the Massachusetts Constitution, or take any other action relative thereto.

SUMMARY

This Article would authorize the Board of Selectmen to petition the General Court to adopt special legislation authorizing the land exchange and/or change in use as necessary.

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

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

ARTICLE 10 LAND CONVEYANCE, ACQUISITION AND USE AGREEMENT
(Majority vote)

To see if the Town will adopt a resolution ratifying the Agreement entered into between the Board of Selectmen and Yin and Creighton Peet, dated July 12, 2004 on file with the Town Clerk, concerning the acquisition and conveyance of the land and interests in real estate and water rights described in Articles 2 through 10, or take any other action relative thereto.

SUMMARY

This Article would adopt a resolution ratifying the Agreement entered into between the Board of Selectmen and Yin and Creighton Peet, dated as of July 12, 2004, on file with the Town Clerk, by which the foregoing matters were initiated. The agreement is printed below in its complete form.

AGREEMENT

THIS AGREEMENT is made this 12th day of July, 2004, by, between and among **YIN PEET** and **CREIGHTON PEET** of 157 School Street, Wayland, MA (hereinafter referred to as the "Owners"), on behalf of themselves, and their affiliates, heirs, administrators, beneficiaries, successors and assigns, and the **TOWN OF ACTON**, a municipal corporation, having its principal office at Town Hall, 472 Main Street, Acton MA 01720, acting by and through its Board of Selectmen (hereinafter referred to as the "Town").

WHEREAS by Deed dated October 31, 2003, recorded in the Middlesex South Registry of Deeds as instrument number 189 on December 12, 2003, the Owners own the real property located at and known as Quarry Road Rear, Acton, MA, which is shown as Parcel 11 on Assessors' Map C-5 ("Parcel 11").

WHEREAS by Order of Taking dated December 29, 1975, and recorded on January 6, 1976 in the Middlesex South Registry of Deeds at Book 12918, Page 397, and by Deed recorded therein at Book 12940, Page 132, the Town owns the real property located at and known as 70 Quarry Road, Acton, MA, which is shown as Parcel 3 on Assessors' Map C-5 ("Parcel 3").

WHEREAS by Deed recorded in the Middlesex South Registry of Deeds at Book 6734, Page 596, the Town also owns the real property located at and known as the Town Forest, Quarry Road, Acton, MA, which is shown as Parcel 34 on Assessors' Map B-5 ("Parcel 34").

WHEREAS in conjunction with a duly qualified and established 501(c)(3) educational corporation, the Owners propose to develop an educational sculpture park, studio and related residence on Parcel 11 pursuant to G.L. c. 40A, § 3, and Section 3.4.2 of the Acton Zoning Bylaw (the "Sculpture Park").

WHEREAS Parcel 11 has no frontage on a public way.

WHEREAS Parcel 11, while extensive in area, lacks an appropriate usable area for septic system purposes sufficient for the Sculpture Park.

WHEREAS a substantial portion of Parcel 11 was formerly used as a quarry, and Parcel 11 has an extensive deep water quarry pond located on the property (the "Quarry Pond").

WHEREAS Parcel 11 is situated across Quarry Road from the Town's North Acton Recreation Area ("NARA"), a unique and valuable Town recreation area used by thousands of Town citizens, residents and visitors each year for various forms of outdoor recreation including aquatic activities.

WHEREAS Parcel 11 is situated in a Residence 10/8 ("R-10/8") Zoning District.

WHEREAS Parcel 11 is located adjacent to Parcels 3 and 34.

WHEREAS Parcel 3 has extensive frontage on a public way (Quarry Road).

WHEREAS Parcel 3 has substantial usable area suitable for septic system purposes, which area abuts Parcel 11.

WHEREAS Parcels 3 and 34 are situated in an Agricultural, Recreation, Conservation ("ARC") Zoning District.

WHEREAS the Owners desire to acquire from the Town, by a combination of fee and easements, sufficient real property rights for purposes of frontage, septic area, storm water detention, and related sculpture park purposes, and to re-zone the same from ARC to R-10/8, to enable the development of the Sculpture Park on Parcel 11.

WHEREAS in addition to recognizing the benefits of the proposed Sculpture Park for a diverse, multi-cultural, and educationally vibrant community, the Town desires to acquire from the Owners a combination of (a) approximately 5.2 acres of the rear portion of Parcel 11 which abuts other Town land, (b) water rights in the Quarry Pond for use in connection with NARA, and (c) a 51' access strip to the 5.2 acre portion of Parcel 11 in conformity with Section 5.2.3 of the Acton Zoning Bylaw.

WHEREAS to enable the Town to consider all of the Warrant Articles required to accomplish the purposes of the Town and the Owners in relation to the foregoing, the Board of Selectmen has determined to place these articles on the warrant for the next available Annual or Special Town Meeting (the "Town Meeting"), to see if the Town will vote to pass the measures set forth in this Agreement, or take any other action relative thereto.

WHEREAS the Supreme Judicial Court has held in Durand v. IDC Bellingham, 440 Mass. 45, 55 (2003), that "conditioning otherwise valid zoning enactments on agreements reached between municipalities and landowners that include limitations on the use of their land or other forms of mitigation for the adverse impacts of its development" does not constitute illegal contract zoning.

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

I. **TOWN MEETING**

The Board of Selectmen agrees to place the Warrant Articles required to accomplish the purposes of this Agreement on the warrant for the next available Annual or Special Town Meeting (the "Town Meeting"), to see if the Town will vote to pass the measures set forth in this Agreement, or take any other action relative thereto.

II. **IDENTIFICATION OF REAL PROPERTY INTERESTS PROPOSED TO BE CONVEYED**

A. Attached hereto as Exhibit A is a Site Plan (Sheet A-1) for the proposed Yin Peet Studio and Residence on Quarry Road, Acton, MA, prepared by Norman C. Wang, Architect, dated December 28, 2003.

B. The Site Plan depicts the following areas proposed to be conveyed by the Owners to the Town:

1. Area 1, a 5.2 acre +/- land area to be conveyed in fee from the Owners to the Town;
2. Area 2, the Water Rights Easement Area, consisting of water rights in the Quarry Pond as well as all necessary easements for access and water distribution purposes relating thereto, proposed to be conveyed from the Owners to the Town; and
3. Area 3, a 51' +/- access strip proposed to be conveyed in fee from the Owners to the Town, subject to an easement for access and art display purposes to be reserved by the Owners, which easement shall not interfere with the Town's use of the fee in Area 3. The purpose of Area 3 is to provide a 51' access strip to the 5.2 acre portion of Parcel 11 so as to conform with Section 5.2.3 of the Acton Zoning Bylaw. The strip shall run parallel to the correct surveyed boundary of the Sculpture Park Property and shall be adjusted in width at any curves or corners to conform with Section 5.2.3 of the Acton Zoning Bylaw along its full length. The easement to be reserved by the Owners shall provide that the Owners may fence and use a 40' wide portion of the 51' access strip (measured from the line that is 51' northerly and westerly of the North Acton Woods lot line and, in no case crossing over the property line as defined by the North Acton Woods recorded plan) for access and art display purposes provided, however, that said easement shall be subordinate to the Town's right to use the reserved easement area of Area 3 as necessary to conform with Section 5.2.3 of the Acton Zoning Bylaw. Upon 90 days prior written notification from the Board of Selectmen, the Owners shall remove or relocate the fence and any objects that may otherwise interfere with the Town's access needs under Section 5.2.3 of the Acton Zoning Bylaw.

C. The Site Plan depicts the following areas proposed to be conveyed by the Town to the Owners, subject to the covenants and restrictions set forth herein:

1. Area A, the land area proposed to be conveyed by quitclaim deed from the Town to the Owners for frontage, access, and storm water detention purposes;
2. Area B, the land area proposed to be conveyed by quitclaim deed from the Town to the Owners for septic system purposes; and
3. Area C, an Access Easement Area proposed to be conveyed from the Town to the Owners (a small triangle over the Town Forest lot).

III. PREPARATION FOR THE TOWN MEETING

- A. In preparation for the Town Meeting, the Town will take the following steps:
1. Perform a title search sufficient to satisfy itself that Parcels 3 and 34 are unrestricted as to use. (This title search shall be solely for the benefit of the Town and may not be relied upon by the Owners for any purpose whatsoever. The Owners shall perform whatever title search they consider appropriate for their own purposes.)
 2. Subject to the results of that title search, request the custodian of Parcels 3 and 34 to make a finding under G.L.c. 40, § 15, that the fee in Areas A and B and the easement rights in Area C proposed to be conveyed by the Town to the Owners are no longer required for public purposes.
 3. Draft in a form satisfactory to the Board of Selectmen and Town Counsel proposed warrant articles for the Town Meeting including the following:
 - a. Articles to re-zone Areas A, B, and C from the ARC to the R-10/8 Zoning District, and an Article to re-zone Areas 1 and 3 from the R-10/8 to the ARC Zoning District;
 - b. An Article to authorize the Selectmen to convey the fee in Area A and Area B to the Owners, subject to the restrictions and conditions set forth in this Agreement;
 - c. An Article to authorize the Selectmen to convey an access easement in Area C to the Owners, subject to the restrictions and conditions set forth in this Agreement;
 - d. An Article to authorize the Selectmen to accept from the Owners the fee in Area 1, a 5.2 acre +/- land area;
 - e. An Article to authorize the Selectmen to accept from the Owners an easement and water rights in Area 2, the Water Rights Easement Area, consisting of water rights in the Quarry Pond as well as all necessary easements for access and water distribution purposes relating thereto, in accordance with a water withdrawal procedure designed, based on a pump test performed in accordance with this Agreement, with the goal that the Town not draw down the water level in Quarry Pond to a level more than one foot lower than the historic natural low water level of Quarry Pond or such other level as the Town and the Owners may agree based on the results of the pump test;
 - f. An Article to authorize the Selectmen to accept from the Owners the fee in Area 3, subject to an easement for access and art display purposes to be reserved by the Owners, which easement shall not interfere with the Town's use of the fee in Area 3;

g. An Article to authorize the Selectmen to petition the General Court to adopt a Home Rule Act authorizing the Town to convey and acquire the foregoing interests in real property notwithstanding the requirements of the Uniform Procurement Act, G.L. c. 30B, and any general or special law, rule or regulation to the contrary, and, if and to the extent necessary, to change the use of Areas A, B, and C pursuant to Article 97 of the Massachusetts Constitution; and

h. An Article to ratify the Board of Selectmen's execution of this Agreement on behalf of the Town.

B. In preparation for the Town Meeting, the Owners shall take the following steps:

1. Cause a qualified wetlands scientist to flag all wetlands and vernal pools (if any) on Parcel 11 and on or within 100 feet of Areas A, B, and C (including on any abutting land now or formerly of North Acton Woods);
2. Cause any such wetlands, vernal pools, and their respective buffer zones to be depicted on a stamped plan of the property;
3. Cooperate with the Town in all respects regarding proposed zoning amendments to re-zone Areas A-C from ARC to R-10/8;
4. Attend with qualified consultants and participate in the Planning Board's required public hearings on the proposed zoning change under Chapter 40A, § 5;
5. Provide any and all material information reasonably requested by the Town to assess the feasibility of the proposed Sculpture Park;
6. Cause revised site plans to be prepared by a qualified architect and engineer to reflect mutually acceptable constructive changes resulting from the public hearing process leading up to Town Meeting;
7. Provide timely comments on the proposed Warrant Articles prepared by the Town as set forth above;
8. Provide the Town and its authorized agents, employees, contractors and representatives full and complete access to Parcel 11 and the Quarry Pond, through the proposed closing, for the purposes of performing tests, measurements and inspections including but not limited to pump tests of the Quarry Pond, soil and water quality tests of Parcel 11 and the Quarry Pond, and all other tests, measurements and inspections deemed necessary by the Town with respect to Parcel 11 and the Quarry Pond;
9. Provide to the Town any and all reports, test results, and other documents in the Owners' possession, custody or control regarding the environmental quality of Parcel 11, the Quarry Pond, and/or any soil, surface water or groundwater at, on, beneath or from Parcel 11 or the Quarry Pond.

IV. **PARTICIPATION AT TOWN MEETING**

The Owners and their qualified consultants shall attend the Town Meeting and make a concise presentation of the proposed Sculpture Park and the related Warrant Articles as set forth above.

The Town shall have the right, but not the duty, to make presentations regarding the proposed Sculpture Park and the related Warrant Articles as set forth above.

The Owners acknowledge and understand that any favorable recommendation of the Board of Selectmen or other Town Board or official is not binding upon Town Meeting and that a majority or 2/3 affirmative vote of Town Meeting is required for the various proposed warrant articles to pass.

The Owners further acknowledge and understand that the approval of the Attorney General is required before any proposed re-zoning article can take effect.

The Owners further acknowledge and understand that the approval of the General Court and the Governor is required before any proposed special legislation can take effect.

The Owners further acknowledge and understand that the approval of 2/3 of the General Court and the Governor is required before any proposed Article 97 legislation can take effect.

V. **OBLIGATIONS UPON ADJOURNMENT OF TOWN MEETING**

In the event that the Town Meeting adjourns without favorable action having been taken on all or any of the warrant articles identified in Section III(A)(3) above, this Agreement shall terminate and shall have no further force or effect unless all parties hereto shall in writing agree to the contrary.

In the event that the Town Meeting adjourns with favorable action having been taken on all of the warrant articles identified in Section III(A)(3) above, and in the event the Attorney General approves the proposed re-zoning, then the Owners and the Town shall negotiate in good faith reciprocal Purchase and Sales Agreements to effectuate the exchange of the real property interests in Areas 1, 2 and 3 for Areas A, B, and C identified in Section II above; provided however that the Town shall have no obligation to execute or perform on any such Purchase and Sales Agreements unless each and every one of the following conditions is met in the unlimited discretion and to the full satisfaction of the Board of Selectmen:

- A. The form and content of the Agreements are satisfactory to the Board of Selectmen and Town Counsel;
- B. Home Rule Legislation satisfactory in form and substance to the Board of Selectmen and Town Counsel has been adopted authorizing the Town to convey and acquire the foregoing interests in real property notwithstanding the requirements of the Uniform Procurement Act, G.L. c. 30B, and any general or special law, rule or regulation to the contrary, and, if and to the extent necessary, to change the use of Areas A, B, and C pursuant to Article 97 of the Massachusetts Constitution;
- C. The environmental condition of Parcel 11 and the Quarry Pond is satisfactory to the Board of Selectmen, including but not limited to the results of any pump tests of the Quarry Pond, any soil and water quality tests of Parcel 11 and the Quarry Pond, and any

and all other tests, measurements and inspections deemed necessary by the Town with respect to Parcel 11 and the Quarry Pond;

D. The location, scope and terms of the easement rights in Areas 2, 3, and C are satisfactory to the Board of Selectmen and Town Counsel (including without limitation a provision that the Owners' rights in the reserved easement in Area 3 for art display purposes shall be exercised consistently with the Town's obligations under the First Amendment to the United States Constitution and shall not be used for the display of any religious or obscene art, object or material);

E. The Owners have agreed to execute and deliver at the closing in a form and content satisfactory to the Board of Selectmen and Town Counsel (1) a covenant to develop, construct, operate for a period of at least 12 years from the execution of this Agreement and maintain the Sculpture Park in conjunction with a duly qualified and established 501(c)(3) educational corporation or corporations, except for reasons beyond the reasonable control of the Owners, (2) a right of reverter exercisable at the option of the Board of Selectmen in the event the Owners fail to develop, construct, and commence operations of the Sculpture Park within three years from the closing or such further time as the Board of Selectmen may allow, (3) a right of first refusal in the event the Owners determine to sell or convey all or any portion of Parcel 11 and/or Areas A, B, or C after the closing, and (4) a restriction in a form recordable at the Middlesex South Registry of Deeds, which shall (i) run with the land for the benefit of the Town for a period of 50 years from the closing, (ii) prohibit any subdivision of the land comprised of Parcel 11 and Areas A and B, (iii) prohibit any commercial quarry use of the land comprised of Parcel 11 and Areas A and B, (iv) prohibit the development of any project under G.L. c. 40B on the land comprised of Parcel 11 and Areas A and B, and (v) prohibit any other use by the Owners or their successors and assigns of Parcel 11 and/or Areas A, B, or C (other than the Sculpture Park as defined above, including the Owners' residence) which is not in full and complete conformity with the requirements of the R-10/8 Zoning District (and the Owners shall execute and deliver to the Town Manager all necessary recordable Notices of this restriction for recording in the Middlesex South Registry of Deeds pursuant to M.G.L. c. 184, § 27);

F. Under no circumstances shall the Town be required to convey an access easement in Area C to the Owners, unless the Owners are unable to obtain permission from the Acton Conservation Commission to access the Sculpture Park over Area A by virtue of the proximity of a vernal pool on Parcel 11 and/or Area A-C;

G. The Town's Board of Selectmen shall have design review over the buildings to be placed on Parcel 11 and/or Areas A-C;

H. The Owners shall cause a stamped, surveyed Approval Not Required Plan ("ANR Plan") to be executed and submitted to the Acton Planning Board for endorsement representing the meets and bounds of the land and interests to be transferred by the Town to the Owners and *vice versa*, which ANR Plan shall be filed with the Town Clerk and the Planning Board upon execution of the Purchase and Sale Agreements referenced in Section V of this Agreement and recorded in the Registry of Deeds contemporaneously with the closing in accordance with the Purchase and Sale Agreements referenced in Section V of this Agreement;

I. Given the proximity of the proposed Sculpture Park to significant Town-owned recreation land frequented by numerous families with minor children, the Owners shall agree to a perpetual recordable restriction running with the Sculpture Park Property for the benefit of the abutting Town-owned property which shall provide that (1) the Owners shall plant and maintain permanent live evergreen vegetation sufficient to screen from view any art, sculpture, object or material so that it is not visible to a public way or any abutting Town-owned land used for recreation purposes, and (2) upon the written request of the Acton Board of Selectmen, the Owners shall forthwith relocate or further screen to the satisfaction of the Board of Selectmen, using permanent live evergreen vegetation or a suitable alternative means of natural screening acceptable to the Board of Selectmen, any such art, object or material so that it is not visible to a public way or any Town-owned land used for recreation purposes;

J. While a Sculpture Park operated as an educational use in conjunction with a duly qualified and established 501(c)(3) educational corporation may involve occasional incidental sales of art objects created and displayed on the premises, the Owners shall in a recordable covenant agree not to permit the Sculpture Park Property to be operated as a commercial enterprise or to involve sales other than occasional incidental sales of art objects created and displayed on the premises; and the Owners shall not display any commercial sign or advertising whatsoever on the Sculpture Park Property;

K. In the event the Sculpture Park ceases to operate on the Sculpture Park Property, the Owners shall not thereafter permit any sales whatsoever at or from the Sculpture Park Property except as may be in strict conformance with the Acton Zoning Bylaw;

L. The Town's use of the Water Rights Easement Area shall be subject to the requirement that any permanent above-ground installation of water withdrawal equipment by the Town shall be subject to the Owners' approval, which shall not be unreasonably withheld, conditioned or delayed.

VI. GOVERNMENTAL PERMITS AND APPROVALS

The Owners acknowledge and agree that favorable action by the Town Meeting on all or any of the warrant articles identified in Section III(A)(3) above shall not constitute approval by the Town of the proposed Sculpture Park itself or of any building, structure, improvement or use associated or proposed to be associated therewith. The Owners shall have the continuing responsibility to apply for, obtain and comply with all necessary governmental permits and approvals for the proposed Sculpture Park itself and any building, structure, improvement or use associated or proposed to be associated therewith. In addition, the Owners shall have the continuing responsibility to comply with all applicable federal, state and local laws, rules and regulations applicable to the proposed Sculpture Park itself and any building, structure, improvement or use associated or proposed to be associated therewith.

VII. ENFORCEMENT

In the event that the Owners fails to perform any of the foregoing in a timely manner, the Owners consent to jurisdiction of the Middlesex Superior Court in an action by the Town for specific performance of the Owners' obligations hereunder, and the Owners acknowledge that there is no adequate remedy at law with respect thereto.

IN WITNESS WHEREOF, the undersigned has caused this Agreement to be executed this 12th day of July, 2004.

TOWN OF ACTON, MASSACHUSETTS,
By its Board of Selectmen,



F. Dore Hunter, Chairman



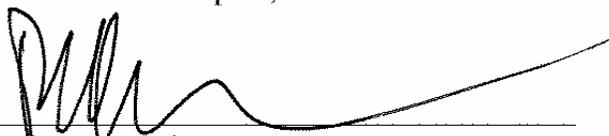
Walter M. Foster



Peter K. Ashton



William H. Shupert, III

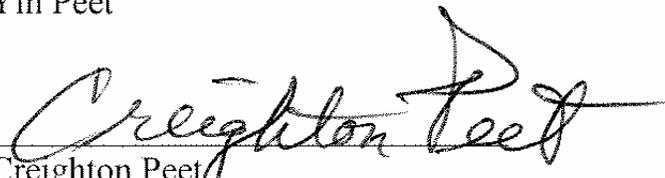


Robert A. Johnson

THE OWNERS,



Yin Peet



Creighton Peet

TOWN ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

On this 12 day of July 2004, before me, the undersigned Notary Public, personally appeared each of the foregoing named members of the Board of Selectmen of the Town of Acton, each of whom proved to me through satisfactory evidence of identification, which was: examination of known to me, to be the person whose name is signed on the preceding document, and acknowledged to me that each signed it voluntarily for its stated purpose as the foregoing named member of the Board of Selectmen of the Town of Acton, a municipal corporation.

[Signature] (official signature and seal of notary)

My commission expires Sept 26, 2008

OWNER ACKNOWLEDGMENT

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

On this 14th day of AUGUST, 2004, before me, the undersigned Notary Public, personally appeared [Signature] ~~Yin Peet~~ and Creighton Peet, proved to me through satisfactory evidence of identification, which were MASS DRIVERS LICENSE, to be the persons whose name is signed on the preceding or attached document, and acknowledged to me that each signed it voluntarily for its stated purpose.

[Signature] (official signature and seal of notary)

My commission expires August 15, 2008

My Commission Expires August 15, 2008

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 first day of October 2004.

F. Doré Hunter, Chairman
Peter K. Ashton
Walter M. Foster
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 tax bill imposed by a governmental unit; applicable to tax levies and special assessments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fiscal Year ("FY"): A 12-month period, beginning July 1 and ending June 30, to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations. The numbers of the fiscal year is that of the calendar year in which it ends; for example, FY04 or FY 2004 is the fiscal year which ends June 30, 2004.

Free Cash: Certified each July 1 by the State, this is the portion of Undesignated Fund Balance available for appropriation. It is not cash but rather is approximately the total of cash and receivables less current liabilities and earmarked reserves, reduced also by reserves for uncollected taxes.

Fund: An accounting entity with a self-balancing set of accounts that is segregated for the purpose of carrying on identified activities or attaining certain objectives in accordance with specific regulations, restrictions or limitations.

General Fund: The fund into which the general (non-earmarked) revenues of the town are deposited and from which money is appropriated to pay expenses.

General Obligation Bonds: Bonds issued by the Town that are backed by the full faith and credit of its taxing authority.

Joint Labor Management Negotiation Process: A negotiation process available to Police and Fire Unions, which utilizes Commonwealth of Massachusetts' mediators and arbitrators. If an arbitration decision is issued, it is binding upon the Executive Branch (The Board of Selectmen and Management

Staff). Further, the Executive Branch must fully support such an arbitration decision before Town Meeting, even if they believe such a decision is not in the best interest of the Town.

Overlay: The amount raised from the property tax levy in excess of appropriations and other charges. It is used to cover abatements and exemptions granted locally or on appeal, and cannot exceed an amount deemed reasonable by the Commissioner of Revenue.

Override: A vote to increase the amount of property tax revenue that may be raised over the levy limit.

Personnel Services: The cost of salaries, wages and related employment benefits.

Purchased Services: The cost of services that are provided by a vendor.

Property Tax Bill: The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed per thousand dollars of assessed valuation, for example:

House Value:	\$ 300,000	
Tax rate:	\$ 10	which means \$10 per thousand
Levy:	\$ 10	multiplied by \$300,000 and divided by \$1,000
Result:	\$ 3,000	

Raise: A phrase used to identify a funding source for an expenditure which refers to money generated by the tax levy or other local receipt.

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

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

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

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

Warrant: A list of matters to be acted on by Town Meeting.

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



INFORMATION
TECHNOLOGY

INTERNET REFERENCES

TOWN OF ACTON

472 MAIN STREET
ACTON, MA 01720

TELEPHONE (978) 264-9606

E-MAIL IT@ACTON-MA.GOV

Official Town of Acton Web Site

www.acton-ma.gov

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). Please direct questions regarding this law to the Town Clerk.

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

Acton Community Housing Corporation	achc@acton-ma.gov
Acton Leadership Group	alg@acton-ma.gov
Acton-Boxborough Cultural Council	abcc@acton-ma.gov
Appeals, Board of	boa@acton-ma.gov
Assessor Department	assessor@acton-ma.gov
Assessors, Board of	bas@acton-ma.gov
Building Department	building@acton-ma.gov
Cable Advisory Committee	cac@acton-ma.gov
Cemetery Department	cemetery@acton-ma.gov
Citizens' Library Department	wac1@acton-ma.gov
Clerk Department, Town	clerk@acton-ma.gov
Collector Department	collector@acton-ma.gov
Commission on Disability	cod@acton-ma.gov
Community Preservation Committee	cpc@acton-ma.gov
Conservation Commission	conscom@acton-ma.gov
Council on Aging	coa@acton-ma.gov
Council on Aging Department (Senior Center)	seniorcenter@acton-ma.gov
East Acton Village Planning Committee	eav@acton-ma.gov
Economic Development Committee	edc@acton-ma.gov
Emergency Management Agency, Acton	ema@acton-ma.gov
Engineering Department	engineering@acton-ma.gov
Fair Housing Committee	fhc@acton-ma.gov
Finance Committee	fincom@acton-ma.gov
Finance Department	finance@acton-ma.gov
Fire Department	fire@acton-ma.gov
Hanscom Field Advisory Committee	hfac@acton-ma.gov
Health Department	health@acton-ma.gov
Health, Board of	boh@acton-ma.gov

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



VOLUNTEER COORDINATING COMMITTEE

TOWN OF ACTON

472 MAIN STREET
ACTON, MA 01720

VOLUNTEER APPLICATION

TELEPHONE (978) 264-9612

FAX (978) 264-9630

E-MAIL VCC@ACTON-MA.GOV

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 |
| Community Preservation Committee | Planning Board |
| Conservation Commission | Public Ceremonies Committee |
| Disability, Commission on | Recreation Commission |
| Fair Housing Committee | South Acton Revitalization Committee |
| Finance Committee | Town Report Committee |
| Hanscom Field Advisory Committee | 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 _____
	Applicant Notified _____

No openings at this time

BULK RATE
US POSTAGE PAID
PERMIT #67
ACTON, MA 01720

POSTAL PATRON
ACTON, MA 01720