

TOWN OF ACTON
ANNUAL TOWN MEETING WARRANT



FOR APRIL 4, 2005

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

DRAFT

NOTICE OF MEETINGS AND ELECTION

ANNUAL TOWN ELECTION TUESDAY, MARCH 29, 2005 7:00 A.M. – 8:00 P.M.

- Precinct 1 – Nagog Woods Club House – 100 Nonset Path
- Precinct 2 – Conant School – 80 Taylor Road
- Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
- Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
- Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
- Precinct 6 – Conant School – 80 Taylor Road

For assistance in determining your election voting location, please use the State Elections Division web site www.WhereDoIVoteMA.com or contact the Town Clerk's office by e-mail at clerk@acton-ma.gov or telephone at (978) 264-9615.

ANNUAL TOWN MEETING MONDAY, APRIL 4, 2005 7:00 P.M.

Acton-Boxborough Regional High School Auditorium

Note: Copies of the detailed Municipal Operating Budget are available at Town Hall, Police Station, Memorial Library and West Acton Citizens' Library. Copies will also be available at Town Meeting.

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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

Board of Selectmen's Message

April 4, 2005

This Town Meeting Warrant is your invitation to participate in the legislative portion of Acton's town government. Acton citizens have a longstanding tradition of governing themselves by means of an open Town Meeting. In order to achieve the best results we need your participation and encourage all Acton residents to attend. All registered voters are urged to participate in the debate and vote on the Articles presented. Other residents, even if they are not registered voters, are invited to attend and observe, or to view the proceedings on cable television channel 8.

F. Doré Hunter, Chair
Peter K. Ashton, Vice-Chair
Robert Johnson, Clerk
William H. Shupert
Walter M. Foster

Board of Selectmen

Town Manager's Message

Respectfully submitted,

Don P. Johnson,
Town Manager

Finance Committee's Message



**TOWN OF ACTON
ANNUAL 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 in their respective precincts to wit:

- Precinct 1 – Nagog Woods Club House – 100 Nonset Path**
- Precinct 2 – Conant School – 80 Taylor Road**
- Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road**
- Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road**
- Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road**
- Precinct 6 – Conant School – 80 Taylor Road**

On Tuesday, March 29, 2005 between 7:00 A.M. and 8:00 P.M., by posting a copy of this warrant by you attested, at each of the places as directed by vote of the Town, fourteen days at least before the twenty eighth day of March 2005,

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

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

In addition, the Acton Water District will elect one Commissioner for three years and one Clerk for three years.

You are also to notify legal voters aforesaid to meet at the Acton-Boxborough Regional High School Auditorium in said Acton on **Monday, April 4, 2005, at 7:00 P.M.**, then and there to act on the following articles:

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

Consent Calendar

***** NOTE: THESE ARE 2004 MOTIONS AND DOLLAR VALUES AND WILL BE UPDATED TO REFLECT 2005 ARTICLES.**

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

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

Please do your homework. If you have any questions about the consent articles, motions or procedure, please feel free to contact the official listed in the summary of the article or to contact the Town Manager's Office, by e-mail at manager@acton-ma.gov or by telephone at (978) 264-9612, before Town Meeting.

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

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

Consent Calendar Articles and Motions

Article AA * Council on Aging Van Enterprise Budget

Move that the Town appropriate \$xxx for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, \$xxx be transferred from the Council on Aging Enterprise Fund, \$xxx be transferred from the Audubon Hill Gift Account and \$xxx be raised and appropriated.

Article AB * Nursing Enterprise Budget

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

Article AC * Septage Disposal Enterprise Budget

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

Article AD * Sewer Enterprise Budget

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

Article AE * Section 53E½ Self-Funding Programs

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

Article AF * Chapter 90 Highway Reimbursement Program

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

Article AG * Insurance Proceeds

Move that the Town Manager is authorized to accept insurance proceeds from all sources and such funds are hereby appropriated.

Article AH * Federal and State Reimbursement Aid

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

Article AI * Sale of Foreclosed Properties

Move in the words of the Article.

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

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

Article AR * Town Board Support – Special Projects

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

Article AV * Amend Town Bylaws – D10. Sewer Assessment Bylaw

Move to adopt the bylaw amendments as set forth in the Article.

Article AX * Establish Housing Trust Fund

Move in the words of the Article.

Article BC * Amend Zoning Bylaw – Housekeeping

Move to adopt the bylaw amendments as set forth in the Article.

Article BD * Amend Zoning Bylaw – Housekeeping, Zoning Map No. 1

Move to adopt the bylaw amendments as set forth in the Article.

Article BE * Amend Zoning Bylaw – Housekeeping, Zoning Map No. 4 (1 of 2)

Move to adopt the bylaw amendments as set forth in the Article.

Article BF * Amend Zoning Bylaw – Housekeeping, Zoning Map No. 2 (2 of 2)

Move to adopt the bylaw amendments as set forth in the Article.

Article BG * Relocation and Layout of a Portion of Elm Street

Move that the Town accept as public ways the streets listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

Article BH * Sidewalk Easement – Esker Way

Move to accept the easement as set forth in the Article.

Article BI * Sidewalk Easement – High Street

Move to accept the easement as set forth in the Article.

Article BJ * Drainage Easement – Franklin Place

Move to accept the easement as set forth in the Article.

Article BK * Land Gift – Dunham Park Subdivision

Move to accept the land as set forth in the Article.

Article BL * Street Acceptance – Dunham Lane

Move that the Town accept as a public way the street listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

Donald MacKenzie
Town Moderator

Articles

ARTICLE 1 CHOOSE TOWN OFFICERS

(Majority vote)

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

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

, or take any other action relative thereto.

SUMMARY

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

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

ARTICLE 2 HEAR AND ACCEPT REPORTS

(Majority vote)

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

SUMMARY

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

Selectman assigned: : bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

ARTICLE AA * COUNCIL ON AGING VAN ENTERPRISE BUDGET

(Majority vote)

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

SUMMARY

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

Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05	Budgeted Revenue FY06	Budgeted Expense FY06	Est. Fund Balance 6/30/06

Direct inquiries to: Jean Fleming, Director, Council on Aging
Senior center@acton-ma.gov / (978) 264-9643

Selectman assigned: : bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

ARTICLE AB * NURSING ENTERPRISE BUDGET

(Majority vote)

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

SUMMARY

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

Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05	Budgeted Revenue FY06	Budgeted Expense FY06	Est. Fund Balance 6/30/06

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

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

ARTICLE AC * SEPTAGE DISPOSAL ENTERPRISE BUDGET
 (Majority vote)

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

SUMMARY

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

Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05	Budgeted Revenue FY06	Budgeted Expense FY06	Est. Fund Balance 6/30/06

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

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

ARTICLE AD * SEWER ENTERPRISE BUDGET

(Majority vote)

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

SUMMARY

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

Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05	Budgeted Revenue FY06	Budgeted Expense FY06	Est. Fund Balance 6/30/06

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

Selectman assigned: : bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

ARTICLE AE * SECTION 53E½ SELF-FUNDING PROGRAMS

(Majority vote)

*****NOTE: Numbers and will be updated to reflect 2006.**

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

Fund	FY06 Estimated Revenue	FY06 Authorized Expenditure
School Department		
Douglas at Dawn/Dusk		
Merriam Mornings/Afternoons/Summer		
Gates Amazing Programs		
Historic District Commission		
Building Department		
Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees		
Sealer of Weights and Measures		
Health Department		
Food Service Inspections Hazardous Materials Inspections		
Fire Department		
Fire Alarm Network Ambulance Fees ♦		

, or take any other action relative thereto.

SUMMARY

This article allows the Schools and Town to fully fund the extended day/summer programs of the Local Schools, Historic District Commission activities, Building Department inspectional programs, Sealer of Weights and Measures services, specified ongoing Health inspectional programs, Ambulance Fees and the Town-wide Fire Alarm Network from their respective receipts and fund balance. This article removes the cost of these services from the tax base. Fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of operating each program. If income exceeds costs, the excess is retained for use of the specific program in any subsequent period.

♦ An example of removing cost from the tax base is to purchase emergency apparatus for Fire Department use from the Ambulance Fees Revolving Fund. This Fund was established last year to isolate medical response revenues and utilize them for the replacement of emergency medical response vehicles. In this specific example, receipts from FY04, FY05 and FY06 would be combined to fund the purchase of one new fire truck that is used as one of the first-response vehicles to medical emergencies.

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

	FY 2003 Actual Revenue	FY 2003 Actual Expense	Fund Balance 6/30/2003	FY 2004 Budgeted Revenue	FY 2004 Budgeted Expense	FY 2004 Est. Fund Balance	Actual Revenue 2/4/2004	Actual Expense 2/4/2004
School Department¹								
Douglas at Dawn/Dusk	\$117,520	\$100,454	\$67,689	\$100,000	\$100,000	\$67,689	\$63,064	\$61,049
Merriam Mornings/Afternoons/Summer	\$3,810	\$3,810	\$0	\$30,000	\$30,000	\$0	\$38,753	\$24,424
Gates Amazing Mornings/Afternoons	\$3,447	\$1,867	\$10,040	\$30,000	\$30,000	\$10,040	\$900	\$650
Historic District Commission²	\$20	\$12	\$571	\$600	\$600	\$571	\$0	\$0
Building Department²	\$89,714	\$117,886	\$71,147	\$161,763	\$161,763	\$71,147	\$45,747	\$40,062
Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees								
Sealer of Weights and Measures²	\$7,587	\$7,993	\$7,581	\$10,315	\$10,315	\$7,581	\$2,320	\$7,382
Health Department²								
Food Service Inspections	\$21,415	\$19,221	\$23,661	\$24,754	\$24,754	\$23,661	\$16,080	\$11,712
Hazardous Materials Inspection	\$27,920	\$23,706	\$17,401	\$90,799	\$90,799	\$17,401	\$6,705	\$14,873
Fire Department²								
Fire Alarm Network	\$42,340	\$37,540	\$72,423	\$46,099	\$46,099	\$72,423	\$505	\$12,599
Ambulance Fees	\$44,427	\$0	\$44,427	\$0	\$0	\$44,427	\$89,245	\$0

All Monetary Figures Rounded to the Nearest Dollar

Direct inquiries to: ¹ Bill Ryan, Superintendent of Schools: bryan@mail.ab.mec.edu / (978) 264-4700
² John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: : bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

ARTICLE AH * FEDERAL AND STATE REIMBURSEMENT AID

(Majority vote)

To see if the Town will vote to appropriate any Federal Government and State Government reimbursement for costs incurred as a result of any declared emergencies or other occurrence during fiscal year 2006, or take any other action relative thereto.

SUMMARY

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

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

Selectman assigned: : bos@acton-ma.gov

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

ARTICLE AI * SALE OF FORECLOSED PROPERTIES

(Majority vote)

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

SUMMARY

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

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

Selectman assigned: : bos@acton-ma.gov

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

ARTICLE AJ * ELDERLY TAX RELIEF
(Majority vote) **REAUTHORIZE CHAPTER 73 OF THE ACTS OF 1986**

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

SUMMARY

This is a reauthorization of an ongoing program of tax relief for certain qualifying individuals that was adopted by Town Meeting in 1999. Section 4 of Chapter 73 of the Acts of 1986 authorized Towns that annually accept the provisions of this law to grant additional real estate tax exemptions for qualifying individuals. These additional exemptions are available to the elderly, disabled or veterans who qualify for property tax exemptions under Clauses 17, 17C, 17C½, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B and 41C of Section 5, Chapter 59 of the Massachusetts General Laws. This article will continue to provide additional tax relief to qualified individuals by increasing the exemptions to the maximum allowable under the law.

Direct inquiries to: Brian McMullen, Assistant Assessor
assessor@acton-ma.gov / (978) 264-9622

Selectman assigned: : bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

ARTICLE AK BUDGET TRANSFER
(Majority vote)

To see if the Town will vote to appropriate from available funds, the sum of \$xxx or take any other action relative thereto.

SUMMARY

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

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

Selectman assigned: : bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

To see if the Town will petition the General Court to adopt a home rule act authorizing Senior Tax Relief in the Town of Acton in substantially the form set forth below:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. For purposes of local real estate taxation in the Town of Acton under chapter fifty-nine of the General Laws, the term “Class one A, Senior Primary Residence” shall mean property used or held for human habitation containing one or more dwelling units designed and used for living, sleeping, cooking and eating on a non-transient basis, including without limitation a single family residence, condominium, multi-family home of not more than 2 units, or bed and breakfast home with no more than three rooms for rent.. Such property includes accessory land, buildings or improvements incidental to such habitation and used exclusively by the residents of the property or their guests. Such property shall include a dwelling unit owned and occupied by an individual taxpayer or by joint married taxpayers as the principal residence and domicile of the taxpayer(s) for income tax purposes; the individual taxpayer or one or both of the joint married taxpayers shall be recipients of Social Security retirement benefits or a government pension; such benefits must represent at least seventy-five percent of the total income derived by the individual taxpayer or joint married taxpayers from all sources; and the total assets held by the individual taxpayer or joint married taxpayers shall be limited to \$150,000 not including the value of said primary residence.

SECTION 2. Notwithstanding any other provisions of law, including General Laws chapters fifty-nine and sixty, the Board of Selectmen of the Town of Acton may establish a program to allow an annual exemption from local property tax on a Class one A, Senior Primary Residence, equal to the difference between the full amount of property tax due and an amount of tax being equal to the previous year’s tax bill indexed by the rate of increase granted by the Social Security Administration, the “Senior Adjusted Tax”, provided that the sum of all exclusions granted by the town under this section for any tax year shall not exceed more than twenty-five per cent of the assessed value of all Class One, residential, parcels within such the town. This exemption shall be in addition to any exemptions allowable under section five of chapter fifty-nine; provided, however, that in no instance shall the taxable valuation of such property after all applicable exemptions be reduced below fifty per cent of its full and fair cash valuation, except through the applicability of section eight A of chapter fifty-eight and of clause eighteenth of section five of chapter fifty-nine. Where, under the provisions of section five of chapter fifty-nine, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for purposes of the preceding sentence shall be computed by dividing the said amount of tax by the residential class tax rate of the town and multiplying the result by one thousand dollars. Under said program, the total amount of the exemptions granted may shifted to any single class or multiple classes of property, within said town, provided that the percentage of tax levy imposed on any single class of property shall not exceed 1.75 times the amount imposed under full and fair cash valuation of all taxable property. For purposes of this paragraph, “parcel” shall mean a unit of real property as defined by the assessors in accordance with the deed for such property and shall include a condominium unit and ownership shall be defined by the deed for such property.

SECTION 3. This act shall take effect upon its passage.

Or to take any other action relative thereto.

SUMMARY

[Need Summary]

Direct inquiries to: Peter Ashton, Vice-Chair, Board of Selectmen
bos@acton-ma.gov / (978) 264-9611

Selectman assigned: Peter Ashton

Recommendations: Board of Selectmen Finance Committee Planning Board

ARTICLE AM TOWN OPERATING BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the departments, offices and boards of the Town, exclusive of the school budgets, or take any other action relative thereto.

SUMMARY

This article requests funds for the fiscal year 2006 (July 1, 2005-June 30, 2006) Municipal Operating Budget. The Municipal Budget also includes certain school costs. These are primarily the costs of debt service requirements; property, liability and contents insurance on school buildings; pension costs and Workers' Compensation Insurance for school employees, other than teachers and Regional school employees. The standard motion for the Municipal Budget appropriation under this article typically includes the transfer of monies such as Cemetery Trust Funds and Wetland Filing Fees. Budget detail provided in the Municipal Budget Supplement is available at the Memorial Library, West Acton Citizens' Library, Police Station, Town Hall and at the Polling Places on March 29, 2005. Copies will also be available at Town Meeting.

Direct inquiries to: Don P. Johnson, Town Manager
manager@acton-ma.gov / (978) 264-9612

Selectman assigned: : bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

ARTICLE AN NESWC ENTERPRISE BUDGET
(Majority vote)

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

SUMMARY

This article requests funding for the Town’s solid waste disposal and recycling operation. This year’s request covers day-to-day operations and funds the replacement of needed pieces of equipment and an amount to fund the study of future solid waste disposal options. The Citizens of Acton fund approximately \$375,000 (from fees) of the cost of operations. \$4,240,844 (92%) of the requested appropriation is funded by non-citizen fees and fund balance. Fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of solid waste disposal. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise fund or to reduce user fees. It is anticipated that the fund balance will be consumed by future increases in dumping fees to be incurred between now and the end of the NESWC Contract in September 2005. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05	Budgeted Revenue FY06	Budgeted Expense FY06	Est. Fund Balance 6/30/06

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

Recommendations: Board of Selectmen Finance Committee

ARTICLE AO CAPITAL IMPROVEMENTS – EQUIPMENT AND VEHICLES

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to be expended by the Town Manager for the replacement or improvement of equipment and vehicles as listed below:

A.	Two 1-ton dump trucks	\$ 80,000
B.	Front-end loader	\$ 150,000
C.	Mechanic’s truck	\$ 37,000
D.	Tree truck	\$ 52,500
E.	1-ton dump truck	\$ 40,000
	Total	\$ 359,500

Or take any other action relative thereto.

SUMMARIES

A. This request is for funds to replace two 1-ton dump trucks with snow plows utilized by the Highway Department. The existing vehicles are 1994 and 1995 models with in excess of 70,000 miles on the odometers. These trucks are used every working day during the year for transporting men and equipment to and from job sites. One is fitted with a sand spreader during the winter months and both are used for snow plowing operations. The existing vehicles are beginning to experience major engine and transmission problems and will need costly repairs in the near future.

Direct inquiries to: David Brown, Highway Superintendent
dbrown@acton-ma.gov / (978) 264-9624

B. This request is for funds to replace a 1994 front-end loader. The front-end loaders are the most frequently used pieces of heavy equipment in the department and are relied upon every day, year round, to perform a variety of jobs. The present loader is showing signs of age in that the hydraulic system is not performing well, the engine and transmission are lacking power and all pins and bushings are in need of replacement. The undercarriage that supports the front axle housing is rusting at a rate that is of concern and the cab has several areas of rust through also.

Direct inquiries to: David Brown, Highway Superintendent
dbrown@acton-ma.gov / (978) 264-9624

C. This request is for funds to replace the mechanic’s truck. The present vehicle is a 1994 model with over 105,000 miles on the odometer. The vehicle is used by the mechanics for the daily maintenance operations of the department. This vehicle was unable to pass the last Massachusetts State inspection without moderate repairs. Further repairs to the emission system will be required to ensure that it will pass this year.

Direct inquiries to: David Brown, Highway Superintendent
dbrown@acton-ma.gov / (978) 264-9624

D. This request is for funds to replace the truck used by the Municipal Properties Department for tree work. The present vehicle is a 1994 Ford F-450 two wheel drive vehicle, equipped with a snow plow, tool boxes, and a dump body with chip box for tree removal operations. The replacement vehicle will be a Ford F-550, or similar, with four wheel drive, which will be more suitable for snow plowing. It will also be equipped with a removal type chip box for more flexible use, tool boxes, and material handling features. The heavier duty truck is required due to the strain placed on the truck when towing a brush chipper and a loaded chip box.

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

E. This request is for funds to replace a 1995 Ford F350 used by the Natural Resources Department. Because of its weight, we can not tow a trailer with mower as the brakes are too unreliable. Though the brakes have been repaired several times the problem continues to worsen. There is considerable chassis and body rot and the transmission has had repeated repairs. This vehicle is used to transport men and equipment to various cemeteries, recreation and conservation areas, and is also used by the Highway Department for snow plowing and removal. One-half of the cost of this vehicle will come from Cemetery Trust Funds.

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

Selectman assigned: : bos@acton-ma.gov

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

ARTICLE AP INTER-MUNICIPAL AGREEMENT – LEARY FIELD
(Majority Vote Required)

To see if the Town will authorize the Board of Selectmen and the Town Manager to enter into an Inter-Municipal Agreement pursuant to M.G.L. c. 40, § 4A, between the Town of Acton and the Acton-Boxborough Regional School District relative to the construction, funding, use and maintenance of the new Leary Field to be located on the District’s Central Campus adjacent to the Acton-Boxborough Regional High School, which agreement shall be substantially in the form of the proposed Agreement on file with the Town Clerk, shall specify the Town’s maximum financial liability as \$250,000 for construction of the new Leary Field funded by Community Preservation Act Funds appropriated under Article ___ of the Warrant for this Town Meeting, and shall contain such further terms, conditions and modifications as the Board of Selectmen determine to be appropriate, or take any other action relative thereto.

SUMMARY

Direct inquiries to:

Selectman assigned: : bos@acton-ma.gov

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

ARTICLE AQ
(Majority vote)

COMMUNITY PRESERVATION PROGRAM
DIRECT APPROPRIATIONS FROM FUND BALANCE

To see if the Town will vote to appropriate or to set aside for later appropriation, and to authorize the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2004 Community Preservation Fund balance as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation:

FY 2004 COMMUNITY PRESERVATION FUND BALANCE	
Community Preservation Fund Surcharge Collected in FY 2004	\$ 539,863.00
State Community Preservation Trust Fund Receipt, October 2004	\$ 534,467.00
Interest Earned FY 2004	\$ 4,155.00
Unencumbered funds from FY 2003 Fund Balance	\$ 70,972.71
Total - FY 2004 Community Preservation Fund Balance	\$1,149,457.71
APPROPRIATIONS	
Purpose	Recommended Amounts
Set Aside Appropriation – Open Space	
A. Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration	\$ 300,000.00
Spending Appropriations	
B. Design and Construction of a Recreational Area at McCarthy Village	up to \$ 20,000.00
C. Community Housing Program Fund - Creation, Preservation, and Support of Community Housing in the Town of Acton	\$ 160,000.00
D. Jones Tavern Chimney Stabilization	up to \$ 30,000.00
E. Town Hall Slate Roof Replacement	up to \$ 120,000.00
F. Library Restoration for the Display of Acton’s Civil War Artifacts	up to \$ 30,150.00
G. Colonel Francis Faulkner Memorial Plaque Replacement	up to \$ 1,000.00
H. Pine Hawk Curatorial Display	up to \$ 24,000.00
I. Antique Fire Apparatus Restoration	up to \$ 20,000.00
J. Bruce Freeman Rail Trail Start-up Funding	up to \$ 75,000.00
K. Create a New Multi-Use Recreation Space at Leary Field	\$ 250,000.00
Administrative Spending Appropriation	
L. A fund reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 53,716.50
Total Recommended Appropriations	\$1,083,866.50
Remaining FY 2004 fund balance	\$ 65,591.21

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the recommended appropriations for open space, historic preservation, and community housing each exceed 10% of the Community Preservation Fund balance.

And, whereas Town Meeting may vote to delete or reduce any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2004 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% (\$114,945.78) for open space, not less than 10% (\$114,945.78) for historic preservation, and not less than 10% (\$114,945.78) for community housing.

, or take any other action relative thereto.

SUMMARY

This article would make appropriations from the Town's Community Preservation Fund. In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B. This established Acton's Community Preservation Fund through a 1.5% annual surcharge on real estate property tax bills with certain exemptions, and made the Town eligible to receive annually additional monies from the Massachusetts Community Preservation Trust Fund, which are added to the Town's Community Preservation Fund. Under the law, the Community Preservation Fund may be used to acquire, create and preserve open space; acquire, preserve, rehabilitate, and restore historic resources; create, preserve and support community housing; acquire, create and preserve land for recreational use; and for certain related expenses in support of the foregoing. Community housing is defined as housing for low- and moderate-income individuals and families. This is the second year of appropriations from Acton's Community Preservation Fund.

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

In October, the Community Preservation Committee published its 2005 Community Preservation Plan with guidelines for the submission of projects seeking funding. By November 12, 2004, it had received thirteen funding applications for proposed community preservation projects. The Committee reviewed all proposals, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under M.G.L. Ch. 44B. This article represents the Committee's spending recommendations from the Community Preservation Fund balance. Where noted, recommended amounts for projects are "up-to" spending limits. Savings will be available for future appropriations. Not all projects that were proposed to the Community Preservation Committee are recommended for funding, and some of the recommended projects are not recommended at the funding level that their proponents had requested. The recommended appropriations leave a remaining fund balance of \$65,591.21 that is available for future Town Meeting appropriations under the Community Preservation Act.

Under Chapter 44B, Town Meeting may delete or reduce any of the recommended appropriations, but may not add additional items. However, Ch. 44B requires that the Community Preservation Committee recommends in each fiscal year the spending of not less than 10% of the annual revenues in the Community Preservation Fund for each of the following: Open space (not including land for active recreation purposes); historic preservation; and community housing. The Committee may also recommend the taking by the Town of interest in real property, the set-aside of funds for later spending, and appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses.

A. Open Space Set-Aside

This item appropriates a set-aside fund from which Town Meeting may appropriate spending in future years for the purpose of acquisition, creation, and preservation of open space and the rehabilitation and restoration of such open space. Together with last year's appropriation, the recommended amount will bring the balance in the open space set-aside to \$500,000.

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

B. McCarthy Village Recreational Area

The Acton Housing Authority owns McCarthy Village and rents its 35 housing units to low income families and individuals. McCarthy Village is located on Sachem Way off Great Road just north of Harris Street. The requested appropriation is for the design and construction of a recreational area at McCarthy Village to benefit of its residents. The project will be carried out by the Acton Housing Authority, which will hire a project designer and contractor. Initial concepts include items such as a picnic area, a sand volley ball court, a basketball backboard, and a horseshoe/bocce court. There are currently no recreational or playground facilities at McCarthy Village. 26 children presently live there.

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

C. Community Housing Program Fund

This requested appropriation will be for the creation, preservation, and support of community housing in the Town of Acton, and will supplement and incorporate the Community Housing Fund appropriations of 2004. The Program Fund would be used to finance new affordable housing initiatives. This set-aside fund will be retained as a special CPA fund earmarked for appropriate affordable housing activities recommended by the Acton Community Housing Corporation (ACHC) or any other entity approved by the Board of Selectmen. Many of the potential uses of the Program Fund could create affordable housing units in existing properties without the need for new construction and further sprawl. This Fund could be used in a variety of ways to serve low- and moderate-income households in Acton seeking affordable housing, both rental and homeownership.

Some of the allowable uses of the Fund include acquisition, rehabilitation, and conversion 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, site improvements, or closing costs.

The ACHC would keep the Community Preservation Committee and the Board of Selectmen informed about the use of this Fund with periodic reports and would seek guidance if appropriate.

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

D. Jones Tavern Chimney Stabilization

Jones Tavern in South Acton Village is an important historic and cultural resource in Acton. The pre-revolutionary tavern is on the National Register of Historic Places. Iron Work Farm in Acton, Inc. is an educational non-profit historical corporation, and owns the property since 1964. The recommended appropriation will provide Iron Work Farm with funds to stabilize and restore the building's four brick chimneys, which date from 1732 to 1845. The work has become necessary due to cracks and deep erosion

of the mortar joints, and the disintegration of interior flue partitions. Iron Work Farm has committed \$5,000 in additional funds to the project.

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

E. Town Hall Slate Roof Replacement

The Acton Town Hall is an important historic and cultural resource and on the National Register of Historic Places It houses all municipal administrative functions. The slate roof on the historic portion of the building is original to the building, which was constructed in 1862-64. This recommended appropriation will provide the Town with funds to replace roof slates, flashing, deteriorated sheathing boards, and other related work as necessary. The roof has begun shedding slates some years ago and the failure rate seems to be accelerating. A recent inspection found many broken, cracked, and loose slates, and that the slates are weathered and near the end of their useful life. Additionally, the inspection uncovered open joints between the slates, pinholes on the ridge flashing, and water stains on interior rafters indicating current leakage. If left unattended, more moisture will infiltrate and deteriorate the building's structural members, and interior finishes as has already occurred in Selectmen's hearing room, Room 204.

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

F. Library Restoration for the Display of Acton's Civil War Artifacts

This appropriation will restore the original Acton Memorial Library building so as to once again allow the display of Civil War era documents and artifacts that the library has in storage and that were donated by and relating to Acton citizens who fought, and often died, in the Civil War. The original library building was constructed and donated to the Town in 1890 by William Wilde in memory of Acton citizens who fought in the Civil War. It is on the National Register of Historic Places and the only Civil War memorial in Acton. During the recent library expansion, the old building was reconditioned and space was set aside for the display of the Civil War artifact in keeping with the buildings original design. The project includes items such as the restoration of three alcoves as exhibit space, design of the exhibit, installation of protective exhibit panels and cases, text, graphics, photos, and appropriate lighting. The Acton Memorial Library Trustees have committed \$4,000 of additional funding to this project.

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

G. Colonel Francis Faulkner Memorial Plaque

Colonel Francis Faulkner was Acton's longest serving Selectman from 1760 to 1796 during which time he also served as Town Clerk. He distinguished himself in numerous ways throughout his years of service and particularly during the tumultuous times of the American Revolution. In 1925, a bronze tablet in his honor was placed in the new Acton High School building (Towne School) along with several other memorial tablets. All these memorials were stripped and got lost when the building was converted to an elementary school in the 1970s. With the recommended appropriation the Town will obtain a new plaque memorializing Francis Faulkner and place it in the Selectmen's hearing room, Town Hall Room 204.

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

H. Pine Hawk Curatorial Display

This recommended appropriation will fund the creation of a secure, climate controlled curatorial display in the Acton Town Hall of 4000 to 8000 year old Native American artifacts found at the Pine Hawk Site. These artifacts were discovered on a terrace overlooking the Assabet River during an intensive archeological dig after routine site investigations for the construction of the Fort Pond Brook Sewer District treatment plant suggested the potential presence of historic artifacts. The collection, which includes numerous projectile points, stone tools, charcoal fragments, and stone shards, is federally protected and currently in safe storage at the Public Archeology Lab in Rhode Island. This project will make the collection of artifacts accessible to Acton residents. The display must meet Federal and Massachusetts Historical Commission standards.

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

I. Antique Fire Apparatus Restoration

The Town of Acton owns two antique Reo Fire Apparatus. The Town bought them new in 1936 and kept them in service until 1973. Only one of them is presently operable. Both need restoration work. This recommended appropriation will rebuild of the gasoline engines; repair brakes, transmission, and front ends; replace tires; and fund repairs or replacements for chrome parts, paint, upholstery, and some detail work. The total estimated project cost is \$35,000. Additional funding is being provided by Acton firefighters (\$6,000) and other private donations, and much of the labor is also provided by Acton firefighters. When completed both antique apparatus will be functional for use in public historical education, school programs, parades, weddings, and similar events and functions.

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

J. Bruce Freeman Rail Trail

The Bruce Freeman Rail Trail will be a multi-use path on the former Penn Central Railroad right-of-way in Acton, now owned by the Massachusetts Executive Office of Transportation. The Bruce Freeman Rail Trail is planned to extend 22 miles, from Sudbury to Lowell. In Acton, the trail will run 4.6-mile from the Concord line in East Acton to the Carlisle line in North Acton. The Town has previously funded a feasibility study for the Acton portion. The recommended appropriation will provide start-up funding in three areas:

- Right-of-way acquisition negotiations with the Executive Office of Transportation: While it is apparent State policy to convey the right of way at no cost, the Town is anticipating significant legal negotiations over the terms of the conveyance to ensure that Acton residents will not be saddled with potentially costly environmental liabilities. This would fund the legal support for these negotiations.
- Easement negotiations for alternative routing at Rex Lumber: The right of way runs through property owned by Rex Lumber whose land also abuts NARA. In connection with the NARA development, the Town has agreed with Rex Lumber that it would in good faith negotiate an alternate trail route through the Rex Lumber site. This would fund the legal support for these negotiations.
- A safe crossing at Route 2A (Great Road): The feasibility study recommends a signalized crossing but acknowledges that the Massachusetts Highway Department, which controls Route 2A, may opt initially for an unsignalized crosswalk and then monitor the location and evaluate if a signal would be needed. The Town feels that a simple grade crossing, even if signalized, will not be sufficient to prevent accidents. This would fund the exploration of alternatives, such as a gated at-grade crossing or a grade-separated crossing.

Remaining funds, if any, will be applied towards survey work in support of subsequent engineering and construction work. Looking ahead, the total cost for design and construction of the Acton segment of the Bruce Freeman Rail Trail is presently estimated at \$4.4 million. A safer design for the Route 2A crossings may increase the cost. The current funding structure for bikeways is 75-80% Federal, +/-10% State, and about 15% local.

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

K. Multi-Use Recreation Space at Leary Field

The present Leary Field on the Acton-Boxborough Regional School campus is sized for football and does not accommodate the larger field dimensions for other sports, such as soccer and lacrosse. Its grass surface needs extensive resting periods and is not usable during unfavorable weather conditions, which limits field usage to an average 70 days per year. It is used primarily by the schools.

This recommend appropriation will help fund the creation of a new and expanded multi-use recreation space at Leary Field. The project will replace the present grass and dirt surface with a larger artificial "Field Turf" surface (or equivalent material) that will accommodate football, full-size soccer and lacrosse, and other sports and community activities. It includes related improvements required for the Field Turf installation, such as grading and drainage, and to support the multi-use purpose of the new Leary Field, such as movable goal posts and new track pits. Field Turf is expected to support usage for 250 or more days in a year. This will allow community-wide use of the new facility. An inter-municipal agreement between the Town of Acton and the Acton-Boxborough Regional School district sets forth the terms by which the new Leary Filed will be shared. The vastly extended times of usage without the need for rest periods, makes the new Leary Field project equivalent to the creation of new play fields elsewhere in Town. Field Turf offers an 8-year warranty. These installations have performed well and reliably for more than a decade and, by all accounts, provide a safer playing surface resulting in fewer injuries.

The entire project cost is estimated at \$750,000, with 1/3 from this appropriation of Community Preservation funds, 1/3 from private donations, and 1/3 from the high school expansion capital project fund. Field maintenance will be performed with a multipurpose sweeper/groomer. The estimated annual maintenance cost is approximately \$6,000, as compared to +/- \$50,000 per occurrence for natural sod replacements. The new Leary Field will not require irrigation, fertilizers, herbicides, or pesticides.

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

L. Administrative and Operating Expenses

The requested appropriation is 5% of the FY 2004 revenues in the community preservation fund as provided in the M.G.L. ch. 44B, s. 6. It reimburses the Town for administrative and legal support services for the Community Preservation Committee and Program.

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

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

Selectman assigned: Walter Foster: bos@acton-ma.gov

ARTICLE AR * TOWN BOARD SUPPORT – SPECIAL PROJECTS

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$2,000, or any other sum, to be expended by the Town Manager for the ongoing expenses of the Acton-Boxborough Cultural Council for programs in Acton, or take any other action relative thereto.

SUMMARY

The Acton-Boxborough Cultural Council (ABCC) seeks a sum of money to produce cultural activities and programming in Acton. These funds will help to foster collaborations among local artists and cultural organizations and to address the cultural needs of the Town. This will augment the funds received by the ABCC from the State through the Massachusetts Cultural Council.

Direct inquiries to: Don P. Johnson, Town Manager
manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

ARTICLE AS ACTON PUBLIC SCHOOLS BUDGET

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Acton Public School System, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2006 (July 1, 2005-June 30, 2006) for the Town of Acton Local Schools' Operating Budget.

Direct inquiries to: Bill Ryan, Superintendent of Schools
bryan@mail.ab.mec.edu / (978) 264-4700

Selectman assigned: : bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

ARTICLE AT ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT ASSESSMENT
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2006 (July 1, 2005-June 30, 2006) for the Acton-Boxborough Regional School District Assessment. This assessment, voted by the Acton-Boxborough Regional District School Committee, is governed by the terms of the Acton-Boxborough Regional School District Agreement.

Direct inquiries to: Bill Ryan, Superintendent of Schools
 bryan@mail.ab.mec.edu / (978) 264-4700

Selectman assigned: : bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

ARTICLE AU MINUTEMAN REGIONAL SCHOOL DISTRICT ASSESSMENT
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Minuteman Regional Vocational Technical School District, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2006 (July 1, 2005-June 30, 2006) for the Minuteman Regional Vocational Technical School District Assessment. This assessment, voted by the Minuteman School Committee, is governed by the terms of the Minuteman School District Agreement.

Direct inquiries to: William Callahan, Superintendent
 wcallahan@minuteman.org / (781) 861-6500

Selectman assigned: : bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

ARTICLE AV AMEND TOWN BYLAWS
(Majority vote) **RULES AND REGULATIONS FOR 'BROWN-BAGGING' LIQUOR**

[No Article or Summary has yet been written]

ARTICLE AW * AMEND TOWN BYLAWS – D10. SEWER ASSESSMENT BYLAW
(Majority vote)

To see if the Town will vote to amend section D10. Sewer Assessment Bylaw by adding the following text, or take any other action relative thereto.

D10. Sewer Assessment Bylaw

D 10 Sewer System

1. Allocation of Cost of Sewer System. The entire cost of laying out, constructing and operating a system for the collection, treatment and disposal of sewage for all or any part of the Town shall be borne by the land benefited by such system, in accordance with the following provisions, except that costs incurred in connection with the planning and construction of the sewer collection and treatment facility for Middle Fort Pond Brook Sewer District, for archeological studies, paving of roads, engineering peer reviews, police details, traffic studies, and land acquisition, amounting in total to \$1,336,600, shall be allocated to taxpayers at large; and except for such costs as the Town Meeting, by a two-thirds vote, at a town meeting subsequent to this November 15, 1999 Special Town Meeting, shall allocate to taxpayers at large.

2. Assessment by Uniform Unit Method.

- a. *The Town, acting through its Sewer Commissioners, shall assess the owners of all land abutting any way in which there is a public sewer line constructed by the Town, by the uniform unit method, as authorized by G.L. c. 83 §15.*
- b. *The Sewer Commissioners shall establish sewer assessment units, as follows:*
 - (i) *The owner of land used for a single-family residence shall be assessed on the basis of one sewer unit. The owner of undeveloped land zoned for single family residential use shall be assessed on the basis of the maximum number of single family Residences, which may be constructed on such land as of right under the zoning requirements, then in effect, without approval of the further subdivision of such land under the Subdivision Control Law.*
 - (II) *The owner of land used for multi-family residential use, shall be assessed on the basis of .67 times the number of dwelling units presently existing on such land, provided each unit has fewer than three bedrooms as defined by Title V. Vacant land zoned for multi-family use shall be assessed on the basis of .67 times the maximum number of units which can be constructed as of right under the zoning then in effect, without approval of further subdivision of such land under the Subdivision Control Law. Multi-family units with three or more bedrooms shall be assessed on the basis of one sewer unit per dwelling unit. Each owner of a condominium or cooperative dwelling unit in a multi-family residential building shall be assessed only for his or her dwelling unit.*
 - (iii) *The owner of land used or zoned for business use, including land in the Village, Office, Business districts, except land in such districts actually used for residential or other purposes, shall be assessed on the basis of a number of sewer units calculated by multiplying the maximum floor area ratio (FAR) permitted as of right under the zoning requirements then in effect times the lot area and dividing the result by 4000, in accordance with the following formula.*

$$\text{Number of Sewer Units} = \frac{\text{Maximum FAR} \times \text{Lot Area}}{4000}$$

- (iv) *The owner of land used or zoned for industrial use shall be assessed on the basis of a number of sewer units to be determined by the Sewer Commissioners, taking into account the expected daily sewage flow from such land based on Title V design flows.*

(v) *The owner of land used or zoned for other purposes not specified in the foregoing sections, including, but not limited to, institutional and non-profit uses, shall be assessed on the basis of a number of sewer units to be determined by the Sewer Commissioners, taking into account the expected daily sewage flow from such land based on Title V design flows.*

3. **User Fees for Land Not Subject to Assessment.** *The Sewer Commissioners shall establish just and reasonable fees for the use of the public sewer system by the owner of any land, including public land, not liable to assessment, which fee shall be based on the avoided cost of construction of sewage disposal facilities to serve such land.*

4. **Assessment Rates.** *The Sewer Commissioners shall establish the assessment rate for land within the Middle Fort Pond Brook sewer area, based on total construction costs for the sewerage system serving such area, including all costs of land acquisition, engineering and design, financing and construction, divided by the total number of existing and potential sewer units within such area. In establishing such rate, the Sewer Commissioners shall apportion the total construction costs between costs required to serve the Middle Fort Pond Brook area and costs required to serve future areas within the Town and shall assess owners within the Middle Fort Pond Brook area only such costs as are reasonably necessary to serve such area, after deducting any construction costs to be recovered pursuant to Section 3 from users of the system not subject to assessment.*

5. Sewer Privilege Fees.

- a. *The Sewer Commissioners may establish reasonable fees pursuant to G.L. c. 83, § 17 to cover costs of construction of common sewers and other facilities required to serve land not previously served by the sewer system and not previously assessed to the owner of such land. Any such fee shall be reduced to the extent the landowner pays such expenses, in accordance with G.L. c. 83, § 22.*
- b. *The Sewer Commissioners may establish reasonable fees pursuant to G.L. c. 83, § 17 to cover costs of construction of common sewers and other facilities required to serve land previously assessed a sewer betterment based on its existing use and/or its existing zoning potential where such land is later developed and/or subdivided for more intensive use (such as through a comprehensive permit under G.L. c. 40B, a zoning change, a subdivision, an approval-not-required plan, or other means). This fee shall take into consideration the number of Sewer Betterment Units attributable to the more intensive use versus the number of Sewer Betterment Units originally allocated to the land, and such other factors as the Sewer Commissioners consider reasonable. This fee shall be paid before any occupancy permit is issued for the more intensive use or, if an occupancy permit is not required for the more intensive use, before that use is commenced.*
- c. *The fees charged under this Section may be applied by the Sewer Commissioners in their discretion to such matters as the costs of construction of the common sewers and other facilities, the debt service with respect thereto, and other costs and expenses of the sewer system as appropriate.*

6. **Annual User Fees.** *The Sewer Commissioners may from time to time establish just and equitable annual user charges to cover the cost of maintenance, repairs and operation of the sewer system.*

7. **Rules and Regulations Concerning Sewer Assessments.** *The Sewer Commissioners may adopt such reasonable rules and regulations with respect to the calculation of sewer assessments or fees as may be necessary or appropriate to implement the provisions of this bylaw.*

8. **Applicability of General Laws.** *Except as provided herein or in any special legislation applicable to the Town, the provisions of the General Laws relative to the assessment, apportionment, division, re-assessment, abatement and collection of sewer assessments and to liens therefore and interest thereon shall apply to assessments made hereunder.*

9. **Rules and Regulations Concerning Use of Sewer System.** *The Sewer Commissioners may establish rules and regulations concerning the use of the public sewer system, including but not limited to, rules and regulations prohibiting the deposit of any harmful or deleterious substance into the system, for regulating connections to the system and establishing civil penalties for violation of such rules.*

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov
Selectman assigned: : bos@acton-ma.gov

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

ARTICLE AX * ESTABLISH HOUSING TRUST FUND
(Majority vote)

To see if the Town will accept the provisions of Chapter 44, Section 55C of the General Laws authorizing the Town to establish a trust known as the Municipal Affordable Housing Trust Fund to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households, or take any other action relative thereto.

SUMMARY

Chapter 491 of the Acts of 2004
AN ACT ESTABLISHING MUNICIPAL AFFORDABLE HOUSING TRUST FUNDS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 44 of the General Laws is hereby amended by inserting after section 55B the following section:-

Section 55C. (a) Notwithstanding section 53 or any other general or special law to the contrary, a city or town that accepts this section may establish a trust to be known as the Municipal Affordable Housing Trust Fund, in this section called the trust. The purpose of the trust is to provide for the creation and preservation of affordable housing in municipalities for the benefit of low and moderate income households. For the purposes of this section, acceptance shall be in a town by vote of an annual town meeting, and in any other municipality in accordance with section 4 of chapter 4.

(b) There shall be a board of trustees, in this section called the board, which shall include no less than 5 trustees, including the chief executive officer, as defined by section 7 of chapter 4, of the city or town. Trustees shall be appointed in a city by the mayor or by the city manager in a Plan D or Plan E municipality, subject in either case, to confirmation by the city council, and in a town by the board of selectmen, shall serve for a term not to exceed 2 years, and are designated as public agents for purposes of the constitution of the commonwealth.

(c) The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in this act, may include, but not be limited to, the following:-

- (1) to accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the trust in connection with provisions of any zoning ordinance or by-law or any other ordinance or by-law;
- (2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at

public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;

(12) to make distributions or divisions of principal in kind;

(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.

(d) Notwithstanding any general or special law to the contrary, all moneys paid to the trust in accordance with any zoning ordinance or by-law, exaction fee, or private contributions shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and to be expended these funds need not be further appropriated. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board within 1 year of the date they were appropriated into the trust, remain trust property.

(e) The trust is a public employer and the members of the board are public employees for purposes of chapter 268A.

(f) The trust shall be deemed a municipal agency and the trustees special municipal employees, for purposes of chapter 268A.

(g) The trust is exempt from chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.

(h) The books and records of the trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

(i) The trust is a governmental body for purposes of sections 23A, 23B and 23C of chapter 39.

(j) The trust is a board of the city or town for purposes of chapter 30B and section 15A of chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the city or town shall be exempt from said chapter 30B.

SECTION 2. Section 5 of chapter 44B of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

A city or town may appropriate money in any year from the Community Preservation Fund to an affordable housing trust fund.

Approved January 7, 2005.

Direct inquiries to:

Selectman assigned: : bos@acton-ma.gov

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

ARTICLE BA AMEND ZONING BYLAW – AMATEUR RADIO TOWERS

(Two-thirds vote)

To see if the Town will vote to amend the zoning bylaw as follows:

A. Insert under section 3.2 – General Uses, a new use definition as sub-section 3.2.4 as follows:

3.2.4 Amateur Radio Installation – One or more antennas or antenna STRUCTURES for the exclusive use by an amateur radio operator with a valid and current amateur radio operator’s license issued by the Federal Communications Commission, provided that no antennas and antenna STRUCTURES shall be located in the front yard of a principal BUILDING as defined in Section 5.2.4.

B. Insert under section 3 – Table of Principal Uses, a new line 3.2.4 as follows:

		RESIDENTIAL DISTRICTS					VILLAGE DISTRICTS					OFFICE DISTRICTS	
PRINCIPAL USES		R-2 R-8 R-10	R-4 R-8/4 R-10/8	R-A	R-AA	V R	EAV	EAV-2	NAV	SAV	WAV	OP-1	OP-2
3.2 GENERAL USES													
3.2.4	Amateur Radio Installation	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS					SP. DIST.	
PRINCIPAL USES		KC	LB	PM	GI	LI	LI-1	SM	TD	ARC	SITE PLAN
3.2 GENERAL USES											
3.2.4	Amateur Radio Installation	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR

C. Delete section 3.10.3 – Applicability of Special Requirements for Wireless Communication Facilities, and replace it with a new section 3.10.3 as follows:

3.10.3 Applicability – This section 3.10 shall apply only to reception and transmission facilities for the purpose of personal wireless communication services identified in the Federal Telecommunications Act of 1996. Nothing in this Bylaw shall be construed to regulate or prohibit customary installations for the reception of wireless communication signals at home or business locations, and nothing in this Bylaw shall be construed to regulate or prohibit antennas or antenna STRUCTURES installed solely for use by a federally licensed amateur radio operator.

[Note: Section 3.10.3 currently states as follows:

3.10.3 Applicability – This section 3.10 shall apply only to reception and transmission facilities for the purpose of personal wireless communication services identified in the Federal Telecommunications Act of 1996. Nothing in this Bylaw shall be construed to regulate or prohibit customary installations for the reception of wireless communication signals at home or business locations, and nothing in this Bylaw shall be construed to regulate or prohibit an antenna installed solely for use by a federally licensed amateur radio operator, provided that the height of such antenna does not exceed applicable height limitations and, if freestanding, that it is set back from all LOT lines at least the distance equal to its height, but not less than the otherwise applicable minimum yard requirement.]

D. In section 4.3.6.3 – Treatment and Renovation of Runoff, add the following sentence at the end of the section:

“This section shall not apply to Amateur Radio Installations.”

[Note: Section 4.3.6.3 currently reads:

4.3.6.3 Treatment and Renovation of Runoff – All water runoff from IMPERVIOUS COVERS shall be funneled into gas trap catch basins. In addition, the first (1st) inch of every storm event shall be directed into a retention pond(s), where it shall be retained for an average of at least 3 days prior to recharge into the ground or discharge from the site. The retention pond(s) shall be exposed to sunlight, vegetated, and lined with soil featuring a permeability of 0.0001 cm/sec (0.1417 in/hr) or less. A DIVERSION BOX shall direct all water, which falls onto the site in excess of one (1) inch during a single storm event, toward additional storage, direct infiltration, or discharge from the site. Alternate methods of runoff treatment and renovation may be approved by the Special Permit Granting Authority if the Special Permit Granting Authority determines the intent of this Section is met.]

E. Insert in section 8 – Nonconforming Lots, Uses, Structures, and Parking; Exemptions; a new subsection 8.10 as follows:

8.10 Exemption for Amateur Radio Installations – The limitations of this Zoning Bylaw pertaining to the height of BUILDINGS and STRUCTURES and the requirements for a minimum number of parking spaces in Section 6.3 shall not apply to Amateur Radio Installations as defined in Section 3.2.4.

F. Insert in section 9B.4 – Allowed Uses in a Senior Residence Development, a new subsection 9B.4.9 as follows:

9B.4.9 Amateur Radio Installations.

, or take any other action relative thereto.

SUMMARY

Amateur radio operators, or “hams”, communicate with other stations nearby and all over the world. The ability to communicate both over long and short distances increases with the height of an antenna above the ground. Federal and State governments recognize hams for providing vital communications in the event of emergency or disaster.

This article establishes “amateur radio installation” as a new principal use category allowed in every zoning district and provides certain exemptions for their antennas and antenna structures including an exemption from the otherwise applicable height limitations of the Acton Zoning Bylaw. The article would prohibit the placement of antennas and antenna structures in the front yards of buildings. Standard setback requirements from the lot lines would apply.

Federal Communications Commission (FCC) regulations state: “... local regulations which involve placement, screening or height of antennas and antenna structures based on health, safety, or aesthetic considerations must be crafted to accommodate reasonably amateur communications, and to represent the minimum practical regulation to accomplish the local authority’s legitimate purpose” (47 C.F.R. §97.15(e)); and “a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur service communications. State and local regulations of a station antenna structure must not preclude amateur service communications. Rather, it must reasonably accommodate such communications and must constitute the minimum practicable regulation to accomplish the State or local authority’s legitimate purpose” (47 C.F.R. §97.15(b)). In further clarifications of its Rules, the FCC did not consider it a legitimate local government action to seek a balance between local interest and the needs

of an amateur radio operation to achieve effective communications. Rather, the FCC has placed the interest of the amateur radio operator above that of the community and expects the least local regulation necessary for the welfare of the community to accommodate the needs of the amateur radio operators to engage in amateur radio communications. This article reflects the reality of FCC rules, which elevate effective amateur radio operations to a vital national interest and largely preempt local control.

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

Selectman assigned: –: bos@acton-ma.gov

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

-----Original Message-----

From: Don Johnson

Sent: Friday, February 25, 2005 3:01 PM

To: Mark Hald

Cc: John Murray

Subject: FW: Acton/Whitley: Amateur Radio Towers - draft zoning article

Importance: High

Mark:

This version is what should be in the Warrant in addition to Roland's revised version, please.

Don

ARTICLE BB AMEND ZONING BYLAW – AMATEUR RADIO TOWERS
(Two-thirds vote) TOWN COUNSEL'S VERSION

To see if the Town will vote to amend the zoning bylaw as follows:

G. Insert under section 3.8.3 – Accessory Uses permitted in any Zoning District, a new sub-section 3.8.3.6 as follows:

3.8.3.6 Not more than one Amateur Radio Tower on a LOT, inclusive of all antennas, appurtenances, support STRUCTURES, anchors, and guys, subject to the following requirements:

- a) The Tower shall be owned and operated by an amateur radio operator who is licensed by the Federal Communications Commission (FCC).
- b) The operator of the Tower or the owner of the LOT shall dismantle and remove the Tower within 60 days after the cessation of the FCC-licensed operator's ownership or tenancy, or the expiration or rescission of the operator's FCC license.
- c) The Tower height shall not exceed 80 feet from ground level when fully extended, including all antennas and appurtenances.
- d) A Tower is prohibited in the front yard of the principal BUILDING or BUILDINGS on the LOT as defined in section 5.2.4.
- e) In Residential Districts, a Tower shall be set back at least 30 feet from all side and rear LOT lines regardless of the otherwise applicable yard requirements, except when:
 - i. The Tower, even when extended, does not exceed the maximum height limit for STRUCTURES; or
 - ii. The tower is directly attached to the side or rear of the principal BUILDING or BUILDINGS on the LOT and complies with the minimum side and rear yard requirements for STRUCTURES.

Anchors and guys must in all cases only comply with the minimum side and rear yard requirements that are otherwise applicable to STRUCTURES.

- f) The base of the Tower shall be surrounded by a fence with a locked gate or shall be equipped with an effective anti-climb device.
- g) No portion of the Tower shall be utilized as a sign or have signage attached to it.
- h) No portion of the Tower shall be illuminated or have lights attached to it.
- i) The Board of Appeals may, by special permit, on a case-by-case basis, allow more than one Amateur Radio Tower on a LOT (3.8.3.6.a), an Amateur Radio Tower height higher than 80' (3.8.3.6.c), and/or a set back of less than 30 feet from side and/or rear LOT lines (3.8.3.6.e) where such relief is demonstrated by the applicant to be necessary to reasonably and

effectively accommodate amateur radio communications by the federally licensed amateur radio owner/operator of the Amateur Radio Tower, where such relief would not pose a substantial health, safety, or aesthetic problem to the neighborhood in the vicinity of the Amateur Radio Tower, and where denial of such special permit relief would otherwise result in a demonstrated violation of applicable Federal Communications Commission (FCC) regulations and/or Massachusetts General Law Ch. 40A, S. 3.

H. Delete section 3.10.3 – Applicability of Special Requirements for Wireless Communication Facilities, and replace it with a new section 3.10.3 as follows:

3.10.4 Applicability – This section 3.10 shall apply only to reception and transmission facilities for the purpose of personal wireless communication services identified in the Federal Telecommunications Act of 1996. Nothing in this Bylaw shall be construed to regulate or prohibit customary installations for the reception of wireless communication signals at home or business locations, and nothing in this Bylaw shall be construed to regulate or prohibit a tower or antenna installed solely for use by a federally licensed amateur radio operator. For regulations on Amateur Radio Towers see section 3.8.3.6 of this Bylaw.

[Note: Section 3.10.3 currently states as follows:

3.10.3 Applicability – This section 3.10 shall apply only to reception and transmission facilities for the purpose of personal wireless communication services identified in the Federal Telecommunications Act of 1996. Nothing in this Bylaw shall be construed to regulate or prohibit customary installations for the reception of wireless communication signals at home or business locations, and nothing in this Bylaw shall be construed to regulate or prohibit an antenna installed solely for use by a federally licensed amateur radio operator, provided that the height of such antenna does not exceed applicable height limitations and, if freestanding, that it is set back from all LOT lines at least the distance equal to its height, but not less than the otherwise applicable minimum yard requirement.]

Or take any other action relative thereto.

SUMMARY

Amateur radio operators, or “hams”, communicate with other stations nearby and all over the world. Federal and State government recognize hams for providing vital communications in the event of emergency or disaster. The ability to communicate both over long and short distances increases with the height of an antenna above the ground. A low antenna height can be partially compensated for by boosting power. High power stations with low antenna heights have an increased likelihood to interfere with neighbors’ telephones, televisions, VCRs, and audio equipment. Generally, one or more antennas are mounted to a support tower to achieve the desired height.

This article establishes standards for amateur radio transmission towers. Amateur radio towers would be limited to 80 feet in height including any top-mounted antennas, and their location would be limited to side and rear yards. In residential districts, a special 30-foot side and rear yard setbacks would be required for freestanding towers that exceed the otherwise applicable height limit.

Federal Communications Commission (FCC) regulations state: “... local regulations which involve placement, screening or height of antennas and antenna structures based on health, safety, or aesthetic considerations must be crafted to accommodate reasonably amateur communications, and to represent the minimum practical regulation to accomplish the local authority’s legitimate purpose” (47 C.F.R. §97.15(e)); and “a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur service communications. State and local regulations of a station antenna structure must not preclude amateur service communications. Rather, it must reasonably accommodate such communications and must constitute the minimum practicable regulation to accomplish the State or local authority’s legitimate purpose” (47 C.F.R. §97.15(b)). Massachusetts General Law provides in Ch. 40A,

S. 3 the following: “No zoning ordinance or by-law shall prohibit the construction or use of an antenna structure by a federally licensed amateur radio operator. Zoning ordinances and by-laws may reasonably regulate the location and height of such antenna structures for the purposes of health, safety, or aesthetics; provided, however, that such ordinances and by-laws reasonably allow for sufficient height of such antenna structures so as to effectively accommodate amateur radio communications by federally licensed amateur radio operators and constitute the minimum practicable regulation necessary to accomplish the legitimate purposes of the city or town enacting such ordinance or by-law.”

Presently, Acton allows amateur radio towers by right if their height does not exceed the standard limits for buildings and structures – 36 to 40 feet depending on zoning district. A recent Massachusetts Superior Court decision (Chedester v. Town of Whately, November 24, 2004) held that Whately’s 35-foot standard height limit is inconsistent with Federal Code and State Law, overruled the Whately Board of Appeals, and ordered the Town of Whately to issue a building permit for a 140-foot high tower.

This article proposes an overall height limit of 80 feet. This accommodates most commercially available amateur radio towers, and is adequate for reasonably efficient amateur radio operations in Acton’s moderate topography.

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

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

ARTICLE BC * AMEND ZONING BYLAW – HOUSEKEEPING

(Two-thirds vote)

To see if the Town will vote to amend the zoning bylaw as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

- A. Amend section 2.2 by changing “January 2001” to “April 2005” in the first and fourth bullets.
- B. Delete section 4.4.8.1 (local preference criteria for affordable housing) and replace it with a new section 4.4.8.1 as follows:

4.4.8.1 Local Preference – To the maximum extent practical and subject to applicable Federal or State financing or subsidy programs, the AFFORDABLE DWELLING UNITS shall be initially offered to qualified LOW- and MODERATE-INCOME households that meet local preference criteria established from time to time by the Town of Acton or the Acton Community Housing Corporation. Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Acton or its designee. The local preference restriction shall be in force for 120 days from the date of the first offering of sale or rental of a particular AFFORDABLE DWELLING UNIT. The applicant shall make a diligent effort to locate eligible purchasers or renters for the AFFORDABLE DWELLING UNIT who meet the local preference criteria and the applicable income requirements.

[Note – Section 4.4.8.1 currently reads:

4.4.8.1 Preference for Town residents and persons employed within the Town – Unless otherwise prohibited by a federal or state agency under a financing or other subsidy program, at least fifty percent (50%) of the AFFORDABLE DWELLING UNITS donated, rented, leased or sold shall be initially offered to Acton residents, to persons employed within the Town of Acton, and to former residents of the Town as follows:

- a) Thirty percent (30%) shall be initially offered to current residents of the Town of Acton.*
- b) Ten percent (10%) shall be offered to persons employed within the Town of Acton;*
- c) Ten percent (10%) shall be offered to persons who, although not currently residents of the Town, resided in the Town of Acton for a minimum of five (5) years within the past fifteen (15) years.]*

- C. In Section 5 – Table of Standard Dimensional Regulations, delete from the header paragraph the phrase
“and Planned Conservation Residential Communities (PCRC - Section 9).”,
and replace them with
“, Planned Conservation Residential Communities (PCRC - Section 9), and Senior Residences (Section 9B).”

- D. Amend section 5.3.3 (frontage exceptions) as follows:

- a. In sub-section 5.3.3.1, change “Residential Districts” in the first line to “R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts”.

[Note – sub-section 5.3.3.1 currently reads:

5.3.3.1 FRONTAGE Exception LOTS – In the Residential Districts, the minimum LOT FRONTAGE may be reduced by 50 feet per LOT provided that the minimum LOT area required for each such LOT is doubled.]

- b. In sub-section 5.3.3.2, change “other Residential Districts” at the end of the sub-section to “R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts”.

[Note – sub-section 5.3.3.2 currently reads:

5.3.3.2 Curved STREET Exception LOTS – Excluding a cul-de-sac, any LOT whose entire FRONTAGE is on the outside sideline of a curved STREET having the radius of 300 feet or less shall be permitted to reduce its minimum FRONTAGE to 125 feet for a LOT located in the R-2 District and 150 feet for a LOT located in the other Residential Districts.]

- E. Amend the first paragraph of section 5.3.4 by changing “Residential Districts” in the first line to “R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts,”.

*[Note –The first paragraph of section 5.3.4 currently reads:
5.3.4 Hammerhead LOTS – In the Residential Districts Hammerhead LOTS may be created subject to the following requirements:]*

- F. Amend section 5.5A.1 (maximum floor area of businesses and industries in village districts), by changing the entry in column EAV, line 3.5.14 – Building Trade Shop, from 5,000 *[5,000 square feet]* to NR *[No Regulation]*.

- G. Amend section 5.5B.1 (design provisions for the East Acton Village (EAV) District), by deleting the last sentence of sub-section 5.5B.1.2.f)i. and replacing it with the following new sentences:

“No driveways or parking lots shall be located between a pedestrian plaza and a STREET, except for pedestrian plazas located in the rear of a BUILDING when viewed from a STREET. No driveway or parking lot shall intersect or be mixed with a pedestrian plaza.”

[Note – sub-section 5.5B.1.2.f)i. currently reads:

i. No driveway or parking lot shall be placed in the portion of a LOT that is directly in front of a BUILDING as seen from a STREET, whether or not the BUILDING is located on the same LOT as the driveway or parking lot, except that a driveway and parking lot may be placed in the front of a BUILDING that is located in the rear of another BUILDING when viewed from a STREET. No driveways or parking lots shall be located between a pedestrian plaza and a STREET, nor shall any driveway or parking lot intersect or be mixed with a pedestrian plaza.]

- H. Renumber and relocate section 6.7.9 to become section 6.10 instead, and change its title from “Bonds, Securities –” to “Parking Lot Bonds and Securities –”.

[Note – section 6.7.9 currently reads:

6.7.9 Bonds, Securities – The Special Permit Granting Authority (if the parking area is related to a permitted USE for which a site plan or other special permit is required) or the Building Commissioner (for other parking areas) or their designee may require a bond or other form of security to ensure the satisfactory planting of required landscaping and to ensure the survival of such landscaping for up to two (2) years following such planting. All required landscaping and plantings must be maintained in a neat, attractive appearance as a condition of the continued PRINCIPAL USE of the LOT.]

- I. Insert under section 6.9.2 (special provisions for parking in the North Acton Village (NAV) District) the following new section 6.9.2.4:

6.9.2.4 Except as stated in 6.9.2.1 through 6.9.2.3, the parking lot design requirements of Section 6.7 shall apply in the NAV District.

- J. Insert under section 6.9.3 (special provisions for parking in the East Acton Village 2 (EAV-2) District), the following new sub-section c):

c) Otherwise, the parking lot design requirements of Section 6.7 shall apply in the EAV-2 District.

K. Amend section 6.9.4 (special provisions for parking in the West Acton Village (WAV) and South Acton Village (SAV) Districts) by inserting in the first paragraph of sub-section 6.9.4.6 after its title and before “Off-STREET parking ...“ the following new sentence:

”The parking lot design requirements of Section 6.7 shall not apply in the WAV and SAV Districts.”

[Note – sub-section 6.9.4.6 currently reads:

6.9.4.6 Design Requirements – Off-STREET parking spaces, except parking spaces serving a single to four-FAMILY residential USE or an Assisted Living Residence with 10 or less residents, shall be either contained within a BUILDING or STRUCTURE or subject to the following requirements.]

L. Amend section 6.9 (special provisions for parking in the Village, Kelley’s Corner, and Powder Mill Districts) as follows:

a. In sub-section 6.9.4.4, change the reference to section 6.9.2.5 to refer to section 6.9.4.5 instead.

b. In sub-section 6.9.4.5, change the reference to section 6.9.2.4 to refer to section 6.9.4.4 instead.

c. In sub-section 6.9.4.6.a), change the reference to section 6.9.2.7 to refer to section 6.9.4.7 instead.

d. In sub-section 6.9.4.6.c), change the reference to section 6.9.2.5 to refer to section 6.9.4.5 instead.

e. In sub-section 6.9.5.3, change the reference to section 6.9.3.4 to refer to section 6.9.5.4 instead.

f. In sub-section 6.9.5.4, change the reference to section 6.9.3.3 to refer to section 6.9.5.3 instead.

g. In sub-section 6.9.6.3, change the reference to section 6.9.4.4 to refer to section 6.9.6.4 instead.

h. In sub-section 6.9.6.4, change the reference to section 6.9.4.3 to refer to section 6.9.6.3 instead.

M. Amend section 8.3 (nonconforming structures) by deleting the word “minimum” from the first line in subsection 8.3.3.

[Note – section 8.3.3 currently reads:

8.3.3 A BUILDING, which is nonconforming with regard to any minimum yard requirement may be extended horizontally within the dimension of its existing nonconformity by special permit from the Board of Appeals, provided that the extension otherwise conforms to all the dimensional requirements of this Bylaw, and provided further that the Board of Appeals finds that such an extension is not substantially more detrimental to the neighborhood than the existing nonconforming condition of the BUILDING.]

, or take any other action relative thereto.

SUMMARY

This article makes corrections, clarifications, updates, and minor changes to the zoning bylaw.

Part A updates the zoning map references in the zoning bylaw to the current year.

Part B updates the local preference criteria for purchasers and renters of affordable housing units produced in the Affordable Housing Overlay District to be consistent with recent policy changes of the Acton Community Housing Corporation (ACHC). The ACHC administers the sale and rental of new affordable housing in Acton to eligible households. The proposed new text is identical to the wording that the 2004 Annual Town Meeting adopted for affordable housing in the East Acton Village Zoning District.

Part C inserts a new section cross-reference.

Parts D and E modify the applicability of rules for frontage exception lots and hammerhead lots. The “Residential District” references in the relevant sections of the current bylaw include the R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts, as well as the Village Residential (VR) District in West Acton. Standard minimum frontage requirements are 150 to 250 feet in the R-2 to R-10 Districts, and 50 feet in the VR District. The frontage exception rules allow a reduction of the standard minimum frontages by 25 to 150 feet subject to a variety of conditions and circumstances. Such reductions are not practical in the VR District. With this change the rules for frontage exception lots will no longer apply in the VR District.

Part F corrects the regulations for maximum business floor areas in the East Acton Village (EAV) District. The change reflects the fact that building trade shops are not allowed in the EAV District.

Part G resolves a design conflict for the placement of driveways and required pedestrian amenities for new developments in the EAV District.

Part H amends the zoning bylaw to clarify that the existing section on parking lot construction performance bonds applies to parking lots in all zoning districts. This section authorizes Special Permit Granting Authorities and the Building Commissioner to require bonds or other securities to ensure the completion of parking lots, including the landscaping, in accordance with an approved plan.

Parts I, J and K specify more clearly, which parking lot design standards apply in the various Village Districts. This clarification is consistent with the original intent of the zoning bylaw and the various village plans, which developed village parking standards that are different from parking requirements in other commercial districts. A recent review of the zoning bylaw made it apparent that this clarification would be helpful in order to eliminate inadvertent ambiguities.

Part L corrects section numbering references that were overlooked in zoning changes made at the 2004 Annual Town Meeting.

Part M modifies how the zoning bylaw addresses the expansion of buildings with nonconforming setbacks to lot lines. Section 8.3.3 allows that buildings, which are nonconforming to the minimum setback or “yard” requirement, may be expanded within their present nonconforming setback dimension by special permit from the Board of Appeals. When this section was written, the zoning bylaw required only minimum setbacks. Since then, several zoning amendments for village districts introduced maximum front yard setbacks. The proposed change will allow the Board of Appeals during its special permit review to consider proposed expansions relative to minimum and maximum nonconforming setbacks.

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

Selectman assigned: –: bos@acton-ma.gov

ARTICLE BD * AMEND ZONING BYLAW – HOUSEKEEPING, ZONING MAP NO. 1

(Two-thirds vote)

To see if the Town will vote to amend Map No. 1 of the Zoning Map by rezoning the following split-zoned parcels of land as indicated in the table below [*Notes in italic print are not part of the article but are intended for explanation only. Parcel identification numbers are as shown on the 2004 edition of the Acton Town Atlas. Present zoning designations and location identifications are shown for informational purposes only. The present zoning columns show the zoning designation for the parcels’ majority land area before the “&” symbols*]:

Parcel Identification	Proposed Zoning		<i>Present Zoning</i>	<i>Location</i>
D-4/4*	R-10/8 & LB		<i>R-10/8 & LB</i>	<i>352 Great Rd.</i>
D-4/17	LB		<i>LB & R-10/8</i>	<i>346 Great Rd.</i>
D-5/25	PCRC		<i>PCRC & R-2</i>	<i>675 Main St.</i>
D-6/3-2	R-10/8		<i>R-10/8 & R-8</i>	<i>21 Triangle Farm Ln.</i>
D-6/3-3	R-10/8		<i>R-10/8 & R-8</i>	<i>10 Triangle Farm Ln.</i>
D-6/3-4	R-10/8		<i>R-10/8 & R-8</i>	<i>20 Triangle Farm Ln.</i>
E-4/2-1	R-10/8		<i>R-10/8 & R-8</i>	<i>163 Nagog Hill Rd.</i>
E-6/2	R-8		<i>R-8 & R-10/8</i>	<i>376 Pope Rd.</i>
E-6/3	R-8		<i>R-10/8 & R-8</i>	<i>380 Pope Rd.</i>
E-6/4	R-8		<i>R-8 & R-10/8</i>	<i>366 Pope Rd.</i>
H-2/127	R-8/4		<i>R-8/4 & R-2</i>	<i>4 Apple Valley Dr.</i>

* Rezone from LB to R-10/8 only the small portion of D-4/4 that abuts parcel D-4/10. [*Parcel D-4/4 is currently split three-ways, two portions in LB (Limited Business) and one portion in R-10/8; this article will change one of the LB-portions to R-10/8, removing one of the splits.*]

, or take any other action relative thereto.

SUMMARY

This article performs “clean-up” changes to the zoning map. It consolidates base zoning to a single zoning district on parcels that presently have two zoning districts on them (split-zoned parcels). Split zoning on parcels occurs in two possible ways. First, Town Meeting has in the past established zoning district boundaries along lines that follow brooks or streams, or that follow a line that parallels a street sideline with a defined offset distance, for example 200 feet. This article does not change those zoning boundary lines. Second, Town Meeting has in the past established zoning district boundaries along then-existing parcel lines. Subsequently, the owner(s) have changed or removed parcel boundary lines. Part A of this article includes such parcels, and moves the zoning boundaries on the listed parcels to coincide with their new boundaries. Minimizing the number of split-zoned parcels eases the maintenance and upkeep of the Acton zoning map. For the selected parcels the zoning consolidation does not appear to change the original intent of the zoning map, result in new non-conformities, or measurably change the build-out potential of the parcels.

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

Recommendations: Board of Selectmen Finance Committee Planning Board

ARTICLE BE * AMEND ZONING BYLAW – HOUSEKEEPING, ZONING MAP NO. 4
 (Two-thirds vote) (1 of 2)

To see if the Town will vote to amend Map No. 4 of the Zoning Map (Affordable Housing Overlay District Map) by removing from the Affordable Housing Overlay Sub-Districts A and B the following parcels, or any of its portions in such districts, as listed in the table below *[Notes in italic print are not part of the article but are intended for explanation only. Parcel identification numbers are as shown on the 2004 edition of the Acton Town Atlas. Present overlay zoning sub-districts and location identifications are shown for informational purposes only]*:

Parcel Identification	Present Overlay Zoning Sub-District	Location
B-5/3	B	25 Westford Ln.
B-5/14-1	A	Off Quarry Rd. (end)
B-5/19	B	100 Nagog Pk.
B-5/ 23 and 24	A	111 and 115 Quarry Rd.
B-5/ 28 and 29	A	107 and 119 Quarry Rd.
B-6/20 and B-6/20- 1 through 5	A	31(rear),39,41, and 43 Carlisle Rd. & 2 Marshall Path
C-4/21 and C-4/21- 5 through 92	A	All parcels in the Acorn Park subdivision (Acorn Park Drive and side streets)
C-4/27-1 and C-4/27- 4 through 9	A	2-8 Palmer Ln.
C-5/10 and C-5/10- 2 through 18	A	1-18 Captain Handley Rd.
C-5/26 and C-5/26- 1 through 5	B	42,46,50,54,60, and 64 Quarry Rd.
C-6/ 8 and 9	A	27 Marshall Path (rear)
C-6/ 15 through 37	A	25 Carlisle Rd. and all parcels in the Marshall Crossing subdivision (Marshall and Blueberry Path)
D-3/5 and D-3/5- 7 through 9	A	208,214,220, and 226 Newtown Rd.
D-4/10	A	350 Great Rd.
D-4/12	A	363 Great Rd.
D-4/ 17 and 17-1	A	346 and 348 Great Rd.
D-4/19	A	361 Great Rd.
D-4/ 23 and 24	A	592 Main St. (rear)
D-4/39	A	354 Great Rd.
D-5/1	A	Meyer Hill Dr.
D-5/19 and D-5/19- 1 through 5	A	687,689,693,697,701,and 705 Main St.

Parcel Identification	Present Overlay Zoning Sub-District	Location
D-5/25	A	675 Main St.
D-5/31	A	362 Pope Rd. (rear)
E-2/237 and E-2/237- 1 through 9	A	All parcels in the Kennedy Est. subdivision (Kennedy Ln.) & 110 Arlington St.
E-2/ 238 and 238-1	A	78 and 80 Charter Rd.
E-2/257- 1 and 2	A	76 and 78(rear) Charter Rd.
E-2/261- 2 and 3	A	121 and 131 Hayward Rd.
E-2/ 262, 272 and 273	A	121 Hayward Rd.
E-3/63 and E-3/63- 1 through 9	A	All parcels in the Washington Drive Ext. subdivision (8-10 Wash.Dr. and McKinley Dr.)
E-3/87 and E-3/87- 65 through 68	A	All parcels in the Glenbrook Run subdivision (Monroe Dr.)
E-3/101	A	75 Hayward Rd.
E-3/109	A	65 Charter Rd. (side)
E-4/45	A	520 Main St.
E-4/75	A	514 Main St. (rear)
E-4/ 85 and 85-1	A	521 and 523 Main St.
E-5/15- 3 through 33	A	Parcels in the Bellows Farm subdivision (off Bellows Farm Rd., Briar Hill Rd.)
E-5/16 and E-5/16- 1 through 18	A	All parcels in the Hearthstone Farm subdivision (Jay Ln.), 85,89, and 97-118 Strawberry Hill Rd., 186 Pope Rd.
E-5/35	A	49 Strawberry Hill Rd.
E-5/35-3	A	88 Esterbrook Rd.
E-5/51 -54 and 55	A	Parcels in the Bellows Farm subdivision (off Bellows Farm Rd.)
E-6/ 2 through 4	A	366,376 and 380 Pope Rd.
E-6/7	A	362 Pope Rd.
F-1/6	A	647 Massachusetts Ave.
F-1/74 -2 through 19 and F-1/132	A	All parcels within the Maple Creek Farm subdivision (Woodfield Rd. & Shady Ln.) and 130 Summer St.
F-1/ 109 and 109-1	A	116 and 118 Summer St.
F-2/106 and F-2/106- 1 through 5	A	463-471 and 477 Massachusetts Ave.
F-2A/11- 1 through 3	B	1-3 Gregory Ln.
F-2A/118	B	294 Arlington St.
F-3/70 and F-3/70- 17 through 26	A	351 and 353 Main St. & 1 and 3-12 Stacy's Way
F-3/90	A	349 Main St. (rear)
F-3/ 122 and 122-1	A	15 Barker Rd. & 2 Stacy's Way
F-3/140	B	248 Main St.
F-3A/56- 1 and 2	A	13 and 19 Wood Ln.
F-4/13-1	A	22 Esterbrook Rd.
F-4/34	A	116 Concord Rd.

Parcel Identification		<i>Present Overlay Zoning Sub-District</i>	<i>Location</i>
F-4/ 37 and 37-5		<i>B</i>	<i>145 Great Rd.</i>
F-4/40 and F-4/40- 1 through 4		<i>A</i>	<i>All parcels in the Concord Place subdivision</i>
F-4/43		<i>A</i>	<i>73 Concord Rd.</i>
F-4/69-1		<i>B</i>	<i>125 Great Rd.</i>
F-5/11-4		<i>A</i>	<i>7 Proctor St.</i>
F-5/ 51 through 59		<i>A</i>	<i>138-160,170 and 180 Pope Rd. & 93 Strawberry Hill Rd.</i>
G-1/ 94 and G-1/94- 1 through 11		<i>A</i>	<i>Parcels in the Colonial Acres IV subdivision (126 Summer St & 1-5, 7,9,11, 13,15 and 17-21 Squirrel Hill Rd.</i>
G-1/ 95 and 96		<i>A</i>	<i>6 and 8 Squirrel Hill Rd.</i>
G-1/107		<i>A</i>	<i>10 Squirrel Hill Rd.</i>
G-1/ 120 and 121		<i>A</i>	<i>23 and 25 Squirrel Hill Rd.</i>
G-1/ 123 and 133		<i>A</i>	<i>12 and 14 Squirrel Hill Rd.</i>
G-1/ 152 and 152-1		<i>A</i>	<i>20 and 22 Squirrel Hill Rd.</i>
G-1/153		<i>A</i>	<i>16 Squirrel Hill Rd.</i>
G-1/ 172 & 173		<i>A</i>	<i>16 (side) and 18 Squirrel Hill Rd.</i>
G-2/192 and G-2/192- 1 through 4		<i>A</i>	<i>All parcels n the McGovern Estates subdivision (21-26 Overlook Dr. & 69 Robbins St.)</i>
G-2/193 and G-2/193- 1 through 14		<i>A</i>	<i>Parcels in the Meadow View subdivision (14-18, Prescott Rd. & 7-19 Overlook Dr.)</i>
G-2/194- 1, 2 and 4		<i>A</i>	<i>Parcels in the Meadow View subdivision (7,11 and 13 Overlook Dr.-rear)</i>
G-2A/11 -1 through 3		<i>A</i>	<i>Parcels in the Tupelo Place subdivision (3-6 Tupelo Way)</i>
G-2A/18 and G-2A/18- 1 through 5		<i>A</i>	<i>Parcels in the Tupelo Place subdivision (7-13 Tupelo Way)</i>
G-3/1		<i>B</i>	<i>246 Main St.</i>
G-3/12		<i>A</i>	<i>332 Massachusetts Ave.</i>
G-3/ 13 and 13-1		<i>A</i>	<i>10 and 12 Barker Rd.</i>
G-3/14		<i>A</i>	<i>16 Barker Rd.</i>
G-3/65		<i>A</i>	<i>84 Piper Rd.</i>
G-3/65- 1 through 17		<i>A</i>	<i>Parcels in the Piper Ridge subdivision (4-14 Farmstead Way & 1-6 Anders Way)</i>
G-3/66		<i>A</i>	<i>92 Piper Rd.</i>
G-3/69		<i>A</i>	<i>80 Piper Rd.</i>
G-3/69 -1 and 2		<i>A</i>	<i>2 and 4(side) Farmstead Way</i>
G-3/ 73 through 75		<i>A</i>	<i>2A and 2B Farmstead Way & 74 Piper Rd.</i>
H-2/7, H-2/7- 4 through 6,		<i>A</i>	<i>Parcels in the Meadow View subdivision</i>

Parcel Identification		<i>Present Overlay Zoning Sub-District</i>	<i>Location</i>
8 through 15, and 17			<i>(1-12 Prescott Rd. & 1-5 Overlook Dr.)</i>
H-3/73 and H-3/73- 1 and 2		A	<i>Parcels in the Maddy Lane subdivision (220 School St. & 4 and 6 Maddy Ln.)</i>
H-3B/72		B	<i>61 Main St.</i>
H-3B/81		B	<i>59 Main St.</i>
H-3B/83		B	<i>2 Farley Ln.</i>
H-3B/88 and H-3B/88- 4 through 9		B	<i>83 High St, 9-13 Conant St., & 3 and 4 Farley Ln.</i>
H-4/68 and H-4/68- 1 through 5		A	<i>Parcels in the Maddy Lane subdivision (222 School St. & 1,3,5, 7, and 8 Maddy Ln.</i>
H-4/73 and H-4/73- 1 through 9		A	<i>All parcels in the Lupine Path subdivision (Guswood Rd. & 244 and 246 School St.), & 230 and 234 School St.</i>
H-4/116-3, H-4/ 127 and 128, and H-4/128- 1 through 55		A	<i>All parcels in the Laws Brook Village subdivision (Lexington Dr.)</i>
I-2/ 8 through 10		B	<i>45 and 47 (rear) Main St.</i>
I-2/ 62, 62-1, and 62-2		A	<i>44,46, and 48 Conant St.</i>
I-3/32 and I-3/32- 1 through 3		A	<i>All parcels in the Parmley Dr. subdivision</i>
I-3/101 and I-3/101- 1 through 10		A	<i>176, 180,186,190,194,198,202,204, and 206 High St. & 177 and 181 Parker St.</i>
I-3/ 124 and 124-1		A	<i>183 and 185 Parker St.</i>
J-3/60 and J-3/60- 1 through 16		B	<i>All parcels in the Westside Village subdivision (Westside Dr.)</i>

, or take any other action relative thereto.

SUMMARY

This article performs “clean-up” changes to the zoning map. It removes the Affordable Housing Overlay District designation from land that was developed without using the optional affordable housing provisions of the zoning bylaw, has become subject to a conservation restriction, became Town property for conservation or recreation purposes, or otherwise became unavailable for further development. The Affordable Housing Overlay District, with its Sub-Districts A and B, was adopted in 1990 in an effort to encourage the production of affordable housing through local zoning incentives. Many land areas included in the Affordable Housing Overlay District were developed without using the affordable housing incentive. Where land is now fully developed without reliance on the Affordable Housing Overlay District, the overlay district designation no longer makes sense. It is confusing to homeowners, potential home buyers, and real estate agents. Parcels with remaining development potential and parcels that were developed with the use of the Affordable Housing Overlay District incentives are not included in this article and stay within the Affordable Housing Overlay District.

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

Selectman assigned: -: bos@acton-ma.gov

ARTICLE BF * AMEND ZONING BYLAW – HOUSEKEEPING, ZONING MAP NO. 4
 (Two-thirds vote) (2 of 2)

To see if the Town will vote to amend Map No. 4 of the Zoning Map (Affordable Housing Overlay District Map) by reassigning the Affordable Housing Overlay Sub-District designation of the following parcels of land as indicated in the table below [*Notes in italic print are not part of the article but are intended for explanation only. Parcel identification numbers are as shown on the 2004 edition of the Acton Town Atlas. Present overlay zoning sub-districts and location identifications are shown for informational purposes only. “Partial” means that the majority of the parcels’ land area is in the denoted zoning district.*]:

Parcel Identification	Proposed Overlay Zoning Sub-District	Present Overlay Zoning Sub-District	Location
C-5/90-5	B	<i>B (partial)</i>	<i>76 Harris St.</i>
D-6/3-2	A	<i>A (partial)</i>	<i>21 Triangle Farm Ln.</i>
D-6/3-3	A	<i>A (partial)</i>	<i>10 Triangle Farm Ln.</i>
D-6/3-4	A	<i>A (partial)</i>	<i>20 Triangle Farm Ln.</i>
E-4/2-1	A	<i>A (partial)</i>	<i>163 Nagog Hill Rd.</i>
F-2/138	B	<i>B (partial)</i>	<i>10 Hennessey Dr.</i>
F-2A/11-4	A	<i>B</i>	<i>4 Gregory Ln.</i>
H-2/66	A	<i>A (partial)</i>	<i>116 Stow St.</i>
H-2/127	A	<i>A (partial)</i>	<i>4 Apple Valley Dr.</i>
J-3/15-1	A	<i>A (partial)</i>	<i>12 Dunham Ln.</i>
J-3/15-4	A	<i>A (partial)</i>	<i>13 Dunham Ln.</i>
J-3/15-6	A	<i>A (partial)</i>	<i>11 Dunham Ln.</i>
J-3/15-7	A	<i>A (partial)</i>	<i>9 Dunham Ln.</i>
J-3/15-8	A	<i>A (partial)</i>	<i>7 Dunham Ln.</i>
J-3/15-10	A	<i>A (partial)</i>	<i>5 Dunham Ln.</i>

, or take any other action relative thereto.

SUMMARY

This article performs “clean-up” changes to the zoning map. It consolidates zoning on split-zoned parcels in the Affordable Housing Overlay District (Sub-District A or Sub-District B) to include them entirely within that District. Since the adoption of the Affordable Housing Overlay District, split zoning occurred as a result of the relocation or elimination of parcel boundaries. The zoning consolidation on the selected parcels does not appear to change the original intent of the zoning map, result in new non-conformities, or measurably change the build-out potential of the parcels. One parcel (F-2A/11-4) is changed from Sub-District B to Sub-District A reflecting its incorporation into an abutting development that used the parcel’s additional acreage to create affordable housing under Sub-District A standards.

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

Selectman assigned: –: bos@acton-ma.gov

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

ARTICLE BG * RELOCATION AND LAYOUT OF A PORTION OF ELM STREET

(Majority vote)

To see if the Town will accept as a town way a portion of Elm Street at the intersection of Central Street, as laid out and relocated by the Board of Selectmen according to a plan on file with the Town Clerk, and authorize the Board of Selectmen to accept as a gift fee ownership to the land shown on said plan as Parcel 8B, and described in more detail in the Order of Layout and Relocation;

, or take any other action relative thereto.

SUMMARY

Many years ago, a small portion of the existing sidewalk on Elm Street was inadvertently built on the abutter’s property. The current owner of this land has generously offered to convey this small parcel containing 251 square feet to the Town at no cost for incorporation into the public right-of-way of Elm Street.

Direct inquiries to: Bruce M. Stamski, P.E., Town Engineer
bstamski@acton-ma.gov / (978) 264-9628

Selectman assigned: -: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

ARTICLE BH * SIDEWALK EASEMENT – ESKER WAY

(Majority vote)

To see if the Town will vote to accept as a gift from Bentley Building Corp., a permanent sidewalk easement at 28B Minot Avenue and being shown as “Proposed 7’ Wide Sidewalk Easement, 675 S.F.” on a plan entitled ”Sidewalk Easement Plan, Esker Way, Acton, MA, Prepared for Bentley Building Corp. by Landtech Consultants, Inc.”, dated January 11, 2005, and as described more fully in a Grant of Easement to the Town of Acton, both to be recorded at the Middlesex South District Registry of Deeds, Cambridge MA, or take any other action relative thereto.

SUMMARY

The donation of this easement is for a sidewalk at this location required as a condition of approval of the Esker Way Subdivision by the Acton Planning Board in Decision 03-03 of February 11, 2003.

Direct inquiries to: Roland Bartl, Town Planner
planning@acton-ma.gov

Selectman assigned: : bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

ARTICLE BK * LAND GIFT – DUNHAM PARK SUBDIVISION

(Majority vote)

To see if the Town will vote to accept as a gift from Bentley Building Corporation a parcel of vacant land on Dunham Lane shown as Open Space Parcel A, Common Land 4.66 acres, on a plan recorded at the Middlesex South District Registry of Deeds as Plan No.827 of 2001, and shown on Map J-3 of the Town Atlas as Parcel 15-1, for purposes of passive recreation and watershed protection, or take any other action relative thereto.

SUMMARY

This open space parcel is being donated to the Town pursuant to Planning Board Decision 01-01 of April 11, 2001 for the Dunham Park Definitive Subdivision and Open Space Development Special Permit. Parcel A provides access to and abuts land of the Acton Water District. The parcel is associated with the recent subdivision known as Dunham Park located on High Street in South Acton.

Direct inquiries to: Roland Bartl, Town Planner
planning@acton-ma.gov

Selectman assigned: : bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

ARTICLE BL * STREET ACCEPTANCE – DUNHAM LANE

(Two-thirds vote)

To see if the Town will accept as a public way the following street, or any portion thereof, as laid out by the Board of Selectmen according to plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easement in said street by eminent domain or otherwise, including easements for drainage, utility, sidewalk or other purposes as shown on said plans or described in the Order of Layout;

In the DUNHAM PARK SUBDIVISION

DUNHAM LANE- from the easterly sideline of High Street a distance of 543 feet, more or less, in a generally easterly direction to the end of a T-shaped turnaround, including the turnaround, this being the entire road.

, or take any other action relative thereto.

SUMMARY

This article is to accept streets as town ways that have been built to Planning Board standards. In order to create a new street, a developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer’s contractor then constructs the street according to this plan and the rules and regulations of the Planning Board. The Engineering Department inspects the street during construction to insure compliance with these standards. Upon completion of the street, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the street as a town way. Prior to town meeting, the Selectmen hold a public hearing and adopt an "Order of Layout" containing a legal description of the street. Following town meeting, the Selectmen obtain title to the street by deed or eminent domain. Such streets are built and donated to the Town at no cost; however, the Town will assume future maintenance costs as with any town way. The subdivision process is contained

in Massachusetts General Law, Chapter 41, and the lay out of town ways is in Chapter 82. Dunham Lane has followed this process, and is now ready for acceptance.

Direct inquiries to: Corey York, Engineering Asst.
enginnering@acton-ma.gov

Selectman assigned: : bos@acton-ma.gov

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

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 day of February, 2005.

F. Doré Hunter, Chairman
Peter Ashton, Vice-Chairman
Robert A. Johnson, Clerk
William H. Shupert, III
Walter M. Foster

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

Proposed Town Meeting Booklet

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

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

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

Don MacKenzie
Town Moderator

Thoughts or Comments on Town Meeting

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(Please continue on reverse side)

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