

TOWN of ACTON
ABSTRACT OF THE 1999 ANNUAL TOWN MEETING

**ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 5, 1999
WITH ADJOURNED SESSIONS HELD APRIL 6, AND APRIL 7, 1999**

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**** Consent**

Submitted by Citizen Petition

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OF REGISTERED VOTERS ATTENDING TOWN MEETING

Monday	April 5, 1999	916
Tuesday	April 6, 1999	810
Wednesday	April 7, 1999	432

The Moderator called the meeting to order on Monday April 5, 1999 at 7:05 PM. **Mr. MacKenzie** introduced **Reverend Brad Johnson** of the Faith Evangelical Free Church who gave the invocation.

Reverend Johnson asked for a moment of silence for Kosova, Macedonia and Yugoslavia. He then led the invocation.

Mr. MacKenzie then thanked **Dick O'Brien** for his role as acting moderator at the December Special Town Meeting. He also thanked **Bill Cady** for his work as Head Teller for town meeting.

Mr. MacKenzie explained that the rules and regulations of town meeting were printed in the warrant on page 63 and hoped that attendees had done their homework and had already read the rules. He noted that voters were voting on the motion that he would be reading. He explained that all doors would be closed during the vote and that no one will be allowed in or out while voting was taking place.

Mr. MacKenzie then introduced **Wayne Friedrichs**, Chairman of the Board of Selectmen. **Mr. Friedrichs** introduced the Town Clerk, Town Counsel, Town Manager and the other members of the Board of Selectmen. He also noted that **Dore' Hunter** was re-elected to the Board and that **Nancy Tavernier** was stepping down. He thanked Nancy for her 12 years of service to the Board.

Mr. Friedrichs calls for the reading of the consent calendar.

CONSENT CALANDER

ARTICLE

MOTION

3 Council on Aging Enterprise Budget:** Move that the Town raise and appropriate \$50,690 for the purpose of operating the Town of Acton Senior and Handicapped Citizen Van service, and to raise such amount \$40,690 be transferred from the Council on Aging Enterprise Fund, and \$10,000 be raised and appropriated.

4 Nursing Enterprise Fund:** Move that the Town raise and appropriate \$510,004 for the purpose of operating the Public Health Nursing Service, and to raise such amount \$510,004 be transferred from the Nursing Enterprise Fund.

5 Septage Disposal Enterprise Budget:** Move that the Town raise and appropriate \$178,575 for the purpose of septage disposal, and to raise such amount \$178,575 be transferred from the Septage Disposal Enterprise Fund.

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6 NESWC Enterprise Fund:** Move that the Town raise and appropriate \$2,276,015 for the purpose of trash disposal, and to raise such amount \$1,609,015 be transferred from the NESWC Enterprise Fund, and \$667,000 be raised and appropriated.

7 Section 53 1/2 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 FY00 in the amounts and for the purposes set forth in the expense column of this article.

8 Chapter 90 Highway Reimbursement Program:** Move that the Selectmen are authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.

9 Emergency/Disaster Aid Appropriations:** Move in the words of the article.

10 Merriam School Offset Receipts Budget:** Move that the Town raise and appropriate \$25,758 for the purpose of maintaining the Merriam School Building, and to raise such amount \$25,758 be transferred from the Merriam School Offset Receipts Budget.

33 Street Acceptances:** Move that the Town accept as a public way 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 plan or described in the Order of Layout.

34 Accept Land Gift:** Move in the words of the article.

35 Accept Land Gift:** Move in the words of the article.

36 Accept Land Gift:** Move in the words of the article

37 Accept Land Gift:** Move in the words of the article

39 Repurchase Cemetery Lots:** Move in the words of the article

40 Amend Town Bylaws:** Move in the words of the article

41 Plowing of Private Ways:** Move that the Town raise and appropriate \$10,000 to be expended by the Town Manager for plowing of private ways open to public use as designated by the Board of Selectmen.

CONSENT ARTICLE #41 IS HELD

ARTICLE 1 CHOOSE TOWN OFFICERS
(Majority Vote Required)

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:

ARTICLE 1 (CONTINUED)

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

Or take any other action relative thereto.

MOTION: MR. FRIEDRICHS moves that the Town fix the compensation for elected officers as shown in the warrant.

MOTION CARRIES UNANIMOUSLY

MOTION: MS. CORNELIA O. HUBER, Chairperson of the Elizabeth White Fund, nominates John J. Powers for the position of Trustee of the Elizabeth White Fund, term to expire 2002.

MOTION CARRIES UNANIMOUSLY

MOTION: MS. MABEL GREKULA, Chairperson of the Charlotte Goodnow Fund, nominates Shirley Towel for the position of Trustee of the Elizabeth White Fund, term to expire 2002.

MOTION CARRIES UNANIMOUSLY

MOTION: MR. EDWARD BENNETT, Trustee of the Fireman's Relief Fund of West Acton, nominates Malcolm S. MacGregor for Trustee of the Fireman's Relief Fund of West Acton term to expire 2002.

MOTION CARRIES UNANIMOUSLY

MOTION: Trustee of the Fireman's Relief Fund of Acton nominates William Klauer for the position of trustee, term to expire 2002.

MOTION CARRIES UNANIMOUSLY

MOTION: The Trustees of the West Acton Citizens' Library nominate Robert L. Loomis for the position of Trustee of the West Acton Citizens' Library, term to expire 2002.

MOTION CARRIES UNANIMOUSLY

ARTICLE 2 HEAR AND ACCEPT REPORTS
(Majority Vote Required)

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.

MOTION: MR. FRIEDRICHS moves that the Town accepts the reports of the various Town Officers and Boards as set forth in the 1998 Town Report and that the Moderator calls for any other reports.

MOTION CARRIES UNANIMOUSLY

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MRS. TAVERNIER gave a report of the Acton Nursing Service and introduced Meg Lowe. Administrator for the Nursing Service. **MRS. TAVERNIER** noted that for the past two (2) years the service worked toward accreditation and was awarded this accreditation in December.

DR. DONALD then read a resolution re; Kosovo:
(NON-BINDING RESOLUTION):

Whereas the so called ethnic cleansing of the people of Kosovo has left thousands cold, wet and hungry and homeless;
And whereas the citizens of Acton for the most part are warm, dry and have food and shelter;
Whereas there are many organizations in the world reaching out to provide humanitarian relief;
Resolved that the citizens of Acton join with others to support relief efforts.
Dr. Donald informed the citizens that among the many organizations is the Salvation Army donations of money may be sent or dropped off at the Middlesex Saving bank in west Acton annotated for Kosovo relief.

RESOLUTION CARRIES

MR JOHN PRENDIVILLE made a resolution to support the Armed Forced in Kosova.

RESOLUTION CARRIES UNANIMOUSLY.

ARTICLE 3 COUNCIL ON AGING VAN ENTERPRISE BUDGET**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$50,690, or any other sum, to operate the Senior Van Service, in accordance with Mass General Laws Chapter 44, Section 53 F1/2, Enterprise Fund Law, or take any other action relative thereto.

CONSENT MOTION: MRS. TAVERNIER moves that the Town appropriate \$50,690 for the purpose of operating the Town of Acton Senior and Handicapped Citizen Van service, and to raise such amount \$40,690 be transferred from the Council on Aging Enterprise Fund, and \$10,000 be raised and appropriated.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 4 NURSING ENTERPRISE BUDGET**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$510,004, or any other sum, to provide Public Health and Visiting Nurse Services, in accordance with Mass General Laws Chapter 44, Section 53F1/2, Enterprise Fund Law, or take any other action relative thereto.

TOWN of ACTON
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ARTICLE 4 (Continued)

CONSENT MOTION: MRS. TAVERNIER moves that the Town raise and appropriate \$510,004 for the purpose of operating the Public Health Nursing Service, and to raise such amount \$510,004 be transferred from the Nursing Enterprise Fund.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 5 SEPTAGE DISPOSAL ENTERPRISE BUDGET**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$178,575, or any other sum, for the purpose of septage disposal, in accordance with Mass General Laws Chapter 44, Section 53F1/2, Enterprise Fund Law, or take any other action relative thereto.

CONSENT MOTION: MRS. TAVERNIER moves that the Town raise and appropriate \$178,575 for the purpose of septage disposal, and to raise such amount \$178,575 be transferred from the Septage Disposal Enterprise Fund.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 6 NESWC ENTERPRISE BUDGET**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$2,276,015, or any other sum, for the purpose of solid waste disposal, in accordance with Mass General Laws Chapter 44, Section 53F1/2, Enterprise Fund Law, or take any other action relative thereto.

CONSENT MOTION: MRS. TAVERNIER moves that the Town appropriate \$2,276,015 for the purpose of trash disposal, and to raise such amount \$1,609,015 be transferred from the NESWC Enterprise Fund, and \$667,000 be raised and appropriated.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 7 SECTION 53E1/2 SELF-FUNDING PROGRAMS**
(Majority Vote Required)

To see if the Town will vote pursuant to Section 53E1/2 of Chapter 44 of the Massachusetts General Laws to continue revolving funds for the Local School system, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Inspectional Services, and Fire Department Fire Alarm Network, or take any other action relative thereto.

	FUND BALANCE	REVENUE	EXPENSE
	6/30/98	FY2000	FY2000
School Department			
Douglas At Dawn	\$-0-	\$20,000	\$20,000
Merriam Afternoons/Summer	\$-0-	\$20,000	\$20,000
ARTICLE 7 (Continued)			
Gates Amazing Mornings	\$4,424	\$20,000	\$20,000

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Historic District Commission	\$ 634	\$ 400	\$ 600
Building Department (Includes fees for Micro Filming, Electrical Permits, Plumbing Permits Gas Permits, Sign Licenses and Licenses and Periodic Inspection Fees)	\$48,205	\$104,243	\$104,243
Sealer of Weights and Measures	\$ 1,067	\$ 7,600	\$ 7,430
Health Department			
Food Service Inspections	\$ 6,853	\$22,715	\$22,715
Hazardous Materials Inspections	\$29,868	\$21,210	\$21,210
Fire Department			
Fire Alarm Network	\$36,252	\$37,000	\$31,000

CONSENT MOTION: MRS. TAVERNIER moves 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 FY00 in the amounts and for the purposes set forth in the expense column of this article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 8 CHAPTER 90 HIGHWAY REIMBURSEMENT PROGRAM**
(Majority Vote Required)

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

CONSENT MOTION: MRS. TAVERNIER moves that the Selectmen are authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 9 EMERGENCY/DISASTER AID APPROPRIATIONS**
(Majority Vote Required)

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 unusual occurrences during Fiscal Year 2000, or take any other action relative thereto.

CONSENT MOTION: MRS. TAVERNIER moves that the Selectmen are authorized to accept Emergency Reimbursement Funds from all sources and such funds are hereby appropriated for use by the Town Manager.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 10 MERRIAM SCHOOL OFFSET RECEIPTS BUDGET**

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(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$25,758, or any other sum, for the purpose of maintaining and operating the Merriam School, in accordance with Mass General Laws, Chapter 44, Section 53E, Offset Receipts Law, or take any other action relative thereto.

CONSENT MOTION: **MRS. TAVERNIER** moves that the Town appropriate \$25,758 for the purpose of maintaining the Merriam School Building, and to raise such amount \$25,758 be transferred from the Merriam School Offset Receipts Budget.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 11 BUDGET TRANSFER

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, an amount of money to be used in conjunction with funds appropriated under the current fiscal year's budgets to be used during the current fiscal year, or make any other adjustments to the current fiscal year budgets and appropriations that may be necessary, or take any other action relative thereto.

MOTION: **MRS. TAVERNIER** moves that the Town appropriate \$795,220 for the purpose of funding the Town's share of the cost of the Retrofit Settlement Agreement between the Northeast Solid Waste Committee and Massachusetts Refusetech Inc, and to raise such amount \$795,220 be transferred from the NESWC Enterprise Fund.

MOTION CARRIES

MR. MACKENZIE introduced **TOM MACKEY** of the Finance Committee who gave a presentation of the overall budget.

ARTICLE 12 TOWN OPERATING BUDGET

(Majority Vote Required)

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

MOTION: **MR. FRIEDRICHS** moves that the Town Budget for the period July 1, 1999 to June 30, 2000, in the amount of \$13,896,781 be raised and appropriated in its entirety, except that \$69,435 be transferred from the Cemetery Trust Fund for Cemetery Use and further that the Town Manager be authorized to sell, trade or dispose of vehicles being replaced and to expend any proceeds received.

MOTION CARRIES

ARTICLE 13 CAPITAL IMPROVEMENTS - SIDEWALKS

(Majority Vote Required)

TOWN of ACTON
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To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$30,000, or any other sum, to be expended by the Town Manager for the construction of sidewalks on Town Ways, or take any other action relative thereto.

MOTION: MRS. TAVERNIER moves that the Town raise and appropriate \$30,000 to be expended by the Town Manager for the purpose of designing and constructing sidewalks.

MOTION CARRIES

ARTICLE 14 CAPITAL IMPROVEMENTS, FACILITIES AND EQUIPMENT
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money, for the replacement or improvement of facilities and equipment as listed below:

A.	Culvert	\$ 30,000
B.	Police Station Generator	\$ 50,000
C.	Fire Call Recorder	\$ 15,000
D.	Replace Micro-Vax System	\$ 20,000
E.	2A/27 Field Improvements	\$ 11,000
F.	Police Call Check	\$ 2,100
G.	GUI	\$ 60,000
H.	GIS	\$ 100,000
I.	Kelley's Corner Drainage	\$ 5,000
K.	MIS Consultant	\$ 35,000
	Total	\$ 328,100

or take any other action relative thereto.

MOTION: MR. KABAKOFF moves that the Town appropriate \$308,100 to be expended by the Town Manager for the purpose of purchasing equipment, making infrastructure repairs and retaining consultants as listed in the Article, except that no action be taken on item D, Replace Micro-Vax System, and to raise such amount \$221,000 be transferred from Free Cash and \$87,100 be raised and appropriated.

AMENDED MOTION: MR. JOHNSTON moves to amend the article by having the amount appropriated of \$308,100. changed to \$198,100. and by deleting the following items G and H and by adding a new item " L" called computer consultant for \$60,000. for a total of \$198,100. After a point of order by Mr.Hunter that L cannot be added and therefore is beyond the scope of the Article, Mr. Johnston was advised that his motion is not acceptable.

Mr. Johnston withdrew the motion.

AMENDED MOTION: MS. ANNE KADLEC moves to delete the original motion in its entirety and replace it with the following, that the Town appropriate \$148,100 to be expended by the Town Manager for the purpose of purchasing equipment, making infrastructure repairs and retaining

ARTICLE 14 (Continued)

consultants as listed in the Article, except that no action be taken on item D, Replace Micro-Vax System, item G, GUI-based software, and item H, GIS Implementation program, and to raise such amount \$148,100 be transferred from Free Cash.

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AMENDED MOTION CARRIES

ARTICLE 15 CAPITAL IMPROVEMENTS - VEHICLES

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$442,780, or any other sum, to be expended by the Town Manager for the various purposes listed below:

A.	Speed Awareness Trailer	\$ 12,980
B.	Sign Truck	\$ 25,800
C.	Pickup Truck	\$ 27,000
D.	Front-End Loader	\$ 83,000
E.	10 Ton Dump Truck	\$ 84,000
F.	Fire Department Pumper	<u>\$ 195,000 not \$210,000</u>
	Total	\$ 427,780

or take any other action relative thereto.

MOTION: MR. KABAKOFF moves that the Town raise and appropriate \$427,780 to be expended by the Town Manager for the purpose of purchasing new vehicles and replacing vehicles as listed in the Article and that the Town Manager be authorized to sell, trade, or dispose of vehicles being replaced and to expend any proceeds received.

AMENDED MOTION: MR. JOHNSTON moves that the Town raise and appropriate \$232,780 to be expended by the Town Manager for the purpose of purchasing new vehicles and replacing vehicles as listed in the Article, except that no action be taken on Item F, and that the Town Manager be authorized to sell, trade, or dispose of vehicles being replaced and to expend any proceeds received, and to raise such amount \$73,000 be transferred from free cash, and \$159,780 be raised and appropriated.

AMENDED MOTION LOST

AMENDED MOTION: MRS. TROSTORFF moves to amend the original motion by deleting the Speed Awareness Trailer and to reduce the cost by \$12,980. Total amount of the motion would now be \$414,800.

AMENDED MOTION CARRIES

ARTICLE 16 TOWN BOARD SUPPORT – SPECIAL PROJECTS

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$5,000, or any other sum, to be expended by the Town Manager for the on-going expenses of the Acton Boxborough Cultural Council, or take any other action relative thereto.

ARTICLE 16 (CONTINUED)

MOTION: MRS. TAVERNIER moves that the Town raise and appropriate \$5,000 to be expended by the Town Manager for the on-going expenses of the Acton Boxborough Cultural Council.

MOTION CARRIES

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MOTION: MR. FRIEDRICHS MOVED TO ADJOURN THIS MEETING AT 10:55 PM UNTIL APRIL 6, 1999 AT THE ACTON BOXBOROUGH REGIONAL HIGH SCHOOL FIELDHOUSE AT 7 PM.

MOTION CARRIES.

APRIL 6, 1999

The Moderator called the meeting to order at 7:07 PM at the Acton Boxborough Regional High School fieldhouse on Tuesday, April 6, 1999

MRS. WILLIAMS, a member of the League of Women Voters, reminded citizens that there would be a Special State Election on Tuesday, April 16, 1999 to fill the vacant Senate seat. The Local Cable Television Station will carry the Candidates Night that will be held by the League.

MOTION: MR. KABAKOFF moves that the Board of Selectmen unanimously voted to reconsider Article 15, Item F, to discuss the pumper truck.

MR. MACKENZIE informed the voters that it would take a $\frac{3}{4}$ vote to reconsider this vote.

MOTION TO RECONSIDER THIS VOTE IS LOST.

ARTICLE 17 ELDERLY TAX RELIEF – CLAUSE 18, NON-BINDING RESOLUTION
(Majority Vote Required)

To see if the Town will vote to adopt a non-binding resolution requesting the Board of Assessors to consider the sense of the community in regard to determining financial hardship in the context of real estate tax exemptions under Massachusetts General Laws Chapter 59, Section 5, Clause 18, or take any other action relative thereto.

MOTION: MR. HUNTER moves that the following Resolution be adopted:

Whereas, the citizens of Acton recognize that many of its senior citizens are experiencing economic hardship and cannot afford to pay what would otherwise be their full and fair share of real estate taxes, and

Whereas, the Board of Assessors is empowered under Massachusetts General Laws Chapter Fifty Nine, Section Five, Clause Eighteen in certain circumstances to grant real estate tax abatements to taxpayers experiencing financial hardship.

Now therefor, Be it Resolved, that the citizens of Acton urge and recommend that the Board of Assessors grant Clause Eighteen hardship abatements to deserving senior citizens for who the payment of their full real estate tax bill would deprive them of sufficient income to maintain their reasonably established quality of life in Acton.

RESOLUTION MOTION CARRIES

ARTICLE 18 ELDERLY TAX RELIEF – INCREASE CLAUSE 41A TAX DEFERRAL
(Majority Vote Required)

To see if the Town will vote to increase the maximum gross receipts needed to qualify for a property tax exemption under Chapter 59, Section 5, Clause 41A of the Massachusetts General Laws to \$40,000, or take any other action relative thereto.

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MOTION: MR. HUNTER moves that the Town increase to \$40,000 the maximum gross receipts needed to qualify for a property tax exemption under Chapter 59, Section 5, Clause 41A of the Massachusetts General Laws as amended.

MOTION CARRIES

ARTICLE 19 ELDERLY TAX RELIEF – ACCEPT CHAPTER 73 OF ACTS OF 1986,
(Majority Vote Required)

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

MOTION: MR. ASHTON moves that the Town accept Chapter 73 of the Acts of 1986 as amended, and that the Town double the property tax exemptions as allowed by this statute.

MOTION CARRIES

ARTICLE 20 ELDERLY TAX RELIEF – ACCEPT CHAPTER 166 OF ACTS OF 1998,
“CHECK-OFF” FUND
(Majority Vote Required)

To see if the Town will vote to accept Section 3D of Chapter 60 of the General Laws as inserted by Chapter 166 of the Acts of 1998, establishing aid to the elderly and disabled through voluntary contributions, or take any other action relative thereto.

MOTION: MR. ASHTON moves that the Town accept the provisions of Section 3D of Chapter 60 of the Massachusetts General Laws as amended.

MOTION CARRIES

ARTICLE 21 ELDERLY TAX RELIEF – WORK PROGRAM
(Majority Vote Required)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, a sum of money to provide tax relief for Senior Citizens in the form of a Senior Citizen Work Program, or take any other action relative thereto.

ARTICLE 21 (Continued)

MOTION: MR. ASHTON moves that the Town authorize the Board of Selectmen to establish a Senior Citizen Property Tax Work-off Program, and the Town Manger is authorized to apply for and to expend gift and grant monies received for said purpose.

MOTION CARRIES

ARTICLE 22# SENIOR CENTER EMINENT DOMAIN TAKING
(2/3 Vote Required) # Submitted by Citizen Petition

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To see if the town will vote to authorize the Board of Selectmen to acquire in fee simple by eminent domain, a parcel of land and buildings thereon identified as Lot E, as set forth in the lease between the Audubon Hill North Condominium Association, and the Audubon Hill South Condominium Association, and the Board of Selectmen of the Town of Acton dated November 1, 1993 and further described in a Comprehensive Development Agreement dated July 25, 1989 and recorded with the Middlesex South Registry of Deeds at Book 19966, Page 008, and to see if the Town of Acton will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the stabilization fund, and/or borrow a certain sum of money for the purpose of implementing this Article and to defray all necessary costs, fees, and expenses in connection with the acquisition of said land and buildings and for paying any damages which may be awarded as a result of said taking, and to see if the Town of Acton will vote to require and authorize the Board of Selectmen and any and all applicable departments within the jurisdiction of the area set forth therein, to execute all necessary and proper agreements and documents for the purposes of implementing said Article; or take any other action relative thereto.

MOTION: MR. HARRINGTON moves to take no action.

MOTION CARRIES UNANIMOUSLY

ARTICLE 23 ACTON PUBLIC SCHOOLS BUDGET
(Majority Vote Required)

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 Local Schools, or take any other action relative thereto.

MOTION: MR. LIBERTY moves that the Acton Public School Budget for the period July 1, 1999 to June 30, 2000, in the amount of \$14,818,818 be raised and appropriated in its entirety, provided that \$620,824 of this appropriation is contingent upon the Town voting to exempt said amount from the limitation on total taxes imposed by G.L. c. 59, s. 21C (Proposition 2 ½ so called).

AMENDED MOTION: MR. KADLEC moves to delete the amount in the original motion, \$14,818,818 and insert in its place the amount of \$14,234,737 and further to delete all the words after " in its entirety " and to place a period after the word " entirety ".

AMENDED MOTION IS LOST

YES 60 NO 40 TOTAL VOTE 100
ORIGINAL MOTION CARRIES

ARTICLE 24 ACTON-BOXBOROUGH REGIONAL SCHOOL ASSESSMENT
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$12,986,048, or any other sum, to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any other action relative thereto.

MOTION: MRS. STUNTZ moves that the Acton-Boxborough Regional School Assessment for the period July 1, 1999 to June 30, 2000, in the amount of \$12,524,907 be raised and appropriated in its entirety, provided that \$564,096 of this appropriation is contingent upon the Town voting to

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exempt said amount from the limitation on total taxes imposed by G.L. c. 59, s. 21C (Proposition 2 ½ so called).

AMENDED MOTION: MR. KADLEC moves to delete from the original motion the amount, \$12,524,907, and insert in its place the amount of \$11,836,000, and further to delete all the words after " in its entirety " and to place a period after the word " entirety " .

AMENDED MOTION IS LOST

ORIGINAL MOTION CARRIES

ARTICLE 25 ACTON PUBLIC SCHOOLS CAPITAL IMPROVEMENT PROJECTS
(Health & Safety, Maintenance and Technology)
(Majority Vote Required)

To see if the Town will vote to appropriate a sum of money for the purpose of remodeling and making extraordinary repairs to the Conant, Douglas, Gates and Merriam Schools, and for the purchase of equipment, including any architects' fees and engineering fees and other costs incidental thereto and for the development, design, purchase and installation of computer hardware, computer software and other costs incidental thereto and determine whether such appropriation shall be raised by borrowing or otherwise, or take any other action relative thereto.

MOTION: MR. LIBERTY moves that the Town appropriate \$550,000 to be expended by the Acton School Committee for the purposes set forth in the Article, and to raise such amount, \$550,000 be transferred from Free Cash.

AMENDED MOTION: (2/3 Vote Required) MR. EVANS moves that the Town appropriate \$550,000 to be expended by the Acton School Committee for the purpose set forth in the Article, and to transfer \$175,000 from Free Cash and authorize the Town Treasurer to borrow \$375,000 under G.L. s 44

VOTE YES 184 NO 320 TOTAL 504

AMENDED MOTION IS LOST

ARTICLE 25 (continued)

AMENDED MOTION: (2/3 Vote Required) MR. KADLEC moves that the Town raise and appropriate \$175,000 to be expended by the Acton School Committee for the purpose of repairing or replacing the septic system at the Conant School.

AMENDED MOTION IS LOST

ORIGINAL MOTION CARRIES

MOTION: MR. FRIEDRICHS moves to adjourn this meeting at 11:10 PM until Wednesday, April 7, 1999 at the Acton Boxborough Regional School Fieldhouse at 7:00 PM.

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MOTION CARRIES

APRIL 7, 1999

The Moderator called the meeting to order at 7:09 PM at the Acton Boxborough Regional High School fieldhouse on Wednesday, April 7, 1999.

ARTICLE 26 ACTON BOXBOROUGH REGIONAL SCHOOLS CAPITAL IMPROVEMENT PROJECTS (Health & Safety, Maintenance)
(2/3 Vote Required)

To see if the Town will vote to approve a sum of debt authorized by vote of the Acton-Boxborough Regional School District School Committee on March 4, 1999, for the purpose of remodeling and making extraordinary repairs to the regional high school and for the purchase of equipment, including any architects' fees and other costs incidental thereto, or take any other action relative thereto.

MOTION: **MRS. STUNTZ** moves that the Town approve the March 4, 1999 vote of the Acton Boxborough Regional School Committee to incur \$137,086 of debt for the purpose of remodeling and making extraordinary repairs to the Senior High School and for the purchase of equipment, including all incidental costs thereto.

VOTE	YES 225	NO 75	TOTAL 300
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MOTION CARRIES

ARTICLE 27 ACTON BOXBOROUGH REGIONAL SCHOOLS CAPITAL IMPROVEMENT PROJECTS (Technology)
(2/3 Vote Required)

To see if the Town will vote to approve an amount of debt authorized by vote of the Acton-Boxborough Regional School District School Committee on March 4, 1999, for the development, design, purchase and installation of computer hardware and software, and other costs incidental thereto, or take any other action relative thereto.

ARTICLE 27 (Continued)

MOTION: **MRS. STUNTZ** moves that the Town approve the March 29, 1999, vote of the Acton Boxborough Regional School Committee to incur \$125,000 of debt for the purpose of purchasing and installing computer hardware and software, including all costs incidental thereto.

VOTE	YES 223	NO 116	TOTAL 339
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MOTION IS LOST

ARTICLE 28 ACTON PUBLIC SCHOOLS WASTE WATER SOLUTION
(2/3 Vote Required)

TOWN of ACTON
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To see if the Town will vote to appropriate a sum of money for the construction of sewers and sewage treatment and disposal facilities to provide an interim waste water solution for the schools' campus, including any engineering fees, and other costs incidental thereto, and determine whether to raise this appropriation by borrowing or otherwise, or to take any other action relative thereto.

MOTION: MR. LIBERTY moves to take no action.

MOTION CARRIES UNANIMOUSLY

**ARTICLE 29 ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT
WASTE WATER SOLUTION
(2/3 Vote Required)**

To see if the Town will vote to approve the debt authorized by the vote of the Acton-Boxborough Regional School District School Committee on March 4, 1999, for the construction of sewers and sewage treatment and disposal facilities to provide an interim waste water solution for the schools' campus, including any engineering fees, and other costs incidental thereto, or take any other action relative thereto.

MOTION: MRS. STUNTZ moves to take no action.

MOTION CARRIES UNANIMOUSLY

**ARTICLE 30 BLANCHARD AUDITORIUM TRANSFER
(2/3 Vote Required)**

To see if the Town will vote to authorize the Board of Selectmen to transfer to the Acton Boxborough Regional School District the Blanchard Auditorium building and so much of the land owned by the Town and bounded by Massachusetts Avenue and Charter Road, as may be necessary for the construction of additions to and reconstruction and renovation of the R. J. Grey Junior High School, as authorized by the Acton Boxborough Regional School Committee; provided that the building continues to be named the Blanchard Auditorium, that it continues to be available for use for Town meetings and such other Town functions and activities as may reasonably be

ARTICLE 30 (Continued)

required by the Board of Selectmen; and that no buildings be erected on such land between the Auditorium and Massachusetts Avenue; and further authorize the Town, acting through the Board of Selectmen, to agree with the Regional School Committee to modify the existing agreement between the Town and the District to provide that the District will maintain and operate the building and will bear all construction and capital costs for such reconstruction and renovations; and further to see if the Town will repeal the vote under Article 3 of the December 1, 1998 Special Town Meeting; or take any other action relative thereto.

MOTION: MR. HUNTER moves that the Town repeal the vote under Article 3 of the December 1, 1998 Special Town Meeting, and that the Board of Selectmen be authorized to transfer the Blanchard Auditorium and land to the Acton Boxborough Regional School District for one dollar (\$1.00), and to take all other actions as set forth in the article.

VOTE YES 274 NO 75 TOTAL 349

TOWN of ACTON
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MOTION CARRIES

ARTICLE 31 MINUTEMAN REGIONAL SCHOOL ASSESSMENT
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$516,206, or any other sum, to defray the necessary expenses of the Minuteman Regional Vocational Technical School District, or take any other action relative thereto.

MOTION: MR. WILTSE moves that the Town raise and appropriate \$516,206 to be expended by the Town Manager for the purpose of funding the assessment of the Minuteman Regional Vocational Technical School District for the period of July 1, 1999 to June 30, 2000.

MOTION CARRIES UNANIMOUSLY

ARTICLE 32 MASTER PLAN UPDATE
(Majority Vote Required)

To see if the Town will vote to approve the following updated Master Plan goals and objectives:

MOTION: MR. CROSWELL moves that the Town endorse the goals and objectives of the 1998 Master Plan Update as specified in the words of the article.

MOTION CARRIES UNANIMOUSLY

ARTICLE 33 STREET ACCEPTANCES**
(2/3 Vote Required)

To see if the Town will accept as public ways the following streets or portions 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 streets by eminent domain or otherwise, including easements for drainage, utility or other purposes as shown on said plans or described in the Orders of Layout.

CONSENT MOTION: MR. FRIEDRICHS moves that the Town accept as public way 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 plan or described in the Order of Layout.

CONSENT MOTION CARRIES UNANIMOUSLY

TOWN of ACTON
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ARTICLE 34 ACCEPTANCE OF LAND GIFT- 86 TAYLOR ROAD**
(Majority Vote Required)

To see if the Town will vote to accept as a gift from Judith V. Dunn a parcel of vacant land located at 86 Taylor Road and shown as Lot 15-A on a plan entitled "Plan of Land in Acton, Mass. Prepared for Judith V. Dunn" dated January 4, 1999, said lot contains 25,127 square feet of land and is shown as parcel 41 on map G-3 of the Town Atlas, for general municipal purposes, or take any other action relative thereto.

CONSENT MOTION: MR. FRIEDRICHS moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY.

ARTICLE 35 ACCEPTANCE OF LAND AND EASEMENT - HANDLEY WOODS**
(Majority Vote Required)

To see if the Town will vote to accept as a gift from Handley Woods, Limited Partnership, it successors or assigns, parcels B and C, and easement J in the Handley Woods subdivision for conservation, open space, and recreation purposes, as shown on a plan entitled "Handley Woods, Acton, Massachusetts, Definitive Subdivision Planned Conservation Residential Community", dated January 5, 1996, endorsed by the Planning Board on April 23, 1996, and recorded in the Middlesex South Registry of Deeds as plan #353 of 1996, or take any other action relative thereto.

CONSENT MOTION: MR. FRIEDRICHS moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY.

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ARTICLE 36 ACCEPTANCE OF LAND GIFT - PIPER RIDGE SUBDIVISION**
(Majority Vote Required)

To see if the Town will vote to accept as a gift for general municipal purposes from Northwest Structures, Inc., its successors or assigns, parcels A1, B2 and C in the Piper Ridge subdivision, being shown on a plan entitled "Piper Ridge Definitive Subdivision, Record Plan of Land in Acton, Massachusetts", dated October 20, 1995, and revised on March 1, 1996; endorsed by the Planning Board on April 4, 1996; and recorded in the Middlesex South District Registry of Deeds as plan #1200 of 1996 and in the Land Court under case #7791 as plans B and D, or take any other action relative thereto.

CONSENT MOTION: MR. FRIEDRICHS moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 37 ACCEPTANCE OF NEW VIEW TRAIL EASEMENT**
(Majority Vote required)

To see if the Town will vote to accept as a gift from New View Development Corporation, its successors or assigns, a pedestrian trail easement, the centerline of said easement is shown on a plan entitled "Plan of Land for New View Condominium, Half Moon Hill, Acton, Massachusetts", dated October 30, 1995; endorsed by the Planning Board on October 31, 1995; and recorded in the Middlesex South District Registry of Deeds as plan #1192 of 1995, or take any other action relative thereto.

CONSENT MOTION: MR. FRIEDRICHS moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 38 INTER-MUNICIPAL CONTRACT
(Majority Vote Required)

To see if the Town will vote to authorize the Board of Selectmen or the Town Manager to enter into a joint contract or joint contracts together with any or all of the Towns of Maynard, Stow and Hudson and the City of Marlborough, or any subdivision or agency thereof, for the purpose of effectuating the acquisition, design and construction of the Assabet River Rail Trail, or take any other action relative thereto.

MOTION: MR. FRIEDRICHS moves that the Town authorize the Town Manager to enter into an inter-municipal contract with any or all of the Towns of Maynard, Stow and Hudson and the City of Marlborough and take any other necessary actions for the establishment of the Assabet River Rail Trail within the boundaries of the Town of Acton.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 39 REPURCHASE CEMETERY LOTS**
(Majority Vote Required)

TOWN of ACTON
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To see if the Town will authorize the Cemetery Commissioners to repurchase two-grave lot #349, located in Section 8, Woodlawn Cemetery, for the amount paid (\$700.00), and to see if the Town will authorize the appropriation of \$140.00 from the Cemetery Land Fund and \$560.00 from the New Perpetual Care Fund for this purpose, or take any other action relative thereto.

CONSENT MOTION: MR. FRIEDRICHS moves that the Town appropriate \$700 to be expended by the Cemetery Commissioners to repurchase a two grave lot referred to as Woodlawn Cemetery, Section 8, lot #349 and to raise such amount \$140 be transferred from the Cemetery Land Fund and \$560 be transferred from the New Perpetual Care Fund.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 40 ACCEPT MGLc.40, s 22F**
AMEND TOWN BYLAWS – FEE SCHEDULES
(Majority Vote Required)

To see if the Town will vote to accept section 22F of Chapter 40 of the General Laws relating to the setting of municipal license fees and service charges; and to amend Chapter D of the Town Bylaws by deleting Sections D9. “Fees of the Town Clerk”, D11. “Automatic Amusement Devices” and D12. “Sealing Fees” in their entirety, or take any other action relative thereto.

CONSENT MOTION: MR. FRIEDRICHS moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 41 PLOWING OF PRIVATE WAYS**
(Majority Vote Required)

This Motion was held from the Consent Calendar

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$10,000, or any other sum, to be expended by the Town Manager for the cost associated with the plowing of private ways open to public use, as designated by the Board of Selectmen, or take any other action relative thereto.

MOTION: MR. FRIEDRICHS moves that the Town raise and appropriate \$10,000 to be expended by the Town Manager for plowing of private ways open to public use as designated by the Board of Selectmen.

MOTION CARRIES

TOWN of ACTON
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ARTICLE 42 USE OF FUNDS TO REDUCE THE TAX RATE - FREE CASH
(Majority Vote Required)

To see if the Town will determine an amount of free cash which shall be used for the purpose of reducing the tax rate for the fiscal year beginning July 1, 1999, or take any other action relative thereto.

MOTION: **MR. KABAKOFF** moves to take no action.

MOTION CARRIES

MOTION: **MR. FRIEDRICHS** moves to dissolve the Annual Town Meeting at 10:23 PM

MOTION CARRIES UNANIMOUSLY

Tellers at the meeting were:

William Cady, Head Teller
Madeline Brown
Ann Chang
Isabella Choate
Edward Ellis
Cornelia Huber
Charles Husbands
Charles Kadlec
Elizabeth Perry
Kimberly Powers
Jeff Bergat
Robert Ferrare
Al Warner