

TOWN OF ACTON

ABSTRACT SPECIAL TOWN MEETING HELD NOVEMBER 15, 1999 AT THE ACTON BOXBOROUGH REGIONAL HIGH SCHOOL FIELD HOUSE

NUMBER OF REGISTERED VOTERS IN ATTENDANCE - 697

THE MODERATOR, DONALD MACKENZIE CALLED THE MEETING TO ORDER ON
NOVEMBER 15, 1999 AT 7:05PM

ARTICLE 1 AMEND CHAPTER D10 (b), SEWER BYLAW (Majority Vote Required)

To see if the Town will vote to amend Chapter D10 (b) of the Acton Town Bylaws by changing the proportion of the costs of laying out, constructing and operating a sewage collection, treatment and disposal system, to be paid respectively by the land benefited and by taxpayers generally, or by providing that some specific amount or kinds of such costs shall be paid by taxpayers as may be determined hereunder or in the future by a two thirds vote of Town Meeting, and if the town votes to amend the by-law, to determine what specific amount or kind of costs shall be paid by taxpayers, or take any other action relative thereto.

MOTION: Mr. Shupert moves to amend Chapter D10(1) of the Town By-laws by adding the following language at the end of said Section 1:(as underlined below)

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.

AMENDED MOTION: Mr. Garrod moves to amend the motion by adding after the words \$1,336,600, shall be allocated to taxpayers at large, "and except for \$162,500 of annual operating costs shall be allocated to the taxpayers at large".

AMENDMENT IS LOST

ORIGINAL MOTION AS READ CARRIES

ARTICLE 2 RESCIND OBSOLETE BORROWING AUTHORIZATION
(Majority Vote Required)

To see if the Town will rescind the appropriation and the authority for the Treasurer to borrow \$290,000 approved under Article 1 and \$3,165,000 approved under Article 2 of the Warrant for the April 11, 1988, Special Town Meeting, for the purpose of financing the planning, design, and construction of sewers and a wastewater treatment facility for Sections 1, 2, and 3 in South Acton and Kelley's Corner, as identified in the SEA Consultant's report presented to the Town in 1988, or take any other action relative thereto.

MOTION: Mr. Shupert moves to rescind the appropriations and borrowing authorizations described in the article.

MOTION CARRIES

**ARTICLE 3 MIDDLE FORT POND BROOK SEWER DISTRICT
BORROWING AUTHORIZATION**
(2/3 Vote Required)

To see if the Town will raise and appropriate, appropriate from available funds, or borrow a sum of money in addition to the \$11,500,000 appropriated under Article 18 of the Warrant for the 1997 Annual Town Meeting and the \$10,000,000 appropriated under Article 3 of the Warrant for the October 5, 1998 Special Town Meeting, to be expended by the Town Manager for the purpose of financing the planning, design, and construction of sewers and a wastewater treatment facility, or any portion thereof, for the Middle Fort Pond Brook Sewer District including without limitation, all costs and any related expenses thereof, as defined in Section 1 of Chapter 29C of the General Laws; or take any other action relative thereto.

MOTION: Mr. Shupert moves that \$3,633,050 is appropriated in addition to the \$11,500,000 appropriated under Article 18 of the Warrant for the 1997 Annual Town Meeting and the \$10,000,000 appropriated under Article 3 of the Warrant for the October 5, 1998 Special Town Meeting for the purpose of financing the construction of sewers and a wastewater treatment facility for the Middle Fort Pond Brook Sewer District, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$3,633,050 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Town Manager is authorized to enter into a Project Regulatory Agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

AMENDED MOTION: Mr. JOHNSTON moves to amend the motion by adding language to the end of the motion as underlined below.

"that \$3,633,050 is appropriated in addition to the \$11,500,000 appropriated under Article 18 of the Warrant for the 1997 Annual Town Meeting and the \$10,000,000 appropriated under Article 3 of the Warrant for the October 5, 1998 Special Town Meeting for the purpose of financing the construction of sewers and a wastewater treatment facility for the Middle Fort Pond Brook Sewer District, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$3,633,050 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Town Manager is authorized to enter into a Project Regulatory Agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project, That monies borrowed under the authorization of this article, including any State Revolving Fund loans, will be repaid with a payback time period not to exceed twenty (20) years, exclusive of any term of any bond anticipation notes or interim loan borrowings.

AMENDMENT IS LOST

ORIGINAL MOTION CARRIES

VOTE	YES 590	NO 107	TOTAL 697
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ARTICLE 4 RIVER STREET PUMP STATION LAND
(2/3 Vote Required)

To see if the Town will authorize the Selectmen to purchase, take by eminent domain or otherwise acquire for sewer purposes, the fee in all or a part of a parcel of land, as shown on a plan prepared by Stamski & McNary, located at 135 River Street, now or formerly owned by Linda G. & Sally T. Johnson, shown as Parcel 238, Map H3 on the Town Atlas, or take any other action relative thereto.

MOTION: Mr. Shupert moves to authorize the Selectmen to purchase, take by eminent domain, or otherwise acquire for sewer purposes the fee or permanent or temporary easements in the parcels of land identified and described in Articles 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of the Warrant, and to authorize the Selectmen to expend funds appropriated under Article 18 of the 1997 Annual Town Meeting, Article 3 of the October 5, 1998 Special Town Meeting and Article 3 of this Town Meeting for such purposes.

(NOTE: Article 5 has been consciously deleted from this Motion. This property is not necessary for the project. We will move separately to “Take No Action” on this Article.)

CONSENT MOTION CARRIES UNANIMOUSLY

**ARTICLE 5 MAIN STREET PUMP STATION LAND
(2/3 Vote Required)**

To see if the Town will authorize the Selectmen to purchase, take by eminent domain or otherwise acquire for sewer purposes, the fee in all or a part of a parcel of land, as shown on a plan prepared by Stamski & McNary, located at 106 Main Street, now or formerly owned by Rachel M. Beckman, shown as Parcel 67, Map H2A on the Town Atlas, or take any other action relative thereto.

MOTION: Mr. Shupert moves to take no action.

MOTION CARRIES UNANIMOUSLY

**ARTICLE 6 PROSPECT STREET PUMP STATION LAND
(2/3 Vote Required)**

To see if the Town will authorize the Selectmen to purchase, take by eminent domain or otherwise acquire for sewer purposes, the fee in all or a part of a parcel of land, as shown on a plan prepared by Stamski & McNary, located at 133 Prospect Street, now or formerly owned by the Congregation Beth Elohim, shown as Parcel 129-3, Map F2 on the Town Atlas, or take any other action relative thereto

CONSENT MOTION: SEE ARTICLE 4

CONSENT MOTION CARRIES UNANIMOUSLY

**ARTICLE 7 MASSACHUSETTS AVENUE PUMP STATION LAND
(2/3 Vote Required)**

To see if the Town will authorize the Selectmen to purchase, take by eminent domain or otherwise acquire for sewer purposes, the fee in all or a part of a parcel of land, as shown on a plan prepared by Stamski & McNary, located at 390 Mass. Ave., now or formerly owned by Rosemary Nicholson, Trustee of the Padala Realty Trust and Concord-Assabet Family and Adolescent Center, inc., shown as Parcel 10, Map G3 on the Town Atlas, or take any other action relative thereto.

CONSENT MOTION: SEE ARTICLE 4

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 8 RAILROAD STREET PUMP STATION LAND
(2/3 Vote Required)

To see if the Town will authorize the Selectmen to purchase, take by eminent domain or otherwise acquire for sewer purposes, the fee in all or a part of a parcel of land, as shown on a plan prepared by Stamski & McNary, located at 4 Railroad Street, now or formerly owned by Samuel A. Manka, shown as Parcel 43, Map H2A on the Town Atlas, or take any other action relative thereto.

CONSENT MOTION: SEE ARTICLE 4

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 9 RIVER STREET / CARRIAGE DRIVE SEWER EASEMENT
(2/3 Vote Required)

To see if the Town will authorize the Selectmen to purchase, take by eminent domain or otherwise acquire for sewer purposes, an easement in all or a part of parcels of land, as shown on a plan prepared by Stamski & McNary, located at 1 Carriage Drive, and 83 Parker Street now or formerly owned by Pauline L. Joyal & Andrew E. Page, shown as Parcels 229 & 239-2, Map H3 on the Town Atlas, or take any other action relative thereto.

CONSENT MOTION: SEE ARTICLE 4

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 10 RIVER STREET / MERRIAM LANE SEWER EASEMENT
(2/3 Vote Required)

To see if the Town will authorize the Selectmen to purchase, take by eminent domain or otherwise acquire for sewer purposes, an easement in all or a part of parcels of land, as shown on a plan prepared by Stamski & McNary, located at 104 River Street, now or formerly owned by Daniel A. & Florence C. Kis Gilfix and George B. and Kerry L. Williams, shown as Parcels 87-22 & 168, Map H3 on the Town Atlas, or take any other action relative thereto.

CONSENT MOTION: SEE ARTICLE 4

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 11 RIVER STREET / VANDERBELT ROAD SEWER EASEMENT
(2/3 Vote Required)

To see if the Town will authorize the Selectmen to purchase, take by eminent domain or otherwise acquire for sewer purposes, an easement in all or a part of a parcel of land, as shown on a plan prepared by Stamski & McNary, located at 1 Vanderbilt Road, now or formerly owned by Thomas J. & Jacqueline Grady, shown as Parcel 87-18, Map H3 on the Town Atlas, or take any other action relative thereto.

CONSENT MOTION: SEE ARTICLE 4

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 12 MAPLE STREET SEWER EASEMENT
(2/3 Vote Required)

To see if the Town will authorize the Selectmen to purchase, take by eminent domain or otherwise acquire for sewer purposes, an easement in all or a part of a parcel of land, as shown on a plan prepared by Stamski & McNary, located at 6 Maple Street, now or formerly owned by Cornelius W. and Nancy E. Cullinane, shown as Parcel 56, Map H2A on the Town Atlas, or take any other action relative thereto.

CONSENT MOTION: SEE ARTICLE 4

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 13 RAILROAD STREET / MAPLE STREET SEWER EASEMENT
(2/3 Vote Required)

To see if the Town will authorize the Selectmen to purchase, take by eminent domain or otherwise acquire for sewer purposes, an easement in all or a part of parcels of land, as shown on a plan prepared by Stamski & McNary, located at 11 Maple Street, now or formerly owned by Lorraine M. Montouri, shown as Parcels 42 & 42-1, Map H2A on the Town Atlas, or take any other action relative thereto.

CONSENT MOTION: SEE ARTICLE 4

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 14 MAIN STREET / FAULKNER HILL ROAD SEWER EASEMENT

(2/3 Vote Required)

To see if the Town will authorize the Selectmen to purchase, take by eminent domain or otherwise acquire for sewer purposes, an easement in all or a part of parcels of land, as shown on a plan prepared by Stamski & McNary, located at 91-93 Main Street and 9-15 Faulkner Hill Road, now or formerly owned by Thomas Joseph & Donna M. Heaney, Thomas J. & Cathleen T. Griffin, Howard W, & Carole Ann Kuenzler and Benedykt Z. & Krystyna Peszke, shown as Parcels 6, 7, 12 & 13, Map H3B on the Town Atlas, or take any other action relative thereto.

CONSENT MOTION: SEE ARTICLE 4

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 15 MASS AVE / FRANCINE ROAD SEWER EASEMENT

(2/3 Vote Required)

To see if the Town will authorize the Selectmen to purchase, take by eminent domain or otherwise acquire for sewer purposes, an easement in all or a part of parcels of land, as shown on a plan prepared by Stamski & McNary, located at 394 Mass Ave, now or formerly owned by Dolores Mary Foster & AD Realty Company, shown as Parcels 134 & 118-1, Map F3 on the Town Atlas, or take any other action relative thereto.

CONSENT MOTION: SEE ARTICLE 4

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 16 MAIN STREET / MASS AVE SEWER EASEMENT

(2/3 Vote Required)

To see if the Town will authorize the Selectmen to purchase, take by eminent domain or otherwise acquire for sewer purposes, an easement in all or a part of parcels of land, as shown on a plan prepared by Stamski & McNary, located at 395 Mass Ave, now or formerly owned by Acton Center Associates Limited Partnership, shown as Parcels 108 & 114, Map F3 on the Town Atlas, or take any other action relative thereto.

CONSENT MOTION: SEE ARTICLE 4

CONSENT MOTION CARRIES UNANIMOUSLY