

**ABSTRACT OF THE ANNUAL TOWN MEETING HELD  
MONDAY, APRIL 2, 2007, 7:00 P.M.  
ACTON TOWN HALL, ROOM 204  
WITH ADJOURNED SESSIONS HELD APRIL 9 AND APRIL 10, 2007  
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM**

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Number of Registered voters attending Town Meeting  
April 2, 2007 – 14      April 9, 2007 – 386      April 10, 2007 - 418

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As required by Town Bylaw, the Annual Town Meeting will officially begin April 2. However, in recognition of religious observances, the Board of Selectmen and the Moderator have agreed to a plan to call the Annual Town Meeting to order at 7:00 PM on April 2 in the Faulkner Room of Town Hall and immediately move to adjourn the meeting to Monday, April 9 at 7:00 PM in the Acton-Boxborough Regional High School Auditorium. At that time, the business of Town Meeting will proceed.

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\* Article is on Consent Calendar

# Article submitted by Citizen Petition

**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

**April 2, 2007**

The Moderator, Mr. Mackenzie, called the meeting to order on Monday, April 2, 2007 at 7:00 PM.

**MOTION:** Mr. Dore’ Hunter moves to adjourn the meeting to Monday, April 9, 2007 at 7:00 P.M., In the Acton Boxborough Regional High School Auditorium.

**MOTION CARRIES UNANIMOUSLY**

**April 9, 2007**

The Moderator, Mr. Mackenzie, called the meeting to order on Monday, April 9, 2007, at 7:04 PM. He introduced Pastor Jenny Castle of Acton Congregational Church Pastor Castle then gave the invocation.

Mr. MacKenzie gave an overview of the process of Town Meeting. He informed town meeting that they would be voting on the motions that are read, not the articles as written in the warrant. He then explained some basic rules and parliamentary procedure of the town meeting as found on page 82 of the warrant.

Mr. Mackenzie introduced Head Teller Bill Cady and explains Mr. Cady’s duties as a head teller.

Mr. MacKenzie explained how the CONSENT CALENDAR is voted and proceeded to read the articles on the Consent Calendar:

**Consent Calendar Articles and Motions**

**MOTION:** Mr. Foster moves that the Town take up the twenty-three articles in the Consent Calendar on pages 19 through 21 of the Warrant:

Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 34, 40, 41, 42, 43, 44, 45

Hold 6 and 45

**MOTION CARRIES UNANIMOUSLY**

Mr. Mackenzie introduced the chairman of the Board of Selectmen, Walter Foster, who then introduced Eva K. Taylor - Town Clerk, Stephen Anderson - Town Council, Don Johnson – Town Manager, and members of the Board of Selectmen. Mr. Foster introduced Finance Director, Stephen Barrett, Assistant Finance Director, Karen Kucala, IT Director Mark Hald.

The Moderator introduced the Chairman of the Finance Committee who then introduced the members, Robert Evans, Herman Kabakoff, Patricia Easterly, Patricia Clifford, Stephen Noone, Allen Nitschelm and Kent Sharp.

**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.

**MOTION:** Mr. Foster moves that the Town fix the compensation for elected officers as shown in the Article.

**MOTION CARRIES UNANIMOUSLY**

Frank Joyner, Trustee of the Elizabeth White Fund, nominates, Cornelia O. Huber, 50 Seminole Road, for the position of Trustee of the Elizabeth White Fund, term to expire 2010.

**MOTION CARRIES UNANIMOUSLY**

Peter J. Guilmette, Trustee of the West Acton Citizens' Library, nominates, Nancy Lenicheck, 24 Windsor Avenue, for the position of Trustee of the West Acton Citizens' Library, term to expire 2010.

**MOTION CARRIES UNANIMOUSLY**

Edward M. Bennett, Trustee of the Fireman's Relief Fund of West Acton, nominates Robert A. Vanderhoof, 374 Central Street, for the position of Trustee of the Fireman's Relief Fund of West Acton, term to expire 2010.

**MOTION CARRIES UNANIMOUSLY**

William A. Klauer, Trustee of the Fireman's Relief Fund of Acton, nominates James D. Young, 251 Nagog Hill Road, for the position of Trustee of the Fireman's Relief Fund of Acton, term to expire 2010.



To see if the Town will raise and appropriate, or appropriate from available funds a sum of money 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.

**MOTION: Mr. Hunter** moves that the Town appropriate \$739,416 for the purpose of operating the Town of Acton Public Health Nursing Service, and to raise such amount,  
\$739,416 be raised from department receipts.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 5 \*            SEPTAGE DISPOSAL ENTERPRISE BUDGET**  
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds a sum of money 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.

**MOTION: Mr. Magee** moves that the Town appropriate \$145,533 for the purpose of septage disposal, and to raise such amount,  
\$145,533 be raised from department receipts.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 6 \*            SEWER ENTERPRISE BUDGET**  
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds a sum of money 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.

**Held from consent**

**MOTION: Mr. Magee** moves that the Town appropriate \$1,583,399 for the purpose of operating the sewer system, and to raise such amount,  
\$1,583,399 be raised from department receipts.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 7 \*            TRASH DISPOSAL AND RECYCLING ENTERPRISE BUDGET**  
(Majority vote)

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

**MOTION:** Mr. Ashton moves that the Town appropriate \$586,844 for the purpose of solid waste disposal, and to raise such amount,  
 \$586,844 be raised from department receipts.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 8 \*            SELF-FUNDING PROGRAMS (REVOLVING FUNDS)**  
 (Majority vote)

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	FY08 Estimated Revenue	FY08 Authorized Expenditure
<b>School Department</b>		
Douglas at Dawn/Dusk	<b>\$176,750</b>	<b>\$176,750</b>
Gates Amazing Programs	<b>\$36,500</b>	<b>\$36,500</b>
Merriam Mornings/Afternoons/Summer	<b>\$204,800</b>	<b>\$204,800</b>
<b>Historic District Commission</b>	<b>\$600</b>	<b>\$600</b>
<b>Building Department</b>	<b>\$166,559</b>	<b>\$166,559</b>
Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees		
<b>Sealer of Weights and Measures</b>	<b>\$10,955</b>	<b>\$10,955</b>
<b>Health Department ♦</b>		
Food Service Inspections	<b>\$30,115</b>	<b>\$42,615</b>
Hazardous Materials Inspections	<b>\$53,300</b>	<b>\$65,800</b>
<b>Fire Department</b>		
Fire Alarm Network	<b>\$52,294</b>	<b>\$52,294</b>
Ambulance Fees	<b>\$300,000</b>	<b>\$50,000</b>

, or take any other action relative thereto.

**MOTION:** Mr. Ashton 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 fiscal year 2008 in the amounts and for the purposes set forth in the expense column of this Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 9 \* HIGHWAY REIMBURSEMENT PROGRAM (CHAPTER 90)**  
(Majority vote)

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

**MOTION:** Mr. Foster moves that the Town Manager be authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 10 \* INSURANCE PROCEEDS**  
(Majority vote)

To see if the Town will vote to appropriate the proceeds of any insurance policy reimbursements of costs incurred as a result of any covered loss, including without limitation any liability insurance, property insurance, casualty insurance, workers' compensation insurance, health insurance, disability insurance, automobile insurance, police and fire injury and medical costs, and any other insurance of any name and nature whatsoever, or take any other action relative thereto.

**MOTION:** Mr. Hunter moves that the Town Manager be authorized to accept insurance proceeds of any name and nature whatsoever from all sources and such funds are hereby appropriated.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 11 \* GIFTS OR GRANTS**  
(Majority vote)

To see if the Town will vote to appropriate the proceeds of any gifts or grants accepted pursuant to Massachusetts General Law, Chapter 44, Section 53A, and any interest thereon, for the stated purposes of the gifts or grants, or take any other action relative thereto.

**MOTION:** Ms. Rosenzweig moves that the proceeds of any gifts or grants from any source accepted pursuant to Massachusetts General Law, Chapter 44, Section 53A, and any interest thereon, are hereby appropriated for the stated purposes of the gifts or grants, and may be expended with the approval of the Board of Selectmen or otherwise as stated in Section 53A.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 12 \* 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, or take any other action relative thereto.

**MOTION:** **Mr. Hunter** moves that the Town Manager be authorized to accept federal and state reimbursement funds from all sources and that such funds are hereby appropriated for the purposes outlined by such reimbursement.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 13 \*      PERFORMANCE BONDS**

(Majority vote)

To see if the Town will vote to appropriate the proceeds of any performance bonds for the purposes stated in said bonds available as a result of any default, non-performance or other covered conditions, or take any other action relative thereto.

**MOTION:** **Mr. Hunter** moves that the Town appropriate the proceeds of any performance bonds, for the purposes stated in said bonds, available as a result of any default, non-performance or other covered conditions.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 14 \*      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.

**MOTION:** **Ms. Rosenzweig** moves in the words of the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 15 \*      ELDERLY TAX RELIEF  
REAUTHORIZE CHAPTER 73 OF THE ACTS OF 1986**

(Majority vote)

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.

**MOTION:** **Mr. Ashton** moves 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.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 16 \* ESTABLISH POLICE CRUISER REVOLVING FUND**  
(Majority vote)

To see if the Town will vote, pursuant to Massachusetts General Law, Chapter 44, Section 53E½ to establish a revolving fund for the replacement of police cruisers.

**MOTION: Mr. Hunter** moves that the Town establish a revolving fund for the Police Department to replace police cruisers.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 17 \* ACCEPT CHAPTER 79 OF THE ACTS OF 2006**  
(Majority vote)

To see if the Town will vote to accept Chapter 79 of the Acts of 2006 for all types of adjudicatory hearings conducted by any municipal board, committee or commission of the Town, or take any other action relative thereto.

**MOTION: Mr. Hunter** moves that the Town accept Chapter 79 of the Acts of 2006 for all types of adjudicatory hearings conducted by any municipal board, committee or commission of the Town.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 18 BUDGET TRANSFER**  
(Majority vote)

To see if the Town will vote to appropriate from available funds a sum money, or take any other action relative thereto.

**MOTION: Mr. Foster** moves that the Town take no action on this Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 19 \* TOWN BOARD SUPPORT**  
(Majority vote) **ACTON-BOXBOROUGH CULTURAL COUNCIL**

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.

**MOTION: Mr. Foster** moves that the Town raise and appropriate \$2,000 for the ongoing expenses of the Acton-Boxborough Cultural Council.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 20 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.

**MOTION:** Mr. Foster moves that the Town appropriate \$24,019,554, to be expended by the Town Manager, for the purpose of funding the Municipal Budget for the period July 1, 2007 to June 30, 2008, and to raise such amount,

- \$ 23,473,554 be raised and appropriated,
- \$ 494,000 be transferred from Free Cash and
- \$ 52,000 be transferred from Cemetery Trust funds for Cemetery use,

and that the Town Manager be authorized to sell, trade or dispose of vehicles and equipment being replaced and to expend any proceeds so received.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 21 CAPITAL IMPROVEMENTS**

(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 facilities and equipment as listed below:

<b>A.</b>	Sidewalks	\$ 199,000
<b>B.</b>	Morrison Farm Facility Improvements	\$ 50,000
<b>C.</b>	Self-Contained Breathing Apparatus	\$ 31,000
<b>D.</b>	Hayward Road and Main Street Traffic Signal Design	\$ 130,000
<b>E.</b>	Senior Center Feasibility Study for Building and Parking Expansion	\$ 25,000
<b>F.</b>	Replace Front-End Loader	\$ 136,500
<b>G.</b>	Master Plan	\$ 180,000
<b>H.</b>	Replace Truck 108	\$36,000
<b>I.</b>	Replace Mechanics' Truck	\$ 40,000
<b>Total</b>		<b>\$ 827,500</b>

, or take any other action relative thereto.

**MOTION:** Mr. Foster moves that the Town appropriate \$737,500 to be expended by the Town Manager in the amounts and for the purposes set forth in this article, except that the amount appropriated under Part D be reduced to \$40,000, and to raise such amount, \$737,500 be raised and appropriated, and that the Town Manager be authorized to sell, trade or dispose of vehicles and equipment being replaced and to expend any proceeds so received.

**MOTION TO AMEND** Mr. Kadlec moves to Amend motion by deleting G. Master Plan by eliminating 180,000 new total 557,000

**MOTION TO AMEND LOST**

**ORIGINAL MOTION CARRIES UNANIMOUSLY**

**ARTICLE 22 CAPITAL IMPROVEMENTS**

(Two-thirds vote)

To see if the Town will raise and appropriate, appropriate from available funds or borrow a sum of money, to be expended by the Town Manager for the purchase, replacement or improvement of facilities and equipment as listed below, including related incidental costs, or take any other action relative thereto.

<b>A.</b>	North Acton Fire Station Design	\$ 448,000
<b>B.</b>	Geographic Information System	\$ 300,000
<b>Total</b>		<b>\$ 748,000</b>

**MOTION:**

**Motion for Section A, Fire Station Design, a majority vote:**

**Mr. Hunter** moves that the Town raise and appropriate \$100,000 to be expended by the Town Manager for the purpose of funding management studies, architectural and engineering services, feasibility studies, preliminary design, and related services for the design of a new fire/EMS station in the northerly portion of Acton.

**MOTION CARRIES UNANIMOUSLY**

**Motion for Section B, GIS, a two-thirds vote:**

**Mr. Hunter** moves that the Town appropriate \$300,000 to be expended by the Town Manager for the purpose set forth in Part B of this Article including costs incidental and related thereto, and to raise such amount, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$300,000 under Massachusetts General Law, Chapter 44, Section 7, Paragraph 29, as amended, and that the Town raise and appropriate \$75,000 for the payment of interest and underwriting costs on such borrowing in Fiscal Year 2008.

**MOTION CARRIES  
DECLARED 2/3 BY MODERATOR\***

\*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,  
ARTICLE 43 AND THE AMENDED BYLAW 5A WAS APPROVED BY THE ATTORNEY GENERAL ON AUG. 6, 2001.  
(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

**ARTICLE 23            WASTEWATER RAPID INFILTRATION BASINS**  
(Two-thirds vote)    **CAPACITY ASSESSMENT**

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of a Rapid Infiltration Basin Capacity study, or take any other action relative thereto.

**MOTION:** Mr. Magee moves that the Town raise and appropriate \$25,100 to be expended by the Town Manager for the purpose set forth in the article.

**MOTION CARRIES**  
**DECLARED 2/3 BY MODERATOR\***

\*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,  
ARTICLE 43 AND THE AMENDED BYLAW 5A WAS APPROVED BY THE ATTORNEY GENERAL ON AUG. 6, 2001.  
(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

**ARTICLE 24            SEWER EXTENSIONS DESIGN BASIS REPORT**  
(Two-thirds 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 a planning study to assess the potential costs of expanding sewers to specified High Priority Needs Areas identified by the Comprehensive Water Resources Management Plan, or take any other action relative thereto.

**MOTION:** Mr. Magee moves that the Town raise and appropriate \$34,500 to be expended by the Town Manager for the purpose set forth in the article.

**MOTION CARRIES UNANIMOUSLY**

**MOTION TO ADJOURN:** Mr. Foster moves to adjourn the Annual Town Meeting at 11:02 PM until April 10, 2007 at the Acton-Boxborough Regional High School Auditorium at 7:00 PM.

**MOTION CARRIES UNANIMOUSLY**

**April 10, 2007**

The Moderator, Mr. Mackenzie, called the meeting to order on Tuesday, April 10, 2007, at 7:11 PM.

Mr Mackenzie introduced Acton Memorial Library Trustee Frank Joyner who brought forward an award that the Library's Literary Committee won a 2006 Massachusetts Cultural Council Gold Star Award for Robert Creeley Award events. Robert Creeley was a nationally known poet who lived in West Acton from ages 4 to 15 and felt that his experiences here greatly influenced his writing. Now in its seventh year, the Creeley Award brings a well-known poet to Acton annually for a public reading and an informal gathering with high school students. The Creeley Award was nominated for a Gold Star Award by the Acton Boxborough Cultural Council. In 2006, local cultural councils in the state gave around 4000 grants; thirty were nominated for Gold Star Awards and twelve received them.

Mr. Mackenzie introduced Walter Foster, chair of the Board of Selectmen who then made a presentation to Peter Ashton for his many years of service to the Town as he steps down from the Board of Selectmen.

Mr. Mackenzie introduced Mr Ashton who thanked Mr Foster for his service to the town as he steps off as Selectmen for the Town and presented him with an award.

Peter Ashton also recognized Mr Mackenzie for the 30 years of service as town moderator.

**ARTICLE 25            PROPERTY ACQUISITION – 468 MAIN STREET**

(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain or otherwise and to accept the deed of a fee simple interest, on such terms and conditions as the Selectmen may determine, of the land, buildings and improvements located at and known as 468 Main Street, Acton, shown as Parcel 28 on Acton Assessors' Map F-3A and described in the deed recorded in the Middlesex South Registry of Deeds at Book 27302, Page 455, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

**MOTION:** **Mr. Hunter** moves that the Town appropriate \$545,000 to be expended by the Town Manager for the acquisition by purchase or eminent domain, of a parcel of land with all buildings and improvements located at 468 Main Street for general municipal purposes including costs incidental and related thereto, said land consisting of approximately 43,130 square feet, as shown on the Acton Town Atlas Map F-3A, Parcel 28, and to raise such amount, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$545,000 under Massachusetts General Law, Chapter 44, Section 7, Paragraph 3, as amended, and that the Town raise and appropriate \$54,500 for the payment of interest and underwriting costs on such borrowing in Fiscal Year 2008.

Motion to amend denied. Amendment beyond the scope of the article.

(2/3 MAJORITY) TELLER COUNT - FAVOR 218 - AGAINST - 87

**MOTION CARRIES 2/3 VOTE**

**ARTICLE 26            PROPERTY ACQUISITION – QUARRY ROAD**

(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain or otherwise and to accept the deed of a fee simple interest, on such terms and conditions as the Selectmen may determine, of the land located on Quarry Road, Acton, shown as Parcel 25 on Acton Assessors' Map C5 and described in the deed recorded in the Middlesex South Registry of Deeds at Book 17362, Page 84, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

**MOTION:** **Ms. Rosenzweig** moves that the Town raise and appropriate \$20,400 to be expended by the Town Manager for the acquisition by purchase, eminent domain, or otherwise of a parcel of land located off Quarry Road for general municipal purposes, said land consisting of approximately 3.5 acres, as shown on the Acton Town Atlas Map C5, Parcel 25.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 27            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.

**MOTION: Mr. Ryder** moves that the Town appropriate \$23,309,773, to be expended by the Superintendent of Schools to fund the Acton Public School Budget for the period July 1, 2007 to June 30, 2008, and to raise such amount,

    \$22,846,966 be raised and appropriated and

    \$ 462,807 be transferred from Free Cash.

**MOTION CARRIES**

**ARTICLE 28            CAPITAL IMPROVEMENTS – MODULAR CLASSROOMS**

(Two-thirds vote)

To see if the Town will vote to appropriate a sum of money, to be expended at the direction of the School Committee, for the purpose of acquiring and installing modular classrooms at the Douglas Elementary School, and to pay other costs incidental and related thereto; to determine whether such appropriation shall be raised by taxation, by transfer of available funds, by borrowing or otherwise, or take any other action relative thereto.

**MOTION: Mr. Ryder** moves that the Town appropriate \$377,500 to be expended by the Superintendent of Schools for the purpose set forth in the Article, including costs incidental and related thereto; and to raise such amount, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$377,500 under Massachusetts General Law, Chapter 44, Section 7, Paragraph 9, as amended, and that the Town appropriate \$87,193 for the payment of interest and underwriting costs on such borrowing in Fiscal Year 2008; and to meet this appropriation \$87,193 be transferred from Free Cash.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 29            CAPITAL IMPROVEMENTS – ACTON PUBLIC SCHOOLS**

(majority)

To see if the Town will vote to appropriate a sum of money, to be expended at the direction of the School Committee, for the purpose of making extraordinary repairs to the Conant, Douglas, and Gates Schools, including the purchase of equipment, architects' and engineers' fees and other costs incidental thereto; to determine whether such appropriation shall be raised by taxation, by transfer from available funds, by borrowing or otherwise, or take any other action relative thereto.

**MOTION: Mr. Ryder** moves that the Town take no action on this Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 30            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.

**MOTION:** Mr. Coppolino moves that the Town appropriate \$22,516,727 to fund the assessment of the Acton-Boxborough Regional School District for the period July 1, 2007 to June 30, 2008, and to raise such amount

\$21,966,727 be raised and appropriated,  
\$ 550,000 be transferred from Free Cash

**MOTION CARRIES**

**ARTICLE 31            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.

**MOTION:** Mr. Olmstead moves that the Town appropriate \$774,988 for the expenses of the Minuteman Regional Vocational Technical School District for the period of July 1, 2007 to June 30, 2008, and to raise such amount, \$774,988 be raised and appropriated.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 32            COMMUNITY PRESERVATION PROGRAM**  
(Majority vote)            **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 2006 Community Preservation Fund balance as set forth herein, the following amounts for community preservation purposes, with such expenditures to be subject to conditions to be specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation:

<b>FY 2006 COMMUNITY PRESERVATION FUND BALANCE</b>	
<b>FY 2006 Community Preservation Fund Revenues</b>	
Community Preservation Fund Surcharge Collected in FY 2006	\$ 656,254.18
State Community Preservation Trust Fund Receipt, October 2006	\$ 652,082.00
<b>Other FY 2006 Community Preservation Fund Components</b>	
Interest Earned FY 2006	\$ 58,502.20
Recapture of unspent previous years' project appropriations (02/07)	\$ 71,984.64
Unencumbered FY 2005 Fund Balance	\$ 86,122.12

<b>Total - FY 2006 Community Preservation Fund Balance</b>	<b>\$1,524,945.14</b>
<b>APPROPRIATIONS</b>	
<b>Purpose</b>	<b>Recommended Amounts</b>
<b>Set Aside Appropriations for</b>	
<b>A.</b> Acquisition, creation, and preservation of open space, and its rehabilitation and restoration	\$ 350,000.00
<b>B.</b> Acquisition, preservation, rehabilitation and restoration of historic resources	\$ 55,334.00
<b>C.</b> Acquisition, preservation, rehabilitation and restoration of historic resources; compensates for under-spending in 2004	\$ 4,130.00
<b>Spending Appropriations</b>	
<b>D.</b> Capital Fund, Acton Housing Authority	\$ 64,000.00
<b>E.</b> Support Services, Acton Housing Authority	\$ 35,000.00
<b>F.</b> Community Housing Program Fund	\$ 170,000.00
<b>G.</b> Athletic Field Lighting	\$ 175,000.00
<b>H.</b> Bruce Freeman Rail Trail Design	\$ 202,000.00
<b>I.</b> East Acton Village Green	\$ 70,000.00
<b>J.</b> Communitywide Archaeological Reconnaissance Survey	\$ 35,000.00
<b>K.</b> Granite Street Marker Restoration	\$ 5,500.00
<b>L.</b> Groener Land Purchase at 191 Nagog Hill Road	\$ 100,000.00
<b>Administrative Spending Appropriation</b>	
<b>M.</b> A fund reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 65,416.00
<b>Total Recommended Appropriations</b>	
	<b>\$1,331,380.00</b>
Remaining FY 2006 fund balance	\$ 193,565.14

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 meet or exceed 10% of the 2006 Community Preservation Fund revenues.

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 2006 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2006 Community Preservation Fund revenues for open space (\$130,833.62), not less than 10% of the FY 2006 Community Preservation Fund revenues for historic preservation (\$130,833.62), not less than 10% of the FY 2006 Community Preservation Fund revenues (\$130,833.62) for community housing, and to set aside for future spending on historic preservation not less than \$4,130.00, which had been recaptured as unspent 2004 Community Preservation appropriations and closed to the Community Preservation Fund.

, or take any other action relative thereto.

**MOTION:** Ms. Coleman moves that the Town appropriate or set aside for later appropriation, \$1,331,380, and to raise such amount, \$1,331,380 be transferred from the Community Preservation Fund and that the Town Manager be authorized to expend or set aside amounts as set forth in the Article and in compliance with conditions to be noted in the Community Preservation Committee's Award Letters.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 33                    INTER-MUNICIPAL AGREEMENT –**  
(Majority Vote)            **CENTRAL CAMPUS ATHLETIC FIELDS**

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 use of certain fields and tennis courts at the Regional High School where new light poles and fixtures are to be installed with assistance from the Community Preservation Act Fund, which agreement shall be substantially in the form of the proposed Agreement as set forth below, shall specify the Town’s maximum financial liability as \$175,000 from the Community Preservation Act Fund appropriated under Article 32 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.

**AGREEMENT – DRAFT, 3/4/07**

This Inter-Municipal Agreement (the “Agreement”) is entered into pursuant to M.G.L. c. 40, § 4A, on the last day of execution below, by, between and among the **TOWN OF ACTON**, a municipal corporation, having its principal office at Town Hall, 472 Main Street, Acton MA 01720 (the “Town”) and the **ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT**, a regional school district created under M.G.L. c. 71, §§ 15, *et seq.*, having its principal office at 16 Charter Road, Acton MA 01720 (the “District”).

This Agreement is with respect to the financing and use of new athletic field lighting to be installed on land that is owned by the District and is located on the District’s Central Campus, adjacent to the Acton-Boxborough Regional High School. The new athletic field lighting will be used to illuminate the varsity baseball field, the adjacent tennis courts and the so-called practice football field. Because these facilities are not currently lighted, their use is limited to daytime only and the District is seldom able to offer them to the Town for recreational and community use. The Town has a critical need for additional community recreational resources to serve its youth and adult populations. By lighting these facilities, the District and the Town will greatly expanded the resources available to provide these recreational opportunities to the community.

The new athletic field lighting will consist of galvanized poles attached to concrete bases, which will hold approximately 80 light fixtures. These fixtures will be used to illuminate the varsity baseball field and adjacent tennis courts and so-called practice football field. Protective netting will be hung between two poles to protect tennis players from batted baseballs that now fall into those courts unimpeded.

The District proposes to create new and expanded multi-use, recreation space at the varsity baseball field, including without limitation the following elements (the “Field Lighting Project”):

1. Excavate existing land and then install up to eight concrete foundations
2. Install onto the concrete foundations, four (4) - 80 foot high, two (2) - 70 foot high and two (2) -50 foot high galvanized poles and affix lighting fixtures
3. Install a transformer and requisite underground wiring to provide electricity to the fixtures
4. Attach protective netting to two of the poles to help protect tennis players from being hit by foul balls
5. Significantly expand the amount and range of users and hours of usage.

The District proposes to finance the ATHLETIC FIELD LIGHTING Project with funding from three sources: Privately Raised Funds (approximately 37%); District Funds (approximately 6%); and Town Community Preservation Act Funds ("CPA Funds") (approximately 58%). Under G.L. c. 44B, § 5, CPA Funds can be used for "the acquisition, creation and preservation of open space," where "open space is defined under G.L. c. 44B, § 2, to include, "land for recreational use," and "recreational use" is defined under G.L. c. 44B, § 2, to include "noncommercial youth and adult sports, and the use of land as a park, playground or athletic field." This agreement will ensure a policy and procedure by which the District will provide shared access to the new ATHLETIC FIELD LIGHTING.

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

**1. CONSTRUCTION OF THE ATHLETIC FIELD LIGHTING PROJECT**

Subject to the terms and conditions of this Agreement, on or before July 31, 2007, the District shall perform all work necessary and appropriate for the design, bidding, permitting, construction, landscaping and other related activities for the completion of the ATHLETIC FIELD LIGHTING Project (the "Work"). The "Work" is defined as lighting of the existing baseball diamond, tennis courts and adjacent soccer/football practice field. Once the Work is completed on the ATHLETIC FIELD LIGHTING Project, ATHLETIC FIELD LIGHTING, for purposes of this Agreement, shall be referred to herein as the "New ATHLETIC FIELD LIGHTING."

**2. FUNDING OF THE ATHLETIC FIELD LIGHTING PROJECT**

The estimated cost of the Work is \$285,000 (the "Estimated Project Cost"). The District agrees to accept private funds, totaling not less than one-third of the Estimated Project Cost, and expend these funds toward the Work. Upon (a) commitment to pay and/or payment to and acceptance by the District of Private Funds, inclusive of any in-kind contributions, totaling not less than one-third of the Estimated Project Cost, (b) completion of the design, bidding, and (if required) permitting of the ATHLETIC FIELD LIGHTING Project, and (c) issuance by the District of the contracts for the construction of the ATHLETIC FIELD LIGHTING Project, the Town shall pay to the District, CPA Funds not to exceed \$175,000 towards the cost of permitting, design and construction of the Work. The District shall accept and expend said CPA Funds solely for the purpose of performing the Work on the ATHLETIC FIELD LIGHTING Project

The District shall complete the Work using the Private Funds, the CPA Funds, and additional District Funds raised and appropriated and/or borrowed by the District for that purpose. The District shall pay, or Private Funds shall be raised to cover, all costs over and above the CPA Funds necessary to complete the Work, including without limitation, any cost overruns relating to the ATHLETIC FIELD LIGHTING Project.

### **3. USE OF ATHLETIC FIELD LIGHTING**

In return for its contribution of CPA Funds to the ATHLETIC FIELD LIGHTING Project, this Agreement provides throughout its Term, and subject to the terms hereof, for guaranteed access for the Town and Town-approved community groups to use the New ATHLETIC FIELD LIGHTING, free of charge (except for ministerial charges as provided herein), for sports practices, sports events and other recreational activities such as Town sports leagues (baseball, tennis, football, soccer, lacrosse, field hockey, ultimate frisbee, etc.), adult sports leagues, instructional sports clinics, summer sports camps, tournaments, other recreational activities and events, and the like. This Agreement also permits the District to expand its use of the New ATHLETIC FIELD LIGHTING for sports practices and events and other recreational extracurricular activities.

To minimize potential conflicts over the use of the New ATHLETIC FIELD LIGHTING and to maximize the efficient and appropriate allocation of time slots (including prime afternoon, evening and weekend time slots), the Town and the District agree that both initially and throughout the remaining Term of this Agreement, the Rules of Priority, attached as Exhibit 1, shall be used to allocate shared use of the New ATHLETIC FIELD LIGHTING between the Town and the District. The Rules of Priority may be altered or amended from time to time by agreement of the School Superintendent and the Town Manager or their respective designees.

Throughout the Term of this Agreement, the Field Reservation Rules and Regulations, attached as Exhibit 2, shall govern the use of the New ATHLETIC FIELD LIGHTING. Groups from outside of the Town and the District may be allowed to use the New ATHLETIC FIELD LIGHTING, on a space available basis. The Field Reservation Rules and Regulations may be altered or amended from time to time by agreement of the School Superintendent and the Town Manager or their respective designees.

The Town and the District agree that, upon completion of construction of the ATHLETIC FIELD LIGHTING Project in accordance with this Agreement, and during the Term of this Agreement, the New ATHLETIC FIELD LIGHTING as provided herein will remain accessible and used in conjunction with the lighted playing fields and recreation facilities. Any further construction or reconstruction of the bleachers and surrounding structures or spaces may be conducted to enhance the use and accessibility to ATHLETIC FIELD LIGHTING.

As evidence of these undertakings, the parties shall execute and either party may record the Memorandum of Inter-Municipal Agreement attached as Exhibit 3.

### **4. TERM**

The term of this Agreement shall be for the useful life of the lighting or twenty-five years, whichever is sooner.

Upon payment by the Town of the CPA Funds hereunder, this Agreement shall guarantee the Town's irrevocable right to use the New ATHLETIC FIELD LIGHTING in accordance with this Agreement during its Term subject to interruptions in such use as provided herein.

### **5. MAINTENANCE OF ATHLETIC FIELD LIGHTING**

During the Term of this Agreement and subject to appropriation of funds for such purpose, the District shall perform all actions necessary to operate, maintain, patrol, inspect, and repair New ATHLETIC

FIELD LIGHTING, reasonable wear and tear excepted. Without limitation but subject to appropriations, the District shall perform all necessary maintenance activities and other actions to permit the safe and efficient use of the field for the purposes of this Agreement. It is understood that such repair, maintenance and replacement of the field surfaces and other improvements may interrupt or disrupt, during the period of time while such activities occur, the use of the New ATHLETIC FIELD LIGHTING.

**6. MAXIMUM FINANCIAL LIABILITY**

The maximum financial liability of the Town and the District under this Agreement shall be as specified in the respective votes of the Acton Town Meeting and the District School Committee to authorize this Agreement. To satisfy their respective obligations under this Agreement, the Town and the District, when duly authorized to do so in accordance with the provisions of applicable law, may raise money by any lawful means.

**7. FINANCIAL SAFEGUARDS**

The Town and the District agree that the following financial safeguards shall apply to this Agreement and shall be sufficient for all purposes.

Until the completion of construction of the ATHLETIC FIELD LIGHTING Project, acceptance of the Work by the District, and payment of all contractors and subcontractors with respect thereto:

The District shall maintain accurate and comprehensive records of services performed, costs incurred, and reimbursements and contributions made and received in connection with this Agreement; shall require that all bills and payrolls submitted for work done under this Agreement shall be plainly marked to indicate that the work was done under authority hereof; shall provide an annual financial report with respect thereto to the Town if required by law; and shall cause such records to be audited as part of the regular audits of the District's such records; and

The Town shall maintain accurate and comprehensive records of all CPA Funds appropriated and expended pursuant to this Agreement; and shall cause such records to be audited as part of the regular audits of the Town's records.

Thereafter, during the Term of this Agreement, the Town and the District shall maintain accurate financial records of any revenues and expenses associated with this Agreement; and shall cause these records to be audited as part of the regular audits of their respective financial accounts.

The amount of CPA Funds and other contribution received by the District and/or any reimbursement made by the District under this Agreement shall be accounted for on its books pursuant to General Laws Chapter 40, Section 4A, and /or Chapter 44, Section 53A, as applicable.

All records kept by the Town in regard to the expenditure of CPA funds related to this project, and all records kept by the District in regard to the expenditure of said funds, shall be available for inspection upon request.

**8. INSURANCE.**

During the Term of this Agreement, the District will list ATHLETIC FIELD LIGHTING on the District's schedule of insured properties for its property and liability policies. The District shall cause the Town to

be named as an additional insured on the District's liability insurance arising out of its interest in the ATHLETIC FIELD LIGHTING property under this Agreement. During the Term of this Agreement, the Town will list ATHLETIC FIELD LIGHTING on the Town's schedule of insured properties for its property and liability policies. The Town shall cause the District to be named as an additional insured on the Town's liability insurance with respect to ATHLETIC FIELD LIGHTING.

**9. CERTAIN OPERATIONAL MATTERS.**

Any necessary permits or licenses needed to use the New ATHLETIC FIELD LIGHTING by any person or entity shall be obtained by the persons or entities intending to use the field and copies shall be provided to the Town and the District. The Town and any person or entity using New ATHLETIC FIELD LIGHTING shall not make any alterations to such field. To the extent any large scale or unusual use (as reasonably determined by either the Town or the District) of the New ATHLETIC FIELD LIGHTING is contemplated by any person or entity, the District and/or the Town shall have the right to require a police presence and/or that custodial or other similar services be provided and in each case paid for by such users with respect to such use. Payment of the cost of the police detail and custodial services shall not be considered a fee for the use of the field but rather shall be a cost incidental to the individual's event.

**10. SOVEREIGN IMMUNITY.**

It is expressly understood and agreed, and all users of the New ATHLETIC FIELD LIGHTING shall be advised, that the use of such field by any persons or entities other than District activities are undertaken by and pursuant to the Town's authority to promote and allow recreational use of public facilities and further that each of the District and the Town have sovereign immunity and statutory immunity as provided under Massachusetts law with respect to any use of the New ATHLETIC FIELD LIGHTING and ancillary District property such as access ways, the parking areas and the like.

**11. MISCELLANEOUS.**

(a) **Amendment/Waiver.** This Agreement cannot be amended, modified or revised unless done in writing and signed by an authorized agent of the District and an authorized agent of the Town. No provision may be waived except in a writing signed by both parties.

(b) **Bind and Benefit.** The terms and conditions contained in this Agreement will run with the ATHLETIC FIELD LIGHTING Property and bind and inure to the benefit of the parties, their respective heirs, executors, administrators, successors and assigns.

(c) **Entire Agreement.** This Agreement and the exhibits attached hereto, all being a part hereof, constitute the entire agreement of the parties hereto and will supersede all prior offers, negotiations and agreements with respect to the subject matter of this Agreement.

(d) **Governing Law.** This Agreement will be governed by the laws of the Commonwealth of Massachusetts.

(e) **No Transfers.** Neither the Regional School District nor the Town may transfer or assign this Agreement or its rights hereunder.

IN WITNESS WHEREOF, the parties have executed this Inter-Municipal Agreement as of the day and year first above written.

**TOWN OF ACTON, MASSACHUSETTS,**

By its Board of Selectmen,

\_\_\_\_\_  
Walter M. Foster, Chairman

\_\_\_\_\_  
Peter K. Ashton

\_\_\_\_\_  
F. Dore' Hunter

\_\_\_\_\_  
Andrew Magee

\_\_\_\_\_  
Lauren Rosenzweig

**ACKNOWLEDGEMENT**

COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF MIDDLESEX

On this \_\_\_ day of \_\_\_\_\_, 2007, before me, the undersigned Notary Public, personally appeared each of the foregoing named members of the Board of Selectmen of the Town of Acton, each of whom proved to me through satisfactory evidence of identification, namely my personal knowledge of each, to be the person whose name is signed on the preceding document, and acknowledged to me that each signed it voluntarily for its stated purpose as the foregoing named member of the Board of Selectmen of the Town of Acton, a municipal corporation.

\_\_\_\_\_ (official signature and seal of notary)

My commission expires \_\_\_\_\_

Acton Town Manager

\_\_\_\_\_  
Don P. Johnson

**ACKNOWLEDGEMENT**

COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF MIDDLESEX

On this \_\_\_\_ day of \_\_\_\_\_, 2007 before me, the undersigned Notary Public, personally appeared Don P. Johnson, Town Manager of the Town of Acton, proved to me through satisfactory evidence of identification, namely my personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as the foregoing Town Manager of the Town of Acton, a municipal corporation.

\_\_\_\_\_ (official signature and seal of notary)

My commission expires \_\_\_\_\_

**ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT**

By its Regional District School Committee,

\_\_\_\_\_  
Michael Coppolino, Chairperson

\_\_\_\_\_  
Brigid Bieber

\_\_\_\_\_  
Jonathan Chinitz

\_\_\_\_\_  
Terry Lindgren

\_\_\_\_\_  
Sharon Smith McManus

\_\_\_\_\_  
Rebecca Neville

\_\_\_\_\_  
John Ryder

\_\_\_\_\_  
Bruce Sabot

**ACKNOWLEDGEMENT**

COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF MIDDLESEX

On this \_\_\_ day of \_\_\_\_\_, 2007, before me, the undersigned Notary Public, personally appeared each of the foregoing named members of the Acton-Boxborough Regional School District Committee, each of whom proved to me through satisfactory evidence of identification, namely my personal knowledge of each, to be the person whose name is signed on the preceding document, and acknowledged to me that each signed it voluntarily for its stated purpose as the foregoing named member of the Acton-Boxborough Regional School District Committee.

\_\_\_\_\_ (official signature and seal of notary)

My commission expires \_\_\_\_\_

Acton-Boxborough Regional School District Superintendent

\_\_\_\_\_  
William Ryan

**ACKNOWLEDGEMENT**

COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF MIDDLESEX

On this \_\_\_ day of \_\_\_\_\_, 2007, before me, the undersigned Notary Public, personally appeared William Ryan, Superintendent of the Acton-Boxborough Regional School District, proved to me through satisfactory evidence of identification, namely my personal knowledge to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as the foregoing Superintendent of the Acton-Boxborough Regional School District, a regional school district.

\_\_\_\_\_ (official signature and seal of notary)

My commission expires \_\_\_\_\_

## **LIST OF EXHIBITS**

Exhibit 1 – ATHLETIC FIELD LIGHTING - Rules of Priority

Exhibit 2 – ATHLETIC FIELD LIGHTING - Reservations: Rules and Regulations

Exhibit 3 – Memorandum of Inter-Municipal Agreement

### **EXHIBIT 1**

#### **ATHLETIC FIELD LIGHTING RULES OF PRIORITY**

Unless altered or amended by agreement of the Acton Boxborough Regional School Committee (School Committee) and the Board of Selectmen (Selectmen) or their respective designees, the following Rules of Priority shall be used to allocate shared use of ATHLETIC FIELD LIGHTING between the Town and the District throughout the term of this Agreement:

- In allocating time slots between and among the District and the Town, the Town and the District shall be guided by the principle that ATHLETIC FIELD LIGHTING shall be a shared recreational resource designed to promote and sustain a vibrant and diverse array of intra-scholastic, inter-scholastic, Town and community sporting and recreational events to promote the health and well-being of the Town's and the District's students, youth, adults, and families. Accordingly, the Selectmen and the School Committee (or their respective designees) shall agree upon a balanced allocation schedule between the District and the Town that takes into account seasonal sports' needs, increased summer flexibility and hours when school is out and days are longer, and other considerations appropriate to reaching an annual equitable balance between the District and the Town.
- Each December for spring sports and each May for fall sports, the Town and the District (through their respective designees) will distribute a single field request form to youth and adult sports associations. A joint scheduling meeting for the Town and District-controlled facilities (including the New ATHLETIC FIELD LIGHTING) shall be held between the Town and the District (or their respective designees) in January for spring and June for fall sports. At that time any conflicts in the use of the New ATHLETIC FIELD LIGHTING will be resolved by consensus.
- FALL, SPRING AND SUMMER USE:
  - The District shall have use of the facilities during the daytime, until 6:00 PM or the conclusion of a game in progress
  - The Town shall have use of the facilities from 6:00 PM until 10:30 PM
- District-sponsored activities as well as Town-sponsored activities, including but not exclusively youth and adult sports leagues, will have free access to the New ATHLETIC FIELD LIGHTING.
- Groups from outside of Acton and the District would be able to use the New ATHLETIC FIELD LIGHTING, on a space available basis, pursuant to the Field Reservation Rules and Regulations, and sample Field Request Form.
- For any of the time specifically reserved for the use of the Town/District, the Town/District reserves its right to waive all or a portion of its time in any year without waiving future years' rights to the same time.

## **EXHIBIT 2**

### **ATHLETIC FIELD LIGHTING RESERVATIONS: RULES AND REGULATIONS**

The Acton-Boxborough Regional School District and the Town of Acton are proud of our capability to offer our community a shared recreational resource in ATHLETIC FIELD LIGHTING. This resource is designed to promote and sustain a vibrant and diverse array of intra-scholastic, inter-scholastic, Town and community sporting and recreational events to promote the health and well being of the Town's and the District's students, youth, adults, and families. We welcome community use of ATHLETIC FIELD LIGHTING through the procedure laid out below.

#### **Field Reservations**

Reservations for ATHLETIC FIELD LIGHTING will be made by the District or Town (according to whichever entity has priority use of the time requested as noted in Exhibit 1) on the following priority classification:

- Class 1 – District activities or Town activities
- Class 2 – Youth and adult sports leagues
- Class 3 – Acton-Boxborough residents and businesses
- Class 4 – Non-Acton-Boxborough non-profit organizations

#### **Reservation Procedures**

Twice a year there will be a scheduling meeting with representatives of Class 1-3 users interested in obtaining season permits. This meeting will be held in conjunction with the Acton Recreation Department. Class 2-3 users will be notified as to the time and place of this meeting. At that meeting, all scheduling concerns for the upcoming season will be addressed and the schedule of field use formalized.

#### **Revocation of Field Permits**

The Acton-Boxborough Regional School District and the Town of Acton reserve the right to revoke a field reservation permit under the following conditions:

1. Use of alcohol at field site or parking lots.
2. Use of other controlled substances at field site or parking lots.
3. Excessive litter.
4. Cars parked on the field or other grass areas.
5. Use of foul or abusive language.
6. Other misuses as determined by the Town or District.

Additional field requests made by any individual/team whose permit has been revoked will be denied for the balance of the season. Teams/individuals will be held responsible for any field damage caused by misuse.

**EXHIBIT 3**

**Memorandum of Inter-Municipal Agreement  
MEMORANDUM OF AGREEMENT**

This Memorandum of Inter-Municipal Agreement is entered into on this \_\_\_\_ day of \_\_\_\_\_, 2007, by and between the ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT, a regional school district created under M.G.L. c. 71, §§ 15, et seq., having its principal office at 16 Charter Road, Acton MA 01720 (the "District") and the TOWN OF ACTON, a municipal corporation, having its principal office at Town Hall, 472 Main Street, Acton MA 01720 (the "Town").

1. The District and the Town have entered into a certain Inter-Municipal Agreement ("Agreement") on the \_\_\_\_ day of \_\_\_\_\_, 2007, with respect to the use of a portion of the Acton-Boxborough Regional School District Central Campus which is owned by the District by Deed(s) dated \_\_\_\_\_, recorded in the Middlesex South Registry of Deeds at Book(s) \_\_\_\_\_, Page(s) \_\_\_\_\_, as set forth in the Agreement.
2. The maximum term of the Agreement is twenty-five (25) years.
3. The facilities subject to the Town's right to use under the Agreement are the varsity baseball field, the adjacent tennis courts and the so-called practice football field that are lighted by the New ATHLETIC FIELD LIGHTING.
4. This Memorandum of Agreement is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Agreement, all of which are hereby ratified and affirmed. In the event of a conflict between the provisions of this Memorandum of Agreement and the provisions of the Agreement itself, the provisions of the Agreement shall control.

**IN WITNESS WHEREOF**, the parties have executed this Memorandum of Agreement of the day and year first above written.

Acton-Boxborough Regional School District

\_\_\_\_\_  
William Ryan, Superintendent

**ACKNOWLEDGEMENT**

COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF MIDDLESEX

On this \_\_\_\_ day of \_\_\_\_\_, 2007, before me, the undersigned Notary Public, personally appeared William Ryan, Superintendent of the Acton-Boxborough Regional School District proved to me through satisfactory evidence of identification, namely my personal knowledge to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as the foregoing Superintendent of the Acton-Boxborough Regional School District, a regional school district.

\_\_\_\_\_  
(official signature and seal of notary)

My commission expires \_\_\_\_\_

Town of Acton

\_\_\_\_\_  
Don P. Johnson, Town Manager

**ACKNOWLEDGEMENT**

COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF MIDDLESEX

On this \_\_\_ day of \_\_\_\_\_, 2007, before me, the undersigned Notary Public, personally appeared Don P. Johnson, Town Manager of the Town of Acton, proved to me through satisfactory evidence of identification, namely my personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as the foregoing Town Manager of the Town of Acton, a municipal corporation.

\_\_\_\_\_ (official signature and seal of notary)

My commission expires \_\_\_\_\_

**MOTION:** Mr. Foster moves that the Town authorize the Board of Selectmen to enter into an inter-municipal agreement with the Acton-Boxborough Regional School Committee relative to the use of certain fields and tennis courts at the Regional High School in substantially the form set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 34 \*      AMEND TOWN BYLAWS –**  
(Majority vote)      **COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to amend Chapter S of the general Bylaws of the Town (the Community Preservation Committee Bylaw) as follows:

1. To strike the text of Section 3.2 in its entirety and replace it with the following:
 

3.2 The Committee shall make recommendations in proper form to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created with funds received in accordance with the Community Preservation Act, MGL Chapter 44B, Sections 1 to 17, as amended. With respect to community housing, the Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

Or take any other action relative thereto.

**MOTION:** Mr. Magee moves that the Town adopt the bylaw amendments as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 35            AMEND ZONING BYLAW – FLEXIBLE PARKING LOT DESIGN**  
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw as follows:

- A. In Section 6.7, which sets forth standard parking lot design requirements, insert a new Section 6.7.9 as follows:
- 6.7.9 Flexible Parking Lot Design Requirements – A Special Permit or Site Plan Special Permit Granting Authority having jurisdiction, or the Building Commissioner in cases where no special permit or site plan special permit is required, may as an alternative to strict conformance with the requirements of Sections 6.7.1, 6.7.2, 6.7.5 thru 6.7.8, and 10.4.3.6 of this Bylaw, including their subsections, and subject to the following requirements, conditions, and findings, approve a Flexible Parking Plan as follows:
- 6.7.9.1 The special permit or site plan special permit application shall contain a Parking Proof Plan, prepared and stamped by a Registered Professional Engineer, drawn to sufficient detail to demonstrate compliance with all applicable local, State, and Federal laws and regulations, including this Bylaw without the benefit of this Section 6.7.9. The Parking Proof Plan shall show the number of proposed parking spaces and identify the total area of impervious paved surface, parking lot landscaping, and OPEN SPACE on the LOT.
- 6.7.9.2 The special permit or site plan special permit application shall contain a Flexible Parking Plan, prepared and stamped by a Registered Professional Engineer, showing the same number of parking spaces as on the Parking Proof Plan and a parking lot layout that differs in whole or in part from the requirements of Sections 6.7.1, 6.7.2, 6.7.5 thru 6.7.8, and 10.4.3.6. The Flexible Parking Plan shall include sufficient detail, including drainage system details, to demonstrate compliance with all other applicable local, State, and Federal laws and regulations, and it shall identify the total area of impervious paved surface, parking lot landscaping, and OPEN SPACE on the LOT. The Flexible Parking Plan shall be submitted with a list of waivers from the stated sections of this Bylaw and supporting materials detailing why the Flexible Parking Plan is more advantageous for the site; better protects the neighbors including abutting residential properties; is more conservative in its use of natural resources; and/or overall would be in the better interest of the Town of Acton as compared to the Parking Proof Plan.
- 6.7.9.3 In cases where a special permit or site plan special permit is not required, the Parking Proof Plan and Flexible Parking Plan shall be submitted to the Building Commissioner.
- 6.7.9.4 The Flexible Parking Plan shall comply with the following minimum standards:
- a) Except for ACCESS driveways, common driveways, or walkways, all parking spaces and paved surfaces shall be set back a minimum of ten feet from any LOT line.
  - b) The landscaping of the parking lots shall as a minimum comply with Section 6.9.4.7 including subsections a) through e).
- 6.7.9.5 The Special Permit or Site Plan Special Permit Granting Authority, or the Building Commissioner where no special permit or site plan special permit is required, may at their sole discretion approve the Flexible Parking Plan if the Board or the Building Commissioner as applicable finds and determines that the Parking Proof Plan conforms to the provisions of this Bylaw; and that the Flexible Parking Plan conforms to Section 6.7 except as waived under this subsection 6.7.9, is more advantageous for the site, is more conservative in its use

of natural resources, and overall would be in the better interest of the Town of Acton as compared to the Parking Proof Plan.

B. In Section 10.4, Site Plan Special Permit, insert under Section 10.4.3.6 the following subsection 3):

3) See also Section 6.7.9 for Flexible Parking Plans and potential waivers from this Section 10.4.3.6.

, or take any other action relative thereto.

**MOTION: Mr. Schaffner** moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

### **MOTION CARRIES**

#### **ARTICLE 36            AMEND ZONING BYLAW – (Two-thirds vote)        REPLACEMENTS OF HOMES ON UNDERSIZED LOTS**

To see if the Town will vote to amend the Zoning Bylaw, section 8.3 – Nonconforming Structures, by inserting a new section 8.3.6 as follows:

8.3.6 Replacement of Single- and Two-Family Dwellings – A STRUCTURE in single family residential USE on a nonconforming LOT, that cannot otherwise be built on under the requirements of Section 8.1, may be razed and rebuilt for single family residential USE, or rebuilt for single family residential USE after damage from fire or natural disaster except flood, regardless of the degree of damage; and a STRUCTURE in two-family residential USE on a nonconforming LOT, that cannot otherwise be built on under the requirements of Section 8.1, may be razed and rebuilt for two-family residential USE, or rebuilt for two-family residential USE after damage from fire or natural disaster except flood, regardless of the degree of damage; in both cases subject to the following conditions and limitations:

8.3.6.1 The replacement STRUCTURE shall not exceed the FLOOR AREA RATIO on the LOT of the STRUCTURE that existed on the LOT before it was razed or damaged.

8.3.6.2 The replacement STRUCTURE shall meet all minimum yard and maximum height requirements of this Bylaw.

8.3.6.3 In the absence of architectural and plot plans for the existing structure to be razed, the FLOOR AREA RATIO shall be determined by using the information on record at the Town of Acton Assessor's office.

8.3.6.4 Additions to the replacement STRUCTURE may be made after two years following the date of initial occupancy of the replacement STRUCTURE, if otherwise permissible and subject to any permits and special permits that may be required.

, or take any other action relative thereto.

**MOTION: Mr. Starzec** moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

### **MOTION CARRIES UNANIMOUSLY**

**ARTICLE 37**            **AMEND ZONING BYLAW – REMOVAL OF OWNER OCCUPANCY**  
(Two-thirds vote)      **REQUIREMENT FOR MULTI-FAMILY USES**

To see if the Town will vote to amend the Zoning Bylaw, section 3, Table of Principal Uses, as follows:

- A. Deleting the second and third sentences in footnote (3).

*[Note: The sentences that are proposed for deletion read as follows:  
“At least one of the DWELLING UNITS shall be occupied by the owner of the property. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes.”]*

- B. Combine footnotes (3) and (4) into one new footnote (3), and renumber footnotes (5) through (12) to become footnotes (4) through (11) respectively.

, or take any other action relative thereto.

**MOTION:** **Mr. Densen** moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

**MOTION CARRIES**  
**DECLARED 2/3 BY MODERATOR\***

\*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,  
ARTICLE 43 AND THE AMENDED BYLAW 5A WAS APPROVED BY THE ATTORNEY GENERAL ON AUG. 6, 2001.  
(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

**ARTICLE 38**            **AMEND ZONING BYLAW –**  
(Two-thirds vote)      **WIRELESS COMMUNICATIONS FACILITIES AMENDMENTS**

To see if the Town will vote to amend the Zoning Bylaw, section 3.10 – Wireless Communication Facilities, as follows:

- A. In section 3.10.6, add the following sentences to the end of sub-section 3.10.6.1:

“For purposes of determining the height of a Wireless Communication Facility, the height shall be the higher of the two vertical distances measured as follows:

- a. The elevation of the top of the pole structure above the mean ground elevation directly at the base of the pole; or
- b. The elevation of the top of the pole structure above the mean ground elevation within 500 feet of the base of the pole.

- B. In section 3.10.6, insert new sub-sections 3.10.6.2 and 3.10.6.3 as follows:

3.10.6.2 Wireless Communication Facilities shall be single monopoles with internally mounted antennae, also known as stealth monopoles. On a case by case basis, generally when aesthetic considerations are less important, the Planning Board may allow monopoles with external flush mounted antennae, or external standard antenna arrays that extend laterally from the pole.

3.10.6.3 Wireless Communication Facilities shall be located, designed, and constructed to include a monopole that is, or that is engineered to be, structurally extendable to be the maximum height allowed under section 3.10.6.1 above capable of accommodating the maximum number of technically feasible co-locator antennae in the portion of the pole above the tree line, as well as an equipment shelter or other enclosed space physically able to, or capable of being enlarged to, fully accommodate the maximum number of wireless service transmitters and other equipment necessary for the maximum number of technically feasible co-locators at the site.

And, renumber existing sub-sections 3.10.6.2 through 3.10.6.9 to become sub-sections 3.10.6.4 through 3.10.6.11 respectively.

C. In section 3.10.6.5 (renumbered to 3.10.6.7 in B. above), insert a new sub-section e) as follows:

e) The Planning Board may require long-term easements, leases, licenses, or other enforceable legal instruments that fully support a Wireless Communications Facility at its maximum potential technical capacity, including sufficient space for facility base equipment to accommodate the maximum number of technically feasible co-locators at the site, adequate access and utility easements to the facility from a public STREET, and the right for the maximum number of technically feasible telecommunication service provider co-locators to co-locate on the facility and to upgrade the utilities and equipment as needed for maintaining and improving service and capacity.

D. In section 3.10.6.7 (renumbered to 3.10.6.9 in B. above), delete the word “vegetation” and replace it with “foliage”.

*[Note: The relevant sentence in section 3.10.6.7 currently states: The application shall also include maps showing areas where the proposed top of the Wireless Communication Facility will be visible when there is vegetation and when there is not.]*

E. In section 3.10.6.9 (renumbered to 3.10.6.11 in B. above), delete sub-section a), and renumber current sub-sections b) through j) to become sub-sections a) through i) respectively.

*[Note: Section 3.10.6.9 sets forth mandatory findings that the Planning Board as the Special Permit Granting Authority for Wireless Communication Facilities must make in the affirmative when granting special permits. In the current sub-section a) the required finding is that the facility “is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, s.11”.]*

, or take any other action relative thereto.

**MOTION: Mr. Reichlen** moves that the Town adopt the zoning bylaw amendments as set forth in Parts A through D of the Article, and that Part E be deleted in its entirety.

**MOTION CARRIES  
DECLARED 2/3 BY MODERATOR\***

\*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,  
ARTICLE 43 AND THE AMENDED BYLAW 5A WAS APPROVED BY THE ATTORNEY GENERAL ON AUG. 6, 2001.  
(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

**ARTICLE 39 #            CELLULAR TOWERS IN RESIDENTIAL AND SCHOOL AREAS**  
(Two-thirds vote)

WHEREAS: Wireless Communication Facilities for telephone communication (hereinafter Cell Towers) are necessary for the use of modern telephones including cell-phones; and Cell towers are taller than most residential homes; and Cell towers are maintained in a large cleared parcel of land which makes their presence visible for a considerable distance; and Cell towers are unsightly as objects near residential homes; and Cell Towers have equipment near their base which makes objectionable loud noises; and Cell Towers in a Residentially zoned area contribute to a reduction in value of homes in the vicinity of a Cell Tower, and Cell Towers should not be placed near Public Schools; and

WHEREAS: Present the zoning Bylaw of the Town of Acton (hereinafter Acton) permit construction of Cell Towers near Public Schools and in areas zoned Residential:

IT IS HEREBY RESOLVED: to amend the zoning Bylaw of Acton to prohibit construction of Cell Towers in areas near Public Schools and in areas zoned Residential.

IN FURTHERANCE OF THIS RESOLUTION: that construction of Cell Towers is to be prohibited in areas near Public Schools and in areas zoned Residential in Acton, the following changes to the Zoning Bylaw of Acton are hereby enacted:

1. Article 37, Section 3.4.10 of the Table of Principal Uses”, change the entry for “Wireless Communication Facility” under the column “Residential Districts” to “N” at all entries.

1.1. Add to Article 37 Section 3.10 “Special Requirements for Wireless Communication Facilities” the following new section:

“3.10.4.7 Any Wireless Communication Facility must be located more than 1,000 feet from any Public School building or playground or real estate held by either a School District or the Town of Acton for the construction of a public school building or playground.”

1.2. The Acton Board of Selectmen is hereby requested to form a committee to study the present Zoning Bylaw Article 37 “Wireless Communication Facilities” and to propose improvements thereto.

**MOTION #1: 2/3 VOTE:**

**Mr. Tuffin** moves that the Town adopt the zoning bylaw amendments to Sections 3.4.10 and 3.10.4.7 of the zoning bylaw as set forth in the subparagraphs numbered 1 and 1.1 in the Article.

(2/3 MAJORITY) TELLER COUNT - FAVOR 44 - AGAINST - 70  
**MOTION LOST 2/3 VOTE**

**MOTION #2: MAJORITY VOTE**

**Mr. Tuffin** further moves that Town Meeting request that the Acton Board of Selectmen form a committee to study the present Zoning Bylaw governing ‘Wireless Communication Facilities’ and propose improvements thereto which are compatible with the provisions of the Telecommunications Act of 1996, including, without limitation, language most likely to result in adequate separation of wireless communications facilities (so called Cell Towers) from residences, schools, and other locations. Such committee is to present its report prior to a Special Town Meeting to be called by the Board of Selectmen before the end of 2007.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 40 \*      ACCEPT ACCESS EASEMENT – QUARRY ROAD**  
(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain or otherwise and to accept the deed of a non-exclusive Access and Utility Easement, on such terms and conditions as the Selectmen may determine, over, across, under and along Parcel 17 on Acton Assessors' Map C-5, from property currently owned by the Town to other property now owned or hereafter acquired by the Town, the scope of which shall include the right to construct, operate, install, maintain, pass and re-pass over, across, under and along Parcel 17 by all means and for all purposes for which public ways are used in the Town of Acton, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

**MOTION:** Mr. Ashton moves that the Town authorize the acquisition of the easements as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 41 \*      ACCEPT ACCESS EASEMENT – QUARRY ROAD**  
(Majority vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain or otherwise and to accept the deed of a Water Rights, Access and Utility Easement, on such terms and conditions as the Selectmen may determine, over, across, under and along (a) Parcel 11 on Acton Assessors' Map C-5, (b) a relocated easement area over Parcel 24 on Acton Assessors' Map C-5, (c) Parcel 17 on Acton Assessors' Map C-5, and/or (d) an easement area over Parcel 26 on Assessors' Map C-5 referenced in a certain Private Way and Maintenance Agreement recorded in the Middlesex South Registry of Deeds at Book 47181, Page 290, for the purpose of withdrawing water from Quarry Pond on Parcel 11 and for access, utilities and water distribution purposes relating thereto, extending from Quarry Pond to the public way known as Quarry Road, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

**MOTION:** Mr. Ashton moves that the Town authorize the acquisition of the easements as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 42 \*      ACCEPT STREETS – SQUIRREL HILL ROAD & MARIAN ROAD**  
(Two-thirds vote)

To see if the Town will accept as public ways the following streets, 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 streets 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 Layouts;

In the COLONIAL ACRES IV SUBDIVISION

SQUIRREL HILL ROAD - from the previous limit of acceptance at the easterly end of Squirrel Hill Road a distance of 1,544 feet, more or less, in a generally easterly direction to the westerly end of Notre Dame Road and Arlington Street, this being the entire road.

MARIAN ROAD - from the previous limit of acceptance at the westerly end of Marian Road a distance of 277 feet, more or less, in a generally westerly direction to the southerly sideline of Squirrel Hill Road, this being the entire road.

, or take any other action relative thereto.

**MOTION:** Mr. Foster moves 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.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 43 \*      ACCEPT SIDEWALK EASEMENT – WILLOW STREET**  
(Majority vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept the deed of an easement interest for all purposes which streets, sidewalks and ways are now or hereafter be used in the Town, on such terms and conditions as the Selectmen may determine, on the following land shown as number 63 Willow Street on a plan entitled “Easement Plan of Land in Acton, Massachusetts (Middlesex County), For: Dunn, Scale 1”=60’, September 5, 2006”, prepared by Stamski & McNary, Inc., to be recorded with the Middlesex South District Registry of Deeds,

or take any other action relative thereto.

**MOTION:** Mr. Foster moves that the Town authorize the acquisition of the easements as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 44 \*      ACCEPT DRAINAGE EASEMENT – HARRIS STREET**  
(Majority vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift and to accept the grant of an easement interest for drainage and drainage-related purposes from GPT-Acton, LLC (or a successor entity), on such terms and conditions as the Selectmen may determine, on Parcel 54 on Town Atlas Map C-5 (said lot is numbered 25-33 Harris Street and is shown on a plan entitled, “Plan of Land in Acton, Massachusetts (Middlesex County) For: Norfolk Ram Group, Scale 1”=50’”, dated November 29, 2006, prepared by Stamski and McNary, Inc. that is on file with the Acton Engineering Department and is to be recorded with the Middlesex South District Registry of Deeds); and to abandon and terminate the Town’s right, title and interest in an existing drainage easement, on such terms and conditions as the Selectmen may determine, as shown on a plan entitled “Town of Acton, Mass., Plan of Drainage Easement – Harris

Street, Scale 1"=20'", dated February 1971, prepared by the Town of Acton Engineering Department and recorded at the Middlesex South District Registry of Deeds as Plan 453 of 1972 in Book 12197, Page 410;

or take any other action relative thereto.

**MOTION: Mr. Foster** moves that the Town authorize the acquisition of the easements as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 45 \*      ACCEPT DRAINAGE EASEMENT – MAIN STREET**  
(Majority vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept the deed of an easement interest for drainage-related purposes, on such terms and conditions as the Selectmen may determine, on the following land:

**689 Main Street** - "Drainage Easement A" on the parcel of land shown as Lot 13 on a plan entitled "Plan of Land in Acton, Massachusetts (Middlesex County) Being a Subdivision of Lot 12 as Shown on L.C. Plan 10385E, Scale: 1" = 40', Date: March 12, 1998" prepared by Stamski & McNary, Inc., 80 Harris Street, Acton, Mass. 01720, which plan is filed as Land Court Plan Number 10385F in the Land Registration Office in Boston, and reserved by Grantor in a deed of Lot 13 dated May 10, 2000 and registered with the Middlesex South District Registry of Deeds as Document Number 1139099 on Certificate of Title Number 218201 in Book 1221, Page 51;

**705 Main Street** - "Drainage Easement B" on the parcel of land shown as Lot 17, on a plan entitled "Plan of Land in Acton, Massachusetts (Middlesex County) Being a Subdivision of Lot 12 as Shown on L.C. Plan 10385E, Scale: 1" = 40', Date: March 12, 1998" prepared by Stamski & McNary, Inc., 80 Harris Street, Acton, Mass. 01720, which plan is filed as Land Court Plan Number 10385F in the Land Registration Office in Boston, and reserved by Grantor in a deed of Lot 17 dated November 30, 1999 and registered with said Deeds as Document Number 1125340 on Certificate of Title 216925 in Book 1214, Page 175,

or take any other action relative thereto.

**MOTION: Mr. Magee** moves that the Town authorize the acquisition of the easements as set forth in the Article.

**Held from consent**

**MOTION CARRIES**

**Mr Foster** moves to dissolve the Annual Town Meeting 12:34AM

**MOTION CARRIES**