

Town of Acton

Annual Town Meeting Warrant



DRAFT 2/29/2012

Monday, April 2, 2012

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

Notice of Election and Meeting

**Annual Town Election
Tuesday, March 27, 2012
7:00 AM – 8:00 PM**

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

For assistance in determining your election voting location, please use the State Elections Division's web site www.WhereDoIVoteMA.com or contact the Town Clerk's office by e-mail at clerk@acton-ma.gov or by telephone at (978) 929-6620.

**Annual Town Meeting
Monday, April 2, 2012
7:00 PM
Acton-Boxborough Regional High School Auditorium
36 Charter Road**

Note: Copies of the detailed Municipal Operating Budget are available at Town Hall. Copies will also be available at Town Meeting.

Table of Contents

Article Index	3
Transportation to Town Meeting	4
Board of Selectmen's Message	5
Town Manager's Message	7
Budget Overview	8
Finance Committee's Message	9
Consent Calendar	10
Annual Town Meeting Warrant	11
Articles	12
Glossary of Terms Commonly Used in Municipal Finance	69
Town Meeting Parliamentary Procedure	72
Internet & Telephone References	75
Volunteer Application	77
Proposed Town Meeting Booklet	79

Article Index

<u>Article</u>	<u>Title</u>	<u>Page</u>
AA	Choose Town Officers	12
AB *	Council on Aging Van Enterprise Budget	13
AC *	Septage Disposal Enterprise Budget	14
AD *	Sewer Enterprise Budget.....	15
AE *	Ambulance Enterprise Fund.....	16
AF *	Transfer Station and Recycling Enterprise Budget.....	17
AG *	Self-Funding Programs (Revolving Funds).....	18
AH *	Town Board Support – Acton-Boxborough Cultural Council.....	20
BA	Transportation Program	20
BB	Budget Transfer	20
BC	Nursing Enterprise Budget.....	21
BD	Town Operating Budget.....	21
BE	Fund Collective Bargaining Agreement – Police Patrol Officers.....	22
BF	Fund Collective Bargaining Agreement – Highway and Municipal Properties	22
BI	Other Post Employment Benefits Liability Trust Fund – Accept Legislation c.32B s.20.....	23
BJ	Other Post Employment Benefits Liability Trust Fund –Appropriation	23
BK #	Citizens Petition – Establishment of Other Post-Employment Benefits (OPEB) Liability Trust Fund	24
BL #	Citizens Petition - OPEB Appropriation.....	25
BM	Capital Equipment and Improvements.....	26
BN	Capital Equipment and Improvements - Bonding.....	26
CA	Acton Public Schools Budget	27
CB	Acton Public Schools Capital Equipment and Improvements	27
CC	Acton-Boxborough Regional School District Assessment	27
CD	Acton-Boxborough Regional Schools Lower Fields Borrowing.....	28
CE	Sense of the Meeting - Regionalize Grades K-12 With Boxborough.....	28
CF	Minuteman Regional School District Assessment.....	29
CG	Minuteman Regional School District - Facility Repair Assessment (FY12).....	29
CH	Minuteman Regional School District – Authorize Stabilization Fund	30
DA	Community Preservation Program – Direct Appropriations from Fund Balances	31
DD	Acton 2020 Comprehensive Community Plan – Goals and Objectives	37
DE	Land Acquisition – 81 Wood Lane	41
DF	Land Swap – Town Forest	41
DG	Land Lease or Easement – NARA Miracle Field	41
DH	Home Rule Petition – Extend Retirement Dates.....	41
DI	Home Rule Petition – Green Energy Fund	41
DJ	Resolution Asking for Constitutional Amendment – Req. by Cory Atkins.....	43
DK	Amend Town Charter – Commission on Disability Membership	44
EA	Amend Town Bylaws – Commission on Disability Membership	44
EB	Amend Town Bylaws – Modify Stormwater Bylaw To Allow Pressure Washing	44
EC	Amend Town Bylaws – Additional Stormwater Bylaw (WRAC).....	44
ED	Amend Town Bylaws – Pumping Water from Private Buildings.....	44
EE	Amend Town Bylaws – Signs in Historic Districts	44
EF	Amend Zoning Bylaw – Signs & Advertising Devices	45
EG	Amend Town Bylaw – Non-Criminal Disposition, Zoning Bylaw	48
EH *	Amend Zoning Bylaw – Political Signs.....	49
EI *	Amend Zoning Bylaw – Definition of Agriculture.....	49
EJ *	Amend Zoning Map – Brookside Shops.....	51
EK *	Amend Zoning Bylaw –Specifications for Access, Frontage, Width, and Front Yard.....	52
EL *	Amend Zoning Bylaw – Residential Garages, Sheds, Barns, etc.	54
EM	Amend Zoning Bylaw – Non-Conforming Lots.....	54

EN *	Amend Zoning Bylaw – Renting & Boarding Rooms	57
EO *	Amend Zoning Bylaw – Vehicle Sales, Rental Repair and Body Shop	58
EP	Amend Zoning Bylaw – Motor Vehicle Sales As Accessory Use to Vehicle Repair	59
EQ	Amend Zoning Bylaw – Pharmacy Drive-Through Window	60
FA *	Revise Street Layout – Ticonderoga Road	61
FB *	Accept Land Gift – Squirrel Hill Road	61
FC *	Accept Land Gift – Faulkner Hill Road (Near #9, H3A-60).....	61
FD *	Accept Land Gift – Quarry Road.....	62
FE *	Hear and Accept Reports	62
FF *	Highway Reimbursement Program (Chapter 90).....	63
FG *	Insurance Proceeds.....	64
FH *	Gifts or Grants.....	65
FI *	Federal and State Reimbursement Aid.....	66
FJ *	Performance Bonds	66
FK *	Sale of Foreclosed Properties.....	67
FL *	Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986	67

Transportation to Town Meeting

Take MinuteVan to Town Meeting!

With the Town’s MinuteVan Dial-a-Ride service, transportation to and from Town Meeting is available for \$2.00 a ride one-way (\$4.00 round-trip).

Because MinuteVan's hours will have to change to accommodate Town Meeting's late hours, we ask that you book Town Meeting rides by Thursday, March 31. Call (978) 844-6809 or visit www.minutevan.net on the Internet.

Board of Selectmen's Message

This Town Meeting Warrant is your invitation to participate in the legislative portion of Acton's town government. Acton citizens have a cherished tradition of governing themselves by means of an open Town Meeting. We encourage all Acton residents to attend. All registered voters are urged to participate in the debate and vote on the Articles presented. Other residents, even if they are not registered voters, are invited to attend and observe, or to view the proceedings on our Government cable television channels, Comcast channel 10 and Verizon cable channel 45.

Town Meeting Dates, Times and Location

The Annual Town Meeting will begin on April 2 at 7:00 PM in the Acton-Boxborough Regional High School Auditorium. Town Meeting is then expected to continue on additional consecutive nights. All adjourned sessions will begin at 7:00 PM in the Acton-Boxborough Regional High School Auditorium. Come early to get checked in by the Town Clerk's staff and to obtain additional information.

Regular attendees at Annual Town Meeting will note that many of the Articles in this Warrant relate to matters which are routinely addressed every year, such as the established Enterprise Budgets and the Schools' and Municipal Operating Budgets, while other Articles relate to issues and matters that are new or unique this year. Although some Articles, such as Zoning or Bylaw amendment proposals, do not involve appropriation of funds, much of the Annual Town Meeting's attention is focused on fiscal matters.

Town Meeting Warrant and Procedures

The Town Meeting Warrant is the agenda for the meeting. It is drawn up by the Selectmen from various proposals made by the Selectmen, the School Committees, other Boards, staff and citizens. The Selectmen determine the order that the Articles appear in the Warrant. The Articles will be considered in the order in which they appear, unless the Moderator, or the meeting itself, changes that order. Each Article is intended to give fair notice of the topic to be discussed and voted upon, thus any motion made at Town Meeting under one of these Articles must be found by the Moderator to be within the scope of the printed Article. At the Town Meeting, the motion made under each Article will describe the specific action that is proposed to be taken. The wording of the motion, and any amendments that might be offered to the main motion, may differ from the exact wording of the Article, but as indicated above must be within the scope of the Article. Accordingly, it is suggested that each attendee listen closely to the reading of the motion, and any amendments made before voting.

Your attention is invited to the Warrant section on Parliamentary Procedure and a Basic Guide to Town Meeting Process written by the Town Moderator. The best debate is conducted by those who have informed themselves concerning the issues. Informed debate is delayed when speakers rise only to ask basic questions that could be individually addressed. To assist speakers to inform themselves in advance, and to avoid delays during the meeting engendered by persons seeking basic information, the Board of Selectmen strongly encourages and solicits questions in advance concerning any of the proposed Articles. Information in regard to the Articles is available from any of the people listed after each Article summary, or a general inquiry may be made to the Town Manager's office at (978) 929-6611 or manager@acton-ma.gov for an appropriate referral. Copies of the Municipal Operating Budget will be made available in advance of the meeting at the Memorial Library, West Acton Citizens' Library, Public Safety Facility, and Town Hall. Copies will also be available at Town Meeting. Furthermore, personnel designated by staff or the Moderator will be available in the auditorium during the Meeting to answer informational questions which may not be of interest to the entire assemblage on a one-on-one basis.

Thank You to Our Volunteers

In addition to trying to balance our budgetary needs against limited resources, another necessity for the healthy function of our local government and community is the flow of active, interested citizens willing to volunteer their time, talents, and energy to participate as members of the Town's many volunteer regulatory and advisory Boards, Commissions and Committees. Volunteers are the very foundation of our government, and as the needs of the Town expand, so does the need for volunteers. No special knowledge is necessary to volunteer, only an interest to serve the community and advance the public good, combined with a willingness to learn. The rewards may be intangible, but are very real. We encourage you to volunteer by filling out the Citizen Resource Sheet which is included in this Warrant, tearing it out and mailing it to Town Hall, depositing it in the marked box in the lobby outside the auditorium at Town Meeting, or handing it to any Selectman at this meeting. Please consider helping your Town by volunteering some time – we believe you will find it very rewarding.

Mike Gowing, Chair
Janet K. Adachi
Pamela Harting-Barrat
John Sonner
David Clough

Board of Selectmen

Town Manager's Message

Respectfully Submitted,

Steven L. Ledoux
Town Manager

Budget Overview

Finance Committee's Message

Consent Calendar

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

Each Consent Calendar will be taken up when the when the first article “on Consent” is reached (for example, if Article 3 is the first Consent article in the Warrant, there will be a motion after Article 2 to take up the items on that Consent Calendar). At this time, the Moderator will call out the article numbers one-by-one.

Articles on Consent are distinguished from other articles by the asterisk (*) notation following each article number in the index above, as well as in the title of each article below.

If **two or more** voters object to any particular Article being included in the Consent Calendar, they should say the word “**hold**” in a loud voice when the number is called. The Article will then be removed from the Consent Calendar, to be debated and voted in the usual manner, **immediately following** the vote on the Consent motion.

There will be **two** Consent motions throughout Town Meeting – one for budgetary articles and one for all other articles on Consent. It is possible that these two motions will occur on different nights of Town Meeting.

After the calling of the individual items in each Consent Calendar, the Moderator will ask that all remaining articles be passed **as a unit** by the voters.

Please carefully review the articles and motions proposed for each Consent motion. **Motions for consent articles are now included under the text of each article.** Motions for *all* articles will be available as a separate handout at Town Meeting. Summaries are also included with each article printed in this Warrant.

If you have any questions about the Consent articles, motions or procedure, please feel free to contact the official listed in the summary of the article or to contact the Town Manager’s Office, by e-mail at manager@acton-ma.gov or by telephone at (978) 929-6611, before Town Meeting.

Donald MacKenzie
Town Moderator

I served with General Washington in the Legislature of Virginia before the Revolution and, during it, with Dr. Franklin in Congress. I never heard either of them speak ten minutes at a time, nor to any but the main point which was to decide the question. They laid their shoulders to the great points, knowing that the little ones would follow of themselves.

– Thomas Jefferson

Annual Town Meeting Warrant



*Town of Acton
Commonwealth of Massachusetts, ss.*

To either of the Constables of the Town of Acton, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of said Town of Acton, qualified to vote at Town Meetings for the transaction of town affairs, to meet in their respective precincts to wit:

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

On **Tuesday, March 27, 2012 between 7:00 AM and 8:00 PM**, by posting a copy of this Warrant by you attested, at each of the places as directed by vote of the Town, fourteen days at least before the twenty-seventh day of March 2012,

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

- One Moderator for a one-year term,
- Two Selectmen for three-year terms,
- Two School Committee members for three-year terms,
- One School Committee member for a one-year term,
- One Trustee of the Memorial Library for a three-year term,
- Two Housing Authority members for five-year terms.

In addition, the Acton Water District will elect the following officers:

- One Commissioner for a three-year term,
- One Clerk for a three-year term.

You are also to notify legal voters aforesaid to meet at the Acton-Boxborough Regional High School Auditorium in said Acton on **Monday, April 2, 2012 at 7:00 PM**, then and there to act on the following articles:

Articles

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

ARTICLE AA **CHOOSE TOWN OFFICERS** (Majority vote)

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

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

, or take any other action relative thereto.

SUMMARY

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

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

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

ARTICLE AB * COUNCIL ON AGING VAN ENTERPRISE BUDGET

(Majority vote)

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

MOTION

Move that the Town appropriate \$ for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, \$ be raised from department receipts, \$ be transferred from retained earnings and \$ be raised from taxation.

SUMMARY

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

Fund Balance 6/30/11	Budgeted Revenue FY12	Budgeted Expense FY12	Est. Fund Balance 6/30/12	Budgeted Revenue FY13	Budgeted Expense FY13	Est. Fund Balance 6/30/13
\$	\$	\$	\$	\$	\$	\$

Direct inquiries to: Sharon Mercurio, Council on Aging Director
seniorcenter@acton-ma.gov / (978) 929-6652

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE AC * SEPTAGE DISPOSAL ENTERPRISE BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds 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

Move that the Town appropriate \$ for the purpose of septage disposal, and to raise such amount, \$ be raised from department receipts.

SUMMARY

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

Fund Balance 6/30/10	Budgeted Revenue FY11	Budgeted Expense FY11	Est. Fund Balance 6/30/11	Budgeted Revenue FY12	Budgeted Expense FY12	Est. Fund Balance 6/30/12

Direct inquiries to: Doug Halley, Health Director: health@acton-ma.gov / (978) 929-6632

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE AD * SEWER ENTERPRISE BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds 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.

MOTION

Move that the Town appropriate \$ for the purpose of operating the sewer system, and to raise such amount, \$ be raised from department receipts.

SUMMARY

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

Fund Balance 6/30/10	Budgeted Revenue FY11	Budgeted Expense FY11	Est. Fund Balance 6/30/11	Budgeted Revenue FY12	Budgeted Expense FY12	Est. Fund Balance 6/30/12
\$	\$	\$	\$	\$	\$	\$

Direct inquiries to: Stephen Barrett, CPA, Finance Director: finance@acton-ma.gov / (978) 929-6624

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE AE * AMBULANCE ENTERPRISE FUND

(Majority vote)

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

MOTION

Move that the Town appropriate \$ for the purpose of operating the ambulance service, and to raise such amount, \$ be raised from department receipts and \$ be raised from taxation.

SUMMARY

This article requests an appropriation to operate the Town’s Ambulance service. The enterprise fund includes the salaries and benefits of four net Firefighter/EMTs. Charges for ambulance service and any other income derived from the operation of the Ambulance service will be deposited in this fund and used for expenditures of the enterprise fund or to reduce user fees.

Fund Balance 6/30/10	Budgeted Revenue FY11	Budgeted Expense FY11	Est. Fund Balance 6/30/11	Budgeted Revenue FY12	Budgeted Expense FY12	Est. Fund Balance 6/30/12
\$	\$	\$	\$	\$	\$	\$

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE AF * TRANSFER STATION 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

Move that the Town appropriate \$ for the purpose of solid waste disposal and recycling, and to raise such amount, \$ be raised from department receipts.

SUMMARY

This article requests funding for the Town’s solid waste disposal and recycling operations. The citizens of Acton who use the Transfer Station fund 100% of the costs of the operations from fees. The fees are deposited in a separate account and expended to pay the expenses of solid waste disposal. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for future expenditures of the enterprise fund or to reduce user fees. Fund status is noted below (for Budget Detail see Municipal Supplement).

Fund Balance 6/30/10	Budgeted Revenue FY11	Budgeted Expense FY11	Est. Fund Balance 6/30/11	Budgeted Revenue FY12	Budgeted Expense FY12	Est. Fund Balance 6/30/12
\$	\$	\$			\$	\$

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

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

To see if the Town will vote, pursuant to Massachusetts General Law, Chapter 44, Section 53E½ to establish or 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 and Fire Department Fire Alarm Network, to be expended by the Town Manager, as noted below:

Fund	FY13 Estimated Revenue	FY13 Authorized Expenditure
School Department		
Douglas at Dawn/Dusk	\$	\$
Merriam Mornings/Afternoons/Summer	\$	\$
Historic District Commission	\$	\$
Building Department	\$	\$
Sealer of Weights and Measures	\$	\$
Health Department		
Food Service Inspections	\$	\$
Hazardous Materials Inspections	\$	\$
Stormwater Inspections	\$	\$
Fire Department		
Fire Alarm Network	\$	\$

, or take any other action relative thereto.

MOTION

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

SUMMARY

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

The Historic District Commission revolving Fund has been reduced while an analysis of income and expense is performed to determine whether this function is more appropriately handled as part of the Town's general fund operation.

	FY 2010 Actual Revenue	FY 2010 Actual Expense	Fund Balance 6/30/2010	FY 2011 Budgeted Revenue	FY 2011 Budgeted Expense	Actual Revenue YTD	Actual Expense YTD
School Department¹							
Douglas at Dawn/Dusk	\$246,497	\$282,488	\$268,701	\$291,500	\$291,500	\$121,669	\$139,041
Merriam Mornings/Afternoons/Summer	\$144,491	\$196,098	\$171,370	\$204,050	\$204,050	\$97,207	\$109,582
Historic District Commission²	\$320	\$998	\$107	\$600	\$600	\$75	\$400
Building Department²	\$114,081	\$106,218	\$95,549	\$170,040	\$170,040	\$73,959	\$57,355
Includes fees for Electrical, Plumbing & Gas Permits / Microfilming / Periodic Inspections							
Sealer of Weights and Measures²	\$9,325	\$10,769	\$16,771	\$13,126	\$13,126	\$12,479	\$8,680
Health Department²							
Hazardous Materials Inspection	\$50,106	\$40,806	\$49,471	\$44,511	\$44,511	\$9,916	\$45,896
Food Service Inspections	\$45,410	\$30,693	\$94,202	\$36,351	\$36,351	\$33,959	\$41,689
Fire Department²							
Fire Alarm Network	\$56,240	\$51,973	\$35,520	\$56,298	\$56,298	\$7,059	\$20,721
All Monetary Figures Rounded to the Nearest Dollar							
¹ Actuals as of 3/9/2011							
² Actuals as of 2/28/2011							

Direct inquiries to: ¹ Dr. Stephen Mills, Superintendent: smills@mail.ab.mec.edu / (978) 264-4700
² John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

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

ARTICLE AH * 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

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

SUMMARY

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

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

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

ARTICLE BA TRANSPORTATION PROGRAM
(Majority vote)

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

ARTICLE BB BUDGET TRANSFER
(Majority vote)

To see if the Town will vote to appropriate from available funds a sum of money to defray necessary expenses above the amount appropriated at the 2011 Annual Town Meeting, or take any other action relative thereto.

SUMMARY

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

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

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

ARTICLE BC NURSING ENTERPRISE BUDGET

(Majority vote)

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

Move that the Town appropriate \$ for the purpose of operating the Town of Acton Public Health Nursing Service, and to raise such amount, \$ be raised from department receipts, \$ be transferred from retained earnings.

SUMMARY

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

Fund Balance 6/30/10	Budgeted Revenue FY11	Budgeted Expense FY11	Est. Fund Balance 6/30/11	Budgeted Revenue FY12	Budgeted Expense FY12	Est. Fund Balance 6/30/12

Direct inquiries to: Doug Halley, Health Director: health@acton-ma.gov / (978) 929-6632

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE BD TOWN OPERATING BUDGET

(Majority vote)

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

SUMMARY

This article requests funds for the municipal operating budget. The municipal budget also includes certain school costs. These are primarily the costs of debt service requirements; property, liability and contents insurance on school buildings; pension costs and workers’ compensation insurance for school employees, other than teachers and regional school employees. The standard motion for the municipal budget appropriation under this article typically includes the transfer of monies such as Cemetery Trust Funds and Wetland Filing Fees.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE BE **FUND COLLECTIVE BARGAINING AGREEMENT**
(Majority vote) **POLICE PATROL OFFICERS**

To see if the Town will vote to raise and appropriate, transfer and/or appropriate from available funds a sum of money necessary to fund the cost items contained in Collective Bargaining Agreement(s) between the Town and its police patrol officers union as filed with the Town Clerk, or take any other action relative thereto.

SUMMARY

This article would ask Town Meeting to fund cost items contained in the first year of a collective bargaining agreement with Town police patrol officers union, under the provisions of Massachusetts General Law, Chapter 150E, Section 7. When a tentative agreement is reached with a union, the Town will bring a funding request for the financial elements of the agreement to the first available Town Meeting for approval. If the funding is approved, the Town is obligated to fund the remaining years of the contract. If the funding request is rejected by Town Meeting, the parties must return to the bargaining table for further negotiations.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE BF **FUND COLLECTIVE BARGAINING AGREEMENT**
(Majority vote) **HIGHWAY AND MUNICIPAL PROPERTIES**

To see if the Town will vote to raise and appropriate, transfer and/or appropriate from available funds a sum of money necessary to fund the cost items contained in Collective Bargaining Agreement(s) between the Town and its highway and municipal properties personnel union(s) as filed with the Town Clerk, or take any other action relative thereto.

SUMMARY

This article would ask Town Meeting to fund cost items contained in the first year of a collective bargaining agreement with Town highway and municipal properties personnel union(s), under the provisions of Massachusetts General Law, Chapter 150E, Section 7. When a tentative agreement is reached with a union, the Town will bring a funding request for the financial elements of the agreement to the first available Town Meeting for approval. If the funding is approved, the Town is obligated to fund the remaining years of the contract. If the funding request is rejected by Town Meeting, the parties must return to the bargaining table for further negotiations.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE BI **OTHER POST EMPLOYMENT BENEFITS LIABILITY TRUST FUND**
(Majority vote) **ACCEPT LEGISLATION C.32B S.20**

To see if the Town will vote to accept the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws relative to establishing an Other Post-Employment Benefits Liability Trust Fund, or take any other action relative thereto.

SUMMARY

This article requests that the Town accept the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws relative to establishing an Other Post-Employment Benefits Liability Trust Fund. The statute, if accepted, is intended to help the Town address the fiscal challenges associated with unfunded liabilities for pension and Other Post-Employment Benefits (or “OPEB”) liabilities. The Town currently has an unfunded pension liability of \$____ and an unfunded OPEB liability of \$____. Establishing such a trust fund will help to ensure the long-term sustainability of the Town’s pension system.

Once the statute is accepted, the Town may appropriate amounts to be credited to the fund. Any interest or other income generated by the fund shall be added to and become part of the fund. Amounts that the Town receives as a sponsor of a qualified retiree prescription drug plan under 42 U.S.C. section 1395w-132 may be added to and become part of the fund. All monies held in the fund shall be segregated from other funds and shall not be subject to the claims of any general creditor of the town.

The custodian of the fund is the Town Treasurer or, if designated by the town meeting, the Health Care Security Trust board of trustees established in section 4 of chapter 29D, provided that the board of trustees accepts the designation.

Monies in the fund shall be invested and reinvested by the custodian consistent with the prudent investor rule established in chapter 203C and may, with the approval of the Health Care Security Trust board of trustees, be invested in the State Retiree Benefits Trust Fund established in section 24 of chapter 32A.

Recommendations: Board of Selectmen Finance Committee

ARTICLE BJ **OTHER POST EMPLOYMENT BENEFITS LIABILITY TRUST FUND**
(Majority vote) **APPROPRIATION**

To see if the Town will raise and appropriate, or appropriate from available funds, and transfer a sum of money to the Other Post-Employment Benefits Liability Trust Fund established in accordance with Massachusetts General Laws Chapter 32B, Section 20, for the purpose of funding Other Post-Employment Benefits Liabilities, or take any other action relative thereto.

SUMMARY

This article requests an appropriation to the Other Post-Employment Benefits Liabilities Trust Fund established in accordance with Massachusetts General Laws Chapter 32B, Section 20 under Article __.

Recommendations: Board of Selectmen Finance Committee

ARTICLE BK # CITIZENS PETITION – ESTABLISHMENT OF OTHER
(Majority vote) POST-EMPLOYMENT BENEFITS (OPEB) LIABILITY TRUST FUND

To see if the Town will vote to accept the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws relative to establishing an Other Post-Employment Benefits Liability Trust Fund, or take any other action relative thereto.

SUMMARY

This article requests that the Town accept the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws relative to establishing an Other Post-Employment Benefits Liability Trust Fund. The statute, if accepted, is intended to help the Town address the fiscal challenges associated with unfunded liabilities for pension and “Other Post-Employment Benefits” (or “OPEB”) liabilities.

Once the statute is accepted, the Town may appropriate amounts to be credited to the fund. Any interest or other income generated by the fund shall be added to and become part of the fund. Amounts that the Town receives as a sponsor of a qualified retiree prescription drug plan under 42 U.S.C. section 1395w-132 may be added to and become part of the fund. All monies held in the fund shall be segregated from other funds and shall not be subject to the claims of any general creditor of the town.

The custodian of the fund is the Town Treasurer or, if designated by the town meeting, the Health Care Security Trust board of trustees established in section 4 of chapter 29D, provided that the board of trustees accepts the designation.

Monies in the fund shall be invested and reinvested by the custodian consistent with the prudent investor rule established in chapter 203C and may, with the approval of the Health Care Security Trust board of trustees, be invested in the State Retiree Benefits Trust Fund established in section 24 of chapter 32A.

Note: This Summary was provided by the Assistant Town Manager John Murray. This Article was submitted in December 2011 to meet the Board of Selectmen deadline for inclusion of Citizens’ Petition Articles.

Direct Inquiries to:
Allen Nitschelm, Allen@TheHomesteader.com / 978-266-2456
Charlie Kadlec Acton2012ATM@stolab.com / 978-263-4361

Recommendations: Board of Selectmen Finance Committee

ARTICLE BL # CITIZENS PETITION – OPEB APPROPRIATION

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, and transfer a sum of money to the Other Post-Employment Benefits Liability Trust Fund established in accordance with Massachusetts General Laws Chapter 32B, Section 20, for the purpose of funding Other Post-Employment Benefits Liabilities, or take any other action relative thereto.

SUMMARY

Three years ago, Acton commissioned a report by the Segal Company to calculate the future cost of its obligations to pay for retired employees' health insurance, called OPEB (Other Post Employment Benefits). Segal estimated the actuarial commitment at \$83 million for both the town and schools. The best way to prepare for this future obligation was to set up a fund and make payments over 30 years; however, no fund was created and no money has been set aside.

In October 2011, the town and schools received a report from Segal with an updated analysis. It estimates the obligation had grown to \$100 million, an increase of about 20% in just three years. Segal recommends that Acton set aside \$8 million starting in FY11. However, no payments towards this obligation were included in the FY11 or FY12 budgets. The 2011 Segal report on OPEB is available on Acton Forum's Links and Documents page.

To meet the Board of Selectmen's deadline for Articles submitted by Citizen's Petition, this Summary is being written in December 2011. At this time, the Acton Leadership Group (ALG), the Board of Selectmen, the School Committees and the Finance Committee have begun discussing budgets for FY13 to be presented at the April 2012 Annual Town Meeting but have not reached consensus. The Board of Selectmen has not decided whether they will or will not include Articles in the Warrant to address this unfunded liability. We are concerned that, once again, the decision will be not to include any funding for the OPEB obligation for FY13, or to include only a token amount, basically to "pass the buck" to future taxpayers while we continue to make contractual commitments to pay these benefits to past and current employees.

The only long-term solution to the OPEB liability is to develop a dedicated revenue stream. This can be done through a permanent additional increase in property taxes (we estimate an increase of 10-15% would be needed), or reduce the growth in spending over several years, or some combination of the two.

Doing nothing should no longer be an option if we are going to take our obligations and commitments seriously. The rate of growth of OPEB could significantly increase as more workers retire or inflation or health-care costs rise. In just fifteen years, this problem could take up 20% or more of the entire budget of the town and schools.

To get started, the Finance Committee's OPEB subcommittee recommended a funding level of \$2.2 million for FY13, which can be taken out of current reserves. While not a permanent solution (reserves will run out long before OPEB is fully funded), it is a start and it prevents the use of that portion of reserves to cover deficit spending for yearly operations, which has been and continues to be the long-range plan of the Acton Leadership Group. The purpose of this Article is to allow Town Meeting to implement the Finance Committee's OPEB subcommittee's funding recommendation, which said "we recommend funding \$2.2 million, which is less than half of the required amount."

Direct Inquiries to: Allen Nitschelm, Allen@TheHomesteader.com / 978-266-2456,
 Charlie Kadlec Acton2012ATM@stolab.com / 978-263-4361

Recommendations: Board of Selectmen Finance Committee

ARTICLE BM CAPITAL EQUIPMENT AND IMPROVEMENTS
(Majority vote)

Senior Center Design	140,000
FY 13 Bonding Appropriation	30,000
Total	\$ 170,000

Direct inquiries to:

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE BN CAPITAL EQUIPMENT AND IMPROVEMENTS - BONDING
(Two-thirds vote)

Bonded Capital Projects	Amount
One-Ton Truck	\$ 51,000
Sander/Dump Truck	190,346
Utility Truck	42,000
Towable Generator	55,000
Skid Steer	134,100
Standby Generator, Senior Center	75,000
Goward Playground	150,000
F-350 Truck Replacement	44,000
Quarry Road Drainage	189,000
Emergency Communication Equipment	182,500
Storage System Replacement	120,000
Portable Intersection Traffic Control System	150,000
Town Hall Land Use Renovations	600,000
Total	\$ 1,982,946

Recommendations: Board of Selectmen Finance Committee

ARTICLE CA ACTON PUBLIC SCHOOLS BUDGET

(Majority vote)

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

SUMMARY

This article requests funds for the Acton Public Schools’ operating budget.

Direct inquiries to: Dr. Stephen Mills, Superintendent: smills@mail.ab.mec.edu / (978) 264-4700

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

**ARTICLE CB ACTON PUBLIC SCHOOLS
(Majority vote) CAPITAL EQUIPMENT AND IMPROVEMENTS**

Recommendations: Board of Selectmen Finance Committee

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

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

SUMMARY

This article requests funds for the Acton-Boxborough Regional School District Assessment. This assessment, voted by the Acton-Boxborough Regional District School Committee, is governed by the terms of the Acton-Boxborough Regional School District Agreement.

Direct inquiries to: Dr. Stephen Mills, Superintendent: smills@mail.ab.mec.edu / (978) 264-4700

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE CD ACTON-BOXBOROUGH REGIONAL SCHOOLS
(Two-thirds vote) LOWER FIELDS BORROWING

To see if the Town will approve the \$ [REDACTED] borrowing authorized by the Acton-Boxborough Regional School District, for the purpose of paying costs of construction of outdoor recreational and athletic facilities at the Regional School District property, and for the payment of all other costs incidental and related thereto, said amount to be expended at the direction of the Regional School District School Committee, or take other action relative thereto.

SUMMARY

The Acton-Boxborough Regional School District has voted to approve the borrowing of \$ [REDACTED] toward the costs of construction of outdoor recreational and athletic facilities at the Regional School District's property known as the Lower Fields. Under Section 10 of the Acton-Boxborough Regional School District Agreement, a two-thirds vote of the Town is required to approve this borrowing.

Recommendations: Board of Selectmen Finance Committee

ARTICLE CE "SENSE OF THE MEETING" -
(Majority vote) REGIONALIZE GRADES K-12 WITH BOXBOROUGH

Recommendations: Board of Selectmen Finance Committee

ARTICLE CF MINUTEMAN REGIONAL SCHOOL DISTRICT ASSESSMENT

(Majority vote)

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

SUMMARY

This article requests funds for the Minuteman Regional Vocational Technical School District Assessment. This assessment, voted by the Minuteman School Committee, is governed by the terms of the Minuteman School District Agreement.

Direct inquiries to: Dr. Ed Bouquillon, Superintendent: ebouquillon@minuteman.org / (781) 861-6500

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE CG MINUTEMAN REGIONAL SCHOOL DISTRICT

(Majority vote) **FACILITY REPAIR ASSESSMENT (FY12)**

To see if the Town will raise and appropriate, or appropriate from available funds, an additional sum of money in the amount of \$_____ to defray the necessary expenses of the Minuteman Regional Vocational Technical School District (the “District”) for the District’s 2012 fiscal year, bringing the total appropriation from the Town for the District’s 2012 fiscal year to \$_____, or to take any other action relative thereto.

SUMMARY

This article requests additional funds for fiscal year 2012 (July 1, 2011 through June 30, 2012) for the Minuteman Regional Vocational Technical School District Assessment pursuant to an Amended Budget voted by the Minuteman School Committee on _____, 2012. The Amended Budget was required due to unforeseen, emergency renovations to the Trades Hall section of the school building and water service improvements required to address code issues.

Recommendations: Board of Selectmen Finance Committee

ARTICLE CH MINUTEMAN REGIONAL SCHOOL DISTRICT
(Majority vote) AUTHORIZE STABILIZATION FUND

To see if the Town will approve the establishment of a Stabilization Fund by the Minuteman Regional Vocational School District to pay costs of capital repairs, renovations, and improvements to the regional district school and its associated facilities, in accordance with the provisions of Chapter 71 Section 16G½ of the Mass. General Laws; or act in any other manner in relation thereto.

SUMMARY

This article would allow the Minuteman Regional Vocational School District to establish a Stabilization Fund. A majority of the member towns must approve the establishment of the Fund before it can be implemented. Money in the Fund may be invested and the interest may then become a part of the Fund. The Fund may be appropriated by vote of two-thirds of all of the members of the Minuteman School Committee for any purpose for which the District may borrow money.

Recommendations: Board of Selectmen Finance Committee

ARTICLE DA COMMUNITY PRESERVATION PROGRAM –
(Majority vote) DIRECT APPROPRIATIONS FROM FUND BALANCES

To see if the Town will vote to appropriate or set aside for later appropriation, and to authorize and direct the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2011 Community Preservation Fund balances as set forth herein, the amounts listed below for community preservation purposes, with such expenditures to be subject to conditions listed in the Article’s Summary and to be further specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation;

And further, to see if the Town will vote to appropriate, set aside and re-appropriate the amount listed in Item B-2 below, and to authorize and direct the Board of Selectmen and the Town Manager to expend up to this amounts from the current balance of the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources, with such expenditure to be subject to conditions listed in the Article’s Summary and to be further specified in the award letter from the Community Preservation Committee:

FY 2011 COMMUNITY PRESERVATION FUND BALANCE	
FY 2011 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2011	\$ 756,534.23
State Community Preservation Trust Fund Receipt, October 2011	\$ 202,313.00
Other FY 2011 Community Preservation Fund Components	
Interest Earned in FY 2011	\$ 21,994.22
Recapture of unspent previous years’ project appropriations (2006, 2007, and 2008)	\$ 83,832.50
Unencumbered FY 2011 Fund Balance	\$ 324,593.03
Total - FY 2011 Community Preservation Fund Balance	\$ 1,389,266.98
FY 2011 Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	
Recapture of unspent previous years’ project appropriations (2010 – Caouette land purchase) to the Set-Aside Fund Balance for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 182,537.12
Total current Set-Aside Fund Balance for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 1,577,537.12
APPROPRIATIONS	
Purposes	Recommended Amounts
Set Aside Appropriations for	
A. Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 500,000.00
Spending Appropriations	
B. 468 Main Street - Access for Persons with Disabilities	
B-1. Direct Appropriation	\$ 69,472.38

B-2. Amount recaptured as unspent CPA appropriations from 2007 and re-appropriated hereunder after first being set aside hereunder to the set-aside fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources to compensate for 2007 shortfall in historic preservation spending	\$ 527.62
C. Memorial Library - Window Restoration	\$ 12,000.00
D. Town Hall - Tower Clock Restoration	\$ 14,000.00
E. Windsor Building - Interior Restoration	\$ 50,000.00
F. Regional Housing Services Program	\$ 40,000.00
G. Development Funds - Sachem Way	\$ 300,000.00
H. T.J. O'Grady Skate Park - Improvements	\$ 210,000.00
Administrative Spending Appropriation	
I. A fund for CPC direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 47,942.00
Total Recommended Appropriations from FY 2011 Community Preservation Fund Balance and Current Historic Set-Aside Fund	\$ 1,243,942.00
Remaining FY 2011 Community Preservation Fund Balance	\$ 145,324.98
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 2,077,537.12

, or take any other action relative thereto;

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the 2011 Community Preservation Fund Revenues 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 2011 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 2011 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2011 Community Preservation Fund Revenues for open space (\$95,884.73), not less than 10% of the FY 2011 Community Preservation Fund Revenues for historic preservation (\$95,884.73), not less than 10% of the FY 2011 Community Preservation Fund Revenues (\$95,884.73) for community housing, or take any other action relative thereto.

SUMMARY

This article would make appropriations from the Town's Community Preservation Fund and from the Town's Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources. All items listed are recommended by the Community Preservation Committee.

In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B (CPA). This established Acton's Community Preservation Fund through a 1.5% annual surcharge on real estate property tax bills with certain exemptions, and made the Town eligible to receive annually

additional monies from the Massachusetts Community Preservation Trust Fund, which are added to the Town's Community Preservation Fund. Under the CPA, the Community Preservation Fund may be used to acquire, create and preserve open space; to acquire, preserve, rehabilitate, and restore historic resources; to acquire, create, preserve and support community housing; to acquire, create and preserve land for recreational use; to rehabilitate and restore open space, land for recreational use and community housing that were acquired or created with Community Preservation Funds; and for certain related expenses in support of the foregoing. Community housing is defined as housing for low- and moderate-income individuals and families. This is the eighth year of appropriations from Acton's Community Preservation Fund.

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

In September 2011, the Community Preservation Committee published its 2012 Community Preservation Plan with guidelines for the submission of projects seeking funding. The Committee received ten proposals for funding of proposed projects and programs. The Committee reviewed all proposals, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under the Act. This article represents the Committee's recommendation for appropriations for eight of the proposed projects and programs from the available Community Preservation Fund balance. The recommended funding levels may differ from the amounts requested by the projects' proponents and some of the proposed projects have undergone significant transformations from how they were proposed originally. All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. As in previous years the recommended appropriations include a set-aside for open space. The recommended appropriations leave a remaining Community Preservation Fund balance of \$145,324.98 that is available for future Town Meeting appropriations in all eligible funding categories under the Act.

The Act states that Town Meeting may delete or reduce any of the recommended appropriations, but may not add new items or increase the recommended appropriations. The Act also requires that the Community Preservation Committee recommends and that Town Meeting appropriates in each fiscal year the spending of not less than 10% of the annual revenues in the Community Preservation Fund for each of the following: open space (not including land for active recreation purposes); historic resources; and community housing. The Committee may also recommend the eminent domain taking by the Town of interest in real property (not recommended this year), the borrowing of funds for Community Preservation (not recommended this year), and an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses (\$47,942.00 recommended).

In addition, a total of \$83,832.50 has been recaptured as unspent Community Preservation project appropriations from prior years and closed to the Community Preservation Fund as follows: 2006 (Housing Authority Rental Housing Plan and Feasibility Study - \$3,787.50), 2007 (Archeological Reconnaissance Survey - \$528.00) and 2008 (Elm Street Playground - \$75,000; and Theater III Window Restoration - \$4,517.00).

The recapture of the aforesaid \$528.00 in unspent CPA funds previously appropriated in 2007 for the Archeological Reconnaissance Survey would put the Town \$527.62 below the 10% statutory threshold for either spending or setting aside for later spending CPA funds for historic preservation, rehabilitation

and restoration purposes in that year. To make up this shortfall, this article would appropriate \$527.62 to the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation, and Restoration of Historic Resources. The article then would appropriate this same amount from the Historic Set-Aside fund balance to one of the recommended historic preservation projects: Item B. (468 Main Street Access for Persons with Disabilities), bringing the total recommended appropriation for this project to \$70,000.

A. Open Space Set-Aside

This item adds \$500,000 to the existing set-aside fund from which Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending in the future for the purpose of acquisition, creation, and preservation of open space. With this appropriation the balance in the open space set-aside fund will be \$2,077,537.12. This balance includes \$182,537.12 that remained unused after the Simeone-Caouette land purchase for which \$1,000,000 has been appropriated.

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

B. 468 Main Street - Access for Persons with Disabilities

The property at 468 Main Street (between Woodbury Lane and Newtown Road) contains a 1913 bungalow. The Town of Acton owns the property and uses it for offices for the Municipal Properties Department and Veteran’s Services. The building also houses a small meeting room. It is located in the Acton Center Local Historic District, which is listed on the National Register of Historic Places. The Community Preservation Act specifically qualifies “Improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes” as rehabilitation of historic resources for which CPA funding may be used.

The recommended \$70,000 total appropriation funds the installation of a wheelchair lift at the bungalow. Funding of this project is subject the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission.

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

C. Memorial Library – Arch Window Restoration

The Acton Memorial Library is located at 486 Main Street in the Acton Center Local Historic District, which is listed on the National Register of Historic Places. The recommended \$12,000 appropriation funds the restoration of 18 original wood windows in the attic area and fireplace room of the 1889 wing of the Acton Memorial Library. This wing serves as Acton’s Civil War Memorial, and the attic and fireplace room had been designated as meeting space for the Grand Army of the Republic. It is located adjacent to the Civil War exhibit area and now used for quiet study. Funding of this project is subject the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission.

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

D. Town Hall - Tower Clock Restoration

Town Hall is located at 472 Main Street in the Acton Center Local Historic District, which is listed on the National Register of Historic Places. Town Hall was built in 1864. The tower clock on the Town Hall steeple is an iconic part of the Acton Center Historic District. The faces of the clock are no longer operational. The recommended \$14,000 appropriation will fund the restoration of the tower clock replacing the hands,

electronic movement, and controller. Funding of this project is subject the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission.

Recommendations: Board of Selectmen Finance Committee

E. Windsor Building - Interior Restoration

The Town owns the Windsor Building located at 18 Windsor Avenue in the West Acton Local Historic District. The Town built it in 1903 as the West Acton Fire Station. The exterior of this building was restored with CPA funds within the last two years. The recommended appropriation of \$50,000 will fund the rehabilitation of the ground floor interior space, including the installation of accessible restrooms, a maintenance closet with mop sink, and a sink counter top. This will enable use of the ground floor for “street fair events” such as the October Fest, Farmers Market, book sales, and similar uses with entry through the newly installed reproduction fire engine doors on the front of the building. The upstairs is used for storage in its as-is condition.

Recommendations: Board of Selectmen Finance Committee

F. Regional Housing Services Program

The Acton Community Housing Corporation (“ACHC”) has requested CPA funds for participation in a Regional Housing Services Program to assist the ACHC in meeting the administrative, compliance and monitoring needs for the Town’s existing affordable housing units and to further regional housing goals and efforts. The recommended \$40,000 appropriation will cover the fees of a two-year contract with the regional program. If approved, the Town of Acton will enter into an Inter-Municipal Agreement with the other program member communities for a two-year renewable term.

The Regional Housing Services Office is located in Sudbury, affiliated with the Sudbury Housing Trust, and managed by the Sudbury Community Housing Coordinator. The Office assists with affordable housing matters in the program’s founding towns - Bedford, Concord, Lexington, Lincoln, Sudbury, and Weston. This innovative regional approach to managing the administration of local affordable housing programs was developed with the assistance of the Metropolitan Area Planning Council (MAPC), funded by the State’s District Local Technical Assistance (DLTA) program, and launched on July 1, 2011.

During the term of the agreement, the Regional Housing Services Office will provide core housing services to Acton with an allocation of hours negotiated by the ACHC, and under its direct supervision. Such services may include for instance compliance monitoring of affordable housing units; reconciliation and updates of local housing inventory records with those maintained by the Department of Housing and Community Development; provide project review assistance; create and maintain ready buyer lists; and conduct affordable housing lotteries.

CPA funds can be used for the “preservation and support of community housing.” Where this funding request is for a program whose goal is to assist the local housing programs, ensure compliance with restrictive covenants and further affordable housing solutions for the region, it is preserving and supporting community housing as provided in the Act.

Recommendations: Board of Selectmen Finance Committee

G. Development Funds - Sachem Way

The Acton Housing Authority proposes to construct 12 affordable rental units for families below 80% of the area's median income on 2.5 acres of its property on Sachem Way. This recommended \$300,000 will assist the Housing Authority to carry out the project on this site. It supplements previous CPA appropriations for this project: \$250,000 in development funding in 2010; and \$152,000 in 2009 for pre-development planning and design.

The project is now fully permitted. The Housing Authority anticipates the beginning of construction in 2012. The updated development budget is \$4,415,000. This is a \$300,000 increase from the previous 2010 estimate, which is largely due to required project design changes and updated actual costs for recent similar projects in the region. The Housing Authority has continued its conversations with the abutters as development plans were refined and updated.

Nevertheless, the project remains highly leveraged with significantly larger funding commitments from the Massachusetts Housing Partnership and the Department of Housing and Community Development. While most funding arrangements from other sources appear to be in place, as with the 2010 CPA funding, the funds in this appropriation shall be held as a pledge and shall not be released to the Housing Authority until it has obtained commitments from the State and all other sources for sufficient funding to complete the project.

Recommendations: Board of Selectmen Finance Committee

H. T.J. O'Grady Skate Park - Improvements

The existing T.J. O'Grady Skate Park at 66 Hayward Road was built in part with CPA funding from 2004. The Town owns the land that the Skate Park is on. This recommended \$210,000 appropriation will fund the addition of a beginners' skate bowl where the parking lot is presently located, the relocation of the existing parking lot, various walkways and sidewalks, fencing, light poles and drainage improvements. The Skate Park lies adjacent to the School's lower athletic fields. Separately and independently from the Skate Park project, and with funding from non-CPA sources, significant improvements are proposed for the School-owned lower fields, including the installation of a new artificial turf fields.

Recommendations: Board of Selectmen Finance Committee

I. Administrative and Operating Expenses

The recommended appropriation in the amount of \$47,942 is 5% of the FY 2011 revenues in the Community Preservation Fund as provided in the Act (local surcharge and State trust fund receipts). The funding is to help the Town with administrative and legal expenses incurred in connection with the support of the Community Preservation Committee and Program, and to pay for the Community Preservation Committee's direct expenses such as the annual membership in the Massachusetts Community Preservation Coalition.

Recommendations: Board of Selectmen Finance Committee

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

ARTICLE DD
(Majority vote)

**ACTON 2020 COMPREHENSIVE COMMUNITY PLAN -
GOALS AND OBJECTIVES**

To see if the Town will vote to adopt the following Goals and Objectives of the Acton 2020 Comprehensive Community Plan (Master Plan):



**Comprehensive Community Plan
Goals and Objectives:**

The Acton 2020 Plan is based on seven major goals that were developed through listening to nearly 2000 residents. Care has been taken to weave all of them together in a well thought out Implementation Plan. Many of the recommended action steps serve multiple goals. For example, vital centers like the future Kelley’s Corner permit more sustainable transportation to be effective, they provide the kinds of gathering places Actonians have asked for, they serve the goal of diversity and inclusion by increasing the stock of less expensive housing, and as analysis of the Plan Roadmap shows, they promote fiscal stability.

GOAL 1: Preserve and Enhance Town Character

We feel strongly about preserving and enhancing what makes Acton special and unique, including its rural characteristics, historic buildings and landscapes, and its village centers.

- Objective 1.1: Strengthen tools to manage growth pro-actively.
- Objective 1.2: Preserve and enhance village centers.
- Objective 1.3: Preserve rural characteristics and open space.
- Objective 1.4: Preserve historic buildings and landscapes.
- Objective 1.5: Foster an understanding and appreciation for what makes Acton unique, including its history.

GOAL 2: Ensure Environmental Sustainability

As Acton residents, we recognize that our health and well-being depend on protecting the web of life of which we are a part. Therefore, it is vital that we live and work here in a manner that supports that web and the well-being of people everywhere, including future Acton citizens.

- Objective 2.1: Protect the quality and quantity of Acton's water.
- Objective 2.2: Reduce waste and the accumulation of toxins.
- Objective 2.3: Reduce emissions of carbon dioxide and other greenhouse gases.
- Objective 2.4: Move toward patterns of land use and land protection that support broad biodiversity, soil preservation, and healthy local agriculture.

GOAL 3: Improve Connections

We recognize that a community that is connected is safer, stronger, and provides more opportunities for meaningful interaction. We envision supporting these connections through physical means including sidewalks, bike paths, trails and public transportation to connect people and places, and to support independent and safe travel for all. We also envision open communication as a means to further connect residents (e.g. through the web, cable TV, community bulletin boards, etc.).

- Objective 3.1: Make walking and biking easier and safer.
- Objective 3.2: Improve transportation around town.
- Objective 3.3: Promote communication among town government, citizens, schools, and the business community.
- Objective 3.4: Support and strengthen neighborhoods.

GOAL 4: Provide More Opportunities for Community Gathering and Recreation

We value the small town feeling and appreciate the sense of community that results from frequent opportunities for interaction. We support providing places for casual social interaction and organized events that bring members of the community together. We believe in offering opportunities for intergenerational experiences and for sharing of inter-cultural celebration, and we aim to provide recreational opportunities for all ages.

- Objective 4.1: Provide a community facility large enough to accommodate a variety of uses and a wide range of programming.
- Objective 4.2: Provide more playgrounds, fields for team sports, parks, and conservation lands.
- Objective 4.3: Create new gathering spaces and make better use of existing ones.
- Objective 4.4: Support additional cultural activities.

GOAL 5: Support Inclusion and Diversity

Our community values our diversity in all of its forms. We welcome citizens of all ages, socio-economic, cultural, and racial/ethnic backgrounds. We strive to foster respect and appreciation, promote interaction, and actively encourage a wide variety of individuals to live, work, and play in Acton.

Objective 5.1: Support residents of all ages.

Objective 5.2: Support households of all income levels.

Objective 5.3: Embrace cultural diversity.

Objective 5.4: Support citizens with disabilities in participating fully in the life of the community.

GOAL 6: Preserve and Enhance Town-Owned Assets & Services

We value our Town assets and wish to preserve and enhance them. These include our open spaces, schools, municipal properties and facilities.

Objective 6.1: Protect Town-owned open space.

Objective 6.2: Support excellence in schools.

Objective 6.3: Manage the Town's facilities efficiently.

Objective 6.4: Provide high quality services that are responsive to community needs.

Objective 6.5: Provide excellent public health and safety services.

GOAL 7: Maintain and Improve the Financial Well-Being of the Town

We believe it is critical for us to sustain and strengthen our town's financial well-being. This includes commercial and economic development that reflects the long-term goals of both businesses and residents of the community. This also includes promoting vigilance in controlling town expenses and continual evaluation of the balance between reasonable taxation and providing quality town services.

Objective 7.1: Promote fiscal responsibility.

Objective 7.2: Promote economic development that supports other Acton 2020 planning goals.

Objective 7.3: Improve existing commercial areas.

Objective 7.4: Support the ability of all residents to stay in Acton for a lifetime.

SUMMARY

The Acton 2020 Comprehensive Community Plan represents the culmination of several years of hard work, including thousands of volunteer hours, and most importantly thousands of community members providing valuable inspiration, ideas, and feedback. As Acton residents, we all cherish our town for its beautiful landscapes, strong community values, and excellent schools. Much of the input we gathered focused on retaining and strengthening these assets as well as a general desire for an increased sense of community. In addition, there was also concern expressed regarding the future resilience of the town both financially and environmentally. As Acton 2020 committee members, we believe the Comprehensive Community Plan responds effectively to these desires and concerns and creates a path to making Acton an even better place to live.

The seven goals and corresponding objectives listed above serve as the foundation to the Comprehensive Community Plan and if approved, will serve as a guide to Acton planning policy for many years in the future. Underpinning these goals and objectives are many detailed strategies and action steps, some of which form a “roadmap” for Acton’s future in terms of how it manages any future growth and development. This roadmap focuses on three key areas: guiding growth to Kelley’s Corner and other centers; protecting and acquiring open space; and promoting employment-oriented economic development. It also focuses on helping to encourage empty-nesters and seniors to stay in Acton as well as building up a town center that can be a vibrant, walk-able, community-gathering place. View the Plan at www.acton2020.info.

A vote to approve the above-cited goals and objectives sets the direction of the town; however, many of the strategies and action steps—including those that would put key elements of the roadmap in place such as zoning changes—will require further research as well as subsequent town meeting approval before they are implemented.

Direct inquiries to: Roland Bartl, Planning Director – (978) 929-6631; planning@acton-ma.gov
Selectman assigned: –

Recommendations: Board of Selectmen Finance Committee Planning Board

ARTICLE DE **LAND AQUISITION - 81 WOOD LANE**
(Two-thirds vote)

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

ARTICLE DF **LAND SWAP - TOWN FOREST**
(Two-thirds vote)

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

ARTICLE DG **LAND LEASE OR EASEMENT – NARA MIRACLE FIELD**
(Majority vote)

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

ARTICLE DH **HOME RULE PETITION – EXTEND RETIREMENT DATES**
(Majority vote)

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

ARTICLE DI **HOME RULE PETITION – GREEN ENERGY FUND**
(Majority vote)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for an Act establishing a Town of Acton Green Energy Fund, in substantially the form set forth below:

An Act Establishing a Town of Acton Green Energy Fund

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

SECTION 1. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, there is hereby established in the Town of Acton a dedicated account to be known as the Town of Acton Green Energy Fund to provide funds for energy savings in Town-owned facilities or on Town-owned property, or for other energy efficiency, energy conservation, or renewable energy projects or activities of the Town.

SECTION 2. The Town may from time to time appropriate and transfer funds into said account by majority vote of Acton town meeting for the purpose of providing funds for said energy efficiency, energy conservation, or renewable energy projects or activities of the Town. Funds may also be deposited into said account, with the approval of a majority of the Acton board of selectmen, from gifts, grants and donations received from public or private sources; federal and

state funding programs; revenues from energy efficiency incentive payments, power purchase agreements, renewable energy leases, and similar sources; and any other source authorized by law. Expenditures from said account may be made with the approval of a majority of the Acton board of selectmen without further appropriation.

SECTION 3. The Acton town manager, with approval of a majority of the Acton board of selectmen, may apply for public or private grants, incentives, or subsidies for energy efficiency, energy conservation, or renewable energy projects or activities, using any unencumbered balance of said dedicated account as necessary matching funds for such grants, incentives, or subsidies.

SECTION 4. Said account shall be maintained by the town treasurer as a separate account, and any interest accrued shall be credited to and become part of the fund. Any funds remaining in said account at the end of each fiscal year shall remain in said account to be used for the purposes provided for in this act. Each year the town treasurer shall provide a report to the Acton board of selectmen on monies deposited into and expended from said account.

SECTION 5. By two-thirds vote of the Acton town meeting, the Town may dissolve said account and, after paying any sums due therefrom, transfer the remaining unencumbered balance of said account to the Town's general fund.

SECTION 6. This act shall take effect upon its passage.

SUMMARY

If passed by the state legislature, this Special Act would allow the Town to segregate revenues from energy efficiency incentive payments, power purchase agreements, renewable energy leases, grants, donations, and similar sources in a Green Energy Fund and use the revenue for energy efficiency projects, energy conservation outreach, renewable energy projects, purchase of renewable power, and similar projects and activities. Town Meeting could also make appropriations to the fund. Any surplus at the end of each fiscal year would be retained in the Green Energy Fund to pay for additional energy projects or activities.

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

ARTICLE DJ
(Majority vote)

RESOLUTION – ASKING FOR CONSTITUTIONAL AMENDMENT
(REQ. BY CORY ATKINS)

To see if the Town will vote to adopt a resolution calling upon the Congress of the United States to pass and send to the States for ratification a constitutional amendment to reverse the decision of the United States Supreme Court in *Citizens United v. Federal Election Commission*, to declare that corporations are not “persons” under the First Amendment to the United States Constitution, and to restore to the People their right to regulate the expenditures of corporations to ensure fair elections, in substantially the following form:

WHEREAS, We the people adopted and ratified the First Amendment to the United States Constitution to protect the free speech and other rights of people, not corporations;
WHEREAS, Corporations are not people but entities created by the laws of states and nations;
WHEREAS, A narrow majority of the United States Supreme Court in *Citizens United v. Federal Election Commission* overturned longstanding precedent which permitted under the First Amendment to the United States Constitution laws prohibiting corporations from spending corporate general treasury funds in our elections;
WHEREAS, *Citizens United v. Federal Election Commission* invalidates federal laws, state laws and even state Constitutional provisions precluding the expenditure of corporate money in elections;
WHEREAS, *Citizens United v. Federal Election Commission* has unleashed an infusion of corporate money into our political process unmatched by any campaign expenditure totals in United States history;
WHEREAS, *Citizens United v. Federal Election Commission* presents a serious and direct threat to our republican democracy;
WHEREAS, Article V of the United States Constitution empowers the people and the states of the United States of America to use the constitutional amendment process to correct an egregiously wrong decision of the United States Supreme Court such as *Citizens United v. Federal Election Commission* which goes to the heart of our democracy and republican self-government; and
WHEREAS, the people and states of the United States of America have strengthened the nation and preserved liberty and equality for all by using the amendment process throughout our history, in several instances to reverse Supreme Court decisions;

NOW THEREFORE BE IT RESOLVED THAT WE THE PEOPLE OF CONCORD, MASSACHUSETTS CALL UPON THE CONGRESS OF THE UNITED STATES TO PASS AND SEND TO THE STATES FOR RATIFICATION A CONSTITUTIONAL AMENDMENT TO REVERSE THE DECISION OF THE UNITED STATES SUPREME COURT IN *CITIZENS UNITED V. FEDERAL ELECTION COMMISSION*, TO DECLARE THAT CORPORATIONS ARE NOT “PERSONS” UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION, AND TO RESTORE TO THE PEOPLE THEIR RIGHT TO REGULATE THE EXPENDITURES OF CORPORATIONS TO ENSURE FAIR ELECTIONS.

, or take any other action relative thereto.

SUMMARY

This Article asks whether Town Meeting will adopt a resolution calling upon the Congress of the United States to pass and send to the states for ratification a constitutional amendment to reverse the decision of the United States Supreme Court in *Citizens United v. Federal Election Commission*, declare that corporations are not “persons” under the First Amendment, and restore the people' s right to regulate the expenditures of corporations to ensure fair elections.

Recommendations: Board of Selectmen Finance Committee

ARTICLE DK
(Two-thirds vote)

**AMEND TOWN CHARTER -
COMMISSION ON DISABILITY MEMBERSHIP**

Recommendations: Board of Selectmen Finance Committee

ARTICLE EA
(Majority vote)

**AMEND TOWN BYLAWS -
COMMISSION ON DISABILITY MEMBERSHIP**

Recommendations: Board of Selectmen Finance Committee

ARTICLE EB
(Majority vote)

**AMEND TOWN BYLAWS -
MODIFY STORMWATER BYLAW TO ALLOW PRESSURE WASHING**

[Pending answer from WRAC]

Recommendations: Board of Selectmen Finance Committee

ARTICLE EC
(Majority vote)

**AMEND TOWN BYLAWS -
ADDITIONAL STORMWATER BYLAW (WRAC)**

[Pending answer from WRAC]

Recommendations: Board of Selectmen Finance Committee

ARTICLE ED
(Majority vote)

**AMEND TOWN BYLAWS -
PUMPING WATER FROM PRIVATE BUILDINGS**

Recommendations: Board of Selectmen Finance Committee

ARTICLE EE
(Majority vote)

AMEND TOWN BYLAWS - SIGNS IN HISTORIC DISTRICS

Recommendations: Board of Selectmen Finance Committee

ARTICLE EF AMEND ZONING BYLAW - SIGNS & ADVERTISING DEVICES

(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Section 7 (Signs and Advertising Devices) as follows:

- A. In section 7.2 – Definitions, insert a new sub-section 7.2.11 as stated below and renumber current sub-sections 7.2.11 through 7.2.17 to 7.2.12 through 7.2.18 respectively:

7.2.11 **LED SIGN** – A SIGN that features light emitting diodes arranged in a pattern to create pictures, symbols or letters.

In sections 7.4.3.4 a), 7.5.16, and 7.5.17 replace all occurrences of the word “NEON” with “NEON or LED”; and

[Note - Sections 7.4.3.4 a), 7.5.16 and 7.5.17 currently read: 7.4.3.4 a) NEON SIGNS, subject to Sections 7.5.17 and 7.13.1.6.

7.5.16 WINDOW SIGNS – WINDOW SIGNS, other than a NEON SIGN, in the Business, Village, Industrial and Office Districts shall not require a SIGN Permit provided that their aggregate DISPLAY AREA covers no more than 25 percent of the window in which they are ERECTED. Such SIGN shall not be illuminated. WINDOW SIGNS promoting a public service or charitable event shall not be calculated in the allowable 25 percent.

7.5.17 NEON WINDOW SIGNS – NEON WINDOW SIGNS in the Business, Village, Industrial, and Office Park Districts shall not require a SIGN Permit provided that the DISPLAY AREA shall not exceed ten square feet or cover more than 25% of the window in which they are ERECTED, whichever is less. There shall be not more than one such SIGN allowed per PRINCIPAL USE. In the Village Districts, a NEON WINDOW SIGN may only be placed in a ground floor window. As with any other SIGN, a NEON WINDOW SIGN shall not be illuminated longer than 30 minutes before opening of after closing of the store or business.]

In section 7.13 dealing with signs requiring a special permit from the Planning Board, delete sub-section 7.13.1.6, and replace it with the following:

7.13.1.6 Except in the Village Districts, a NEON or LED SIGN to be ERECTED on a LOT in place of a SIGN otherwise permitted, provided it features an individualized, custom made design showing only a drawing, logo, symbol or illustration, but not letters. A NEON or LED SIGN hereunder shall comply with all applicable dimensional standards. A NEON SIGN shall be composed of primarily single strand glass tubing with a maximum 1 inch diameter.

[Note - Section 7.13.1.6 currently reads: 7.13.1.6 Except in the Village Districts, a NEON SIGN to be ERECTED on a LOT in place of a SIGN otherwise permitted, provided it features an individualized, custom made design showing only a drawing, logo, symbol or illustration, but not letters. A NEON SIGN hereunder shall comply with all applicable dimensional standards. It shall be composed of primarily single strand glass tubing with a maximum 1 inch diameter.]

- B. In section 7.2 – Definitions, insert a new sub-section 7.2.19 as follows:

7.2.19 **TEMPORARY or SPECIAL EVENT SIGN** – A temporary SIGN to announce a church bazaar, fair, circus, festival, business or shop opening, special sale by a store or business, or similar event; or a temporary SIGN for a business in place of a permanent sign.

And, except for section 7.10, change the words “Special Event Sign(s)” to “TEMPORARY or SPECIAL EVENT SIGN(S)” wherever they occur in the zoning bylaw.

- C. In section 7.3 – Signs Prohibited in All Districts, delete section 7.3.8 and replace it with the following:

7.3.8 Where this Bylaw requires minimum side or rear yards for BUILDINGS AND STRUCTURES, any FREESTANDING SIGN ERECTED in such minimum yard, unless such SIGN is a directional SIGN listed in Section 7.5.3.

[Note - Section 7.3.8 currently reads: 7.3.8 Any SIGN ERECTED in a side or rear yard required under this Bylaw unless such SIGN is affixed to an existing BUILDING, or unless such SIGN is a directional SIGN listed in Section 7.5.3.]

D. Delete section 7.4.3.8 and replace it with the following:

7.4.3.8 Where possible, the light fixtures used for SIGN illumination should be classified as "energy efficient", as defined by the power utility company serving the LOT.

[Note - Section 7.4.3.8 currently reads: Light fixtures including bulbs or tubes used for SIGN illumination should be selected and positioned to achieve the desired brightness of the SIGN with the minimum possible wattage while ensuring compliance with all applicable requirements of this Bylaw. Where possible, the fixtures used for SIGN illumination should classify as "energy efficient", as defined by the power utility company serving the LOT.]

E. In section 7.6.2, Time Limitations for SIGN Permit, change the words "60 days" and "60 day" to "45 days" and "45 day" respectively.

[Note - Section 7.6.2 currently reads: 7.6.2 Time Limitations - The Zoning Enforcement Officer shall approve or disapprove any application for a SIGN Permit within 60 days of receipt of the application. If the Zoning Enforcement Officer should fail to approve or disapprove an application for a SIGN Permit within such 60 day period, the application shall be deemed to be approved.]

F. Delete Section 7.10, Special Event Signs, and replace it with a new section 7.10 as follows:

7.10 TEMPORARY and SPECIAL EVENT SIGNS –

7.10.1 One SPECIAL EVENT SIGN may be ERECTED to announce a church bazaar, fair, circus, festival, business or shop opening, special sale by a store or business, or similar event. Such SIGN shall be ERECTED on the same LOT where the event is to occur. It may identify the event and the date of the event, and it may display the event's sponsor, organizer and main feature. Such a SIGN shall be removed not later than 1 day after completion of the event. The display time of SPECIAL EVENT SIGNS, taken together, shall be limited to 45 days per PRINCIPAL USE for each calendar year.

7.10.2 In addition to SPECIAL EVENT SIGNS, any PRINCIPAL USE permitted in a Business, Industrial, Office or Village District that does not have a permanent FREESTANDING or EXTERIOR SIGN may ERECT one TEMPORARY SIGN on the same LOT where the PRINCIPAL USE is located for the duration between the application filing date for a permanent SIGN permit or special permit pursuant to section 7.6 and 7.13 and, if approved, up to 45 days after the issuance of a SIGN permit pursuant to section 7.6."

7.10.3 Only one TEMPORARY or SPECIAL EVENT SIGN shall be ERECTED per PRINCIPAL USE at any given time.

7.10.4 TEMPORARY and SPECIAL EVENT SIGNS shall not exceed 10 square feet in DISPLAY AREA.

7.10.5 TEMPORARY and SPECIAL EVENT SIGNS shall neither be ERECTED on a sidewalk, walkway or driveway, nor within 5 feet from the sideline of a STREET or right of way customarily used by the general public.

7.10.5 TEMPORARY and SPECIAL EVENT SIGNS shall comply with the provisions of Sections 7.3 and 7.4, except as set forth in this section, and they shall not be illuminated.

- 7.10.6 Notwithstanding subsections 7.3.4, 7.3.6, and 7.4.1, TEMPORARY and SPECIAL EVENT SIGNS may be MOVABLE SIGNS, and in Village Districts may be made with materials not otherwise allowed; and SPECIAL EVENT SIGNS may consist of a flag or balloon, or may be decorated with ribbons, flags, streamers or balloons that remain reasonably within the confines of the SIGNS.
- 7.10.7 No TEMPORARY or SPECIAL EVENT SIGN shall be ERECTED without a SIGN permit issued by the office of the Zoning Enforcement Officer pursuant to section 7.6, which may be a blanket SIGN permit that covers all TEMPORARY and SPECIAL EVENT SIGNS for a PRINCIPAL USE for up to one calendar year. The SIGN permit shall state the specific dates and time periods during which the TEMPORARY and SPECIAL EVENT SIGNS may be ERECTED and the specific location or locations on a LOT.

[Note – Section 7.10 currently reads: Special Event SIGNS – One SIGN may be ERECTED to announce a church bazaar, fair, circus, festival, business or shop opening, special sale by a store or business, or similar event. Such SIGN may identify the event and the date of the event, and it may display the event's sponsor, organizer or main feature. It shall not exceed 10 square feet in DISPLAY AREA and shall be ERECTED on the same LOT where the event is to occur. Such a SIGN shall neither be ERECTED on a sidewalk, walkway or driveway, nor be ERECTED within 5 feet from the sideline of a STREET or right of way customarily used by the general public. Such SIGN shall not be illuminated and shall comply with the provisions of Sections 7.3 and 7.4, except as set forth in this section. Notwithstanding subsections 7.3.4, 7.3.6, and 7.4.1, a Special Event SIGN may be a MOVABLE SIGN, may consist of a flag or balloon, may be decorated with ribbons, flags, streamers or balloons which remain reasonably within the confines of the SIGN, and in Village Districts may be made with materials not otherwise allowed. Such a SIGN shall be removed not later than 1 day after completion of the event. Only one such SIGN shall be ERECTED per PRINCIPAL USE at any given time. The display of all such SIGNS, taken together, shall be limited to 45 days per PRINCIPAL USE for each calendar year. No Special Event Signs shall be erected without a SIGN permit issued by the office of the Zoning Enforcement Officer pursuant to section 7.6, which may be a blanket SIGN permit that covers all special event SIGNS for a PRINCIPAL USE for up to one calendar year. The SIGN permit shall state the specific dates during which the Special Event SIGN may be ERECTED and the specific location on a LOT. The SIGN owner shall maintain records throughout the calendar year sufficient to demonstrate compliance with this section including without limitation dated photographs confirming when each Special Event SIGN was ERECTED and removed.]

G. Delete section 11.1.2 and replace with:

- 11.1.2 Fine – Each day that a violation of this Bylaw continues shall constitute a separate offense. Violation of this Bylaw shall be punishable by a fine of \$300.00 for each offense, except that violation of Section 7 of this Bylaw shall be punishable by a fine of \$50.00 for each offense for the first 7 days, and \$300.00 for each offense thereafter.

[Note – Section 11.1.2 currently reads: 11.1.2 Fine – Violation of this Bylaw shall be punishable by a fine of \$300.00 for each offense. Each day that such violation continues shall constitute a separate offense.]

, or take any other action relative thereto.

SUMMARY

This article makes changes to the provisions regulating signs and advertising devices as recommended to the Planning Board by the Economic Development Committee.

Part A would allow LED signs in the same manner that Neon signs are presently allowed.

Part B would provide a definition for Special Event Signs, which are further regulated in Section 7.10.
 Part C clarifies the meaning of section 7.3.8 without intending to change its effect and application, which is to prohibit freestanding signs in the minimum required side and rear yard.
 Part D would shorten section 7.4.3.8 to its essential point encouraging the use of energy efficient light fixtures.
 Part E would shorten the maximum time frame for the issuance of administrative sign permits from 60 days to 45 days.
 Part F would allow for temporary signs while businesses are awaiting permits for permanent signs, delete the owner’s record keeping requirement pertaining to their use of special event signs, and otherwise reorganize the subject section 7.10 of the zoning bylaw.
 Part G would establish \$50.00 fines issued for the first 7 days of violations of the sign regulations in Section 7 of the zoning bylaw, whereas all other zoning bylaw violations remain at \$300.00 per day.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 929-6631
 Selectman assigned:

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

ARTICLE EG (Majority vote)	AMEND TOWN BYLAWS – NON-CRIMINAL DISPOSITION, ZONING BYLAW		
--------------------------------------	---	--	--

To see if the Town will vote to amend the General Bylaw, Chapter E (General Public Regulations) as follows:

In section E45 (Non-Criminal Disposition) delete Chapter M and replace with the following:

Chapter M - Zoning Bylaw; enforcing persons: Zoning Enforcement Officer. - Fine: Each day that a violation of the Zoning Bylaw continues shall constitute a separate offense. Violation of the Zoning Bylaw shall be subject to a penalty of \$300.00 for each offense, except that violation of Section 7 of the Zoning Bylaw shall be subject to a penalty of \$50.00 for each offense for the first 7 days, and \$300.00 for each offense thereafter.

[Note: This section currently reads:

Chapter M - Zoning Bylaw; enforcing persons: Zoning Enforcement Officer. - Fine: \$300 for each offense. Each day that a violation continues shall constitute a separate offense.”

, or take any other action relative thereto.

SUMMARY

This article amends the Town’s General Bylaw on the non-criminal disposition for violations of the Zoning Bylaw consistent with the zoning bylaw amendment in Part G of the previous article, which would establish \$50.00 fines issued for the first 7 days of violations of the sign regulations in Section 7 of the zoning bylaw, whereas all other zoning bylaw violations remain at \$300.00 per day.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 929-6631
 Selectman assigned:

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

ARTICLE EH * AMEND ZONING BYLAW – POLITICAL SIGNS

(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw by deleting section 7.5.12 and replacing it with a new section 7.5.12 as follows:

7.5.12 Political SIGNS – In addition to WINDOW SIGNS, SIGNS may be ERECTED on a LOT displaying political messages. Such SIGNS shall be stationary and shall not be illuminated. The height of such SIGNS shall not exceed 4 feet and their DISPLAY AREA shall not exceed 6 square feet. SIGNS associated with a political event such as elections, primaries, balloting, or voter registration shall be removed within 5 days after the event.

[Note – Section 7.5.12 currently reads:

7.5.12 Political SIGNS – In addition to WINDOW SIGNS, one SIGN may be ERECTED on a LOT displaying a political message. Such a SIGN shall be stationary and shall not be illuminated. Its height shall not exceed 4 feet and its DISPLAY AREA shall not exceed 6 square feet. SIGNS associated with a political event such as elections, primaries, balloting, or voter registration shall not be ERECTED earlier than 25 days prior to such event and shall be removed within 5 days after the event. SIGNS not associated with a particular political event shall be ERECTED for a period of no longer than 30 days, or if ERECTED for a longer duration shall not exceed 2 square feet in DISPLAY AREA. Such SIGN may be a MOVABLE SIGN.]

, or take any other action relative thereto.

SUMMARY

This article relaxes and, in some cases, eliminates the regulations for political signs. The existing standards functioned merely as guidelines that were often ignored by political campaigns. In addition, enforcement of all the previous standards was potentially subject to challenge on the grounds that the signs are constitutionally protected free speech. If adopted the remaining regulations will continue reasonable time, place and manner regulations, such as prohibition of illumination of political signs, height and display area limits, and retain the requirement that signs related to a political event must be removed in a reasonable period of time after the event is over. If passed, enforcement of this section will still be analyzed on a case by case basis to ensure the Town’s actions are consistent with constitutional protections.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned:

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

**ARTICLE EI * AMEND ZONING BYLAW -
(Two-thirds vote) DEFINITION OF AGRICULTURE**

To see if the Town will vote to amend the Zoning Bylaw by deleting section 3.2.1 and replacing it with a new section 3.2.1 as follows:

3.2.1 Agriculture – Agriculture or farming as defined in M.G.L Ch. 128, s. 1A; the boarding, keeping or raising of livestock, including horses, as a commercial enterprise; aquaculture; silviculture; horticulture; floriculture; or viticulture; the use of BUILDINGS and STRUCTURES for the primary purpose of these activities; and the sale of farm products. The aforesaid uses and activities shall be limited to parcels of 2 acres or more, whereby land divided by a public or private way or a waterway shall be construed as one parcel, and they shall be subject to and in conformance with

the definitions, criteria, thresholds, and requirements as they pertain to these activities conducted on not less than 2 acres or not less than 5 acres, respectively, all as set forth in MGL Ch. 40A, s. 3.

[Note – Section 3.2.1 currently reads:

3.2.1 Agriculture - On a parcel of more than five acres: Agriculture, including the boarding, keeping or raising of livestock; horticulture (including without limitation the growing and keeping of nursery stock and the sale thereof, whether such nursery stock is grown in the ground or in burlap, containers, or other suitable manner, provided it is nourished, maintained and managed while on the premises); floriculture; or viticulture; the use of buildings and structures for the primary purpose of these activities, including the sale of farm products. All of the aforesaid shall be subject to and in conformance with the definitions and requirements for these activities under MGL Ch. 40A, s. 3. On a parcel of two acres or more: Cultivating, harvesting and storing of field crops, produce or fruit, and storage of farm equipment that is necessary for these activities; the boarding, keeping and raising of not more than one horse, goat or sheep, plus its offspring up to one year of age.]

, or take any other action relative thereto.

SUMMARY

The State Zoning Act definition and exemptions for agriculture (M.G.L. Ch. 40A, s. 3) have changed and expanded several times in recent years. This article aligns Acton's zoning bylaw with these amendments up to Chapter 240, Sec. 79 of the Acts of 2010.

The referenced M.G.L. Ch. 128, s. 1A defines farming or agriculture as “farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market”.

The referenced M.G.L. Ch. 40A, s. 3 states that “No zoning ordinance or by-law shall (...) prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities may be limited to parcels of 5 acres or more or to parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as 1 parcel. No zoning ordinance or by-law shall exempt land or structures from flood plain

or wetlands regulations established pursuant to the General Laws. For the purposes of this section, the term “agriculture” shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises”.

The Acton zoning bylaw allows agriculture or farming in all zoning districts. This zoning change is perfunctory. The State law prevails over local law in any case.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned:

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

ARTICLE EJ * AMEND ZONING MAP – BROOKSIDE SHOPS
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Map Number 1, by changing the zoning district designation for Town Atlas parcel F-4/37 (145 to 149 Great Road) from Residence 8 (R-8) to Limited Business (LB), or take any other action relative thereto.

SUMMARY

145-149 Great Road is the site of Brookside Shops (Staples, Trader Joe’s, Talbots, etc.). Originally zoned for General Business, the site was rezoned to single-family residential (R-8) in 1990 as part of a comprehensive zoning plan for Great Road. The then-owners of the subject site objected to the rezoning of their property and availed themselves of statutory grandfathering protection devices to preserve the pre-1990 General Business zoning for their property. Brookside Shops was built about ten years ago under these grandfathering protections in conformance with pre-1990 General Business District zoning requirements.

Today, the grandfathering protections for the subject property have expired, and the site is subject to R-8 zoning regulations. Severe non-conformity restrictions result from the mismatch between the established commercial use and the residential zoning regulations. This makes it often impossible for the existing businesses to implement changes to their establishments, or to change business establishments in the plaza, without frequent involvement by the Board of Appeals for special permits or variances. This article is intended to acknowledge the commercial nature of the property that now exists.

The General Business District no longer exists in Acton. The proposed LB zoning is consistent with other business properties along Great Road. LB zoning for the site will not eliminate all non-conformities, but will reduce them considerably.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned:

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

**ARTICLE EK * AMEND ZONING BYLAW – SPECIFICATIONS FOR ACCESS,
(Two-thirds vote) FRONTAGE, WIDTH AND FRONT YARD**

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

A. Delete section 1.3.1 (Definition of Access) and replace it with a new section 1.3.1 as follows:

- 1.3.1 ACCESS: ACCESS shall mean that (1) there is sufficient right of vehicular passage onto the LOT from the STREET on which it has FRONTAGE and (2) vehicular passage is or may be provided between the FRONTAGE and the STRUCTURE on the LOT. Such ACCESS shall be consistent with the USE or potential USE of the LOT. Nothing in this definition shall be construed to require:
1. Actual entry through the LOT’S FRONTAGE if, in the opinion of the license or permit granting authority, alternate means of entry will better fulfill the purposes of this Bylaw;
 2. Actual or potential ACCESS through the minimum required FRONTAGE set forth elsewhere in this zoning bylaw; or
 3. Actual or potential ACCESS through any portion of the LOT that meets minimum LOT width requirements set forth elsewhere in this zoning bylaw.

[Note – Section 1.3.1 currently reads:

1.3.1 ACCESS: The actual or potential provision of vehicular entry onto a LOT by means of its FRONTAGE on a STREET to a degree consistent with the USE or potential USE of the LOT. For example, in the case of a residential LOT, ACCESS shall mean that (1) there is sufficient right of vehicular passage onto the LOT from the STREET on which it has FRONTAGE and (2) vehicular passage is or may be provided between the FRONTAGE and the DWELLING UNIT on the LOT. Nothing in this definition shall be construed to require actual ACCESS over the STREET or through the FRONTAGE if, in the opinion of the license or permit granting authority, alternate means of ACCESS will better fulfill the purposes of this Bylaw.]

B. Delete section 1.3.10 (definition of frontage) and replace it with the following:

- 1.3.10 FRONTAGE A continuous LOT line along the sideline of a STREET. The sideline of a STREET is defined by the front boundary lines of LOTS along a STREET and not necessarily the pavement edge of a STREET or sidewalk.

[Note – Section 1.3.10 currently reads:

1.3.10 A continuous LOT line along the sideline of a STREET.]

C. Delete section 5.2.2.2 (specification for measuring frontage for lots on more than one street) and replace it with a new section 5.2.2.2 as follows:

- 5.2.2.2 If a LOT has FRONTAGE on more than one STREET, the FRONTAGE on one STREET only may be used to satisfy the minimum required LOT FRONTAGE.

[Note – Section 5.2.2.2 currently reads:

5.2.2.2 If a LOT has FRONTAGE on more than one STREET, the FRONTAGE on one STREET only may be used to satisfy the minimum LOT FRONTAGE.]

D. Delete section 5.2.3 (specification for measuring lot width) and replace it with a new section 5.2.3 as follows:

5.2.3 LOT Width – The minimum required LOT width shall be determined by measuring the diameter of a circle, which can be located along a continuous but not necessarily straight line from any LOT FRONTAGE to the principal STRUCTURE on the LOT without the circumference of the circle intersecting the side LOT lines.

[Note – Section 5.2.3 currently reads:

5.2.3 LOT Width – LOT width shall be determined by measuring the diameter of the largest circle which can be located along a continuous, but not necessarily straight line from the LOT FRONTAGE to the principal STRUCTURE on the LOT without the circumference intersecting the side LOT lines.]

E. Delete section 5.2.4 (specification for measuring front yards) and replace it with a new section 5.2.4 as follows:

5.2.4 Front Yards – Front yards shall be the distance measured in a straight line between any LOT FRONTAGE and the nearest point of any BUILDING or STRUCTURE, excluding roof overhangs. Roof overhangs shall not extend further than two feet into the minimum required front yard. A LOT having FRONTAGE on two or more STREETS shall have two or more front yards, each of which shall comply with the minimum required front yard. In no case shall any BUILDING or STRUCTURE be located closer to the sideline of a STREET than the minimum required front yard. The sideline of a STREET is defined by the front boundary lines of LOTS along a STREET and not necessarily the pavement edge of a STREET or sidewalk.

[Note – Section 5.2.4 currently reads:

5.2.4 Front Yards – Front yards shall be the distance measured in a straight line between the LOT FRONTAGE and the nearest point of any BUILDING or STRUCTURE, excluding roof overhangs. Roof overhangs shall not extend further than two feet into the minimum required front yard. A LOT having FRONTAGE on two or more STREETS shall have two or more front yards, each of which shall comply with the requirements of the front yard provisions. In no case shall any BUILDING or STRUCTURE be located closer to the sideline of a STREET than the minimum required front yard.]

, or take any other action relative thereto.

SUMMARY

This article clarifies definitions and specifications for access, frontage, width, and front yard consistent with past and current interpretations of the zoning bylaw.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 929-6631

Selectman assigned:

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

ARTICLE EL * AMEND ZONING BYLAW -
(Two-thirds vote) **RESIDENTIAL GARAGES, SHEDS, BARNs, ETC.**

To see if the Town will vote to amend section 3.8.1 of the Zoning Bylaw (ACCESSORY USES Permitted in the Residential Districts and dwellings in the Non-Residential Districts) by deleting sub-section 3.8.1.1 and replacing it with the following:

3.8.1.1 Private garages or carports; solar systems; greenhouses; tool sheds; barns; swimming pools or tennis courts provided that such recreational facilities are used only by the residents and their guests.

[Note – Section 3.8.1.1 currently reads:

3.8.1.1 Private garage or carport for not more than four motor vehicles, solar system, greenhouse, tool shed or barn; swimming pool or tennis court provided that such recreational facilities are used only by the residents and their guests.]

, or take any other action relative thereto.

SUMMARY

There is considerable ambiguity in the zoning bylaw language of section 3.8.1.1, specifically with respect to garages, carports, tool sheds, and barns as accessory to residential uses. Questions arise as land owners want to build multiple buildings of this type on their lots, or provide garaging space for more than the specified four motor vehicles. Recent Board of Appeals decisions highlighted the apparent ambiguity of this section. This intends to eliminate any ambiguities by allowing any number of garages or car ports for any number of vehicles; any number of solar system installations and greenhouses; any number of tool sheds and barns; and any number of pools and tennis courts.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned:

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

ARTICLE EM AMEND ZONING BYLAW – NON-CONFORMING LOTS
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw by deleting Sections 8.1 (Nonconforming Lots) and 8.3.6 (Structures on Nonconforming Lots) and replacing them with a new Section 8.1 as follows:

8.1 Nonconforming Lots

8.1.1 Continuation of Existing LOT – The requirements of Section 6 of “The Zoning Act” Chapter 40A of the General Laws, as amended, shall apply.

8.1.2 Changes to Unimproved LOTS – Any unimproved LOT which complied with the minimum area, FRONTAGE, LOT width, yard and depth requirements, if any, in effect at the time the boundaries of the LOT were defined by recorded deed or plan, may be built upon for single FAMILY, or where permitted two-FAMILY, residential USE, notwithstanding the adoption of new or increased LOT area, FRONTAGE, LOT width, yard or depth requirements, provided that:

8.1.2.1 At the time of the adoption of such new or increased requirements such LOT was held, and has continued to be held, in ownership separate from that of adjoining land; and

- 8.1.2.2 The LOT had at least 5,000 square feet of area and 50 feet of FRONTAGE at the time the boundaries of the LOT were defined; and
- 8.1.2.3 Any proposed STRUCTURE is situated on an unimproved LOT so as to conform with the minimum yard requirements, if any, in effect at the time the boundaries of such LOT were defined. In the case where no minimum yard requirements were in effect at the time the boundaries of such LOT were defined, the minimum front yard shall be 20 feet and the minimum side and rear yards shall be 10 feet.
- 8.1.3 Replacement of Single- and Two-Family Dwellings on Nonconforming Lots – A STRUCTURE in single family residential USE on a nonconforming LOT may be razed and rebuilt for single family residential USE; and a STRUCTURE in two-family residential USE on a nonconforming LOT may be razed and rebuilt for two-family residential USE; in both cases subject to the following conditions and limitations:
 - 8.1.3.1 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.
 - 8.1.3.2 The replacement STRUCTURE shall meet all minimum yard and maximum height requirements of this Bylaw.
 - 8.1.3.3 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.
 - 8.1.3.4 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.
- 8.1.4 Extensions, alterations or changes of Single- and Two-Family Dwellings on Nonconforming Lots – One or more extensions, alterations or changes to a single or two-family residential STRUCTURE on a nonconforming LOT shall be deemed not to increase any nonconformity and shall not require special permits under Section 8.1.5, provided that such extensions, alterations or changes comply with all applicable yard requirements and in total do not increase the size of the STRUCTURE by more than 15 percent of the GROSS FLOOR AREA in existence on April 1, 2012 or the date that LOT became nonconforming, whichever is later.
- 8.1.5 In all other cases, the Board of Appeals may, by special permit, allow such reconstruction of, or extension, alteration or change to a single or two-family residential STRUCTURE on a nonconforming LOT, where it determines either that the proposed modification does not increase the nonconformity or, if the proposed modification does increase the nonconformity, it will not be substantially more detrimental to the neighborhood than the existing STRUCTURE on the nonconforming LOT.

[Note Sections 8.1 and 8.3.6 currently read:

- 8.1** *Nonconforming LOTS - Any LOT which complied with the minimum area, FRONTAGE, LOT width, yard and depth requirements, if any, in effect at the time the boundaries of the LOT were defined by recorded deed or plan, may be built upon or used for single FAMILY, or where permitted two-FAMILY, residential USE, notwithstanding the adoption of new or increased LOT area, FRONTAGE, LOT width, yard or depth requirements, provided that:*
 - 8.1.1 *At the time of the adoption of such new or increased requirements such LOT was held, and has continued to be held, in ownership separate from that of adjoining land; and*
 - 8.1.2 *The LOT had at least 5,000 square feet of area and 50 feet of FRONTAGE at the time the boundaries of the LOT were defined; and*
 - 8.1.3 *Any proposed STRUCTURE is situated on an unimproved LOT so as to conform with the minimum yard requirements, if any, in effect at the time the boundaries of such LOT were defined. In the case where no minimum yard requirements were in effect at the time the boundaries of such LOT were defined, the minimum front yard shall be 20 feet and the minimum side and rear yards shall be 10 feet.*

8.3 Nonconforming STRUCTURES

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.

SUMMARY

This article attempts to clarify a notoriously confusing area of zoning law – nonconforming lots.

By way of background, the Acton ZBL provisions governing nonconforming uses, structures and lots must comply with Chapter 40A, Section 6, which provides (in relevant part):

Except as hereinafter provided, a **zoning ordinance or by-law** shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such ordinance or by-law required by section five, but **shall apply to any change or substantial extension of such use**, to a building or special permit issued after the first notice of said public hearing, **to any reconstruction, extension or structural change of such structure** and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent **except where alteration, reconstruction, extension or structural change to a single or two-family residential structure does not increase the nonconforming nature of said structure**. Pre-existing nonconforming structures or uses may be extended or altered, provided, that **no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood**. This section shall not apply to establishments which display live nudity for their patrons, as defined in section nine A, adult bookstores, adult motion picture theaters, adult paraphernalia shops, or adult video stores subject to the provisions of section nine A. (Emphasis added).

Under the current Acton ZBL, Section 8.1 governs changes to unimproved nonconforming lots and Section 8.3.6 governs rebuilding of structures on nonconforming lots after voluntary demolition. The interpretation of these two sections, however, has been mired in confusion due to the fact that:

- Section 8.1 does not explicitly limit its application to unimproved lots, as opposed to nonconforming lots with existing structures;
- The placement of Section 8.3.6 is under the “Nonconforming Structures” section of the Acton ZBL, rather than the “Nonconforming Lots” section;
- The absence of a section in the Acton ZBL governing changes to single or two-family residences on nonconforming lots that are not complete demolitions, although such changes are permitted within the parameters of G.L. Chapter 40A, Section 6; and
- It is not clear when and how the Acton Zoning Board of Appeals should apply Chapter 40A, Section 6 to proposed changes on nonconforming lots.

Section 8.3.6 was adopted at the 2007 Annual Town Meeting to allow for the intentional demolition and rebuilding of single or two-family homes on nonconforming lots by right, provided that the replacement is (at least initially) not larger than the original structure. This was Acton’s attempt to control so-called “mansionization”, at least on nonconforming lots. This type of local zoning control has been blessed by the Supreme Judicial Court in *Bjorkland v. Zoning Board of Appeals of Norwell*, 450 Mass. 357, 363 (2008). *Bjorkland* involved the proposed reconstruction of a single family home on a nonconforming lot, where the proposed reconstruction complied with all dimensional requirements, except the prior nonconforming lot size, which did not change. The *Bjorkland* Court held that building a larger structure, although compliant with current zoning, “increase[s] the nonconforming nature of the structure,” requiring a determination under Chapter 40A, Section 6 that such nonconformity is not substantially more detrimental to the neighborhood. Over the last 5 years, the Acton Zoning Board of Appeals has repeatedly been asked to interpret Section 8.3.6 in the context of reconstruction of or changes to structures on nonconforming lots that comply with all current dimensional regulations and do not change the nonconforming aspect of the property (*i.e.* lot size or configuration). In doing so, it has been unclear how to apply Section 8.3.6 in conjunction with the mandates of Chapter 40A, Section 6.

This article attempts to resolve the confusion by amending Section 8.1 (Nonconforming Lots) to:

1. Make the current provisions of Section 8.1 explicitly govern only unimproved lots.
2. Move Section 8.3.6 within the heading of “Nonconforming Lots” under Section 8.1.
3. Remove any reference to voluntary demolition and demolition as a result of fire or natural disaster, where that distinction is unnecessary. Demolitions due to fire or natural disaster are treated the same as voluntary demolitions and reconstructions under the Acton ZBL. This removal is not intended to result in a change in rights with respect to demolitions under those circumstances.
4. Allow modest extensions, alterations or changes of structures on nonconforming lots by right.
5. Add a default provision that permits changes to structures on nonconforming lots where it has been determined by the Acton Zoning Board of Appeals that the proposal is entitled to relief under Chapter 40A, Section 6.
6. Bring Section 8.1 in conformance with the other sections in the Acton ZBL dealing with nonconformity by making explicit that such lots are permitted to persist according to Chapter 40A, Section 6.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 264-9636
 Selectman assigned:

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

ARTICLE EN * AMEND ZONING BYLAW - RENTING & BOARDING ROOMS
 (Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw by deleting section 3.8.1.3 (renting of rooms or boarding as an accessory use in residential districts) and replacing it with as new section 3.8.1.3 as follows:

- 3.8.1.3 The renting of rooms or boarding for not more than three persons; except that by Special Permit from the Board of Appeals the renting of rooms or boarding to more than three persons may be allowed. In either case, the service shall be operated by a resident owner of the premises.

[Note: Section 3.8.1.3 currently reads: 3.8.1.3 The renting of rooms or boarding for not more than four persons; except that by Special Permit from the Board of Appeals the renting of rooms or boarding to more than four persons may be allowed. In either case, the service shall be operated by a resident owner of the premises.]

, or take any other action relative thereto.

SUMMARY

The renting of rooms and boarding is an allowed accessory use currently permitted by right in the residential zoning districts and dwellings in the non-residential zoning districts for up to four persons; and by special permit for more than four persons. This article makes the Acton ZBL consistent with M.G.L. Ch. 140, § 22. That section of State law governs licensing of boarding houses and requires a local license for boarding more than three persons. The local licensing authority under that section is the Board of Selectmen. This article would reduce the boarding by right under the Acton ZBL from four to three to conform with State law.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 929-6631
 Selectman assigned:

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

**ARTICLE EO * AMEND ZONING BYLAW - VEHICLE SALES,
 (Two-thirds vote) RENTAL REPAIR AND BODY SHOP**

To see if the Town will vote to amend the Zoning Bylaw, Section 3.5.20 (Vehicle Repair), 3.5.21 (Vehicle Body Shop), and 3.5.22 (Vehicle Sale Rental) by deleting from each of these sections the words “maximum gross vehicle weight of 10,000 pounds and a wheel base no larger than 135-inches” and replacing them in each of these section with:

“maximum gross vehicle weight of 14,000 pounds”.

[Note: Sections 3.5.20 through 3.5.22 currently read::

3.5.20 Vehicle Repair – Establishment where the principal service is the mechanical repair, excluding body work, of automobiles, trucks, boats, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles, having a maximum gross vehicle weight of 10,000 pounds and a wheel base no larger than 135-inches, provided that all but minor repairs shall be conducted entirely within a BUILDING.

3.5.21 Vehicle Body Shop – Establishment where the principal service is the repair and painting of automobiles, trucks, boats, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles having a maximum gross vehicle weight of 10,000 pounds and a wheel base no larger than 135-inches, provided that all but minor repairs shall be conducted entirely within a BUILDING

3.5.22 Vehicle Sale, Rental – Facility for the rental, leasing or sale of automobiles, trucks, boats, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles having a maximum gross vehicle weight of 10,000 pounds and a wheel base no larger than 135-inches; including open-air display. The open-air display area shall comply with the standards of Section 6.7 of this Bylaw.

See separate article in this warrant proposing to change the gross vehicle weight limit to 14,000 pounds.]

, or take any other action relative thereto.

SUMMARY

This article would increase the gross vehicle weight limit for vehicles sold and services in Acton from 10,000 to 14,000 pounds. Based on US DOT commercial truck classification, this proposed higher limit

includes all light duty trucks from Class 1 (e.g. Ford Ranger) to Class 3 (e.g. Ford F 350). The US DOT classifications do not use wheelbase.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned:

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

ARTICLE EP (Two-thirds vote)	AMEND ZONING BYLAW - MOTOR VEHICLE SALES AS ACCESSORY USE TO VEHICLE REPAIR		
--	--	--	--

To see if the Town will vote to amend the Zoning Bylaw by inserting under section 3.8.3 (Accessory Use Permitted in any Zoning District) a new sub-section 3.8.3.7 as follows:

- 3.8.3.7 In any zoning district where, pursuant to the Table of PRINCIPAL USES, Vehicle Repair is a USE allowed by right (Y) or by special permit (SPS), the sale of used motor vehicles as an ACCESSORY USE to Vehicle Repair, provided that:
- a) Any motor vehicle that is for sale does not exceed a maximum gross vehicle weight of 14,000 pounds;
 - b) Not more than 10 used motor vehicles shall be for sale at any one time;
 - c) Where Vehicle Repair requires a special permit, such special permit has been issued and the Vehicle Repair USE is in compliance with said special permit; and
 - d) Where Vehicle Repair requires a special permit, not more than 5 motor vehicles that are for sale shall be placed for open-air display between the STREET and any BUILDING on the LOT. Where such open-air display occurs, the open air display area shall comply with the standards of Section 6.7 or 6.9 of this Bylaw as applicable for the zoning district in which the Vehicle Repair USE is located.

[Note: Related Use Definitions in the Zoning Bylaw:

3.5.20 Vehicle Repair – Establishment where the principal service is the mechanical repair, excluding body work, of automobiles, trucks, boats, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles, having a maximum gross vehicle weight of 10,000 pounds and a wheel base no larger than 135-inches, provided that all but minor repairs shall be conducted entirely within a BUILDING.

3.5.22 Vehicle Sale, Rental – Facility for the rental, leasing or sale of automobiles, trucks, boats, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles having a maximum gross vehicle weight of 10,000 pounds and a wheel base no larger than 135-inches; including open-air display. The open-air display area shall comply with the standards of Section 6.7 of this Bylaw.

See separate article in this warrant proposing to change the gross vehicle weight limit to 14,000 pounds.]

, or take any other action relative thereto.

SUMMARY

Vehicle repair as a defined principal use in Section 3.5.20 of the zoning bylaw is allowed by right in the Limited Business (LB), Powder Mill (PM), Light Industrial (LI) and Small Manufacturing (SM) zoning districts, and by special permit in the West Acton Village (WAV) and Kelley’s Corner (KC) zoning districts. Vehicle Sales as a defined principal use in Section 3.5.22 is allowed by right only in the LB and PM zoning districts. The owner of a vehicle repair shop in the WAV zoning district has approached the Planning Board about adding a used car sales business. This article would accommodate the sale of used motor vehicles as an accessory use to auto repair shops with certain conditions and requirements as set

forth in the article. The particular repair business in the WAV zoning district is pre-existing non-conforming, meaning it came into existence prior to the special permit requirement of the zoning bylaw. The owner would have to obtain a special permit before they can obtain a license to sell used motor vehicles on the property. Special permits are discretionary and can impose conditions and requirements pertaining to the property and the business on it. Auto dealer licenses are issued by the Board of Selectmen and come up for renewal once a year. This provides an annual opportunity to check for special permit compliance.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 929-6631
 Selectman assigned:

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

ARTICLE EQ **AMEND ZONING BYLAW -**
 (Two-thirds vote) **PHARMACY DRIVE-THROUGH WINDOW**

To see if the Town will vote to amend the Zoning Bylaw section 3.8.2 (Accessory Use Permitted in the Office, Business, and Industrial Districts) by deleting subsection 3.8.2.2 and replacing it with the following:

- 3.8.2.2 Drive-up facilities in a bank or pharmacy subject to the grant of a special permit by the Board of Selectmen and the following requirements and limitations:
- a) Drive-up facilities shall be located only on the side or rear of a building; not on the front of a building that faces a street except where a building fronts on more than one street.
 - b) There shall be only one drive-up lane and window in a pharmacy; such drive through window shall be integrated with or attached to the pharmacy BUILDING, and drive-through window customer service shall only occur from the public access restricted pharmacy area within the store.
 - c) Drive-up facilities at pharmacies shall be only for customers with prescription drop-offs or pick-ups.

*[Note: Subsection 3.8.2.2 currently reads:
 3.8.2.2 Drive-up facilities in a bank.]*

, or take any other action relative thereto.

SUMMARY

Currently, the zoning bylaw allows drive-up facilities in a back by right. It does not allow drive-up facilities in pharmacies. This article would provide that drive-up facilities in banks and pharmacies are allowed by special permit from the Board of Selectmen subject to certain requirements and limitation on location, size, and use. The zoning bylaw will continue to prohibit restaurant drive-up facilities.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 929-6631
 Selectman assigned:

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u> No Recommendation
-------------------------	----------------------------------	---------------------------------	--

ARTICLE FA * **REVISE STREET LAYOUT**
(Majority vote) **TICONDEROGA ROAD**

[Pending from Counsel]

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

ARTICLE FB * **ACCEPT LAND GIFT – SQUIRREL HILL ROAD**
(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire on such terms and conditions as the Selectmen may determine, by purchase, gift, eminent domain or otherwise and to accept the deed of a fee simple interest in a certain parcel of land on Squirrel Hill Road that is owned by the Colonial Realty Trust, containing approximately 3,818 square feet of land more or less, and shown on Town Atlas Map G-1 as Parcel 322, for municipal purposes, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

The current owner of this land has offered to convey this parcel containing 3,818 square feet, more or less, of land to the Town.

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

ARTICLE FC * **ACCEPT LAND GIFT – FAULKNER HILL ROAD**
(Two-thirds vote) **NEAR #9, H3A-60**

To see if the Town will authorize the Board of Selectmen to acquire on such terms and conditions as the Selectmen may determine, by purchase, gift, eminent domain or otherwise and to accept the deed of a fee simple interest in a certain parcel of land on Faulkner Hill Road that was conveyed on August 3, 1993 by a deed to Robert Magliozzi, recorded in the South Middlesex Registry of Deeds in Book 23497 Page 123, containing approximately 12,060 square feet of land more or less, and shown on Town Atlas Map H-3A as Parcel 60, for municipal purposes, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

The current owner of this land has offered to convey this parcel containing 12,060 square feet, more or less, of land to the Town.

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

ARTICLE FD * ACCEPT LAND GIFT – QUARRY ROAD

(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire on such terms and conditions as the Selectmen may determine, by purchase, gift, eminent domain or otherwise and to accept the deed of a fee simple interest in a certain parcel of land on Quarry Road that was conveyed on June 2, 1989 by a deed to Mary Gustin, David Flavin, Maureen Sloan, Margaret Doran and Richard Flavin, recorded in the South Middlesex Registry of Deeds in Book 19913 Page 577, containing approximately 1.5 acres of land more or less, and shown on Town Atlas Map B-5 as Parcel 13, for municipal purposes, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

SUMMARY

The current owner of this land has offered to convey this parcel containing 1.5 acres, more or less, of land to the Town.

Recommendations: Board of Selectmen Finance Committee

ARTICLE FE * HEAR AND ACCEPT REPORTS

(Majority vote)

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

MOTION

Move that the Town accept the reports of the various Town Officers and Boards as set forth in the 2011 Town Report and that the Moderator call for any other reports.

SUMMARY

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

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE FF * 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

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

SUMMARY

Each year, the State provides communities with reimbursement for certain highway projects. The State Legislature annually establishes the level of highway improvement funds available to cities and towns under the so-called “Chapter 90” Program. This process is not completed until after Acton’s Annual Town Meeting; therefore, we are unable to specify a dollar amount at Town Meeting. State law requires that these State Highway Reimbursement Funds be appropriated by Town Meeting. The purpose of this article is to make that appropriation and allow the town to fully utilize whatever level of appropriation the State may make available during the upcoming fiscal year. If Town Meeting were to not adopt this article, it is conceivable that monies allocated to Acton may be redistributed to State projects or other cities and towns.

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE FG * 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

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

SUMMARY

According to Massachusetts General Law, reimbursements received from insurance carriers in excess of \$20,000 require appropriation. This article would authorize the Town Manager to expend such reimbursements.

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE FH * 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, and that, consistent with the requirements of Massachusetts General Law, Chapter 40, Section 4A, the Board of Selectmen or Town Manager are authorized to enter into an agreement or agreements on behalf of the Town, on such terms and conditions as the Board of Selectmen or the Town Manager may determine, for the stated purposes of the gifts or grants, or take any other action relative thereto.

MOTION

Move 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.

SUMMARY

Section 53A authorizes Town officers and departments to accept “grants or gifts of funds from the Federal Government and from a charitable foundation, a private corporation, or an individual, or from the commonwealth, a county or municipality or an agency thereof” and to expend said funds for the purposes of such grant or gift with the approval of the Board of Selectmen or otherwise as specified in the statute. The Department of Revenue has taken the position that such funds may require appropriation in certain circumstances. This Article provides that appropriation so that those funds may be expended for their stated purposes.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE FI * 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, and that, consistent with the requirements of Massachusetts General Law, Chapter 40, Section 4A, the Board of Selectmen or Town Manager are authorized to enter into an agreement or agreements on behalf of the Town, on such terms and conditions as the Board of Selectmen or the Town Manager may determine, or take any other action relative thereto.

MOTION

Move that the Town Manager is 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.

SUMMARY

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

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE FJ * 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

Move 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.

SUMMARY

The Department of Revenue has issued an opinion that the Town cannot expend performance bonds without appropriation. This article would authorize the Town Manager to expend funds secured from performance bonds provided by or on behalf of contractors and others to secure the performance of obligations by such persons to the Town.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

ARTICLE FK * SALE OF FORECLOSED PROPERTIES

(Two-thirds 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

Move in the words of the Article.

SUMMARY

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

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 929-6611

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

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

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

MOTION

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

SUMMARY

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

Direct inquiries to: Brian McMullen, Assistant Assessor: assessor@acton-ma.gov / (978) 929-6621

Selectman assigned: : bos@acton-ma.gov / (978) 929-6611

Recommendations: Board of Selectmen Finance Committee

And you are directed to serve this Warrant by posting attested copies thereof fourteen days at least before the time of said meeting, in not less than six public places in Town, to be designated by the Board of Selectmen.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at or before the time of said meeting.

Given under our hands at Acton this thirteenth day of March, 2012.

Mike Gowing, Chair
Janet K. Adachi
Pamela Harting-Barrat
John Sonner
David Clough

Board of Selectmen

A true copy, Attest:

Constable of Acton

Glossary of Terms Commonly Used in Municipal Finance

Abatement: A complete or partial cancellation of a tax bill imposed by a governmental unit; applicable to tax levies and special assessments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fiscal Year ("FY"): A 12-month period, beginning July 1 and ending June 30, to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations. The numbers of the fiscal year is that of the calendar year in which it ends; for example, FY09 or FY 2009 is the fiscal year which begins July 1, 2008 and ends June 30, 2009.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Stabilization Fund: A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose (MGL Ch. 40 §5B). Stabilization funds may be established for different purposes, and interest generated by such funds is added to and becomes part of the stabilization fund. A two-thirds vote of town meeting is required to establish, amend the purpose of, or appropriate money into or out of the stabilization fund.

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

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

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

Town Meeting Parliamentary Procedure

Town Meeting is an old and honored tradition in New England. After more than 200 years we can say it still works – it does its job – and hopefully it’s more than a little enjoyable for you, the voters. It’s also the only form of government where the leaders must face the citizenry directly to answer all reasonable queries – and perhaps even some not so reasonable! However, to work well it must have rules of order – and it does. Town Meetings operate under what is generally called “parliamentary procedure” – in our case, as spelled out in Town Meeting Time. Unfortunately, this wonderful little book is widely read only by Moderators, Town Clerks, Town Counsels and a few others with unusual tastes. In addition to such formal procedures Town Meetings also are subject to relatively arbitrary rules of order set forth by the Moderator and precedent. The following information puts forth the most widely used of these “rules of the road” as an effort to help you enjoy and participate in our Town Meetings.

Moderator’s Rules

These are quite arbitrary, but hopefully are consistently applied:

1. Any registered voter may speak to any article, but all must speak politely and respectfully to other voters and members of town boards. Civility is not an option.
2. Since many voters may wish to speak, brevity of comment is appreciated. In addition, speakers are encouraged to add new points to the debate as opposed to repeating what others have already stated.
3. Voters may speak to an issue more than once, but generally “first time” speakers will be recognized before “repeaters”.
4. Remember to listen closely to the motion as stated. The motion puts the warrant article “in play” and it is the motion that is voted on, not the article as written in the warrant. However, there should be a strong similarity between motion and article.
5. Most motions must be “seconded”. Seconding motions is an easy way for newcomers to participate in the meeting. One does not even need to stand or be directly recognized. Generally calling out “second” at the right time will suffice.
6. Voting is most often done by voice. As the Moderator’s hearing fails, “standing” counts may be taken. The last resort, due to time constraints, is to take a counted vote by teller.
7. Although not encouraged, the Moderator’s judgment can be questioned as to the accuracy of the vote as announced. If seven (7) people request a “recount” of a voice or standing votes, it shall be done.
8. The Moderator will generally accept the motion to “move the previous question”, or more easily understood, “to cut off debate.” Many people think this motion is somewhat unfair, but it has been my experience that, more often than not, it is passed unanimously or by overwhelming numbers. In the past, the Moderator has been accused of knowing who plans to make such a motion – generally such accusations are accurate!
9. After a motion has been made and seconded, the mover of the motion speaks first, followed by the appropriate Town Boards (generally the Selectmen and the Finance Committee) who state their opinions. The motion is then available for general discussion – pro, con, or questions.

10. Other than when seconding a motion or requesting a point of order, speakers must be recognized by the Moderator before they launch into their point or question. For the most part this “rule of the road” is rigorously enforced.

More Formal Parliamentary Procedure

There are many types of motions that may come before a meeting. The table below is far from all-inclusive, but indicates the most commonly used motions.

Motion	Second Required	Debatable	Amendable	Vote Required	May Reconsider	May Interrupt
Dissolve	Yes	No	No	Majority	No	No
Fix the Time to Adjourn	Yes	Yes	Yes	Majority	Yes	No
Lay on the Table	Yes	No	No	Two-thirds	Yes	No
Previous Question	Yes	No	No	Two-thirds	No	No
Limit Debate	Yes	No	No	Two-thirds	Yes	No
Postpone to a Time Certain	Yes	Yes	Yes	Majority	Yes	No
Amend	Yes	Yes	Yes ¹	Majority	Yes	No
Postpone Indefinitely	Yes	Yes	No	Majority	Yes	No
Point of Order	No	No	No	None	No	Yes
Main Motion	Yes	Yes	Yes	Varies	Yes	No
Reconsider²	Yes	Yes	No	Two-thirds	No	No

1 In Acton, we generally do not accept amendments to amendments – too confusing.

2 Controlled by Town bylaw – 2/3 Vote same night; 3/4 Vote, plus posting ensuing nights.

Some of the motions listed above may not be totally understandable in table form only. The following elaboration may help.

The motion to *dissolve* ends the Town meeting and is appropriate only when all business is completed.

Fix the time to adjourn is a motion often made by the Selectmen and indicates when a given Town Meeting session will end and when the next session will begin.

Lay on the table is a motion used to end debate temporarily or permanently on a given motion. A motion laid on the table may remain there forever, or may be retrieved by the appropriate “take from the table” vote.

The previous question cuts off debate immediately and causes a vote on the article or amendment under discussion.

Limit debate is a motion generally used to put a specific time limit on a motion or time limits on individual speakers.

Postpone to a time certain is a motion generally used to rearrange the order of the articles (or a single article) in the warrant.

Amend – Many types of motions can be amended or altered to bring them to an even higher state of perfection. Of course, since amendments are a little like “beauty being in the eye of the beholder,” they sometimes fail to pass. In any event, after the amendment is disposed of by a vote, the primary motion, either so amended or not, comes back to the assemblage for further discussion and vote.

Postpone Indefinitely serves the same basic purpose as laying a motion on the table except that it is debatable and requires only a majority vote. If the postpone motion carries, the motion to which it applies is dead – in parliamentary terms, at least.

Point of Order – Anyone at any time may rise to a point of order and interrupt the speaker, simply stating, “Point of order, Mr. Moderator.” The Moderator will immediately stop discussion, listen to the point of order and rule on its validity. Points of order may relate to many issues, for example, the right of a speaker to the floor, proper procedures, indecorous conduct or rarely, but within the realm of possibility, some error that the Moderator is committing.

Main Motions are made when no other business is pending and are the devices used to bring the warrant articles to the Town Meeting floor for discussion.

Reconsideration may be used to bring an article (or motion) which has already been disposed of back for a second time. If reconsideration is passed, it nullifies the previous vote and the article is re-discussed and re-voted. Many people feel that reconsideration is unfair, but it is a valid procedure and is occasionally used. In Acton, a Town Bylaw controls the vote quantum rather than Town Meeting Time. Anyone who wishes to reconsider a motion, particularly on a different night from the original vote, would be well advised to consult the Town Clerk on proper procedures.

Parliamentary procedure is not really complex, but the rules, like the rules of golf, do not always make sense. However, they should be consistently applied. If they are, then the Town Meeting can conduct its business in both an orderly and a fair fashion.

I hope this small treatise is helpful to you and adds to your understanding and enjoyment of a most precious right – TOWN MEETING.

Don MacKenzie
Town Moderator

Internet & Telephone References

Official Town of Acton Web Site	http://www.acton-ma.gov
Document Management System (“Docushare”)	http://doc.acton-ma.gov
Geographic Information System (“GIS”)	http://www.acton-ma.gov/gis

The Town maintains electronic mail distribution groups for all Boards, Committees and Commissions, as well as Departments. These groups are commonly referred to as “e-mail shells.”

E-mails sent to shells are automatically forwarded to all members of the committee who have provided their e-mail address to the Town.

Using e-mail does *not* satisfy Open Meeting Law requirements (Massachusetts General Laws, Chapter 39, Section 23B). Please direct questions regarding this law to the Town Clerk.

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

Town offices converted to a voice-over-IP telephone system in 2010. Below are the new telephone numbers associated with each department and committee. Old numbers will continue to work for a period of time.

<u>Department, Board or Committee</u>	<u>E-mail address</u>	<u>Telephone</u>
Acton Community Housing Corporation	ahcc@acton-ma.gov	(978) 929-6611
Acton Leadership Group	alg@acton-ma.gov	(978) 929-6611
Acton-Boxborough Cultural Council	abcc@acton-ma.gov	(978) 929-6611
Appeals, Board of	boa@acton-ma.gov	(978) 929-6631
Assessor Department	assessor@acton-ma.gov	(978) 929-6621
Assessors, Board of	bas@acton-ma.gov	(978) 929-6621
Building Department	building@acton-ma.gov	(978) 929-6633
Cable Advisory Committee	cac@acton-ma.gov	(978) 929-6612
Cemetery Department	cemetery@acton-ma.gov	(978) 929-6642
Citizens' Library Department, West Acton	wacl@acton-ma.gov	(978) 929-6654
Clerk Department, Town	clerk@acton-ma.gov	(978) 929-6620
Collector Department	collector@acton-ma.gov	(978) 929-6622
Commission on Disability	cod@acton-ma.gov	(978) 929-6633
Community Preservation Committee	cpc@acton-ma.gov	(978) 929-6631
Conservation Commission	conscom@acton-ma.gov	(978) 929-6634
Council on Aging	coa@acton-ma.gov	(978) 929-6652
Council on Aging Department (Senior Center)	seniorcenter@acton-ma.gov	(978) 929-6652
Design Review Board	drb@acton-ma.gov	(978) 929-6631
Economic Development Committee	edc@acton-ma.gov	(978) 929-6631
Economic Development Industrial Corp.	edic@acton-ma.gov	(978) 929-6631
Emergency Management Agency	ema@acton-ma.gov	(978) 929-7730
Engineering Department	engineering@acton-ma.gov	(978) 929-6630
Finance Committee	fincom@acton-ma.gov	(978) 929-6611
Finance Department	finance@acton-ma.gov	(978) 929-6624
Fire Department	fire@acton-ma.gov	(978) 929-7722
Green Advisory Board	gab@acton-ma.gov	(978) 929-6611
Health, Board of	boh@acton-ma.gov	(978) 929-6632

Health Department	health@acton-ma.gov	(978) 929-6632
Health Insurance Trustees	hit@acton-ma.gov	(978) 929-6611
Highway Department	highway@acton-ma.gov	(978) 929-7740
Historic District Commission	hdc@acton-ma.gov	(978) 929-6631
Historical Commission	hc@acton-ma.gov	(978) 929-6631
Human Resources Department	hr@acton-ma.gov	(978) 929-6613
Information Technology Department	it@acton-ma.gov	(978) 929-6612
Land Stewardship Committee	lsc@acton-ma.gov	(978) 929-6634
Manager Department, Town	manager@acton-ma.gov	(978) 929-6611
Memorial Library Department	library@acton-ma.gov	(978) 929-6655
Memorial Library Trustees	mlt@acton-ma.gov	(978) 929-6655
Municipal Properties Department	mp@acton-ma.gov	(978) 929-7744
Natural Resources Department	nr@acton-ma.gov	(978) 929-6634
Nursing Department	nursing@acton-ma.gov	(978) 929-6650
Open Space Committee	osc@acton-ma.gov	(978) 929-6634
Outreach Steering Committee	outreach@acton-ma.gov	(978) 929-6631
Parking Clerk	parkingclerk@acton-ma.gov	(978) 929-6611
Planning Board	pb@acton-ma.gov	(978) 929-6631
Planning Department	planning@acton-ma.gov	(978) 929-6631
Police Department	police@acton-ma.gov	(978) 929-7711
Public Ceremonies Committee	pcc@acton-ma.gov	(978) 929-6611
Recreation Commission	reccom@acton-ma.gov	(978) 929-6640
Recreation Department	recreation@acton-ma.gov	(978) 929-6640
School Committee, A-B Regional	abrsc@acton-ma.gov	(978) 264-4700
School Committee, Acton Public	apsc@acton-ma.gov	(978) 264-4700
Selectmen, Board of	bos@acton-ma.gov	(978) 929-6611
Senior Taxation Aid Committee	stac@acton-ma.gov	(978) 929-6621
Sewer Action Committee	sac@acton-ma.gov	(978) 929-6632
Sidewalk Committee	sidewalks@acton-ma.gov	(978) 929-6630
South Acton Train Station Advisory	satsac@acton-ma.gov	(978) 929-6630
Town Report Committee	trc@acton-ma.gov	(978) 929-6611
Transportation Advisory Committee	tac@acton-ma.gov	(978) 929-6630
Treasurer's Advisory Committee	trac@acton-ma.gov	(978) 929-6611
Veterans Service Officer	vso@acton-ma.gov	(978) 929-6614
Volunteer Coordinating Committee	vcc@acton-ma.gov	(978) 929-6611
Wastewater Advisory Comm. Task Force	wactf@acton-ma.gov	(978) 929-6632
Wastewater Advisory Neighborhood Task Force	want@acton-ma.gov	(978) 929-6632
Water Resources Advisory Committee	wrac@acton-ma.gov	(978) 929-6632

Volunteer Application

VOLUNTEER COORDINATING COMMITTEE

Town Hall
472 Main Street
Acton, MA 01720

E-mail: vcc@acton-ma.gov
Telephone: (978) 929-6611
Fax: (978) 929-6350

Residents interested in serving on a Town Board, Committee or Commission are asked to complete this form and forward it to the Office of the Town Manager at Town Hall.

(Please print or type)

Date _____

Name Title (Mr., Mrs., Dr., etc.) / First / Last / Suffix (Sr., Jr., III, etc.)

Address Number / Street

Contact E-mail Address / Telephone Number(s) (Home, Business, Cell, etc.)

Please indicate below, in order of preference, the Board, Committee or Commission that is of interest to you: _____

Have you previously been a member of a Board, Committee or Commission (either in Acton or elsewhere)? If so, please list the Board name and your approximate dates of service: _____

Do you have any time restrictions? _____

Are you a United States Citizen? _____ Are you a Documented Resident Alien of Acton? _____

How long have you lived in Acton? _____ In Massachusetts? _____

Present occupation and employer (Optional: Attach résumé) _____

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? _____

Education or special training: _____

Please list below any additional information or comments that may help in the matching of your interests with the most appropriate Board/Committee, such as civic experience, special interest/hobbies, etc.:

Thank you. If you have questions or would like more information, please contact a member of the Volunteer Coordinating Committee. Current membership may be obtained through the Town Manager's office at Town Hall, manager@acton-ma.gov / (978) 929-6611.

The space below is for use by the Volunteer Coordinating Committee and the appointing body to record the status of your application.

VCC Interview

Applicant Called _____
 Schedule Date & Time _____
 Recommendation _____

Board, Committee or Commission

Recommendation Sent _____

Appointing Body

Selectmen / Manager / Moderator
 Interview Date _____
 Appointed Date _____
 Term _____

Member / Alternate / Associate
 Notification of Appointment
 Received by VCC _____
 Committee Notified _____
 Applicant Notified _____

No openings at this time



**Town of Acton
472 Main Street
Acton, MA 01720**

**BULK RATE
U.S. POSTAGE PAID
PERMIT #67
ACTON, MA 01720**

**POSTAL PATRON
ACTON, MA 01720**