

Town of Acton

Annual Town Meeting Warrant



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
Free Transportation to Town Meeting	4
Board of Selectmen's Message	5
Town Manager's Message	7
Budget Overview	10
Finance Committee's Message	14
Consent Calendar	22
Annual Town Meeting Warrant	23
Articles	24
Glossary of Terms Commonly Used in Municipal Finance.....	91
Town Meeting Parliamentary Procedure	94
Internet & Telephone References.....	97
Emergency Notification Systems	99
Volunteer Application.....	101
Proposed Town Meeting Booklet	103
Online Bill Payments	105

Article Index

	* Article is on Consent Calendar	# Article submitted by Citizen Petition
<u>Article</u>	<u>Title</u>	<u>Page</u>
1	Choose Town Officers	24
2	* Council on Aging Van Enterprise Budget.....	25
3	* Septage Disposal Enterprise Budget	26
4	* Sewer Enterprise Budget.....	27
5	* Ambulance Enterprise Budget	28
6	* Transfer Station and Recycling Enterprise Budget	29
7	* Self-Funding Programs (Revolving Funds)	30
8	* Town Board Support – Acton-Boxborough Cultural Council	32
9	Transportation Program	32
10	Budget Transfer.....	33
11	Nursing Enterprise Budget.....	33
12	Town Operating Budget.....	34
13	Capital Improvements	34
14	Capital Equipment, Vehicles and Infrastructure (Bonding)	35
15	Fund Collective Bargaining Agreement – Police Patrol Officers (FY09-FY11)	39
16	Fund Collective Bargaining Agreement – Highway and Municipal Properties (FY09-FY11)	40
17	Fund Collective Bargaining Agreement – Highway and Municipal Properties (FY12)	40
18	Fund Collective Bargaining Agreement – Dispatch (FY12).....	41
19	Fund Collective Bargaining Agreement – Dispatch (FY13).....	41
20	Other Post Employment Benefits Liability Trust Fund – Accept Legislation c.32B s.20.....	42
21	Other Post Employment Benefits Liability Trust Fund – Appropriation	42
22	# Citizens’ Petition – Establishment of Other Post-Employment Benefits (OPEB) Liability Trust Fund.....	43
23	# Citizens’ Petition – OPEB Appropriation	44
24	Acton 2020 Comprehensive Community Plan – Goals and Objectives.....	45
25	Acton Public Schools Budget.....	49
26	Acton-Boxborough Regional School District Assessment	49
27	Acton-Boxborough Regional Schools Lower Fields Borrowing	50
28	Minuteman Regional School District Assessment	51
29	Minuteman Regional School District - Facility Repair Assessment (FY12)	51
30	Minuteman Regional School District – Authorize Stabilization Fund.....	52
31	Sense of the Meeting – Regional School District Study Committee of the Acton-Boxborough Regional School Committee – Drafting of a New Pre-K to Grade 12 Regional School Agreement.....	53
32	Community Preservation Program – Direct Appropriations from Fund Balances.....	54
33	Land Transfer – Town Forest and General Municipal	60
34	Land Lease or Easement – NARA Miracle Field.....	61
35	Home Rule Petition – Deputy Police Chief	62
36	Home Rule Petition – Energy Efficiency Fund.....	62
37	Resolution for Constitutional Amendment	64
38	* Amend Town Bylaws – Commission on Disabilities Membership	65
39	Amend Zoning Bylaw – Signs & Advertising Devices	66
40	Amend Town Bylaws – Non-Criminal Disposition, Zoning Bylaw	70
41	* Amend Zoning Bylaw – Political Signs.....	71
42	* Amend Zoning Bylaw – Definition of Agriculture	72
43	* Amend Zoning Bylaw – Brookside Shops.....	74
44	* Amend Zoning Bylaw –Specifications for Access, Frontage, Width, and Front Yard	75
45	* Amend Zoning Bylaw – Residential Garages, Sheds, Barns, etc.....	77
46	Amend Zoning Bylaw – Nonconforming Lots	78
47	* Amend Zoning Bylaw – Renting & Boarding Rooms	81
48	* Amend Zoning Bylaw – Vehicle Sales, Rental Repair and Body Shop.....	82
49	Amend Zoning Bylaw – Motor Vehicle Sales as Accessory Use to Vehicle Repair	82

50	*	Revise Street Layout – Ticonderoga Road.....	84
51	*	Accept Land Gift – Squirrel Hill Road	84
52	*	Accept Land Gift – Faulkner Hill Road	85
53	*	Accept Land Gift – Quarry Road	85
54	*	Hear and Accept Reports	86
55	*	Highway Reimbursement Program (Chapter 90).....	86
56	*	Insurance Proceeds.....	87
57	*	Gifts or Grants.....	87
58	*	Federal and State Reimbursement Aid.....	88
59	*	Performance Bonds.....	88
60	*	Sale of Foreclosed Properties.....	89
61	*	Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986	89

Free Transportation to Town Meeting

Take MinuteVan to Town Meeting!



Take the Town’s MinuteVan Dial-a-Ride service,
transportation to and from Town Meeting and exercise your
right to vote.

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 29.

Call (978) 844-6809 or visit www.minutevan.net

www.minutevan.net

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. **Please note: Due to FCC requirements, Comcast must move our Government Channel from channel 10 to channel 99 effective June 5, 2012. Verizon channel 45 will remain the same.**

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 Volunteer Application 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
Pamela Harting-Barrat, Vice-Chair
Janet K. Adachi, Clerk
John Sonner
David Clough

Board of Selectmen

Town Manager's Message

“The only possible guarantee of the future is responsible behavior in the present.”

Wendell Berry, “Living in the Future,”
The Unsettling of America, 1977

Dear Town Residents:

I have reached the point in my career where I have actually lost count as to how many budgets I have constructed over the years. One thing that has always been a constant, however, is that every year has its own unique issues and challenges. Downturns in the economy, local aid cuts, and new mandates are just a few challenges that we have had to face as budgets have been developed over the years. Each year, in essence, has its own personality.

FY 13 certainly poses its own challenges. The Acton Nursing Service, a much-revered institution that has provided home health care to generations of Acton residents since 1923, is suffering from extreme cash flow problems. The Town’s Train Station shuttle bus and Dial-A-Ride, known as the MinuteVan, will be in the last year of a grant, but will need an infusion of General Fund money to keep this program going. Looming above all the other pressures is the specter of OPEB (Other Post Employment Benefits), which are benefits received by an employee when he or she begins retirement, including health care and life insurance premiums, and deferred compensation - but does not include pension benefits. The future liability of OPEB is approximately \$60 million for the Town and Acton Public Schools and needs to be addressed. The Selectmen, Finance Committee and I will be working on a solution to this major problem.

On a similar note, in July 2011, the Governor signed the Health Care Reform Act, also known as Chapter 69 of the Acts of 2011, which if accepted by the Board of Selectmen, allows for a streamlined process of negotiating health care benefits with its employees and retirees. In November 2011, the Selectmen voted to see if the Town could informally work with its employee groups to arrive at health insurance savings rather than invoke Chapter 69. This process has been extremely successful and we have reached agreement with the eight unions that represent Town and School employees to achieve significant savings in health insurance. Those savings are represented in the budgets that you will be considering at Town Meeting.

On another positive note, the Town has been able to retain its Moody’s AAA bond rating after being put on a credit watch, along with other AAA communities. After their review in early December, Acton is now a stable AAA by Moody’s.

The Acton Leadership Group has convened to discuss revenue forecasts for FY 13. For those not familiar with the Acton budgeting process, the Acton Leadership Group (ALG) consists of representatives from the Board of Selectmen, School Committees, Finance Committee, and the administration of both the Town and Schools. The primary function of this group is to reach consensus on revenues, use of reserves, budget growth and to make recommendations to their respective boards as to a split of revenues between the Town and schools. This budget reflects the consensus of the ALG.

Odyssey of the FY 13 Budget

All Departments commenced working on the FY 13 budget during the summer, culminating with a two day budget retreat, commonly known as “On the Hill” on October 5th and 6th. Operational budget requests of \$27,977,351 were submitted as well as \$11,916,274 in capital requests. Part of the “On the Hill” process is to have peer review of the capital requests. On the last day of the “Hill”, all capital requests are rated by secret ballot into A, B, and C categories, with A being the highest priority. “A” capital priorities totaled \$2,145,441.

Upon conclusion of “The Hill”, the Town Manager convened his budget team, consisting of the Finance Director, Assistant Town Manager, Town Accountant, Principal Assessor/Financial Analyst, HR Director, and IT Director, to discuss, review, and brainstorm over the FY 13 budget. This group met one full day per week through early December. The result of all these exercises is the Town Manager’s recommended FY 13 budget.

The recommended budget for FY 13, including capital is \$29,007,000, which represents a 3.6% increase over FY 12. Two primary drivers in this increase are increased General Fund subsidies of the Nursing Service in the amount of \$200,000 and a subsidy for transportation services in the amount of \$206,000. Uncertainty in terms of energy line items are also a factor. This budget also recommends bonding \$1,826,046 in capital expenditures.

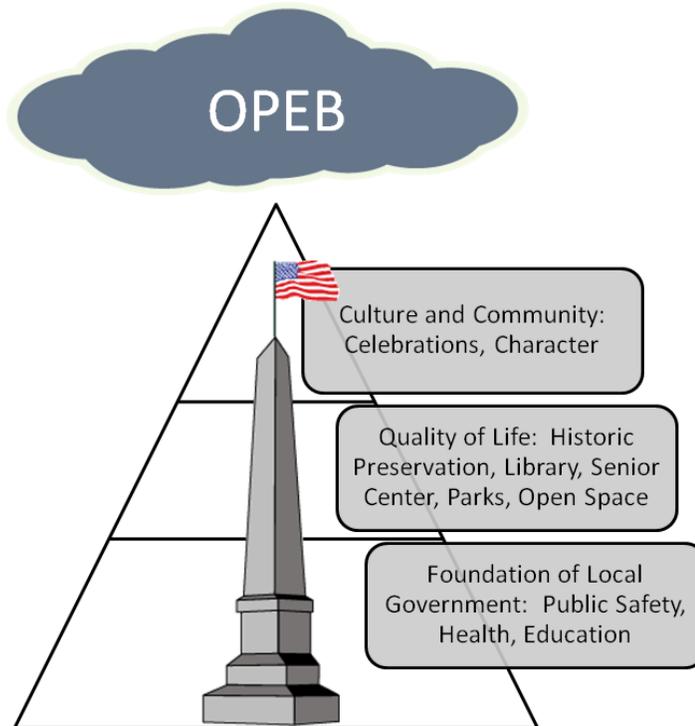
Non-Bonded Capital and Subsidies (Articles)	Amount
Transportation Services	\$ 206,000
Nursing Enterprise	200,000
Ambulance Enterprise	271,000
Council on Aging Van Enterprise	50,000
Cultural Council	2,000
Senior Center Design	140,000
First Year Borrowing Costs	30,000
Labor Contracts	458,775
Total	\$ 1,357,775

Bonded Capital Projects (Articles)	Amount
One-Ton Truck	\$ 51,000
Sander/Dump Truck	190,346
Utility Truck	42,000
Towable Generator	55,000
Skid Steer (e.g. “Bobcat”)	134,100
Standby Generator at Senior Center	75,000
Goward Playground	150,000
F-350 Truck Replacement	44,000
Quarry Road Drainage	189,000
Portable Intersection Traffic Control System	150,000
Emergency Communication Equipment	116,500
Radio Narrowbanding and Interoperability	103,000
Core Networking Equipment Replacement	47,000
Unified Network File Storage System Replacement	79,100
Town Hall Land Use Departments Renovations	400,000
Total	\$ 1,826,046

Over the course of the last 20 years, it has been exceedingly difficult for municipalities in Massachusetts to keep up with their capital needs. Several cuts in Local Aid as well as the confines of Proposition 2½ have made catch-up difficult. This budget attempts to address some replacement capital needs, as well as purchase items that will prepare the Town better in the event of emergency. Funds are also recommended to commence the design of a new Senior Center.

Municipal Hierarchy of Needs

Two years ago as part of my budget presentation, I introduced the concept of a Hierarchy of Municipal Needs, with apologies to Abraham Maslow and his Hierarchy of Human Needs.



The purpose of developing this pyramid was to show the core foundation of Town services, which is the base of the structure. Other services are layered on top of the base, which helps create the Town’s character and uniqueness. If OPEB or other factors effectuate budget cuts, one would cut from the top of the pyramid as opposed to the foundation to avoid an entire collapse.

There has been much discussion that given the state of the economy both domestically and abroad, that a total economic recovery may not happen. We must continue to prepare for the “new” normal, a world where we will have to learn to retool our minds to look for new solutions that probably have never been tried before. With cuts looming at the federal level and their trickle down effects, unfunded liabilities such as OPEB, high oil prices and the like, I anticipate that FY 13 will be a trying one for us all. The good news is that we have highly committed and talented public officials and staff to help us get through the turbulence. I stand willing and able to work with the Board of Selectmen and Finance Committee to bring a budget to Town Meeting that is responsible and responsive.

Respectfully submitted,

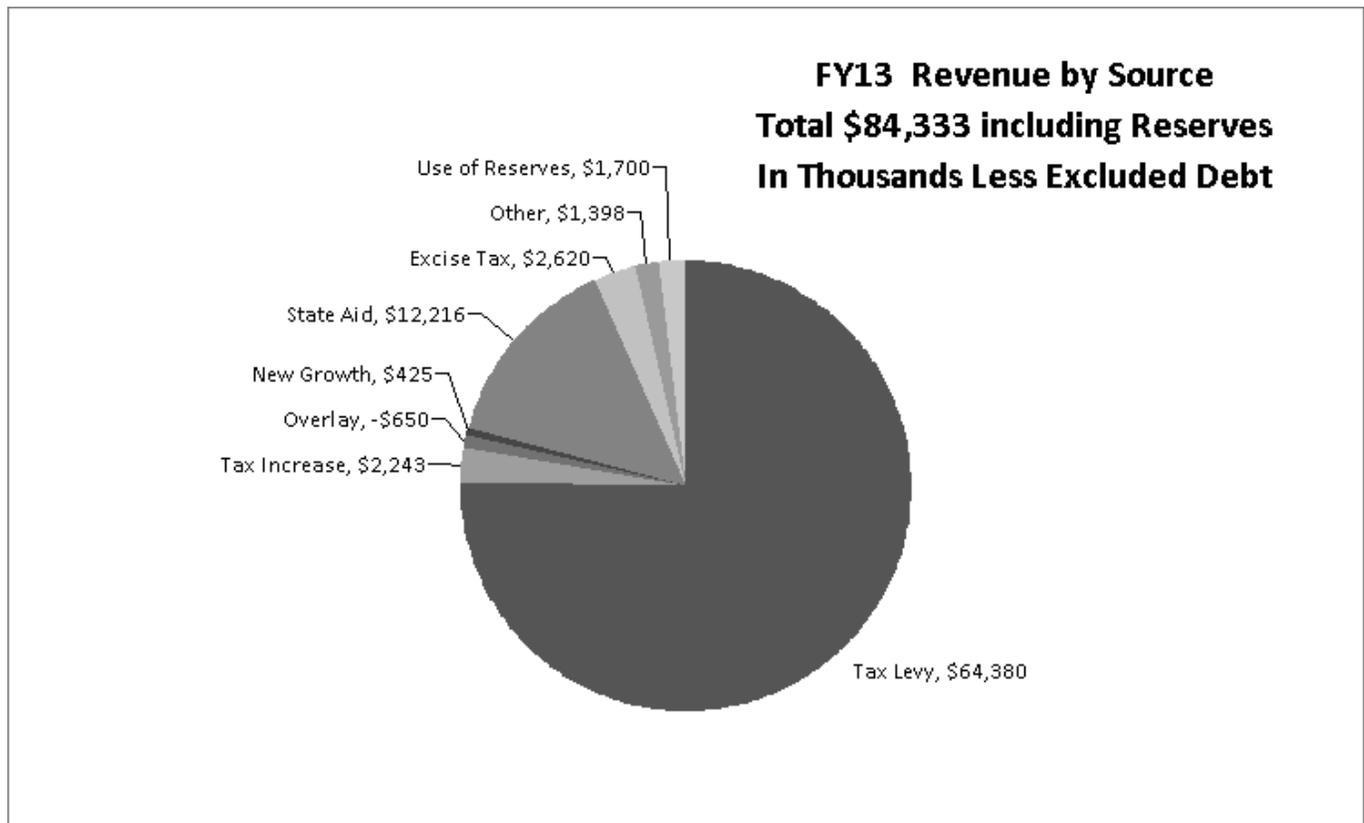
Steven L. Ledoux
Town Manager

Budget Overview

Fiscal Year 13 Budget Background

The numbers contained in these next few pages for FY13 (the fiscal year beginning July 1, 2012) are derived from the Acton Leadership Group plan, which does not include debt service for excluded debt nor Enterprise Funds and Revolving Funds. Because this document only pertains to Acton's revenues and expenses, the Acton-Boxborough Regional School District Budget line is shown as 80.67 percent of the budgeted amount, which reflects Acton's share of the total regional school district budget.

What Are Our Sources of Revenue?



More than three-quarters of our revenue comes from local property taxes, which is comprised of three components:

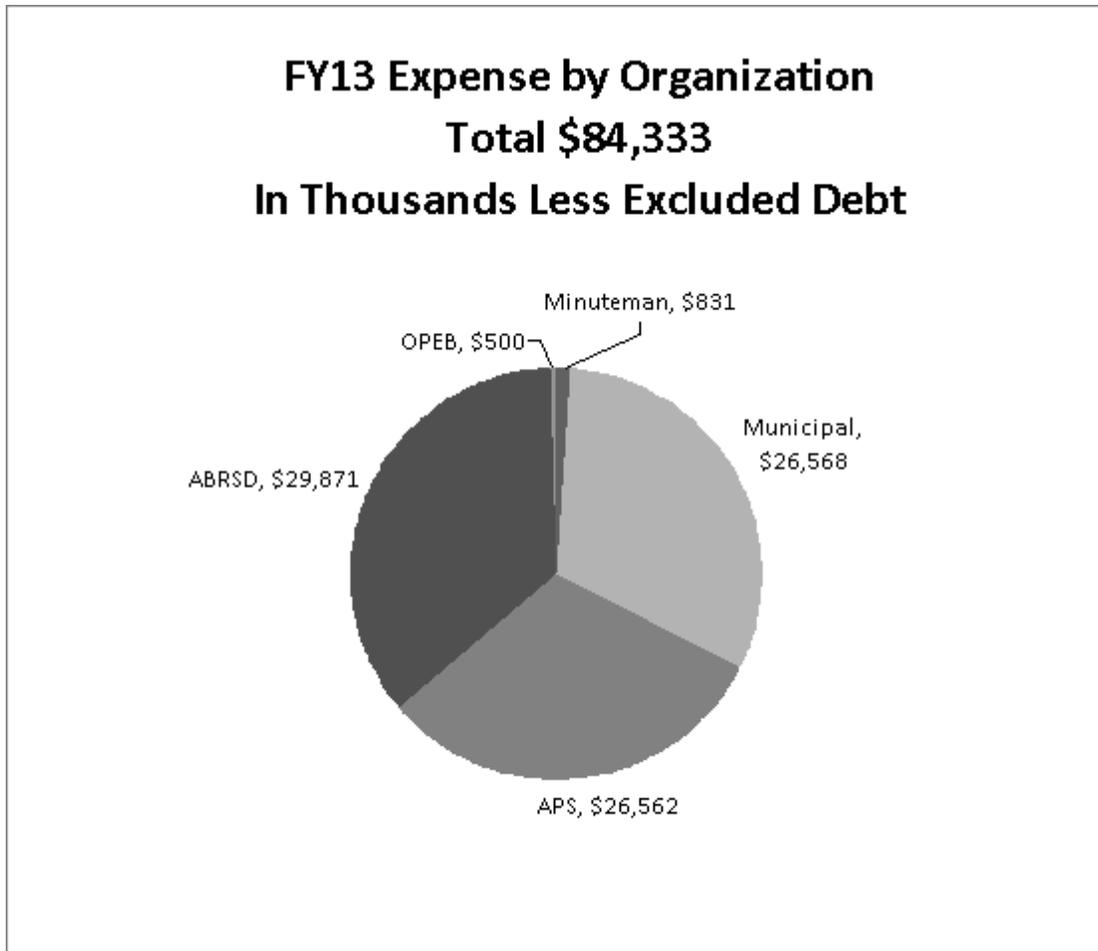
1. **Property Tax Levy** – the existing assessed property taxed at the current rate per thousand
2. **New Growth** – additional assessed value from new homes, additions to homes, and changes in parcels.
3. **Tax Increase** – typically 2½ percent increase allowed on the property tax levy

State aid, our second largest segment of revenue accounting for nearly 14 percent of the total, consists of education aid and municipal aid. For Acton, education aid (provided through Chapter 70) is the more significant piece, providing Acton Public Schools with slightly more than \$5.3 million and the Acton-Boxborough Regional system with approximately \$5.9 million. For FY13, unrestricted municipal aid is expected to total \$1 million.

Other categories of revenue include excise taxes, which are assessed on motor vehicles and trailers, and account for 3 percent of our total revenue. Fees and interest account for 1 percent of revenue. Acton collects fees for various permits, vital records, and licensing. Interest varies year-to-year depending on the interest rate and the amounts deposited.

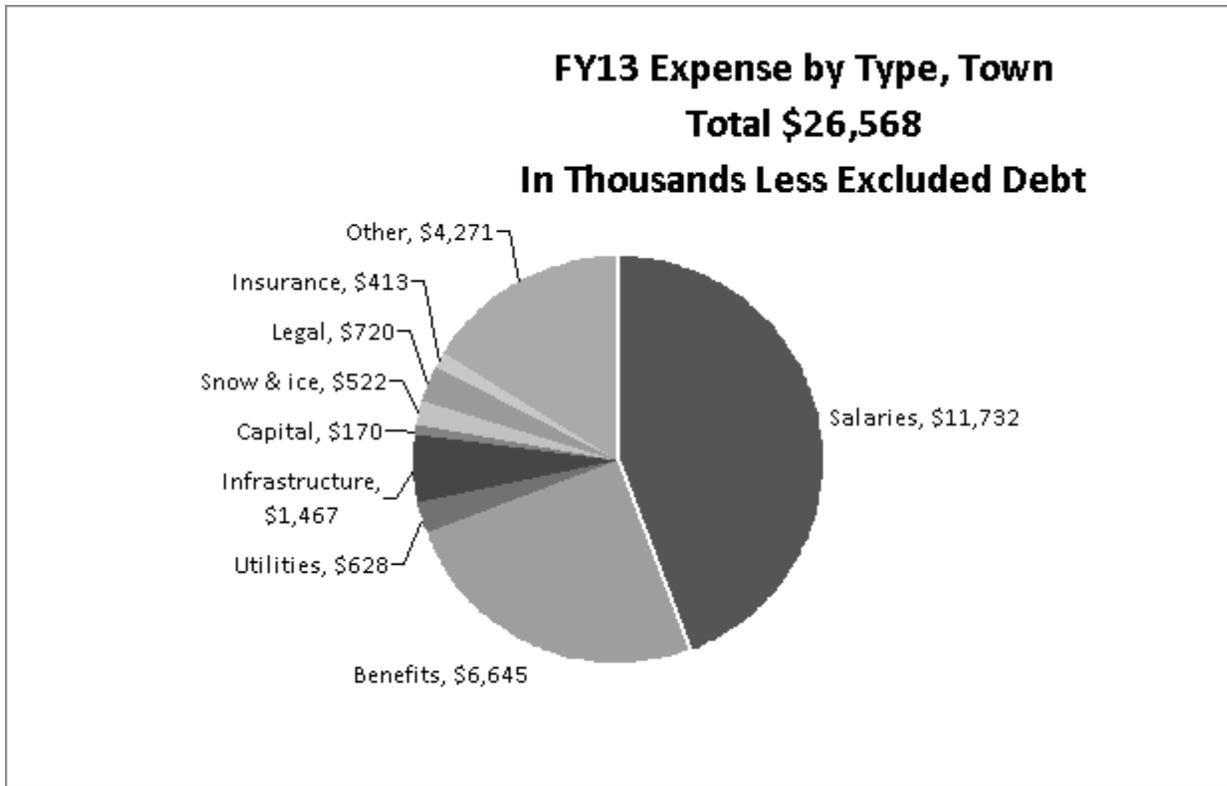
In this year’s budget, reserves account for 2 percent of the total revenues. One of the ways in which our town has been able to effectively weather the downturn in the economy (and reductions in state aid and local receipts which are one of the effects of the recession) has been through prudent use of reserves to fill in some of the gaps left by these revenues.

Which Town and School Entities Spend Our Money?



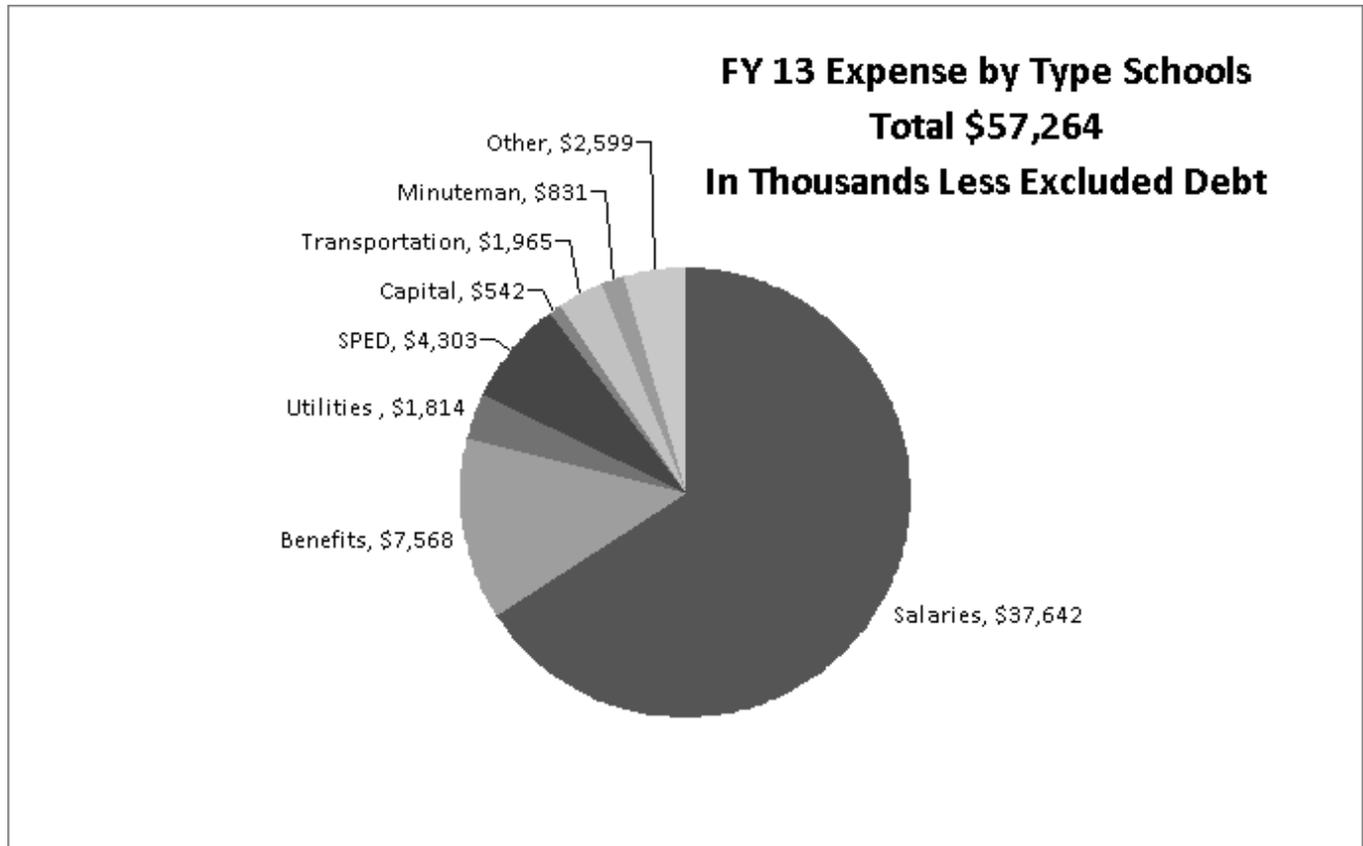
The town’s revenues support four budgets within our town. Over two-thirds of our expenditures support education priorities: the Acton Public Schools budget (32 percent of expenditures), Acton-Boxborough Regional Schools assessment (35 percent of expenditures), and Minuteman Regional School District assessment (1 percent of total expenditures). The municipal government (which funds police, fire, highway, library, health, planning and other general government services) accounts for the remaining 32 percent of the total expenditures.

What Does the Municipal Government Spend Our Money For?



Approximately 70 percent of the Town spending goes to salaries and benefits, the cost for the people who provide services to the residents.. Infrastructure cost accounts for 5 percent of the spending. This category includes the maintenance and improvement of roads, sidewalks, buildings, grounds, and information technology.

What Do the Schools Spend Our Money For?



As with the town, the largest category is the cost of people to provide services to our students. Salaries and benefits account for more than 87 percent of the total. The next largest category is special education which accounts for almost 8 percent, followed by student transportation at 3 percent, and utility costs at 3 percent in the combined school budgets.

Finance Committee's Message

The finances of the Town of Acton are sound. Our town is well-managed and is in a strong position compared to many other communities in Massachusetts and elsewhere. Over the course of the last several years our national economy experienced a deep recession which resulted in a great deal of strain on government finances at all levels. Through it all Acton has been able to preserve key services to its residents, to avoid painful cutbacks, and to continue to invest in its infrastructure.

The fundamental soundness of our Town's fiscal health was demonstrated when national bond rating agencies such as Moody's and Standard & Poor's rated the town as a solid Aaa rating. Less than 10 percent of the towns in Massachusetts were able to achieve this quality level, and fewer than 200 communities in the country were so designated. Acton's rating reflects not only our ability to yield consistent financial results in a difficult environment, but also reflects that our employment base is not vulnerable to potential cutbacks in defense and health care spending on the federal level.

FY2012

The Finance Committee provided guidance in November of 2010 for the preparation of the FY2012 budget. It was expected that the national economic situation would continue to impact revenues, especially one time sources such as the Federal stimulus programs. The result was a restrained budget which focused on "level services" with increases over the prior year in total expenses limited to 1.5 percent. The principal driver in all our budgets is labor costs at approximately 75 percent of the total. Salary expense was planned to increase at a modest 1.8 percent. During the year the Town and Schools were successful in working with all collective bargaining units to redesign the health insurance plans affecting various employee groups and to shift the share in health insurance costs so that all employees in Town and Schools would pay at least 25 percent of the cost of the premia. These changes have resulted in substantial savings. An exceptionally mild winter will leave the Town's snow removal budget of \$506,000 with a substantial surplus. Overall, the budget was intended to preserve key services as much as is practical while continuing to seek ways to ease the tax burden. All of these actions should allow us to improve our reserve position when the fiscal year closes in June.

FY2013

In December 2011 the Finance Committee circulated budget guidance in the form of a "Point of View" (POV) with respect to the upcoming budget process for FY2013. The Point of View document recognized that the general economic climate would be slowly improving, and that income growth, employment, and mortgage defaults would all reflect positive trends. As of this writing, the rate of unemployment in Massachusetts has fallen to below 6.8 percent. While there is much ground to cover before we can be comfortable, the positive trends have continued to show steady progress towards a recovery. On the state level there is some concern about flat growth in 2012, but most observers seem to feel that the upwards trends are well established. This has proven to be true as the governor's proposed budget for FY2013 contains a local aid provision in the amount of \$5.2 billion which is \$145 million greater than last year, a nearly 3 percent increase. While it remains to be seen if the legislature will approve the budget more or less intact, it is nonetheless a good indication that things are looking up in Massachusetts.

Other sources of revenue for the Town are expected to show a continuation of the somewhat anemic upwards performance we have seen since the recession began to abate. Property tax revenues will be steady and largely free of delinquencies, but we are concerned that overall home values have leveled off over the last five years, while the average single-family tax bill has been increasing. Excise tax revenues may show some increases as families begin replacing automobiles – the average car in Acton is eleven years old. The trend in fee income is positive, and a slow resumption of residential construction to

previous levels will have a positive effect. The overall effect of these changes is that available Town revenues (excluding debt exclusion) are expected to be \$82.6 million, an increase of \$2.8 million over FY2012. The bulk of that increase will come from the tax levy which will increase \$2.6 million to \$66.398 million. That increase includes the 2 ½ increase for this year as well as the utilization of tax capacity from previous years when the property taxes were not raised to the full 2 ½ percent. State aid is expected to total \$12.2 million, an increase over the prior year of barely 1 percent, or \$125,000.

The Finance Committee has recommended a use of reserves limited to \$1.7 million, and that amount is reflected in the FY2013 budget. This is a decrease over the prior year of over 9 percent, or \$173,000. At year end, our reserve account will stand at approximately \$8.4 million.

Expenses (exclusive of excluded debt) for FY13 are budgeted at \$84.312 million, which is an increase of 3.3 percent, or \$2.7 million over the prior year. Just as in FY2012, we do not expect any major changes to occur in expense programming for FY2013 on the Town side. The Schools budgets reflect an effort to implement “Investment Budgets” to catch up for positions not filled during the last several years. The approach for the upcoming year continues to be conservative. As usual, the principal driver of expenses is labor costs. During the last year most of our collective bargaining units have been in negotiation or arbitration, and increases in salaries and some benefits will become apparent during the FY2013 budget year. Salary increases reflect outright wage increases plus the effect of so called “steps and lanes” whereby employees are promoted or are recognized for improving or adding to their academic credentials. Headcount increases were held to a minimum during FY2012. Some increases will occur in FY2013, mostly in connection with the Schools’ “Investment Budgets.”

During FY2012 several major issues surfaced which have an impact on our budgets. First of these is the re-evaluation of the Acton Public Health Nursing Service (APHNS). After many years of operating in the black as an enterprise fund, the Nursing Service began to feel the effects of substantial competition from a variety of nursing providers both in and out of the private sector, including the largest hospital in our area. Initially forecasted losses indicated that the service would require approximately \$600,000 in order to make up for shortfalls in FY2012 and FY2013. The town responded by bringing in consultants with specific experience in healthcare services. Working closely with Staff, the consultants were able to cut these losses to a more manageable \$300,000. The Finance Committee concluded that in order for the Nursing Service to continue, it would require that a firm three-year business plan be in place which has been designed to put the Service on a solid footing.

Similarly the Town has been engaged in a series of programs designed to provide transportation services through short-haul vans for on call services (Dial-a-Ride) and train station shuttle (MinuteVan). The transportation initiative was originally intended to be a three-year program with subsidies provided for local operations during each of those years. Unfortunately, funding was partially withdrawn, and the burden on Acton taxpayers was increased as a result. Unlike the APHNS, the transportation programs require a long period of marketing in order to introduce an essentially new product. Current plans include consolidation of administrative and operating costs together with a marketing budget of \$40,000 which is intended to bring ridership up to acceptable levels. The Finance Committee has insisted that the transportation services be coordinated wherever possible and that a well thought out three-year business plan be developed.

FY2013 will be the first year in which Acton comes to grips with something called OPEB (Other Post-Employment Benefits). OPEB is an unfunded liability which arises from the commitments we make to our current employees to provide them with health benefits after they leave the system or retire. As various authorities became aware that these unfunded liabilities were accumulating rapidly nation-wide, the Government Accounting Standards Board (GASB), which regulates proper accounting procedures for

municipalities, issued a requirement that municipalities must report on the accumulation of these liabilities.

In order to properly calculate these amounts, Acton retained consultants specializing in this area. The result of their analysis was that, on a conservative basis, our liability for both Schools and Town amounted to some \$100 million. It is expected that towns will need to make defined payments against these liabilities, although they are not yet required to do so. Numerous towns and cities across the Commonwealth are struggling with this issue, and so far less than a quarter of them have developed firm action plans.

Opinions vary as to what the appropriate payment levels should be for Acton, but it suffices to say that they will amount to painful adjustments in our expense budgeting. Some analysts have suggested that annual payments somewhere between \$2 and \$10 million would be necessary. At this time there is no broad consensus as to how to determine payment levels, and most towns are moving forward cautiously. In this first year the goal is first to inform the public as to what this liability is all about and second to develop a payment scheme which will be fiscally prudent as well as politically acceptable to most Acton people. Accordingly the Finance Committee has recommended that in the first year the Town and Regional School District create special trust funds and pay in a combined initial payment of \$500,000. Appropriate payment levels for subsequent years are still under review, but it is anticipated that the amount paid in to the trust fund will increase with each year until a responsible stabilized payment schedule can be reached. The purpose of this gradual approach is to prevent OPEB payments from causing significant tax increases or painful disruptions in our ability to maintain service levels. It is expected that integrating OPEB payments into our budgets over the next several years will be a difficult process.

FY2014 and FY2015

Budgeting for local government is notoriously difficult. This is largely true because funding sources tend to be inconsistent depending on the local and regional economy and on the dynamics of budgeting for the state itself. There is a high degree of variability which can occur in this area, and for this reason we emphasize that forecasting in the later years is not by any means an exact science.

Generally speaking, we are expecting that the national economy will slowly but steadily improve resulting in restoration of the Commonwealth's revenue streams from taxes on income, sales taxes, and on capital gains. It is typical for local economic activity to lag behind improvements in the national and regional economy. Some economists believe that the lag time is between 12 and 24 months. A healthy situation for revenue and expense at the state level means that we can budget more confidently for those portions of our annual budget plan which are dependent on state revenues of one kind or another. With this in mind we are assuming that Chapter 70 funds for education as well as other state support during fiscal years 14 and 15 will stabilize and increase somewhat during the period. Nonetheless it will be some time before we once again reach the level of state aid we experienced in the years prior to the recession, particularly given the decline in school enrollment, which may affect the level of Chapter 70 aid that we receive.

Spending during FY2014 and FY2015 will be driven in part by the effects of austerity budgeting which will have been in place in Acton for five years. Numerous items needing attention have been backlogged during this period and will require vigorous attention as soon as funding is available. In addition, we have put in place a number of collective bargaining agreements containing increases in salary compensation as well as other costs such as pension fund payments, health insurance, and OPEB. Gross labor costs now grow at a rate greater than our maximum allowable property tax increase (2-1/2 percent.) In the past we've been able to make up the difference through a combination of state funds and the use of reserves. However in these later years the shortfalls may eventually overwhelm our reserve funds and lead to a series of difficult tax increases or reductions in service levels.

The Town's and Schools' budgets are not sustainable well into the future as long as this condition of weak revenues and robust spending continues. Eventually we will consume most of our reserve funds which have served to cushion the effects of deficit spending, and tax increases will then be inevitable. It is not clear when the crossover point will be reached, and so there is no firm consensus as to when this would occur and how severe the shortfalls would be.

The Finance Committee launched an internal effort to tackle the challenges associated with modeling future revenue and expense. A Long Range Financial Planning subcommittee was established to develop a mathematical model based on the town's performance over the last 20 years and to determine how that model could best benefit the Town and the Schools as they go about thinking beyond the current fiscal year. That model was completed and is now in a Beta phase of testing.

The Finance Committee has invited the Board of Selectmen, the School Committee, and senior staff to join us in task force to collaborate in working through the best method for estimating revenue and expense in future years and how to take full advantage of the LRFP model. It is expected that this group will work on the problem during the summer with an eye to having a common program available in time for the next budget cycle this fall. Since OPEB funding is now an essential ingredient in any budget development, the combined task force will also be working on a program for handling that liability as well.

Outlook

The Town's budget for FY2013 is a reasonable extension of our current conservative budget year, and we are fortunate to have been able to protect our reserve funds during a devastating recession. Nonetheless, it is clear that we are experiencing structural deficits which will eventually lead to painful adjustments. This lack of sustainability is a key concern of the Finance Committee and has inspired us to think very carefully about the need to preserve our freedom of movement in the short term. Hence we have emphasized the need to contain spending, and we have recommended setting up and paying into an OPEB trust fund. It is perfectly true that the town of Acton is on a sound financial basis, but the price of that stability will be our constant vigilance against unnecessary expenditures in what may be a protracted environment of soft revenues growth.

Multi-Year Model Developed Through Acton Leadership Group Process

				3/13/2012	
Town of Acton Revenues		FY12	FY13	FY14	FY15
		Recap			
A. Revenues (GROSS)					
Tax Levy (excluding debt exclusion)		\$63,764	\$66,398	\$68,499	\$70,653
State Aid		\$12,092	\$12,216	\$12,827	\$13,469
EdJobs (Acton share of APS & ABRSD for school use in FY13)		\$0	\$0	\$0	\$0
Local Receipts		\$3,906	\$4,018	\$4,119	\$4,222
Debt Exclusion		\$3,073	\$3,034	\$2,928	\$2,902
SBAB Reimbursement		\$1,009	\$1,009	\$1,009	\$1,009
Total Revenues (including debt)		\$83,845	\$86,676	\$89,382	\$92,254
B. Debt Exclusion Debt Service					
APS School Debt Exclusion		\$611	\$615	\$614	\$616
Public Safety Facility Debt Exclusion		\$483	\$473	\$462	\$451
Municipal Debt Exclusion		\$378	\$343	\$244	\$230
JHS/SHS Debt Exclusion		\$1,601	\$1,604	\$1,608	\$1,605
SBAB Reimbursement-Parker/Damon		\$1,009	\$1,009	\$1,009	\$1,009
Total Debt Exclusion/SBAB		\$4,082	\$4,043	\$3,937	\$3,911
C. Available Town Revenues (NET) (A - B)		\$79,762	\$82,632	\$85,445	\$88,343
Town of Acton Expenditures					
Town of Acton Municipal Budget		\$25,061	\$25,959	\$27,257	\$28,620
Nursing Enterprise Fund Tax Subsidy		\$0	\$200	\$200	\$200
Transportation Article		\$75	\$206	\$206	\$206
+ Transfer to Acton Municipal for APS Debt		\$309	\$203	\$198	\$132
+ Transfer to Acton Municipal for COPS		\$72	\$0	\$0	\$0
Total Municipal Allocation		\$25,517	\$26,568	\$27,862	\$29,159
Percentage change year-to-year		1.81%	4.12%	4.87%	4.66%
Acton Public Schools Allocation		\$26,495	\$26,765	\$27,692	\$29,153
- Transfer to Acton Municipal for APS Debt		(\$309)	(\$203)	(\$198)	(\$132)
- Transfer to Acton Municipal for COPS		(\$72)	\$0	\$0	\$0
Total APS Allocation		\$26,114	\$26,562	\$27,890	\$29,285
Percentage change year-to-year		0.79%	1.72%	5.00%	5.00%
Town of Acton Portion of ABRSD Allocation		\$29,207	\$29,871	\$31,364	\$32,933
Percentage change year-to-year		1.24%	2.27%	5.00%	5.00%
Total Minuteman Allocation		\$777	\$831	\$838	\$876
Annual Minuteman Allocation			\$802		
Acton Share of Trade Hall Remediation Project			\$29		
Percentage change year-to-year		27.80%	6.95%	0.84%	4.50%
Other Post Employment Benefits (OPEB) Trust Contribution		\$0	\$500	\$700	\$900
Town of Acton			\$310	\$435	\$559
Town of Acton Portion of ABRSD OPEB Contribution			\$190	\$265	\$341
Health Insurance Design Changes (TBD) (Acton Mun & APS & ABRSD)			\$0	(\$952)	(\$1,040)
Non-Recurring Expenses from Special Town Meeting Votes		\$0	\$0	\$0	\$0
<i>Oct 25 2010 Caouette Land Purchase</i>					
<i>Oct 12 2010 Caouette Land Purchase</i>					
<i>June 14 2010 FY09-10 Fire</i>					
<i>Article 23 ATM Bridge Work</i>					
<i>Article 12 Police Sup Past Due</i>					
D. Town of Acton Expenditures (NET)		\$81,615	\$84,333	\$87,702	\$92,112
E. Subtotal Town of Acton Projected Balance		(\$1,853)	(\$1,700)	(\$2,258)	(\$3,769)
F. Appropriation of Reserves (TOTAL)		\$1,853	\$1,700	\$2,052	\$2,052
G. Total Town of Acton Projected Balance		\$0	(\$0)	(\$206)	(\$1,717)

Town of Acton - Tax Impact	FY12	FY13	FY14	FY15
Existing Valuation ('000s)	\$3,641,550	\$3,641,550	\$3,664,461	\$3,686,684
New Growth value ('000s)	\$0	\$22,911	\$22,222	\$21,739
Total Valuation ('000s)	\$3,641,550	\$3,664,461	\$3,686,684	\$3,708,422
Tax Rate	\$18.55	\$19.12	\$19.55	\$20.01
SF Value	\$500,492	\$500,492	\$500,492	\$500,492
SF Tax Bill	\$9,284	\$9,572	\$9,785	\$10,015
% Change	2.61%	3.10%	2.23%	2.35%
\$ Change	\$236.27	\$287.71	\$213.06	\$229.86

Acton Public Schools		\$26,562,103			
Article 25		Summarized Budget			
	FY11 Actual	FY12	% Chg	FY13	% Chg
Salaries Teaching	\$11,492,002	\$12,068,520	5.0%	\$12,797,558	6.0%
Salaries Other	\$5,014,236	\$5,458,400	8.9%	\$6,060,229	11.0%
Health Insurance	\$3,606,078	\$3,697,937	2.5%	\$3,027,606	-18.1%
Fringes Other	\$12,713	\$17,000	33.7%	\$13,000	-23.5%
Capital & One time Items	\$480,918	\$272,850	-43.3%	\$285,797	4.7%
SPED Tuition	\$1,628,062	\$1,920,318	18.0%	\$1,782,682	-7.2%
SPED Trans	\$446,033	\$510,715	14.5%	\$468,959	-8.2%
Transportation	\$337,100	\$349,236	3.6%	\$347,436	-0.5%
Utilities	\$843,890	\$854,212	1.2%	\$811,421	-5.0%
All other	\$1,543,453	\$964,531	-37.5%	\$967,415	0.3%
Total	\$25,404,485	\$26,113,719	2.8%	\$26,562,103	1.7%
Amount Per Multi Year Plan					
Transfers from Municipal		\$379,000		\$203,000	
Adjusted Plan Amount	\$25,404,485	\$26,492,719	4.3%	\$26,765,103	1.0%
Breakdown by Article				Acton Public Schools Budget	
				\$26,562,103	

Acton-Boxborough Regional School District		\$25,193,314			
Articles 26, 27		Summarized Budget			
	FY11 Actual	FY12	% Chg	FY13	% Chg
Salaries Teaching	\$15,199,175	\$16,006,402	5.3%	\$16,848,363	5.3%
Salaries Other	\$5,428,144	\$5,856,890	7.9%	\$6,436,386	9.9%
Health Insurance	\$5,532,244	\$5,213,338	-5.8%	\$4,464,834	-14.4%
Fringes Other	\$1,065,516	\$1,109,933	4.2%	\$1,147,894	3.4%
Capital & One time Items	\$577,052	\$317,206	-45.0%	\$317,107	0.0%
SPED Tuition	\$2,837,710	\$3,236,257	14.0%	\$3,123,826	-3.5%
SPED Trans	\$712,051	\$788,332	10.7%	\$865,301	9.8%
Transportation	\$690,142	\$643,012	-6.8%	\$559,055	-13.1%
Utilities	\$1,287,846	\$1,285,751	-0.2%	\$1,242,738	-3.3%
All other	\$2,301,511	\$2,157,246	-6.3%	\$2,068,128	-4.1%
Sub Total	\$35,631,391	\$36,614,367	2.8%	\$37,073,632	1.3%
Debt	\$1,892,291	\$1,887,984	-0.2%	\$2,041,172	8.1%
Total	\$37,523,682	\$38,502,351	2.6%	\$39,114,804	1.6%
Acton Share ex debt	\$28,230,751	\$29,206,000	3.5%	\$29,870,833	2.3%
	79.23%	79.81%		80.67%	
Acton Share ex debt		\$29,206,000		\$29,870,833	2.3%
Amount Per Multi Year Plan		\$29,206,000		\$29,870,833	2.3%
Breakdown by Article					
	Acton Share ex debt			\$29,870,833	
	Regional Debt			\$1,620,167	
	Regional OPEB Contribution (Acton share)			\$190,381	
	Chapter 70 Base aid			-\$5,622,000	
	Choice/Charter School Assessment			\$284,520	
	Charter School Aid			-\$31,646	
	Regional School Transportation			-\$497,218	
	Transfer from Premium on Loan			-\$564	
	Transfer for Excess and Deficiency			-\$621,159	
Acton-Boxborough Regional School Assessment				\$25,193,314	

Town of Acton Municipal Budget
Articles 2, 5, 8, 9, 11, 12, 13, 14, 15,
16, 17, 18, 19

\$29,007,000

	FY11 Actual	FY12	% Chg	FY13	% Chg
Salaries	\$10,742,984	\$11,165,547	3.9%	\$11,732,193	5.1%
Health Insurance	\$2,367,502	\$2,900,872	22.5%	\$2,698,234	-7.0%
Middlesex Retire	\$2,500,732	\$2,663,775	6.5%	\$3,041,187	14.2%
Fringes Other	\$808,896	\$793,950	-1.8%	\$905,411	14.0%
Legal	\$918,625	\$840,000	-8.6%	\$720,000	-14.3%
Gas & Diesel	\$245,864	\$233,396	-5.1%	\$392,113	68.0%
Snow & Ice ex salaries	\$628,656	\$506,585	-19.4%	\$521,710	3.0%
Property Liability Insurance	\$383,860	\$407,500	6.2%	\$413,065	1.4%
Infrastructure Maintenance	\$1,460,001	\$1,288,220	-11.8%	\$1,466,827	13.9%
Inside Debt	\$584,933	\$556,654	-4.8%	\$483,984	-13.1%
Utilities	\$563,468	\$546,410	-3.0%	\$627,996	14.9%
All other	\$1,773,050	\$2,317,319	30.7%	\$2,207,104	-4.8%
Subtotal	\$22,978,571	\$24,220,229	5.4%	\$25,209,824	4.1%
Excluded Debt	\$2,406,433	\$2,480,800	3.1%	\$2,439,401	-1.7%
Subtotal	\$25,385,005	\$26,701,029	5.2%	\$27,649,225	3.6%
AB Cultural Council		\$2,000		\$2,000	0.0%
Transportation		\$75,000		\$206,000	174.7%
Collective Bargaining Agreements - 1st yr				\$458,775	--
Capital		\$898,875		\$170,000	-81.1%
COA Subsidy		\$50,000		\$50,000	0.0%
Nursing Subsidy		\$0		\$200,000	--
Ambulance Subsidy		\$271,000		\$271,000	0.0%
Total		\$27,997,904		\$29,007,000	3.6%
Amount Per Multi Year Plan		\$27,438,035		\$29,007,000	
Transfers to APS		-\$381,000		-\$203,000	
Less Excluded debt		-\$2,514,100		-\$2,439,401	
Less Nursing Enterprise subsidy				-\$200,000	
Less Transportation subsidy				-\$206,000	
Adjusted Plan amount		\$24,544,935		\$25,958,599	5.8%
Breakdown by Article					
Article 12	Town Operating Budget	\$26,701,029		\$27,649,225	
Article 2	Council On Aging	\$50,000		\$50,000	
Article 5	Ambulance Subsidy	\$271,000		\$271,000	
Article 8	AB Cultural Council	\$2,000		\$2,000	
Article 9	Transportation	\$75,000		\$206,000	
Article 11	Nursing	\$0		\$200,000	
Articles 13,					
14	Capital Improvements (General Fund Only)	\$898,875		\$170,000	
Articles 15,					
16, 17, 18, 19	Collective Bargaining Agreements - 1st yr			\$458,775	
		\$27,997,904		\$29,007,000	

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. Summaries are also included with each article printed in this Warrant. **Motions for consent articles are included under the text of each article.** Motions will be available as a separate handout at Town Meeting.

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

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

- One Commissioner for a three-year term,
- One Moderator 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 appear following an Article number:

*	This article is on the Consent Calendar
#	This article submitted by Citizens' Petition

One or more of the following recommendations may appear at the end of an Article's summary:

Recommended	This board voted to <u>recommend</u> passage by Town Meeting.
Not Recommended	This board voted to <u>not recommend</u> passage by Town Meeting.
Deferred	A recommendation will be made by this board when the Article is considered at Town Meeting.
No Recommendation	This board voted to make no specific recommendation to Town Meeting.

ARTICLE 1 CHOOSE TOWN OFFICERS

(Majority vote)

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

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

, or take any other action relative thereto.

SUMMARY

This article provides for the election of Trustees of the Elizabeth White Fund, Trustees of the Acton Firefighter'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: Mike Gowing: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 2 * 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 \$95,586 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, \$45,586 be raised from department receipts and \$50,000 be raised from general revenues.

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
\$30,815	\$ 97,165	\$ 97,165	\$ 30,815	\$ 95,586	\$ 95,586	\$ 30,815

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

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

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

ARTICLE 3 * 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 \$151,870 for the purpose of septage disposal, and to raise such amount, \$151,870 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 6/30/11	Budgeted Revenue FY12	Budgeted Expense FY12	Est. Fund Balance 6/30/12	Budgeted Revenue FY13	Budgeted Expense FY13	Est. Fund Balance 6/30/13
\$ 115,408	\$ 139,092	\$ 139,092	\$ 115,408	\$ 151,870	\$ 151,870	\$ 115,408

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

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

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

ARTICLE 5 * AMBULANCE 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 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 \$766,906 for the purpose of operating the ambulance service, and to raise such amount, \$495,906 be raised from department receipts and \$271,000 be raised from general revenues.

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 6/30/11	Budgeted Revenue FY12	Budgeted Expense FY12	Est. Fund Balance 6/30/12	Budgeted Revenue FY13	Budgeted Expense FY13	Est. Fund Balance 6/30/13
\$ 875,663	\$ 716,993	\$ 716,993	\$ 875,663	\$ 766,906	\$ 766,906	\$ 875,663

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

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

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

ARTICLE 6 * 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 \$803,921 for the purpose of solid waste disposal and recycling, and to raise such amount, \$803,921 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 6/30/11	Budgeted Revenue FY12	Budgeted Expense FY12	Est. Fund Balance 6/30/11	Budgeted Revenue FY13	Budgeted Expense FY13	Est. Fund Balance 6/30/13
\$ 251,983	\$ 585,296	\$ 585,296	\$ 251,983	\$ 803,921	\$ 803,921	\$ 251,983

Direct inquiries to: Russell Robinson, Superintendent: highway@acton-ma.gov / (978) 929-7740

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

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

ARTICLE 7 * 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	\$ 291,500	\$ 291,500
Merriam Mornings/Afternoons/Summer	\$ 225,000	\$ 225,000
Historic District Commission	\$ 1	\$ 1
Building Department	\$ 196,137	\$ 196,137
Sealer of Weights and Measures	\$ 13,182	\$ 13,182
Health Department		
Food Service Inspections	\$ 41,472	\$ 41,472
Hazardous Materials Inspections	\$ 45,686	\$ 45,686
Stormwater Inspections	\$ 41,087	\$ 41,087
Fire Department		
Fire Alarm Network	\$ 64,015	\$ 64,015

, 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.

	FY 2011 Actual Revenue	FY 2011 Actual Expense	Fund Balance 6/30/2011	FY 2012 Budgeted Revenue	FY 2012 Budgeted Expense	Actual Revenue YTD	Actual Expense YTD
School Department¹							
Douglas at Dawn/Dusk	\$225,681	\$226,298	\$268,084	\$291,500	\$291,913	\$116,888	\$145,310
Merriam Mornings/Afternoons/Summer	\$181,431	\$188,993	\$163,808	\$225,000	\$200,000	\$88,598	\$87,423
Historic District Commission²							
	\$413	\$400	\$620	\$1	\$1	\$80	\$0
Building Department²							
	\$123,041	\$127,343	\$92,260	\$178,531	\$207,638	\$87,996	\$64,431
Includes fees for Electrical, Plumbing & Gas Permits / Microfilming / Periodic Inspections							
Sealer of Weights and Measures²							
	\$22,534	\$11,524	\$27,781	\$14,416	\$14,416	\$8,415	\$8,895
Health Department²							
Hazardous Materials Inspection	\$45,484	\$56,437	\$26,017	\$46,788	\$46,926	\$17,280	\$32,526
Food Service Inspections	\$41,447	\$44,727	\$79,523	\$39,858	\$40,158	\$32,546	\$23,068
Stormwater	\$5,280	\$0	\$5,280	\$40,000	\$40,000	\$9,890	\$10,416
Fire Department²							
Fire Alarm Network	\$44,128	\$36,097	\$43,551	\$63,078	\$64,398	\$3,400	\$35,680
All Monetary Figures Rounded to the Nearest Dollar							
Actuals as of 3/05/2012							

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: David Clough: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 8 * 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 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: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 9 TRANSPORTATION PROGRAM
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to be expended by the Town Manager for the continuation of a town transportation program, or take any other action relative thereto.

SUMMARY

This is the third year of a three year program, partially funded through a mobility grant, which is establishing public transportation in Acton. The MinuteVan consists of two programs; the Dial-A-Ride and the Rail Shuttle. Each of these programs have been growing since their inception in September of 2010 and continue to meet the needs of commuters and local travelers. Funds from this Article will ensure that both of these programs will continue throughout FY13 and will also implement a marketing plan designed to make this service known by all residents.

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

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

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

ARTICLE 10 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: David Clough: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 11 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.

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 6/30/11	Budgeted Revenue FY12	Budgeted Expense FY12	Est. Fund Balance 6/30/12	Budgeted Revenue FY13	Budgeted Expense FY13	Est. Fund Balance 6/30/13
\$ 69,493	\$ 801,026	\$ 801,026	\$ 69,493	\$ 714,076	\$ 714,076	\$ 69,493

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

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

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

ARTICLE 12 TOWN OPERATING BUDGET

(Majority vote)

To see if the Town will raise and appropriate, and/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 local 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 other 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: Mike Gowing: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred
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ARTICLE 13 CAPITAL IMPROVEMENTS

(Majority vote)

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

Senior Center Design	\$ 140,000
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SUMMARY

This appropriation request is submitted as voted by the Senior Center Building Committee. The funds will be used for schematic design, and a budget estimate for a new Senior Center. The facility will be between 16,000 and 17,000 square feet, and portions of the building may also be used by the larger community on evenings and weekends. The facility will be designed to allow for expansion at a later date to provide more community space. This plan builds upon the 2009 Senior Center Expansion Report which is available for viewing on the Town's website.

Direct inquiries to: Dean Charter, Municipal Properties Director: mp@acton-ma.gov / (978) 929-7744

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred
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ARTICLE 14 CAPITAL EQUIPMENT, VEHICLES AND INFRASTRUCTURE
 (Two-thirds vote) (BONDING)

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

A.	One-Ton Truck	\$ 51,000
B.	Sander/Dump Truck	190,346
C.	Utility Truck	42,000
D.	Towable Generator	55,000
E.	Skid Steer (e.g. "Bobcat")	134,100
F.	Standby Generator at Senior Center	75,000
G.	Goward Playground	150,000
H.	F-350 Truck Replacement	44,000
I.	Quarry Road Drainage	189,000
J.	Portable Intersection Traffic Control System	150,000
K.	Emergency Communication Equipment	116,500
L.	Radio Narrowbanding and Interoperability	103,000
M.	Core Networking Equipment Replacement	47,000
N.	Unified Network File Storage System Replacement	79,100
O.	Town Hall Land Use Departments Renovations	400,000
Total		\$1,826,046

SUMMARIES

A. One-Ton Truck

This replaces a 1993 F-350 Ford 1-ton truck with a newer model. The condition of the existing vehicle has deteriorated significantly. This truck is depended upon daily by the road crew and is also used for snow removal.

Direct inquiries to: Russell Robinson, Superintendent: highway@acton-ma.gov / (978) 929-7740

B. Sander/Dump Truck

This replaces a 1987 Mack dump truck with a newer model. This is part of a program that replaces a large truck every other year, which would allow us to replace a truck when it reaches the end of its useful life (about 25 years). There are 12 large trucks in this fleet.

Direct inquiries to: Russell Robinson, Superintendent: highway@acton-ma.gov / (978) 929-7740

C. Utility Truck

The utility truck is used to haul road tools/equipment and the portable fuel tank to job sites. It is also used to plow snow. This replaces a 1985 Dodge utility truck that has mechanical problems and currently allows room to transport only 3 employees. The newer model would have a crew cab which would accommodate 6 employees thereby minimizing the vehicles trips per day.

Direct inquiries to: Russell Robinson, Superintendent: highway@acton-ma.gov / (978) 929-7740

D. Towable Generator

Provides electricity where needed on a temporary basis, such as major installation and repair jobs where an electric drop is not quickly obtainable. It will also be used in emergency situations and has the capacity to provide power to municipal buildings.

Direct inquiries to: Russell Robinson, Superintendent: highway@acton-ma.gov / (978) 929-7740

E. Skid Steer (e.g. "Bobcat")

This is a tracked skid steer with attachments (snow bucket, snow blower, soil conditioner and brush cutter). This will allow the Highway road crew to maintain retention ponds since it is capable of moving on soft ground. Maintaining the retention ponds will assist in the Town's compliance with Massachusetts Storm Water Regulations. This equipment will also be used to remove snow from parking lots and sidewalks.

Direct inquiries to: Russell Robinson, Superintendent: highway@acton-ma.gov / (978) 929-7740

F. Standby Generator at Senior Center

This appropriation is to supply and install a permanently mounted standby generator with automatic transfer switch at the Senior Center on Audubon Hill. The unit is large enough to power the entire building, including the air conditioning, in case the building is used as a "cooling shelter" during summer power outages. This building is the designated shelter for all events, including power failures, hurricanes, and mass evacuations. At present emergency power is provided with a small trailer mounted generator that will not supply all circuits.

Direct inquiries to: Dean Charter, Municipal Properties Director: mp@acton-ma.gov / (978) 929-7744

G. Goward Playground

Goward Playground is located at Goward Field, behind the Acton Memorial Library in Acton Center. The wooden equipment has aged and the playground manufacturers, Goric and Kompan, concur that the structures have exceeded their recommended lifespan. A safe playground geared toward both pre-school aged and school aged children is needed. Handicapped accessibility as per new ADA regulations instituted as of March 15, 2012 will be addressed. The results of a recent Recreation Commission sponsored Town survey indicates that this playground replacement is welcome and overdue. A citizen's fundraising organization, "Friends of the Playground" has recently launched a fundraiser with a goal of \$100,000 to supplement the \$150,000 requested, the total sum comparable to that invested in playgrounds recently installed in surrounding Towns.

Direct inquiries to: Cathy Fochtman, Recreation Director: recreation@acton-ma.gov / (978) 929-6640

H. F-350 Truck Replacement

Provides for the replacement of a 2001 model F-350 dump-box, grounds maintenance truck. Extensive engine repairs and frame rot have left the existing truck unserviceable. The new vehicle will be used by the Natural Resources crew for cemetery, recreation, and conservation grounds maintenance and in the winter for snow plowing.

Direct inquiries to: Tom Tidman, Natural Resources Director: nr@acton-ma.gov / (978) 929-6634

I. Quarry Road Drainage

This project will correct deficiencies in the underground road drainage system in Main Street from Quarry Road north to the railroad tracks. This existing drainage system is undersized for the area it serves. The new system will improve the overall water quality and storm water collection.

Direct inquiries to: Corey York, Public Works Director: engineering@acton-ma.gov / (978) 929-6630

J. Portable Intersection Traffic Control System

Acton has eight intersections controlled by a traffic signal (not including Taylor/Piper and Rt. 2 intersection). These intersections have met the necessary traffic and accident counts required by state and federal standards to become a controlled intersection.

The purpose of this article is to purchase three portable traffic signals, which would be used to control the intersection during a power outage. The cause of the power outage could range from a vehicle accident that makes a traffic light inoperable to a major storm that knocks out the power for an extended period of time.

Public safety concerns are alleviated by this purchase in two major ways – (1) providing a safe intersection crossing for vehicles and pedestrians and (2) freeing police officers from traffic direction duties to other emergency duties within the Town.

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

K. Emergency Communication Equipment

Provides for the purchase of communication equipment that will be activated during emergency situations and used to inform residents of pertinent information. This includes the purchase of five solar powered, portable, electronic LED message boards and a low power FM radio transmitter.

Message boards are frequently used for tasks such as road closures, work zone safety, and traffic control. They will also be utilized during special events such as elections, Town Meeting, and events at NARA Park including our annual 4th of July celebration. During an emergency, they would be deployed throughout Town presenting information such as shelter locations, evacuation routes, weather alerts, charging station locations, and status updates from utility companies.

If authorized by the Federal Communications Commission, the addition of a low-power FM transmitter will allow Town officials to transmit pre-recorded messages over FM radio. Residents could tune to the broadcast using any battery powered AM/FM radio or from their motor vehicle.

Please see the “Emergency Notification Systems” section of this Warrant for more information about the integration of this equipment with existing systems.

Direct inquiries to: Mark Hald, Information Technology Director: it@acton-ma.gov / (978) 929-6612

L. Radio Narrowbanding and Interoperability

Provides for the upgrade of our Police, Fire, and Government radio systems to comply with the Federal Communications Commission's (FCC) mandatory narrowbanding directive. The FCC has mandated that all public safety radio licensees operating wideband systems in the 150-174 MHz and 421-512 MHz bands (VHF and UHF) must migrate to more efficient narrowband channels by January 1, 2013.

The Town has been moving toward narrowband compliance for several years as equipment was replaced as part of regular schedules. This project will bring us the last steps needed to bring the remaining equipment into compliance. See www.fcc.gov/narrowbanding for more information.

Direct inquiries to: Mark Hald, Information Technology Director: it@acton-ma.gov / (978) 929-6612

M. Core Network Switch Replacement

Provides for the replacement of the Town's central network hardware. This hardware is comprised of router and switching components that form the backbone of our inter-building network. Our current hardware was installed in 2002 and reached its manufacturer's end-of-support date on February 1, 2011.

Our fiber-optic network is **critical** to the operations of the Town and Schools. It is the carrier delivering services such as Internet, e-mail, telephone, public safety radio communication, desktop computing, and connection with multiple State agency information systems. Services such as the Town's website, financial system, document management system, geographic information system, and connection to the Minuteman Library Network all depend on the reliability of our network.

Direct inquiries to: Mark Hald, Information Technology Director: it@acton-ma.gov / (978) 929-6612

N. Unified Network File Storage System Replacement

This system is host to the majority of the Town's critical data including e-mail, DocuShare, Financial Databases, Police and Fire Department Records, GIS Data, Building Plans and Permits, departmental files shares, and various other databases and applications.

Our current storage unit is scheduled for product end-of-life on March 30, 2013. At that time we will no longer be able to purchase support or parts from the manufacturer. This project funds the purchase of a new system that will feature increased performance and a higher capacity to meet the Town's growing data storage demands.

Direct inquiries to: Mark Hald, Information Technology Director: it@acton-ma.gov / (978) 929-6612

O. Town Hall Land Use Departments Renovations

Since 2009, the Board of Selectmen has made it a primary goal to improve the efficiency and customer service of the key departments that issue permits. Town staff then organized a working group to analyze existing local permitting processes, study other towns' models for land use department reorganization, educate themselves on technology and facility opportunities and constraints, and ultimately make a recommendation.

This project proposes a renovation of the physical space in the north wing of Town Hall, the current location of the Building, Health, Planning and Engineering Departments, and will incorporate the Natural Resources Department. The current layout was designed in the mid-1980s, and its redesign will remove physical barriers between staff, information and customers, introducing an accessible customer service counter, similar to that of our Finance Department.

This will provide a single point of access for customers needing the services of our land use departments, and the open floor plan will promote a positive flow of information between customers and departments, as well as the cross-training of staff.

This physical reorganization leverages other infrastructure built in the last decade (e.g. GIS, data archiving), in progress now (e.g. permit tracking software, document digitizing) and requested above in this same Article for the future. Approval of this project will:

- Simplify processes
- Eliminate duplication
- Automate information flow, improving accessibility and accuracy of information
- Standardize responses
- Increase staff efficiency
- Improve customer service

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

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred
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ARTICLE 15 **FUND COLLECTIVE BARGAINING AGREEMENT –**
(Majority vote) **POLICE PATROL OFFICERS (FY09-FY11)**

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 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: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred
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ARTICLE 18 **FUND COLLECTIVE BARGAINING AGREEMENT –**
(Majority vote) **DISPATCH (FY12)**

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 public safety dispatcher personnel 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 collective bargaining agreement with Town’s public safety dispatcher personnel 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: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 19 **FUND COLLECTIVE BARGAINING AGREEMENT –**
(Majority vote) **DISPATCH (FY13)**

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 public safety dispatcher personnel 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 collective bargaining agreement with Town’s public safety dispatcher personnel 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: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 20 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. As of January 1, 2010, the Town has an unfunded pension liability of \$30,687,938 and an unfunded OPEB liability of \$57,330,858. 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.

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

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

ARTICLE 21 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 20.

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

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

**ARTICLE 22 # 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
 Deferred **Deferred**

ARTICLE 23 # 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
 Deferred Not Recommended

ARTICLE 24
(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, which can be viewed at www.acton2020.info. The seven goals and their corresponding objectives are listed below. Please note that the numbering of the Goals and Objectives does not reflect any prioritization of the Goals and Objectives.

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 planning tools to manage growth pro-actively.

Objective 1.2: Preserve and enhance key 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

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 residents.

- 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: Create new gathering spaces and make better use of existing ones.
- Objective 4.2: Provide more playgrounds, fields for team sports, parks, and conservation lands.
- Objective 4.3: Support additional cultural activities.

GOAL 5: Support Inclusion and Diversity

We value our diversity in all of its forms. We welcome citizens of all ages, socio-economic, cultural, racial and 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 financial 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, walkable, 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, AICP, Planning Director: (978) 929-6631 / planning@acton-ma.gov

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended	<u>Planning Board</u> Recommended
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ARTICLE 25 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: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 26 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: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 27 ACTON-BOXBOROUGH REGIONAL SCHOOLS
(Two-thirds vote) **LOWER FIELDS BORROWING**

To see if the Town will approve the \$1.5 Million 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 \$1.5 Million 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 2/3rds vote of the Town is required to approve this borrowing.

The total project cost is anticipated to be \$3 Million. This will be funded from a combination of private and public sources, minimizing the School District’s commitment. These sources include and shall not exceed: 1) a \$1Million contribution from Acton-Boxborough Youth Soccer (ABYS) which is being financed by a private loan taken out by ABYS; 2) \$225,000 in cash, contributed by the members of the Friends of the Lower Fields (FOLF), including ABYS, A-B Pop Warner and Cheering, Acton-Boxborough Youth Lacrosse, and Acton-Boxborough Girls Youth Lacrosse; 3) \$275,000 in FY12 operating funds from the ABRSD budget; and 4) \$1.5 Million in proceeds from a bond to be issued by the ABRSD.

Approximately a year ago, a private entity of Acton and Boxborough citizens came forward and formed a group known as the Friends of Lower Fields (FOLF). Throughout a number of meetings with Dr. Stephen Mills and the Central Office staff of ABRSD, we pursued a creative public-private partnership to build out the property currently known as the Lower Fields. Due to poor drainage, the current natural grass fields are frequently unavailable for use during the school year. This proposal would improve and enhance the site for a dramatic increase in field time for the students and the community. As noted above, the financing of this project is a cooperative initiative involving commitments from both the private group, FOLF, and ABRSD.

Currently we anticipate the highest exposure for the ABRSD to be \$150,000 annually during the early years of debt service where payments are high and revenues may not have been maximized. Acton-Boxborough Community Education has committed to contribute \$25,000 annually toward that expense moving forward. It is anticipated that an additional \$25,000 in revenues from concessions and advertising at the complex will also be available to offset the annual bond payment. After the private entities’ bank loan is paid off and youth groups have been paid back for their initial downpayments, it is anticipated that field rentals will cover the remainder of the bond amount. In aggregate, the project is expected to generate revenues that exceed expenses including the repayment of debt.

The resulting site improvements from this project will include, but not be limited to, safe playable fully handicap accessible turf fields, lighting, parking and restrooms.

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

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

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

ARTICLE 28 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: John Sonner: bos@acton-ma.gov / (978) 929-6611

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

**ARTICLE 29 MINUTEMAN REGIONAL SCHOOL DISTRICT
 FACILITY REPAIR ASSESSMENT (FY12)**

To see if the Town will raise and appropriate, or appropriate from available funds, an additional sum of money to defray the necessary expenses of the Minuteman Regional Vocational Technical School District (the “District”) for the District’s 2012 fiscal year, 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 to be voted by the Minuteman School Committee on March 13, 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.

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

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

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

ARTICLE 30 **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 Massachusetts General Laws; or to take any other action relative 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.

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

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

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Deferred	Not Recommended

ARTICLE 31
(Majority vote)

**SENSE OF THE MEETING - REGIONAL SCHOOL DISTRICT
STUDY COMMITTEE OF THE ACTON-BOXBOROUGH
REGIONAL SCHOOL COMMITTEE – DRAFTING OF A NEW
PRE-K TO GRADE 12 REGIONAL SCHOOL AGREEMENT**

To see if the Town will vote to adopt a resolution in substantially the following form:

It is the sense of Town Meeting that the Acton-Boxborough Regional School Committee direct the Regional School District Study Committee to draft a regional agreement between Acton and Boxborough that would include grades pre-kindergarten through 12 for approval at 2013 annual town meeting.

, or take any other action relative thereto.

SUMMARY

Last fall the Acton-Boxborough Regional School Committee formed the Regional School District Study Committee to consider the viability of expanding the current regional school district to include grades pre-K through 12. The Committee is composed of three members from Acton and three members from Boxborough and they have been meeting bi-weekly since October to identify whether there are benefits to regionalizing pre-K through grade 12 and whether the benefits outweigh any perceived costs. The Committee has analyzed the current operating and educational environment as well as changes that would occur with full regionalization. The Committee has also evaluated other pre-K to 12 districts, and identified educational, organizational, governance, and financial issues and implications of full regionalization and reported back to the Regional School Committee in early February with preliminary findings. The current, grade 7-12, regional school district serves about 3000 students and will have an FY13 budget of approximately \$40 million. The enlarged school district would serve about 6000 students and have an annual operating budget of approximately \$70 million. The committee report identified potential financial benefits in the range of \$700,000 annually or more, as well as other potential organizational and educational benefits resulting from an expansion of the regional school district.

The Regional School Committee has directed the Regional School District Study Committee to continue its work and bring a sense of town meeting resolution to both Acton and Boxborough town meetings this year. The purpose of this vote is to obtain a sense of each community’s desire to proceed with full regionalization, understanding that the final Town Meeting vote to do so will not occur for up to one year or more while the issue is studied further and a revised regional agreement is drafted. Because significant work would need to be done to draft a new agreement and begin the planning of full regionalization, the School Committee believes that it is important to get a sense from both towns as to whether they should proceed at this point in time with the goal of bringing forward a new agreement by next year.

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

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

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Deferred	Deferred

ARTICLE 32
(Majority vote)

**COMMUNITY PRESERVATION PROGRAM –
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;

FY 2011 COMMUNITY PRESERVATION FUND BALANCES	
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 Open Space Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 1,395,000.00
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 FY 2011 Open Space Set-Aside Fund Balance	\$ 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
B. Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; compensates for under-spending in 2007	\$ 528.00
Spending Appropriations	
C. 468 Main Street - Access for Persons with Disabilities	\$ 70,000.00
D. Memorial Library - Window Restoration	\$ 12,000.00
E. Town Hall - Tower Clock Restoration	\$ 14,000.00
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	\$ 1,194,470.00
Resulting Fund Balances	
Remaining FY 2011 Community Preservation Fund Balance	\$ 194,797.00
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
Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 528.00

, or take any other action relative thereto;

And, whereas Massachusetts General Laws, 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 seven 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 \$194,797.00 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).

A total of \$83,832.50 has been recaptured from 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). In addition, \$182,537.12 left over from the Simeone-Caouette land purchase has been recaptured to the Open Space Set-Aside Fund.

E. 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 to the issuance of a Certificate of Appropriateness or Determination of Non-Applicability from the Acton Historic District Commission.

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

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 totaling at least 300 hours per year with the specifics of services negotiated by the ACHC, and under its direct supervision. Such services may include, for instance, compliance-monitoring of affordable housing units; updating and reconciliation of local housing inventory records with those maintained by the Department of Housing and Community Development; project-review assistance; creation and maintenance of ready-buyer lists; and conducting 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**
 Recommended **Recommended**

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 have been refined and updated.

The project is 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**
 Recommended **Recommended**

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

The existing T.J. O’Grady Skate Park at 66 Hayward Road was acquired and created with leveraged 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 current parking lot is located, the relocation of the existing parking lot, and the addition of 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**
 Recommended **Recommended**

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**
 Recommended **Recommended**

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

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

ARTICLE 33 LAND TRANSFER – TOWN FOREST AND GENERAL MUNICIPAL

(Two-thirds vote)

To see if the Town will vote to transfer the following real property from and to the following uses, contingent and effective upon the adoption of Article 97 Home Rule legislation pursuant to this Article:

1. To transfer from Town Forest uses to general municipal uses under the care, custody and control of the Board of Selectmen that portion of Parcel 34 on Town Atlas Map B-5 consisting of approximately 2.3 acres more or less and identified as “Portion of Town Forest to be Transferred to General Municipal Uses” on a plan of land entitled Quarry Road Town Forest Plan of Land in Acton, Massachusetts, prepared by the Town of Acton Engineering Department, dated March 20, 2012, on file with the Town Clerk (the “Plan”), being a portion of the premises acquired by the Town from Charles E. Davis and Estelle T. Davis by deed dated December 30, 1943 and recorded in the Middlesex South District Registry of Deeds (“Registry”) on December 31, 1943 at Book 6734, Page 596, and
2. To transfer from the municipal uses for which it was acquired and/or to which it has been put to Town Forest uses under the care, custody and control of the Board of Selectmen that portion of Parcel 3 on Town Atlas Map C-5 consisting of approximately 2.41 acres more or less and identified as “Portion of General Municipal Land to be Transferred to Town Forest Uses” on the Plan, being a portion of the premises acquired by the Town from Kennedy Land Corporation by deed dated January 28, 1976, recorded in the Registry on February 27, 1976, at Book 12940, Page 132,

And further to see if the Town will vote to authorize the Selectmen to petition the General Court for an Act pursuant to Article 97 of the Amendments to the Massachusetts Constitution, in a form acceptable to the Selectmen and Town Counsel, to authorize the transfer of the foregoing land from Town Forest uses to general municipal uses and from the municipal uses to Town Forest uses, all as set forth in this Article,

or take any other action relative thereto.

SUMMARY

This Article would authorize an exchange of land between the Town Forest and municipal uses. The land to be transferred from the Town Forest to general municipal uses consists of approximately 2.3 acres contiguous to land already used for highway department and for active recreation purposes and is occupied in part by an existing road. The land to be transferred to the Town Forest from municipal uses consists of approximately 2.41 acres of undeveloped forested land contiguous to the Town Forest. The proposed exchange will align the land in a manner that better protects the Town Forest and better utilizes the land in question. The proposed exchange is subject to Article 97 legislative approval.

Direct inquiries to: Tom Tidman, Natural Resources Director: nr@acton-ma.gov / (978) 929-6634

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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ARTICLE 34 LAND LEASE OR EASEMENT – NARA MIRACLE FIELD

(Two-thirds vote)

To see if the Town will vote to (a) authorize the transfer from the municipal use for which it was acquired and/or to which it has been put to recreational use under the care, custody and control of the Board of Selectmen or its designee a portion of Parcel 30-1 on Town Atlas Map B-5 consisting of approximately 41,000 square feet more or less as determined by the Selectmen (the “Property”); (b) authorize the Selectmen to accept on such terms and conditions as the Selectmen may determine gifts and grants of funds, fixtures, products, equipment, labor, services, structures and improvements for the development on the Property of an active recreation area primarily for the use of individuals with physical and mental disabilities, and authorize the appropriation of such funds for such purposes; and (c) authorize the Selectmen to enter into one or more leases, licenses or other agreements and/or to pursue any necessary home rule or Article 97 legislation, all on such terms and conditions as the Selectmen may determine, to ensure the development, improvement, use, care and maintenance of the Property for uses consistent with the purposes of this article, or take any other action relative thereto.

SUMMARY

Town officials have been working with interested parents, citizens and representatives affiliated with an organization known as the Miracle League in an effort to provide recreational support and opportunities for individuals with physical and mental disabilities (“special needs”). The Miracle League constructs special recreational facilities known as “Miracle League Fields” on which individuals with special needs compete. The Miracle League Fields are custom-designed facilities incorporating cushioned synthetic turf that accommodate wheelchairs and other walking devices and help prevent injuries. The Miracle League makes it possible for individuals with special needs to participate in an organized recreational program like their brothers, sisters and friends. The Miracle League has offered agreed to provide the equipment and the funds with which to construct the Miracle League Field and facility at the Property. This Article would authorize the Selectmen to take any and all steps necessary to make this goal a reality and thereby to create the first Miracle League Field of its kind in Massachusetts.

Direct inquiries to: Tom Tidman, Natural Resources Director: nr@acton-ma.gov / (978) 929-6634

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred
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ARTICLE 35 HOME RULE PETITION – DEPUTY POLICE CHIEF

(Majority vote)

To see if the Town will vote to petition the General Court for an Act authorizing the continued employment of the deputy police chief in substantially the form set forth below, or take any other action relative thereto:

AN ACT PROVIDING THAT ROBERT PARISI MAY CONTINUE EMPLOYMENT WITH THE POLICE DEPARTMENT OF THE TOWN OF ACTON.

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 any general or special law to the contrary, Robert Parisi, deputy police chief of the police department of the town of Acton, may continue in such office or position, or in such other office or position within the town’s police department to which the appointing authority may in its discretion appoint him, until October 26, 2016 or until the date of his voluntary retirement, whichever occurs first, if he is mentally and physically capable of performing the duties of such office or position. The appointing authority may, at its own expense, require Robert Parisi to be examined by an impartial physician designated by the appointing authority to determine such capability. Robert Parisi shall hold the office or position subject to the approval of the appointing authority, and may be removed from the office or position by the appointing authority in accordance with any applicable provisions of the town charter and personnel bylaw. The appointing authority may grant Robert Parisi step or cost of living adjustments to his compensation in the normal course. Deductions shall continue to be made from the regular compensation of Robert Parisi under said Chapter 32 for any service performed before October 26, 2016, and upon retirement Robert Parisi shall receive a superannuation allowance, as applicable, equal to that appropriate for his full years of creditable service including any full years of service subsequent to the effective date of this act. If Robert Parisi is determined not to be capable of continuing in service pursuant to an examination by an impartial physician, as provided for in this act, he shall be retired for superannuation, and shall not be presumed by virtue of such determination to be disabled for the purposes of said Chapter 32.

Section 2: This Act shall take effect upon its passage.

SUMMARY

If approved, this Special Act would allow the Town to continue to employ the deputy police chief in that or other appointed position in the Acton police department after the otherwise applicable mandatory retirement age.

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

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

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

ARTICLE 36 HOME RULE PETITION – ENERGY EFFICIENCY 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 Energy Efficiency Fund, in substantially the form set forth below:

AN ACT ESTABLISHING A TOWN OF ACTON ENERGY EFFICIENCY 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 Energy Efficiency 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 Energy Efficiency Fund to pay for additional energy projects or activities.

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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ARTICLE 37 **RESOLUTION FOR CONSTITUTIONAL AMENDMENT**
(Majority vote)

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 ACTON, 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, submitted at the request of State Representative Cory Atkins, 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.

Direct inquiries to: Cory Atkins, State Representative: cory.atkins@mahouse.gov / (617) 722-2692

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

ARTICLE 38 * AMEND TOWN BYLAWS - COMMISSION ON DISABILITIES MEMBERSHIP
(Majority vote)

To see if the Town will vote to amend Section B23 of Chapter B of the General Bylaws of the Town to read as follows:

B23. Commission on Disabilities

- 23.1** This Commission on Disabilities shall consist of five (5) members and two (2) associate members, appointed by the Board of Selectmen, each serving a three (3) year term, pursuant to Charter § 4-2.
- 23.2** A quorum of the Commission on Disabilities shall consist of three (3) members or associate members, if designated by the Chair in the case of absence, inability to act, or conflict of interest on the part of any regular member, or in the event of a vacancy on the Commission.
- 23.3** The Commission on Disabilities shall act by a majority vote of its members or associate members, designated as described herein, present or otherwise entitled to vote under the Open Meeting Law, provided however, that if only a quorum of three (3) members or associate members is present, the vote must be unanimous to carry.

or take any other action relative thereto.

MOTION

Move that the Town adopt the general bylaw amendments as set forth in the Article.

SUMMARY

This article conforms the Town Bylaw for the Commission on Disabilities with the Charter Amendment adopted by the 2009 Annual Town Meeting.

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

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

ARTICLE 39 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, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 40 **AMEND TOWN BYLAWS – NON-CRIMINAL DISPOSITION,
(Majority vote)** **ZONING BYLAW**

To see if the Town will vote to amend the General Bylaws, 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, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

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

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

ARTICLE 41 * 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.

MOTION

Move that the Town adopt the zoning bylaw amendments as set forth in the Article.

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, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 42 * **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.

MOTION

Move that the Town adopt the zoning bylaw amendments as set forth in the Article.

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, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 43 * AMEND ZONING BYLAW – 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.

MOTION

Move that the Town adopt the zoning bylaw amendment as set forth in the Article.

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, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 44 *
(Two-thirds vote)

**AMEND ZONING BYLAW – SPECIFICATIONS FOR ACCESS,
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.

MOTION

Move that the Town adopt the zoning bylaw amendments as set forth in the Article.

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, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

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

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

ARTICLE 45 * 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.

MOTION

Move that the Town adopt the zoning bylaw amendments as set forth in the Article.

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, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 46 AMEND ZONING BYLAW – NONCONFORMING 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, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 47 * 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.

MOTION

Move that the Town adopt the zoning bylaw amendments as set forth in the Article.

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, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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**ARTICLE 48 * 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.

MOTION

Move that the Town adopt the zoning bylaw amendments as set forth in the Article.

SUMMARY

This article would increase the gross vehicle weight limit for vehicles sold and serviced 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, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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**ARTICLE 49 AMEND ZONING BYLAW - MOTOR VEHICLE SALES
(Two-thirds vote) 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, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 50 * REVISE STREET LAYOUT – TICONDEROGA ROAD

(Two-thirds vote)

To see if the Town will vote to modify the layout of that portion of Ticonderoga Road in the vicinity of 15 Ticonderoga Road to abandon from the layout an area of land shown as “Easement for Road Extension” on that certain plan recorded with the Middlesex South District Registry of Deeds as Plan Number 984 of 1961, a copy of which is on file with the Town Clerk, because the Town no longer needs an easement for road extension access across 15 Ticonderoga Road and has terminated its easement rights to said parcel of land pursuant to that certain Termination of Road Easement dated October 17, 2011 and recorded with said Registry in Book 57709, Page 179; or to take any other action relative thereto.

MOTION

Move that the Town modify the layout of that portion of Ticonderoga Road in the vicinity of 15 Ticonderoga Road as set forth in the Article.

SUMMARY

Under Article 38 of the 2011 Annual Town Meeting, the Town voted to authorize the selectmen to abandon and terminate the Town’s right, title and interest in an existing easement for a road extension across 15 Ticonderoga Road, on such terms and conditions as the Selectmen may determine. The easement has since been terminated, and this article conforms the road layout accordingly.

Direct inquiries to: Corey York, Public Works Director: engineering@acton-ma.gov / (978) 929-6630

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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ARTICLE 51 * 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.

MOTION

Move that the Town accept the gift of land as set forth in the Article.

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.

Direct inquiries to: Corey York, Public Works Director: engineering@acton-ma.gov / (978) 929-6630

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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ARTICLE 52 * ACCEPT LAND GIFT – FAULKNER 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 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.

MOTION

Move that the Town accept the gift of land as set forth in the Article.

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.

Direct inquiries to: Corey York, Public Works Director: engineering@acton-ma.gov / (978) 929-6630

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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ARTICLE 53 * 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.

MOTION

Move that the Town accept the gift of land as set forth in the Article.

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.

Direct inquiries to: Corey York, Public Works Director: engineering@acton-ma.gov / (978) 929-6630

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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ARTICLE 54 * 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: David Clough: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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ARTICLE 55 * 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: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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ARTICLE 56 * 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: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 57 * 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: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

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

ARTICLE 58 * 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: John Sonner: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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ARTICLE 59 * 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: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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ARTICLE 60 * 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: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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**ARTICLE 61 * 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: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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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
Pamela Harting-Barrat, Vice-Chair
Janet K. Adachi, Clerk
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 its 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	achc@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
Minuteman School Committee		(781)	861-6500
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

Emergency Notification Systems

The Town of Acton is committed to delivering timely and important information to its residents. Several emergency notification systems are operational within the Town of Acton providing varying degrees of information for those who need it.

Examples of Emergency Notifications include:

- Shelter Locations
- Missing Persons
- Utility Outages
- Bomb Threats
- Road Closures
- Other emergency incidents where rapid and accurate notification is essential for life safety
- Evacuation Notices
- Floods
- Fires
- Drinking Water Contamination
- Hazardous Materials Incidents

Blackboard
connect™

Blackboard Connect
(Previously Connect-CTY)

The Blackboard Connect system is a high-speed telephone communication service for emergency notifications. The system allows authorized Town officials to disseminate voice messages to every telephone number stored in the notification database in a matter of minutes. Additionally the system allows us to target specific geographic areas of the Town such as individual neighborhoods or a defined radius around an incident.

While we receive telephone record updates from Verizon to populate our contact database, no one should automatically assume his or her phone number or e-mail address is included. Just as citizens may choose to opt *out* of these notifications, citizens in these categories are particularly invited to *add* their information to the database:

- Use a cellular phone as their primary phone
- Have unlisted phone numbers
- Have changed their phone number or address within the last year
- Have recently moved, but kept the same listed or unlisted phone number
- Wish to receive text and/or email messages in addition to telephone calls
- Receive their phone service over the internet (e.g. Verizon FIOS, Comcast XFINITY, Vonage)

In recent years, many people have converted their telephone service to Internet-based voice-over-IP systems such as Vonage, Comcast XFINITY, and Verizon FIOS. While traditional land-lines are powered from the phone company's central office, these newer technologies rely on power supplied at the premise. These services typically connect through a device in the home that is equipped with a backup battery that will last about four to eight hours. That means corded phones using this service will work without your home's electric power for a limited amount of time. For this reason, it is strongly recommended that you register your cellular phone number in addition to your primary home number. During extended power outages, the Town has opened public "charging stations" where residents can charge their cellular phones and other electronic devices at Town facilities that are backed up by generator power.

We encourage residents to update their own information including adding cell phone numbers and e-mail addresses by visiting the Town's website at <http://www.acton-ma.gov/cty>. Here, you can register,

review, and update your contact information. Residents without access to the Internet may accomplish this by calling the **Information Technology Department** at (978) 929-6612 or by visiting Town Hall.



Town Web Site

The Town's official website is continually updated with emergency information as soon as it is made available. We encourage residents to utilize the "Notify Me" feature to receive e-mail alerts when emergency information is added or updated on our site. You can do this by visiting the website at <http://www.acton-ma.gov> and clicking on the 'Notify Me by E-mail' link.



Mobile Message Boards

The Town maintains three trailer mounted, solar powered LED message boards. They are routinely used to alert motorists to road closures and construction work, to announce Town meetings and events, direct traffic during elections and special events and, most importantly, display pertinent instructions and information during emergency situations. While the mobile message boards can be dynamically deployed, during a Town-wide emergency such as weather related event these boards will primarily be staged at the following locations:

- Acton Public Safety Facility – 371 Main Street
- The intersection of Great Road and Main Street (Routes 2A and 27)
- The School Campus entrance, Massachusetts Avenue (Route 111) at Charter Road



Acton TV Government Cable Channel

The Town of Acton Government Cable Channel will be continually updated with the latest emergency instructions and notifications. The Government Channel can be found on the following channels depending on your cable system provider:

Comcast: Channel 10
(Channel 99 as of June 5, 2012)

Verizon FIOS: Channel 45

Please note: Due to FCC requirements, Comcast must move our Government Channel from channel 10 to channel 99 effective June 5, 2012 (Verizon channel 45 will remain the same). For more information on this change, please see:

<http://www.comcast.com/channelmove>

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	Appointing Body
Applicant Called _____	Selectmen / Manager / Moderator
Schedule Date & Time _____	Interview Date _____
Recommendation _____	Appointed Date _____
	Term _____
Board, Committee or Commission _____ _____ _____ _____	Member / Alternate / Associate Member / Alternate / Associate Member / Alternate / Associate Member / Alternate / Associate
Recommendation Sent _____	Notification of Appointment Received by VCC _____ Committee Notified _____ Applicant Notified _____
<input type="checkbox"/> No openings at this time	

Proposed Town Meeting Booklet

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

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

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

Don MacKenzie
Town Moderator

Thoughts or Comments on Town Meeting

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(Please continue on reverse side)

Online Bill Payments

*Pay Real Estate or Personal Property Tax Bills, Motor Vehicle Excise bills, or
Sewer Operation and Maintenance Bills Online*

www.acton-ma.gov/payonline

The Town of Acton is very pleased to offer an easy and secure way to view, print, and pay real estate and personal property tax bills, motor vehicle excise bills and sewer operation and maintenance bills online. We support electronic presentment (viewing) and billing, because it is more convenient for our residents, and better for the environment. Online presentment and payment eliminates the need to print and receive paper bills (except for motor vehicle excise bills, which the State requires be mailed).

The Town, in partnership with Invoice Cloud, a web-based, electronic invoice presentment and processing company, offers online payment of the above bills via either EFT/ACH electronic checks (i.e., electronic fund transfers from your bank checking or savings accounts), or, Visa or Master Card credit/debit cards. The Town feels that this service presents the best value for online presentment and payments for our residents. Invoice Cloud uses the highest standards in Internet security, and provides ease of use, and convenience to all our residents, for, in some instances, less than the cost of a postage stamp.

- Access, view and pay your tax bills or sewer operation and maintenance bills online
- Available 24x7 from anywhere you have access to the Internet
- Paying your bill online is faster and, in some instances, cheaper than writing and mailing a check
- You may choose to eliminate paper invoices to reduce clutter and help the environment (except motor vehicle excise bills, which the State requires be mailed)
- You have the option to pay immediately, schedule a payment, or sign up for Auto-Pay
- You can pay with electronic check, or Visa or Master Card credit/debit cards

Please note: this new service begins with, and goes forward from, the FY 2012 Real Estate and/or Personal Property tax bills, Sewer Operation and Maintenance bills, and any subsequent calendar year 2011 Motor Vehicle Excise bills. Any prior billing and/or payment activity that pre-dates July 1, 2011, is not available online, and must involve the Town of Acton Collector's Office at (978) 929-6622.

For more details on payment options, fees and frequently asked questions, please see the Town web site at:

www.acton-ma.gov/payonline

Notes

Notes



**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**