



TOWN CLERK

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 929-6620
FAX (978) 929-6340
clerk@acton-ma.gov

March 12, 2019

Middlesex, ss.

I have served the warrant for the Annual Town Election to be held on March 26, 2019, and Annual Town Meeting, to be held April 1, 2019 by posting an attested copy of the same at six (6) of the public places of said town fourteen (14) days before the time of holding such meeting as directed.

Constable

Warrants posted in six (6) public places as follows:

Nagog Woods Post Office, Town Hall, West Acton Post Office, Center Post Office, Center Library and Public Safety Facility;

As well as the Town Web Page.

Constable



**ABSENTEE
OFFICIAL BALLOT
ANNUAL TOWN ELECTION
ACTON, MASSACHUSETTS
MARCH 26, 2019**

Don H. Spence
TOWN CLERK

INSTRUCTIONS TO VOTERS

- A. TO VOTE, completely fill in the OVAL to the RIGHT of your choice(s) like this: ☒
- B. Follow directions as to the number of candidates to be marked for each office.
- C. To vote for a person whose name is not printed on the ballot, write the candidate's name and address on the line provided and completely fill in the OVAL.

MODERATOR

1 Year Term Vote for **ONE**

JO-ANN M. BERRY
2 Heron View Rd

☐☐

(Write-in)

BOARD OF SELECTMEN

3 Year Term Vote for **TWO**

DEAN A. CHARTER
81 Charter Rd

☐

DAVID D. MARTIN
71 High St

☐

JAMES SNYDER-GRANT
18 Half Moon Hill

☐☐

(Write-in)

(Write-in)

SCHOOL COMMITTEE

3 Year Term Vote for **TWO**

GINNY SINKEL KREMER
18 Deacon Hunt Dr

☐

YI ZHANG
46 Canterbury Hill Rd

☐

JOHN S. PETERSEN
6 Jackson Dr

☐☐

(Write-in)

(Write-in)

LIBRARY TRUSTEE

3 Year Term Vote for **ONE**

CAROL A. KNOWLES
24 Joseph Reed Ln

☐☐

(Write-in)

**WATER DISTRICT
COMMISSIONER**

3 Year Term Vote for **ONE**

BARRY R. ROSEN
5 Windemere Dr

☐☐

(Write-in)

Town of Acton

Annual Town Meeting Warrant



Monday, April 1, 2019

**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 26, 2019 7:00 AM – 8:00 PM

Precincts 1, 2 and 6 – Conant School – 80 Taylor Road

Precincts 3, 4 and 5 – R. J. Grey Junior High School – 16 Charter Road

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

Annual Town Meeting Monday, April 1, 2019 7:00 PM Acton-Boxborough Regional High School Auditorium 36 Charter Road

Note: Copies of the detailed Municipal Operating Budget will be available on the Town web site as well as at Town Hall and Town Meeting.

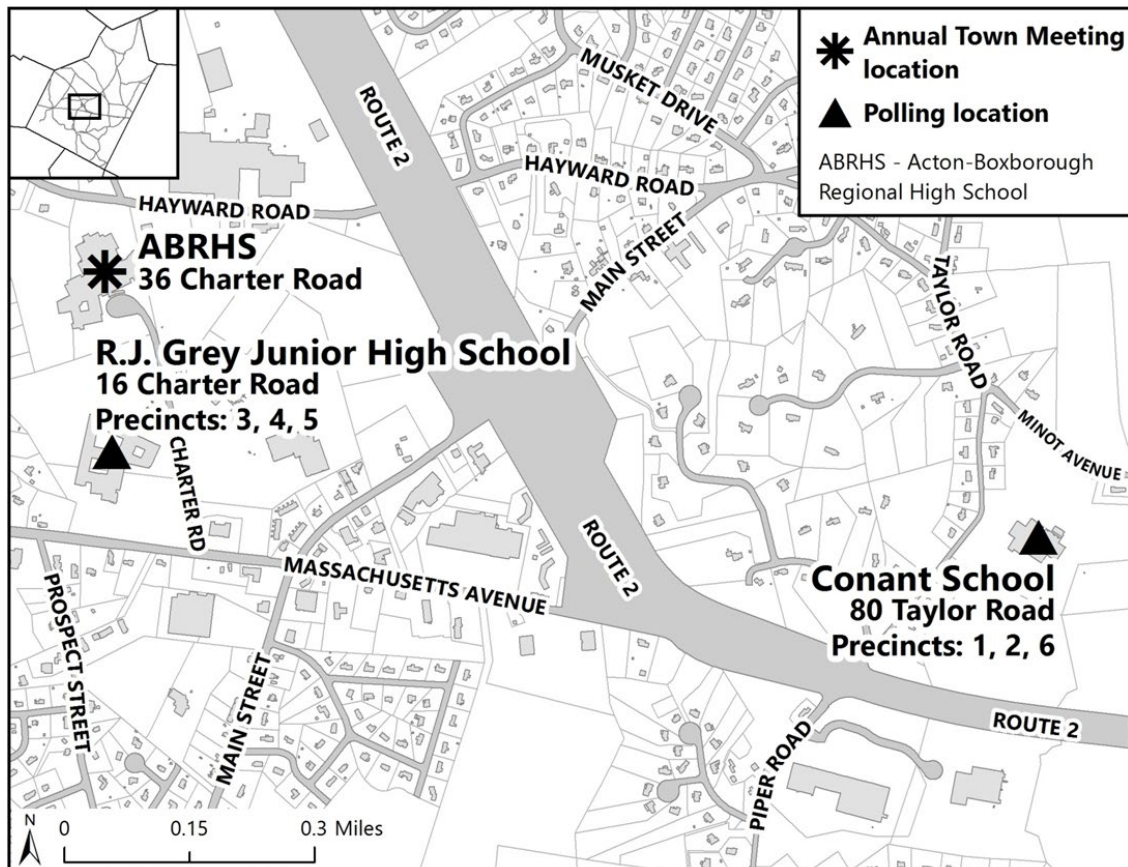


Table of Contents

Article Index.....	4
Message from Acton Nursing Services.....	6
Free Transportation to Town Meeting	7
Need a Sitter for Town Meeting? Kid Friendly Movie Night.....	8
Notes from the Town Clerk’s Office	9
Board of Selectmen’s Message	10
Town Manager's Message.....	12
Fiscal Year 2020 Spending Comparison.....	18
Fiscal Year 2020 Budget Background	19
Finance Committee’s Message	23
Town of Acton Multi-Year Financial Model	28
Acton-Boxborough Regional School District Superintendent’s Budget Message	29
Acton-Boxborough Regional School District Capital Planning Update.....	30
Consent Calendar	32
Annual Town Meeting Warrant	33
Articles	34
Glossary of Terms Commonly Used in Municipal Finance.....	97
Moderator’s Rules and Parliamentary Procedure for Town Meeting.....	103
Internet & Telephone References.....	107
Emergency Notification Systems	109
Volunteer Application.....	111
Online Bill Payments	113



actonma.gov

Connect with the Town of Acton



[twitter.com/
actonmagov](https://twitter.com/actonmagov)



[facebook.com/
actonmagov](https://facebook.com/actonmagov)



[instagram.com/
actonmagov](https://instagram.com/actonmagov)

Article Index

* Article is on Consent Calendar

Article submitted by Citizens' Petition

<u>Article</u>	<u>Title</u>	<u>Page</u>
1	Choose Town Officers	34
2	Hear and Accept Reports	35
3	Budget Transfer.....	35
4	Town Operating Budget.....	35
5	Town Capital - Kelley's Corner Infrastructure Improvement Project.....	36
6	Town Capital – Sidewalks and Traffic Calming	38
7	Acton-Boxborough Regional School District Assessment	39
8	Acton-Boxborough Regional School District Capital Improvement Plan	39
9	Acton-Boxborough Regional School District – Authorize Regional Stabilization Fund.....	40
10	Minuteman Regional School District Assessment	40
11	Community Preservation Program – Direct Appropriations from Fund Balances.....	41
12	Transfer Real Property – 53 River Street.....	48
13	Disposition of Real Property – 348-364 Main Street.....	49
14	Land Acquisition or Lease – 19 & 21 Maple Street.....	51
15 #	Land Acquisition – 257 Central Street, Northern Subdivided Parcel	52
16	Fund Collective Bargaining Agreements	53
17 *	Demand Fees for Late Payments.....	54
18 *	Commuter Lot & Station Maintenance	54
19 *	Septage Disposal Enterprise Budget	55
20 *	Transfer Station and Recycling Enterprise Budget	56
21 *	Sewer Enterprise Budget.....	57
22 *	Ambulance Enterprise Budget	58
23 *	Transportation Enterprise Budget	59
24 *	Revolving Fund Budgets.....	60
25	Accept Legislation – Agricultural Commission.....	61
26	Amend General Bylaws – Right to Farm	62
27	Amend General Bylaws – Chapter N, Demolition Delay	64
28	Amend General Bylaws – Public Way Permits	68
29	Amend Town Charter – Planning Board Membership.....	69
30	Amend Zoning Bylaw – Detached Accessory Apartments	70
31 #	Amend Zoning Bylaw – Accessory Apartments	72
32 #	Amend General Bylaws – Plastic Bag Reduction	73
33 #	Non-Binding Resolution – Building Moratorium	75
34 #	Non-Binding Resolution – Development Rate Limitation Bylaw	76
35 #	Non-Binding Resolution – Land Clearing Limits	77
36 #	Non-Binding Resolution – Limit Size of New Single Family Houses.....	78
37 #	Non-Binding Resolution – Do Not Add Turning Lanes at Route 111 and Route 27	79
38 #	Non-Binding Resolution – Register Intent to Purchase the KMart Parcels	80
39 *	Amend General Bylaws – Stormwater Management Revisions	81
40 *	Amend Zoning Bylaw – Stormwater	84
41 *	Amend Zoning Map – 16 Knox Trail and 585 Main Street	87
42 *	Amend Zoning Bylaw – Housekeeping Corrections.....	88
43 *	Accept Street – Brabrook Road.....	90
44 *	Accept Land Gift – 49 Piper Road.....	92
45 *	Authorize Easements.....	93
46 *	Highway Reimbursement Program (Chapter 90).....	93
47 *	Insurance Proceeds.....	94
48 *	Gifts or Grants.....	94

49	*	Federal and State Reimbursement Aid.....	95
50	*	Performance Bonds.....	95
51	*	Sale of Foreclosed Properties.....	96

Message from Acton Nursing Services



Acton Nursing Services (ANS) continues its 95 year tradition of providing public health and home health care services to Acton. The location at 30 Sudbury Road Rear, Acton in the Human Services and Senior Center Facility has made it easy for more people to learn about its services. Acton Nursing Services offers comprehensive Home Health Care, podiatry and blood pressure clinics, and health and wellness information. Durable medical equipment loans are also available. For more information about any health needs, contact Acton Nursing Services at 978-929-6650 or visit online at www.actonnursingservices.com.

Acton Nursing Services is not only a town treasure but is highly regarded. ANS earned a rating of 4 stars (out of 5) for Quality of Patient Care as most recently reported by the Centers for Medicare and Medicaid Services. This is an important achievement since the Massachusetts average is 3 stars and the National average is 3.5 stars. ANS patients gave ANS very high performance ratings on the Patient Satisfaction Survey; 93% of patients who responded would recommend ANS to friends and family. On all individual measures ANS performed better than the Massachusetts averages, which in most instances, are above the National averages.

Acton-Boxborough High School parents should also appreciate that Acton Nursing Services is the key to the delivery of the ImPACT® baseline testing for concussion risk assessment. ANS has conducted the ImPACT® baseline test for the past two school years for freshman students at ABRHS. ImPACT® is the most scientifically validated computerized neurocognitive test used by more than 7,400 high schools and 1,000 colleges and universities to help evaluate and manage suspected concussions. The test tracks a student's symptoms and measures multiple aspects of cognitive functioning, including attention span, working memory, sustained and selective attention time, non-verbal problem solving, and reaction time. In the event of a concussion students can then take a post-concussion test to compare to their ImPACT® baseline test that was given at the start of their high school careers. For more information, to request your child's baseline results or to schedule a post-concussion test, please contact Acton Nursing Services at 978-929-6650.



Free Transportation to Town Meeting

Don't miss Town Meeting because you can't get a ride!



The Town of Acton is offering **free** door-to-door van rides to Town Meeting. The Meeting starts at 7:00 PM and generally concludes by 10:30 PM.

The MinuteVan will have a driver covering the hours from 6:15 PM – 10:30 PM for the first three nights of Town Meeting. The Dial-A-Ride dispatch service will be open until 4:00 PM on each day of the meeting. Rides can be booked with the MinuteVan dispatcher at (978) 844-6809 or on-line at www.minutevan.net. The service will run even if there are no reservations, as we will take walk-ons from Town Meeting that want a trip home. There will be no charge to passengers for any of these Town Meeting trips. When the van is not in use between 6:15 PM to 10:30 PM, it will be parked in the Acton-Boxborough High School parking lot where Town Meeting is being held. The driver will be waiting in the van for anyone that would like a ride home.

MinuteVan Dial-A-Ride is a unique transportation service offered by the Town of Acton. It is available to all citizens Monday through Friday (except holidays) for rides around town and to nearby locations. Hours of operation are 8:00 AM – 11:00 AM and 1:15 PM – 6:15 PM. The Dispatcher is available Monday through Friday from 8:30 AM – 4:00 PM by calling (978) 844-6809. Trips within Acton cost \$2/trip, \$1/trip for seniors and disabled. Out-of-town trips (within 3.5 mile radius of Acton Town Hall) are \$4/trip, \$1.50/trip for seniors/disabled. Locations served include: West Concord Center, Emerson Hospital, Maynard Center, Skating Rink, the Food Pantry in Boxborough, and more. Policies may be reviewed online at www.minutevan.net.

Need a Sitter for Town Meeting? Kid Friendly Movie Night

Want to go to Acton Town Meeting but can't find a sitter?

Bring your school-aged children with you for a:

Kid-friendly movie Night

while you attend Acton town meeting!

Monday (4/1) and Tuesday (4/2)

6:30-9:00pm

Chorus Room at Acton-Boxborough Regional High School

*we will be showing two recently-released
animated movies!*



- A release waiver will be required for each child which will be emailed to you when you reserve your spot.
- School-aged children can be dropped off starting at 6:30 pm before heading down the hall to attend Town Meeting. Pick up is promptly at 9 PM.
- The children will be chaperoned by adult volunteers (all CORI checked) including school district members and parents. In addition, high school volunteers will be on hand to help out.
- Other activities will also be available for the children's use in the chorus room.
- Food will not be served but children are welcome to bring a water bottle with them.
- Bring a blanket for cozy movie viewing!

**Please RSVP to Kristina Rychlik (krychlik@mac.com) by Sunday, March 31 at 9:00pm
indicating the night(s) and spot(s) needed.**

This event is sponsored by the League of Women Voters - Acton Area, the Acton Boxborough Regional School District, the Town of Acton and the Acton Boxborough Education Association

Notes from the Town Clerk's Office

The Town Clerk's Office welcomes requests by the Acton community for special provisions in order for citizens to attend Town Meeting. Services provided include wheelchairs, a wheelchair lift, special check-in and seating for the mobility-impaired.

In order to accommodate as many citizens as possible, we ask that all requests be received by our office no later than Friday, March 22.

Parties needing support may contact the Clerk's Office at clerk@actonma.gov or (978) 929-6620.

Any person, committee or action group that would like to reserve a display table at Town Meeting needs to email a copy of their handout material, along with the request, to the Town Clerk in order to receive approval by the Moderator.

Requests need to be received by the Clerk's Office no later than Wednesday, March 27 to ensure coordination with Acton-Boxborough Regional High School staff to provide the requested number of tables.

We would like to thank the Acton Water District and Green Acton for providing reusable water bottles for our staff, Board of Selectmen and Finance Committee. As a Green Community, we are happy to participate in this endeavor!

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 99 and Verizon channel 41.

Town Meeting Dates, Times and Location

The Annual Town Meeting will begin Monday, April 1 at 7:00 PM in the Acton-Boxborough Regional High School Auditorium. Town Meeting is expected to continue on one or more subsequent, consecutive nights. Adjourned sessions usually begin at 7:00 PM in the same location. Come early to get checked in by the Town Clerk's staff and to obtain additional information. Check-in will take place in the High School cafeteria.

Many of the articles in this Warrant relate to matters which are routinely addressed every year, such as the municipal operating budget, regional school district assessments, and enterprise and revolving fund budgets. 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 Committee, other Boards, staff and citizens. The Selectmen determine the order that the articles appear in the Warrant. Articles will be considered in that order 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 Town Meeting, the motion made under each article will describe the specific proposed action. 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 Town Meeting Parliamentary Procedure, serving as 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 regarding the Articles may be obtained from any of the contacts listed after each Article summary, or a general inquiry may be made to the Town Manager's Office at (978) 929-6611 or manager@actonma.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, Town Hall and the Town website. 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 reviewing the list of opportunities available on our website at <http://www.actonma.gov/volunteer>. The application is available online as well as an appendix in this Warrant. Handwritten applications may be submitted to the Town Manager's Office at Town Hall or handed to any Selectman during Town Meeting. Please consider helping your Town by volunteering some time – we believe you will find it very rewarding.

Katie Green, Chair
Joan Gardner, Vice-Chair
Jon Benson, Clerk
Janet K. Adachi
Peter J. Berry

Board of Selectmen

Town Manager's Message

Dear Residents of Acton:

On December 17, 2018, I presented the Town Manager's proposed budget for Fiscal Year 2020 to the Board of Selectmen. The Board voted to support this budget on January 28, 2019 and the Finance Committee voted to support this budget on February 26, 2019. On April 1st voters at the Annual Town Meeting will consider this budget along with 50 other articles on the warrant.

This budget is reflective of the goals of the Board of Selectmen and is responsive to the needs of the community. This budget document is presented in a digital format with department organizational charts, budget notes, a glossary of commonly used terms, and a table of contents to make it easier to review the proposals. Highlights in the FY 2020 budget include increasing the senior worker tax relief program by 12%, investments in sidewalks and traffic calming measures, enhanced safety equipment for our first responders, funding of design and related costs for the Kelley's Corner Infrastructure project, funding towards the Other Post Employment Benefits (OPEB) liability, and sustaining excellent service levels without adding any new personnel.

Since I have started as Town Manager in July, I have been impressed with the professionalism of our staff and the dedication of our volunteers. I appreciate the support from the Board of Selectmen and the efforts of the hundreds of volunteers that help our community thrive. One of my priorities when I started as Town Manager was to work with our team to improve the communication from Town Hall to help more residents learn about the exciting and important work that is happening in our local government. We have made progress using our website, publishing a monthly newsletter, providing information through social media, and participating in various other forms of community outreach such as public forums or events. I look forward to continuing this communication and outreach during the FY 2020 budget process. During the course of the current Fiscal Year, we have successfully:

- Maintained the Town's AAA Bond rating
- Completed the first full year of the Advanced Life Support service
- Implemented Mental Health First Aid for first responders
- Continued providing resources towards social outreach, mental health concerns, and drug use issues
- Implemented a Cultural Awareness Program for staff
- Implemented a new lottery system for the Maple Street commuter parking lot
- Established the Acton Area Manufacturing Collaborative
- Opened two new regional recreation rail trails: Bruce Freeman Rail Trail and Assabet River Rail Trail
- Implemented a regional bike share program
- Increased hours of programming at the Senior Center
- Increased transportation services to the new Senior Center at Sudbury Road
- Completed rehabilitation of the Kennedy Building at the Woodlawn Cemetery
- Established new career services including career counseling and job skills workshops

The proposed FY2020 budget will continue these successful initiatives and allow for new initiatives led by our talented and dedicated staff and volunteers.

FY 2020 Budget Process

The following goals were considered in developing the FY 2020 budget:

- Maintain a level service budget, while identifying opportunities to improve service delivery through efficiency and a commitment to collaboration and innovation
- Develop a budget that is consistent with Board of Selectmen [goals established July 30, 2018](#)
- Develop a budget that reduces the reliance on reserves for operations
- Coordinate budget planning with the Acton Leadership Group comprised of members of the Board of Selectmen, Finance Committee and Acton-Boxborough Regional School District
- Develop a budget document consistent with the recommended guidelines and best practices set forth by the Government Finance Officers Association (GFOA)

Work commenced on the FY 2020 budget in September when I met one-on-one with each Department Head to review budget submissions and to learn more about departmental priorities. In September, we held an all-day budget retreat, commonly known as “The Hill”. From September to December I worked with the Assistant Town Manager, Finance Director, and other Department Heads to discuss, review and brainstorm the issues surrounding the budget. As part of this process each department budget request was carefully examined and Department Heads were challenged to present creative ways to deliver level services with a limited increase in funds.

FY 2020 Budget

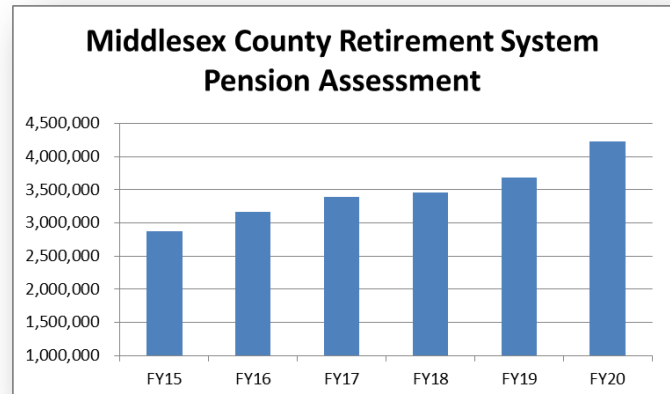
The recommended municipal operating budget for FY 2020 is \$35,186,539, a 2.54% increase over FY 2019. The operating budget addresses multiple challenges as discussed further below and does not include any new personnel requests. In line with Finance Committee recommendations we are proposing to fund \$675,000 in capital from Free Cash along with continuing to fund maintenance items within the operating budget and targeted investments in capital from other sources as described in more detail below.

The total request, when factoring recommended capital and subsidies to enterprise funds, is \$35,861,539, a 3.75% increase over the total Town budget appropriation for FY 2019.

	FY20	FY19	\$ Change	% Change
Municipal Operations:	\$34,746,539	\$33,837,365	\$909,174	2.69%
Subsidies:	440,000	478,654	(38,654)	-8.08%
Municipal Operating Budget:	35,186,539	34,316,019	870,520	2.54%
Capital From Free Cash:	675,000	249,003	425,997	171.08%
Total	\$35,861,539	\$34,565,022	\$1,296,517	3.75%

Working Together to Address FY 2020 Budget Challenges

In developing the budget we were faced with challenges that limited the resources available. These challenges include a \$544,104 (14.76%) increase in Middlesex County Retirement System pension assessment as shown in the chart shown at right, a \$375,000 increase in the debt service budget for items authorized under Article 8 at the 2018 Annual Town Meeting, a \$291,735 debt service payment for the Minuteman Technical High School building project, and five unsettled collective bargaining agreements. These challenges were presented in the same year that revenues from new growth and reserve replenishment were lower than projected.



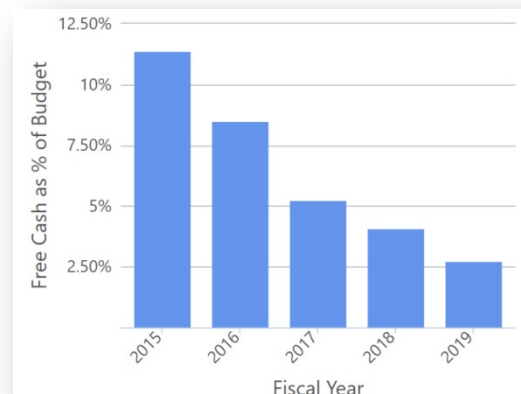
Department Heads met the challenge and skillfully identified ways to implement both a reduction in FY 2019 expenses to replenish reserves, and a reduction in their FY 2020 budget requests to help address challenges presented in the budget development process. Departments have also worked hard to pursue grants. The following is a partial list of grants recently awarded to implement programs:

- \$249,984 from the DOER Green Communities grant for multiple energy efficiency projects
- \$165,000 from the Housing Choice Grant program for infrastructure improvements to Sachem Way
- \$75,000 from the MassDOT Transit Grant program for expanding the regional transportation network
- \$73,000 from the E911 program for training
- \$9,600 from the MassDEP Sustainable Materials Recovery Program
- \$4,979 from MIIA for infrared camera for HVAC maintenance and repair
- \$4,000 from AARP for support towards a survey related to age-friendly services

We continue to work to implement the organizational consolidations in public works and land use and the relocation of social services to one facility at 30 Sudbury Road by identifying opportunities to share services, supplies, and in some cases personnel to achieve cost savings while maintaining high level of services.

Reserves

Acton's primary municipal reserve accounts are Free Cash and Stabilization. Free Cash is a revenue source that results from the calculation, as of July 1st, of a community's remaining unrestricted funds from operations of the previous fiscal year, based on the Balance Sheet as of June 30th. Stabilization is a fund designed to accumulate amounts for capital and other future spending purposes and appropriations from stabilization require a two-thirds vote of Town Meeting. Sustaining these reserve accounts will allow



us to fund important initiatives and capital projects during times of national and local fiscal uncertainty. The Massachusetts Division of Local Services recommends that communities maintain Free Cash levels between 3% and 5% of the annual budget. While our Free Cash level is 2.68% of the recommended budget, we also have an additional \$2M in our stabilization account which results in a total of \$4.646M in reserves which is 4.7% of the recommended budget.

Fiscal Year 2020 Capital Improvement Program

One of the adopted goals of the Board of Selectmen is to develop a long-term capital improvement plan. Both the Town and the Regional School District have embarked on long-term capital planning that will lead to significant capital requests in the upcoming fiscal years. It is important to develop a funding strategy to sustain investments in annual capital needs while also addressing larger capital projects. The Town Manager's Recommended Budget includes a plan to invest in capital that is consistent with recommendations from the Finance Committee 2019 Point of View. Capital needs for the next five years have been outlined and funding has been assigned preliminarily to each year which will be adjusted annually based on needs and available resources. A critical element of the funding recommendation is to utilize free cash for one-time capital projects.

FY20 Capital Improvement Plan

Existing Prior Non-Exempt Debt	\$ 306,130
Capital Requests Funded in Operating Budget	104,000
New Non-Exempt Debt Service	
Non-Exempt Debt to be Issued from FY18/FY19	375,000
<i>Total Non-Exempt Tax Burden</i>	785,130
Existing Exempt Debt Service	1,848,550
Appropriations of Free Cash	675,000
Enterprise Funds (Ambulance, Sewer, Transportation, Transfer Station)	372,000
Total	\$3,680,680

Department Heads submitted capital requests totaling \$4.4 million for FY 2020. Those requests were thoroughly discussed at the "Hill" and considered during a series of internal group and individual review sessions. Based on the results of those sessions and the projected availability of funds as of this date, the Town Manager's Recommended Capital Improvement Program for FY 2020 is \$3,680,680 as outlined above. The details of the recommended projects are shown on the following pages. The requests for capital far exceeded the resources available to address them; however, through a collaborative process we propose to invest an amount that is sustainable and provides for critical projects to be completed.

It is recommended that \$675,000 be appropriated from Free Cash (rather than from borrowing, to save on interest costs and limit the impact on debt service budget) for the following projects: \$525,000 for Kelley's Corner Supplemental Engineering and Related Costs, and \$150,000 for Sidewalk and Traffic Calming project.

Kelley's Corner Project

The highest priority short-term goal and highest priority long-term goal of the Board of Selectmen are both related to the comprehensive infrastructure improvement project in the area surrounding the intersection of Main Street and Massachusetts Avenue, referred to as the Kelley's Corner Infrastructure Project.

Selectmen Short-Term Goal: Secure funding for Kelley's Corner infrastructure project to proceed with next phase of design as required for the State Transportation Improvement Program (TIP).

Selectmen Long-Term Goal: Complete Kelley's Corner infrastructure improvements.

The capital funding recommendation of \$525,000 for Kelley's Corner will fund the supplemental design costs and appraisal services required to proceed with the next phase of the project. This is a transformative opportunity for the Acton community to leverage more than \$14.7M in state and federal funds to pay for a project that addresses multiple long-standing community issues.

The Kelley's Corner project will create a safe, walkable area with an accessible pedestrian network, bicycle lanes, streetscape amenities, and properly functioning intersections to support safe access to local businesses. It will also realign and improve the Charter Road entrance to the Acton-Boxborough School District campus. The requested funds are for supplemental engineering costs which are necessary to implement the changes in the project scope that are responsive to community needs. \$14.7M in construction funding is programmed on the TIP and is scheduled for Federal Fiscal Year 2022. Funding on the TIP is a competitive process and the Town must complete the design and related work to be eligible to stay in the program.

Another high priority goal of the Board of Selectmen is to establish a long-term capital improvement plan. Kelley's Corner is a major capital project that is part of the Town's capital plan along with the upcoming request for a new school building, the North Acton Fire Station, and various other necessary infrastructure projects. Utilizing \$14.7M in state/federal funding for the Kelley's Corner project will free up capacity and allow the community to focus on the multiple other capital needs.

Sidewalk and Traffic Calming Projects

The capital request for \$150,000 includes allocating \$130,000 for the sidewalk construction program, a 92% increase in the funding over the FY 2019 budget. These funds would be used to facilitate construction-ready sidewalk projects as prioritized by the Sidewalk Committee. The remaining \$20,000 is for traffic calming measures implemented by the Public Works Department. The Town implements multiple traffic calming measures throughout the community including signage, crosswalks, and line

Conceptual Rendering of Design Elements included in Kelley's Corner Infrastructure Improvement Project



Why is more design funding needed for Kelley's Corner after the design approved at 2016 Town Meeting?

Once the initial designs were presented to the community there was significant interest in expanding the project scope to resolve safety concerns at the Charter Road and Community Lane intersections with Massachusetts Avenue. These two improvements were added to the design and then at the 2018 Annual Town Meeting residents provided additional valuable feedback to the Town and its design team. We have held multiple public input sessions to gather more feedback and the current design is responsive to the concerns raised at the 2018 Town Meeting, and it also addresses multiple issues that have been raised since Town Meeting.

painting. This funding will provide a resource for implementing measures in accordance with the traffic calming toolkit being developed by the Public Works Director in collaboration with Engineering, Public Safety, Planning, and other staff.

Enterprise Capital Projects

It is recommended to fund \$372,000 for the following capital projects through Ambulance Enterprise, Sewer Enterprise, and the Recycling and Transfer Station Enterprise Funds:

\$ 36,000	Advanced Life Support (ALS) monitor for ambulance	Ambulance Enterprise
\$ 15,000	Body Armor for fire personnel	Ambulance Enterprise
\$ 61,000	Power lift for ambulance	Ambulance Enterprise
\$ 35,000	Feasibility study to identify facility improvements at Transfer Station	Transfer Station Enterprise
\$ 225,000	Feasibility study and preliminary design work for West Acton Sewer continuation	Sewer Enterprise

The three Ambulance enterprise projects will provide updated equipment and enhanced safety for our first responders. The transfer station study is necessary to develop a long-term capital plan for the transfer station facility. The sewer feasibility study is necessary to allow the Board of Selectmen to decide whether a West Acton Sewer continuation is feasible and will maintain the option of scheduling the work in such a way to facilitate a sewer connection for a potential new school if the School District decides to pursue a site that needs a sewer connection.

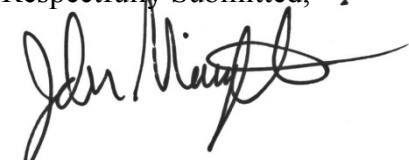
Environmental Sustainability

Acton continues to be a leader in sustainability and environmental initiatives. The Board of Selectmen adopted an Environmental Sustainability Policy on December 10, 2018 to formalize the practice of considering environmental sustainability when making choices about local government services. We have engaged with a consultant to complete a carbon neutrality study to assist with the Board of Selectmen goal to reduce our carbon footprint. Acton continues to serve as a leading voice in seeking changes in the natural gas industry in particular related to how leaks are managed by public utilities in Massachusetts. The Town is a member of International Council for Local Environmental Initiatives (ICLEI) and also works closely with local environmental advocacy groups.

Summary

I would like to thank the Board of Selectmen for its leadership and the Town's Department and Division Heads, and staff for their professionalism and work to prepare for Annual Town Meeting. I look forward to seeing you all at the Town Meeting.

Respectfully Submitted, .



John S. Mangiaratti
Town Manager

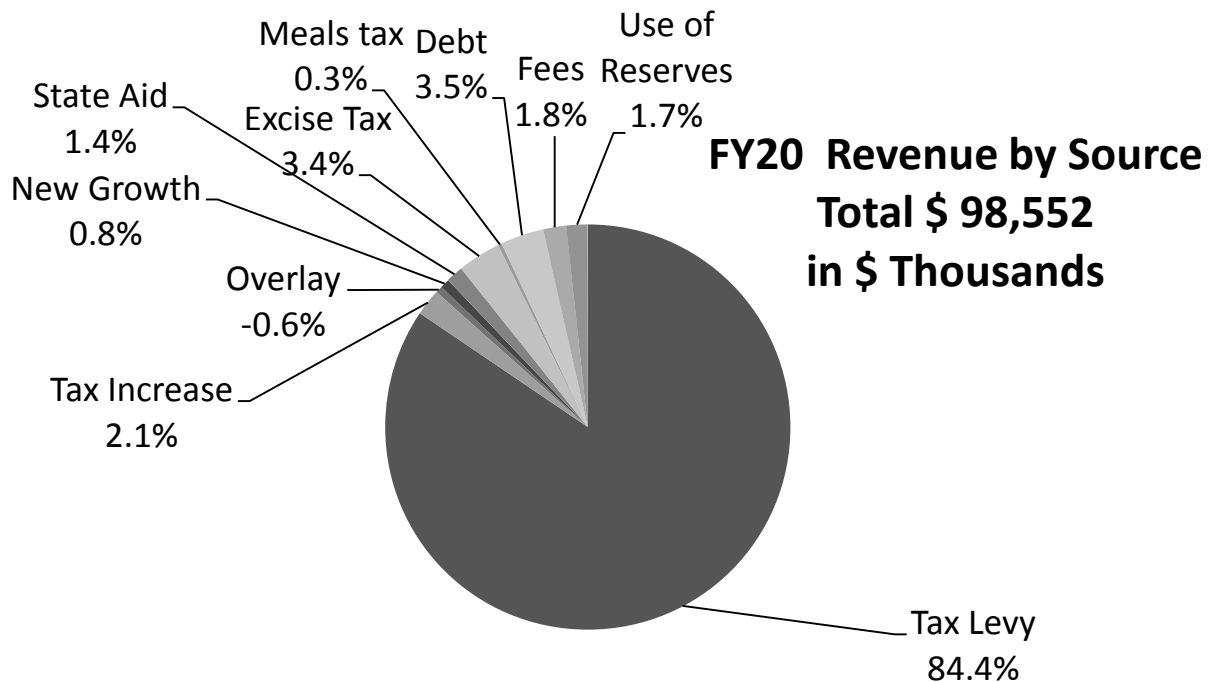
Fiscal Year 2020 Spending Comparison

Municipal Operating Budget	FY18 Budget	FY18 Actual	FY19 Budget	FY20 Budget	% Change FY19 versus FY20
Total Municipal Salaries	15,189,927	14,865,494	15,762,646	16,282,662	3.30%
Total Municipal Fringe Benefits	8,875,875	8,577,696	9,044,596	9,403,056	3.96%
SNOW AND ICE REMOVAL	541,358	673,914	602,600	565,343	-6.18%
INFRASTRUCTURE MAINTENANCE	1,690,618	1,782,410	1,725,959	1,750,229	1.41%
EQUIPMENT MAINTENANCE / RENTAL	636,900	727,034	696,600	544,378	-21.85%
WASTE REMOVAL	63,800	43,293	64,409	59,409	-7.76%
VEHICLES	175,000	260,403	180,000	128,000	-28.89%
PURCHASE OF SERVICE	1,271,114	1,397,099	1,268,776	1,282,749	1.10%
LEGAL	400,000	410,955	425,000	425,000	0.00%
UTILITIES	434,719	391,838	456,109	419,448	-8.04%
OTHER	1,347,458	1,215,635	1,253,949	1,195,147	-4.69%
DEBT	2,588,930	2,541,541	2,356,721	2,691,118	14.19%
Total Municipal Operating Budget	33,151,899	32,887,312	33,837,365	34,746,539	2.69%
Capital	126,750	82,500	249,003	675,000	171.08%
Subsidies					
Ambulance			243,079	180,000	-25.95%
Transportation			235,575	260,000	10.37%
Total Municipal Spending			34,565,022	35,861,539	3.75%
ABRSD Assessment (a)			59,981,959	61,235,254	2.09%
Minuteman Assessment			1,303,814	1,455,682	11.65%
Total Acton Spending per Acton Leadership Group Consensus			95,850,795	98,552,475	2.82%
(a) Details of ABRSD spending can be found in the Superintendents report					

Fiscal Year 2020 Budget Background

The numbers contained in these next few pages for FY20 (the fiscal year beginning July 1, 2019) are derived from the Acton Leadership Group plan, which does not include Enterprise Funds (discrete accounting entities) and Revolving Funds (not funded through direct taxation). Because this document only pertains to Acton's revenues and expenses, the Acton-Boxborough Regional School District Budget is shown as an assessment which is Acton's share of the school bill.

What Are Our Sources of Revenue?



Most (87 percent) 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 a 2½ percent increase allowed on the property tax levy

Debt refers to the additional taxes that are earmarked to pay for the debt service of past building projects that were authorized by the voters as debt exclusions from Proposition 2½. The debt portion of the taxes is removed when the debt is paid off. State aid accounts for nearly 1.4 percent of the total. This does not include State aid for education which is revenue to the school district and therefore not reflected in the Town budget. The FY20 Budget includes the local option meals tax estimate which is steady at \$309,000.

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 1.8 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.

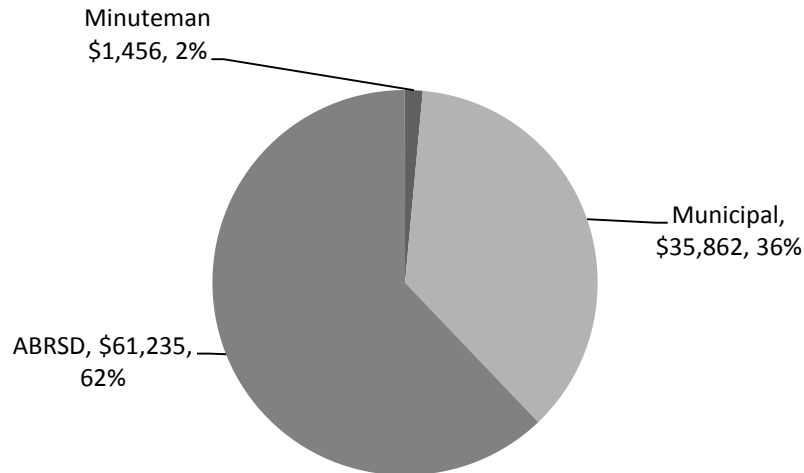
In this year's budget, reserves account for 1.7 percent of the total revenues.

Which Town and School Entities Spend Our Money?

FY20 Expense by Organization

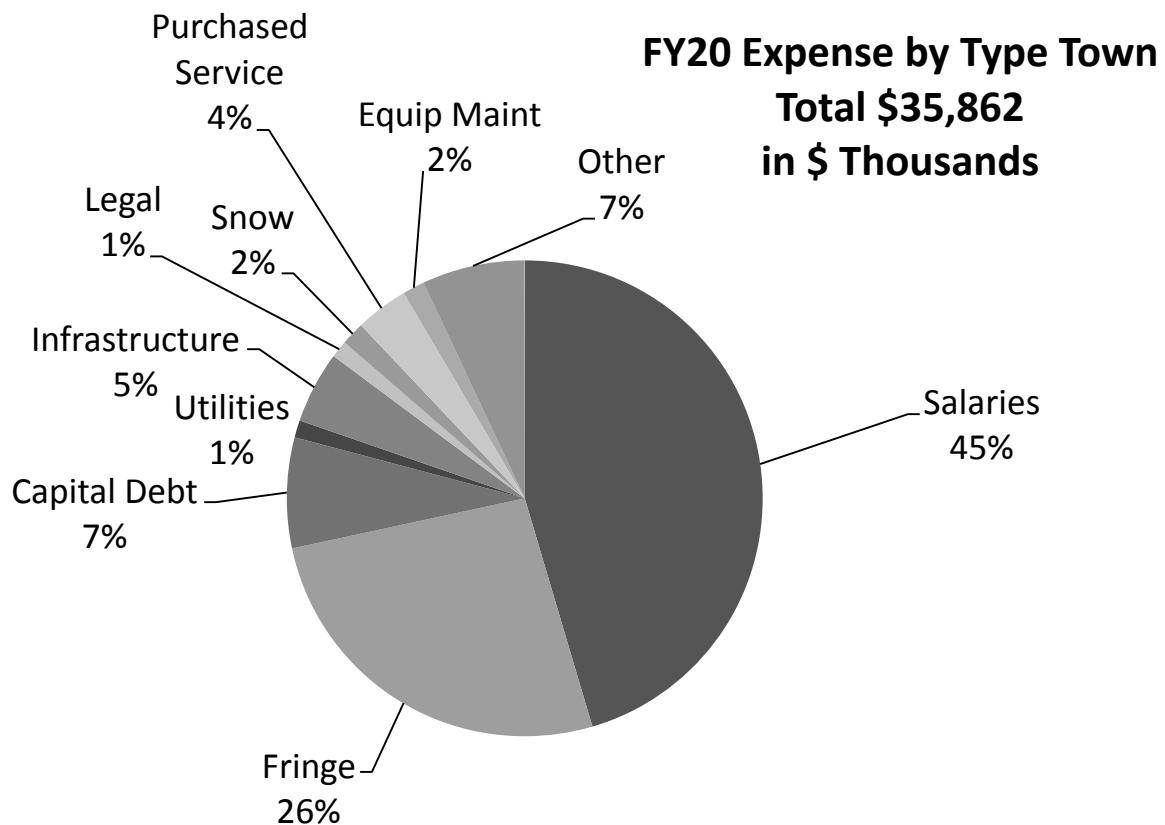
Total \$98,552

In \$ Thousands



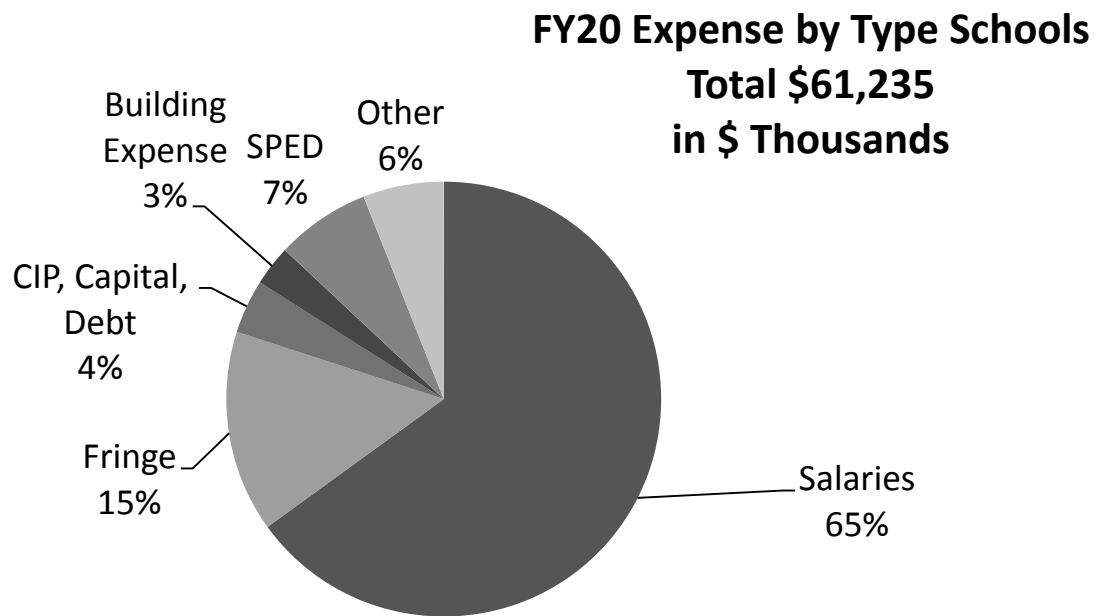
The Town's revenues support three budgets that provide services to the citizens. 64 percent of our expenditures support education priorities: Acton-Boxborough Regional Schools assessment (62 percent), and Minuteman Regional School District assessment (2 percent). The municipal government (which funds police, fire, highway, library, health, planning and other general government services) accounts for the remaining 36 percent of the total expenditures.

What Does the Municipal Government Spend Our Money For?



Approximately 71 percent of the Town spending goes to salaries and benefits, the cost for the people who provide services to the residents. Capital and debt service accounts for 7 percent and 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?

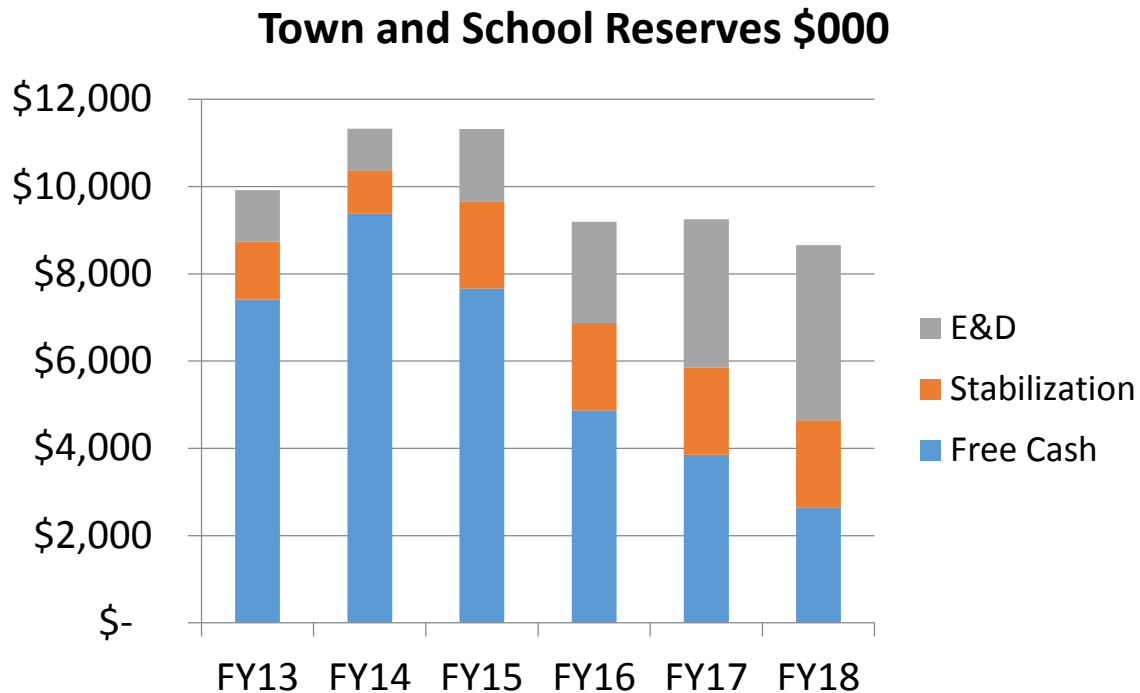


As with the Town, the largest category is the cost of people to provide services to our students. Salaries and benefits account for more than 79 percent of the total. The next largest category is special education which accounts for almost 7 percent, followed by capital and debt service (including the newly formed Capital Improvement Plan) at 4 percent, and building operations and utility costs at 3 percent.

Finance Committee's Message

Financial Condition

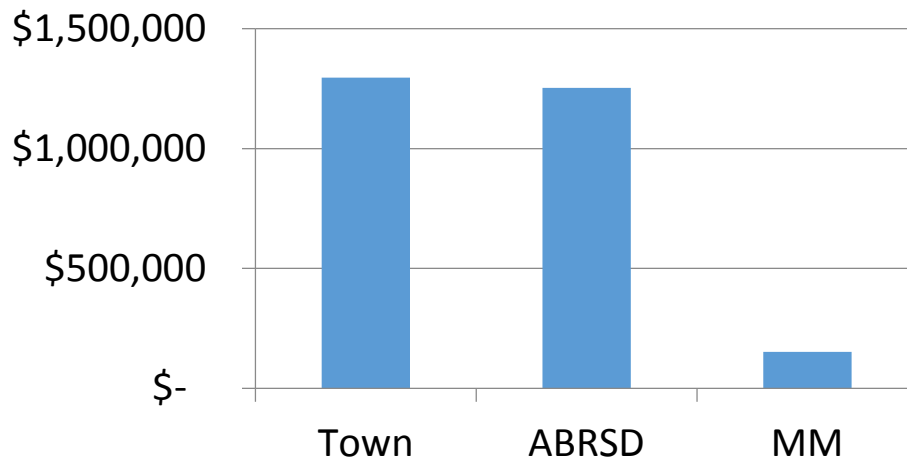
Acton continues to be in a very sound financial position. Both the Town of Acton and the Acton-Boxborough Regional School District have been rated AAA by Standard & Poor's and Moody's has removed the negative outlook on ABRSD's AA2 rating. The Town continues to have a strong tax collection rate, which is a sign of the financial health of the residents. At \$4.6million of combined free cash and Town stabilization fund, reserves represent 12.8% of the municipal budget and 4.6% of total projected Acton spending for FY20. This is well ahead of the Massachusetts Department of Revenue guidelines of 5% of the municipal budget. The Town's financial health is strong.



FY20

The proposed budget for Fiscal Year 2020 is \$98,552,474 which is an increase of \$2,701,697 or 2.9% over the FY2019 budget.

FY 20 Spending Increase



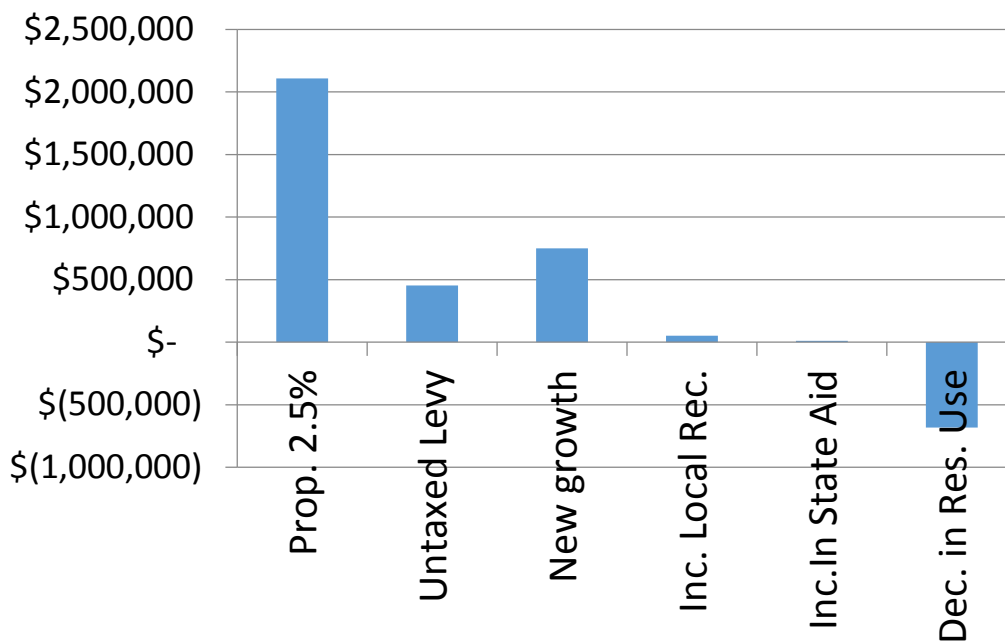
The Town operating budget is up by \$1,296,517 or 3.8%. Capital spending increased by \$425,997 or 171%. The two driving factors in that increase is \$525,000 for Kelley's Corner Supplemental Engineering and Appraisal Services and \$150,000 for Sidewalks and Traffic Calming. These projects are proposed to be paid for out of the operating budget.

The total operating budget for the Acton-Boxborough Regional School District increased by \$2,260,619 or 2.6%. This budget includes 8.6 additional full time employees. Total salary increases make up 86% of the change. After accounting for the School District's revenue, reserve use and cost shifts per the regional agreement, Acton's assessment increased by \$1,253,295 or 2.1%.

The Minuteman Regional Vocational Technical High School assessment increased by \$151,867 or 11.7%. This significant increase is a result of the borrowing for the new building expected to come online in time for the next school year.

The increase in budgets will be met by the revenue changes shown in the following chart.

FY 20 Revenue Increase



Proposition 2½ allows for the tax levy to be increased by 2.5% per year. In some past years, Acton has increased property taxes less than the allowed 2.5%. In total, taxes could have been raised by \$606,000 more than they were in prior years. That amount is available to add to the new year increase in property tax bills without an override vote. The FY20 budget uses \$454,000 of the current untaxed levy total.

New Growth is the value of new building not previously included on the tax rolls.

Local receipts include excise taxes, permits, and other fees.

As a result, the average single family tax bill will increase by 3.8% from \$11,318 in FY19 to \$11,745 in FY20.

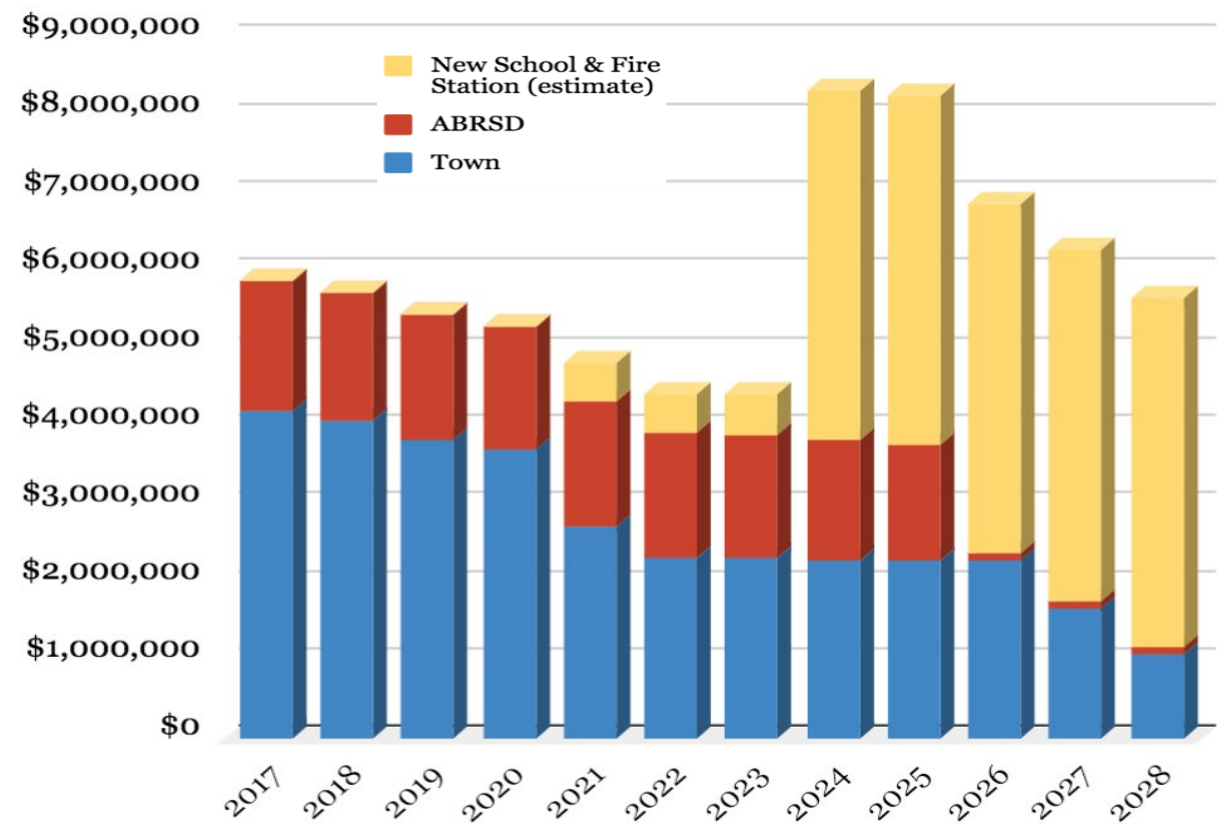
Future Considerations

The Acton Leadership Group Plan follows this message. In addition to the FY20 budget, it contains projections for the following two years. These are based on a careful review of the trends in revenue and the key cost drivers in our budgets. Based on this analysis, an override for operating costs is not anticipated at this time.

Though it is not for consideration during Annual Town Meeting this April, much work has been done on planning for a North Acton Fire Station and another consolidated school. These represent capital intensive projects that, if approved in a future Town Meeting, will address deficiencies that have occurred over time as well as providing new services to residents. The cost of these projects will be funded through borrowing which will be in the form of issuing long term bonds and will result in a debt exclusion (sometimes referred to as a capital override). A debt exclusion represents a levy that is removed from the limit of Proposition 2½, and increases taxes over and above what it called for by the operating budget. Conversely, this levy disappears when the debt is paid off. Both a vote at a Town Meeting and a vote at the ballot box will be required to authorize this excluded debt.

While it is too early to accurately predict the cost of the twin school and the new fire station, that is something that will be debated likely during a Special Town Meeting in the Fall of 2019, it may be instructive to have a range of possible costs in mind. Bearing in mind that there are multiple assumptions here that will be fleshed out over the coming months it is not beyond the realm of estimation that the combined debt for these two projects can be \$67 to \$75 million. It is also important to remember that the current debt service load is decreasing as we come to the end of payments for previous projects.

Yearly Debt Service



OPEB

We appreciate the continued funding of our Other Post Employment Benefit liability. The Town is in an excellent position and the School District is making good progress when compared to other communities. Continuing to pay towards this future liability serves the Town in the short term when it comes to borrowing, and will be of great service in the longer term when payments will not have to come out of immediate taxation. It would be a mistake for this to ever be seen as a source of short-term savings.

Land Purchases

The Finance Committee is concerned about the use of Town reserve funds to purchase land for which we have no clear purpose in mind. Such purchases should only be entered into after thorough consideration and with a fully envisioned plan that has received voter support. Through the Community Preservation Act, which is a separately imposed surcharge on taxpayers, the Town has the ability to purchase Open Space parcels. Our town reserves should be used to fund much needed capital improvements to facilities, as uncovered by an independent study from a couple of years back.

Summary

This past year has been a year of change and new starts. With a new Town Manager and a new Superintendent of the Acton-Boxborough Regional School District, both entities have brought their own approach to the budgeting process. With this fresh set of eyes has come a redoubling of efforts on longer term planning, which is a welcome change in the view of the Finance Committee. Not only was this coming year's budget taken into account in finalizing the numbers that will be voted on during Town Meeting, but the impact of likely future debt projects was also ever present during deliberations. As a community we have entered a phase of both maintaining our current services from an operational perspective while still planning for the future.

The Finance Committee

Jason Cole, Chair, Roland Bourdon, Vice-Chair, and Christi Andersen, Clerk

Members: Steve Noone, Mike Majors, Dave Wellinchoff, Christine Russell, Jeff Bergart, Tom Farley, Sahana Purohit, and Al Vlajinac

Town of Acton Multi-Year Financial Model

Prepared by Board of Selectmen, School Committee and Finance Committee
As of February 28, 2019

<u>Summary</u>	<u>Tax Recap FY19</u>	<u>Projection FY20</u>	<u>Projection FY21</u>	<u>Projection FY22</u>
Municipal Funding Sources:				
Tax Levy (excluding debt exclusion)	\$ 83,232,563	\$ 86,495,027	\$ 89,376,953	\$ 92,328,877
State Aid	\$ 1,345,108	\$ 1,358,559	\$ 1,358,559	\$ 1,385,866
Local Receipts	\$ 5,510,104	\$ 5,562,104	\$ 5,616,555	\$ 5,671,551
Debt Exclusion	\$ 2,538,007	\$ 2,512,627	\$ 2,500,163	\$ 2,444,653
Preliminary estimate of North Acton Fire Station Debt - vote required	\$ -	\$ -	\$ 550,000	\$ 550,000
Preliminary estimate of ABRSD Elementary School Debt - vote required	\$ -	\$ -	\$ 266,000	\$ 797,000
Preliminary estimate of Minuteman Building Project Debt - vote required	\$ -	\$ -	\$ 296,296	\$ 296,296
SBAB Reimbursement	\$ 923,000	\$ 923,000	\$ 923,000	\$ 923,000
Add: Town Reserves	\$ 2,382,722	\$ 1,701,157	\$ 1,300,000	\$ 1,300,000
Acton Total Funding Sources	\$ 95,931,504	\$ 98,552,474	\$ 102,187,526	\$ 105,697,242
<u>Allocation to Budgets</u>				
Municipal Budget	\$ 34,565,022	\$ 35,861,539	\$ 37,206,347	\$ 38,601,585
Municipal Budget % Change		3.75%	3.75%	3.75%
Preliminary estimate of North Acton Fire Station Debt	\$ -	\$ -	\$ 550,000	\$ 550,000
Total Municipal Budget	\$ 34,565,022	\$ 35,861,539	\$ 37,756,347	\$ 39,151,585
Municipal Budget % Change - With New Debt	2.54%	3.75%	5.28%	3.70%
ABRSD Assessment	\$ 59,981,959	\$ 61,235,254	\$ 63,822,900	\$ 65,910,600
ABRSD Assessment % Change			4.23%	3.27%
Preliminary estimate of ABRSD Elementary School Debt	\$ -	\$ -	\$ 266,000	\$ 797,000
Total ABRSD Assessment	\$ 59,981,959	\$ 61,235,254	\$ 64,088,900	\$ 66,707,600
ABRSD Assessment % Change - With New Debt	3.90%	2.09%	4.66%	4.09%
Minuteman Assessment	\$ 1,114,235	\$ 1,163,946	\$ 1,263,946	\$ 1,363,946
Minuteman Assessment % Change			8.59%	7.91%
Preliminary estimate of Minuteman Building Project Debt	\$ 189,579	\$ 291,735	\$ 296,296	\$ 296,296
Total Minuteman Assessment	\$ 1,303,814	\$ 1,455,681	\$ 1,560,242	\$ 1,660,242
Minuteman Assessment % Change - With New Debt	21.52%	11.65%	7.18%	6.41%
Total Acton Budgets	\$ 95,850,795	\$ 98,552,474	\$ 103,405,489	\$ 107,519,427
Net Position	\$ 80,709	\$ 0	\$ (1,217,963)	\$ (1,822,185)
<u>Table 6 Data</u>	<u>FY19 ABRSD Revenues</u>	<u>FY20 ABRSD Revenues</u>	<u>FY21 ABRSD Revenues</u>	<u>FY22 ABRSD Revenues</u>
ABRSD Funding Sources:				
State AID Ch.70	\$ 14,968,061	\$ 15,140,000	\$ 15,280,000	\$ 15,280,000
Transportation	\$ 1,337,757	\$ 1,700,000	\$ 1,762,900	\$ 1,762,900
Regional Bonus Aid & Misc Revenue	\$ 275,000	\$ 275,000	\$ 275,000	\$ 275,000
Charter School Aid	\$ 32,361	\$ 35,000	\$ 35,000	\$ 35,000
Excess & Deficiency	\$ 775,000	\$ 432,480	\$ 432,480	\$ 432,480
Total	\$ 17,388,179	\$ 17,582,480	\$ 17,785,380	\$ 17,785,380
Additional OPEB Contribution	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000
<u>Town of Acton - Tax Impact</u>	<u>FY19</u>	<u>FY20</u>	<u>FY21</u>	<u>FY22</u>
Total Valuation ('000s)	\$ 4,437,432	\$ 4,570,555	\$ 4,707,672	\$ 4,848,902
Tax Rate	\$ 19.37	\$ 19.52	\$ 19.84	\$ 19.97
SF Value	\$ 584,315	\$ 601,844	\$ 619,900	\$ 638,497
% Change in SF Value				
SF Tax Bill	\$ 11,318	\$ 11,745	\$ 12,298	\$ 12,752
% Change in SF Tax Bill	3.12%	3.78%	4.70%	3.69%
\$ Change in SF Tax Bill	\$ 342	\$ 427	\$ 552	\$ 454

Acton-Boxborough Regional School District Superintendent's Budget Message

Dear Acton and Boxborough Community Members,

It has been a pleasure to join the Acton-Boxborough community this year as your Superintendent of Schools. It is an honor and a privilege to lead a district that has made such a strong commitment to outstanding public schools. I feel fortunate to have a wonderfully diverse and supportive community, an incredibly talented teaching staff, and students and parents who are committed to developing well-balanced learners who will soon become our future leaders.

The proposed operating budget of \$90,982,111 represents an increase of 2.55% and continues to grow the District's programs for the benefit of our students. Assessments to each community represent increases of 2.09% for Acton and 1.51% for Boxborough.

The Budget went through multiple iterations during its development and was designed to achieve three major goals:

- I. Address necessary staffing issues in key areas:
 - A. Strategic additions that continue a multi-year plan already in place
 - B. Additions to support the implementation of the District's proposed Capital Plan
 - C. Staff necessary to meet the increasing needs of students supported through Individual Education Programs, specifically in the areas of Social-Emotional Learning
- II. Address issues of equity and access to school programs:
 - A. Inclusion of elementary school supplies in all elementary school budgets
 - B. Field trip assistance fund established at each elementary school to support students unable to access programs
 - C. Funding wrap-around services coordinator to help families access mental health and family supports
 - D. Funding programming with the Anti-Defamation League (ADL) to support anti bias programming for high school students.
- III. Developing and Implementing a long-range capital plan - see detailed information below.

There have been several favorable impacts on the development of the FY2020 Budget which have allowed the District to grow its programs. These include:

- For the second year in a row, the District has seen cost savings with regard to health insurance. The budgeted savings of \$500,000 represents a 3.0% decrease in health insurance rates as well as higher than anticipated migration of employees to the District's new high deductible plan.
- An increase of \$569,374 in regional transportation aid over FY2019 due to the reimbursement from buses added in FY2019 to support later start times and single tier elementary bussing.
- An increase of \$100,000 in investment income over FY2019 due to favorable interest rates.

The proposed budget aligns closely with the values and goals of the District and continues to grow programming for the benefit of our students. As this was my first year in the District, I would like to thank the Leadership Team, Budget Subcommittee and the entire School Committee for their diligent work and help in preparing this budget. The time and energy expended in the development of the budget is significant, and I am grateful for all of their assistance. I also want to thank the finance committees, municipal staff and community members from both Acton and Boxborough for their continued support of our schools.

Sincerely,

Peter Light

Acton-Boxborough Regional School District

Capital Planning Update

Superintendent of Schools Capital Planning Update:

I am pleased to present a long-range Capital Improvement Plan (CIP) for the Acton-Boxborough Regional School District. The plan, which totals approximately \$21M and spans thirteen years, was developed collaboratively through the work of the Acton-Boxborough Regional School Committee's Capital Subcommittee. Membership on the Capital Subcommittee was comprised of representatives from the School Committee, Finance Committees from each town, and district administration.

The CIP is the culmination of work that began in 2015 when the District commissioned an architectural firm, Dore & Whittier, to conduct a Master Plan Study of all of its facilities. The report was published in 2016 and since that time, the District has engaged in multiple activities to implement the recommendations. Highlights of these include:

- In 2016, the District initiated a school building project in conjunction with the Massachusetts School Building Authority (MSBA) for the C.T. Douglas and Paul Gates Elementary Schools
- From 2016 until 2019, the District increased its operating budget allocation for capital needs consistently from \$155K (FY2015) to \$1M (FY2019)
- From 2017 until 2019, The District completed many high priority projects that were identified in the Dore & Whittier report
- In 2018, the District initiated development of a mid-range Capital Plan to identify and complete projects identified as necessary in the Dore & Whittier report
- In 2019, the District formed a Capital Subcommittee in order to finalize the Capital Improvement Plan (CIP) and develop a funding strategy in order to execute the plan

The Capital Subcommittee identified three key strategies that are designed to work in concert with each other, and are needed to execute the CIP. These strategies included:

1. The development of a Project Scope and Sequence
2. The development of a funding strategy that included future increases to the District's operating budget for capital as well as a proposed bond to allow the District to complete high priority work
3. A proposal to establish a Capital Stabilization Account that will allow the District to plan for its future capital needs and protect against unforeseen circumstances related to its facilities

An overview of each strategy is provided below:

1. Development of a Project Scope and Sequence

The District contracted with Skanska Associates to assist the Capital Subcommittee in analyzing the original Dore & Whittier report in order to develop a list of capital projects for inclusion in the Capital Plan. Based on work previously completed by the District, the committee removed the Douglas, Gates and Conant Schools from inclusion in the Capital Plan as these school buildings were under consideration for the MSBA Project. Additionally, projects for the maintenance shed were excluded from this analysis until a long-term plan for the use of this building can be developed. Similarly, only the highest priority projects for the Administration Building have been included until there is a long-term plan for the use of this building.

After removing all work from the Dore & Whittier Report that was related to the buildings noted above, Skanska continued to analyze the list of identified projects and found that many of them fell into five categories which were then removed from the plan:

- Projects identified as duplications or redundancies of other items listed in the report
- Projects with an undefined scope

- Projects that had been completed by the District since the original report
- Projects that have or will be completed through the District's Preventative Maintenance Plan
- Projects identified as "wish list" items that are unnecessary

The final analysis resulted in a list of projects that totaled approximately \$21M which are now included in the Capital Improvement Plan. Once projects were identified for inclusion in the plan, Skanska and our Operations Department worked to develop these projects into a sequence that could be executed efficiently over the life of the plan.

2. Overview of the Proposal to Bond

The District is proposing to borrow \$7.5M in order to execute this plan. Repayment of the bond will be within the District's operating budget as proposed and does not require a debt exclusion.

The operating budget allocations for the duration of the plan will be increased as noted above so that there will be sufficient funds available on an annual basis to continue projects identified in the plan during the years the District is repaying debt.

Approval of the bond will require a $\frac{2}{3}$ majority vote at the Annual Town Meetings of each town.

3. Capital Stabilization Account

Even with careful planning and execution of projects over multiple years whenever possible, there are projects whose costs will substantially exceed the District's funding ability within a given fiscal year. Additionally, it is important for the District to have a strategy to protect itself from liability should a major, unanticipated capital expense be identified requiring immediate repair.

In order to plan for both of these scenarios, the Capital Subcommittee proposed that the District establish a Capital Stabilization Fund. The establishment of such a fund would allow the District to save for both future anticipated and unanticipated costs relating to capital.

Approval to Establish the Capital Stabilization Account requires a majority vote of both towns at their respective Annual Town Meetings.

Use of the Capital Stabilization Account requires a $\frac{2}{3}$ vote of the Regional School Committee.

Because it is early to accurately predict the budget surplus for FY2019, the Administration is recommending that the District consider a budget amendment in May or June of 2019 to transfer money from E&D into this stabilization fund.

After initially funding the Stabilization Account, we foresee several possible strategies to continue to fund this account:

- Planned operating budget allocations to Stabilization that will allow the District to save funds for future projects identified in the plan
- Revenues from facilities rentals that can be used to offset future repairs and upgrades to these facilities (ex. fields, auditoriums)
- Year-end budget amendments that may be proposed due to:
 - Reimbursements received from MSBA Accelerated Repair Projects or other grants for capital projects
 - Surplus savings from capital projects completed under budget during the fiscal year
 - Other budget surpluses that provide an opportunity to accelerate the Capital Plan

This Capital Plan and funding strategy is the result of five years of work by many individuals and organizations within the District and the towns. We believe that this plan is a substantial step forward for the District in ensuring that our students have access to safe and effective learning environments.

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.

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

Each Consent Calendar will be taken up when the first article “on Consent” is reached (for example, if Article 14 is the first Consent article in the Warrant, there will be a motion after Article 13 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 Article Index, as well as in the title of each article.

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.

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. All other motions will be available on 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@actonma.gov** or by telephone at (978) 929-6611, before Town Meeting.

Peter K. Ashton
Town Moderator

“Brevity is a great charm of eloquence.”
- Cicero

“The most valuable of all talents is that of never using two words when one will do.”
- 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:

Precincts 1, 2 and 6 – Conant School – 80 Taylor Road

Precincts 3, 4 and 5 – R. J. Grey Junior High School – 16 Charter Road

On **Tuesday, March 26 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-sixth day of March 2019,

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

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

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

One Commissioner 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 1, 2019 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 was 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 a Temporary Town Meeting Moderator, Trustees of the Elizabeth White Fund, Trustees of the Acton Firefighter's Relief Fund, Trustees of the Charlotte Goodnow Fund and Trustees of the Citizens' Library Association of West Acton and establishes the salaries of the Town's elected officials.

Selectman assigned: Jon Benson: bos@actonma.gov / (978) 929-6611

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

Article 2 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.

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: Joan Gardner: bos@actonma.gov / (978) 929-6611

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

Article 3 Budget Transfer
(Majority vote)

To see if the Town will appropriate from available funds a sum of money to defray necessary expenses above the amount appropriated at the 2018 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: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611

Selectman assigned: Katie Green: bos@actonma.gov / (978) 929-6611

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

Article 4 Town Operating Budget
(Majority vote)

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$34,746,539 to defray the necessary expenses of the departments, offices and boards of the Town, exclusive of the Regional School budgets, or take any other action relative thereto.

Summary

This Article requests funds for the municipal operating budget. The standard motion for the municipal budget appropriation may include the transfer of other monies such as Cemetery Trust Funds and Wetland Filing Fees.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611

Selectman assigned: Katie Green: bos@actonma.gov / (978) 929-6611

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

Article 5 Town Capital - Kelley's Corner Infrastructure Improvement Project
(Majority vote)

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, \$525,000 to be expended by the Town Manager for design, engineering and appraisal services related to the Kelley's Corner Infrastructure Improvement Project, including related incidental costs, or take any other action relative thereto.

Summary

This article requests supplemental funding for engineering services and funding for appraisal services for the Kelley's Corner Infrastructure Improvement Project. The anticipated costs for these services are:

A.	Supplemental Engineering Services	\$ 450,000
B.	Appraisal Services	\$75,000
Total		\$ 525,000

A. Supplemental Engineering Services

The 2016 Annual Town Meeting appropriated \$756,000 for the final engineering design (100%) to fully implement the roadway and streetscape concept. As the public planning process progressed, additional project area and scope were added into the plan to be responsive to community feedback.

Between 2016 and late 2017, residents expressed concerns about sight distance, safety and capacity issues at the intersections of Charter Road and Massachusetts Avenue, as well as safety issues at the intersection of Community Lane and Massachusetts Avenue. Further study and analysis led to adjustments to traffic routing and more efficient timing at the various traffic signals in the project area with the result that the inclusion of a traffic signal at the Community Lane and Massachusetts Avenue intersection can now be justified. As a result, the scope of the design plan was expanded to incorporate the realignment and signalization of the Charter Road intersection with Massachusetts Avenue. Overall, the adjustments will significantly improve the capacity and roadway performance in the Kelley's Corner area as compared to earlier plan iterations.

In addition, right-of-way impacts were more clearly defined and this information was shared with the private property owners. As a result, additional meetings and several redesign alternatives were evaluated and adjustments were made in several locations to minimize impacts, most notably: the roadway alignment near 263 Main Street, the location of the Bueno Y Sano restaurant and the streetscape along 300 Main Street, the Hosmer House owned by the Acton Historical Society.

At the 2018 Annual Town Meeting, the Board of Selectmen brought forth an article to fund the cost of the supplemental engineering design services required to complete the engineering design. Further concerns were raised at Town Meeting about the impacts to the number of parking spaces at 263 Main Street, the loss of existing trees on the north side of Massachusetts Avenue between the Old High School Commons and the primary intersection, as well as concerns for pedestrian safety measures. Subsequently the article failed.

Over the last year (2018-2019), the Town has worked diligently to address the concerns stated at the 2018 Town Meeting and additional concerns raised since then to implement a design plan that is responsive to community concerns:

1. The Main Street realignment alternative has been approved by MassDOT and implemented into the plans to reduce impacts to the property at 263 Main Street. The plans now retain the same number

of parking spaces at the Bueno Y Sano restaurant– there is no loss of parking. Furthermore, the parking lot maneuver area will be improved from what exists today.

2. The Town hired an arborist to evaluate the two larger trees on the north side of Massachusetts Avenue between the Old High School Commons and the primary intersection. One tree will be lost; there will be an attempt to save the other tree; construction notes will be added to the plans requiring such.
3. Crosswalks at the primary intersection will be more perpendicularly aligned; the overall crossing distance at the primary intersection will be decreased; five new crosswalks will be added where they do not exist today; all crosswalks on Main Street and Massachusetts Avenue will be signalized either with a specific phasing sequence for pedestrians or with a rectangular rapid flashing beacon so that cars will be alerted to stop when a pedestrian initiates the signal push button; two of the newly proposed crosswalks will help provide a mid-crossing protection with a raised landscape pedestrian refuge island.
4. A full redesign and realignment at 300 Main Street was accommodated to eliminate right of way fee takings on the property.

The 25% design plan was amended to reflect the changes noted above. MassDOT has reviewed the revised plans and held the comment resolution meeting with the design engineers and the Town. The 25% Design Public Hearing was held on March 5, 2019. MassDOT has scheduled this project to be advertised for construction late December 2021 and the project is scheduled for construction in 2022.

The original engineering contract awarded to Greenman-Pedersen Inc. (GPI) totaled \$743,708.40. As of March 1, 2019, the remaining budget is \$284,904. An additional \$450,000 will be necessary to complete the engineering design and meet the deadlines required to obtain Federal/State construction funds.

The project changes increase the construction cost from \$8.7 million to an estimated \$14.7 million. The Town has secured Federal and State construction funding for 2022 through the Transportation Improvement Program (TIP). This includes the increased construction cost for the added items noted above.

B. Appraisal Services

Massachusetts Avenue (Route 111) through the Kelley's Corner area is a State-owned highway. MassDOT will undertake all necessary right-of-way acquisitions, including appraisals, along Massachusetts Avenue. Main Street (Route 27) is a Town-owned highway; Community Lane is a private way. To receive TIP construction funding, the Town is responsible for completing appraisals and paying for all necessary right-of-way acquisitions along Route 27 and for Community Lane. Acquisitions, including appraisals, must comply with the Federal Uniform Act (Public Law 91-646, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970). Under this process every affected property owner is entitled to just compensation. The Town is required to hire an appraiser and separately a review appraiser to establish just compensation for each acquisition parcel (temporary easements, permanent easements, and real property). The appraisals will determine the total just compensation value of the acquisitions that the Town must undertake for the Kelley's Corner Infrastructure Improvement Project.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Jon Benson: bos@actonma.gov / (978) 929-6611

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

Article 6 Town Capital – Sidewalks and Traffic Calming
(Majority vote)

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

A.	Sidewalks	\$ 130,000
B.	Traffic Calming Measures	\$ 20,000
Total		\$ 150,000

Summary

The capital request for \$150,000 includes allocating \$130,000 for the sidewalk construction program, a 92% increase in the funding over the FY 2019 budget. These funds would be used to facilitate construction-ready sidewalk projects as prioritized by the Sidewalk Committee. The remaining \$20,000 is for traffic calming measures implemented by the Public Works Department. The Town implements multiple traffic calming measures throughout the community including signage, crosswalks, and line painting. This funding will provide a resource for implementing measures in accordance with the traffic calming toolkit being developed by the Public Works Director in collaboration with Engineering, Public Safety, Planning, and other staff.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Katie Green: bos@actonma.gov / (978) 929-6611

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

Article 7 Acton-Boxborough Regional School District Assessment
(Majority vote)

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$61,235,254, consisting of a capital assessment of \$2,726,396 and an operating assessment of \$58,508,858, 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. The capital portion of the assessment covers the District's budgets for debt service and capital outlays; the operating assessment covers personnel and all non-capital operating costs.

Direct inquiries to: Peter J. Light, Superintendent: plight@abschools.org / (978) 264-4700
Selectman assigned: Katie Green: bos@actonma.gov / (978) 929-6611

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

Article 8 Acton-Boxborough Regional School District Capital Improvement Plan
(Two-thirds vote)

To see if the Town will vote to approve of authorizing the Treasurer of the Regional School District to borrow the sum of \$7,500,000 for the purpose of paying construction, installation and all other associated costs of providing the capital improvements identified hereof in the Regional School District's Capital Improvement Plan, or take any other action relative thereto.

Summary

This Article requests approval, by two-thirds votes of both members' town meetings in accordance with Section 9 of the Acton-Boxborough Regional School District Agreement, of the Regional School District's authorization of its Treasurer to borrow the above sum to fund its Capital Improvement Plan (CIP) as presented publicly by the Superintendent of Schools.

Direct inquiries to: Peter J. Light, Superintendent: plight@abschools.org / (978) 264-4700
Selectman assigned: Katie Green: bos@actonma.gov / (978) 929-6611

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

**Article 9 Acton-Boxborough Regional School District – Authorize Regional
(Majority vote) Stabilization Fund**

To see if the Town will approve the establishment of a Capital Stabilization Fund by the Acton-Boxborough Regional School District in accordance with the provisions of Chapter 71, Section 16G½ of the Massachusetts General Laws, as amended, for the purpose of providing funding for the District's future capital needs in conjunction with its Capital Improvement Plan, or to take any other action relative thereto.

Summary

This article would allow the School District to establish a Stabilization Fund for funding future capital needs of the District, as presented publicly by the Superintendent of Schools. Both member towns must approve the establishment of the Fund before it can be implemented.

Money in the Fund may be invested and the interest earned becomes a part of the Fund. The Fund may be appropriated by vote of two-thirds of all of the members of the Regional School Committee for any capital purpose or other purpose as approved by the Commissioner of Elementary and Secondary Education.

Direct inquiries to: Peter J. Light, Superintendent: plight@abschools.org / (978) 264-4700
Selectman assigned: Katie Green: bos@actonma.gov / (978) 929-6611

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

**Article 10 Minuteman Regional School District Assessment
(Majority vote)**

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$1,455,682 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 Regional School District Agreement.

Direct inquiries to: Dr. Edward A. Bouquillon, Superintendent
ebouquillon@minuteman.org / (781) 861-6500
Selectman assigned: Janet K. Adachi: bos@actonma.gov / (978) 929-6611

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

Article 11
(Majority vote)

**Community Preservation Program –
Direct Appropriations from Fund Balances**

To see if the Town will appropriate or set aside for later appropriation, and authorize and direct the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2018 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 2018 COMMUNITY PRESERVATION FUND BALANCES	
FY 2018 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2018	\$1,001,384.00
State Community Preservation Trust Fund Receipt, October 2018	\$ 188,586.00
Other FY 2018 Community Preservation Fund Components	
Interest Earned in FY 2018 (less abatements and exemptions)	\$ 30,646.00
Unencumbered FY 2018 Fund Balance	\$ 122,461.30
Recapture of unspent previous years' project appropriations	\$ 257,322.79
Total - FY 2018 Community Preservation Fund Balance	\$1,600,400.09
FY 2018 Open Space Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space and its Rehabilitation and Restoration	\$1,970,804.52
Total FY 2018 Open Space Set-Aside Fund Balance	\$1,970,804.52
FY 2018 Historic Resources Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 0.00
Total FY 2018 Historic Resource Set-Aside Fund Balance	\$ 0.00
FY 2018 Community Housing Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, Preservation, and Support of Community Housing	\$ 0.00
Total FY 2018 Community Housing Set-Aside Fund Balance	\$ 0.00
APPROPRIATIONS FROM FY 2018 COMMUNITY PRESERVATION FUND BALANCE	
Purposes	Recommended Amounts
Set-Aside Appropriations for	
A. Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; required set-aside for meeting 10% of spending from FY 2015 revenues	\$ 35.45
B. Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; required set-aside for meeting 10% of spending from FY 2016 revenues	\$ 100,737.00

C. Acquisition, Preservation, Rehabilitation and Restoration of Community Housing; required set-aside for meeting 10% of spending from FY 2017 revenues	\$ 2,227.00
D. Acquisition, Creation and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 450,000.00
Spending Appropriations	
E1. Community Housing Program Fund*	\$ 147,773.00
F. Acton Housing Authority – Windsor Green Sliding Doors	\$ 162,656.00
G. Town of Acton – Cultural Resource List Updates and MACRIS Conversion	\$ 20,000.00
H1. Iron Work Farm – Window Preservation	\$ 24,227.55
I. Mill Place Condominium Association – Bell Tower Preservation	\$ 40,000.00
J. Town of Acton – Asa Parlin House Preservation	\$ 175,000.00
K. Town of Acton – Jones Field Playground Renovation	\$ 269,000.00
L. Town of Acton – Acton Arboretum ADA Compliant Entrance	\$ 55,000.00
M. Town of Acton – Acton Arboretum China Trail and Garden Plantings	\$ 5,000.00
N. Town of Acton – 53 River Street Historic Park	\$ 75,000.00
Administrative Appropriation	
O. 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	\$ 59,498.50
Total Recommended Appropriations from FY 2018 Community Preservation Fund Balance	\$1,586,154.50
APPROPRIATION FROM OPEN SPACE SET-ASIDE FUND BALANCE	
P. Wright Hill Open Space Land Acquisition - Debt Service	\$ 81,600.00
Total Recommended Appropriations from the Open Space Set-Aside Fund	\$ 81,600.00
APPROPRIATION FROM COMMUNITY HOUSING SET-ASIDE FUND BALANCE	
E2. Community Housing Program Fund*	\$ 2,227.00
Total Recommended Appropriations from the Community Housing Historic Resources Set-Aside Fund	\$ 2,227.00
APPROPRIATION FROM HISTORIC RESOURCES SET-ASIDE FUND BALANCE	
H2. Iron Work Farm – Window Preservation	\$ 100,772.45
Total Recommended Appropriations from the Historic Resources Set-Aside Fund	\$ 100,772.45
Resulting Fund Balances	
Resulting FY 2018 Community Preservation Fund Balance	\$ 14,245.59
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$2,339,204.52
Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 0.00

Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, Preservation, and Support of Community Housing	\$ 0.00
-----------------------------------------------------------------------------------------------------------------------	---------

* Pursuant to Town Charter Section 6-5 that the appropriation to the Community Housing Program Fund shall not lapse three years and one month following the effective date of the vote on this article, and that this appropriation and all prior appropriations to the Community Housing Program Fund shall continue to be available for the purpose specified until expended for that purpose or until the CPC recommends and Town Meeting votes to rescind the appropriation of any unspent funds appropriated for this purpose,

And, whereas Massachusetts General Laws Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the FY 2018 Community Preservation Fund Revenues at least 10% for open space, 10% for historic resources, and 10% for community housing;

And, whereas the recommended appropriations for open space, historic resources, and community housing each meet or exceed 10% of the FY 2018 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 2018 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2018 Community Preservation Fund Revenues for open space (\$118,997.00), not less than 10% of the FY 2018 Community Preservation Fund Revenues for historic resource (\$118,997.00), and not less than 10% of the FY 2018 Community Preservation Fund Revenues for community housing (\$118,997.00), or take any other action relative thereto.

Summaries

This article would make appropriations from the Town's Community Preservation Fund balance, and from the Community Preservation Set Aside Funds. 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, preserve, rehabilitate and restore land for recreational use; to rehabilitate and restore open space 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.

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 2018, the Community Preservation Committee published its 2019 Community Preservation Plan (<https://www.actonma.gov/DocumentCenter/View/5162>) with guidelines for the submission of

projects seeking funding. The Committee received twelve applications for funding of proposed projects and programs. The Committee reviewed the applications, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under the Act. This article represents the Committee's overall recommendation for appropriations, which includes recommended funding from the available Community Preservation Fund balances for the proposed projects and programs, debt service on a prior year bond, and administrative program support. The recommended funding levels may differ from the amounts requested by the projects' proponents; some of the proposed projects have undergone transformations from how they were proposed originally; and some proposed projects were not recommended for funding.

All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. The recommended appropriations leave a remaining Community Preservation Fund balance of \$14,245.59 that is available for future Town Meeting appropriations in all eligible funding categories under the Act.

The CPA states that Town Meeting may delete or reduce any of the recommended appropriations, but may not add new items or increase the recommended appropriations. It 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 (\$118,997.00 in FY 2018) for each of the following: open space; historic resources; and community housing. The Committee's recommendations meet the required funding levels. The Committee may also recommend 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 (\$59,498.50 recommended).

A total of \$257,322.79 has been recaptured from unspent prior years' Community Preservation project appropriations and moved to the Community Preservation Fund. The recapture of prior year project appropriations can result in spending less than the statutory minimum 10% in any particular fiscal year for historic resource, open space, or community housing projects. This article makes set-aside fund appropriations as necessary to compensate for such shortfalls in prior years.

A. & B. Historic Resources Set-Aside

The recapture of prior years' unspent CPA funds appropriated in 2015 and 2016 for historic resource purposes put the Town below the 10% statutory minimum threshold in that category for the named years. To make up this shortfall, the Committee recommends appropriations of \$35.45 (make-up for 2015) and \$100,737 (make-up for 2016). With this appropriation the resulting balance in the Historic Resources Set-Aside Fund becomes \$100,772.45. Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending from this set-aside fund for the purpose of acquisition, preservation, rehabilitation and restoration of historic resources. In this article, the Committee recommends such spending (see item H2).

C. Community Housing Set-Aside

The recapture of prior years' unspent CPA funds appropriated in 2017 for community housing purposes put the Town below the 10% statutory minimum threshold in that category for 2017. To make up this shortfall, the Committee recommends an appropriation of \$2,227.00. With this appropriation the resulting balance in the Community Housing Set-Aside Fund becomes \$2,227.00. Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending from this set-aside fund for the acquisition, creation, preservation, and support of community housing. In this article, the Committee recommends such spending (see item E2).

D. Open Space Set-Aside

The current Open Space Set-Aside Fund balance is \$1,970,804.52. This item proposes to add \$450,000 to that fund balance. Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending from the Open Space Set-Aside Fund for the purpose of acquisition, creation, preservation, rehabilitation or restoration of open space. In this article, the Committee recommends such spending (see item P).

E1 & E2. Community Housing Program Fund

The total recommended \$150,000 appropriation (\$147,773.00 from the Community Preservation Fund and \$2,227.00 from the Community Housing Set-Aside Fund) replenishes the existing Community Housing Program Fund for "the acquisition, creation, preservation, and support of community housing in the Town of Acton." The Fund was first established with a CPA appropriation in 2004. It is used to finance affordable housing initiatives and other activities in "support of community housing" eligible for CPA funding under definition in the statute. The Fund is managed by the Acton Community Housing Corporation (ACHC) for community housing initiatives and activities recommended by the ACHC or any other community housing entity approved by the Board of Selectmen. Expenditures from this Fund must be approved by the Board of Selectmen.

This recommended appropriation funds the continuation of the ACHC's past and current programs, which for example includes the purchase or subsidy of Acton Housing Authority's low income rental units; selling price, closing cost, mortgage payment and other subsidies to first time homebuyers of affordable units; capital improvement assistance for affordable units; funding and grant support of housing studies and plans; and pre-development funding for senior rental projects.

F. Acton Housing Authority – Windsor Green Sliding Doors

The recommended \$162,656 appropriation assists the Acton Housing Authority with the preservation of its 68-units for elderly persons and persons with disabilities with low and moderate income at the Windsor Green. The preservation work will replace sliding doors that date from the original building construction in 1980. Replacement of the sliding doors will preserve the structural integrity of the building.

G. Town of Acton – Cultural Resource List Updates and MACRIS Conversion

The recommended \$20,000 appropriation assists the Historical Commission to fully convert the Town of Acton's historic buildings records to the Massachusetts Cultural Resource Information System (MACRIS) maintained by the Massachusetts Historical Commission (MHC). The current Cultural Resource List (Acton's historic repository of record) is an unsearchable PDF file listing of hand-typed entries. It was last updated in 1996. The work includes creating 60-80 new MHC Inventory Forms, mostly for buildings, and updating selected existing forms.

The Acton Historical Commission has applied for a matching FY2019 Massachusetts Historical Commission Survey and Planning Grant. If awarded, the grant may replace up to \$10,000 of the CPA funds recommended for this project.

H1. & H2. Iron Work Farm – Window Preservation

The recommended \$125,000 appropriation (\$24,227.55 from the Community Preservation Fund and \$100,772.45 from the Historic Preservation Set-Aside Fund) will preserve, rehabilitate, and restore the historic sashes of 72 deteriorated windows at the 1707 Faulkner Homestead and the 1732 Jones Tavern. Both buildings are owned by the Iron Work Farm in Acton, Inc, a local 501(c) (3) non-profit corporation. Award of this appropriation is subject to receipt by the Town of new and updated Historic Preservation Restrictions for the two properties.

Iron Work Farm has applied for a grant from the Massachusetts Preservation Projects Fund - Round 25 for the windows at the Faulkner Homestead. If awarded, the grant may replace in part the CPA funds recommended for this project.

I. Mill Place Condominium Association – Bell Tower Preservation

The former First Universalist Church at 140 Main Street in South Acton was built in 1877. It is now a residential property. The recommended \$40,000 appropriation will assist in the preservation of the bell tower which includes roof replacement and rot repair. Award of this appropriation is subject to receipt by the Town of Historic Preservation Restrictions for the property.

J. Town of Acton – Asa Parlin House Preservation

The recommended \$175,000 appropriation will implement preservation measures to stabilize the Town-owned historic Asa Parlin House at 17 Woodbury Lane in the Acton Center Historic District. The project will prevent further deterioration and allow necessary time for community input to determine its potential reuse. The recommended funding will assist the Town with:

- 1) Selective demolition of later non-historic additions;
- 2) Structural stabilization;
- 3) Repairs to the building's envelope;
- 4) Abatement of hazardous material; and
- 5) Project planning and design.

In addition to the CPA funding, the Town supports this project with resources from the general fund. The Town has also committed to engage the community in evaluating and determining the future use of the property. Additional funds will then be needed for the rehabilitation of the property to its future use.

K. Town of Acton – Jones Field Playground Renovation

The recommended \$269,000 appropriation assists the Acton Recreation Department towards renovations for a fully accessible playground at 54 Martin Street, the current site of Jones Field and Playground. The current play equipment was installed in 1996 and has deteriorated to the point of being unsafe. A neighborhood group has raised over \$11,000 to help with the renovation of this project. In addition, \$30,000 has been gifted to this project from the developer of nearby Anthem Village on Martin Street. The Acton Department of Public Works will assist with site work. The majority of the funds will be used to:

- 1) Purchase and install preschool and elementary-age equipment;
- 2) Change the playground surfacing from pea stone to ADA-approved material; and
- 3) Reconfigure parking spaces on Stow Street, netting nine additional nose-in spaces.

L. Town of Acton – Acton Arboretum ADA Compliant Entrance

The recommended \$55,000 appropriation improves the accessibility and aesthetics of the Arboretum entrance at 2 Taylor Road with the following components:

- 1) 80-foot Concrete sidewalk along the rain garden from the parking lot to the pedestrian bridge;
- 2) New ADA-compliant wooden 7-foot by 16-foot pedestrian bridge over the rain garden;
- 3) ADA-compliant concrete trail connecting the pedestrian bridge to a circle around the new kiosk;
- 4) Concrete pad for ADA-compliant picnic table; and
- 5) New orchard utility entrance (12-foot by 20-foot) with granite headwalls and culvert.

Kennedy Landscaping is planning to provide trees and shrubs at no cost.

M. Town of Acton – Acton Arboretum China Trail and Garden Planting

The recommended \$5,000 appropriation assists with funding to support the China Trail Garden in the Acton Arboretum. The project involves some excavation, the installation of a trail, bridges and boardwalks, and landscaping. The Friends of the Acton Arboretum, Inc., the Acton Chinese Language School, the Acton Chinese American Civic Association, and the Acton Boxborough Cultural Council together have committed \$11,000 in additional funding. The Town and volunteers will provide in-kind labor.

N. Town of Acton – 53 River Street Historic Park

The recommended appropriation of \$75,000 will help the town gather more information for any future development of the Town-owned parcel as a park. The parcel contains an old dam. In November 2018, the Town obtained an inspection/evaluation report for the River Street Dam. The dam has been classified by the Office of Dam Safety as a small, significant (class II) hazard potential dam that has been found to be in unsafe condition. The report recommends a dam breach or removal. A breach or removal is more cost-effective than rehabilitation or replacement. The dam must be addressed before this parcel of land can be redeveloped as a park. The appropriation includes funding for a dam breach feasibility study, conceptual design for a dam breach or removal, and a historic/cultural resources assessment.

O. Administrative and Operating Expenses

The recommended appropriation of \$59,498.50 is 5% of the FY 2018 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 any Community Preservation Committee direct expenses.

P. Wright Hill Open Space Land Acquisition - Debt Service

The recommended appropriation of \$81,600.00 from the Open Space Set-Aside Fund will pay for the anticipated third annual payment on the 15-year bond for the Wright Hill Open Space land acquisition. The 2014 Annual Town Meeting authorized the Treasurer to borrow for a repayment term of not less than 15 years and not more than 20 years up to \$990,000 for the Wright Hill Open Space land.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611

Selectman assigned: Peter J. Berry: bos@actonma.gov / (978) 929-6611

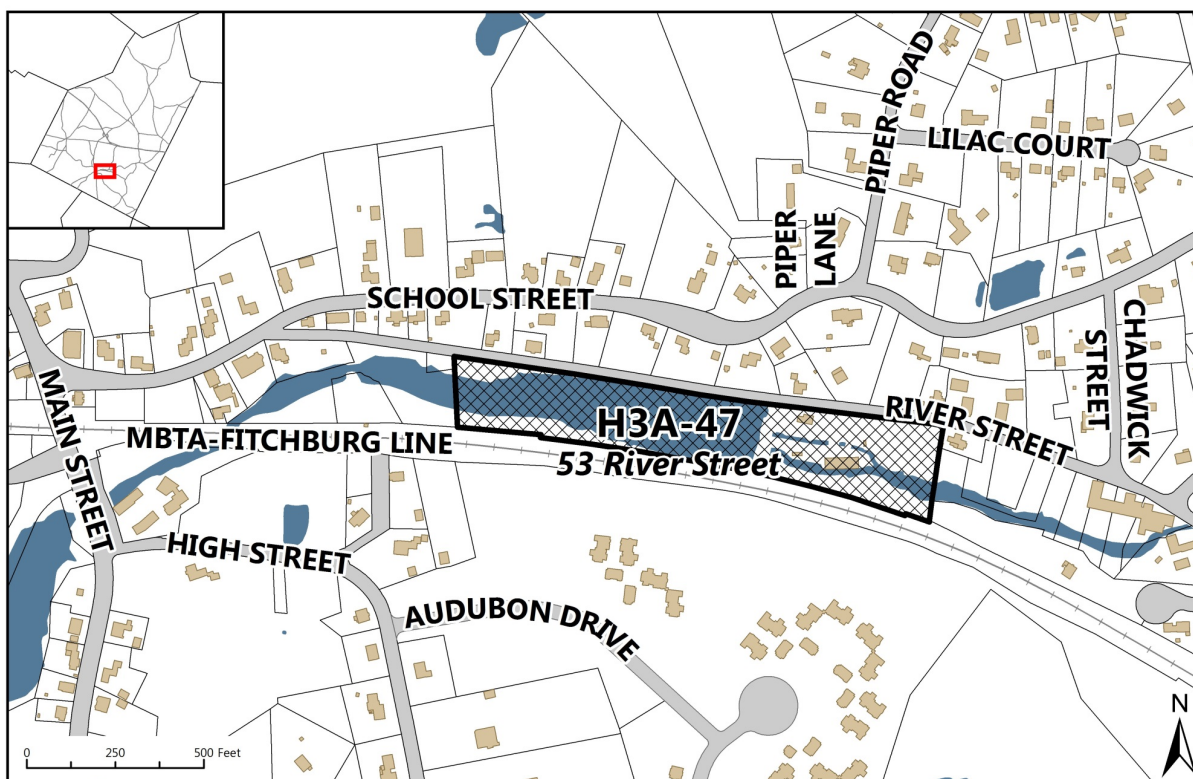
Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended
	(All Items)	(Except Items I & J)

Article 12 Transfer Real Property – 53 River Street
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to transfer real property commonly known as 53 River Street in Acton, consisting of approximately 7.26 acres, identified as Parcel 47 on the Town of Acton Assessor's Map H3A and recorded at the Middlesex South Registry of Deed at Book 68789, Page 272, which land is currently held for general municipal purposes from the Board of Selectmen to the Board of Selectmen for open space, historic preservation or recreation purposes, or take any other action relative thereto.

Summary

This article would authorize the Board of Selectmen to place open space, historic preservation or recreation usage restrictions on the Town-owned parcel at 53 River Street, acquired for general municipal purposes by the Town at the October 2016 Special Town Meeting.



Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Peter J. Berry: bos@actonma.gov / (978) 929-6611

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

Article 13 Disposition of Real Property – 348-364 Main Street
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to transfer the real property known as 348, 350, 352, 362 and 364 Main Street in Acton, consisting of a total of approximately 4.6689 acres, identified as Parcels 61, 61-1, 54, 32, and 33, respectively, on the Town of Acton Assessor's Map F3 and recorded at the Middlesex South Registry of Deed at Book 66745, Page 77, which land is currently held for general municipal purposes, from the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey such land for affordable housing purposes on such terms and conditions and for such consideration, which may be non-monetary consideration, as the Selectmen may determine in the Town's interest, or take any other action relative thereto.

Summary

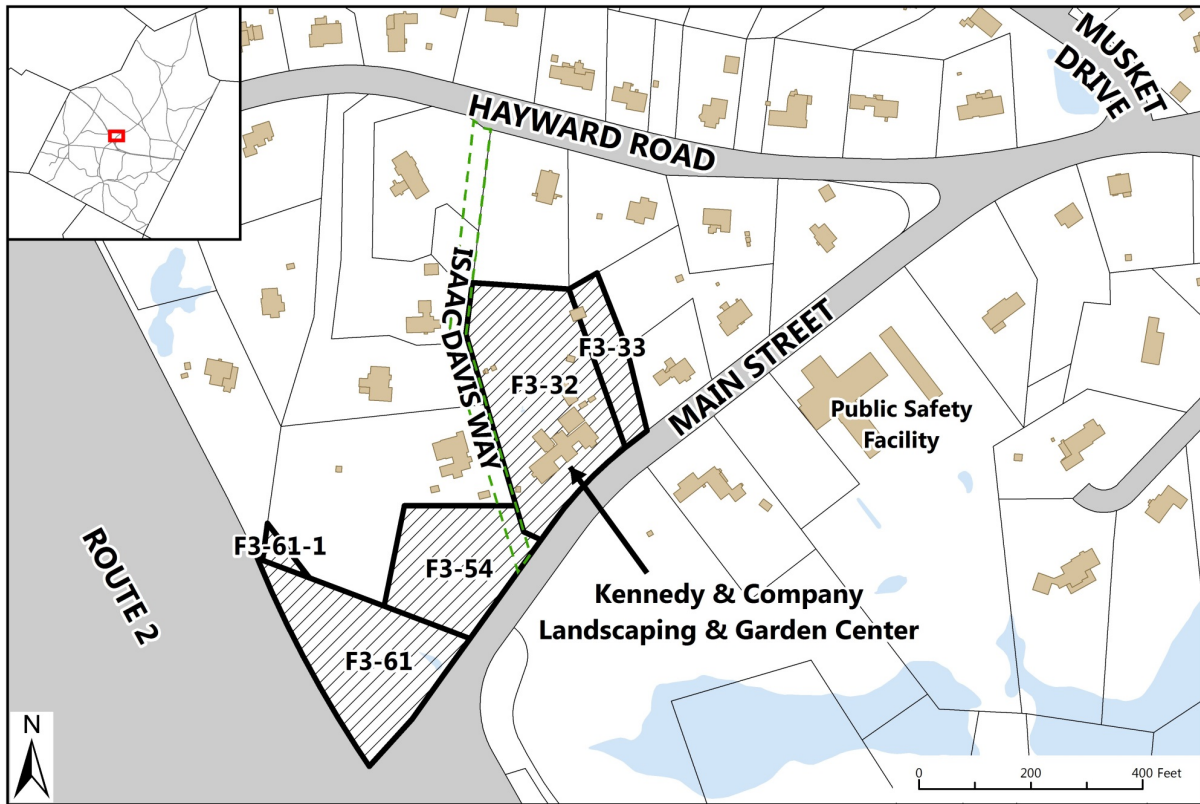
The property located at 348-364 Main Street was acquired by the Town in January 2016. In May 2016, the Board of Selectmen created the 348-364 Main Street Master Plan Special Committee to "consider options for future use of the property and... make written recommendations to the Selectmen".

The Committee began meeting in August 2016 and, after discussing a number of ideas for the parcel, hired Dale Design to help conceptualize options for the site. In June 2017, the Committee held a public forum to present five potential uses based on its discussions and work with Dale Design: seven "as-of-right" single family homes; multi-unit housing and open space; townhomes and a marketplace; a boutique "historic" inn and gardens; and optimizing the existing use. Dozens of residents attended and participated in a voting exercise to express their preferred option. The historic inn and restaurant received the most votes, followed by optimizing the existing use, and multi-unit housing. Following the public forum, the Committee investigated the feasibility of the top three options. The Acton Housing Authority paid for a feasibility study for a multi-unit, affordable housing development for seniors and people with disabilities and determined that a 31-unit development was feasible on the site.

After determining through a state-funded feasibility study that the hotel and restaurant concept was unlikely to work on the site, the Committee released an RFI in October 2018 to gather proposals directly from developers, committees, and other groups. The Committee received four responses from the Acton Housing Authority, NOW Communities, Winstanley Enterprises, and the Acton Dog Park Committee. The Acton Housing Authority proposed a 31-unit affordable housing development with a portion preserved for open space and a proposed \$1 million purchase price for the land. NOW Communities proposed 16 cottage-style, market rate houses with a smaller portion preserved for open space or community uses and a \$1.8 million purchase price. Winstanley Enterprises proposed 22 market rate modular homes with a \$500,000 purchase price. Finally, the Acton Dog Park Committee proposed a two to three-acre dog park with no purchase price for the land but that could be collocated with another use.

The Committee voted to bring the top two proposals – Acton Housing Authority and NOW Communities – along with option for optimizing the existing land use, to a public forum. At the January 2019 public forum, over 70 residents asked questions and voted for their preferred option, with around 90% supporting the Acton Housing Authority's proposal. It is important to note that Matthew Post, a direct abutter at 6 Isaac Davis Way, spoke representing a group of neighbors who voted unanimously to support the AHA proposal from the options generated by the RFI.

The Committee met on January 15, 2019 and voted unanimously to recommend that the Board of Selectmen dispose of the 348-364 Main Street parcel for the use outlined in the Acton Housing Authority proposal.



Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
 Selectman assigned: Katie Green: bos@actonma.gov / (978) 929-6611

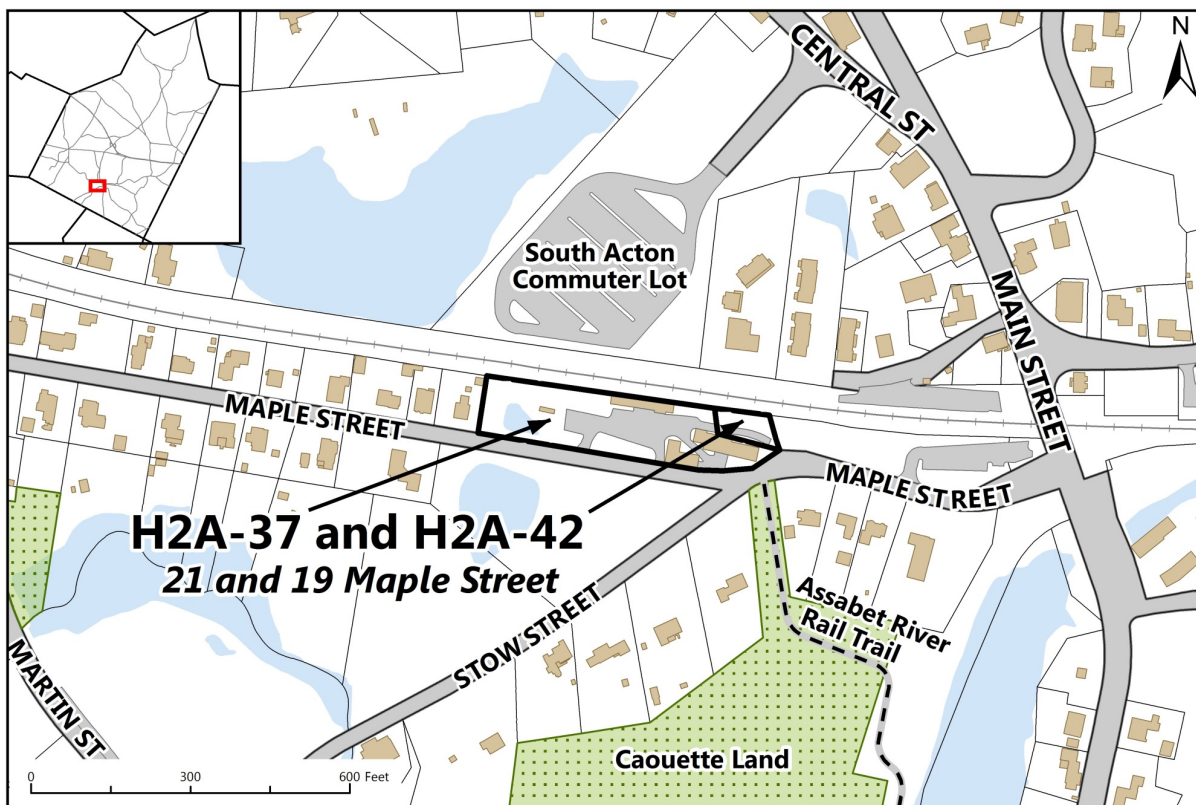
Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Deferred

Article 14 Land Acquisition or Lease – 19 & 21 Maple Street
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to (1) enter into a lease; (2) acquire by purchase, gift, eminent domain or otherwise and to accept a deed of fee simple interest, on such terms and conditions as the Selectmen may determine, and then dispose of all of a portion by entering into a lease back to the seller; or (3) acquire by purchase, gift, eminent domain or otherwise and to accept a deed of fee simple interest, on such terms and conditions as the Selectmen may determine, and for general municipal purposes, Parcels 42 and/or 37 as shown on the Town of Acton Atlas Map H2-A and in the deeds recorded at the Middlesex South Registry of Deeds in Book 45836, Page 526 and Book 11658, Page 673, respectively; and further to see if the Town will raise, appropriate, transfer from available funds, accept gifts and/or borrow a sum of money to be expended by the Town Manager for this purpose, or take any other action relative thereto.

Summary

The subject property is adjacent to the in-bound platform of the South Acton Commuter Rail Station. The lease agreement will allow the Town to operate a parking facility with approximately 40 parking spaces that will be made available to commuters to rent on a monthly basis.



Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Jon Benson: bos@actonma.gov / (978) 929-6611

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

Article 15 # Land Acquisition – 257 Central Street, Northern Subdivided Parcel
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept a deed of fee simple interest, on such terms and conditions as the Selectmen may determine and for general municipal purposes, the part of 257 Central Street that will, by April Town Meeting, have been subdivided from the main house. 257 Central is shown on the Town of Acton Atlas Map F2-B-2, and in the deed recorded at the Middlesex South Registry of Deeds in Book 14061, Page 255; and further to see if the Town will raise, appropriate, and/or transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

Summary (by Petitioner)

The owners of 257 Central Street have subdivided their lot, so that the parcel on the south side of corner of Central St and Pearl St can be a separate undeveloped lot in West Acton. This article would provide for the money and the authorization for the Town to buy the land to be used for a public park, for uses such as the Farmer's Market and other public uses which preserve the stand of shade trees on the parcel. The neighbors are petitioning to keep the land undeveloped as one of the very few natural stands of trees in the center of West Acton Village.

Direct inquiries to: Annette Lochrie: popppromos@gmail.com / (978) 399-4444
Selectman assigned: Katie Green: bos@actonma.gov / (978) 929-6611

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

Article 16 Fund Collective Bargaining Agreements
(Majority vote)

To see if the Town will raise and appropriate, transfer 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 employee unions as filed with the Town Clerk, or take any other action relative thereto.

- A. Acton Police Patrol Officers Association
- B. Acton Police Superior Officers (Massachusetts Coalition of Police Local 380)
- C. Public Safety Dispatchers (International Brotherhood of Teamsters Local 25)
- D. Highway, Municipal Properties and Cemetery (American Federation of State, County and Municipal Employees Local 1703)

Summary

This article requests funding for collective bargaining agreement cost items under the provisions of Massachusetts General Laws 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: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Peter J. Berry: bos@actonma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Deferred	Recommended (Item C)
		Deferred (Others)

Article 17 * **Demand Fees for Late Payments**
(Majority vote)

To see if the Town will authorize the Tax Collector to charge a \$15 fee for each written demand issued by the Tax Collector, to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, to become effective July 1, 2019, or take any other action relative thereto.

Motion

Move that the Town authorize the Tax Collector to charge a \$15 fee for each written demand issued as set forth in the Article.

Summary

This article requests to increase the Motor Vehicle, Real Estate and Personal Property demand fee to \$15 from the current \$5 to cover the increasing administrative costs associated with preparing and mailing such demands. The demand fee is the charge imposed on taxpayers when the Tax Collector issues them a demand for payment of delinquent taxes.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Janet K. Adachi: bos@actonma.gov / (978) 929-6611

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

Article 18 * **Commuter Lot & Station Maintenance**
(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 service fees, operation, maintenance or improvement of facilities and infrastructure at the South Acton Commuter Lot, including related incidental costs, or take any other action relative thereto.

Motion

Move that the Town raise from department receipts and appropriate \$76,900 for the purposes set forth in the Article.

Summary

This Article funds elevator maintenance, utilities and banking service fees for the operation of the commuter parking lot. Revenue in this fund is composed of fees from parking meters, resident and non-resident parking stickers and bicycle locker rentals.

Fund Balance 6/30/18	Budgeted Revenue FY19	Budgeted Expense FY19	Estimated Fund Balance 6/30/19
\$ 328,164	\$ 228,700	\$ 284,222	\$ 272,642

Budgeted Revenue FY20	Budgeted Expense FY20	Transfer to Transporation	Estimated Fund Balance 6/30/20
\$ 259,900	\$ 76,900	\$ 121,000	\$ 334,642

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Jon Benson: bos@actonma.gov / (978) 929-6611

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

Article 19 * **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 Laws Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

Motion

Move that the Town raise \$137,677 from department receipts, transfer \$20,000 from retained earnings and appropriate \$157,677 to operate the septage waste disposal program.

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 fund or to reduce user fees. Fund status is noted below (for budget detail see Municipal Supplement).

Fund Balance 6/30/18	Budgeted Revenue FY19	Budgeted Expense FY19	Estimated Fund Balance 6/30/19
\$ 133,374	\$ 117,157	\$ 187,157	\$ 63,374

Budgeted Revenue FY20	Budgeted Expense FY20	Estimated Fund Balance 6/30/20
\$ 137,677	\$ 157,677	\$ 43,374

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Joan Gardner: bos@actonma.gov / (978) 929-6611

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

Article 20 * **Transfer Station and Recycling Enterprise Budget**
(Majority vote)

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

Motion

Move that the Town raise from department receipts and appropriate \$618,800 for the purpose of solid waste disposal and recycling, and that the Town authorize the Town Manager to lease on such terms and conditions as he may determine vehicles and equipment for a period not to exceed five years, and to sell, trade or otherwise dispose of vehicles and equipment being replaced and to expend any proceeds so received.

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 6/30/18	Budgeted Revenue FY19	Budgeted Expense FY19	Estimated Fund Balance 6/30/19
\$ 652,663	\$ 519,387	\$ 619,387	\$ 552,663

Budgeted Revenue FY20	Budgeted Expense FY20	Estimated Fund Balance 6/30/20
\$ 618,800	\$ 618,800	\$ 552,663

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Katie Green: bos@actonma.gov / (978) 929-6611

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

Article 21 * Sewer Enterprise Budget
(Majority vote)

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

Motion

Move that the Town raise \$1,788,330 from department receipts, transfer \$341,840 from retained earnings and appropriate \$2,130,170 for the purpose of operating the sewer system.

Summary

This article requests funding for operation of the municipal sewer system. Sewer charges, private sewer treatment plant fees, connection fees, sewer inspector fees, betterments, State and Federal aid for sewers, and any other income derived from the operation of the municipal sewer system will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of sewerage disposal for the system. Fund status is noted below (for budget detail see Municipal Supplement).

Fund Balance 6/30/18	Budgeted Revenue FY19	Budgeted Expense FY19	Estimated Fund Balance 6/30/19
\$ 1,339,856	\$ 1,800,000	\$ 2,237,647	\$ 902,209

Budgeted Revenue FY20	Budgeted Expense FY20	Estimated Fund Balance 6/30/20
\$ 1,788,330	\$ 2,130,170	\$ 560,369

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Janet K. Adachi: bos@actonma.gov / (978) 929-6611

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

Article 22 * **Ambulance Enterprise Budget**
(Majority vote)

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

Motion

Move that the Town raise \$1,030,941 from department receipts, raise \$180,000 from general revenues, transfer \$77,650 from retained earnings and appropriate \$1,288,591 for the purpose of operating the ambulance service.

Summary

This article requests an appropriation to operate the Town's ambulance service. The enterprise fund includes the salaries and benefits for nine Firefighter/EMT Paramedics allocated to this fund. 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 status is noted below (for budget detail see Municipal Supplement).

Fund Balance 6/30/18	Budgeted Revenue FY19	Budgeted Expense FY19	Estimated Fund Balance 6/30/19
\$ 533,125	\$ 1,095,949	\$ 1,220,949	\$ 408,125

Budgeted Revenue FY20	Budgeted Expense FY20	Estimated Fund Balance 6/30/20
\$ 1,210,941	\$ 1,288,591	\$ 330,475

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Peter J. Berry: bos@actonma.gov / (978) 929-6611

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

Article 23 * **Transportation Enterprise Budget**
(Majority vote)

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

Motion

Move that the Town raise \$261,400 from department receipts, raise \$260,000 from general revenues, transfer \$121,000 from commuter lot parking fees fund balance and appropriate \$642,400 for the purpose of operating the transportation service.

Summary

The transportation program has been funded through Annual Town Meeting appropriations since 2009. This article will continue the Transportation Enterprise Fund from which all transportation programs will operate. The Council on Aging Van, formerly funded from a separate Council on Aging Van Enterprise Fund, is operated and funded from the Transportation Enterprise Fund. Also included in this fund are the MinuteVan transportation services; the Dial-A-Ride (general public), Rail Shuttle (commuters), the Road Runner service (seniors and people with disabilities) and a fixed route business/customer/employee service. This service has hourly runs with stops along Great Road, Kelley's Corner, West Acton Center and South Acton Center. All of these programs run Monday through Friday and are dedicated to meet the needs of commuters, local travelers, seniors and people with disabilities. Matching funds for portions of the programs are received from the Lowell Regional Transportation Authority and the Massachusetts Department of Transportation. Funds from the Commuter Parking lot fund are also dedicated to the Rail Shuttle service.

Fund Balance 6/30/18	Budgeted Revenue FY19	Budgeted Expense FY19	Estimated Fund Balance 6/30/19
\$ 30,371	\$ 565,137	\$ 587,137	\$ 8,371

Budgeted Revenue FY20	Budgeted Expense FY20	Estimated Fund Balance 6/30/20
\$ 642,400	\$ 642,400	\$ 8,371

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Joan Gardner: bos@actonma.gov / (978) 929-6611

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

Article 24 * **Revolving Fund Budgets**
(Majority vote)

To see if the Town will vote to limit the total amount that may be expended from the revolving funds for the Historic District Commission, Building Department, Health Department, Transportation Service, Fire Department and Public Works Department as noted in the FY20 Authorized Expense column in the table below, or take any other action relative thereto.

Fund Balance 6/30/2018	FY19 Budgeted Revenue	FY19 Budgeted Expense	Fund Balance 6/30/2019	FY20 Estimated Revenue	FY20 Authorized Expense
Historic District Commission					
\$ 1,940	\$ 200	\$ 200	\$ 1,940	\$ 200	\$ 200
Building Department					
141,767	257,483	257,483	141,767	257,962	257,962
Sealer of Weights and Measures					
73,206	30,557	30,557	73,206	27,085	27,085
Hazardous Materials Inspection					
22,012	29,162	29,162	22,012	55,792	55,792
Food Service Inspection					
15,241	46,870	46,870	15,241	57,383	57,383
Stormwater					
72,524	19,550	19,550	72,524	54,685	54,685
CrossTown Connect					
0	180,000	180,000	0	180,000	180,000
Fire Alarm Network					
122,288	116,415	116,415	122,288	65,115	65,115
Roadway Maintenance					
0	47,000	47,000	0	47,000	47,000
Total				\$ 745,222	\$ 745,222

Motion

Move that all revolving funds be authorized and continued in the amounts, for the purposes, and with the limits on the total amount that may be expended as set forth in the Article.

Summary

This Article limits on an annual basis the amount that may be expended from each of the respective revolving funds. All monetary figures are rounded to the nearest dollar.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Jon Benson: bos@actonma.gov / (978) 929-6611

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

Article 25 Accept Legislation - Agricultural Commission
(Majority vote)

To see if the Town will vote to accept Chapter 40, Section 8L of the Massachusetts General Laws to create an Agricultural Commission to be appointed by the Board of Selectmen.

Summary

Farming and other agricultural uses of land, such as equine and forestry operations, benefit communities in myriad ways. These uses conserve natural resources; protect undeveloped land and the environmental services it provides; offer wildlife habitat and related corridors; preserve culturally and historically important vistas, and rural heritage; provide carbon storage; act as important educational resources to public, and especially children's, understanding of agriculture and the food system; and provide useful, locally grown food, wood, and fiber products.

The purposes of an Acton Agricultural Commission are to support and encourage the conservation, protection, maintenance, and improvement of agricultural land through agricultural uses and for those benefits described above.

An Acton Agricultural Commission may:

- encourage, facilitate, and promote farming, forestry, equine, and other agricultural pursuits in Acton (which may include community gardens, farmers markets, and agricultural institutions and events)
- educate the public about the agricultural sector, and help integrate it in community culture
- act as a community information resource on agricultural matters
- convene agricultural expertise to inform local decision making, including land use planning
- assist, when useful, in resolution of agriculture-related disputes
- support sustainable agricultural economic development
- work to preserve agricultural and forest lands
- advise the Board of Selectmen, Town Manager, and/or any relevant Town board, committees, or staff on matters involving agriculture

The commission would consist of five regular members, and associate members at the discretion of the Board of Selectmen. Members must be Acton residents or operators of agricultural, equine, or forestry operations within the Town. Members shall be substantially knowledgeable about the agricultural sector, and appointments to the commission shall seek to include individuals actively engaged in such operations in Acton.

Member terms would be as follows: two members for terms of three years; two members for terms of two years, and three thereafter; and one member for a term of one year, and three years thereafter. The Board of Selectmen would consider recommendations from the Agricultural Commission to fill vacancies going forward.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Janet K. Adachi: bos@actonma.gov / (978) 929-6611

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

Article 26 Amend General Bylaws – Right to Farm
(Majority vote)

To see if the Town will vote to amend the General Bylaws of the Town by adding Chapter AA, Right to Farm, to read as follows, or take any other action relative thereto.

Section 1: Legislative Purpose and Intent

- A. The purpose and intent of this bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A. We the citizens of Acton restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").
- B. This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within the Town of Acton by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This bylaw shall apply to all jurisdictional areas within Town of Acton.

Section 2: Definitions

- A. "Farming" and "agriculture" shall have the same meaning as in General Laws Chapter 128, Section 1A.
- B. Notwithstanding the foregoing, for the purposes of this General Bylaw, "farming" and "agriculture" shall not include the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, or containing of marijuana, as defined in General Laws Chapter 94G, Section 1.

Section 3: Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Acton. Agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this bylaw are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4: Disclosure Notification

Within 30 days after this bylaw becomes effective, the Board of Selectmen shall prominently post in the Town Hall, Public Libraries, Town Notice Boards, the official Town website, and make available for distribution the following disclosure: "It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers and occupants that the property they are about to

acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors.

In addition to the above, copies of this disclosure notification shall be available in a public area at the Town Hall.

Section 5: Resolution of Disputes

- A. This section shall apply only if the Town of Acton has established an Agricultural Commission in accordance with M.G.L. c. 40, § 8L.
- B. “Comments” shall mean either written comments on behalf of or an appearance by an agent of the Agricultural Commission at a public hearing.
- C. When a dispute within the Zoning Enforcement Officer’s or Zoning Board of Appeals’ jurisdiction concerns agricultural activities, the Zoning Enforcement Officer or Zoning Board of Appeals shall obtain comments from the Agricultural Commission or its agent. The Zoning Enforcement Officer or Zoning Board of Appeals may require that those comments be given in writing.
- D. When a dispute which does not present imminent danger or risk to public health within the Board of Health’s jurisdiction concerns agricultural activities, the Board of Health shall obtain comments from the Agricultural Commission or its agent. The Board of Health may require that those comments be given in writing.
- E. All other Town officers and employees may request comments from the Agricultural Commission in addressing concerns or resolving disputes relating to farming or agricultural activities. Any officer or employee requesting comments may require that those comments be given in writing.

Section 6: Severability Clause

If any part of this bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of Acton hereby declares the provisions of this bylaw to be severable.

Summary

Farming and other agricultural uses of land benefit communities in myriad ways: conserving natural resources; protecting undeveloped land and the environmental services such land provides; offering wildlife habitat and corridors; preserving culturally and historically important vistas, and rural heritage; providing carbon sequestration; acting as important educational resources to public (especially children’s) understanding of agriculture and the food system; and providing useful food, wood, and fiber products.

Right to Farm laws have been widely adopted in the United States to help farming and farmland remain viable, and help protect them in the face of increasing development pressures. The Massachusetts Constitution protects the right to farm; local right-to-farm bylaws allow each community to endorse the right to farm as it deems appropriate.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Janet K. Adachi: bos@actonma.gov / (978) 929-6611

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

Article 27 Amend General Bylaws – Chapter N, Demolition Delay
(Majority vote)

To see if the Town will vote to amend the General Bylaws of the Town by replacing Chapter N, in its entirety with the following, or take any other action relative thereto.

CHAPTER N

**PROCEDURE FOR THE DEMOLITION OF
HISTORICALLY OR ARCHITECTURALLY
SIGNIFICANT BUILDINGS**

N1. Intent and Purpose

This bylaw is adopted for the purpose of preserving and protecting significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the town; to encourage owners of such buildings to preserve, move, rehabilitate or restore such buildings rather than demolish them or to seek out persons who might be willing to purchase such buildings and preserve, rehabilitate or restore them. To achieve these purposes the Acton Historical Commission (hereinafter the "Commission") is empowered to advise and authorize the Building Commissioner with respect to the issuance of permits for demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided by this bylaw.

N2. Definitions

- 2.1 "Building"** - any combination of materials forming a shelter for persons, animals, or property.
- 2.2 "Demolition"** - any act of pulling down, destroying, removing, or razing a building or more than 25% of any single façade or any significant architectural or structural feature visible from the exterior of the building, or commencing the work of total or substantial destruction with the intent of completing the same; demolition does not include the mere replacement of roofing, siding, windows, or trim for maintenance or repair. For purposes hereof, "significant architectural or structural features" include but are not limited to porticos, bay windows, roof lines, dormers, or other unique features of a building.
- 2.3 "Significant Building"** - any building or portion thereof not within an Historic District but which:
- a.** is listed on, or is within an area listed on, the National Register of Historic Places, or is the subject of a pending application for listing on said National Register; or
 - b.** is included in the Cultural Resources Inventory prepared by the Commission or on the MACRIS database maintained by the Massachusetts Historical Commission, including those buildings listed for which complete survey forms may be pending; or
 - c.** has been determined by vote of the Commission to be historically or architecturally significant in terms of period, style, method of building construction, or association

with a famous architect or builder, or an historically or culturally significant person, provided that the owner of such a building and the Building Commissioner have been notified, in hand or by certified mail, within ten (10) days of such vote.

2.4 "Commission" - the Acton Historical Commission.

N3. Procedure

3.1 Within seven (7) days of receipt of an application for a demolition permit for a significant building the Building Commissioner shall forward a copy thereof to the Commission. The Building Commissioner shall also notify the Commission (by e-mail or similarly expedient means) when such a permit has been sent to the Commission for consideration. No demolition permit shall be issued at that time.

3.2 Within sixty-five (65) days of the date that the Commission receives the application from the Building Commissioner, the Commission shall conduct a public hearing and shall give (at applicant's cost) public notice thereof by publishing notice of the time, place and purpose of the hearing in a local news publication at least fourteen (14) days before said hearing and also, within fourteen (14) days of said hearing, shall mail a copy of said notice to the applicant and to the abutters of the property.

3.3 If, after such hearing, the Commission determines that the demolition of the significant building would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the Building Commissioner within ten (10) days of such determination. Upon receipt of such notification, or after the expiration of ten (10) days from the date that the hearing was closed if he has not received notification from the Commission, the Building Commissioner may, subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations, issue the demolition permit.

3.4 If the Commission determines that the demolition of the significant building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a preferably-preserved significant building.

3.5 Upon determination by the Commission that the significant building which is the subject of the application for a demolition permit is a preferably-preserved significant building, the Commission shall so advise the applicant and the Building Commissioner, within ten (10) days of said hearing, and no demolition permit may be issued until at least twenty-four (24) months after the date of such determination by the Commission for any significant building that falls into one of the categories identified in Section 2.3.a. of this bylaw, or until eighteen (18) months after the date of such determination by the Commission for any significant building that falls into one of the categories identified in Sections 2.3.b. or 2.3.c. of this bylaw.

Any determination on a demolition permit application that is made by the Commission is granted to the owner filing the application and may not be transferred to a successor owner unless approved in writing by the Commission. At a duly called meeting, the Commission may agree to a transfer of the determination if the transferee has proposed a preservation plan for the Building, or upon a showing of hardship by the applicant, or for other equitable reasons, if the Commission is satisfied with any such proposed justification(s).

Any determination under Section 3.3 herein expires two (2) years from the date of such determination. If demolition has not occurred prior to such date, a new application for a demolition permit must be filed and processed in accordance with this bylaw prior to any subsequent demolition. Any demolition permit issued after a delay imposed under Section 3.5, including as such delay may be modified by Section 3.6, shall expire two (2) years from the date of its issuance. A new demolition application shall be required thereafter and shall be processed in accordance with this bylaw.

3.6 Notwithstanding the preceding section, the Building Commissioner may issue a demolition permit for a preferably-preserved significant building at any time after receipt of written advice from the Commission to the effect that either:

a. the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or

b. the Commission is satisfied that for at least six (6) months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, including listing on the Multiple Listing Service (MLS) or comparable residential property sales listing service, and that such efforts have been unsuccessful.

N4. Enforcement and Remedies

4.1 The Commission and the Building Commissioner are each authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance with the requirements of this bylaw, or to prevent a violation thereof.

4.2 No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this bylaw for a period of three (3) years after the date of the completion of such demolition unless authorized by the Commission pursuant to Section 4.4. As used herein "premises" includes the parcel of land upon which the demolished significant building was located.

4.3 Upon a determination by the Commission that a building is a preferably-preserved significant building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Commissioner. Should the owner fail to secure the building, the loss of such building through fire or other cause shall be considered voluntary demolition for the purposes of Section 4.2.

4.4 At any time, the owner of property on which a significant building has been voluntarily demolished in violation of Sections 4.2 or 4.3 of this bylaw can apply in writing to the Commission for an exemption to the provisions of Sections 4.2 or 4.3, such application to state with particularity the facts and circumstances to prove to the Commission that an exemption is warranted due to (i) exigent circumstances or disasters beyond the owner's (and, if different than the owner, the permit applicant's) control, or (ii) documentation evidencing the owner's intent to complete a faithful restoration of the demolished building. The Commission may in its discretion determine that the written request states sufficient grounds for exemption from the provisions Sections 4.2 or 4.3 and authorize an exemption from this bylaw. Any exemption granted pursuant to this

Section 4.4 shall apply only to the voluntary demolition for which the owner submitted a written exemption request, and not for any subsequent voluntary demolition to which this bylaw would otherwise apply.

4.5 No demolition permit for a preferably-preserved significant building shall be granted until all approvals and permits are granted for subsequent development. Necessary approvals may include but are not limited to building permits, zoning variances or special permits, licenses, easements and subdivisions of the premises. All appeals from the granting of such approvals must be concluded before the demolition permit may be issued. The Commission may, in its discretion, waive this provision upon a showing by an applicant that no development shall be undertaken for a minimum of five years. Upon the granting of such waiver, the applicant and the Commission shall enter into an agreement to memorialize the applicant's commitment and such agreement may be recorded in the Middlesex County registry of deeds.

N5. Municipal Buildings

No provision of this bylaw shall apply to buildings owned or operated by the Town of Acton or the Acton Water District. (This section was inserted at the Special Town Meeting of 11/28/90) Notwithstanding the foregoing, the Town shall consult in good faith with the Commission prior to finalizing any plans for the Demolition of any Significant Building owned by the Town of Acton or the Acton Water District.

N6. Local Historic Districts

This Bylaw shall not apply to any proposed demolition of a building which is located within a Local Historic District established under the Local Historic District Bylaw, Chapter P of the Town of Acton Bylaws. The Historic District Commission established under the Local Historic District Bylaw shall have sole jurisdiction over any demolition proposals within a Local Historic District.

N7. Severability

The sections, paragraphs, sentences, clauses and phrases of this bylaw are severable, and if any phrase, clause, sentence, paragraph or section of this bylaw shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrase, clauses, sentences, paragraphs and sections of this bylaw.

N8. Demolition on Account of Threat to Public Safety

Notwithstanding any other provision of this bylaw, nothing herein shall be construed to prevent the demolition of any building, structure or portion thereof in accordance with Chapter 111, Section 127B (Dwelling Unfit for Human Habitation) or Chapter 143, Sections 6 through 12 (Inspection and Regulation of, and Licenses for, Buildings, Elevators and Cinematographs). Prior to initiating proceedings under such statutes, the Board of Health or its agent under Chapter 111, or the Building Commissioner under Chapter 143, as the case may be, shall notify the Commission and receive its advice. The Commission shall be invited to the inspection, as may be required pursuant to the aforesaid statutes, of such building or structure.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Katie Green: bos@actonma.gov / (978) 929-6611

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

Article 28 Amend General Bylaws – Public Way Permits
(Majority vote)

To see if the Town will vote to amend Section E39 of Chapter E of the General Bylaws of the Town to read as follows:

E39. Public Way Obstruction/Destruction

No person shall break or dig up the surface for any purpose whatever; set or place any fence, post, tree, or edgestone, or alter or change the position or direction of any fence, post, tree or edgestone; swing any door or gate; or change the grade or width in, upon, or over any public way without the written license of the Board of Selectmen or its designee, which shall prescribe the limitations or restrictions of such activity.

[Note: Changes to this Section are reflected below by strikethrough for deletions and underline for additions:]

E39. Public Way Obstruction/Destruction

No person shall break or dig up the surface for any purpose whatever; set or place any fence, post, tree, or edgestone, or alter or change the position or direction of any fence, post, tree or edgestone; swing any door or gate; or change the grade or width in, upon, or over any public way without the written license of the Board of Selectmen or its designee, which shall prescribe the limitations or restrictions of such activity.]

or take any other action relative thereto.

Summary

This Article would amend the Town's General Bylaws to allow for the Board of Selectmen to designate a permitting authority to issue permits to perform work in public ways.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Joan Gardner: bos@actonma.gov / (978) 929-6611

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

Article 29 **Amend Town Charter – Planning Board Membership**
(Two-thirds vote)

To see if the Town will vote to amend Section 4-2 of the Charter of the Town of Acton, by changing the number of Planning Board members from seven (7) to five (5) and the number of Planning Board associate members from two (2) to one (1), or take any other action relative thereto.

Summary

A reduction in the Planning Board membership will allow the Planning Board to achieve the legally required quorums and super-majorities as necessary for holding hearings and deciding on subdivisions and special permits. Quorums and majorities must be calculated from the membership as stated in the Charter, not from the number of members serving on the Board at any given time. Planning Board members are volunteers. For many years it has been difficult to find enough volunteers to fill the total number of Planning Board positions. This has resulted in multiple and continuous vacancies. The proposed change will help avoid situations when the Board must cancel meetings or cannot vote on decisions due to insufficient numbers of Board members being able to attend. This results in delays and frustrates members of the public who come to attend hearings only to find out that the hearing must be rescheduled. In some cases rescheduling results in additional expenses for re-advertising public hearings to a new date. In a worst case scenario, the Board's inability to hear an application and render a timely decision could result in "constructive approvals" for failure to act on applications within the time frames set by State law.

According to Massachusetts General Laws Chapter 41, Section 81A, the Planning Board must have at least five (5) members and not more than nine (9) members. Massachusetts General Laws Chapter 40A, Section 9 provides that a Planning Board acting as a special permit granting authority may have associate members. On a historical note, the Planning Board membership in the Charter was increased from five (5) to seven (7) in 1988 at a time of particularly intense residential subdivision activity and in anticipation of the then-upcoming 1990 master planning effort. In order to become effective, this question will also appear on, and must be approved by, the ballot at the 2020 Annual Town Election.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Joan Gardner: bos@actonma.gov / (978) 929-6611

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

Article 30 **Amend Zoning Bylaw – Detached Accessory Apartments**
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw as set forth herein:

- A. In Section 3.8 - Accessory Use Regulations, amend Subsection 3.8.1.6 - Accessory Apartments as follows:
1. Delete paragraphs l) and m) and replace them with the following new paragraphs l) and m) and n):
 - l) The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT.
 - m) If a detached BUILDING on a LOT has been continuously in existence since before April 2, 2019 and its foot print and floor area, including the area of interior garage or parking spaces, is not expanded or enlarged thereafter, an apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms.
 - n) However, in the R-2, R-4, R-8, R-8/4, R-10, and R-10/8 Districts an apartment in such a detached BUILDING shall only be allowed with a Special Permit from the Planning Board.
 2. Insert new paragraphs o), p), q), and r) as follows:
 - o) An apartment in a detached BUILDING constructed after April 2, 2019 may have a GROSS FLOOR AREA of up to 500 square feet.
 - p) A LOT containing a BUILDING with a Principal Unit and an Apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.
 - q) The apartment in a detached BUILDING shall be installed on a permanent foundation.
 - r) The apartment in a detached BUILDING shall only be located in the side and rear yard.
- And renumber existing paragraph n) to become paragraph s).

[Note – Subsection 3.8.1.6 paragraphs l) and m) currently read:

l) The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT, if the detached BUILDING has been continuously in existence since before 2010 and has not been expanded or enlarged thereafter. An apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms. A LOT containing a BUILDING with a Principal Unit and an Apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.

m) However, in the R-2, R-4, R-8, R8/4, R-10, and R-10/8 Districts an apartment in such a detached BUILDING shall only be allowed with a Special Permit from the Board of Appeals.]

B. In Section 3.3 - Residential Uses (beginning of section), paragraph b), insert after “19D;” the following phrase:

“Accessory apartment in a detached BUILDING as provided under Section 3.8.1.6; “;

And in paragraph c) delete the phrase “a single FAMILY dwelling with one Apartment in a detached BUILDING under Section 3.3.2.10 of this Bylaw;”.

*[Note – Section 3.3. currently reads 3.3 Residential USES – Not more than one BUILDING for dwelling purposes shall be located upon a LOT, except:
a) in the following Districts: Village Districts (EAV, NAV, SAV, WAV); Residence A District (R-A); Residence AA District (R-AA);
b) for the following USES: Nursing Home; Full Service Retirement Community; Assisted Living Residence as defined in this Bylaw or in MGL Ch. 19D; and
c) where a special permit has been granted for the following: a Planned Conservation Residential Community (PCRC) under Section 9 of this Bylaw; an Independent SENIOR Residence under Section 9B of this Bylaw; an AFFORDABLE Housing Development under Section 4.4 of this Bylaw; a single FAMILY dwelling with one Apartment in a detached BUILDING under Section 3.3.2.10 of this Bylaw; a golf course under Section 3.5.17 of this bylaw.]*

, or take any other action relative thereto.

Summary

The existing Zoning Bylaw allows by right one accessory apartment within or attached to a building in all single-family residential zoning districts and on all lots with single-family use subject to certain standards regarding, size, design, owner occupancy of premises, and other matters. The existing Zoning Bylaw also allows the conversion by special permit of an existing freestanding barn or garage into one accessory apartment.

This article would amend the Zoning Bylaw to allow Accessory Apartment conversions of pre-existing buildings by special permit from the Planning Board, and to allow by right newly constructed detached buildings in all single-family residential zoning districts and on all lots with single-family use, subject to the existing standards for Accessory Apartments and additional standards set forth in the Article.

As demonstrated by Acton 2020 Objective 7.4 and Action Items 5.1.1.1 and 7.4.1 and the Housing Production Plan Strategy 5.3, there is a need for a diverse range of affordable housing options and a desire to support the financial ability of all residents to stay in Acton for a lifetime. This amendment addresses that need by removing barriers to increasing the range of housing options available to residents.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Joan Gardner: bos@actonma.gov / (978) 929-6611

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

Article 31 # Amend Zoning Bylaw – Accessory Apartments
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw as set forth herein:

A. In Section 3.8 – Accessory Use Regulations, amend Subsection 3.8.1.6 – Accessory Apartments as follows:

A.1. Delete paragraphs l) and m) and replace them with the following new paragraphs l) and m):

l) The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT.

m) If a detached BUILDING on a LOT has been continuously in existence since before April 2, 2019 and its footprint and floor area, including the area of interior garage or parking spaces, is not expanded or enlarged thereafter, an apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2,000 square feet, not including attic or basement areas, and up to three bedrooms, with a special permit from the Zoning Board of Appeals.

A.2. Insert new paragraphs n), o), p), and q) as follows:

n) An apartment in a detached BUILDING constructed after April 2, 2019, with a special permit from the Zoning Board of Appeals, may have a GROSS FLOOR AREA of up to 2,000 square feet.

o) A LOT containing a BUILDING with a Principal Unit and an Apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.

p) The apartment in a detached BUILDING shall be installed on a permanent foundation.

q) The apartment in a new detached BUILDING shall only be located in the side and rear yard, special permit from the Zoning Board of Appeals.

And renumber existing paragraph n) to become paragraph r)

B. In Section 3.3 – Residential Uses (beginning of section), paragraph b), insert after “19D;” the following phrase:

“Accessory apartment in a detached BUILDING as provided under Section 3.8.1.6;” And in paragraph c) delete the phrase “a single FAMILY dwelling with one Apartment in a detached BUILDING under Section 3.3.2.10 of this Bylaw;”.

Direct inquiries to: Terra Friedrichs: terra@stakeholderinterviews.com / (978) 808-7173

Selectman assigned: Joan Gardner: bos@actonma.gov / (978) 929-6611

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

Article 32 # Amend General Bylaws – Plastic Bag Reduction
(Majority vote)

To determine whether the Town will vote to amend the Town Bylaws by adding a Bylaw for the elimination of thin-film single-use plastic checkout bags as follows, or take any other action relative thereto.

Section 1. Purpose and Intent

The purpose of this bylaw is to regulate the retail use of single-use plastic checkout bags and promote the use of reusable bags in the Town of Acton. The reduction in the use of thin-film, single-use plastic checkout bags by retail establishments in the Town of Acton is a public purpose that has positive impacts on the environment including, but not limited to reducing solid waste and unnecessary strains on recycling resources; minimizing litter; reducing the carbon footprint of the Town; protecting local waterways; avoiding the waste of finite natural resources; protecting the marine environment and preserving the unique natural beauty of the Town of Acton.

Section 2. Definitions

“Checkout bag” - means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

“Thin-film single-use plastic checkout bag” – means those bags typically with handles, intended for single-use transport of purchases and made of film less than 4.0 mils (the thickness of four pieces of paper).

“Reusable checkout bag” - means a sewn bag with stitched handles (1) made of cloth or natural fibers that is machine-washable and designed for multiple use or (2) made of plastic other than polyethylene or polyvinyl chloride; (3) is durable, non-toxic and generally considered a food-grade material that is more than 4 mils thick.

“Recyclable paper bag” - means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and (3) displays this information re recyclability and content on the bag surface.

“Retail Establishment” — means any business facility (whether for-profit or not-for-profit) that sells goods directly to the consumer, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, and seasonal or temporary businesses.

Section 3. Regulations

3.1 On or after January 1, 2020, no retail establishment in the Town of Acton shall provide thin-film single-use plastic checkout bags to customers; If a retail establishment provides or sells checkout bags to customers, the bags must be one of the following:(1) a recyclable paper bag, or (2) a reusable checkout bag.

3.2 The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this bylaw

Section 4. Exemptions

4.1 Thin-film plastic bags typically without handles which are used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this bylaw.

Section 5. Enforcement

5.1 Enforcement of this bylaw shall be the responsibility of the Board of Health or his/her designee. The Board of Health shall determine the monitoring and enforcement processes to be followed incorporating those processes into other town duties as appropriate. This bylaw may be enforced by any lawful means in law or equity including, but not limited to, a non-criminal disposition as provided in the M.G.L. Ch. 40, §21D and appropriate chapter of the General Bylaws of the Town of Acton. If non-criminal disposition is elected, then any retail establishment that violates any provision of this bylaw may be subject to the following penalties: First Offense: written warning; Second Offense: \$50 penalty; Third and subsequent offenses: \$200 penalty

Section 6. Severability

6.1 Each section of this bylaw shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be invalid for any reason, the remainder of this bylaw shall continue in force.

Section 7. Effective Date

7.1 This bylaw shall take effect January 1, 2020.

Direct inquiries to: Carolyn Platt: cwplatt3@gmail.com / (978) 844-0183
Selectman assigned: Katie Green: bos@actonma.gov / (978) 929-6611

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

Article 33 # Non-Binding Resolution – Building Moratorium
(Majority vote)

We, the petitioners, want to ensure that Acton does not build beyond the capacity that its current water, road capacity, and other public infrastructure can support. There is state enabling law which allows towns to enact a “moratorium” on new residential building. We, the petitioners, request an article be placed on the April 2019 Town Meeting warrant, to see if the Town Members want to affirm that they want the town to propose a building moratorium bylaw at the April 2020 Town Meeting.

Action Requested

Be it resolved, that Town Meeting request the Board of Selectmen (BoS) to add to the April 2020 Town Meeting warrant, a Town Bylaw which places a moratorium for new residential building for 5 years. The purpose of the moratorium is to provide the Town relief from processing building permit applications, so that the Town can prepare a new Master Plan, which addresses how to build “sustainably” with regard to environmental, road capacity, school capacity and other public resource limits and to ensure that the Town is capable of providing the services necessary to support future development. Such a moratorium, may include exemptions for “public necessity” building, which the Town can define during the hearings.

This article, is non-binding. This article, if passed, would not change law. This article, if passed, would NOT commit the town to anything. While we hope that the BoS will respect Town Meeting’s vote on this matter, and prepare a bylaw for Town Meeting to consider in 2020. If passed, the BoS can legally ignore the vote of this current article. The intent of this article is to inform the BoS whether this Town Meeting wants a building moratorium.

Direct inquiries to: Terra Friedrichs: terra@stakeholderinterviews.com / (978) 808-7173
Selectman assigned: Janet K. Adachi: bos@actonma.gov / (978) 929-6611

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

Article 34 # Non-Binding Resolution – Development Rate Limitation Bylaw
(Majority vote)

We, the petitioners, want to ensure that Acton does not build beyond the capacity that its current water, road capacity, and other public infrastructure can support. We the petitioners want the Town to draft a bylaw, modeled after state enabling law which allows towns to place a limit on the number of new buildings permitted each year.

We, the petitioners, request an article be placed on the April 2019 Town Meeting warrant, to see if the Town Members want to affirm that they want the town to propose a building rate limitation bylaw at the April 2020 Town Meeting.

Action Requested

Be it resolved, that Town Meeting request the Board of Selectmen (BoS) to add to the April 2020 Town Meeting warrant, a Town Bylaw which limits new construction to be consistent with the Town's capacity to accommodate new development and provide the services needed to support that development.

This article, is non-binding. This article, if passed, would not change law. This article, if passed, would NOT commit the town to anything. While we hope that the BoS will respect Town Meeting's vote on this matter, and prepare a bylaw for Town Meeting to consider in 2020. If passed, the BoS can legally ignore the vote of this current article. The intent of this article is to inform the BoS whether this Town Meeting wants a bylaw to limit the rate of development.

Direct inquiries to: Terra Friedrichs: terra@stakeholderinterviews.com / (978) 808-7173

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

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

Article 35 # Non-Binding Resolution – Land Clearing Limits
(Majority vote)

We, the petitioners, want to reduce the destruction of green space in Acton. There is state enabling law [Cape Cod Commission Model Bylaws] which allows towns to enact “land clearing limits”. Acton has a land clearing limits bylaw already. However, we, the petitioners, do not believe it is effective in limiting the amount of land cleared.

We, the petitioners, request an article be placed on the April 2019 Town Meeting warrant, to see if the Town Members want to affirm that they want the town to propose a stronger land clearing limits bylaw at the April 2020 Town Meeting.

Action Requested

Be it resolved, that Town Meeting request the Board of Selectmen (BoS) to add to the April 2020 Town Meeting warrant, a Town Bylaw which limits the amount of land cleared to a specific %. The purpose of the moratorium is so that the Town can use its authority to limit unnecessary building.

This article, is non-binding. This article, if passed, would not change law. This article, if passed, would NOT commit the town to anything. While we hope that the BoS will respect Town Meeting’s vote on this matter, and prepare a bylaw for Town Meeting to consider in 2020. If passed, the BoS can legally ignore the vote of this current article. The intent of this article is to inform the BoS whether this Town Meeting wants a building moratorium.

Direct inquiries to: Terra Friedrichs: terra@stakeholderinterviews.com / (978) 808-7173

Selectman assigned: Peter J. Berry: bos@actonma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Not Recommended	No Recommendation

Article 36 #
(Majority vote)

Non-Binding Resolution – Limit Size of New Single Family Houses

We, the petitioners, want to reduce the destruction of green space in Acton. We, the petitioners, request an article be placed on the April 2019 Town Meeting warrant, to see if the Town Members want to affirm that they want the Town to propose a zoning bylaw to limit the size of new residential buildings to a maximum number of square feet, and to propose that bylaw at the April 2020 Town Meeting. The purpose of this petition is to avoid what is commonly known as “McMansions”.

Action Requested

Be it resolved, that Town Meeting request the Board of Selectmen (BoS) to add to the April 2020 Town Meeting warrant, a Town Bylaw which limits the size of new single family homes to 4,000 square feet or less.

This article, is non-binding. This article, if passed, would not change law. This article, if passed, would NOT commit the town to anything. While we hope that the BoS will respect Town Meeting’s vote on this matter, and prepare a bylaw for Town Meeting to consider in 2020. If passed, the BoS can legally ignore the vote of this current article. The intent of this article is to inform the BoS whether this Town Meeting wants to further limit the size of new single family homes.

Direct inquiries to: Terra Friedrichs: terra@stakeholderinterviews.com / (978) 808-7173

Selectman assigned: Joan Gardner: bos@actonma.gov / (978) 929-6611

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

Article 37 #
(Majority vote)

**Non-Binding Resolution – Do Not Add Turning Lanes at Route 111
and Route 27**

We, the petitioners, want a Kelley’s Corner design that prioritizes pedestrian, nature, and small business, over easing regional car congestion and over accommodating developers. We request an article be placed on the April 2019 Town Meeting warrant, to see if the Town Members want to affirm that they want a more progressive design which:

- does not add turning lanes to the existing intersection
- prioritizes pedestrian safety, saving the old trees, and preserving existing small business parking over prioritizing the goal of decreased car congestion;

Action Requested

Be it resolved, that Town Meeting request the Board of Selectmen (BoS) to

- prepare an alternate 25% design that would not add turning lanes to the main intersection
- present the design to the public no later than 90 days before the 75% design is submitted to the state.

This article, is non-binding. This article, if passed, would not change law. This article, if passed, would NOT commit the town to anything. While we hope that the BoS will respect Town Meeting’s vote on this matter, if passed, the BoS can legally ignore the vote. The intent of this article is to inform the BoS whether this Town Meeting wants a change to the proposed “25% design” to be less car-centric. The intent of this article is to see if Town Meeting wishes to inform the BoS that we feel the proposed “25% design” is overly focused on moving car traffic, and not focused enough on minimizing pedestrian risk, minimizing impact to old trees, and minimizing impact on small business.

Direct inquiries to: Terra Friedrichs: terra@stakeholderinterviews.com / (978) 808-7173

Selectman assigned: Jon Benson: bos@actonma.gov / (978) 929-6611

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

Action Requested

Be it resolved that this Town Meeting requests the Board of Selectmen (BoS) to take the following action regarding the KMart parcels (Parcel numbers: F3-116, F2-129-I, F3-139): take the necessary steps to prevent state agencies from providing zoning relief on the parcels, by declaring the intent of the Town of Acton to exercise its authority to take ownership of said parcels by eminent domain, taking, or conventional land purchase, or any other purchase method. Or take any action relative thereto.

Reasoning

Turning Kelley's Corner into a town center is a stated Master Plan objective. The KMart parcels may be the last opportunity to gain that center, when KMart's lease ends, or it no longer can perform under that lease. We can not leave the future of the parcels to chance. Without the requested action, the parcels could be vulnerable to development which would not meet the goals of this Town Meeting. Zoning has limited effectiveness, and can be superseded by state zoning relief. We have the opportunity to control our destiny as a town by taking preemptive action to ensure that whatever is developed on the parcels meets the needs of the town.

This article, is non-binding. This article, if passed, would not change law. This article, if passed, would NOT commit the town to buying the parcel. This article, if passed will not commit the town to anything. While we hope that the BoS will respect Town Meeting's vote on this matter, and take the requested action, the BoS can legally ignore the outcome of this current article. The intent of this article is to inform the BoS whether this Town Meeting wants the BoS to take the requested action.

The action requested is not to complete the purchase at this time. This action is to start the process, with the purchase being authorized by a binding vote at the next Acton Town Meeting.

Direct inquiries to: Maria Pickett: maria.pickett@gmail.com / (520) 232-4616

Selectman assigned: Jon Benson: bos@actonma.gov / (978) 929-6611

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

Article 39 * Amend General Bylaws – Stormwater Management Revisions
(Majority vote)

To see if the Town will vote to amend Chapter X of the General Bylaws of the Town of Acton as follows:

A. In X2. Purpose, delete Section 2.2 in its entirety and replace it with the following revised Section 2.2:

2.2 This Bylaw is intended to provide design standards for erosion control and stormwater management and to address gaps in jurisdiction for stormwater management requirements in the Town of Acton Bylaws and the Massachusetts Wetlands Protection Act.

[Note – Section 2.2 currently reads: This Bylaw is intended to address gaps in jurisdiction for stormwater management requirements in the Town of Acton Bylaws and the Massachusetts Wetlands Protection Act.]

B. In X5. Applicability, at the end of Section 5.1, delete the references to Sections 4.1 & 4.2 and replace it with references to Section 6.1 & 7.1 respectively.

[Note – Section 5.1 currently reads: This Bylaw shall apply to all Land Disturbances and Development within the jurisdiction of the Town of Acton. Except in accordance with a Land Disturbance Permit issued pursuant to this Bylaw, no Person shall perform any Land Disturbance that results in one or more of the Regulated Activities defined in Section 4.1 that is not an Exempt Activity listed in Section 4.2.]

C. In X6. Regulated Activities, insert a new subsection 6.1.5 as follows:

6.1.5 Land Disturbance or Development requiring another Town project approval process with requirements to meet the design standards of the Chapter X General Bylaw. These approval processes include but are not limited to: site plan special permits, comprehensive permits and subdivision approvals.

D. In X7. Exempt Activities, delete subsection 7.1.1 in its entirety, and renumber current subsections 7.1.2 through 7.1.7 to become subsections 7.1.1 through 7.1.6 respectively.

[Note – subsection 7.1.1 currently reads: Activities for which all Stormwater management has been reviewed and approved as part of an order of conditions issued by the Acton Conservation Commission.]

E.1 In X7. Exempt Activities, in header paragraph of Section 7.2 delete the reference to Section 4.1(1) and replace it with the reference to Section 6.1.

E.2 In X7. Exempt Activities, delete subsection 7.2.1 and replace it with a new subsection 7.2.1 as follows:

7.2.1 Activities for which all Stormwater management has been reviewed and approved as part of an order of conditions issued by the Acton Conservation Commission.

E.3 In X7. Exempt Activities, insert a new subsection 7.2.2 as follows:

7.2.2 Improvement of Town-owned public ways and appurtenances that will not result in an expansion of impervious cover of more than 5,000 square feet and do not exceed thresholds regulated under the EPA MS4 Permit.

And, renumber current subsections 7.2.2 and 7.2.3 to become subsections 7.2.3 and 7.2.4 respectively.

[Note – Deleted subsection 7.2.1 currently reads: Improvement of Town-owned public ways and appurtenances that will not result in an expansion of impervious cover of more than 5,000 square feet.]

- F.1 In X8. Within Section 8.3.3, delete the reference to Section 1.2 and replace it with the reference to Section 2.1.

[Note – Section 8.3.3 currently reads: Specify the performance standards for construction and post-construction Stormwater management measures, and/or the Best Management Practices for control of Stormwater, that are reasonable and appropriate to achieve the objectives listed in Section 1.2 of this Bylaw.]

- F.2 In X8. Within Section 8.6, delete the reference to Section 5.3 and replace it with the reference to Section 8.2.

[Note – Section 8.6 currently reads: In the absence of Regulations promulgated pursuant to Section 5.3, the Implementing Authority shall use the Massachusetts Stormwater Standards, as elaborated in the latest edition of the Massachusetts Stormwater Management Handbook, as the performance standards for Land Disturbance Permits.]

- G In X9. Within Section 9.1, delete the reference to Section 5 and replace it with the reference to Section 8.

[Note – Section 9.1 currently reads: Permit procedures and permit filing requirements shall be defined in Regulations promulgated as provided in Section 5 of this Bylaw.]

- H.1 In X12. Within Section 12.3, delete the reference to Section 5.5 and replace it with the reference to Section 8.8.

[Note – Section 12.3 currently reads: Any Applicant may submit a written waiver request. Such a request shall be accompanied by an explanation or documentation supporting the waiver request. A waiver request may be submitted with a Land Disturbance Permit Application, but is not required to be. The notice requirements of Section 5.5 apply in either case.]

- H.2 In X12. Within Section 12.5, delete the reference to Section 9.6 and replace it with the reference to Section 12.6.

[Note – Section 12.5 currently reads: A decision on a waiver request shall be made by the Implementing Authority within 30 days of receiving all requested information (or within 30 days of receiving the waiver request if no additional information is requested). A copy of the waiver decision shall on the same business day be filed with the Town Clerk. A waiver request shall be deemed denied if not acted upon within the aforementioned time period. Certification by the Town Clerk that the allowed time has passed without the action of the Implementing Authority shall be deemed a denial of the waiver for the purpose of review as set forth in Section 9.6.]

- I In X13. Within Section 13.5, delete the reference to Section 10.4 and replace it with the reference to Section 13.4.

[Note – Section 13.5 currently reads: Non-Criminal Disposition. As an alternative to a penalty under Section 10.4 or a civil action to enforce the Bylaw, the Town of Acton may

elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and the Town of Acton General Bylaws Chapter E 45, in which case the Implementing Authority or authorized agent shall be the enforcing person. The penalty for the first violation shall be \$100 per day. The penalty for the second violation shall be \$200 per day. The penalty for the third and subsequent violations shall be \$300 per day. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.]

Motion

Move that the Town adopt the General Bylaws amendments as set forth in the Article.

Summary

In 2015, the Town adopted General Bylaw Chapter X to regulate stormwater management and erosion control to address gaps in regulation. In 2017, the Board of Selectmen adopted rules and regulations for Chapter X to implement the bylaw. These changes will address typographical errors in the existing bylaw and consolidate various stormwater standards found in other regulations to Chapter X, providing one set of consistent standards.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Janet K. Adachi: bos@actonma.gov / (978) 929-6611

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

Article 40 * Amend Zoning Bylaw – Stormwater
(Two-thirds vote)

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

A. Delete Section 3.8.1.5 k) under Accessory Uses - Common Drives, in its entirety and replace it with the following:

3.8.1.5 k) An adequate drainage design shall be provided meeting the design standards and submission requirements of Acton General Bylaw Chapter X and the Rules and Regulations adopted thereunder.

[Note – Section 3.8.1.5 k) currently reads: Adequate drainage shall be provided. The drainage design and appurtenances shall prevent washout and excessive erosion and it shall prevent drainage onto a STREET. Subsurface discharge to a public drain system shall be allowed only if there is sufficient capacity in the public drain system based on a 10-year design storm.]

B. Delete Section 3.11.3.6 under Special Requirements for Ground-Mounted Solar Photovoltaic Installations in its entirety and replace it with the following:

3.11.3.6 Water Management and Conservation – To the largest extent possible, the ground shall remain pervious to rain water. For the purposes of stormwater management, the Solar Photovoltaics themselves shall be considered a pervious surface. In the event that additional impervious areas are installed such as but not limited to asphalt or other paved areas, an adequate drainage design shall be provided meeting the design standards and submission requirements of Acton General Bylaw Chapter X and the Rules and Regulations adopted thereunder.

[Note – Section 3.11.3.6 currently reads: Water Management and Conservation – To the largest extent possible, the ground shall remain pervious to rain water. Where necessary, adequate provision shall be made for groundwater recharge and to prevent site runoff and erosion.]

C. Delete Section 4.3.6.2 under the Groundwater Protection District in its entirety and replace it with the following:

4.3.6.2 Watershed Recharge – The amount of annual precipitation being captured and recharged to the GROUNDWATER on site shall not be reduced due to development related surface runoff from the site when compared to pre-development conditions. Documentation of compliance with Standard 3 of the Massachusetts Stormwater Handbook Volume 3, as amended, prepared by a Massachusetts Registered Professional Engineer experienced in hydrogeology shall be required. Where a Special Permit or Subdivision Approval is required the Special Permit Granting Authority or the Planning Board, or the Zoning Enforcement officer if no Special Permit is required, shall require documentation of compliance with Standard 3. This Section shall also apply in ZONE 4.

An alternative hydrologic budget or water balance calculation for the site, showing pre- and post-development conditions, may be prepared by a Certified Professional Soil Scientist (CPSS) certified by the Soil Science Society of America (SSSA), or by a soil scientist who is certified as a Professional Member of the Society of Soil Scientists of Southern New England (SSSSNE) in-lieu of the required documentation.

[Note – Section 4.3.6.2 currently reads: Watershed Recharge – The amount of annual precipitation being captured and recharged to the GROUNDWATER on site shall not be reduced due to development related surface runoff from the site when compared to pre-

development conditions. Where a Special Permit or Subdivision Approval is required the Special Permit Granting Authority or the Planning Board, or the Zoning Enforcement officer if no Special Permit is required, shall require a hydrologic budget or water balance calculation for the site, showing pre- and post-development conditions, prepared by a Certified Professional Soil Scientist (CPSS) certified by the Soil Science Society of America (SSSA), by a soil scientist who is certified as a Professional Member of the Society of Soil Scientists of Southern New England (SSSSNE), or by a Massachusetts Registered Professional Engineer experienced in hydrogeology. This Section shall also apply in ZONE 4.]

D. Delete Section 4.3.6.3 under the Groundwater Protection District in its entirety and replace it with the following:

4.3.6.3 Treatment and Renovation of Runoff – All stormwater runoff from IMPERVIOUS COVERS shall be treated to meet water quality standards for the first inch of runoff in areas within Zones 1-3. Runoff within Zone 4 shall be treated to meet water quality standards for new and redeveloped areas as defined by the Massachusetts Stormwater Handbook. Runoff shall be treated for the first inch of rainfall for new developments and for the first 0.8 inches of rainfall for redeveloped areas within Zone 4.

[Note – Section 4.3.6.3 currently reads: Treatment and Renovation of Runoff – All water runoff from IMPERVIOUS COVERS shall be funneled into gas trap catch basins. In addition, the first (1st) inch of every storm event shall be directed into a retention pond(s), where it shall be retained for an average of at least 3 days prior to recharge into the ground or discharge from the site. The retention pond(s) shall be exposed to sunlight, vegetated, and lined with soil featuring a permeability of 0.0001 cm/sec (0.1417 in/hr) or less. A DIVERSION BOX shall direct all water, which falls onto the site in excess of one (1) inch during a single storm event, toward additional storage, direct infiltration, or discharge from the site. Alternate methods of runoff treatment and renovation may be approved by the Special Permit Granting Authority if the Special Permit Granting Authority determines the intent of this Section is met, or by the Zoning Enforcement officer if no Special Permit is required, if he determines the intent of this section is met.]

E. Delete Section 9.6.2.6 under Planned Conservation Residential Community (PCRC) in its entirety and replace it with the following:

9.6.2.6 Stormwater Runoff - An adequate drainage design shall be provided meeting the design standards and submission requirements of Acton General Bylaw Chapter X and the Rules and Regulations adopted thereunder.

[Note – Section 9.6.2.6 currently reads: Storm Water Runoff – The peak rate of storm water runoff from a PCRC shall not exceed the rate existing prior to the new construction based on a 10-year design storm.]

F. Delete Section 9B.7 under Senior Residence in its entirety and replace it with the following:

9B.7 Stormwater Runoff - An adequate drainage design shall be provided meeting the design standards and submission requirements of Acton General Bylaw Chapter X and the Rules and Regulations adopted thereunder.

[Note – Section 9B.7 currently reads: Storm Water Runoff – The peak rate of storm water runoff from a SENIOR Residence development shall not exceed the rate existing before the new construction based on a 10-year design storm.]

G. Delete Section 10.4.3.1 under Site Plan Special Permit in its entirety and replace it with the following:

10.4.3.1 Stormwater Runoff - An adequate drainage design shall be provided meeting the design standards and submission requirements of Acton General Bylaw Chapter X and the Rules and Regulations adopted thereunder.

The Board of Selectmen may authorize the use of stormwater drainage facilities located off the development site and designed to serve one or more LOTS provided it finds that the applicant has retained the rights and powers necessary to assure that the off-site stormwater drainage facilities will be properly maintained in good working order.

[Note – Section 10.4.3.1 currently reads: Storm Water Runoff – The peak rate of storm water runoff from the development site shall not exceed the rate existing prior to the new construction based on a 10-year design storm. The storm water drainage facilities on the site shall be designed to prevent any overflow onto a STREET. The Board of Selectmen may authorize the use of storm water drainage facilities located off the development site and designed to serve one or more LOTS provided it finds that:

1) the peak rate of storm water runoff from such off-site facilities does not exceed the rate existing prior to the new construction based on a 25-year design storm; and

2) the applicant has retained the rights and powers necessary to assure that the offsite storm water drainage facilities will be properly maintained in good working order.]

, 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 Town adopted a General Bylaw (Chapter X) in 2015 to regulate stormwater management and erosion control. The Board of Selectmen adopted rules and regulations for Chapter X in 2017 to implement the bylaw. These changes conform the various stormwater standards found in the Zoning Bylaw with Chapter X and update the standards for compliance with the Town's MS4 Stormwater permit.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Janet K. Adachi: bos@actonma.gov / (978) 929-6611

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

Article 41 * Amend Zoning Map – 16 Knox Trail and 585 Main Street
(Two-thirds vote)

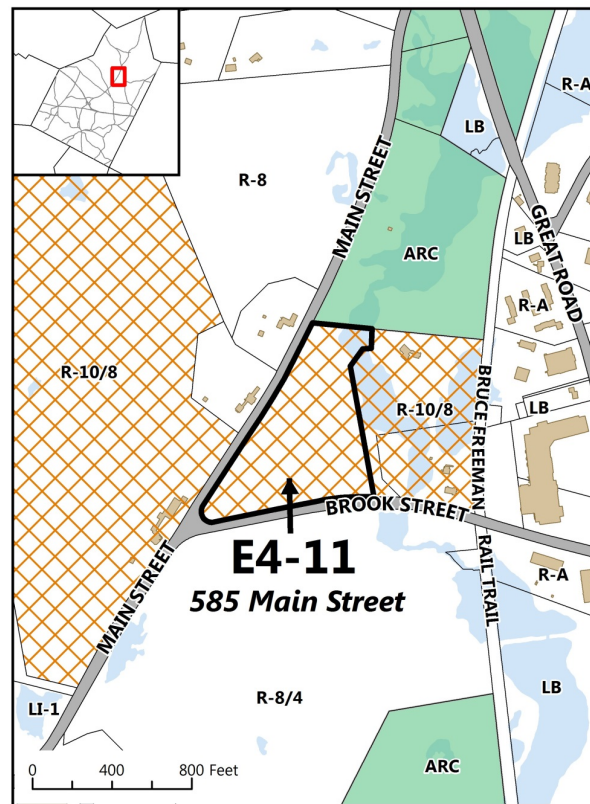
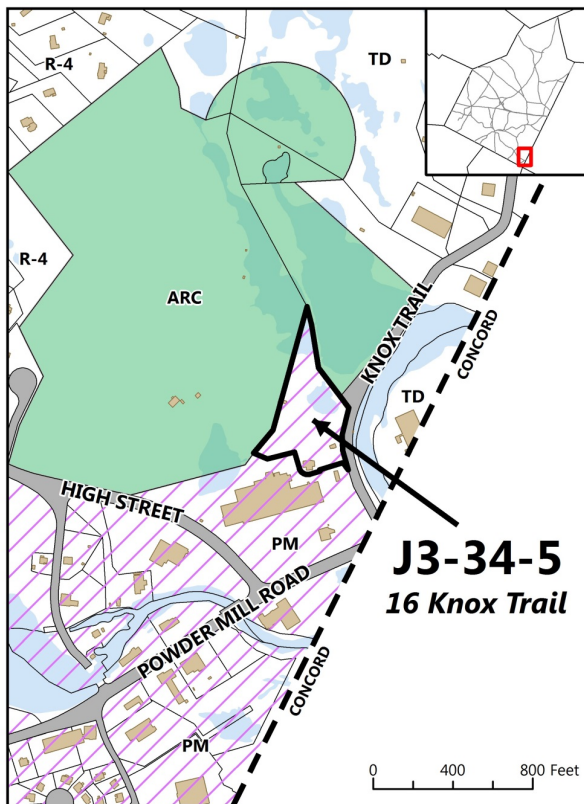
To see if the Town will vote to amend the Zoning Bylaw, Map Number 1, by changing the zoning district designation for Town Atlas parcel J3-34-5 (16 Knox Trail) from Powder Mill (PM) to Agricultural Recreation Conservation (ARC), and to amend the Zoning Bylaw, Map Number 1, by changing the zoning district designation for Town Atlas parcel E4-11 (585 Main Street) from Residence 10/8 (R-10/8) to Agricultural Recreation Conservation (ARC), or take any other action relative thereto.

Motion

Move that the Town adopt the Zoning Bylaw Map amendments as set forth in the Article.

Summary

The Water Supply District of Acton (the Water District) owns over 440 acres of land in Acton. The majority of these parcels of land are in the Agricultural Recreation Conservation (ARC) zoning district per the Town of Acton Zoning Bylaw. Since 2013, the Water District has acquired two parcels of land at 16 Knox Trail (J3-34-5) and 585 Main Street (E4-11) totaling 15.33 acres. These parcels are currently in the Powder Mill (PM) and Residence 10/8 (R-10/8) zoning districts, respectively. For consistency with past practice as it relates to the Zoning Bylaw and the intent of these parcels for water resource management, the Water District requests that the two parcels be changed to the ARC zoning district.



Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Joan Gardner: bos@actonma.gov / (978) 929-6611

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

Article 42 * Amend Zoning Bylaw – Housekeeping Corrections
(Two-thirds vote)

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

A. Delete current Section 3.3.2, Two-Family Dwelling in its entirety and replace it with the following revised section:

3.3.2 Two-FAMILY Dwelling - A BUILDING for residential use containing two DWELLING UNITS or, as permitted under this Bylaw, two Single FAMILY Dwellings on one LOT; but not a Dwelling Conversion, **or an Accessory Apartment under Section 3.8.1.6.**

*[Note – Section 3.3.2 currently reads: 3.3.2 Two-FAMILY Dwelling - A BUILDING for residential use containing two DWELLING UNITS or, as permitted under this Bylaw, two Single FAMILY Dwellings on one LOT; but not a Dwelling Conversion **or a Single FAMILY Dwelling with One Apartment.**]*

B. In section 9B.4, Allowed Uses in Senior Residence developments, delete current Subsection 9B.4.2 and renumber Subsections 9B.4.3 through 9B.4.8 to become Subsections 9B.4.2 through 9B.4.7 respectively.

[Note – Section 9B.4 currently reads:

9B.4 Allowed USES – Only the following USES shall be allowed in a SENIOR Residence development:

9B.4.1 Single FAMILY dwellings.

~~9B.4.2 Single FAMILY dwellings with one apartment.~~

9B.4.3 Two-FAMILY dwellings.

9B.4.4 Multifamily dwellings.

9B.4.5 ACCESSORY USES typically associated with residential USES.

9B.4.6 Support services to meet SENIORS' needs, such as skilled nursing service, medical and other health service, food service, recreation and leisure facilities, or a community center; including the use of recreation, leisure, and community center facilities for commercial instruction, education and training in skills of all kinds for SENIORS and the public at large.

9B.4.7 Convenience services intended primarily for its residents, such as Retail Stores, Banks, Restaurants, and Services provided that not more than 10% of the total NET FLOOR AREA of the development is dedicated to such uses.

9B.4.8 Allowed USES on the Common Land as set forth herein]

C. Delete the first paragraph of Section 8.7 and replace it with the following new paragraph:

8.7 Special Permit to Reconstruct Nonconforming **Two-Family or** Multifamily Dwelling – The Planning Board may authorize by Special Permit the reconstruction or rebuilding of a **Two-Family** or Multifamily Dwelling, as defined in Sections **3.3.2. and 3.3.4**, which are nonconforming as to USE, LOT size or other applicable dimensional requirements, when such BUILDING was destroyed by fire or natural disaster, or by voluntary demolition, and it may authorize the continuation or resumption of the USE as a **Two-Family Dwelling or** Multifamily Dwelling after completion of reconstruction. The following standards shall apply:

[Note – Section 8.7 in its entirety currently reads:

8.7 Special Permit to Reconstruct Nonconforming Multifamily Dwelling –

The Planning Board may authorize by Special Permit the reconstruction or rebuilding of a Multifamily Dwelling, as defined in Section 3.3.5, which is nonconforming as to USE, LOT size or other applicable dimensional requirements, when such BUILDING was destroyed by fire or natural disaster, or by voluntary demolition, and it may authorize the continuation or

resumption of the USE as a Multifamily Dwelling after completion of reconstruction. The following standards shall apply:

8.7.1 To the extent possible, the new BUILDING shall comply with the dimensional requirements applicable in the zoning district in which the BUILDING is located. However, the Planning Board may authorize or require smaller or larger dimensions as it finds appropriate to address public interest considerations, such as but not limited to the preservation or improvement of neighborhood character, historic architectural features or the spatial relationship between buildings, and to address public safety and health concerns.

8.7.2 The Planning Board shall consider an application for a Special Permit under this section only if it is filed before or within 1 year from the date of the issuance of a demolition permit by the Building Commissioner or within one year from the date of the fire or natural disaster which caused the destruction of the BUILDING.]

, or take any other action relative thereto.

Motion

Move that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

Summary

In April 2016, the Annual Town Meeting voted to change regulations on accessory apartments, including changes in terminology and classification. “Single FAMILY Dwelling with One Apartment” as a principal use was replaced with “Accessory Apartment” as an accessory use. Parts A and B of this article correct cross-references to be consistent with the 2016 changes.

With respect to Part C, Section 8.7 allows the reconstruction of nonconforming multifamily dwellings by special permit. This proposed amendment would also allow the reconstruction of nonconforming two-family dwellings by special permit. At the time of adoption of Section 8.7 in 1993, the Zoning Bylaw’s definition of multi-family dwelling included two-family dwellings. In 2002, the Town adopted a separate definition for two-family dwellings. This amendment restores the original intent of Section 8.7 to allow the reconstruction by special permit of non-conforming two-family and multifamily dwellings.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Joan Gardner: bos@actonma.gov / (978) 929-6611

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

Article 43 * **Accept Street – Brabrook Road**
(Two-thirds vote)

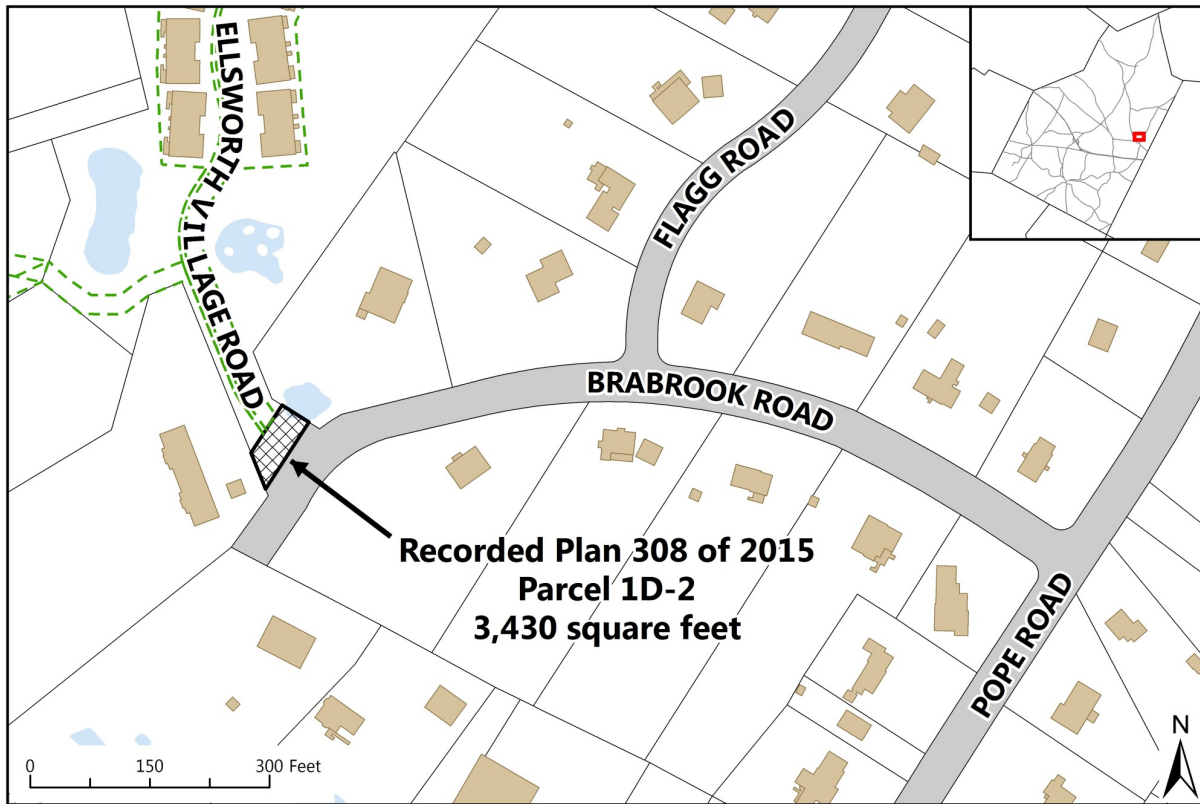
To see if the Town will authorize the Board of Selectmen to layout a portion of Brabrook Road and acquire and take, on such terms and conditions as the Selectmen may determine, by purchase, gift, eminent domain or otherwise and accept the deed of a fee simple or easement interest in the land owned by Ellsworth Village, LLC, shown as “Parcel 1D-2” on a plan entitled “Plan of a Portion of Brabrook Road To Be Accepted as a Town Way in Acton, Massachusetts, As Laid Out by Order of the Board of Selectmen, 2015” prepared by Stamski and McNary Inc, on file with the Acton Town Clerk, said acquisition and taking to be included in the layout extension of Brabrook Road as described in more detail in the Order of Layout, including without limitation the taking or acceptance of easements for roadway, drainage or other 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 as a public way the extension of Brabrook Road, and authorize the acquisition, transfer or taking of the fee or easement interest of Parcel 1D-2 for roadway layout and associated easement interests, all as described in the article.

Summary

This article is to accept the land necessary for the extension of Brabrook Road, as part of the Ellsworth Village Senior Residence Special Permit. The developer obtained a Special Permit for this development from the Planning Board. The land developer then constructed the new extension of Brabrook Road according to this plan and the rules and regulations of the Planning Board. The Engineering Department inspected the street during construction to insure compliance with these standards. Upon completion of the street, the developer petitioned the Board of Selectmen to start the legal process that led to acceptance of the street as a Town way. Prior to Town Meeting, the Selectmen held a public hearing and adopted an "Order of Layout" containing a legal description of the street. Town Meeting authorized the Selectmen to obtain title to the street by deed or eminent domain. Such streets are built and donated to the Town at no cost; however, the Town will assume future maintenance costs as with any other Town way. The subdivision process is contained in Massachusetts General Laws, Chapter 41, and the layout of Town ways is in Chapter 82. The extension of Brabrook Road followed this process, and is now ready for acceptance.



Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Peter J. Berry: bos@actonma.gov / (978) 929-6611

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

Article 44 * **Accept Land Gift – 49 Piper Road**
(Two-thirds vote)

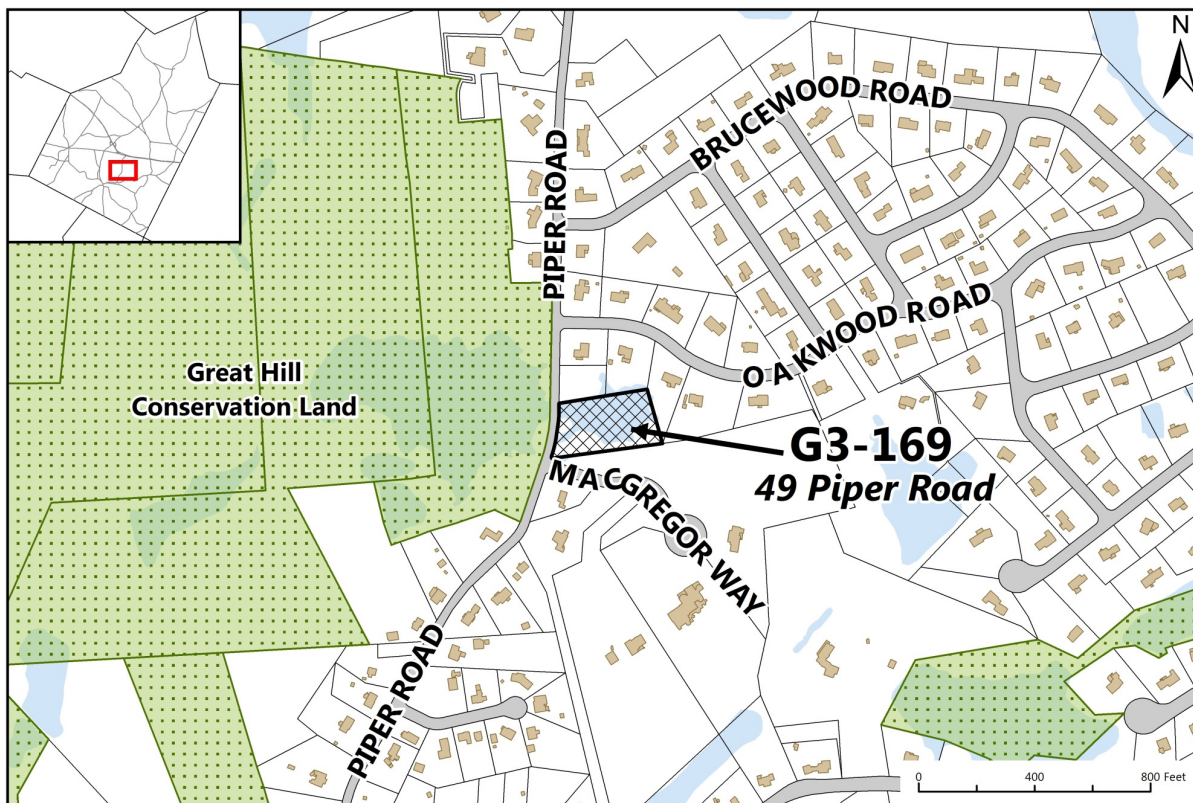
To see if the Town will authorize the Board of Selectmen to acquire on such terms and conditions as the Selectmen may determine, by purchase, gift, eminent domain or otherwise and to accept the deeds of a fee simple interest in a certain parcel of land known as 49 Piper Road, shown as Parcel 169 on Town Atlas Map G3 and in the deed recorded at the Middlesex South District Registry of Deeds in Book 11657, Page 259, containing 1.32 acres, more or less for general municipal purposes, or take any other action relative thereto.

Motion

Move that the Town authorize the Board of Selectmen on such terms and conditions as it may determine to acquire for general municipal purposes and accept fee interests in the parcel as set forth in the Article.

Summary

The current owners of this property, heirs of an estate of the former owner, have offered to gift the parcel to the Town. At this point, the Board of Selectmen do not have any plan for the property.



Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Jon Benson: bos@actonma.gov / (978) 929-6611

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

Article 45 * **Authorize Easements**
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to grant, abandon or acquire by purchase, gift, eminent domain or otherwise and to grant, terminate or accept deeds of easement interests for streets, trails, drainage, sewer, utility or other public purpose, on such terms and conditions and in a final location or locations as the Selectmen may determine, or take any other action relative thereto.

Motion

Moves that the Town authorize the grant, termination or acquisition of easements as set forth in the article.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Peter J. Berry: bos@actonma.gov / (978) 929-6611

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

Article 46 * **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 Laws Chapter 90, and any other applicable laws, or take any other action relative thereto.

Motion

Move that the Town authorize the Town Manager 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 S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Jon Benson: bos@actonma.gov / (978) 929-6611

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

Article 47 * **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 Laws, some reimbursements received from insurance carriers require appropriation. This article would authorize the Town Manager to expend such reimbursements.

Direct inquiries to: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Joan Gardner: bos@actonma.gov / (978) 929-6611

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

Article 48 * **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 Laws Chapter 44, Section 53A as amended, and any interest thereon, and that, consistent with the requirements of Massachusetts General Laws, 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 Laws, 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 previously taken the position that certain 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: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Jon Benson: bos@actonma.gov / (978) 929-6611

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

Article 49 * **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 Laws 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 S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Peter J. Berry: bos@actonma.gov / (978) 929-6611

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

Article 50 * **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: John S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Peter J. Berry: bos@actonma.gov / (978) 929-6611

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

Article 51 * 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 S. Mangiaratti, Town Manager: manager@actonma.gov / (978) 929-6611
Selectman assigned: Janet K. Adachi: bos@actonma.gov / (978) 929-6611

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

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 twelfth day of March, 2019.

Katie Green, Chair
Joan Gardner, Vice-Chair
Jon Benson, Clerk
Janet K. Adachi
Peter J. Berry

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).

Available Funds: Balances in the various fund types that represent non-recurring revenue sources. As a matter of sound practice, they are frequently appropriated to meet unforeseen expenses, for capital expenditures or other onetime costs. Examples of available funds include free cash, stabilization funds and overlay surplus.

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.

Bond: A means to raise money through the issuance of debt. A bond issuer/borrower promises in writing to repay a specified sum of money, alternately referred to as face value, par value or bond principal, to the buyer of the bond on a specified future date (maturity date), together with periodic interest at a specified rate.

Bond Authorization: The action of town meeting authorizing the executive branch to raise money through the sale of bonds in a specific amount and for a specific purpose. Once authorized, issuance is by the treasurer upon the signature of the selectmen.

Bond Issue: Generally, the sale of a certain number of bonds at one time by a governmental unit.

Bond Rating (Municipal): A credit rating assigned to a municipality to help investors assess the future ability, legal obligation, and willingness of the municipality (bond issuer) to make timely debt service payments. Stated otherwise, a rating helps prospective investors determine the level of risk associated with a given fixed-income investment. Rating agencies, such as Moody's and Standard and Poors, use rating systems, which designate a letter or a combination of letters and numerals where AAA is the highest rating and C1 is a very low rating.

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.

Collective Bargaining: The process of negotiating workers' wages, hours, benefits, working conditions, etc., between an employer and some or all of its employees, who are represented by a recognized labor union. regarding wages, hours and working conditions.

Community Preservation Act (CPA): Enacted as MGL Ch. 44B in 2000, CPA permits municipalities accepting its provisions to establish a restricted fund from which monies can be appropriated only for a) the acquisition, creation and preservation of open space; b) the acquisition, preservation, rehabilitation, and restoration of historic resources; and c) the acquisition, creation and preservation of land for recreational use; d) the creation, preservation and support of community housing; and e) the rehabilitation and restoration of open space, land for recreational use and community housing that is acquired or created using monies from the fund. The local program is funded by a local surcharge up to 3 percent on real property tax bills and matching dollars from the state generated from registry of deeds fees.

Community Preservation Fund: A special revenue fund established pursuant to MGL Ch. 44B to receive all monies collected to support a community preservation program, including but not limited to, tax surcharge receipts, proceeds from borrowings, funds received from the Commonwealth, and proceeds from the sale of certain real estate.

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: The repayment cost, usually stated in annual terms and based on an amortization schedule, of the principal and interest on any particular bond issue.

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 standalone fund with its own assets, liabilities, fund balance, revenues and expenses in which a municipal service is operated as a business unit. Costs of the service are primarily recovered from user charges, and may be supplemented by general revenues.

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 (E&D): 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.

Excess Levy Capacity: The difference between the levy limit and the amount of real and personal property taxes actually levied in a given year.

Exemptions: A discharge, established by statute, from the obligation to pay all or a portion of a property tax. The exemption is available to particular categories of property or persons upon the timely submission and approval of an application to the assessors. Properties exempt from taxation include hospitals, schools, houses of worship, and cultural institutions. Persons who may qualify for exemptions include disabled veterans, blind individuals, surviving spouses, and seniors.

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 designation of the fiscal year is that of the calendar year in which it ends; for example, FY17 or FY 2017 is the fiscal year which begins July 1, 2016 and ends June 30, 2017.

Free Cash: Certified as of each July 1 by the State, this is the portion of Undesignated Fund Balance available for appropriation. It is not cash *per se*, rather it 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.

Government Finance Officers Association (GFOA): This organization provides leadership to the government finance profession through education, research and the promotion and recognition of best practices.

Governmental Accounting Standards Board (GASB): The ultimate authoritative accounting and financial reporting standard-setting body for state and local governments.

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.

Level-Service Budget: A budget that describes the funding required for maintaining current levels of service or activity, plus cost increases for contractual and mandated obligations. It brings previously-approved programs forward at existing levels of service.

Levy Ceiling: A levy ceiling is one of two types of levy (tax) restrictions imposed by MGL Ch. 59 §21C (Proposition 2½). It states that, in any year, the real and personal property taxes imposed may not exceed 2½ percent of the total full and fair cash value of all taxable property. Property taxes levied may exceed this limit only if the community passes a capital exclusion, a debt exclusion, or a special exclusion. (See Levy Limit)

Levy Limit: A levy limit is one of two types of levy (tax) restrictions imposed by MGL Ch. 59 §21C (Proposition 2½). It states that the real and personal property taxes imposed by a city or town may only grow each year by 2½ percent of the prior year's levy limit, plus new growth and any overrides or exclusions. The levy limit can exceed the levy ceiling only if the community passes a capital expenditure exclusion, debt exclusion, or special exclusion. (See Levy Ceiling)

Local Aid: Revenue allocated by the Commonwealth to cities, towns, and regional school districts. Estimates of local aid are transmitted to cities, towns, and districts annually by the "Cherry Sheets." Most Cherry Sheet aid programs are considered general fund revenues and may be spent for any purpose, subject to appropriation.

M.G.L.: Massachusetts General Laws.

New Growth: The additional tax revenue generated by new construction, renovations and other increases in the property tax base during a calendar year. It does not include value increases caused by normal market forces or by revaluations. New growth is calculated by multiplying the assessed value associated with new construction, renovations and other increases by the prior year tax rate. The additional tax revenue is then incorporated into the calculation of the next year's levy limit.

Other Post-Employment Benefits (OPEB): The set of benefits, other than pensions, that government employees earn while actively working, but do not receive until they retire. Typically included is health insurance coverage for retirees, their spouses and in some cases their beneficiaries.

Operating Budget: A plan of proposed expenditures for personnel, supplies, and other expenses for the coming fiscal year.

Overlay: (Overlay Reserve or Allowance for Abatements and Exemptions) An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. The overlay reserve need not be funded by the normal appropriation process, but rather is raised on the tax rate recapitulation sheet, and cannot exceed an amount deemed reasonable by the Commissioner of Revenue.

Overlay Surplus: Any balance in the overlay account of a given year in excess of the amount remaining to be collected or abated can be transferred into this account. Within 10 days of a written request by the chief executive officer of a city or town, the assessors must provide a certification of the excess amount of overlay available to transfer. Overlay surplus may be appropriated for any lawful purpose. At the end of each fiscal year, unused overlay surplus is “closed” to surplus revenue, i.e., it becomes a part of free cash.

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.

Tax Rate: The amount of property tax stated in terms of a unit of the municipal tax base; for example, \$14.80 per \$1,000 of assessed valuation of taxable real and personal property.

Tax Rate Recapitulation Sheet (Recap Sheet): A document submitted by a city or town to the Department of Revenue in order to set a property tax rate. The recap sheet shows all estimated revenues and actual appropriations that affect the property tax rate.

Tax Title (or Tax Taking): A collection procedure that secures a city or town's lien on real property and protects the municipality's right to payment of overdue property taxes. Otherwise, the lien expires if five years elapse from the January 1 assessment date and the property has been transferred to another owner. If amounts remain outstanding on the property after issuing a demand for overdue property taxes and after publishing a notice of tax taking, the collector may take the property for the city or town. After properly recording the instrument of taking, the collector transfers responsibility for collecting the overdue amounts to the treasurer. After six months, the treasurer may initiate foreclosure proceedings.

Tax Title Foreclosure: The procedure initiated by a city or town treasurer in Land Court or through land of low value to obtain legal title to real property already in tax title and on which property taxes are over due. The treasurer must wait at least six months from the date of a tax taking to initiate Land Court foreclosure proceedings (MGL Ch. 60 §65).

Triennial Certification: The Commissioner of Revenue, through the Bureau of Local Assessment, is required to review local assessed values every three years and to certify that they represent full and fair cash value (FFCV). Refer to MGL Ch. 40 §56 and Ch. 59 §2A(c).

Trust Fund: In general, a fund for money donated or transferred to a municipality with specific instructions on its use. As custodian of trust funds, the treasurer invests and expends such funds as stipulated by trust agreements, as directed by the commissioners of trust funds or by town meeting. Both principal and interest may be used if the trust is established as an expendable trust. For nonexpendable trust funds, only interest (not principal) may be expended as directed.

Turn Back: Unexpended funds of a prior fiscal year operating budget are returned to the Town, which ultimately revert to Free Cash.

Underride: A vote by a community to permanently decrease the tax levy limit. As such, it is the opposite of an override. (See Override)

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: An authorization for an action. For example, a town meeting warrant establishes the matters that may be acted on by that town meeting. A treasury warrant authorizes the treasurer to pay specific bills. The assessors’ warrant authorizes the tax collector to collect taxes in the amount and from the persons listed, respectively.

Moderator's Rules and Parliamentary Procedure for Town Meeting

Town Meeting is a time honored tradition that dates back almost 400 years in Massachusetts. It represents democracy in its purest form where voters actively participate in decisions about how we govern ourselves. Town Meeting is a legislative body in deliberation and as the legislative branch of town government, it functions according to a set of rules and procedures. Such rules have been in effect in some form since town meetings were first held in New England. These rules are required to ensure an orderly and dignified way of proceeding with its business. The rules in Acton are drawn from four sources: Massachusetts General Laws, our Town Bylaws, a book of parliamentary procedure called *Town Meeting Time*, and tradition and past precedent including the Moderator's judgment.

In adopting these rules, I hope to balance the two most frequent (and somewhat conflicting) complaints I hear about Town Meeting: (1) it takes too long because people speak too long and (2) there is not enough debate. Most importantly, I will strive to apply the rules consistently, and allow everyone an opportunity to address the issues before Town Meeting which I hope will produce an enjoyable experience for all who attend. If so, please let your neighbors know so we can increase the interest in and attendance at Town Meeting!

Rules of Town Meeting

1. Those wishing to provide handouts and other informational material should consult with the Town Clerk and/or the Moderator in advance of the meeting. Flyers and other informational material are allowed as long as they are issued by Town Boards or Committees and/or relate directly to the business of Town Meeting. The name of the sponsoring organization must appear on the flyer/handout. No political flyers or signs will be allowed inside the building in which Town Meeting is being held.
2. Pro and con microphones will be set up in the meeting hall or auditorium. If you wish to make a comment, approach an appropriate mike and wait to be recognized by the Moderator. Those with questions may use any microphone. We will attempt to accommodate those who cannot access a microphone by the use of a portable mike. If you wish to be recognized and cannot go to a mike, raise your hand and request a portable mike.
3. The motion is read by the Moderator and must be seconded. Simply call out "second" once the motion is read and that will put the article "in play." The motion is what is voted on, not the article that appears in the warrant. The motion should, however, strongly resemble the article. The motion will also appear on the screen for audience members while it is being read.
4. Once the motion is made and seconded, the mover speaks first followed by the appropriate town Boards (typically the Selectmen and the Finance Committee) who will state their recommendation on the motion. Presenters (movers) are generally allowed 8 minutes to present an article to Town Meeting. If a presenter has a pressing need to speak for more than 8 minutes they must discuss the reasoning for extra time with the Moderator ahead of the meeting. The Moderator holds a "pre-meeting" ahead of Town Meeting in order to review presentations and questions that presenters may have. All presenters should attend the pre-meeting. This year that meeting will be held on March 28, 2019 at 7 PM.

5. If someone wishes to make a rebuttal presentation, they must consult with the Moderator ahead of the meeting (at the “pre-meeting”) and follow all rules set out regarding presentations. Rebuttal presenters will be allowed 5 minutes for their presentation.
6. Any registered voter may speak to an article, but all must speak politely and respectfully. Speakers must confine their remarks to the motion and may not engage in what town meeting time calls “Personalities.” Personalities means that no speaker shall make personal remarks about others or impugn or question the character or motives of others at Town Meeting. It is widely understood by moderators throughout the Commonwealth that this means no one is to be referred to by name including elected or appointed officials. The purpose of Town Meeting is to discuss policies and ideas not people.
7. Voters must be recognized by the Moderator and first give their name and address. The time limit for comments is 2 minutes. Brevity and new points are encouraged. Repetition of the same points suggests that it is time to call the question to cut off debate. Priority will be given to first time speakers, but voters can speak to an issue a second time, once first-time speakers are no longer in line.
8. Questions are allowed and encouraged, and are directed to the Moderator who shall determine the person to respond. Upon receipt of an answer a brief comment by the person who posed the question is permitted.
9. Voting on motions that require a simple majority is first done by voice. If the moderator cannot discern the result based on the voice vote, then we will use the electronic voting method. All motions requiring a two-thirds plurality will be done by electronic voting means. Electronic voting results will be declared by the Moderator as required by law and also displayed on the screen in the auditorium. Each voter will be provided with a clicker upon checking in with the Town Clerk’s staff. Tellers will be available to answer questions about electronic voting and we will do a few “dry-run” votes on fictitious motions as a way to make everyone comfortable with the electronic voting process. It is my hope that the use of electronic voting will speed up town meeting, protect the privacy of the voter, and ensure accurate vote counts in a matter of seconds.
10. The Moderator will generally accept a motion to cut off debate (“move the previous question”) once, in the Moderator’s determination, there has been enough debate that town meeting members are sufficiently informed as to the pros and cons of the motion.

The following are the more formal parliamentary procedures drawn from *Town Meeting Time*:

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	Quantum of 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 *	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
Reconsider **	Yes	Yes	No	Two-thirds	No	No

* In Acton, we generally do not accept amendments to amendments as it too confusing.

** Controlled by Town Bylaw – 2/3 vote same night; 3/4 Vote, plus posting on 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.

Town Meeting should be enjoyable and efficient in conducting its business and as Moderator I will strive to meet those goals. I have prepared additional information regarding Town Meeting, information regarding presentations, and other helpful information which may be found on the town’s web site: www.actonma.gov.

Thank you,

Peter Ashton
Town Moderator

Internet & Telephone References

Official Town of Acton Website	http://www.actonma.gov
Document Management System ("Docushare")	http://doc.actonma.gov
Geographic Information System ("GIS")	http://www.actonma.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 2020 Implementation Committee	acton2020@actonma.gov	(978) 929-6440
Acton Community Housing Corporation	achc@actonma.gov	(978) 929-6611
Acton Leadership Group	alg@actonma.gov	(978) 929-6611
Acton Nursing Services Advisory Committee	ansac@actonma.gov	(978) 929-6650
Acton-Boxborough Cultural Council	abcc@actonma.gov	(978) 929-6611
Appeals, Zoning Board of	boa@actonma.gov	(978) 929-6631
Assessor Department	assessor@actonma.gov	(978) 929-6621
Assessors, Board of	bas@actonma.gov	(978) 929-6621
Building Department	building@actonma.gov	(978) 929-6633
Cable Advisory Committee	cac@actonma.gov	(978) 929-6611
Capital Improvement Planning Committee	cipc@actonma.gov	(978) 929-6611
Cemetery Department	cemetery@actonma.gov	(978) 929-6642
Citizens' Library Department, West Acton	wacl@actonma.gov	(978) 929-6654
Clerk Department, Town	clerk@actonma.gov	(978) 929-6620
Collector Department	collector@actonma.gov	(978) 929-6622
Commission on Disability	cod@actonma.gov	(978) 929-6633
Community Preservation Committee	cpc@actonma.gov	(978) 929-6631
Community Preservation Study Committee	cpasc@actonma.gov	(978) 929-6631
Community Resources Coordinator	lducharme@actonma.gov	(978) 929-6651
Conservation Commission	conscom@actonma.gov	(978) 929-6634
Council on Aging Board	coa@actonma.gov	(978) 929-6652
Council on Aging Staff (Senior Center)	seniorcenter@actonma.gov	(978) 929-6652
CrossTown Connect (Transportation)	ctc@actonma.gov	(978) 844-6809
Design Review Board	drb@actonma.gov	(978) 929-6631
Economic Development Committee	edc@actonma.gov	(978) 929-6440
Emergency Management Agency	ema@actonma.gov	(978) 929-7730
Engineering Department	engineering@actonma.gov	(978) 929-6630

Finance Committee	fincom@actonma.gov	(978) 929-6611
Fire Department	fire@actonma.gov	(978) 929-7722
Geographic Information Systems	gis@actonma.gov	(978) 929-6612
Green Advisory Board	gab@actonma.gov	(978) 929-7744
Health, Board of	boh@actonma.gov	(978) 929-6632
Health Department	health@actonma.gov	(978) 929-6632
Health Insurance Trustees	hit@actonma.gov	(978) 929-6611
Health Insurance Working Group	hiwg@actonma.gov	(978) 929-6613
Highway Department	highway@actonma.gov	(978) 929-7740
Historic District Commission	hdc@actonma.gov	(978) 929-6631
Historical Commission	hc@actonma.gov	(978) 929-6631
Housing Authority	office@actonhousing.net	(978) 263-5339
Human Resources Department	hr@actonma.gov	(978) 929-6613
Information Technology Department	it@actonma.gov	(978) 929-6612
Land Stewardship Committee	lsc@actonma.gov	(978) 929-6634
Land Use Department	lud@actonma.gov	(978) 929-6440
Manager's Office, Town	manager@actonma.gov	(978) 929-6611
Memorial Library Department	library@actonma.gov	(978) 929-6655
Memorial Library Trustees	mlt@actonma.gov	(978) 929-6655
Morrison Farm Committee	mc@actonma.gov	(978) 929-6634
Municipal Properties Department	mp@actonma.gov	(978) 929-7744
Natural Resources Department	nr@actonma.gov	(978) 929-6634
Nursing Department	nursing@actonma.gov	(978) 929-6650
Open Space Committee	osc@actonma.gov	(978) 929-6634
Parking Clerk	parkingclerk@actonma.gov	(978) 929-6611
Planning Board	pb@actonma.gov	(978) 929-6631
Planning Department	planning@actonma.gov	(978) 929-6631
Police Department	police@actonma.gov	(978) 929-7711
Recreation Commission	recom@actonma.gov	(978) 929-6640
Recreation Department	recreation@actonma.gov	(978) 929-6640
School Committee, A-B Regional	abrsc@abschools.org	(978) 264-4700
School Committee, Minuteman		(781) 861-6500
Selectmen, Board of	bos@actonma.gov	(978) 929-6611
Senior Taxation Aid Committee	stac@actonma.gov	(978) 929-6621
Sidewalk Committee	sidewalks@actonma.gov	(978) 929-6630
Site Plan Special Permit Study Committee	spspsc@actonma.gov	(978) 929-6631
South Acton Train Station Advisory	satsac@actonma.gov	(978) 929-6630
Town Manager	manager@actonma.gov	(978) 929-6611
Town Moderator	moderator@actonma.gov	(978) 929-6611
Transportation Advisory Committee	tac@actonma.gov	(978) 929-6630
Treasurer's Advisory Committee	trac@actonma.gov	(978) 929-6611
Veterans Service Officer	vso@actonma.gov	(978) 929-6614
Volunteer Coordinating Committee	vcc@actonma.gov	(978) 929-6611
Water Resources Advisory Committee	wrac@actonma.gov	(978) 929-6632
West Acton Citizens' Library	wacl@actonma.gov	(978) 929-6654

Connect with the Town of Acton



actonma.gov



[twitter.com/
actonmagov](https://twitter.com/actonmagov)



[facebook.com/
actonmagov](https://facebook.com/actonmagov)



[instagram.com/
actonmagov](https://instagram.com/actonmagov)

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 (Also Known as Reverse 911)

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.actonma.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 and Social Media

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.actonma.gov> and clicking on the "Notify Me" link.



actonma.gov



[twitter.com/
actonmagov](https://twitter.com/actonmagov)



[facebook.com/
actonmagov](https://facebook.com/actonmagov)



[instagram.com/
actonmagov](https://instagram.com/actonmagov)



Mobile Message Boards

The Town maintains several 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 a weather related event, these boards will primarily be staged at the following, or similar high-profile, 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 99

Verizon FIOS: Channel 41

Volunteer Application

VOLUNTEER COORDINATING COMMITTEE

Town Hall
472 Main Street
Acton, MA 01720

E-mail: vcc@actonma.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@actonma.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
	Notification of Appointment
Recommendation Sent _____	Received by VCC _____
	Committee Notified _____
<input type="checkbox"/> No openings at this time	Applicant Notified _____

Online Bill Payments

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

www.actonma.gov/payonline

The Town of Acton is 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, as 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 City Hall Systems, 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 MasterCard credit/debit cards. The Town feels that this service presents the best value for online presentment and payments for our residents. City Hall Systems uses the highest standards in Internet security, provides ease of use and convenience to all our residents, for, in some instances, little more than the cost of a postage stamp.

- Access, view and pay your tax bills or sewer operation and maintenance bills online
- Available 24 hours/7 days 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 service begins with, and goes forward from, the FY 2015 fourth quarter Real Estate and/or Personal Property tax bills, Sewer Operation and Maintenance bills, and any subsequent calendar year 2015 Motor Vehicle Excise bills. Any prior billing and/or payment activity that pre-dates July 1, 2013, will not be 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 website at:

www.actonma.gov/payonline